

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 17-18, 2013

SUMMARY MINUTES

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Additional Observers Attached

*Appointed but non-voting or sworn-in until October 25, 2013

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Blue Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Tuesday morning, September 17, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Michelle Duval.

DR. DUVAL: I would like to ahead and call the Snapper Grouper Committee Meeting to order. Before we get started, I just want to introduce someone who I think some folks have met, who is going to be over the next couple days. To kind of preface that, I would want to go back to the conversation that we had at the March meeting when we last talked about our existing marine protected areas and had a presentation by Dr. Sedberry.

We spoke a little bit about management plans for existing marine protected areas or lack thereof. Just to kind of give everybody a little bit of history, the public hearing version of Snapper Grouper Amendment 14, which was back in August of 2006, contained a draft evaluation plan for our existing marine protected areas, but this was actually removed at the September 2006 council meeting.

The motion to do that read the council approved incorporating a list of research needs into Amendment 14 as opposed to a research and monitoring plan. However, the outreach and enforcement aspects of the plan would be retained pending a review by the Law Enforcement Advisory Panel. That was the motion that removed that.

At the last MPA Expert Workgroup Meeting, Dr. Ken Lindeman, who is with the Florida Institute of Technology – and I think a lot of folks sitting around the table know Ken – spoke about how the lack of a management plan that would include monitoring and evaluation for the existing MPAs kind of limits the council's ability to document the status and the utility of the MPAs in achieving the goals of Amendment 14.

Dr. Lindeman met with Gregg, council staff and others to talk about how this could possibly be addressed. Michelle Meadows, who is a recent graduate of FIT, worked with Dr. Lindeman on effectiveness of evaluations through Amendment 14 MPAs and also completed a masters thesis on the use of fisher knowledge to identify spawning attributes of snappers in East Florida.

She has worked with Ken to produce a draft system management plan for the council's consideration and that is included in your briefing book I think in the background materials under Regulatory Amendment 17. Michelle is here in the audience for the next couple of days. She is waving her hand over there in the back, and I think some folks have met her. I think if you have any questions about the draft, go ahead and pop over at a break and say hello.

Next we move into the real agenda, so are there any changes to the agenda or any additions? Okay, seeing none, the agenda stands approved. Are there any changes to the June 2013 minutes? I just had one brief one. I noticed that on Page 25, when Jack was talking about the status of Amendment 28, he noted – I think it says that the amendment was noticed in the Federal Register on May 12th and comments were due on May 13th.

Generally we give people more than a day to make comments, so I think that is probably March 12th is when it was noticed and comments due May 13th, so that was the only thing that I had. If there are no other changes, then the minutes stand approved as modified. Next I think Jack is going to take us through the status of catches versus ACLs.

DR. McGOVERN: This table shows we have landings here through September 9th. The landings in the briefing book are from an earlier date. As Ben requested at the last council meeting, this table shows landings from the most recent update from the Science Center for the 9th of September and compares them to a similar time period last year, and that is the 11th of September in 2012.

The other thing that is shown in this table are the new ACLs. We have new ACLs for a number of different species from Regulatory Amendment 13, Regulatory Amendment 15 and Regulatory Amendment 18. All those amendments have become effective and have changed some of the ACLs for different species.

I will highlight a few things from this table. Going first to black grouper, black groupers have 42 percent right now of the ACL. What is different about black grouper now as opposed to last year, last year when the quota for gag was met all the shallow water groupers. That is no longer the case. Black grouper will remain open if the quota for gag is met.

Blue runner, we're at 76 percent. We have requested projections from the Science Center for this species. The blue runner quota was exceeded last year, and we closed it in December of last year. For the deepwater complex, which includes blueline tilefish, we're at 67 percent. Last year we closed that in September.

Gag, you will notice that the ACL for gag is lower than it was last year, and this is because of Regulatory Amendment 15, which adjusts the quota for post-quota bycatch mortality. Now, as I mentioned, when the gag quota is met, only gag closes. It is at 79 percent. We expect that there is a good chance that the gag quota will be met, and we've requested projections from the Science Center.

Gray triggerfish is at 90 percent. This was closed in July. We have requested from the Science Center if we were to open this back up, how long could we open it back up. Jacks closed in June. Moving down here, we see red grouper is at 26 percent; scamp is at 32 percent; shallow water groupers are at 30 percent. Again, these species will remain open after the gag quota is met.

The red porgy quota was reduced to 153,000 pounds through Regulatory Amendment 18. It is at 67 percent. Red snapper is at about 19 percent. It opened on August 26th. We will continue to monitor that species. Yellowtail snapper, Regulatory Amendment 15 permanently increased the commercial ACL for yellowtail snapper and also increased the recreational ACL. We are at 75 percent for yellowtail snapper. Snowy grouper at 95 percent was closed in August.

What is shown here is the new ACL for black sea bass. It is not effective yet. The final rule is in headquarters and it we expect it will publish next week. We're at 37 percent of that quota.

Regulatory Amendment 18 increased the ACLs in two quotas for vermilion snapper; from January through June and July through December. It increased it to 466,480.

The previous quota was around 315,000 pounds. I got some updated information from the Science Center yesterday that the landings for January through June are about 320,000 pounds. What the regulations specify is that any unused quota during January through June rolls over into the quota for July through December. So, really, our quota for July through December now, because of this rollover, is about 613,000 pounds, and so we're at 54 percent of that quota.

The new regulations Regulatory Amendment 18 specify – they reduce the trip limit from 1,500 pounds to a thousand pounds; and when 75 percent of the quota is met, the trip limit goes to 500 pounds. I think we will still a trip limit reduction to 500 pounds, but it will probably like in October or November. That is it for that.

DR. DUVAL: Thanks for that update, Jack. Questions? Charlie.

MR. PHILLIPS: Jack, when you do the trip limit reduction for vermilion, did you calculate out if they would catch the last 25 percent at the lower trip limit?

DR. McGOVERN: I don't do that calculation, but I can ask the Science Center to see if and when the quota will be met at a lower trip limit.

MR. JOLLEY: Jack, the bar jack that listed; that is really almaco jack. Do you still call it bar jack, up at the beginning?

DR. McGOVERN: That is bar jack. Almaco jack is a separate species. Yes, the almaco is in the jack complex.

MR. HARTIG: Yes, they are different species. The bar jack – and I know you have seen them, John. You know that jack with the really colorful stripe on the top; that is a bar jack. That is a species that lives in South Florida predominantly. Now, I am glad you brought this up, but in the last round of public hearings the guys from Mayport were calling almacos bar jacks on the record.

There may be species' misidentification with those as well, so that is something that we're going to have to look into. Really, if we looked at the landings of those species commercially at least and maybe recreationally as well, where those landings are occurring, I think actually determine which were almacos and which were bar jacks. Bar jack really doesn't get much out of South Florida.

MR. JOLLEY: Yes, and it is a little fish, too. It is a pretty small fish.

MR. HARTIG: Well, they get up to about eight pounds.

MR. BOWEN: One question is the ACLs seem to be pretty much in line with the exception of Jacks. The percentage of ACL landings was 156 percent. Why such an overage on that one species?

DR. McGOVERN: I don't know why the overage, but it could be because of late reporting. When there is late reporting, the Science Center has to do projections for dealers who don't report based on historical information. It could be that they projected and the landings came in higher than what was projected, but I don't know the answer to that.

MR. HARTIG: The Jacks represents the Jack Complex. It is almacos, banded rudderfish, and lesser amberjack. Okay, lesser amberjack doesn't really play much into the landings. It is a small component; but the banded rudderfish and the almacos, both of those species are really on very low ACLs relative to their abundance.

Now, those two species are on the SSC's list to determine ACLs in an alternative fashion later. Basically, we need to go to the SSC and work with them like some of us have done before. We actually need to go to the AP, which we made this recommendation before to go to the AP and to get some kind of concurrence on what exactly are the populations of these animals in the water versus the landings were telling you. In the Jack Complex we have some very small ACLs with very large populations. That is why you're seeing the overage you are, and that's why it is only open for a short period of time. We have to revisit that.

DR. DUVAL: Are there other questions for Jack about any of the commercial landings? Okay, next up is the status of recreational landings.

MR. HARTIG: Just one comment; nice job, Jack. That was a great report. I like the table; I like putting that other year in there as well. Thank you for that.

DR. McGOVERN: Thanks, Ben. As I mentioned yesterday, the MRIP data were just posted to the website, and so we have requested the recreational data from the Science Center. They need to give us information by season and post-stratified regions and that sort of thing. What is shown here in this table are just landings for 2013 through the first wave.

I have compared them to last year, so you can see the ACL for this year and the ACL for last year. A few things I will point out is golden tilefish; this along with black sea bass are two recreational species that have in-season accountability measures. When the ACL is projected to be met, it closes in season. Golden tilefish, recreational, closed in June.

Snowy grouper also closed in May. The accountability measure for this one is to shorten the length of the following season when there is an overage, and there was an overage last year. Red snapper; we had the three-day season for this species and it was the weekend before the 26th of August. If you look last year, we had an overage for gray triggerfish, hogfish and mutton snapper. The AMs for those species are to look to see if there is a persistence in the high landings and to shorten the length of the following season, if needed.

Once we get the recreational data through Wave 3, we will look at that and see if we need to have a shortened season for those species this year. One other thing I will point out here is we don't have the black sea bass landings for June through May of the 2013/2014 fishing year yet, but I put in there the higher ACL for this year that will go into effect maybe next week.

DR. DUVAL: Are there any questions about the recreational landings? Ben.

MR. HARTIG: The snowy grouper; that is based on the three-year average, correct?

DR. McGOVERN: That is correct.

MR. HARTIG: Will that persist into the next year as well or is it only for one year?

DR. McGOVERN: We will have to look at the three-year average. It could persist into the next year.

DR. DUVAL: Are there any other questions about landings' information? Okay, seeing none, the next item is just status of amendments that are under review, and that is another Jack item. We have sort of gotten into a little bit of that already.

DR. McGOVERN: Yes, I will touch on that because we did get into that. Regulatory Amendment 13 that allowed for adjustments of ACLs based on new landings from MRIP; the proposed rule published in March and the comment period ended in April. The final rule published on June 17, 2013, and it became effective on July 17th.

Regulatory Amendment 15 increased the ACLs for yellowtail snapper; the commercial and recreational ACLs. It also removed the management measures I mentioned that closed all shallow water grouper species when the gag quota is met and reduced the gag ACL a little bit. This final rule published on August 13th and became on September 12th.

Regulatory Amendment 18 increased the ACL for vermilion snapper. It also removed the recreational seasonal closure for vermilion snapper. That the November through March closure. It reduced the ACL for red porgy. The final rule for Regulatory Amendment 18 published on August 6th and became effective on September 5th.

Amendment 27, which includes actions related to removing blue runner from the fishery management unit, extent of management into the Gulf of Mexico for Nassau grouper, allowing an increased number of crew members on dual-permitted vessels and allowing captain and crew to perhaps retain all snapper grouper species, including the grouper aggregate and vermilion snapper – the NOA for Amendment 27 will publish tomorrow with a comment period that ends on November 18th and the proposed rule is expected to publish soon.

Amendment 28 includes a process to determine if there will be a red snapper fishing season; the final rule for that published on July 23rd and was effective on August 23rd. Then we had a three-day fishing season that started on August 23rd and the commercial season began on August 26th, and commercial red snapper is open now.

Regulatory Amendment 19 increases the ACL for black sea bass, and it also has the measure to prohibit the use of black sea bass pots during the right whale and large whale migration season, November through April. The final rule is in headquarters and we expect that final rule to publish soon; perhaps next week. The increase in the ACLs for black sea bass will be effective upon publication of the final rule. The measure for the black sea pots will be effective 30 days later.

DR. DUVAL: Are there any questions for Jack on any of the amendments? Ben.

MR. HARTIG: Yes, to go back to the blue runner one, I didn't get the details of that – the one that has Nassau grouper and blue runner.

DR. McGOVERN: The Notice of Availability for the amendment is going publish tomorrow, and the comment period will extend through November 18th.

MR. HARTIG: Okay, so what happens after the comment period?

DR. McGOVERN: Then we will publish the final rule.

MR. HARTIG: Some time in?

DR. McGOVERN: Probably Monica has a comment on that.

MS. SMIT-BRUNELLO: Well, after the comment period on the amendment, then the secretary has to make a decision whether to approve, disapprove or partially approve, and that will be based on a number of things, including all the public comment received on the amendment as well as the proposed rule. The secretary has 30 days under the Magnuson Act from the close of the comment period on the amendment to make a decision as to whether to approve, disapprove or partially approve.

DR. DUVAL: All right, are there any questions? Thank you, Jack, as usual for all of your information. I am sure we will call on you again at some point during the meeting. The next item on our agenda is a briefing on the deployment of the artificial reef material in the Charleston Deep Reef MPA. Remember, this is sort of something that has been kind of a long time coming around. This is included in the original Amendment 14 Marine Protected Areas Amendment. I know there has just been some difficulty in getting the material out to that site, but it sounds like there is finally success and Mel is going to tell us about that.

MR. BELL: Progress on the verge of success. Some of you may be familiar with this because you were around back in Amendment 14 times and even before that. This all sort of started way back in the early nineties or so when there was a lot of discussion about the use of artificial reefs. Those of us who have worked with them view artificial reefs as a fishery management tool.

What we typically do is we build the reef, we fish the reef, we build the reef, we fish the reef. There was a lot of discussion about the pros and cons of that. There is always this concept of, well, what if we built a reef and we didn't fish it; we just built the reef for the purpose of stock

enhancement, for the purpose of establishing a habitat out there that was just there for the benefit of the fish, if you will.

They kicked the concept around a lot. The problem with that was really a matter of being able to execute a plan like that, because funding sources are tied typically for artificial reefs – they're tied to fishermen and fishermen weren't necessarily on board with the concept of taking money that was typically used for build the reef, fish the reef, to build the reef and don't fish the reef.

That was really and still is kind of a major hurdle in kind of moving forward with that. I will say that in South Carolina's Marine Artificial Reef Management Plan, from the beginning we have always had that as a potential use for artificial reefs off of South Carolina is that you could use them for a reserve or an MPA or whatever you'd like to call it.

We have a pretty good track record of establishing all of our artificial reefs in federal waters as special management zones. Thanks to the authority that was given to us to do that through the Snapper Grouper Management Plan, we have a number of SMZs. And then SMZs, as we kind of talked about a little bit yesterday, they're there to basically – what we do that is we control certain gear types and use of the reef.

But we have never really been able to follow through with build the reef and just don't fish the reef at all. The discussions of MPAs and Deepwater MPAs, that all took place at the time where we here in South Carolina were looking at the need for a deepwater site, because we had what we thought we were going to get, which was the old Cooper River Bridges.

If you have driven on 17 in the old days over the old bridges, the Grace and the Pearlman Bridge, we were originally planning on getting those bridges. We needed a deep area to take them because they were high-profile materials. We went out and we permitted a site in deep water. We got already to receive the materials and then the price of scrap steel went through the roof, and the Department of Transportation decided to scrap the bridges rather than to take them offshore. We did get the concrete. So that fell through.

Then our backup plan was always to be able to get a navy ship or a maritime administration ship or something. Well, then the whole Ships to Reef Program kind of ran on the rocks, and that didn't come through. We held out hopes for an aircraft carrier, and that fell through. So we had this really neat site with nothing on it.

It was through work back around the time of Amendment 14. The site was incorporated as one of the MPAs, and you know it as the Charleston Deep Artificial Reef MPA. In 2009, when Amendment 14 passed, that became one of the eight sites that we now have as an MPA. The only problem was that we didn't have anything on the artificial reef.

Now, thanks to the good folks with South Carolina Memorial Reef, we are about to actually get some materials out there. First let me say this was a perfect blend of an initiative that we had going so the council is involved, the state is involved and now we have the private sector involved. These folks went out and raised all the money necessary to get this material out there.

The natural blend of interest, you will see what their focus really was. These are basically blue water fishermen who are interested in fishing for pelagic species, dolphin, wahoo, tuna, billfishes, those sorts of things. They wanted to establish a reef to basically memorialize loved ones, guys that were fishermen and are well known in the community. They wanted to have something to kind of just remember them.

A lot of these folks that they're remembering, their passion was offshore fishing. This is a presentation I basically have stolen from the memorial reef folks and added a little bit to it. It is an opportunity to have the deepest artificial reef on the east coast, if you like bragging rights, I guess; also, and most importantly, assist in rebuilding stocks of deepwater snapper grouper species. From our perspective, as a council, that is what this site is really about.

But without the habitat down there, it is kind of hard to do that. So there was a natural blend of interest between what we were trying to accomplish and they wanted to accomplish. So it is the artificial reef and you know it is the – and I will show you in a second – four by six mile area located – it is about fifty miles off of Charleston; 300 to 450 feet of water.

It was established as a Type 2 MPA, and you guys are well aware of that. As I mentioned, it was originally intended as one of our reef sites with South Carolina DNR to serve for larger structures. We weren't able to get the funding; we had no materials. This group basically went out and raised the money.

Again, from their presentation, you know where the site is. It is on all of our maps that we have been dealing with lately. We weren't able to get an aircraft carrier; we weren't able to get a bridge; we weren't able to get another navy ship; but what we did get were two 270-by-60 foot barges, which will be modified. This is one barge; that is the second.

The second one has a large crane on it, which we will use to get some additional profile to the reef, which should help with the stimulation of the species out there that are of interest really to the fishermen, the pelagic folks. We will have lots of bait fish. I am sure it will be a great spot for fishing for pelagics, but the idea is the materials on the bottom will not be fished.

The concept is this is sort of like creating your own snowy wreck – we know the Snowy Wreck was established as one of the MPAs – that if you have a wreck out there and you leave it alone for a number of years, it has the potential to do things like the Snowy Wreck or the snowy wreck off of Georgia that Charlie knows about; you know, those sorts of things.

That is what we're trying to do is actually deliberately build a site like that. With two 270-foot barges with some profile, it actually has about the same footprint as a pretty good size ship, but it was a lot easier to prepare. That is the concept for 350 feet of water. It will probably stick up, with the crane fully up, probably a good hundred feet or so off the bottom at some point.

They're going to add some additional steel structure to the other barge to try to get the profile up a little bit. They're showing a maximum vertical reef of 190 feet. It will still have several hundred feet of water over it. That is the concept. Where we right now is that this group, the

South Carolina Memorial Reef folks actually have raised \$465,000, and this is from contributions by individuals, anywhere from a hundred dollars to \$25,000.

We also had a significant contribution from the Governor's Cup Billfishing Series Board. We really need to make sure we recognize these guys. Steven Leisure was a big player in this, Fran Johnson, my staff, Amy Dukes in the back there – she was really critical – Wallace Jenkins. Folks really worked hard, but they raised all this money to get this done in a matter of several months. It just shows you if the folks are interested enough, they can go out and raise the funding to execute a project like this.

They've got the money; they've got the materials. The materials are being prepared right now out on Yonges Island at Stevens Towing. Stevens Towing has worked well with us over the years on a lot of artificial reef construction projects. Right now I believe NOAA Vessel Pisces was able to go out and do some multibeam surveying for us.

I am not sure about who has the data at the moment. If it is possible and MARMAP is in the neighborhood with the Palmetto out there, we hope to do some camera work – it says “drop camera” – if they can do that, then that will hopefully take place later this month. The plan is to have the initial barge, the one with the crane on it, would be deployed by the end of this month.

The second barge will come out later. We are, of course, discussing concepts for monitoring at some point. After the materials have been on the bottom for a while, we'd like to be able to go out and see how that is going. Of course, working in deeper water around structures like that can be kind of expensive, but there are some creative ways of perhaps funding those sorts of things. We're hoping to eventually be able to go out and actually monitor the site and see how it progresses in terms of developing as an artificial reef on the bottom.

With that, that is where we are right now. We're actually hoping to have the materials out there by the end of the month. The site will be underway. We would like to eventually have a monitoring program in place. I just wanted to throw a concept out at you a little bit, other possibilities beyond the deep site.

What if we had a Charleston Not So Deep Site? That is what it might look like. What you're looking at there is the results of 15 years of work in relatively shallower water. It is a 15-year-old reef, low-profile concrete. Basically, what we were trying to do in the design of this was mimic as best we could a natural geologic formation out there.

In other words, we're not building something that high profile. We want something that is like a meter or less, which is a lot of what you see out there in the shallower areas. This is just something to think about. You could carry this same sort of concept into shallower water where it is much easier to monitor. We can work in water 70 to 100 and 110 feet deep.

We can't work very easily in 350 or 400 feet of water in terms of monitoring. So, just an idea; maybe that is something that would be worth looking at in the future; and the concept would be to create something similar to a low-profile ledge, but do it out of man-made materials, things we would put out there.

We would prefer to use things like concrete, which are basically rock, which would mimic a natural system. Realizing, of course, it is a matter of scale, we can't afford to necessarily build something at the same size of a ledge system, but we can build something a little bit smaller. Such sites could be useful to us in terms of research.

I know on the sites that we have, we have actually had four different masters' level thesis produced from that. We have a number of other research efforts going on out there, monitoring efforts. These sites or such a site could be a great place for research activities, what I would call demonstration-scale projects. One of the things that is kind of hard to sell to the public with MPAs is they can't necessarily visualize it, so you could actually create something that would be a demonstration project, something that is sort of proof of concept of how this works; if you have an area of hard-bottom habitat and you leave it alone, what happens, what is the productive potential of such a site?

Also, it could serve to just augment what we're doing or supplement what we're doing related to other activities; the fish on there. We have documented spawning of black sea bass, triggerfish, spadefish on these sites, so you can produce some additional habitat for spawning potential. You can basically use these sorts of sites to just kind of demonstrate to the public how this can work.

The way you would do that is – again, this is actually the construction of the site that I showed you from 15 years ago – low-profile concrete material, you put it on the bottom. Eventually it goes through a normal – just as any marl outcropping or any rock outcropping out there, you're going to get eventually the sessile biota on there.

And the bottom right-hand corner, you can't really tell what you're looking at is a man-made reef versus a piece of marl that has been out there for a long, long time, except for the shape and kind of some of the scale of it. So, it is just a concept, something to think about, but I think artificial reefs could be used in assisting us as we kind of try to move forward with how we might want to use MPAs as a fishery management tool in the future.

They would also be useful as far as some of the species we deal with, black sea bass, the groupers, gag and scamp and our good friend the red snapper there in the middle of that one. There is some benefit and actually you're looking – with the black sea bass; that is actually a reef structure under that. That is not a natural marl outcropping.

The organisms basically settle on it and treat it as they would a piece of naturally exposed marl. The idea here is perhaps that we could build on existing work that we have already done here in South Carolina at some point in the future. We had hoped to scale up one of these sites back a few years when we applied for some stimulus dollars.

I remember having a conversation years ago with the council about a matter of scale. I was asked the question of how much money would it take to build a pretty large site. We kind of back of the envelope figured out at that time if you took a square mile and you developed it to about reasonable level of coverage where you have sand and structure, sand and structure just as you do on our ledge areas. It would cost about a million dollars.

Well, they didn't have a million dollars; nobody had a million dollars. Recently we applied for about \$1.8 million. Well, that didn't work out, but we were close. That would have been interesting. To the picture on the left there; that is what we have experienced just this year related to the black sea bass rebuilding.

As you can see, we were up to our ears in black sea bass, but that is what a relatively small area was able to hold in terms of black sea bass right now. So imagine that scaled up on a million dollar scale, if you could get a million dollars. I would have thought that is just impossible. I realize the government money might not there; but after what the South Carolina Memorial Reef folks were able to do in raising \$465,000 in a relatively short period of time, I'm thinking a million dollars is not as crazy as it may have sounded to me ten years ago. So, just something to think about as a little add-on to where we're going, but we're really looking forward to getting the materials out there this fall and we're looking forward to being able to do some monitoring work there. Again, anything we can do to help move the concept of figuring out how best to use marine protected areas as a fishery management tool, we're behind that. That is my summary, Madam Chair,

DR. DUVAL: Thanks a lot for that, Mel. I think it is great to see this project sort of finally coming to fruition. Also, I think the comments that you have made these could be used as demonstration projects, certainly we have heard comments from the public regarding the use of artificial material within our existing marine protected areas as a way to sort of augment what we have done, and so I think you have presented some really interesting ideas for the council to consider. Pres.

MR. PATE: Mel, that is a wonderful concept. I am wondering if you gave any advanced thought to the enforcement opportunities that this would provide you for no deepwater fishing in that point. It seems a prime target for me for the unscrupulous bottom fisher to go out there and harvest the resource. There has to be a tremendous or a significant enforcement opportunity. I was wondering if you factored that into your long-term cost.

MR. BELL: Yes, enforcement is something we have always dealt with in terms of trying to figure this out. The site we have right now doesn't actually exist. Well, it does, it actually is officially permitted and all, but we don't publish the numbers. It has been found; it has been compromised, but still there is not a lot of effort out there. It is not that easy to find.

But, enforcement, recall that every one of South Carolina's artificial reefs offshore is permitted and is a special management zone, so there are enforcement considerations already. We have been fortunate to have been involved in a JEA agreement through the National Marine Fisheries Service for quite a while now.

Our JEA agreement is actually established around patrols on our SMZs, so we kind of already had the mechanism in place. This site or another site would simply be just another – and that is another approach. You could actually permit the site as a – it is permitted as a reef. It could be established as an SMZ rather than an MPA. You would have to somehow word it so the bottom gears are restricted, but it would match other SMZs.

Then in terms of what we were thinking about, it would just fit within the patrol cycle of our normal JEA patrols for our guys. That wasn't a particular heavy lift for them. It was just another waypoint when they do their patrols. It is being closer inshore than the offshore site, the 52-mile offshore. It would actually be fairly simple to just add.

But, of course, if you happen to be out there between patrols – also, we would hope the site is in a relatively well-traveled area. There is some level of public involvement in that. We have an Operation Game Thief Number that we use where folks can call us and tell us when they see things going on and people doing stuff that they're not supposed to be doing.

Yes, we have given some thought to law enforcement activities and all, and it would be pretty much just what we're doing right now. The other thing is again being low profile and small patch reefs in a large area, it is not necessarily that easy to find the little low-profile patch reefs. You can but it would be a little bit more challenging maybe. If we spread the material out in a number of patches within that context of a mile, mile and a half square box, it is not real easy to cheat, but you could.

MR. JOLLEY: This is great, Mel. Of course, you know how enthusiastic I am about this, but I just want to say thanks for your willingness to share all this information and experience with the Florida group that is interested in this stuff, and we're wishing you well. Great idea!

DR. CRABTREE: Mel, the presentation talks about memorializing loved ones. Could you speak more specifically as to exactly what that means?

MR. BELL: It is really kind of what it means to the association or the foundation, but a number of our reefs – we have a number of permitted sites on which there are individual reefs. Some of these are actually established in memory of charterboat captains, fishermen. They're basically where the private sector is willing to bring money to establish a reef site.

The site appears on our literature as a particular named individual site. In this case it is a general thing. The fishermen involved in this are all offshore fishermen. There are a number of individuals that are basically donating money and this is sort of in memory of their loved one. There are different options out there.

DR. CRABTREE: I guess my question really is; are there human remains?

MR. BELL: No, no, sir, but you may be familiar with – there is a company, Eternal Reefs, and they actually incorporate –

DR. CRABTREE: I am and that is why I asked, but that is not –

MR. BELL: No, no, not in this case, no, sir. It is simply in memory of, and that is one way to get the public interested in kind of donating to these sorts of things.

DR. DUVAL: Are there other questions for Mel? Ben.

MR. HARTIG: Thank you, Mel, I appreciate that. I also appreciate the add-on. Was that the Area 51 that you guys had done a number of years ago? Yes, maybe.

MR. BELL: Maybe.

MR. HARTIG: It might have been Area 51.

MR. BELL: It might have been.

MR. HARTIG: But that brings us to the point about how the public has continued to come to us and ask that we set aside some areas where we put artificial reefs and that we set these aside as no-fishing areas. This has come to the council before, and I don't know if that e-mail went out. I might have sent it at a time when my computer was off, but I sent an extensive e-mail out and I'm sorry if you didn't get it. This council talked about doing that when I was on it before. We went down that road and in the end, to make a long story short, we didn't the council didn't want to get into the reef-building business.

To me we have so many organizations that put out artificial structures up and down throughout our jurisdiction; and at the time I thought it would be an interesting exercise to contact each one of these organizations that puts out artificial reef materials and to have areas set aside in the areas that they sink reefs and to have them as a one-for-one put materials in areas where we don't fish as well as in open areas.

That way you're kind of equalizing out the attractiveness of artificial reefs, which are pretty significant for some species if that e-mail went out. Greater amberjack was one that from my experience it sucked all the amberjacks off the natural reefs that they had been coming to for the 30-plus years that I watched before. So, for some species they are tremendously attractive.

The one thing you're very enthusiastic and I am very enthusiastic; now the MPA Workgroup wasn't very enthusiastic, at least the scientific side of that group. They talk about artificial reefs as being ephemeral. Well, we have been out since World War II that look exactly the same as they did when they were put out; so that is quite a long a time ago, and that is way past the generation time of one Warsaw grouper.

If you look at it in the context of management, as I have, and they talk about sources and things, fish have developed over time places to spawn based on the best places to spawn, well, the habitat wasn't put in the best places for those fish to spawn in the first place. Habitat occurs where it occurs, and continental species in particular use those types of areas.

They don't particularly choose one site; at least the gags and the amberjacks. They geared to be able to change their areas where they're going to be able to spawn based on water conditions that occur during those times of spawning. We have seen it over the years where gags may settle out some hundreds of miles differences in each year because of water conditions.

Some of those concerns are ameliorated by what I have experienced. I think from a management perspective that what you have hit on in doing these in shallower waters and maybe even mid-

range depths could really be productive. If we got the public to buy into it and got these other artificial reef people to buy into it, those types of things could add to these sites over time, and I think we could really make a difference and taking some of these fish out of production and adding some of the production as well.

You know the controversy is whether it is production or whether it is attraction. I have seen enough of it with the different juvenile phases where it is a bit of both. I think that is a very valid concept and I think this council should be moving towards that down that line, especially with the public's – you know, they're behind that so I think it would be great.

MR. BELL: Yes, I agree, and I understand the concerns that the science folks in the working group had. I think in terms of like you mentioned with the life expectancy of a reef, if you design it properly and if you build it properly, I mean, that is a 15-year-old site you're looking at there. It could subside, but so can these low-profile marl outcroppings. They can be buried and buried and that sort of things.

I have been able to dive on wrecks that go back to the 1860's, and they are still there and still with tremendous numbers of – you know, when you find these things and they have been lost for years and years and years, the amount of biomass on there is staggering. Then once the numbers are kind of given up, then the sites are fished pretty heavily. But the concept of what if you just left that alone; that is what I always come back to.

MR. BOWEN: Mel, that is an excellent report. I have a couple of questions or one main question. At one point you mentioned MPAs and then later in this slide, you got down at the bottom here it is not an MPA, but is not published. Which side are you leaning more to with what you're showing us?

MR. BELL: The sites that I'm showing you there are not classified as MPAs. They are just not published. It is areas that we have set up for research and monitoring. But if you were going to use this as an actual tool, you'd try to seek some sort of protection for it either through special management zones or MPA status or something.

But, obviously, because once you've published the numbers, it just becomes like any other artificial reef and that kind of takes away from the purpose you might have had for that. And so, again, if we were to actually place materials out, as we have with the Charleston Deep – or we will have, hopefully – the idea would be to seek actual status either as an MPA or special management zone or something and then actually you would have legal enforcement capability to keep people from doing certain things on there or keep them out of there.

MR. BOWEN: Well, if that is the case, I have to disagree with Ben. My constituents in Georgia, they like the idea of artificial reefs, but the majority of the phone calls that I got this past week did not like the idea of protecting MPAs. Ben had said the public would be behind it. Put an MPA label to it and I'm not sure the fishermen from Georgia would be behind it.

MR. BELL: And that is the point I was making earlier of why this is not so easy to execute, but if you can use funds that are not the fishermen's funds, let's say – they're not funds that would

normally be dedicated for building typical artificial reefs. If you can use totally donated outside funding or whatever, what is the harm in that? You still have the regular sites. This is just a site that has been built for a different purpose and no money taken away from you or nothing taken away from your normal reef state program.

MR. BOWEN: And let me clarify I am not against it; I'm just saying the phone calls I got last week from some fishermen in Georgia.

DR. DUVAL: I have Wilson and I think that will probably be the last question because we do need to move into the work that we have got even though this is really a fascinating conversation and a great presentation.

DR. LANEY: Madam Chairman, I'm not on your committee, but Ben touched on what I was going to comment about, and that is the attraction versus production debate has been ongoing for probably a century or more. I know Mel and the South Carolina folks have made efforts to document the changes that have occurred on some of these reefs that they have established.

I would just encourage us as a council, if we decide to move in this direction, that we would work with the scientists to try and design some sort of a survey and monitoring program that would not just look at what happens after the reef is put in place but also look at the site prior to emplacement and also surrounding areas to get at this point Ben made about all the amberjack leaving the natural reefs and going to the artificial reefs and maybe try and shed some light on whether it is attraction versus production.

I suspect the answer ultimately would be, like Ben said, some of both, because clearly when you put a stable substrate out there, sessile organisms are going to have habitat that they didn't have before and it will be colonized by larvae that otherwise would have been eaten by something else probably or just would have died. There are a lot of dimensions to it, and I would just encourage us to try and think about all of them and try and design something that might answer some of the age-old questions.

DR. DUVAL: All right, thanks for a great discussion, folks. The next thing we're going to move into is Regulatory Amendment 14. I am going to turn it over to Myra, who I think is going to run us through just a review of the public comments that we received on the different actions within this amendment, and then we will start taking our journey through the decision document.

MS. BROUWER: There is an attachment in the briefing book that contains all the written comments that were received, and the cover page to that attachment is a summary. Basically, there were quite a few written comments. We had a good turnout at the public hearings. Folks expressed their preference for the various actions with good rationale behind it.

What I would like to do instead of going through all the public comments is just bring them up as I go through the decision document action by action and then we can talk about how the AP responded, if there are any recommendations from the SSC, and then, of course, the public. If that is okay with you, Michelle, I will go through the decision document.

The first thing in document is a proposed change to the needs statement. Basically, it is just to clarify it. The need for the actions in the amendment right now currently reads, "The need for the proposed actions is to ensure commercial harvest of greater amberjack occurs during March of each year; allow harvest of black sea bass and vermilion snapper to occur during times of the year when harvest of co-occurring species is occurring; extend the commercial fishing season for gag and ensure overfishing of gag, black sea bass and vermilion snapper does not occur."

What the IPT would propose doing is, as you can see up on the screen, just change some of the wording to what is highlighted in yellow and instead it would read, "Enhance economic yield from commercial harvest of greater amberjack." Then it would also add "greater amberjack" to the bottom of that paragraph to where it would read, "Ensure overfishing of greater amberjack, gag, black sea bass and vermilion snapper does not occur." The first order of business for this amendment would be to get you to approve this change to the needs statement.

DR. DUVAL: I would entertain a motion to approve the IPT wording. Anna.

MS. BECKWITH: Sure, I would make that motion.

DR. DUVAL: Seconded by Jessica. **The motion reads approve the IPT's suggested edits to the needs statement of Regulatory Amendment 14. Is there any discussion? Any opposition? Seeing none; that motion stands approved.**

MS. BROUWER: Action Number 1 is on PDF Page 78 of – actually, that is where the analysis in the draft amendment document can be found, which is Attachment 3C. Here again we have some recommended edits to the wording of the alternatives, so we would like your approval to go ahead and add the recreational fishing year change to the language of the alternatives as well. That is why you see that highlighted in yellow.

Here is where I have some of the public comments that were received on this action. Folks were supportive of changing the commercial and the recreational fishing years for amberjack to the calendar year. They did recommend that the spawning prohibition be continued. Some people suggested that there be a prohibition of fishing for greater amberjack in the month of May.

That is pretty much everything we received on that one. There was really no one that was opposed or had any problems with this action. What we would need from the committee is a motion to approve the recommended changes, as I said, to the action and alternatives.

DR. DUVAL: I would entertain a motion from someone. Jessica.

MS. McCAWLEY: So moved, Madam Chairman.

DR. DUVAL: Seconded by Anna. **The motion reads approve recommended edits to alternatives under Action 1. Is there any discussion? Doug.**

MR. HAYMANS: I'm just trying to make sure that I understand that by adding "and recreational"; does that put – the May closure thing is what is confusing me. There is currently a May closure, but it is no sale in April and not May.

MS. BROUWER: That is correct. The May is what some folks from the public had suggested. They thought maybe prohibiting fishing or sale in the month of May would be better for the stock.

MR. HAYMANS: Okay, and then following up on that, by adding "and recreational", now we're going to basically close greater amberjack in whatever month, if it is May?

MS. BROUWER: No, the prohibition on sale would continue in the month of April; and what is currently in place for the recreational sector is the bag limit would remain as one per person per day; and also there is, during the month of April, for for-hire you are limited to one person or one per trip, whichever is more restrictive. That would remain in place, so there are no changes proposed to that. It would just simply change the start of the fishing years for both commercial and recreational.

DR. DUVAL: Are there any other questions; everybody is clear on what we would be doing by just adding "and recreational"? All right, is there any opposition to this motion? **Seeing none; that motion stands approved.** The one thing I just want to sort of go back to was the AP recommendation.

The AP had recommended no action as a preferred, to maintain the current fishing year, which starts on May 1st. The analysis in terms of what the potential closure dates under the various alternatives would be is on PDF Page 80 of that Attachment 3 in the document.

MR. COX: I just want to say that the greater amberjack season really needs to stay as it is for the commercial sector in North Carolina just because this is when those greater amberjack are just starting to show up on those inshore reefs. They're worth more money this time of year. Our deepwater complex, jacks are closed; and as we start losing other species, it is very vital to have our greater amberjacks later in the season. I just wanted to make a point that I would certainly stand with the AP's recommendation on that.

DR. DUVAL: This is the point where our preferred alternative for this action is to modify the fishing year to start January 1st. We have an AP recommendation to stick with what we have. Is there any desire on the part of the committee to choose a different preferred alternative? I would note that I think under the existing preferred alternative, the closure date would be some time late September, so right around this time of year.

MR. COX: Can I make the motion to keep as the fishing year stands for the greater?

DR. DUVAL: So your motion would be to select Alternative 1 as the preferred alternative?

MR. COX: That's correct.

DR. DUVAL: We have a motion to select Alternative 1 as the preferred; seconded by Anna. Discussion? Ben.

MR. HARTIG: I would speak against the motion. We went out to the public and we heard a lot from Florida. One of the reasons was that March insurance policy for Florida. Florida is completely dependent on March, April and May for amberjacks. They don't have them the rest of the season. It is extremely important for Florida to have access to those fish in March, and this is an insurance policy to do that.

The Carolinas have access to those fish for the rest of the eight months of the year. Now, granted, it may be a different time where the price is higher, but they have access to those animals for a lot longer portion of the year when Florida doesn't. From Florida's perspective, I would speak to the Preferred Alternative 2.

DR. DUVAL: Any other comments? Mel.

MR. BELL: I guess the fear would be that if we start earlier, then we run out of fish at some point. Are there projections of how that might actually go as far as the possibility of running out?

DR. DUVAL: PDF Page 80 in Attachment 3, which is the full document, has the predicted closure dates for the commercial sector under all three of those alternatives. Basically, they're taking the catch rates starting in the 2006/2007 fishing year and projected that out. Anna

MS. BECKWITH: I was just going to make a note clearly this is another example of why regional management is something we need to continue discussing at this council. If it is a difference between North Carolina and Florida, then we also need to potentially explore a split season in order to accommodate for both needs. If this is something that needs further discussion, then maybe we need to pull this action out.

DR. DUVAL: That is up to the committee whether or not you want to pull this action out or move forward. I would agree with you, Anna, I think if the fishing year is changed to January 1st and we see that we do run out of fish earlier in the year, then the idea of a split season is something that we would want to explore definitely. Zack.

MR. BOWEN: I know you are speaking commercially, but from the recreational side, me being the newest member on this council, I am looking for some consistency with our recreational fishing years. I would just ask the committee and the council to keep that in mind; consistency would go a long way in instilling some trust in the public fishermen. That is what I'm looking to do.

DR. DUVAL: So, Zack, do you have concerns about changing the fishing year, then, rather than keeping it what it is for the recreational sector?

MR. BOWEN: For the Georgia fishermen it's fine; so whatever the council or committee would like to do. One thing to Ben; I have a question. He said that they had them for three months and they don't have greater amberjack after three months; is that right?

MR. HARTIG: In South Florida the only time we have access to legal-sized amberjacks is those spawning months, March, April and May. April is closed so we only have two months, March and May. Now, once you get north from my area – Central Florida, once you get north of that, they do have access to amberjacks for a larger portion of the year, so it is primarily a mid to South Florida issue. But that is where most of the production occurs, mid to South Florida, and always has since the fishery started.

MR. PHILLIPS: The amberjack and then as we get further along, the vermilion and gag, with all the trip limits and who needs what fish when and how much fish they need to be profitable trips, we may be better off to just leave this alone as it is and come back with another amendment to decide that we need to do regionalization on some of these fisheries.

We have had some discussions on vermilion, especially. I think we're going to have issues with gag with the step-down. I think probably we need to leave it alone but understand we're going to come back because we're going to have this fishery and at least a couple more that we're going to need to make some adjustments for, because it is not working for a lot of fishermen in different places and with different trip limits.

MR. HARTIG: Well, for one thing, I don't see a lot of utility lining up amberjacks with any of the other species because amberjacks is a fishery that you can prosecute really without much bycatch of anything else. You could have the fishing year start anytime. As far as moving ahead or not moving ahead, if you want to do regionalization down the line, you could certainly approve what we have and what the public has concurred with, that we went out to public hearing in this round of public hearings. We could approve that and do regionalization later. The public has spoken and they're in favor of this option.

MR. COX: This is my concern with these step-downs. We're getting ready to go to a 500-pound trip limit with vermilions. We're getting ready to go to 300 pounds on gags next year. There are a lot of guys inshore that will fish for the gags; and then when the gags are caught, they will close here pretty soon. It just leaves the amberjacks and the value of the amberjacks is to a point now where it is worth them to go fishing for them. I'm afraid if we start that season in January, come about this time of year or not much thereafter we're going to lose that fishery. I'm telling you for North Carolina, we've got to have that greater amberjack season later in the year like this. I can just see a situation coming with these step-downs.

MS. BECKWITH: Myra, can you go back through on how much public comment versus the AP because I know the AP wanted status quo, but how much public comment did we get specifically on this action?

MS. BROUWER: Let me bring that up on the screen. Attachment 3A, as mentioned, is the summary of the comments. I don't have specifically how many comments were related to this action, but there wasn't much else than what I included in the decision document. Most

everybody was supportive of changing it; and certainly when we were in Key Largo, folks down there were definitely supportive of changing it.

MR. CONKLIN: I'm going to stick with Charlie on this. I think no action is what we need to do right now. If amberjacks close real early in the season, when the market is flooded with B-liners, amberjacks, especially with no production from the Gulf, per se, are poker chips; and when the market is flooded with B-liners, the only way you can sell a B-liner is if you have some amberjack. Plus fishermen are getting good money on them, it is worth going for. For now I think we should come back to it.

MR. HARTIG: Just one final thing; we haven't had a closure in the amberjack fishery. It has remained open. Yes, there may be concern that some time down the road we may, but we haven't had so far.

MR. BELL: Just to make sure I understand the mechanics of this, January would work best, obviously like Ben was talking about, for Florida. It later works better farther north. Is a March opening a compromise; and what does that do? You said March, April and May were critical down there. Is March sort of something in the middle?

MR. HARTIG: March would take care of Florida's issue; if you open it March 1.

MR. COX: We would be fine as long as we didn't have a closure. Going into the end of the year, I think it would be just fine.

DR. DUVAL: I feel like an auctioneer again. We have a motion to change our preferred to no action, January 1st. I think the reality is something is going to disadvantage somebody somewhere at some point. This is something that the South Florida fishermen have spoken up about for a while. What is the committee's pleasure? Ben.

MR. HARTIG: I will just say one thing. We gave up pretty much 90-plus percent of our gag fishery when the spawning season closure went in for Florida. Amberjacks is one of the few remaining fish we have that comes in large numbers to Florida at that time of the year that we can actually harvest.

We can't catch gags anymore because they turn around and go back to the Carolinas. Florida has reserved pretty the gag population for the northern states. Amberjacks is one of the few of the reef species we catch volume, and it is very important to South Florida, critically important. That is one of the reasons why I'm arguing so hard for that change in fishing year.

MR. PHILLIPS: Ben, I am sensitive to what you're saying, and it may be that we need to go to some split seasons or regionalization or something to guarantee those guys. In spite of the fact that we seem to be getting back more fish, like vermilion, the seasons are still getting closed quicker.

I think we're going to have to come back and look at amberjack, vermilion and gag in how we prosecute these fisheries and how they interact and how you start out on one species and you

finish up your trip on the other; and we tend to be looking at single species and thinking, okay, I can survive on a bycatch of X pounds, but I think the fishermen kind of think maybe everything else is open so that bycatch is okay.

But when you start adding up a bycatch fishery on top of a – you start stringing bycatch species together to make a trip, we're going against our visioning goal of making things economically profitable and practical. If it hasn't been closed yet, we may want to leave it alone; but as we get through with this, go ahead and start looking at some ways to tie these fisheries together and try to help fishermen fish to make it profitable and come out with something, whether it is regionalization or split seasons of what, but I definitely think that what you're saying is somewhere we need to go.

MS. BROUWER: I just wanted to point out and give a little bit of explanation for the table that I've got up on the screen is the table that is in the amendment document. Basically, it is just projections based on the various levels of fishing effort in those years.

Under fishing year 2010/2011, if that amount of fishing effort is applied to the current ACL, then there would potentially be a closure around the end of September under Alternative 2, which is the preferred, and it would be in March under the no action. I just wanted to make sure everybody understood how to interpret this table.

MR. COX: So we have already done a trip limit reduction in greater amberjacks. We went from 1,500 to 1,200. So when the gags close, you're going to have folks that are going to go fishing just for the amberjacks; and at 1,200 pounds, that is just about as a trip limit as it can stand when you're just targeting that fish with the X-vessel price of, say, \$1.25 a pound, which it is now.

My concern is if we get to a place where we see us getting close to that ACL and then we drop the trip limit again, now all of a sudden it is not worth fishing for below a 1,200 pound trip limit. I just kind of want to put that out there because we have already done one trip limit reduction on this fish. It is going to happen. There are quite a few boats that inshore fish for the gags; and when that closes, they're going to target these fish so it is going to speed up getting closer to the ACL. Thank you.

MS. SMIT-BRUNELLO: Myra, excuse me if you've already mentioned this; but in Table 4.1.2, do you have the information for the 2011/2012 season?

MS. BROUWER: No, we didn't have those data.

DR. DUVAL: Here are a few options. I hear Charlie's points about the overall big picture and some of the actions that we have taken and are considering and how they're going to differentially affect vessels of different sizes and different areas. I think that is something that we're going to have to deal with separately.

I definitely understand the concern about moving to a January 1 start date for the fishing year having differential impacts up and down the coast. Ben, from you said, March is the most

important month, I think, for the South Florida fishermen to be able to harvest those species. Are they harvested in February at all or is it really March is the month?

MR. HARTIG: March is when the fish first show up. March may or may not be the greatest month because of weather concerns. March and October, those two months are the blowiest months of the year. If we have good weather in March, March is extremely important for those guys to fish for amberjacks. They start showing up in March in numbers and then in May there is still enough fish to catch. In May it is over. We have a two-month amberjack season pretty much from mid-Florida south.

MS. McCAWLEY: I would like to offer a substitute motion to make Alternative 3 the preferred.

DR. DUVAL: We have a substitute motion to select Alternative 3 under Action 1 as the preferred, which would be a March 1 start date. Seconded by John Jolley. Discussion on the substitute motion. Mel.

MR. BELL: I'm sensitive to the recommendation of the AP and all, and I understand that, but that seems like, to me, anyway, a logical compromise where they have got a shot in Florida and it still preserves towards moving towards the fall up our way. If there is some reason that is not a logical compromise, I guess somebody needs to say something.

MR. BOWEN: I was a member of the AP when we went over this decision; and from my recollection, the representative for South Florida was not present; or if so, I can't remember that he or she was. That recommendation from the AP came from some commercial fishermen out of North Carolina, and the fellow AP members went with that decision.

DR. DUVAL: Okay, we have a substitute motion to select Alternative 3 as our preferred, which basically splits the baby down the middle. I want to get a sense of how folks feel about that. Mel has spoken and we have had some discussion that these fish are only in South Florida for a short period of time before they migrate up the coast. We went out to the public with the preferred alternative of January, and it sounds like the majority of the comments that we got on this were probably in Florida. I know we didn't have any comments on this in North Carolina. How do folks feel before you vote? Jack.

MR. COX: Well, is there anything showing where the majority of their fish are caught and what times of the year; like is it something maybe Jack McGovern could show us what the Keys and what South Florida catches?

DR. DUVAL: We don't have that information in the amendment, I don't believe, but I think it is pretty clear that the bulk of the landings come from South Florida. I think if you were to even just do a simple commercial landings query on just the public NMFS data base, you would see that the majority of amberjack landings are coming from Florida for the past five years. I think there is a little bit of landings in South Carolina. Doug.

MR. HAYMANS: I would be in favor of the compromise for Alternative 3 as the preferred. I do have a question, though, going back to the Table 4.1.2, and it was really about the Alternative 3. There is such a drastic difference between 2009 and 2010; and compared Alternatives 1 and 2, when we look at the differences when the fishery may close; that December 6th date, is that just because of the timing of the landings from that particular year as to how they fell? Well, it is over two full months' difference.

MS. BROUWER: Yes, Doug, I unfortunately am not familiar with the modeling procedure that the regional office analysts used for this. There is Appendix F that shows more of the details of the analyses, but unfortunately I don't think there is an answer to your question. Like I said, they took the amount of effort for that fishing year and applied it to the ACL and that is how they came to predict under Alternative 3 the season would last through early December, but I don't know anymore of the details.

DR. DUVAL: Yes, and in that appendix, Doug, there is a figure that tracks the landings by month from fishing year 2007 forward, and you can see that the bulk of the landings are occurring – I think in the earlier years they start ramping up in March and then it seems like there is kind of a peak in May. Then last year it looks like there was again a ramp-up in March but fairly even through most of the rest of the year. It starts trending downward in August.

MR. COX: Can I ask one more question? How close are we to that greater amberjack ACL right now?

DR. DUVAL: The fishing year started May 1st this year, and the 1,200 pound trip limit went into place with the Comprehensive ACL; is that correct? That became effective April 16th of last year. There is a 1,200 pound trip limit for the 2012/2013 fishing year. Never mind; Regulation 9, 2011, so it started earlier.

MS. BROUWER: Up on the screen is the commercial landings and where we are in relation to the ACL.

DR. DUVAL: We have many more actions to get through this amendment today.

MS. McCRAWLEY: Call the question.

DR. DUVAL: The question has been called so that means discussion ends and we take a vote on the substitute motion. **The substitute motion reads change the preferred to Alternative 3, which would modify the commercial and recreational years for greater amberjack to begin on March 1 and end on February 28th.**

Could I please see a show of hands of those in favor of the substitute motion, 12 in favor; are they any opposed? Seeing none; that motion passes so the substitute motion now becomes the main motion and you need to vote one more time. Can I please see a show of hands of those in favor of this as the main motion, nine in favor; all those opposed; any abstentions, two abstentions. The motion passes so our preferred alternative is now Alternative 3.

MS. BROUWER: Action 2 would modify the fishing year for the recreational sector for black sea bass. There are five alternatives. This went out to public hearings with Alternative 3 as the preferred, which would modify the fishing year for black sea bass to begin on April 1st and end March 31st. This is recreational only.

The analyses for this action begin on PDF Page 86 of Attachment 3C. The Snapper Grouper AP recommended a start date of April 1st. The rationale behind their recommendation is to make the start date coincide with the opening of recreational fishing for vermilion snapper and as minimizing the amount of discards. However, as you know, the recreational closure that was in place for vermilion has now been lifted.

As far as the public is concerned, there was a lot of support for lining up the seasons in order to minimize discard mortality. There was also support for starting the fishing year on May 1st to coincide with the opening of shallow water groupers. Fishermen in Georgia also supported a March 1st start date.

There were other comments suggesting various other options; November through January, which is not within what we analyzed. For this action, there are no suggested changes to the language or anything like that; so if you to continue with your preferred, then we don't need a motion. If you wish to consider changing it, then we would need a motion to do that.

DR. DUVAL: Is everybody happy with our existing preferred alternative to modify the recreational fishing year to begin on April 1st? All right, then let's move on to Action 3.

MS. BROUWER: Action 3 is an action that was introduced in this amendment at the March meeting, I believe it was, so it would change the accountability measure for the recreational sector for black sea bass. Alternative 1 is no action. Alternatives 2 and 3 propose a fixed season for the recreational sector.

Alternative 2 would utilize the ACL in order to calculate out how long that season would last. Alternative 3 would utilize the ACT, the annual catch target, in order to determine how long the season would be, so that would give you a shorter season. Alternative 4 would simply put in place an in-season closure for the recreational sector, and there would not be any pay-back provision any longer.

Because this action, as I said, was added after the Snapper Grouper AP had met, I don't have a recommendation from them. There was generally little support among fishermen for establishing a fixed recreational season. The for-hire sector, some folks were in favor of that because they said it would give them more stability and predictability for their business plans.

Most fishermen expressed support actually for Alternative 4, which is simply to have the in-season closure without the payback. Here you would need to select a preferred alternative and approve the suggested changes. Basically, there were some things that needed to be clarified under the no action alternative. The language highlighted in yellow should have been deleted.

It doesn't need to be there so we need approval to take that way. Then the highlighted language under Alternatives 2 and 3 is simply redundant, and we don't need to have that in there either. Alternative 4 is one that the IPT put into words based on the guidance that you gave us in March. Another thing I should mention is that this is based on the preferred alternative under Action 3, which you didn't change; but had you changed it, then there would have had to have been changes to this one as well.

DR. DUVAL: I think first let's deal with just the IPT-recommended changes; so if I could get a motion to from the committee to approve the IPT-recommended changes to this action, that would be great. Doug.

MR. HAYMANS: Madam Chair, I so move.

DR. DUVAL: Seconded by Jessica. Any discussion on those proposed language changes? Is there any opposition? Seeing none; that motion stands approved. Anna.

MS. BECKWITH: I move we make Alternative 2 our preferred.

DR. DUVAL: There is a motion to select Alternative 2 under Action 3 as the preferred; seconded by Mel. Discussion? Roy.

DR. CRABTREE: Just because these AMs can be confusing; so what we would be talking about here is essentially eliminating the pay-back provision and then each year the fishing season would open on April 1 and then some time around or after that date we would put out a notice as to when the fishery is going to close, but we wouldn't track the quotas during the season and make adjustments to it; correct?

MS. BROUWER: That is correct, so the notice would, prior to April 1st, announce the length of the fishing season for that year based on the ACL, and there would not be any in-season accountability during that fixed season. The ACL could potentially be exceeded and that is one of the problems that the IPT highlighted with this alternative as well the chances of sort of creating a derby mentality, which is what has happened in the Gulf of Mexico with red snapper.

DR. CRABTREE: So if that happened and the ACL was exceeded in a given year; then presumably the following year, when we announce the season, it would be shortened based on those higher catch rates and that is where we would be. It seems to me that is an improvement over where we are now.

I do believe we need to remove the pay-back provisions out of it because I think the recreational catch estimates are just too volatile. The stock is rebuilt and I don't think we need to do that. My recollection, though – and I think it was Steve Amick who brought this up at the council meeting, Anna – none of this is in my estimation a fixed season.

A fixed season means a set opening date and a set close date and they're in the regulations, and that is the season. I think some of the comments about not supporting a fixed season might be because this really isn't so much of a fixed season. I will probably support this for now, but I

still think that we need to give some careful thought about how we're managing recreational fisheries these days and the accountability measures there.

I still think something we need to look at trying to do is to bring some more stability to these fisheries and to get ourselves out of this box where we're making management decisions based on one wave of data sometimes, because what I'm seeing is we're just seeing the fluctuations from year to year among these waves, that they're just too high and they're interjecting too much volatility into the system, and it is causing a lot of problems. I think this is a step in the right direction, but I'm not convinced ultimately this is where we ought to wind up. I think there is still a lot more work to do here down the road.

DR. DUVAL: That sounds like part of a visioning discussion in terms of broadly how we manage our recreational snapper grouper species. Doug.

MR. HAYMANS: That was essentially where my question was going was the adjustment the next year and the fact that it is not a reduction in the ACL. It is just backing the season up a bit. I guess over the course of a number of years it sort of smoothes itself out if the ACL stays the same, but that is where my question was and Roy answered it.

MS. McCAWLEY: I just had a question about what the difference between Alternative 2 and Alternative 4 is; can someone help me understand the difference?

MS. BROUWER: Alternative 4 would just take away the pay-back provisions. The National Marine Fisheries Service would monitor the ACL and then predict when the ACL would be met and then an in-season closure would take place. Alternative 2, NMFS would calculate that year's season and announce it before April 1st.

The problem with that one is – and this has already occurred in the Gulf in the red snapper fishery is that the ACL keeps getting exceeded during the season, and so then the following year season gets shorter, and this keeps happening over time, so then you end up over a number of years with shorter and shorter seasons, which is one of the problems that we've seen in the Gulf.

DR. CRABTREE: My vision of where I would like to get with these recreational fisheries is where we try to set these seasons at, say, three-year intervals. It opens on this date and it is going to close on this date; and then as long as the quota falls within the confidence intervals around the catch estimate, we aren't going to change it.

Then every three years we come in, tweak it however we need to, and then that's the season for the next three years. Now, if you get catches where the quota falls outside the confidence limits either way, then you probably need to make an adjustment there. I think something like that would bring a whole lot more certainty to these, and I think it is a much more realistic way to deal with MRIP and the type of catch estimates we have than what we're doing now.

I don't think we can get there in this amendment, and I think it is something that needs to be looked at and analyzed and we need to think carefully about it. I throw that out as it seems to me that is worth looking at and might be a better way to manage these fisheries for stocks that are

rebuilt and we don't think we have real problems with them. Overfished stocks and rebuilding plans; that may be a different creature.

DR. DUVAL: Well, I think there is probably general agreement around the table that for years we have been using MRFSS and now MRIP is trying to use it like a scalpel when it is more like an axe. Ben.

MR. HARTIG: The only problem I have with this is removing that accountability measure that we use in a number of other fisheries that states if the total ACL – paybacks will only occur if the total ACL is met. I don't remember why we removed the accountability measure in the first place. It is not removed?

DR. DUVAL: The accountability measure that we have for black sea bass right now; remember, we did that in Amendment 18A, and that requires a payback of either sector regardless of stock status if there is an overage, so that is our accountability measure right now for black sea bass.

MR. HARTIG: Well, we can't do it now, but in the future I would like to see us do what we did with Spanish mackerel, cobia and some other species where we changed the accountability measures and have them the same for all the species we manage.

DR. DUVAL: I think consistency is good. Roy.

DR. CRABTREE: I think a different type of accountability measure for stocks in rebuilding plans make sense, and probably one of the reasons sea bass recovered ahead of schedule was because we had that pay-back provision in there and that hastened recovery. Maybe that is a good thing and maybe it is not, I don't know, but we ought to think about it.

It didn't seem like a good thing when it was happening, but now that we're rebuilt and the catches are way up and people are going to make a lot more money off of this fishery, it is one of those things you look back and saying we're better off now because we did that than we otherwise would have been.

MR. BOWEN: Maybe this is not the amendment or the time to bring it up, but Dr. Crabtree was mentioning three years. Thank you; that tickles me to hear you to say that. We have a set ACL for recreational-caught sea bass now for the next three years; can we discuss at some point about putting the start date and end date for the three years on the sea bass recreationally caught since we are now aware of what the ACL is and we're going off projections?

DR. CRABTREE: Well, I don't think it is something we could do in this amendment because we just haven't analyzed it, but I think we could start looking at it in some future amendment to get it in place.

DR. DUVAL: And, again, I think that is a larger issue in terms of how we manage these recreational fisheries generally, so it goes beyond just black sea bass. Myra.

MR. BROUWER: Well, while we're on the subject and just so I don't forget to mention it later, the council had expressed interest in potentially developing next year a comprehensive accountability measures amendment specifically to take sort of the big picture into account and make sure that there is consistency within the fisheries and between fisheries as far as accountability measures go. That would be a really good time if you keep those thoughts in mind and we will talk about that a little bit later.

DR. DUVAL: Right, remember we get sort of an updated excel spreadsheet every council meeting that contains the accountability measures and ACLs for all of our managed species that staff updates for us. We have a motion on the floor to select Alternative 2 as the preferred. Just to make sure everybody understands what this would do is the fishing season would start on April 1st and end on the date that the Fisheries Service projects the ACL will be met, so you'd have the start date and end date at the same time. I think some of the concerns about potentially exceeding that ACL and having a shortened season next year or the following year have been laid out. Is there anymore discussion? Monica.

MS. SMIT-BRUNELLO: I have a question. Is it your intent that the announcement of the end date would be before the start of the fishing date, so it would be before April 1?

DR. DUVAL: Yes, you would have your start date and end date announced in the same Fishery Bulletin.

MS. SMIT-BRUNELLO: Okay, so I think we should make that clear in the discussion so the Service knows the direction they're supposed to take.

DR. DUVAL: All right, if there is no other discussion, I would like to go ahead and take a vote on this. **Could I please see a show of hands of those in favor of the motion, 10 in favor; any opposed; any abstentions. Okay, that motion stands approved.** We're moving on to the next action.

MS. BROUWER: Okay, continuing with black sea bass, Action 4 modifies the fishing year for the commercial sector; and for this action you do not have a preferred. The language that you see highlighted in yellow is language that is going to need to be there upon approval of Regulatory Amendment 19.

That is why it has been highlighted because that amendment has not yet been finalized; so pending approval of that, we would need to include that language in there; so we would need a motion to go ahead and let us do that when Regulatory Amendment 19 is put in place. For this one, as I said, you don't have a preferred.

There are several alternatives to change the fishing year; one of which includes an alternative that would put a trip limit at the beginning of the fishing year for just one of the components, the hook-and-line component of the fishery. Alternative 2 would begin the fishing year July 1st and end on June 30th.

Alternative 3 is the one that contains the trip limit sub-alternatives of various poundages, from 100 to 300 for the hook-and-line sector for the first part of the fishing year; and then once the pots open up, then everybody's trip limit would go up to 1,000 pounds. Alternative 4 would put the beginning of the fishing year for the commercial sector on May 1st.

Analyses for this action are on PDF Page 103 of the draft amendment document. The Snapper Grouper AP did have some lengthy discussions about this. It is all summarized in this paragraph up on the screen. There was some concern about timing the opening of black sea bass in the South Atlantic and how it would interact with the commercial season north in the Mid-Atlantic when that season is open and what that would do to the price of black sea bass.

The AP ultimately recommended Alternative 3 with a 100-pound trip limit instead of the 50 pounds that was originally proposed. The public indicated this would probably be too low. In fact, there was more support for a 300-pound trip limit for the hook-and-line sector. Then there some comments related to spawning of black sea bass. Here we would need you to select a preferred alternative and, as I said, approve the recommend edits to the language of the alternatives.

DR. DUVAL: I would like to go ahead and get a motion from the committee to approve the IPT-recommended edits, first of all. Jessica.

MS. McCAWLEY: So moved.

DR. DUVAL: Seconded by Charlie; so a motion to approve the recommended edits to the alternatives in Action 4. **Any discussion? Any opposition? Seeing none; that motion stands approved.** Next comes the fun part of selecting a preferred alternative for this particular action. If we can get through this action, then we can take a ten-minute break after this. Jessica.

MS. MCRAWLEY: Okay, in order to get to our ten-minute break, I am going to throw a motion out there to make Alternative 3, Subalternative 3C our preferred.

DR. DUVAL: We have a motion by Jessica and a second by Ben to select Alternative 3, Subalternative 3C as the preferred. Discussion? Just to make sure everybody is clear on this, it would open the season for the hook-and-line sector on January 1st and at a trip limit of 300 pounds. Then on May 1st the pot season would open and the trip limit would become 1,000 pounds for everybody. You would still have that November through April seasonal pot closure.

MR. PHILLIPS: Well, this might help stretch out the vermilion season a little bit. It has been really, really short and it seems to be getting shorter every year. It might help those guys a little bit.

MR. HARTIG: As someone who does actually fish for sea bass with hook and line, I haven't met many other commercial fishermen in our area that does. It is relatively common to catch 200, a little bit over 200 for us, but that is on a mixed-species trip. If you target them, you could catch 300. I know once you get to the north – and I know Kenny has made some trips that were

higher than that. He is shaking his head. I think the 300, from we heard from the public, is a good number to choose.

MS. BROUWER: I just want bring the committee's attention to the table. It is Table 4.4.2 on Page 105 of Attachment 3C. This is where the analyses using three different models were used to predict the length of the season; so for Alternative 3C the range of the length of the season in days is from 233 days to as high as 315 days.

DR. DUVAL: So this incorporates different catch rates for the different models and also includes the updated ACL that we would have through Regulatory Amendment 19, as well as the November through April seasonal pot closure. Under the preferred alternative that is currently up on the screen, your closure dates range from end of October, beginning of November, to as early as mid-September. Anna.

MS. BECKWITH: Just to note on that screen that 3C is indicating a hundred pound trip limit and 3A is indicating 300, so I just want to make sure we're looking at the proper numbers.

MS. BROUWER: Thank you for that. Yes, I will make that correction.

DR. DUVAL: Good catch; so just that the numbering is – the table is misnumbered. Other discussion on this motion? I see people chewing over the table and the numbers. Mel.

MR. BELL: So I know 3A and 3C are flipped, I guess, but the date; so with the hundred pound trip limit, you're going to 23 September? I mean, there is not much – 18 September on the 300.

DR. DUVAL: The projections do not vary all that much between I think the 100-pound trip limit and the 300-pound trip limit amongst I think any of the three methods that are used to try to project that out. It is probably a variation of about a week. Myra.

MS. BROUWER: Just another thing to consider, Appendix F also shows a table that shows a percent reduction in harvest under the various trip limit alternatives. For the 300 pounds, the percent reduction would be 18 percent; for the 200 pounds it would be 24 percent; and for the 100-pound trip limit, the reduction would be 40 percent.

DR. DUVAL: Do folks feel like they're ready to vote on this? Doug.

MR. HAYMANS: When you go back to the motion, I'd just like to verify when we say 3C, we're talking 300 pounds, yes, for the record.

DR. DUVAL: Okay, if there is no more discussion, I would like to go ahead and ask for a vote. **Would all those folks in favor of the motion on the screen, please raise your hand, 10 in favor; any opposed. Seeing none; that motion stands approved.** We're going to go ahead and take a quick ten-minute break.

DR. DUVAL: All right, everybody, with regard to the motion that we just passed on the black sea bass commercial sector fishing year and the little misnumbering within the table that Anna

brought up, Myra is actually checking in with Mark Larkin in the regional office about that. We should have a confirmation that it is just a flip-flop in the numbers before we get to full council.

Then the other thing I want to do is just double-check really quick and make sure everybody understands that with our preferred alternative under Action 3, which is modifying the recreational accountability measure for black sea bass – I just want to make doubly sure everybody understands that what we're doing is we're asking the Fisheries Service to publish a notice of both the start date and the end date of the recreational fishing season before we start.

They're not going to issue another Fishery Bulletin some time in the middle of the season and say, well, you know, based on catch rates we're going to change the end date. That is not going to happen.

We will have a start date and an end date prior to the start of the fishing season. If it ends up that according to MRIP estimates that we have exceeded the ACL, then the following year's fishing season could potentially be shortened. I just want to make sure everybody is really clear on that. Anna.

MS. BECKWITH: But the following year's fishing season would be based on the previous year's catch effort – catch rate, so it is not like we're – it is not a pay-back provision. It is just the next year would be based on those catch rates.

DR. DUVAL: Right, it is not a pound-for-pound pay-back provision. It is really modifying the season to fit within the catch rates. Okay, the next action that we are going to be dealing with is Action 5, which is modify the commercial fishing seasons for vermilion snapper.

MS. BROUWER: Action 5, the preferred alternative right now is the no action alternative, so it would leave the two commercial fishing seasons split evenly, six months and six months. The language you see highlighted in yellow is language that needs to be added since Regulatory Amendment was approved, so we would need your approval to go ahead and add that language to the alternatives as needed.

Each of these alternatives has a table that shows you what the total ACL is and how it would be split up between the two seasons based on the changes. Alternative 2 would put 100 percent of the increase in the ACL in the second season, and then there are several subalternatives that change the beginning of the seasons. That is the table of how the ACLs would look under that scenario.

Alternative 3 puts 25 percent of the ACL increase through Regulatory Amendment 18 and apply it to the second season and again with different start dates. Here is how that would look like. If you go to PDF Page 111 of Attachment 3C, that is where the analyses for this action are. The Snapper Grouper Advisory Panel recommended no action.

They felt that the 50/50 split is appropriate and that made for more equitable distribution of the resource. There is going to always be the issue of the distribution and the benefits for different

regions. As far as the public goes, some folks were in support of Alternative 3, Subalternative 3C, but most people were supportive of taking no action right now on the seasons.

DR. DUVAL: All right, I think we should go ahead and deal with the IPT-recommended language changes first; so if I could get a motion from the committee to have – Chairman Cupka and seconded by Charlie – a motion to approve the recommended changes. Any discussion? **The motion reads approve recommended edits to alternatives under Action 5.** Monica.

MS. SMIT-BRUNELLO: It is just a clerical thing, but, Myra, it says in the recommended language “with a commercial trip limit for of 1,000 pounds”, and I would just strike the “for”.

DR. DUVAL: It is a good thing we have some English buffs here. **All right, any other discussion on the motion? Any opposition to the motion? Seeing none; that motion stands approved.** We have heard from the public on this. What is your pleasure? Our preferred alternative right now is no action. Does anyone have any inclination to change that? I’m not seeing anybody jumping up and down, so I guess we can move on to Action 6.

MS. BROUWER: Okay, Action 6 would modify the trip limit for the commercial sector for gag. The no action is to leave it at 1,000 pounds gutted weight. The preferred alternative has several subalternatives of which Subalternative 2C is your preferred, and that would be to reduce it to 300 pounds once 75 percent of the commercial ACL is landed.

The analyses are on PDF Page 116 of the main document. Preferred Subalternative 3C was also the recommendation of from the Snapper Grouper AP. As far as the public, most folks did support the step-down, and some of them specified that 300 pounds would be a good one. Others just said, yes, a step-down trip limit is a good idea.

DR. DUVAL: I know there has been a little bit of discussion that I have heard regarding – I will just back up and say that the rationale behind this action was to really allow for folks to bring in gag that they might be encountering and to reduce discards once sort of a directed trip limit was met. In Regulatory Amendment 15, which was recently approved, what we did was we decoupled gag from the shallow water groupers in terms of a closure.

To do that, we applied roughly a 26,000 pound post-quota bycatch mortality to the gag ACL. That action that we took in Regulatory Amendment 15 actually lowered the commercial gag ACL. Now we’re considering an action to presumably reduce discards of gag by applying a step-down that would allow for folks to retain gag that they would be encountering and not necessarily go out there and make a whole trip based on gag.

The question that has come up is, well, if that is the point, why do we need that reduced gag ACL – that reduced 26,000 pounds post-quota bycatch mortality? Shouldn’t we be able to have those fish back? That is just something I’m throwing out there for consideration. I don’t think it is anything that – I’m not sure we can do anything about that now. I just want to make everybody aware that these are concerns that are being raised. Charlie.

MR. PHILLIPS: I think Nick may have the breakdown on when we will actually hit 75 percent. My concern is we're going to have a bycatch, a short 500-pound trip limit of vermillion, then we're going to have reduced step-down on gag, and we're adding bycatch on top of bycatch, stringing bycatches together to try to pull a trip together when a lot of other stuff is still going to be closed, probably like triggerfish and some things like that. I would like for Nick or somebody, if they could, put the dates up there on when that 75 percent is going to be met so we can have a more educated discussion here.

DR. DUVAL: I see Nick has come up to the table, so, Nick, can you please enlighten us?

DR. FARMER: This analysis was performed by my colleague Dr. Michael Larkin in the regional office. Basically, what he did is he looked at gag landings from 2009 through 2012, filled in for catch per trip and expanded out when there were quota closures to come up with kind of baseline for what landings might look like in the future, using 2011 through 2012 landings primarily.

Basically, what he found there was that the current commercial gag ACL of I guess it is 352,940 pounds gutted weight; that would hit 75 percent towards the beginning of August. The Regulatory Amendment 15 proposed ACL reduction to 326,722 pounds gutted weight would hit the hit the 75 percent trip limit at about the end of July – 25th of July based on 2011 landings rate and 28 July based on the 2012 landings rate.

After coming up with those computations, he basically looked at catch-per-trip levels and computed what the remainder of the season would be to come up with the table that you see on the screen in front of you.

DR. CRABTREE: And generally the trip limit step-down to 300 extends the season by a couple of weeks, roughly. At least that is what I'm seeing from the analysis in the document.

DR. FARMER: You would hit the 75 percent trigger towards the end of July, yes; and then based on the analysis, it looks like a 50-pound trip limit would really cut stuff down. A 300-pound trip limit would get you to – it looks like it would be the 19th of October. Basically, you would go from 28 July at 75 percent, and then you would make it all the way to the 19th of October at that point under the 75 percent trigger dropping you down to 300 pounds.

DR. CRABTREE: Well, how does that square with the table we have up there because looking at that it –

DR. DUVAL: That is the table that Nick is referring to.

DR. FARMER: Yes, so you have a 2011 catch rate base and 2012 catch rate base. That is meant to capture the range of uncertainty and what we think landings might look like in the future.

DR. CRABTREE: All right, and then the way this is constructed you could get to a point where 75 percent of the quota is caught in November and then the trip limit would kick in and you wouldn't be able to catch the whole ACL because the trip limit would kick in, right? I mean the

trip limit could kick in on December 20th the way this is set up, so it could kick it even though you're clearly not going to catch the ACL, and it potentially could keep you from reaching the quota, right?

DR. FARMER: Yes, looking at the catch rates from the last four years, it looks like you'd hit the 75 percent trigger some time in late July or early August under all four of those scenarios. Assuming those catch rates remained about the same, I don't that concern would work, but obviously as the stock – you know, if the stock deteriorated or if effort became much lower, then, yes, you could get further into the –

DR. CRABTREE: So it is theoretically possible –

DR. FARMER: Theoretically, yes.

DR. CRABTREE: – but given the performance of the fishery, it is very unlikely that would happen.

DR. FARMER: The stock is in a rebuilding plan so hopefully you would see increased catch rates. The economy seems to be doing a little bit better, so hopefully you'd also see some increases in effort. It seems unlikely that you'd get there anytime within the next couple of years at least.

DR. DUVAL: And so just to let folks know, the table that Nick was referring to where you hit that 75 percent of the ACL, that is actually in Appendix F. It is PDF Page 29 of Appendix F; so you can see that based on either 2009, 2010, 2011, 2012 catch rates what date that 75 percent of the ACL would be projected, and so that is where Nick is getting that 25 July or 28 July dates for when that 75 percent trigger would be met. I just want to make sure people knew where that information was. Ben.

MR. HARTIG: Nick, on the post-quota bycatch mortality estimates that we're using now; will those be reduced based on extending the season in the future based on that 300-pound step-down?

DR. FARMER: I am not sure. In terms of discards, you would assume – I guess as you're reducing the trip limit, the idea would be that if you had less targeted trips going out for gag at that point, assuming it is not as profitable to go out and get gag because you have that trip limit in place, so they're only going to become a bycatch at that point, then you would assume that there would be less discards under that scenario.

Now, if people continue to actively target gag and then had a lot of management-related discards due to that trip limit, then I'm not sure what the impact would be. That is going to have a heavy dependence on fisher behavior, and that is a more difficult thing to predict, but economically you would think, yes, you'd get a reduction in discards.

MS. BROUWER: I was just going to point out that the post-quota bycatch mortality amount was calculated based on taking away the shallow water grouper closure, so I would think that we

would need to see for a couple of years how that shapes out; as Nick pointed out, how it is going to change fishermen behavior and how it is going to affect how gag are targeted. Since that just went into affect a couple of weeks ago, we will have to wait and see now it goes.

MR. PHILLIPS: With Nick's explanation and looking at the difference between the 300-pound bycatch or trip limit, whatever you want to call it, and 500 is very few days, nine days, maybe ten. I am concerned about the vermilion fishermen, especially the bigger boats that work between South Carolina and North Florida. It costs them a lot more money to go fishing.

I am already having people tell me that they can't afford to go fishing for a thousand pounds of vermilion now. The last four trips that my boats have unloaded, vermilion trips, I don't think they have had 200 pounds of gags and scamps for all four trips put together. If they can target 500 pounds of gag and get their 500 pounds of B-liners, they've got a shot at making a profitable trip; but what we have been doing with these trip limits are making trips not economical and not profitable, which is contrary to our visioning goals. **I think we're going to have to come back and look at this after visioning, but for the time being, if we're going to do a step-down, I would make the motion that we change our preferred to 2E.**

DR. DUVAL: There is a motion by Charlie to select as our preferred Subalternative 2E; seconded by Chris. Discussion? Roy.

DR. CRABTREE: Well, if you look in the actual amendment on PDF Pages 118 and 119, the economic analysis, which it seems to me we're doing this I guess for economic reasons, and it basically says, "Artificially lengthening seasons through the use of trip limits can have direct negative economic effects. Trip limit create economic inefficiencies."

Then it goes on at the top of Page 119 to say, "Alternative 1, which is no action, is expected to have the least direct negative economic effects than Subalternatives 2A through 2E, including Preferred Subalternative 2C. In that order it would be expected to have the most to the least direct negative economic effects."

So generally the economic analysis tends to indicate that doing this has negative economic consequences; so I think you're going to need – if you want to go forward with a step-down, you're going to need to explain why – I guess it would mean you disagree with the economic analysis because you're going to do this because you think it has economic benefits, and that extending the season, albeit for not that long, why the benefits of that outweigh the economic losses that could happen.

MR. PHILLIPS: Roy, I 100 percent agree with the analysis. My preferred would be no action. I'm trying to make a compromise and somebody wanted a substitute motion for no action, I would support it, but I was trying to make a reasonable compromise. I don't even think this is going to get us where we need to go between gags and vermilion and some of our other species. I think we definitely need to come back and look at what is economically feasible for fishermen; because if fishermen can't afford to go fishing, the public is going to lose out on getting resource.

If we break these things down into such small trip limits to try to minimize discards, then you have got more and more people going fishing for these little bits instead of just stopping. I think you could actually end up with more discards and less money by trying these step-down trip limits. Again, my preferred economically is not a step-down, but I'm willing to do 500 pounds as a compromise until we can try to come up with some better plan.

MS. BECKWITH: I am sure Jack can speak better to this for North Carolina, but the folks I chatted with felt like they could have a profitable trip on 500 pounds. In fact, some folks had suggested doing a full retention to 500 and that would be enough for some of the folks in North Carolina. I don't know if Jack has got any comments on this, but we certainly don't necessarily need the full thousand pounds to have a profitable trip. I am not sure that is a region-wide issue.

MR. COX: Step-downs are a challenge, there is no doubt about it, when you want to make this a professional fishery. I support the step-downs. I'm all about doing what I can to prevent discards. I think our fishermen are looking for a way to extend the seasons and to be able to fish as year round as possible. I would support the 500, Subalternative 2E, on the gag reduction; but at some point in time – I mean, we do have some 40-foot-plus boats and they need fish.

MR. HARTIG: The economic analysis is one thing; the discard problem is another problem. The fishermen have continually come to us and we have tried to ameliorate the discards. In fact, we were supposed to do that. We're statutorily supposed to reduce discards. The key thing it looks like it is going to happen, based on what we saw from Jack this morning, is the shallow water grouper species are a relatively low catch level so far, so those will be open.

If gag closes, you will have gag discards that we could ameliorate by having some kind of step-down during that time and extending that gag season as long as possible. I think Charlie has convinced me that it is not that much longer of an opening with 500 or 300. I was leaning towards the 300, but 500 I could probably compromise to based on the short amount of extra days you get between those two figures; and the 500 would make it more economical for the larger boats in question.

I still think the step-downs are necessary. I think the public is continuing to beat us over the head with this is what we need. Once we get a number of these step-downs, then you will be able to make a profitable trip on all these pieces of these different fisheries that we try to remain open for the year. I think the step-downs are vitally important to extending our seasons as long as possible.

DR. DUVAL: This is where these ideas came from originally was the public, if we could have some step-downs to try to deal with the discard issue and to still allow people to fish for the species that were open. I understand Charlie's dilemma. Jack said it, trip limits are a tough issue when you have a range of vessel sizes within the fleet.

I think hopefully as part of our visioning process we can – you know, that is exactly the kind of input from the public that we're looking for is some creative solutions. We have tried to responsive and come forward with some of the things that folks have asked for; but if it turns out

that it is going to significantly disadvantage one portion of the fleet, then we need to look for creative solutions that will try to address it for everybody. There is no silver bullet here, folks.

DR. CRABTREE: And I guess just from the logistic point of view I think at 500 pounds you're only gaining a handful of days is at least the way it is explained to me. We would likely put out a notice saying that effective on such and such a date the trip limit will be 500 pounds because we project the trigger will be hit and then the fishery will close on X number of days after that.

I guess we would put it all out at once, but I don't think we would necessarily be able to do a lot more in terms of quota monitoring at that point. At least it may possibly work that way if what – I think, Jack, you said that the 500-pound trip limit extends the fishery by about five days longer than it otherwise would have been?

DR. McGOVERN: The table shows five to seven days.

DR. CRABTREE: Okay, I don't know if it would work that way or not, but that is just one of the things we have to deal with on these triggers.

DR. DUVAL: Are there any other comments around the table before we vote on this motion, which would be to select Subalternative 2E as our preferred. The motion reads change the preferred subalternative to 2E. Anna.

MS. BECKWITH: I feel like part of the reason that we are looking at these trip limits was to not have gag necessarily be the directed fishery when we hit 75 percent. We keep talking about this 500 pounds still making a profitable trip or not; but I don't know, I think that is just a point I wanted to put on the record that the intention of this to me was never to – once we hit the 75 percent was to use it just as kind of a bycatch fishery while they were fishing for other stuff so you didn't have to do all those extra discards.

MR. HARTIG: Jack, what was the difference between – you said we only got a week or seven days out of the 500; how many days do we get out of the 300?

DR. DUVAL: It is like an additional nine days according to the table. It is up on the screen, Ben. So if you have no trip limit, the season will close the beginning of October and you get extra two weeks with the 500-pound trip limit. Roy.

DR. CRABTREE: I do think that if you approve this one, to some extent it addresses the economic issues because the higher the trip limit and the step-down, the less the negative economic impacts of it are. I think given that it doesn't shorten the season that much, it must not be affecting that many trips and so the economic impacts of it would be minimized.

MR. PHILLIPS: I'm just trying to make it where – obviously, we've got regional differences and we've got boat size differences. I really would like to see the bigger boats that have been disadvantaged by the 500-pound vermilion trip limit be able to at least profitable trips. Even when the bycatch is caught and gag is totally closed, I don't know that those big boats can afford to go fishing for 500 pounds. I don't think they can.

They're going to tie up, so let them try to make some money while they can, even if it is another week or so. If they can't afford to go fishing, they can't afford to go fishing. And if it is left to a small boat fleet or a regional fleet, then we will have to approach that on a different amendment. Let's let it be profitable as long as it can and while we can.

MR. HARTIG: Jack, when does your gag season in the fall; when does that start for you?

MR. COX: I have been fishing about two days a week; and within the last couple of weeks, we just started catching about 300 pounds. It has been relatively low. This has been the worse season I have seen in my career for inshore gag fishing. Our last two trips we have averaged about 300 pounds for day-boat trips. Now, I'm talking about in and out the same day. The day-boat guys want the support of the 300 pounds because it is perfect if you're in and out that day. This is hard one because 300, 500 – I certainly want to see the season extended as long as possible. Our fall fishing, to answer your question, has kind of just started.

MR. CONKLIN: I don't really think this is a tough decision at all. As a fisherman and it is just a couple of days, why wouldn't you want to be able to catch 500 pounds instead of 300 pounds, bring more money to the dock? It is kind of an obvious thing from a business standpoint. Would you want to make six trips or three if it is only just a couple of days? It is just up to the user to put some money in his pocket so he doesn't have to go back again.

MR. BOWEN: To Anna's point, when the ACL reaches 75 percent, this was designed under my impression not to have the commercial boats going out to have profitable trips. They were designed to have no discard mortality once the ACL reached 75 percent. The mindset of having a profitable trip is not the way these were designed. They were designed to keep from killing fish.

DR. DUVAL: Well, I think the idea was that other fisheries would be open so that you would be targeting directly other species; but if you encountered some of these, then you could keep them; so from that perspective, yes. The concern that Charlie is voicing is that if we implement step-downs in all of our fisheries, you're going to end up with some of the larger vessels that are going to be disadvantaged because they're not going to be able to piece together a trip from those bycatch amounts.

I'm not trying to put words in your mouth, Charlie. I understand that because I think what Charlie's concern is that at some point you get to a place where a lot of different species are meeting that 75 percent ACL trigger all at the same time, and then you may have a few hundred pounds of this and a few hundred pounds of that. That may work for some of the smaller vessels, but it is not going to work for some of the bigger vessels. That is something that the council is going to have to struggle with on a larger basis. Anna.

MS. BECKWITH: But smaller vessels are disadvantaged by weather oftentimes where the bigger boats aren't. I mean at some point there is always going to be some disadvantage. To me the only thing that makes overall sense is the bigger boats, yes, they have 75 percent of that quota where they are not disadvantaged, but a goal of this council to me has to be to reduce discards. This is one of the ways to do it. I am sorry if the bigger boats are disadvantaged.

Maybe that is the time where the smaller boats get their shot at it when there are other times of the year where the weather is an issue for the smaller boats. I disagree with the 300 and the 500. I think if we were going to go down this route, it should really be sitting at 200 and make it a truly non-directed discard-based trip. That is the direction that we need to be going, in my humble opinion.

MR. CONKLIN: This issue was brought to us by the public, the fishermen, and they requested a step-down so they could make it a little longer and not because they might encounter some gag grouper. The purpose of being in the business and embracing our visioning goal is to be profitable and have a sustainable fishery as well, but we need all the fish we can get as far as from an economic standpoint to turn a profit and make it a viable industry or else we're going to go out of business.

MR. PHILLIPS: Madam Chair, I was just going to call the question.

DR. DUVAL: You're allowed to do that; sorry, Jack. Now is the time to take a vote. **All those in favor of the motion on the screen, please raise your hand, six; all those opposed. The motion carries six to five.** All right, moving on.

MS. BROUWER: Action 7, which is the final action in this amendment, modifies the accountability measure for vermilion snapper. The preferred is Alternative 4 where the payback of a recreational overage would only take place if, first of all, vermilion snapper are overfished; and if the total ACL is exceeded. To clarify that, we added the language that you see highlighted right there under Preferred Alternative 4.

If the total ACL is exceeded due to an overage in the recreational ACL, the amount of the overage would then be deducted from the following year's recreational ACL. This is not an accountability measure that we have currently for any of the snapper grouper species. They're all sector-specific as far as the overages.

This is being modeled a little bit more like what you have done for dolphin wahoo, for example, or the mackerels. Again, we go back to that issue of consistency in your accountability measures. Anyway, that is the preferred alternative. The analyses begin on Page 119 of the draft amendment.

The AP recommended Alternative 4 as their preferred. They saw it sort of as in between – a compromise between Alternative 3 and also with the pay-back provision, so sort of like a safeguard to have that still in there. Most of the comments from the public were in support of Preferred Alternative 4. What I need from you is a motion to approve the edits and then decide what you want to do as far as a preferred.

DR. DUVAL: Can I get a motion from the committee to approve the recommended edits? **Motion by Jessica; seconded by Ben. Any discussion on that? Any opposition? Seeing none; that motion stands approved. The motion reads approve recommended edits to Preferred Alternative 4 under Action 7.**

I actually had a question about the codified text. I think the latest draft that we received; it didn't seem to me like it actually reflected what is in here, but I may be misreading it. Never mind; I was mistaken. It just shows you that I read the codified text, which I'm sure Anik appreciates. Okay, is there any desire on the part of the committee to change your preferred on this particular action? We only require a payback if the total ACL is exceeded and the overage is due to an overage in the recreational sector. Everybody is good with that? Doug.

MR. HAYMANS: Just one comment and that is that I hope that at some point in the future we can get vermilion to look more like black sea bass; get Action 7 to look more like Action 3. I know we can't do it here, but it would be nice to be able to announce the opening and closing well in advance and keep it that way for a set number of years.

DR. DUVAL: I think that is exactly what Roy was advocating for, and this is certainly the first year that we will have had things open in November – you know, our first year without the November through March closure for vermilion, so we can certainly see how catch rates are and look at doing something like that in the future.

I think one of the next motions we're going to need is to approve the amendment for formal secretarial review and approve the codified text as necessary and appropriate and then another one to give the Chair editorial license to make any necessary changes and redeem the codified text. I don't know if we can jam it all into one motion. If someone is willing to make a motion to approve the codified text – Jessica.

MS. McCAWLEY: So moved.

DR. DUVAL: Motion by Jessica; seconded by Charlie. The motion is to approve the codified text for Regulatory Amendment 14 as necessary and appropriate. Is there any discussion? Any objection? Seeing none; that motion stands approved.

We now need a motion to approve Regulatory Amendment 14 for submission to the Secretary of Commerce. Motion by Jessica; seconded by Charlie. Any discussion? Any objection? Seeing none; that motion stands approved.

The last motion we're going to need is to give the Council Chair editorial license to make necessary changes and redeem the codified text as appropriate. Motion by Charlie; seconded by Jessica. Any discussion? Any objection? Seeing none; that motion stands approved. We are through with Regulatory Amendment 14. Good job, Committee.

I did not expect to finish this before lunch, so we are going to go ahead and get started on Amendment 29, which is our ORCS and ABC Control Rule. I believe this is Attachment 4 in your briefing book. Is everybody ready? Okay, I'm going to ask Myra to sort of lead us through it, and John is here to provide guidance as needed.

MS. BROUWER: The decision document for Amendment 29 to the Snapper Grouper Plan would modify the ABC Control Rule to incorporate the methodology that has been recommended by the SSC to arrive at ABCs for unassessed snapper grouper species. At your

June 2013 meeting you received a presentation from Dr. Barbieri on how the SSC had evaluated the ORCS methodology – ORCS refers to Only Reliable Catch Stocks – and how they wish to incorporate and how they recommended that it be recommended as Tier 4 of the ABC Control Rule.

You also told us in June that you wanted council staff to begin development of an amendment to go ahead and make this change to the control rule and adopt the ABCs that would result from applying that methodology for the handful of snapper grouper stocks for which it is applicable. There are going to be some that the SSC recommended not to apply the methodology, and those would remain – the ABCs for those remain as they have been set through the Comprehensive ACL Amendment and through the Decision Tree, which now would constitute Tier 5 of the ABC Control Rule.

We do have an IPT for this amendment. We have not met. This is a decision document based on the limited guidance that we have received from the committee, so there would only be one action. That would be to modify the control rule and change the ABCs based on those modifications.

Your no action alternative has the control rule in a tabular format. It is the same way that it was presented in the Comprehensive ACL Amendment. Alternative 2 is where the change would be made. Basically, it is just what is highlighted in yellow under Level 4 of the control rule. That would be the only thing that would change.

Further down it explains a little bit how this methodology works. The SSC made recommendations beginning with a catch statistic, and then they categorized these stocks based on their risk of overexploitation. Then what the council needs to do – this is where your decision comes in – is to assign a risk-tolerance level, which is the other portion that goes into that equation to calculate the ABCs.

There are various subalternatives for this risk of overexploitation. They have different percentages of risk for the various stocks based on their risk of overexploitation. It is different for the stocks that have a low risk of overexploitation versus moderate and versus moderate high. What we would need the committee to do is to give us guidance on a risk-tolerance level at this point, and then we will have our subalternatives and the corresponding ABCs for that handful of stocks. John, I don't know how well I explained that, but you could go into more detail if needed.

MR. CARMICHAEL: I think you did fine. If there are any questions, I think we should take them, but I think you covered it pretty well.

DR. DUVAL: I have one quick thing. If you can go all the way back up to the background and that first paragraph that is in italics, the last sentence says, "Based on these discussions, the committee recommends that the ORCS method be used for Tier 4 of the ABC Control Rule." I think shouldn't that be "Level 4" and "Level 5" because they have tiers within there that they use for assigning the values for the P-star. I just want to make sure we're not confusing those things.

That is just a minor editorial thing that you guys can fix, so that we're not changing something that we don't really want to change.

MR. CARMICHAEL: You are correct; it is the levels that refers to; and then like Level 1 has multiple tiers, so that is correct.

MR. HARTIG: John, I think it would be appropriate to give just a bit of a review on risk tolerance and how that is derived and what it means and what the numbers mean. From my point of view, it would be great and I'm sure from new council members' perspective it would be great to hear that as well.

MR. CARMICHAEL: The idea that is at work here and the reason there are different levels and such is that the intent is that the council should decide how much risk you're willing to take; what is your risk tolerance. The SSC should provide you what the consequences are of the different risk levels.

You have the risk alternatives that are here and different subalternatives that relate to the scalars, it is a way of saying, for instance, if you at like bar jack where they have said risk of overexploitation is low; how comfortable are you in allowing the ABC that you set to exceed the catch statistic?

If you say, well, if something has a low risk of exploitation, then we're willing to accept some risk in that stock and we could allow potentially higher catches to occur at times before we trigger the consequences. Keep in mind that catches are not a flat line. Catches go up and down, and this is where the risk becomes very important because you expect a certain amount of variability to happen from year to year.

What you're setting here in terms of the ABC is the point at which you say, well, if you go over that, then we could have potential consequences and we could have cause for concern. What we're trying to capture with this is allow some of that natural variability to go on within the bounds at which the council would say, "Okay, when that variability in a given year reaches a certain point, we're concerned."

In the case of a bar jack with a low risk, you might say, well, we're not really concerned until the catches get over, in like Subalternative 2B, 50,000 pounds. Even though the catches may be going on a lot years under that, some years they might reaching that, you're not as concerned. For the moderate ones, you may say, "Well, you know, if the catches get just a little bit above what we have seen, we should be concerned because the rating of this stock is that it is moderate;" so there is a little more chance that exploitation could occur for this stock based on that big list of criteria that the SSC considered.

Those of you that were around, there is a long table of criteria about the stock that the SSC considered to come up with these ratings. Your goal here is now to weigh that; how comfortable are you deviating from that catch statistic for these different stocks given their different criteria?

MS. BECKWITH: I see moderate high; we're not listing any species as high overexploitation, so at what point in the risk tolerance are you guys suggesting the different options. Would that moderate high going to be under the medium or under high?

MR. CARMICHAEL: No, nothing came out as high, but high could occur.

MS. BECKWITH: So I guess my point is when we're looking through these options, Subalternatives 2A through 2D; and we're looking at rock hind and hogfish, if we choose, say, Subalternative 2C, then everything that is in yellow and red would fall under the risk tolerance of 0.75?

MR. CARMICHAEL: Yes, exactly, and one of the ways these alternatives deviate is whether you just apply a risk tolerance that is the same across the board or whether you agree that the risk tolerance should be tied to that risk of overexploitation. I think that is an important point. A lot of times what we have been doing up to this point is just sort of applying some default across-the-board reduction. You know, 75 percent of OFL was discussed at one time for ABC or 75 percent of the third highest, which is something that has been used before.

That is just treating all stocks the same, and these alternatives are allowing you to say, "Yes, I think that my risk between something like scamp and bar jack is different, and I'm willing to allow more range in those landings of, say, bar jack that I am for scamp as a result." I think that is sort of the first decision is do you think it should be an adjustable scale based on the risk of overexploitation; and then if so, what do you think the actual value should be?

DR. DUVAL: And I have asked Myra to bring up – I think in our first version of the decision document, there was this example chart of various risk-tolerance levels that you could apply, and those of us who participated in the ORCS Workshop looked at this. You can see that the various subalternatives that are contained within your decision document reflect these different examples of how you could structure your risk.

MS. BECKWITH: Right, but just for clarification, we would have nothing in this amendment that would fall under that high-risk category, so we're really only choosing a risk tolerance for low and moderate since nothing fell under the high risk.

DR. DUVAL: Yes; however, part of the conversation at the work group level was that maybe we needed a little finer resolution to what we were doing, so we thought that we needed to apply a moderate high categorization. It is not say we couldn't have stocks that were high, but we just didn't.

The example scalars that you see here of like 0.9, 0.8, 0.7, those have been applied to the low, moderate and moderately high stocks. Even though in this example chart you just see low, moderate and high risk, we have applied those example scalars in these subalternatives to low, moderate and moderately high. Was that maybe your confusion? Okay.

MR. CARMICHAEL: I suppose if a concern is a stock is in the future classified as high and you don't address that, maybe something that should be considered is including the high category and how you would handle that.

DR. DUVAL: I think that is a good idea. Gregg.

MR. WAUGH: I was a little confused with this as well. It seems to me there are two steps. One is discussing the scalar value, and that is the same in all the subalternatives. If you look at the table on the bottom of Page 6, that scalar value, that is the recommendation from the SSC; and then they're making what to me is more a biological decision to apply that scalar value to the various species.

I think unless we have a very good reason for going against their recommendation, I think the scalar values, we have to accept those. But then under the subalternatives, the next step is to pick your risk tolerance. Under Subalternative 2A, you're using 0.75 times the catch statistics and scalar for all categories; low, moderate and high risk.

Then for 2B you're using the same 0.75 risk level but only for low and moderate risk, and you're being more conservative by using a 0.5 risk level and it should be moderately high risk level. Then Alternative C, you're changing your risk level to say 0.9 for stocks with low risk, so you're being less conservation, and 0.75 for stocks with moderate risk and again more conservative of 0.5 for high risk. Then in D you're using a 0.9 for low, 0.8 for moderate and 0.7 for moderately high. I think if you separate it into two steps, I think it makes it a little more clear.

DR. DUVAL: Well, I might have added to the confusion because I used the term "scalar" to also refer to the risk-tolerance number that is being applied to what the SSC has come up with. I think in the ORCS documentation they also used the term "scalar" to describe that risk-tolerance number that you're using. Maybe we just need to use a slightly different term so that it is clear to the public what we're talking about.

MR. CARMICHAEL: That is true and that is one of the issues. As Gregg said, the scalars, that is coming out of the SSC and they're recommending that. That is where the high would come in. The scalar on a stock with high risk of exploitation may be one with very high; it could be 0.75 where you would actually start at a point where you're below your catch statistic if you were very concerned about that stock.

In that case you would be thinking, you know, I think that the current level of landings is causing a problem. You see by all of these stocks with scalars recommended by the SSC in that scalar column above 1, they're saying I don't think that level of landings that the scalar is applied to is causing a stock problem, so they're comfortable in allowing you to set your limits up a little bit from that.

DR. DUVAL: I just want to ask a couple of quick questions. Contained within here there is also the list of species for which the SSC did not feel that the ORCS Workgroup, in conjunction with the SSC, did not feel that this approach was appropriate because there were concerns about the actual reliability of even just the catch numbers. I just want to draw folks' attention to that. But

then also there are a number of species in these tables like blueline tilefish, hogfish, scamp, gray triggerfish that are all up for or going through the assessment process; so would we pull those stocks out of this table?

MR. CARMICHAEL: I presume that would be up to you. Some of those will be several years before they're done, so I think it is up to the council to decide whether you would maintain your status quo for something like blueline, which you are going to get the assessment of it soon, or whether you'd put this in place so that you have something while you're dealing with blueline. Now, blueline is a little bit different because the assessment is so close. By the time you're doing this, you will be getting the assessment results from blueline and you may want to just take one action on blueline as opposed to taking one and then taking another one in six months.

MS. McCAWLEY: Based on what Gregg said, I was wondering if you would like to entertain a motion that scalar scheme that had the risk of overexploitation on the bottom of Page 6, which was the low scalar value 2; moderate low, 1.75 – if you would like a motion to approve that?

DR. DUVAL: Would that be appropriate, John; do you feel that is necessary?

MR. CARMICHAEL: I think however you guys handle it; if you want to take it step by step to make the discussion easier, I think that's fine.

MS. McCAWLEY: **Okay, I make a motion that we approve the scalar scheme table for the risk of overexploitation with the low has a scalar of 2; moderate low, 1.75; moderate, 1.5; and moderate high, 1.25.**

DR. DUVAL: Motion by Jessica; seconded by Ben. Discussion? Mel.

MR. BELL: I got a little confused because sometimes in the description of the table the word “high” was used, but then Gregg said that was “moderate high”. There is no such thing as “high” at the moment and no scalar value for high? High is moderate high?

MR. CARMICHAEL: The general ORCS approach had low, moderate and high; and because so many stocks came out in the moderate category, the SSC thought some greater resolution would be there. Rather than having all of those stocks, which is three-quarters or 90 percent of what you see before you, all getting, say, a scalar of 1.5, there they felt there was actually, with the information they had, a finer breakout that could be done; so they split that scalar up into 1.7, 1.5 and 1.25.

Now, in the overall ORCS approach, there is the possibility that something gets a high risk. The SSC could review this, apply new stocks, you could bring in another stock, something could change, what have you, down the road where they could look at these stocks again and say, “Oh, this stock scaled out as high.”

One possibility is then that would leave that kind of an open question for how you respond, and maybe that's okay; because if you have a stock with a high risk, you may want to consider that differently than your risk tolerance and everything else than you are with these stocks which fall

in the low to moderate range, anyway. I think it is okay, but just understand there is the possibility they could recommend something come out in high, and you won't have an action that says this is the scalar and this is our risk tolerance.

MR. HARTIG: And also, John, you talked about the SSC changing things. I mean, we wanted to bring this to the AP as well, because, yes, we had some fishing representative AP members at that, but they weren't represented throughout the entire region. In order to get these levels correct through the entire region, you need to bounce that off the AP. I think that is the next critical step to take as we evolve through this process of setting these numbers.

DR. DUVAL: I absolutely agree with that. David.

MR. CUPKA: I don't see a problem with not having a scalar for high; because I'm assuming if the SSC recommends something as high, they're also going to recommend a scalar to go along with that, just like they did for these.

MR. BOWEN: Just for some clarification, the far-right column to the species; that was the ABC that was set in Regulatory Amendment 13? Just out of a pretty quick glance, it seems to me that most if not all of the species with this new method, the ABC is more.

MR. CUPKA: Because the scalar is always above 1;, so by the time you multiply the catch statistics by the scalar and then reduce it by 75 percent, it is still going to be more than what the ABC value is that came out of the ACL Amendment. If the scalar was below 1, then it could be a different story.

MR. CARMICHAEL: Zack, there is another thing that is at work here, and it is described there under the catch statistic slightly. They don't address that in detail, but the catch statistic that was used in Amendment 13, whatever, was the third highest. Those ABCs are recommended on the third highest; and what they're recommending now is that first you start with the maximum observed and then you scale from that.

So not only do you have the scalar, you actually have a different value from the catch time series that you're going to be using. What is in 13B, by using the third highest, it is saying there is concern for this stock if the landing reaches the highest we have observed and that we want to back down a little bit. That is close to using like the 75th percentile over the ten-year period that they looked at.

If you imagine you have this going down, you're bringing the limit down a little bit where you're leaving the three highest peaks and saying we don't want those to happen. What this is doing is saying I'm putting the limit up here somewhere so that my variability can continue as it has been continuing for time. In some of these I might even say, you know, if the landings go up a little bit above what I have observed over 1999 and 2007, I am comfortable with that and not concerned.

MR. BOWEN: Thank you; that clarifies a lot with knowing it was the third highest.

MR. BELL: I was just getting hung up over the tables where it uses “high”, so high is really moderate high wherever it says “high”.

MR. WAUGH: And to Zack’s point, if you look at Subalternatives 2B and 2C where you’re applying 0.5 times the catch statistic in a scalar, you come out with ABCs that are below what is in Regulation Amendment 13, so they’re not all always higher. For instance, gray triggerfish in Alternative 2B, the current ABC is 626,518 pounds; that would drop down to 512,143 pounds, because you’re being more conservative for those stocks with a moderate high, and you’re saying you’re going to do 0.5 times those.

DR. DUVAL: We do have a motion on the floor; I just want to remind folks. **The motion is to approve the recommended scalar scheme for risk of overexploitation. Any other discussion on this motion? Any objection? Seeing none; that motion stands approved.** Anna, do you have something?

MS. BECKWITH: I was going to move that we make Subalternative 2D our preferred.

DR. DUVAL: **There is a motion to select Subalternative 2D as the preferred, and that would establish the 0.9 multiplier for the low-risk stocks; 0.8 for the moderate-risk stocks; and 0.7 for the moderately high risk stocks; seconded by Doug.** Discussion? Jessica.

MS. McCAWLEY: Based on a comment that Ben made earlier, just a question – and forgive me, I missed the past couple meeting – so the list of species that have been applied to the low and the species that have given the moderate and moderate high; is that something that was already passed earlier, is that something the public is going to be commenting on, how did those species get matched up with those designations?

DR. DUVAL: I am going to let John answer that. Basically the SSC, but it is a little more complicated.

MR. CARMICHAEL: It did; it is the recommendations of the SSC, and that was mainly the outcome of the first ORCS Workshop that was held. They went through fishery characteristics, life history characteristics. There were a couple of ecosystem considerations. There were a number of groups, and they divided up and they determined the criteria that they had used to rank all the stocks.

They then scored this bunch of criteria and came up with a cumulative score overall to come up with a way of ranking the level of risk. It is built on a table that was termed the “Methot Table”, and it was in the ORCS Workshop. It just talked about looking at different characteristics about the stock in the fishery and the ecosystem to try and say where you think this particular species falls.

That is where Ben mentioned the advisors being involved, and the AP representatives were involved on the groups and contributed to the scoring. It is something that maybe isn’t necessarily static as well. We could learn something about the life history of a species which might lead us to change some of these down the road. I think, as Ben alluded to, the interaction

between both the APs and the SSCs in keeping up with these from year to year would be very good.

MS. McCAWLEY: So, we don't need to, as a committee, approve those match-ups or anything. We just take it – okay.

MS. SMIT-BRUNELLO: Just a quick question; I think, Anna, you made a motion for a preferred alternative. Myra or maybe someone could tell me what the schedule is for this amendment, because you don't have any analysis in front of you in terms economics, all those sorts of things that you would usually have before you hopefully would choose a preferred alternative. You don't have to choose a preferred alternative now. In fact, I'm not sure on which basis you would be doing that without maybe some more analysis in the document. Myra, maybe you would tell me where we go from here in terms of the timeline.

MS. BROUWER: Yes, thanks for bringing that up, Monica. I was thinking along the same lines. This is sort of at the options paper state. This decision document was put together very quickly, as I said, early on, based on the very limited guidance that we received from the committee in June.

The reason we were sort of hoping to get this done quickly is, as Zack pointed out, a lot of the ABCs would increase, and so that would definitely be something that the council may want to see happen sooner rather than later. You would approve this amendment for public hearings at the December meeting, and so public hearing will be held during our regular rounds at the end of January or early February. The other thing that could put a bit of a wrench in that is if this ends up being an EIS, which we also don't know yet, then we would have to do scoping before we do public hearings. We won't know that until some of the analyses have begun.

MS. SMIT-BRUNELLO: So, Myra, the document will come back before the council in December with additional analyses and discussion put into it?

MS. BROUWER: Correct.

MS. BECKWITH: If it so pleases Monica, I will be happy to withdraw my motion.

MR. WAUGH: I think to me what you all are doing here is you're basing this decision on the level of risk, and the analysis you will have before shows you what your ABC would be relative to the current ABC. Now, certainly, you don't have economic analyses, but basically multiply that times the price.

I think here you're talking about how much risk; and to me the council has the information here to pick a preferred so that we can go out to the public and have the document ready for the December meeting. To me you have the analysis to make a decision to the level on of risk. I think in terms of looking at preferred alternative for 2D, you would have to ask yourself are you comfortable for species with a moderately high risk of overexploitation.

Basically, with a scalar you're increasing the catch statistics by 25 percent; and then with your risk level of 0.7 for high risk, you're lowering it by 30 percent. Is that how conservative – are you comfortable with that level of risk for species that have a moderately high risk of overexploitation?

MR. PHILLIPS: A lot of work went into this and I was there along with Ben and Michelle. Do we have a schedule or a thought on when we're going to look at this species for changes; or if we see a change, just bring it back? Is there some kind of thought about the methodology of that?

MR. CARMICHAEL: Perhaps not yet, but I think it would be useful and certainly within your right to say let's look at this every X years; not every year, that is probably more than we handle and research doesn't occur that fast, but maybe somewhere three and five it should be reviewed by the appropriate APs and the SSC just to see if there is anything that has come up or has anything emerged about a stock that would give us concern.

Certainly, if we looked at bar jack and the landings suddenly started to drop way down, that is usually a sign of concern unless we know that something was going on to cause that. So, yes, I think that would be very good maybe to include in this some recommendations to look at it down the road.

DR. CRABTREE: Well, only to say that but when you're deciding how much risk you're willing to accept, it seems to me that is a pretty complicated decision, and you would want to understand what the economic implications of deciding to be more risk averse or less risk averse are so you know how that is going to affect the fishery. It just seems like to me you would want a pretty good analysis of all this to make that determination.

MR. BOWEN: I agree totally, Dr. Crabtree. Along with that I would like to see some landings' history for these species to see how the landings correlate with what kind of ABCs we're putting up on these charts.

MR. HAYMANS: I think mine was more of a matter of a point of order. We have the motion withdrawn by the maker but not by the seconder. Does it need to be withdrawn by the seconder as well?

DR. DUVAL: Well, actually it needs to be withdrawn by the committee because there has been a significant amount of discussion, so there needs to be agreement from everyone on the committee that it would be withdrawn. Is there general agreement around the table that everyone is okay with withdrawing this motion? Doug is shaking his head no; you're not okay?

MR. HAYMANS: **No, I was comfortable with the amount of risk that was presented in Subalternative 2D, which is why I seconded it, but if the feeling of the committee is to withdraw it, then withdraw it. I was okay with going with 2D.**

DR. DUVAL: **But are you okay with withdrawing it, that's the key piece, because you are the seconder?**

MR. HAYMANS: If I'm outvoted – okay, yes. The point is does it have to be unanimous to withdraw the motion? If it is not, then we vote. So, no, I'm not okay, but it is okay.

DR. DUVAL: All right, great, good answer. John.

MR. CARMICHAEL: Just to the question, Zack, that you had asked there about the landings' streams; one thing to keep in mind is you notice the catch statistic is the same in all of these alternatives, all four, A, B, C, D. All four tables, the catch statistic is the same. That is the maximum catch from 1999 to 2007.

So if you want to get a sense of how much each of these alternatives allows that ABC to deviate from the peak over that ten years, look at the difference between those; and so in the case of bar jack the maximum observed over that time was 34,000 pounds, and this is saying that the ABC could be set at 62, which says a considerably higher peak on bar jack is really not necessarily going to cause concern. You go down to something like hogfish, you see that they're a little bit closer there.

MR. HARTIG: Yes, some species' landings give no indication of productivity of the stocks. That is the key issue, and that is why we have to go to the AP and get that kind of information and then take that back to the SSC and then figure out what to do with those animals. Bar jack I think is one of them; and then when you get down to banded rudderfish and almacos and that other group of species we're not looking at right now, those are species that we have to talk through with the SSC and figure out how we deal with catch levels for those species.

MR. HAYMANS: And just another example of the species in 2D was spadefish. They will jump in from 189 to 812. When I look back at the landings for 2012, we were at 187,000 pounds. When you look back at the historical, I guess it was 27,000 or something, I don't think that is a factor of the abundance so much as for Atlantic spadefish that is what the market can bear.

DR. DUVAL: Good points. Is there other discussion or suggestions? Anna.

MS. BECKWITH: Well, to John's point on hogfish, I actually agree that potential increase in hogfish may be too much and maybe we do need to have a high category and some information in the high category so the council can potentially make a choice to shift one of these species instead of a moderate high into a high and treat accordingly.

MR. CARMICHAEL: I guess one concern there would be to have the council decide the risk of overexploitation as potentially having the council get into what was considered a very scientific decision, which was to weigh all those criteria. That is where I think the risk could come in there.

MS. McCAWLEY: I'm just trying to figure out what exactly you're looking for in the document. For example, do we need to make a recommendation to remove blueline tilefish because the assessment is coming and also do we need to – if we want this revisited every two or three years, do we need to give direction to the staff to – how do you want to do this?

DR. DUVAL: I think it would be great to get at least some direction from the committee to staff regarding things like frequency of review – Zack has indicated that he would like to see some landings' information I think with the caveats that landings are not always indicative of productivity – and then probably I think direction to staff to remove at least blueline tilefish just because that assessment is so frequent. Jessica.

MS. McCAWLEY: I don't know if you need that in the form of a motion, but I would like to see blueline tilefish removed since we have that assessment coming, and I think we're going to get that faster than this is going to get completed. I would also like to see – I will just throw out a review of every three years.

DR. DUVAL: If you would like to make that in the form of a motion, that would be to remove blueline tilefish from Amendment 29 and include a three-year review provision for the species contained in the amendment or for the ORCS species; something along those lines.

MS. McCAWLEY: Yes.

DR. DUVAL: There is a motion by Jessica; seconded by Charlie. Is there any discussion on this? I don't know if there is any other specific direction that, Myra, you and/or John feel like you guys would need at this point. Ben.

MR. HARTIG: My only thing about this is if we set this timing in stone, where do we bring the AP in? This is something that is evolving right now. Once we have the AP set and get their input and then take it back to the SSC, then I think we can go on a longer timeframe, but right now we haven't made one of the steps we need to move forward.

DR. DUVAL: There is from our previous motion at the last meeting that we intend to include in the amendment a process whereby the advisory panels would provide feedback on the ABCs and the ACLs.

MR. CARMICHAEL: Ben, it sounds like you want them to review what you have here in this document and particularly the risk of overexploitation assignments.

MR. HARTIG: Yes, that's true, that is exactly right.

MR. CARMICHAEL: So, what you're talking about there is the outcomes from the first ORCS Workshop and that they should have an agenda topic to deal with all of that.

MR. HARTIG: And could that be accomplished at the next AP meeting, Myra? I see a yes; that's a good thing.

DR. DUVAL: That was one of the bulleted items Myra had for us under committee action was further guidance on the process to incorporate that advisory panel, so maybe we can vote on this motion; and then if we feel like we need another motion to do that, do so.

Is there any other discussion on the motion that is on the screen? **The motion reads remove blueline tilefish from Amendment 29 and include a three-year review provision for the ORCS species in the amendment.** Charlie.

MR. PHILLIPS: Okay, we set this up with whichever subalternative we end up with, the AP comes back and said they're worried about spadefish. The ABC risk tolerance will be set. If in between these review periods of three years; would we have the opportunity to put an ACT in if we were worried about one specific species or would we just wait for the three-year period to elapse and then move it in another category? How would we do that?

DR. DUVAL: That is a great question. I think you could set this up so that you have a minimum required review period of no – these would be reviewed at a minimum every three years, but I think the council could probably include a provision that a review could occur sooner at the request of the council. Would that solve that issue? Jessica.

MS. McCAWLEY: Was that a friendly amendment for that motion?

DR. DUVAL: I think that can just be guidance for how that provision is written up.

MS. McCAWLEY: We talked earlier about hogfish and we have a hogfish assessment coming. I don't know if that is coming as fast as the blueline tilefish and we need to remove hogfish also. Maybe John could speak to that.

MR. CARMICHAEL: I think hogfish is about a year out, so you could remove hogfish or leave it in there. I think that is one the council can definitely decide maybe the risk question, see how much difference you might end up or whether or not – you'd probably end up with the timing of this and going to hearings and stuff; it may be a six-month period or something of some change that came out of this before you might be looking at hogfish again. That is one I think the council can probably be justified in leaving behind for the time being.

DR. DUVAL: Do you want to make a motion to exclude hogfish from this as well? Let's dispense with this motion first. **Is there any other discussion on this motion? Any objection? Seeing none; that motion stands approved.** I just wonder because some of these assessments – some of these species are in the assessment loop and some are being kicked down. I don't know if there is a way to include a process whereby when a species is assessed, that it is automatically removed from this list.

MR. CARMICHAEL: Well, in a way that is what would happen. If you look at your ABC Control Rule holistically, as things get assessed and as they move up in the levels, then the SSC would base its recommendation on the most appropriate information and methodology they have available at the time.

If hogfish were left in here, then when they got the new information, they would make a new SSC ABC recommendation, as they should, based on the information they have at that time. That should sort of be self-adjusting over time and eventually a lot of these stocks may elevate themselves to some other more robust analysis.

DR. DUVAL: Okay, we're already got a system in place for that, but we like to talk about everything here.

MR. CARMICHAEL: It is good to make sure.

DR. DUVAL: Myra has another point.

MS. BROUWER: The other issue in this amendment is gray triggerfish. As John explained to you yesterday, there are issues with the assessment and it is going to be a while before one is completed. You had discussed about management measures for gray triggerfish potentially being included in Regulatory Amendment 14.

They were taken out for scoping; and then we decided since the assessment was being conducted, that you wanted to take them out, so we took them out. I would just recommend that you consider if you're going to put in management measures in the interim, we are hearing from a lot of fishermen that something needs to be done about gray triggerfish, and there is nothing that keeps you from – there is nothing that says you have to wait for the amendment before you put in any kind of management measures. If you wanted to go ahead and do that, we could do that in this amendment as well.

DR. DUVAL: And that is a great idea. I know that I'm hearing from folks that there is a lot of triggerfish being thrown back right now because vermilion is open and that something like a split season co-occurring with vermilion would be a good thing. What is the pleasure of the committee? The previous actions that we removed had to do with the measurement method and then also the minimum size limit for triggerfish that were originally in Regulatory Amendment 14, and we took those out. Jessica.

MS. McCAWLEY: Well, I certainly would like to see the measurement added in as soon as possible because that creates a problem in Florida since we are measuring it to the fork, and I believe that the council is still measuring to total length. I would like to see that come sooner rather than later.

DR. DUVAL: I am going to suggest that maybe we sort of chew on this over lunch and then come back. It is almost 12:15 and folks can think about what you might want to include in here on triggerfish and then a little bit more guidance to staff I think on the review process for inclusion of the APs.

There is another bullet point here; I know Doug has brought this up a number of times about reconfiguring the Jacks Complex. If we're going to go out with an amendment, this may be a good place to consider that. So, some things for folks to think about over lunch. Let's go ahead and recess for lunch and come back at 1:45.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Blue Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Tuesday afternoon, September 17, 2013, and was called to order at 1:45 o'clock p.m. by Chairman Michelle Duval.

DR. DUVAL: Just to remind everybody where we left off, we were almost at the end of our discussion of Amendment 29, and there were a few things that I hope folks took a chance to think about over lunch. The first thing is we have indicated our desire to include the advisory panels in this process to review the ABCs that would be set through here.

I think staff would appreciate just a little bit more guidance on exactly how we intend to do that. I think this is still in draft form right now that this coming November the advisory panel has opportunity to include this on their agenda and see it, which is sort of what we normally do for all of our amendments when they're in draft form.

I guess perhaps some additional direction with regard to down the road should – when we review the list of species that are included in this amendment and happen to make any changes, we want to make sure that the AP is included in there. Myra, we're not going to be able to write something here on the fly; but maybe some direction to staff to include some draft language indicating that whether it is during the minimal three-year review process or if the council requests a review and update of the species in this amendment sooner than that, that the advisory panel be included and have the opportunity to review those changes. Would that make sense? I would assume that this might be precipitated by the council, but I would assume that we would also want SSC review as well if we wanted some updating, so we would need to include both of those bodies in this.

MS. BROUWER: Yes, that would be fine. We always engage the AP with every amendment. I guess what I was looking for was a little bit – if you had specific questions or if you needed input for a particular species. If you had things that you want to ask your AP that I could for them to look at in November, then please let me know.

When we talked about this in June, you just said we need to engage the AP and this and that; but without any specific questions, what I usually do is just walk through the amendment like I'm doing with you now and then ask the AP for their recommendation. If there are specifics that you would like for them to comment, then that would be really helpful for me to bring that to them in November. Just so you know, they're scheduled to meet November 19th and 20th of this year.

DR. DUVAL: I think one of the things – and this gets back to some of our earlier discussion – is that landings are not always reflective of productivity, as Ben noted. I think spadefish was a good example that maybe all the market can bear is 150,000 pounds of spadefish, but that doesn't necessarily reflect the productivity of the stock, and it is good to have that sort of on-the-water kind of gut check for some of these species when we go to modify that process. David.

MR. CUPKA: Yes, and that's exactly why we included the AP I think in this ORCS Workshop Process is to get that kind of input, and it was taken into account with the process we went through, which was a very good process to begin with. We have gone through that for those species now and we have come up with these rankings and whatnot; and it seems to me if we want them to review it, that they would go back through that process and consider those same characteristics we looked at before and see if any of them have changed.

All that was taken into account as part of the process and that is exactly why we wanted the fishermen involved to give us that qualitative estimate of what was going on in terms of catches and productivity and how numerous they were and that sort of thing. It seems to me we have a process.

We have used it one time to go through there; and if we want to review those at some point, it seems to me we would want to go back through kind of that same process so we're comparing apples with apples. If according to them some things have changed in the way the fishery is prosecuted or things they have seen going on and then those ranking might come out different, then you'd have a different scalar and you would apply the council's risk value to that.

I think we have already got the process and we have used it once; and I'm assuming we'd use a similar process to review these if we felt like there was a need to do that or if they brought it to our attention that there was a need to go back and look at some of those things.

DR. DUVAL: I wonder if we're talking slightly two different things here. It sounds like you're referring to should we choose to either at a three-year review timeframe or sooner want to review the stocks that are in there, that we have laid out this process that we followed through the ORCS Workshops with the SSC, that we would go back through that entire process.

I think what I am referring more – and I don't disagree with that all. I think what I'm referring more to here is what kind of review we want from our advisory panel. Even though we included advisory panel chairs in the process we went through, it was not – they didn't represent the whole geographic range of the stock, which is why we thought we would bring it before the advisory panel.

I think it is important for the AP to kind of understand the process that we went through to arrive at those conclusions, but I don't know maybe John has some thoughts on like an ORCS Primer that the AP could have. We have presented this idea to them previously in April, wasn't it?

MR. CARMICHAEL: Yes, I know that we have talked about it. One thing I guess to keep in mind is that when the SSC and the chairs went over this, it took a couple of days. I guess my initial concern would be say if you want to say AP and whether it is now or in three years is the question, but to go back through all of those criteria and look at that, you're talking about a pretty good time commitment potentially.

I think maybe what they should look at now is this document that we have and the categorization that is in the ORCS Report that summarizes for the different areas that were considered how each stock fell out and see if they have comment. We have already gone through that and we have the SSC recommendation.

Then in the future if they want to look at all the criteria in a bit more detail and recommend things, we need to make sure that things occur in the proper order between the AP and the SSC because I think it is supposed to be a fairly technical question as to how these stocks are ranked in terms of their exploitation risk.

MR. CUPKA: You're right, yes, we did just have the chairmen of the APs there; but for something like this, I don't why we couldn't involve the whole AP. I think one reason it took this long was because it was the first time we did that; and, secondly, because we went through every species. If we need to take a look at something, I'm assuming we wouldn't redo all the species.

We would look at the particular species that they were concerned about. Now, that is a little bit different from I guess reviewing the whole thing again. It seems to me that they may come up with some specific species that they want to look at, and I don't think it would take as long. We do need to get that input somehow and it may be more than just the chairs, too.

Obviously, it would be good to get the whole AP representing the whole geographic range and different sectors that are represented on the AP. I don't know that it would take as long if you use that approach; but just for a review of the whole thing, it would probably take a while. I don't think it would take quite as long as it did the first time, but I'm here again assuming it is just for looking at specific species.

MR. HARTIG: I agree with David. I understand, yes, you want to take it to the AP and you want to get a review, but I think to get this right, to make it work the way – I have been involved in it and see it work for the future. I need the AP needs to go through the same process that David reiterated. We need to do the same thing for the AP.

Now, it was a long process that we did, but there were a lot of decisions, John, we had to make going through that and a lot of conversation about and why we were doing things. I think those decisions are made now, so I think the AP could probably get through this a lot quicker.

David alluded to that as well, that they could get through each species. My comfort would be much better if we let them go through the same process that we did and then see what they come with and see what comes out of their deliberations.

DR. DUVAL: Is that what you want included in this amendment as a process that we envision to incorporate input from the AP?

MR. HARTIG: Do you mean for the future or for this amendment? For this amendment I believe we need to have the AP go through these to make we have the numbers right going forward.

DR. DUVAL: So paraphrasing Ben, we would need the AP, at their, say, November meeting, provided there was enough time on the agenda to go through this whole process that we went through and review the numbers. We probably spent a total of three days and it was two separate time periods that we engaged in this.

MR. HARTIG: I was there so I know.

DR. DUVAL: I know and that is why I'm reminding you of that extra day. Okay, I think that brings into mind a question of timing on this amendment. Staff had indicated that perhaps we

could come back to the council in December with a draft that would be ready for review and potentially approval if we held a public hearing at the December meeting, but I'm not sure if we include that kind of review process at the AP level – that is just two weeks before the council meeting; two and a half weeks before the council meeting. I am not sure this would be ready for pulling the final trigger in December, but I would look for input from Myra and others on that.

MS. BROUWER: My fear would be that we have gone ahead and scheduled the Snapper Grouper AP meeting just for the two days, and Amendment 29 is just one of the many things that they're going to have to take care of. They're going to have to talk about the Recreational Tag Program Amendment and go over the stock assessment bluefin tilefish and all these things.

It is definitely not going to be completed to the level that I hear you're requesting or suggesting that it be done. That would certainly cause delays in the proposed timing for this amendment, which is what I have up on the screen right now. If that is the direction you would like to suggest, then we would probably need to alter this timing and then public hearings would either have to be done later in the spring or in August of next year.

MR. HARTIG: What do we give up by extending the time? What are we losing?

DR. DUVAL: I don't think you are necessarily losing anything. Things stay at status quo, the way they are right now. Many of these species would have higher ACLs if this amendment went through sooner, so I think that is the one thing that staff was looking at. I think it would be good – I just want to make sure folks see that timeline that is on the screen.

If it is an EIS, there would be a scoping webinar in November, potentially – this is something we're going to discuss I think in Executive Finance – and then a draft amendment for review in December, public hearings in January and then approval of actions in March and approve for formal review in June. Incorporating this additional step, I guess I'm anticipating that we probably would schedule this for an April review then by the AP, maybe.

MR. CARMICHAEL: You know, you're dealing with the SSC recommendations on this. If the AP were to, say, change some of these species which change their scalar, I think you're going to have to go back to the SSC, which would be you would be going back to the SSC in April. You could be kicking this thing down quite far.

I guess I'm just wondering if like say the Snapper Grouper AP, when we discuss this in April, if we showed the general characteristics of stocks and nobody raised any questions about any of those, then maybe we're good for a starting point; and we should focus on doing the detailed type review a couple years out when we can dedicate the time that it is going to take and give them a full day to go through that table with like, I don't know, 15 or 20 different characteristics that are on there.

I just think with a group of advisors who aren't as familiar with this, it is going to take them a while to go through all of those traits and to look at things like the group did about trends of data and everything else that is in there – I think it will take time. It seems like if we go and try to do that now, considering that we have been working on this for a couple years, going back to the

SSC and holding two ORCS Workshops, we're going to kick this probably quite a bit more down the road.

DR. DUVAL: It is a balance, really, of getting the input that we're looking for from the advisory panel to span the geographic range that we're dealing with, but also at the same time not getting ourselves in some kind of do-loop and having to run back around to the SSC again. Zack.

MR. BOWEN: I just wanted to reiterate that the AP went through a very similar document back in April. I was there. I was on the AP and I remember specifically us going through this. The chair of the AP I think is present, but I don't remember any specific questions that were raised at that time. I just wanted to make everybody was aware of that instead of, as John said, kick the can down the road. I'm not sure that is the right thing to do, either.

MR. PHILLIPS: I'm pretty satisfied. I mean we did a lot of work on this, Ben and you and the rest of us that were there. There was a lot of work that went into this. I think it is more than good enough to go forward with at this point. I think we gain more by going forward with it than what we might possibly gain by delaying it. My recommendation would be to go ahead.

DR. DUVAL: Okay, Myra is going to go check and see if Robert was around and maybe wanted to come to the mike and say a few words. If that is the route we choose to go, we would include this on the AP's agenda for November, but it would be a review of what the potential outcomes might be as determined by which risk level the council chooses and review how those numbers fall out.

But down the road, during a three-year review or a review that is instigated sooner by the council, we would incorporate the AP into that full review process, because presumably we would be going back through that same kind of cycle, looking at the attributes and making decisions that way. That is what I'm hearing from Ben and the chairman. Does that sound okay?

If that is good with you guys, I think we can give direction to staff that is the direction we want to take, which would be for the November Advisory Panel Meeting provide the draft amendment and allow the AP to review what the results of the various risk-tolerance approaches would be and take a look at those numbers, provide us their input, provide us with thoughts that they have on the productivity of these species and any –

MR. CARMICHAEL: And the ORCS Report.

DR. DUVAL: Right.

MR. CARMICHAEL: And also give them the ORCS Report which lists for the different categories that were scored; how each stock came out so they can sign off at that level basically.

DR. DUVAL: Right, that would background information; but then for the future, so three years down the road or if two years down the road the council decides that we need to revisit this list of

species, then incorporate the AP into that lengthier process of actually going through and doing the scoring and things like that. Ben.

MR. HARTIG: Well, what if, John, at the AP, you can come and give the presentation on how it was all done, the AP looks at it, and then said, "Here, we'd like you to review this." Okay, at the end of the review, does the AP feel comfortable going forward with the numbers we have now or would the AP want to actually participate in the process before these numbers go forward? Kind of let the AP make the decision going forward of whether or not this is what we use or we go ahead and reconvene the AP when we can to go through this process in a two-day or a three-day event.

MR. CARMICHAEL: Yes, I kind of think that is what we're saying is to show what is in the ORCS Report, which is a little more detailed than the single value per species that you see in the amendment. The ORCS Report shows the values, the high, medium, low, for a range of characteristics. There are four or five in there that they look at.

I think have them look at that – and I was trying to recall if that is what we did in April because we did talk about ORCS the last time the AP met, so that's where I guess I was coming up with the idea that I thought they were satisfied with these initial rankings of these species and why we were okay to move ahead.

DR. DUVAL: Robert Johnson, the chair of our AP, is coming forward. That is what Zack indicated was that we did go through this exercise in April, and I guess maybe the committee is looking for some assurance from the chairman that folks understood and were comfortable with that. I think certainly if this comes before the AP in November, that the ORCS Report would be provided as background and, John, presumably you would be able to be there and at least provide some comment on that.

MR. JOHNSON: Yes, Luiz talked with us about this well, so the AP has heard of this methodology and gone through this. I think they're pretty comfortable with it.

MR. BELL: I was just going to say I was there, and Luiz spent a lot of time on it and went into exactly how it worked and they asked questions. Actually, he spent a lot more time on it than we did today as far as getting into the weeds of some of it. They seemed pretty comfortable with it, and I felt pretty comfortable with it.

I will say today that kind of looking at the exact numbers like with spadefish, that kind of just set a little bell off in my head just related to I can't imagine going that high; but other than that, I thought he went through a – I don't know what else he would do differently this time if he did it again, I guess.

DR. DUVAL: Ben, does that give you a little more comfort in terms of – I think this is sort of the first go-around, so the process is maybe slightly different than what it would be during subsequent reviews when we would be considering the entire list of species that perhaps this would apply to and including, well, maybe not just the Snapper Grouper AP but any other APs

for whom species are being considered for this approach. We would want to incorporate them into that process as well.

MR. HARTIG: It is just as we went through these species, I saw significant places where changes could have been made with the full range of the AP's knowledge. Now, having said that, were they major species? Some of them, no; so how much difference it is going to make – and John in a sidebar conversation made a great point.

He said much of this is speculative, anyway, to some degree, so what are you really going to get out of it. If you go back, are you going to really change any of these categories? I'd still stick to my guns that I think we should do it with the AP. That is what I think, but in the interest of moving ahead, if the AP was comfortable with what we had at the last meeting, the presentations – and like Mel said, they asked a number of questions – I don't have a problem going forward.

MR. BOWEN: To be clear, at the AP meeting we did not by species by species. We went through the formula, we looked at the different alternatives here as we have seen in our briefing book now, but we did not go species by species. I just want to make that clear.

MR. CARMICHAEL: What we would do is then at the three-year point we will go to the APs and have them go through that full scoring table species by species, and then that should go into the SSC, so then the SSC goes through that and reconsiders things with the input from the AP. I think that is the appropriate order to make sure that we maintain the recommendation of an AP going into the SSC, which can then give the council an ABC recommendation without having to go back again.

MR. BOWEN: And just off the top of my head, three years from now this list will be about four species less than what it is currently because of the assessment process.

DR. DUVAL: Does that sound satisfactory to everybody? I think certainly if the AP has significant questions about a particular species, that doesn't preclude us from walking through exactly what the scores were for those species and how things ended up the way they ended up. Is that okay?

MR. HARTIG: As long as that option is available, yes.

DR. DUVAL: I absolutely think it should be available; and if it ends up that the AP has some significant concerns, there is no reason why we couldn't hold off on this. The other couple of items that were outstanding – so we have seen the timing on this now. We're considering inclusions of other actions such as reconfiguration of the Jacks Complex – that is something that has been brought up before – as well as measures for gray triggerfish.

There were two that had been previously included in Regulatory Amendment 14, so we do have the analyses for those, which were the measurement method and minimum size limit for gray triggerfish. I would like to get some committee input on whether you would want to include other measures in this amendment or not.

I know Jessica mentioned, before lunch, that it would be of great benefit to Florida to at least include the action on the measurement method for triggerfish because it is inconsistent I think in state and federal waters. I would like some thoughts from the committee. Jack.

MR. COX: I don't know if this is the place, but at some point I would certainly like to make the motion to put maybe another amendment to do a split season on triggers and some trip limits, something that we can do to address the discarding that we're doing here in our vermilion season. I called some folks in industry over lunch, and I have just heard a lot of different options and people really want to see something done there.

DR. DUVAL: So a split season for triggerfish with potentially some trip limit options; okay. Again, it is a balance of timing on the amendment. The more actions we put in here, the longer it takes just in terms of the analysis. Ben.

MR. HARTIG: Well, I definitely want to address the Jack Complex, and one reason you don't have that paper that I was going to write before is that I decided to kind of wait to go through visioning with that and see what the public had to say. That is not too far in the future and we will get that. I think that would be one of the things that we could go to the public with and ask them what do you think about the Jack Complex, how would you like to see us rearrange that?

DR. DUVAL: Doug, you were the other person who was pretty supportive of doing something like that.

MR. HAYMANS: Yes, I'm perfectly fine and let's wait through the visioning process to see if that falls out as a priority in some way.

DR. DUVAL: How do folks feel about including a few more management measures for gray triggerfish? I think it would take some motions from the committee to do so. It was not just a measurement method but also a minimum size limit that was in there previously. Jessica.

MS. McCAWLEY: I would like to make a motion that we look at the gray triggerfish items that we were talking about in Regulatory Amendment 14, including the measurement method. Also, we want to look at a trip limit. What else was it?

MR. COX: A split season.

MS. McCAWLEY: A split season and a size limit change.

DR. DUVAL: There is a motion by Jessica to add actions related to gray triggerfish that were previously included in Regulatory Amendment 14; and in addition include actions to establish a commercial split season and trip limits; seconded by Charlie. Discussion? Ben.

MR. HARTIG: Jack, your intent is to line up the triggerfish seasons with the vermilion seasons?

MR. COX: Ben, it is. We closed I think in July of this year on triggerfish. During the winter when we don't have a lot to catch after the first season of vermilions, that is pretty much where

they hit them hard when there is not a lot to catch. Therefore, there is just a lot of discarding going on this time of year. Maybe put some different options in there like when we get to a 500 step-down of vermilions, maybe if we still have some triggers, we could do accordingly something.

MR. HAYMANS: We're going to rename the amendment? I mean, it gets confusing when we have a one-topic amendment and it becomes a CE-BA after a while. Is it going to stay the ORCS Amendment or ABC Control Rule?

DR. DUVAL: I think the amendment number wouldn't change, but I think the title of the amendment would change. It would not just be an amendment to the ABC Control Rule. You would have other actions in the amendment to ABC Control Rule and Gray Triggerfish Management is probably how it would turn out. Myra, do you have what you need or do you want some more direction and specificity?

MS. BROUWER: Well, the more we can get in terms of possible alternatives, if council members have ideas for the kinds of trip limits that they would like to see analyzed, that would certainly speed up the process a lot.

MR. BOWEN: Well, if Jack is wanting to make this in line with vermilions; wouldn't the first step be maybe to compare the ACLs of the vermilions and the triggerfish and try to line those up as closely as we could?

DR. DUVAL: Certainly, I think what Zack is saying is look at what proportion of landings for vermilion are in that first season versus the proportion of landings that are in the second season and look at options that would divide the gray triggerfish ACL accordingly. If you had point X percent in the first season and point XY in the second season, that you would use those similar proportions. That would be one alternation to consider. Charlie.

MR. PHILLIPS: Well, that can be a starting point, but we have to remember a lot of the reason that the triggers were hammered is because vermilions were closed. If vermilion is open the same time triggers are open, triggerfish are not going to be caught at the same rate that they were before. You are going to have to figure that in, too.

DR. DUVAL: Right, and I think options within each season, if you are looking at the same split as what we have for vermilion right now with the January and July opening, one option would be no trip limit. Another suboption would be, I don't know, a thousand pound trip limit or something like that. Jack, do you have any other thoughts?

MR. COX: Well, I had reached out to some folks and some numbers that I heard were 500 pounds was something that a lot of folks would be very happy with, but, of course, you would have to do some work to see how that would fit into all of it.

DR. DUVAL: Clearly, there would need to be some analysis to determine how that would play out during a season. Charlie.

MR. PHILLIPS: And when the boats were targeting triggers, it was not uncommon to see 13/1,500 pound trip limits. The other thing is the triggers were filling the hole of grouper being closed, so I would hope we would get some input from the restaurants and chefs and people like that on how important they are when grouper are closed and if vermilion are closed, also. We will hear all of that, I'm sure, but, yes, you're going to start out with some high trip limits and work down; but, yes, a thousand pounds, even that would be a drop-down from a lot of the trips.

DR. DUVAL: So perhaps look at trip limit alternatives of 1,500, 1,200, 1,000, 800, 500, something like that, so you can bracket trip limits. I will just say up where we are, the chefs are kind of pissed off when triggerfish are closed. They have come to rely on that fish quite a bit. Is there other input or thoughts on direction to give staff? Ben.

MR. HARTIG: Well, basically, Myra, look at the landings, look at the trip landings and how those fall out. I think you can make an educated guess on how the trip limit should fall.

DR. DUVAL: Like trips that are coming in with their limit of vermilion, what is the range of pounds that they're also landing of triggerfish at the same time versus what is being landed once vermilion are closed. That could help inform the bracketing.

I'm assuming just by the conversation around the table that we're not considering any alternative seasonal splits other than what exists for vermilion. Would you want to consider January/May, January/June? Jack threw out January/July to align those so as to prevent discards. I just want to make sure there is no alternatives that we would want to include in there at this point. Ben.

MR. HARTIG: Well, going down this road, trying to allow to keep the triggerfish season open longer while reducing discards, so in the perfect rule we would catch the gray trigger ACL at the end of the vermilion season and then you'd be done with gray trigger and you wouldn't have that targeting of that one species where you're having discard mortality of everything else. That would work out.

MR. PHILLIPS: Well, in the perfect, perfect world we would end triggers, vermilion and gag all at the same time, and then we're back to aligning seasons again.

MR. BOWEN: It sounds like to me we're talking about a start date and an end date on all snapper grouper species on the commercial side just like we are on the recreational side.

DR. DUVAL: And I think that is something that could come out as a strategy during visioning. Is there anything else on Amendment 29 right now? We do have a motion on the table. I'm just going to read it again really quick.

The motion is to add actions related to gray triggerfish that were previously included in Regulatory Amendment 14; in addition include actions to establish a commercial split season and trip limit. Is there anymore discussion on this motion? Is there any opposition to this motion? Seeing none; that motion stands approved.

The next thing on our agenda is Amendment 22, which is the – and this is still kind of an options paper stage, I think, but the Recreational Harvest Tag Program. We have a presentation on the Catch Card Program from Washington State. It is Attachment 5A and the Options Paper is 5B.

MS. BROUWER: What I would like to do is give you this very short presentation to sort of reorient everybody to thinking about a Recreational Tag Program and catch cards and such. This presentation was put together by Kate Michie. She reached out to folks at the Washington Division or Department of Fish and Wildlife and just chatted with them about their program.

It is a program that has been in place for over 50 years. She thought it would be a good example of a program that is well established and how it is run and how they use the information. I'm just going to quickly go through this in case the council ended up wanting to implement the Catch Card Tag Program for recreational snapper grouper species, then they could use this as an example.

As I said, it has been in place for a long time. It is applicable to several species. There is a separate catch card for Puget Sound Dungeness Crab. The cards are required to always be in the fisherman's possession when fishing for any of those species. They need to be sent back to the agency on a specified date, which is printed on the back of the card.

At least for one of the species there is an option to fill the information out online. They're trying to, from what I understand, do that for some of the other species as well, but right now it is an actual card that gets sent in. The catch card can collect information on different species. The kind of information that is requested is where the fish was caught, using a location code that is provided; of course, the species that was caught; when the fish was caught; and the length of the animal.

Also, for salmon, if the adipose then has been clipped, that means it is a hatchery fish, so they collect that kind of information as well. The cards have to be sent back even if no fish were caught, so that is a requirement. Then if you go to the website, there is a fairly detailed explanation for how to go about filling out the cards. They're downloadable instructions. It is pretty straightforward.

The data are used to estimate the harvest, and what they do is they use a correction factor for the number of cards that are not turned in. Now, since this program has been in place for so long, they have a pretty good handle on the rate of cards that are not turned so. The level of compliance doesn't change dramatically over time, which would be something that evidently for a new program, if it were to be established in our region, it would take a long time or it would take a little while to get to a point where we could have a good handle on that.

For some of the species, the catch card information is the official harvest information. They also have some surveys that they use to complement those data with. For Dungeness crab, the catch cards are the primary source of harvest information, so it is a pretty important program that obviously generates a lot of really good, critical information.

The first catch card is free and it is sent with the license when the license is purchased. There are various prices ranging on where you live, military status, age and whatnot. Then if you need to purchase additional cards, then you have to pay a little extra for each card. There isn't a replacement for lost cards; you have to go out and buy another one.

If one card is filled out, then you have to go buy another one and fill that one out. It is pretty straightforward. It is really nothing complicated. As far as compliance, they have come up with statistics that show that obviously when you send out a reminder postcard to turn in your catch cards, your compliance rates go up. There is no penalty for not turning it in.

Like I said, it is a long-term program and so your compliance rates are pretty high. For Dungeness crab it is 55 to 60 percent, which is a really high compliance rate. For that particular program, there is a penalty. There is a ten dollar penalty for not returning a crab card. There are about 250,000 cards that are processed each year for the state.

They have two to three people that do the processing and four to five people that enter the information. It takes, as you can imagine, a few months to do this, but they have been doing it for a long time. I am sure the process can be automated once they migrate to doing an online entering of the information.

Mr. Eric Kraig is the person that Kate Michie talked to, and he was very helpful and had a lot of good information. He said if you have anymore questions, that he would be more than happy to provide answers to us. That was just out there for you to see that there are catch card programs. Just to remind you of the discussions that we had in June, your guidance to us was to go ahead and put in alternatives that will make the catch card an option. It can either be required or it can be voluntary. We also talked about if the tags are transferable, then how would the catch card program work with that. All those things still have to be ironed out. Are there any questions on this one?

MR. HAYMANS: I was quickly trying to read the Washington State Law, but are you absolutely certain about the no-penalty phase? The last time I went out there, the way it was explained to me was if I did not return the catch card, then I could not purchase a license the next year.

MS. BROUWER: I am not absolutely sure. Like I said, it was Kate who spoke with him, but I think there is no penalty for some species but there is for others. No, I'm not sure.

DR. DUVAL: So it sounded like there was definitely a penalty for Dungeness crab, but Bonnie might be able to shed a little bit of light on that since she spent time out there.

DR. PONWITH: Actually, I did spend time up there and I'm familiar with the program. I didn't run that program. I ran the Ocean Program, which operated a little bit differently. I still have contacts that I can touch bases with to get the nuances. The two questions that I have kind of along the same lines – and, again, thanks for giving the presentation.

I know you neither wrote the presentation nor did the research, so I will ask it generically. The two are compliance of whether you turn the card in or not; that is a binary question, either yes you fished and didn't turn in the card or yes you fished and did turn in the card. That is the first and most important step.

The second step is actually groundtruthing what is being reported on the card; and for that I would expect, depending upon how – if we contemplated something like this in the area, it would depend on how we set it up, what sort of dockside validation we have. It would be an important thing to include in the discussions of how you do dockside validation of the self-reported data.

The second question is that it is really good that the presentation included an accounting for the cost to the fisher for buying the card. I am certain that reflects what the cost to the agency of managing the program is. It would be interesting to know what the total to the agency is. They alluded to that by the number of people they have assigned to it, but I'm sure there are other costs associated it, and that would be helpful, too, in sort of imagining what type of design could be used to put this tool to use in the region.

MR. BOWEN: My one simple response for the dockside validation would be a simple picture along with the card, a picture of the fish with the card. As far as the amount of what would cost, I don't have a response to, but just a picture is – you know, everybody has got phones now with cameras so along with your card, when you turn it in, could be accompanied with a picture for validation.

DR. PONWITH: Again, that would be really good to help to determine whether people were identifying the fish correctly and it would give you – if you had a scale in there, you could use that to get a feel for the size composition of the catch. It still would, in my mind, qualify as sort of self-reported data because people could choose to pick which fish were included in the photo versus which weren't.

Having some sort of dockside validation for even a photograph – and I like the idea. I think it is a great idea, and I have thought long and hard about it myself – you would still want people on the dock to say, okay, what percentage of the fish that people are catching are being included in the photographs, and that would sort of a calibration for the photographs.

MR. BOWEN: And I agree. I was just under the impression it would – I mean, putting it in relation to the South Atlantic, if we're talking about 9,000 tags for red snapper and you've got 270 million people in the United States, you're not going to have a lot of extra pictures with fish. Did that make sense?

DR. DUVAL: No.

MR. BOWEN: My point is if we're considering this for species with very low ACLs, when we're actually talking numbers of fish versus poundage, and you have a picture. Somebody comes in and they have – and we implemented this for red snapper – somebody is holding up a red snapper with the tag on it and you take a picture of it, you could tell by the size of the person holding it what the size of the fish is. Is that what you were –

DR. PONWITH: To that point, all of that is going to be valuable information. The one thing that you have to have some sort of a calibration for is how many people go fishing, don't see a fish cop on the dock, and say, "I'm going to turn my card in and it is going to say that I caught zero fish," when in fact they caught five or something like that. That would be the type of validation. Again, it is our hope that a thing like that would be rare; but having some quantitative measure of how rare it is helps us to calibrate the data that we do get.

MR. HAYMANS: So just a real quick response to my own question, Washington State Law is by law they have to return the catch card by the 30th of April and then it doesn't go into the penalty phase. But I assume – and maybe know what "assume" means, but there are always the misdemeanor penalties that come along with not following according to the law.

There is a penalty for not returning your Dungeness. Like you said, it's ten dollars when you go to buy your next one. My comment to that is we can't really do that on the council because the states control each individual licensing and trying to tie it to whether you get the license or not isn't practical.

MS. BROUWER: Right, and what you talked about before – and we will get to this when we get into the amendment – is to have some kind of tag. This is a one-for-one thing because each catch card is associated with a tag. I don't know that there would be issues with people reporting or not reporting the exact number of fish they caught because it would be associated with a tag.

Then what you did consider, when we talked about this last, was to have some kind of incentive or penalty – incentives are always nicer than penalties – but if you don't turn in your catch card, then you simply don't get a tag the next year. That would be a way to ensure that folks are complying with that.

MS. BECKWITH: This question is likely for Roy. Presumably this catch card or tag will have some cost to a fisher when he or she is assigned that tag. We talk about incentives versus penalties. Would it be possible to say if the tag or catch card is going to have a cost of, say, ten dollars, to do a version of a deposit so the fisher, when he is assigned that tag, actually pays to the National Marine Fisheries in the form of a check or a credit card or however they would be paying for it, say, twenty-five dollars; and at the time where that card or tag information is returned, they would get that fifteen dollar deposit back. It would be a version of an incentive and/or a penalty. Is that possible?

MS. SMIT-BRUNELLO: This is going to sound funny, but the government has a hard time giving money back to people. (Laughter) What I mean by that is we don't have a checkbook to – I don't know; let me think about that because I don't know if there is a way to set up a temporary deposit. I'm kind of thinking that there isn't a way to hold your money for a while and then potentially give it back to you in some sort of credit form.

DR. DUVAL: Because we're sort of delving into the amendment itself, I wanted to see if there were anymore questions that were specific to the Washington Catch Card Program? I had just one. I don't know if you're going to be able to answer this, but I was just wondering – I mean, clearly, this is like an inland fisheries thing. MRIP doesn't extend up into these areas where

harvest is occurring is what I'm assuming. All right, I think if folks are ready to kind of dive into the details of catch cards and programs like that, I just want to double-check, David and Zack, were your questions more about how to and how could the council do this – okay, Zack. David, was yours about the Washington –

MR. CUPKA: No, it was about tags and catch cards in general and where we're going with it.

DR. DUVAL: Okay, then I'm going to let Zack ask his question and then I'm going to let Myra pull up the decision document or options paper still at this point.

MR. BOWEN: Myra, thank you for your report, but did I notice on there that when somebody buys a license, they automatically get a tag or a catch card, excuse me?

MS. BROUWER: Yes, they do.

MR. BOWEN: So it was one for one?

MS. BROUWER: Right, the first one is free and it is sent with the license, yes; and then if you need additional cards – and it is different. There are the fish cards and then there is the crab. If you need additional cards, then you have to purchase them.

MR. BOWEN: But my point is there is no lottery with that scenario?

MS. BROUWER: No, there is no lottery.

DR. DUVAL: All right, if there no more questions about the Washington State Program, then I think if folks go to Attachment 5B, that is the options paper for Amendment 22. Myra will lead us fearlessly through that.

MS. BROUWER: I believe this is the third version of an options paper that we have put together for Amendment 22. We have talked about this a good bit, and it has changed accordingly. In the background section of this new options paper it explains that the Service had to issue a new Notice of Intent because the previous one had been issued back in 2011, and it included a bunch of other things.

It was more geared towards red snapper and it had a bunch of other things in there. They reissued the NLI to just give folks notice of the broadened scope of the amendment and to clarify that it was now – it applied to just a recreational tag program for snapper grouper species. We have here seven possible actions for the amendment.

Action 1 would establish the program through some kind of a framework that would be applied to any South Atlantic Snapper Grouper Species with a low recreational ACL. This is in response to your guidance at the June meeting where you said you did not want the amendment to be specific to the species that we had discussed at that time. We were talking about deepwater species, snowy grouper, wreckfish, golden tilefish. We also talked about red snapper. You decided you wanted to leave more open-ended.

Action 2 would determine how long the program would be in place for the affected species, whichever species ended up being considered. Action 3 would establish the eligibility criteria for participants in the program, so this is where you would talk about the lottery and who would be eligible to participate and all the details of that.

Action 4 would establish the issuance process for the species that would be included. Then there would be an action to deal with transferability if you decided to continue to consider that. There would be an action to establish that data collection program that we just talked, about whether you want to make the catch card a voluntary thing or a required thing.

Then there would be a cost-recovery plan, which I think would get to maybe the question that Anna had on the cost of the program. The IPT has put together language for the actions and some alternatives under each of these actions. Before we get to that, there is also a list of questions that need to be addressed.

We also have the draft purpose and need, which you see up on the screen. If your intent hasn't changed, then we would need you to go ahead and approve that. As far as the timing is concerned, the SSC would review the document at their October 2013 meeting. The council can choose preferreds and approve for public hearings in December.

This would be another amendment that we would be taking out to public hearings at the beginning of 2014. The council would then review that input at the March meeting and approve for submission to the secretary either in March or in June, and regulations would be implemented late in the year, in 2014. That is just a very broad timeline for the amendment.

Just for the record, I am going to go ahead and read the purpose: "The purpose of Amendment 22 is to create a recreational harvest tag program structure in the South Atlantic Region that could be applied to any federally managed snapper grouper species with a small recreational annual catch limit as determined by the council and RA; and establish a data collection system for those harvesting fish under the tag program."

We tried to tailor the purpose to the guidance that we received from the committee in June. Then the need would be, of course, "to achieve optimum yield for the snapper grouper resource without exceeding the overfishing levels through a control of the allowable recreational harvest of snapper grouper species in the South Atlantic by a tag program. Such a tag program is intended to help maintain harvest levels at or below specified recreational ACLs and gather fishery-dependent data for the snapper grouper fishery.

"A harvest tag program for snapper grouper species with small recreational ACLs would constrain harvest to sustainable levels while ensuring fairness and equitability of access to fishing opportunities for the subject species." So, again, it is pretty broad. At this point I guess maybe before we get into the nitty-gritty of everything, maybe some discussion on the purpose and need and whether what we have suggested here is what you had in mind and if you have any suggestions for how you want to change it.

DR. DUVAL: Thanks for that, Myra. I think that she did a pretty good job on focusing the purpose and need just based on our discussion from last time, but are there any thoughts from other committee members? Are there any potential modifications that you would want to see to that? Remember, this is just establishing a structure. It doesn't actually choose the species. Silence is assent. Monica.

MS. SMIT-BRUNELLO: Would you remind me again, Myra, as to why this program needs to be specific for species in which there is a smaller ACL, a lower ACL? I understand about tracking a small amount of fish and those sorts of things, but couldn't this be applicable to different species with larger ACLs?

MS. BROUWER: The discussions that the council engaged in June and prior to that were to address the need to prevent overages in particular species; specifically species like snowy grouper and golden tilefish where the ACL is specified in a very small number of fish. We have seen overages in those for several years in a row, so that is how it all started.

Then back in June, when you talked about this again, it was decided that any species with a low recreational ACL could benefit from being eligible to be included in a tag program. That is how that came about. There is no reason why it couldn't be applied to species with larger ACLs. I just don't think that the council wanted to go that route.

MR. CUPKA: When we started down this road, we were looking for a way to control harvest on those species that had very low ACLs, and it was in terms of numbers of fish. When I look at the Washington thing, it is different. I would envision us if there was an ACL of 500 fish of issuing 500 catch cards. That is not what Washington did.

It was wide open and anybody could get a catch card. I guess once they get to a certain harvest level, then they would cut it off. We were looking strictly for a mechanism to keep harvest under control and not exceed the ACL. But then when I heard the SSC start discussing this – and these are all good points and they would be good to do – they started talking about transferring and getting economic data, all of which is good, but which is going to make this whole process a lot more complex than what we had originally started out as.

I guess I just have some concerns that maybe we need to walk before we try to run on some of this and see how something like this is going to work or if it is going to work before we start going to the nth degree and having things transferable, and you have to fill in a card with how much you spent on a trip and all this kind of stuff, which would be good to have.

It gets pretty complex pretty quick when you start looking at some of these add-ons that they want to put on. I just have some concerns. I would rather see us start off fairly simple and learn some lessons from that before we try fulfilling everybody's wish list on the information they want to get as a part of this process.

DR. DUVAL: And I agree, David, and I think that is why this was brought up as a means to just try to stay below our established ACLs. I do think if we end up being able to walk that you

could certainly plug other components into a program like this as needed or as desired by the council.

I think really the point in the presentation on the Washington State Catch Card Program – and we have catch card programs here, too. We have one for bluefin tuna in North Carolina – was to just sort of show the mechanism of how the catch card program works and not necessarily to say we should do this for any species and have it be a wide open kind of thing. I think our past conversations have focused on some kind of lottery system or something like that. Ben.

MR. HARTIG: Monica, the recreational data system, MRIP, is incapable of giving you accurate numbers for rare species. It just doesn't work, so that is one of the reasons and probably the main reason why the council is going down this road and trying to use another system of accountability for that recreational fishery.

MS. BECKWITH: I was just going to echo those thoughts. In my viewpoint this tag program was to serve as an accountability measure, but tag programs in general certainly reduce the fishing opportunities for the recreational fishermen, so I don't think that it would be amenable for those with larger ACLs where it seems like there are other ways to make those fish available.

DR. CRABTREE: Yes, just kind of coming a little bit back to David, my biggest concern with this – I understand the need and think it is a good idea, but my biggest concern is going to be on our ability to actually implement it. It will have to be a bare-bones, extremely simple system or we just are not going to be able to afford to do it.

Any of the cost recovery, unless this is considered a limited access privilege program and somehow the money goes into the cost-recovery fund; but if it is treated like most permits, any of the fees will go into the general treasury and they won't come to the Fisheries Service. Our ability to actually do this is going to be very limited.

Now, if we could figure out a way to have the states engaged with it and have the states sell the tags and things, that is a very different scenario. We did talk at one point about using contractors and having some of the fee go to pay the contractors. I have talked to Monica about that, but I don't know if we're allowed to do that under the statute yet.

That is the biggest concern I have, and so things like transferability and all those kinds of things that might be nice are going to cost a great deal of money in terms of managing it and tracking it and those types of things. I'm just not sure we're going to be able to do that. We just need to bear that in mind in these budget days. If I see Washington devoting, what, four to six positions to do that, we're not going to have anything like that to devote to running these programs. We're going to keep it simple if we have any hope of being able to run it.

DR. PONWITH: Roy covered a lot of the issues that I was going to raise. Our ability to charge a fee and retain that money is going to cause some issues. I'm empathetic with the economists. The transferability enables you to actually quantify a very difficult statistic to quantify, and that is willingness to pay, but I also believe we should really keep it simple.

If we get to the point where we can implement this, we should put it together in its simplest form to see how it works. I think that this notion is an excellent notion to be able to quantify actual landings or manage actual landings for low-quota species. The one comment that I would make that is different than Roy is a technical issue, and it is under the Roman Numeral I.

Under the highlighted note, it says that tags will be issued through a lottery with replacement, and then it goes on to say that you can only get one per year. It would be good to reword that because "with replacement" implies that if you get a tag, you put your name back in and have an equal probability of getting a tag on the next draw, and so you may want to reword that so that if you mean that you can only get one tag per year, then don't use "with replacement". Put you have an annual draw and then you're eligible for the next year.

MR. BOWEN: The word that I keep hearing is "low" when we're describing the ACL. I think we need a number for what "low" is, because low can be decided by several different people. I think we need a number, by number of fish.

DR. PONWITH: Exactly to that point; my recommendation on that would be to use the standard errors of the estimates for MRIP and decide below what threshold would you say that the council's desired outcome for using MRIP as the accounting tool for what the actual landings were is not meeting your needs; and in cases beyond that threshold, you may wish to use this as the tool for accounting for those landings.

MR. BOWEN: Well, if that is the case and I'm not mistaken, that would put more than just the three species that are listed in this document in that category.

MS. BROUWER: Yes, Zack, the species that are listed are examples. We did not want to just remove them completely because those would certainly be species that evidently need some kind of harvest control because we keep growing the ACLs, so that is why they're there. I think we're getting a little bit ahead, but one of the actions that is included does have an alternative that would use the proportional standard errors from the MRIP survey as a threshold to select species that would qualify. That is one of the alternatives and there are other ways that we suggested that we've suggested that can be done. You are correct; there needs to be some kind of way to determine what this low ACL is.

MR. BOWEN: Well, to that point, here is what I would not want to see happen. I would not want to see red snapper, for example, brought into this for the recreational tag and then the National Marine Fisheries says, "Oh, yes, red snapper is open year round, but you have got to have a tag."

MR. HAYMANS: That is exactly the point.

MR. BOWEN: That will not fly. We have got time to work it out, but that is not the road that I want to see this go down.

DR. DUVAL: I think we're getting into species' selection and right now what we should be focusing on is like structure of a program and if we can set up a structure that would work. Doug, you have been waiting patiently.

MR. HAYMANS: Madam Chairman, I have multiple points and I will try to attack them in order. To Roy's point about limited entry; if you have 25,000 or 50,000 people who apply but you are only issuing 9,000 tags, to me that is by definition limited, and I wouldn't see where it would be a stretch to say those monies that have gone to purchase those tags or apply would go into a limited entry fund that you could then use.

It is not open access, charter or headboats where everybody gets one. Secondly, I think we need to decide if it is – and we keep using this 9,000 number for red snapper, so is it a tag per fish? In other words, do we want to give 9,000 tags out for 9,000 fish; and if that is the case, why don't we just make the assumption that all 9,000 are harvested? We could do voluntary reporting back and MRIP ultimately is going to be the check.

It is going to be the creel clerks at the dock and they're going to see and hopefully encounter the tags at some rate that is equivalent to the non-tagged fish. We're going to have to have MRIP tell us what bycatch is like and what the discard mortality is like, anyway. If we're issuing tags, I'm assuming that is a dead fish whether or not it is caught or never used; or like my alligator tag, put it in the console of the truck and never used. That's a dead fish.

I had something else about MRIP, but that is the main thing for me is that if it is limited to a number of tags, it is limited entry and use the money and it is a dead fish once that tag – oh, the transferability. Why does it matter who uses it? If it is issued out there, it is a dead fish, what does it matter who kills it? If the market wants to get into a trading system and I can get a hundred bucks for my red snapper tag and somebody is willing to give it to me, why not? Anyway, that's it.

MR. CARMICHAEL: I just want to say I think one thing to consider is what do you want out of a tag. As we're at purpose and need, this seems to be the place because there are sort of two ways it can go. One is if it is an accountability measure, then as Doug said you issue the tag and you don't care what happened to them.

You assume that for purposes of fisheries' accountability all those fish are caught and those are the only fish caught. If you want it to be data collection, that is an entirely different thing because if you want to use that to say how many fish are caught, then I need to know what happened to every tag.

If that is the case, then when I get into transferability and all that, then that is a real issue because we need to keep track of those tags and we need to know was that tag caught or not. If you issue like 500 recreational snowy grouper tags and let them go wherever and people do whatever they want with them, you still have the issue of what was actually caught.

You will have an MRIP estimate. You could end up with MRIP telling you one year you caught 200 fish and you issued 500 tags, and the next year it might tell you that you caught 800 fish and

you issued 500 tags, and you're going to be within the margin of error that is probably common for snowy grouper.

If you're really just concerned about knowing how many fish are caught, then the clear way to do it is the card program of Washington State, which is the purpose of salmon. If they were trying to control you to a particular limit with that tool, they wouldn't give you until April to turn in your card. They have seasons and possession limits that limit what is caught and then they use this as a replacement for MRIP.

MRIP isn't the big dog out there on the west coast that it is here on the east coast. That is the difference. If we just want to know how many snowy grouper are caught, then the clear solution is we have a recreational tag endorsement, stamp like a duck stamp or whatever, and you follow that kind of program and everyone that got one of those stamps has to report their snowy groupers or all of their groupers; and if not, they don't get a tag next year.

It works for ducks with the HIP Program and everything else. If you want a limited number of tags to give out and you've got a thousand people that want those 500 snowy grouper tags, then your model is like moose hunting in Maine where there are a lot more people that want that moose. There are a lot more people that want it than they can accommodate, so people get to stand in line and get their name tag drawn and see if they get to win it. That is sort of what it is and it seems like we're more toward we want the accountability measure out of it.

DR. DUVAL: That was kind of how we – that was the initial conversation was comparing this to tags for deer and ducks and other wild game, trusts, really. Chairman Boyd.

MR. BOYD: Just a thought and a question; it seems like the conversation is centered around the private boat recreational fisherman in this case. This is the question. Is it a fair and equitable decision when you seem to carve out the private boat recreational fisherman as opposed to the charter for-hire or headboat operators who can't get a collective number of tags in order to be able to produce a profitable trip, when you may not be able to find 20 people or 10 people or 6 people to take a trip and so therefore you're really cutting them out of the business of using those tags?

DR. DUVAL: And that's a great question. Before anybody else jumps in here, I am going to let Myra address that because we're kind of working our way through this options paper and bringing up questions that the IPT put in here. I'm wondering if it wouldn't be a little bit more informative if we could let Myra finish walking through the options paper, maybe, just to sort of say here is what is in here, here are all the questions that the IPT had, and then maybe go back and have a little bit of that discussion.

I agree; that's a key question and is it really fair if you end up segregating one sector of the recreational industry from another. I'm just throwing out an option for ensuring that everyone can see the work that the IPT has already put into this document, but keeping in mind the key point that John brought up; you know, do we just want an accountability measure; if the dead snowy grouper that you have on your boat doesn't have a tag on it, you're in violation; or, do we want a data program.

I think we've heard from Roy that it is not going to happen; there is no money for that. It is not that it is not a good idea, but there is no money for it. Can we go ahead and let Myra at least just sort of run us through what is in the options paper so we can have all that in there and then go back and discuss it. I know I still had Mel and Doug and I haven't forgotten you guys. You will be first ones up. Okay, Myra.

MS. BROUWER: I would be happy to do that. Under the purpose and need, we several considerations that still need to be addressed before the IPT can move forward with developing the actions and alternatives and fleshing that out. Some of the bullets you see up on your screen are things that the council has already decided and also recommendations from the SSC Socio-Economic Panel.

Those are that any U.S. citizen should be able to apply for a tag; that NOAA Fisheries would be the agency that would be responsible for administering the program; that the tags would be non-removable, one-time used tags that would be issued once per fishing year. The tags would be transferable, and this is a recommendation from the Socio-Economic Panel of the SSC.

And that the lottery and tag transfer market should be electronic. Throughout the options paper, as we normally do if the IPT has a concern or something that they want to bring to the council's attention, we put a little note in there. We do have a note in here that the IPT has concerns that there may be issues with data collection requirements if the tags are transferable.

I mentioned this a little while ago, but, of course, if we move away from the whole data collection thing, then this becomes a non-issue. Other things that we have talked about that you seem to agree on is that tags will be valid for a single season. There would be options for voluntary and required reporting for the catch cards in the amendment if you still want to do that.

That is what we talked about in June. Then we talked about certain items of information that would be collected. The administrative costs would be recovered through a fee to pay for the program, and the estimate of that would be included in rulemaking. Tags would be issued through a lottery with replacement; and this is where I think Bonnie pointed out that it should be without replacement.

Lottery entrants would need to own a fishing license or a permit that is appropriate for the destination at the time of application for the tag. If the number of tags is equal to or more than the number of lottery participants, each participant should receive the same number of tags with any of the remaining tags being allocated through a lottery.

That would ensure that everybody has the same chance of getting a tag. These are all things that at least the IPT thought that the council had discussed enough and that we could at least put in a bulleted list of items that were discussed that seemed to have been – I don't want to say decided on, that you felt comfortable with.

DR. DUVAL: I had hoped to get through this decision document; I mean, at least to just let Myra sort of run through this and get it all out there and then we could go back and hack away at it. Is that okay with everyone?

MS. BROUWER: Here are some issues that still require additional input. Number one, how is the council going to decide which species to include in the program? This is where we thought, well, could it be a season length thing, maybe based on MRIP Wave or average catch rates. Should we have a threshold landings' level like we talked about already; maybe one based on the average PSE, so above a certain PSE that species would be eligible; or we could use maybe raw data from the encounters from the MRIP survey. All those things would have to be considered.

Question 2; how would the species be removed from the program if it is no longer necessary for them to be included, so we would need to have a mechanism to do that. Another issue here is we talked about U.S. citizens being eligible, and so how we do define that? We have some wording from the Red Snapper IFQ Program of how they define eligible participants.

We just kept coming up with more and more and questions. How would Canadian citizens be able to enter the lottery; can tags be transferred to non-U.S. citizens. Also, many states don't require a fishing license for people under a certain age, so would those people not be able to enter the lottery? If there is a data collection requirement and tags are transferable, who would be held responsible for reporting the data; the person to which the tag has been transferred or the original recipient of the tag.

And what happens if the person fails to report and we requiring data collection; then what kinds of sanctions can we impose? If data reporting is required, will the tag holder need to report no harvest if they do not use the tag? If the reporting is voluntary, what would be an incentive that NMFS could provide for folks to report? An idea there would be maybe give them priority in the next season's lottery.

Then we had a little textbox here that shows how the harvest tag program would work. The council would first determine which species would be included in the tag program. Then we would develop an amendment to add the species chosen by the council to the program. Then if that amendment is implemented, the recreational fishing community would be notified of the addition of the species to the program with enough notice to allow potential entrants in the lottery to meet the prerequisites.

The lottery would open at a predetermined date and time and would remain open for a set period of time. Then those who are in interested in obtaining a tag for a certain species would enter the lottery and would be notified of whether or not they want a tag by either receiving a tag in the mail, e-mail or a letter notifying that they did or did not win a tag.

Then when the fishing season opens, individuals or entities with tags could harvest one fish per tag and would be required to affix the tag to the fish immediately upon harvest. Then again if the council establishes a voluntary or a required data collection program, the holder would fill out the harvest information, using the survey instrument that the council chooses, like the catch card that we talked about, a website or some other means, and then that information would be submitted to NMFS.

That is just one scenario of how a recreational tag program could work. This is where I said that we had the example species with low recreational ACLs, and so we just go over what the ACL is

and how much the landings have gone over. Wreckfish is also included in there. The ACL is 11,750 pounds, and there is a season, though. There is only a two-month season for July and August for wreckfish.

Then we have suggested wording for possible actions and alternatives. Action 1 would establish the tag program framework that can be applied to any South Atlantic group or species with a low recreational ACL. Here this would address the issue that Doug just brought up. We have two alternatives.

Alternative 2 would establish a program for the private recreational sector. Of course, this would imply that the recreational ACL would need to be allocated between the private recreational sector and the for-hire sector, which then, of course, brings up equitability issues. Then there is an alternative to establish it for both, so it would be to the private recreational and the for-hire as well.

Then we have an action that would establish the criteria that would allow a species to be entered into the program, and this is where we just sort of fleshed out the ones that I've already mentioned using the season length as a criterion under Alternative 2, using harvest parameters such as landings or the PSE level. Then we would also need to have an alternative that would spell out how a species would be removed, when the council would decide that maybe this has been long enough and how they would go about deciding that it is time to remove a species.

We have subalternatives that would assess the need for either adding or removing species from the program every few years, up to five years. Then we get into the eligibility criteria. This again just spells out what I've already talked about. U.S. citizenship or permanent resident aliens would need to have a fishing license. Anyway, you can see what the alternatives are under that action.

And then Action 4 would establish that issuance process, so the lottery. Alternative 2 would call for an electronic web-based lottery program. Alternative 3 would have a secondary option to enter the lottery through a mail-in or a call-in system. Then we have the action for transferability; and then the data collection, so this has the alternatives for either a requirement for a catch card program or a voluntary sort of thing.

At this point, since this is an options paper, you guys can decide that you want to just stick with two or three actions out of all the ones that we've proposed here or not proposed but suggested or put out here for your consideration. Then Action 7 is the cost-recovery plan, and it just spells out that cost-recovery fee that the agency would need to address.

DR. DUVAL: Thank you, Myra, for running through that. Hopefully, that will focus some of our discussion and the questions that were asked. Mel.

MR. BELL: I was going to say originally I remember this being all about red snapper is how it evolved I mean in terms of coming up. At least the first meeting I was at, when we found ourselves holding, whatever the number was, 9, 14,000, 13,000 red snapper and trying to figure out, okay, how do we allow these to be harvested and not go way over that.

That is my memory from that. That was just my first involvement. But, you could see where it has application for other things like snowies or goldens when you have ACLs there expressed in thousands of fish, a couple thousand fish. We are in our second year now with red snapper, kind of managing along without it.

I guess we overshot the first year and don't know what is going to happen this year. But, snowy and golden tile, I mean we're blowing through the ACLs there pretty significantly. It seems like if you have got ACLs out there in the thousands of fish, you need to have some other mechanism in place perhaps, and that's why this seemed to make sense to extend it to some other species or at least a discussion. You may have talked about this before that.

I can see the need for it because what we're doing particularly with snowies and golden tile right now, we're not managing those couple thousand fish very well. We're going way over it. What I'm worried about is Roy's kind of practical assessment of what NMFS can and can't do, so I don't know how much that really drives it if we just can't make it work at that level. I don't know how hard we need to push on that.

DR. DUVAL: Right, and before Doug, I will just say that when we first started down this, it was something that I think I brought up probably before you stepped on to the council. It was really focused on deepwater species and then a year ago red snapper was added to the mix when we were looking at focusing it on specific species. Doug.

MR. HAYMANS: I have two points; one to Doug's comment earlier and a question for Bonnie, if I may. To the fair and equitable question, what is the difference in an individual fisherman getting a tag who doesn't own a vessel capable of taking him red snapper fishing, him getting a tag and chartering or going on a headboat and saying, "Hey, I've got a tag; I want to go fishing" and a charter or headboat owner getting an allotment of tags and soliciting to individuals who – I mean, I don't see the difference in the fair and equitability. The charter or headboat guy stills get somebody to take out with a tag. Anyway, I don't see the unfairness there.

But to Bonnie – and I am sure it is exactly what Anna was just asking her about because Anna and I talked about it for a second or similar to. But, is there a difference in your mind, Bonnie, between a voluntary data collection program and a mandatory program where we know there is non-compliance?

DR. PONWITH: From the standpoint of the reliability of the data that you get out of there?

MR. HAYMANS: Yes, in other words, the point in collecting data, I assume, is to use it in an assessment of some form or fashion; ages of the catch, sizes of the catch, something of that nature. Does it make a difference whether it is voluntary or mandatory, but we know it is not going to be a hundred percent compliance? Washington's is mandatory, but there is not a hundred compliance.

DR. PONWITH: So, really, we were talking about that very issue in the back. Answering these questions, it is difficult because the answer to one question depends upon how you set the

program up and what the objective is. It makes getting sort of the second tier design questions challenging until you know what the first tier is.

What I mean by that is if you are setting up a tag program exclusively to manage the total number of fishes removed – for example, you decide snowy grouper are a rare enough event that managing snowy grouper landings by bag limits and then estimating at the end of season what the landings were in very coarse terms by MRIP is unsatisfactory, you could say I'm going to issue 350 tags and that is going to result in 350 dead snowy grouper, no other tags are going to be issued, period.

Then what you need is you really need enforcement so that anybody caught with a fish without a tag gets penalized so that the concern over being caught without that tag is enough of an inhibitor to prevent going over your quota that way. How you step down from that as an objective to all the other stuff hinges on that as the primary purpose of that.

So what you can do after that is include on the card information about the fish, the size of the fish, the bycatch that you threw away, the other fish you caught in addition to that fish to understand associations. All of those data could be very, very valuable from a biological standpoint and even in some cases from an assessment standpoint.

I think the real thing is to look at this from the standpoint of what is the primary objective; and once you land on that and anchor that, then you can tell us to go about and figure out what the alternatives of achieving that are. Your question was a simple one; does it have to be mandatory or could it be voluntary, if your desire is to kill no more than X fish, returning that tag could be voluntary.

You could work under the assumption that if you let out 300 tags, 300 fish died, and whether you see the card come back or not at that point is irrelevant and it could be voluntary. Then you would potentially forego a little more volunteer data; because typically if it is mandatory, people would turn in the additional information more readily than if it weren't.

MR. HARTIG: Yes, any U.S. citizen may apply for a tag, you have that listed; and then down the line it says you have to have a recreational license. Does that mean any citizen can get a tag and then they would have to buy a license before they went? Is that how works?

DR. DUVAL: Yes, you would have to be legally allowed to fish in whatever state you were fishing in.

MR. HARTIG: And if you were fishing on a headboat that has a blanket license; you wouldn't need a license?

DR. DUVAL: That's correct. Roy.

DR. CRABTREE: Well, to me realistically the only way this works is if the objective is to control the catch. If we're going to allow 500 snowy grouper to be caught, that is how many tags there are. I think one thing that ought to be talked about here; I think a program like this would work a lot better if the states administered it.

I don't know if the states would have any interest in doing that, but they have an awful lot more flexibility and they have the licenses and they do these sorts of things. That is something to talk about. From our perspective, we're going to have a very difficult time knowing who people are. We're going to ask them what is your name, but we aren't going to have any way of knowing if the name they give us is the real name or what.

If you want to say they have to have a fishing license, we would likely ask them do you have a fishing license; and if they check they do, then they meet the requirement. We're not going to get every state in the country's license data base and be able to go through and verify all these. If you want to issue tags without replacement; that means you've got to know who has already got the tags, and I know how we'd be able to do that.

I think that gets back to the keep-it-simple kind of thing; whereas, if you want to allow tags to be transferred, that's fine, but it would just be so and so sells his tags to somebody else, and we'd never even know about it. We wouldn't track any of that kind of thing. If the states did this and it was tied into the license data base, that is a whole different thing. I don't know; then the states might be able to charge fees and finance the program that way. I don't know if that would work out or not, but I'd be curious whether the states would even have any interest in talking about it from that perspective.

DR. DUVAL: This is kind of like déjà vu because I think this topic came up probably about a year ago was whether or not the states would want to administer it. I think there was a split amongst the states. In North Carolina, we have experience with this, and we have administered the Blue Fin Tuna Catch Card Program for a while. I think in talking to our recreational statistics folks, they were all about it. I'm not so sure the other states would feel the same way. David.

MR. CUPKA: I think where we need to start is back at the beginning. We need to define what the purpose is. My way of thinking the purpose of this should be to limit harvest to those numbers we want to. Data is fine; I am not opposed to that, but it quickly gets extremely complex, it gets costly.

Here we're suggesting about submitting the information to NMFS. Whether it is voluntary or mandatory, it doesn't matter. Roy has already told us when that data comes in, he doesn't have anyone to sit down and do it. At least if somebody from the academic community wanted to do it, hopefully we would have a universe that they could sample if they want to do some data collection.

I think to start off with we need to keep it simple. It just quickly gets out of hand if you don't. And you're talking about transferring; if you want to let people transfer it, that's fine; but if you're going to try and collect data, then you've got to follow those transfers. It just gets to be just out of hand, I think.

I think what we need to do is focus and decide on what our purpose and needs, and that is going to drive everything else. Like I say, my druthers would be to use it to control harvest, and I think

that is going to simplify the whole thing considerably; not that we ought to do it just for simplicity sake, but at the same time we've got to be realistic.

If we try and get these other things which would be good to have; realistically we're not going to be able to get them, I don't think; at least not in this current economic climate and with everything going in. I would like to see us focus in on exactly what – make a decision on what we want to do, and I think it will follow from there.

DR. DUVAL: I agree, David, and I agree with all the points you made about having a lot of the bells and whistles would be really nice, but we need to make sure just the basic concept, a basic program works. If it is to control harvest, then let's just focus in on that. Zack, then Doug, then Anna, and that's it. If you guys can be quick, I want to take a 15-minute break and then we're going to come back in here and focus in on what the real purpose and objective is, so we can get through this.

MR. BOWEN: To your point that you made a while ago; you said it would be like a duck stamp or a deer tag; I respectfully disagree. I don't think it would be like a deer tag. If I want to go kill a deer, I'd go get a tag and there is one available; whereas, this relationship, if I wanted to go catch a snowy grouper, I would apply and wouldn't necessarily get a tag. It would not be the same thing.

DR. DUVAL: Well, there are limits on tags for like Tundra Swans or geese or something? I mean, there are some game species for which there are limits on the tags. All the hunters in the back of the room are giving me some examples.

MR. BOWEN: Secondly, to Dr. Crabtree's point, he is talking about the states, if they could do the tagging. Then we run into allocation. When you said that, my mind automatically went to, okay, if we've got 9,000 snapper, Georgia wants 6,000. Then we run into allocation problems.

DR. CRABTREE: I have great confidence you could work those out easily.

MR. BOWEN: I don't.

MR. HAYMANS: That was my point; so using the red snapper example, Florida would get 92 percent, Georgia would get 7 percent, and we'd let the other two states fight over the other percent, and that is not going to fly.

To the bigger point is the feds do have our license data base. We report it every year to the National Saltwater Angler Registry. Even though it is a year in arrears, there is no reason why this program can't be run through the National Marine Fisheries Service. You've got the license data base; you knew who has a license.

DR. CRABTREE: If I could, it is not that we can't get the license data base; it is having someone and the time for someone to go through and pull it and write the software and verify and check and do all those kinds of things. That is really the problem. I'm not saying we can't do it, but I'm not sure that we're going to have the capability to do that without –

MR. HAYMANS: I sure hate reinventing wheel because this is done. Many states hire contractors to do this. We've got a new contract out that will be on the market July 14th for a company that does this.

DR. CRABTREE: Well, I understand that, but I have no funding to hire a contractor to do this, and I don't believe that I can use – well, if GC decides we could use the funds that come in from the fees could be used to hire the contractor, that might be a viable path, but at this point I haven't been told we're able to do that.

MR. HAYMANS: And the more we talk, the more I think this might not quite go as far as we want, but the most states operate it is they let the contract – the winning bidder determine the price of the application and the price of the tag, and that's the money. We don't pay any money for some of our programs. The contractor gets the money that is –

DR. CRABTREE: Right, I understand that, but the problem is I'm not sure that under the Magnuson Act we're allowed to do that.

MS. BECKWITH: And allocation issues aside, one of the benefits in my mind to having the states run this program is that all the tags would stay within our four states. One of my biggest beefs with this program is anyone in the United States can apply for that tag, so we may have a number of people from the Midwest or the West Coast trying to get these tags that should be harvested within our South Atlantic waters and run through our states would be a benefit. That is just my point. If my memory serves right; wasn't Roy one of the instigators to this tag program a year ago at my first meeting?

DR. DUVAL: I think I was the one who instigated it originally, and Roy tacked on red snapper.

DR. PONWITH: It is to the allocation issue. If you want to avoid allocation, let the lottery do it for you. You basically open up the lottery, people apply, you do your draws; and then once the draws are done, you could manage it within the states based on who wins. If Georgia ends up with a thousand tags, then that would be the thousand tags that Georgia would manage from that point on.

DR. CRABTREE: And you've got to understand that the budget situation has deteriorated considerably from where we have been in the past, and so the ability to do things like this is compromised by some of those kinds of things. I still think it is a worthwhile thing to look at and potentially try to do it if we kept it simple and one fishery and tried it and saw how it would work, but it is going to have to – as David said, it is going to have to be very simple or it is just going to be too complicated I think for us to administer.

DR. DUVAL: Bonnie made a great point. Mr. Chairman, I'm going to let you have the last word and then we're going to a break. We're going to take a 15-minute break and then we will come back and refocus on exactly what we want in here.

MR. CUPKA: As to the concern that somebody out in the Midwest might apply for one of these, I don't think you could ignore the fact under Magnuson that these resources belong to everyone.

I don't think you could limit it just to people in our own states as much as you may want to. I don't think it would fly under Magnuson if you tried to do that.

DR. DUVAL: Well, and you're going to have people coming from the Midwest down to these states for a vacation to fish, whatever, anyway, so they're going to need to get some kind of license if they want to fish.

MR. CUPKA: Yes, and as far as worrying about whether they have a license to be eligible, why worry about it? Would you apply for something that you couldn't use? That to me is a further complicating thing. That is going to fall out. If the person gets it, they better have what they need to fish. Don't worry about Roy's people trying to verify whether they have it or not.

DR. DUVAL: All right, everybody has got a lot to think about while they take a break.

DR. DUVAL: All right, we're going to go ahead and get going. Let's refocus, as the chairman indicated, on what the purpose and need is. I think John Carmichael stated it pretty succinctly. Do you want an accountability measure, a tag for a dead fish; or do you want a data collection program?

I think it is pretty clear from everything that Roy has said is that there is no money for a data collection program and we don't really have the resources at this point to do that even if it is something that we all agree would be valuable and we would like to do. I think we can go back and look at the purpose statement and focus on that and see if we need to refine that to reflect what it is we want to do. The purpose looks like it might be okay, right? We would have to take out that last phrase "establish a data collection system", right? Mr. Chairman.

MR. CUPKA: Yes, that is what I was going to suggest is maybe putting a period after the word "administrator" and strike the rest of that.

DR. DUVAL: How does that sound to folks; strike the rest of it? First, is there just general consensus around the table that it is an accountability measure we're looking for – you want to kill a fish; you've got to get tag? Okay. So now for the need, Myra is showing some X'd out language there. David, is that what you were going to suggest removing?

MR. HAYMANS: Why "of the intent to maintain harvest level at or below"; why can't that stay in and remove the second part? I mean that is ultimately what you're trying to do is to maintain the harvest level at or below. I would agree with removing "and gather fishery-dependent data for the snapper grouper fishery."

DR. DUVAL: Yes.

MR. CUPKA: Yes, that is what I was going to suggest is a period after "ACLs" and strike the rest of that sentence because that is applicable in the first part.

DR. DUVAL: That is my question and that is a point; do you want a data collection program or do you want an accountability measure?

MS. BECKWITH: Well, using it as an accountability measure but having a voluntary catch card would still have the potential to gather a small bit of information. Regardless of how small that might be, we'd still be able to gather something. I don't know the value that might offer; and that is a question for Bonnie is if this is the route we go and it is just an accountability measure; would any voluntary information provided via a catch program be of any value?

DR. DUVAL: Well, you would still have MRIP collecting information even if you have a tag for a dead fish kind of thing. David.

MR. CUPKA: Again, whether it is voluntary or mandatory, somebody still has got to sit down and compile that data and do something with it. Unless Roy has staff that is willing to do that, I don't know how we're going to handle it regardless of whether it was voluntary or mandatory.

DR. DUVAL: Bonnie, did you have any response to that?

DR. PONWITH: I'm hearing you talk about this as an accountability measure and so far it has just been verbal and not on paper, but you wouldn't want to use that term because technically an accountability measure is an action that you take when an ACL has been – so just technically it might be cleaner to talk about this as a landings' counting method or something like that.

Again, if the decision here is that it is a tool for stopping harvest at the correct time, then we can talk about are there ways we can get some data on this to boot; but I would think that it would be smarter to just focus on that as the primary rationale for this and design it. Then once it is designed, then go back as a second tier sort of value-added and say now that we're done, are there ways to gather data rather than trying to fold that in. I think it would be a cleaner way of designing it.

DR. DUVAL: All right, is everyone okay with the purpose and need statement as modified up there? John.

MR. JOLLEY: I would like to wordsmith it and reduce it by 25 to 30 percent, if I may, Madam Chairman.

DR. DUVAL: Do you have some suggested language or are you –

MR. JOLLEY: I do and I will write it up for you if you'd like to have it.

DR. DUVAL: Sure. I think we're going to need a motion to adopt the revised purpose and need once we get there. I think while John is writing this up, there is a pretty key question here that I want to ask. It is clear that I think while North Carolina is willing to administer a program like this, I think it is clear the other states don't have the capacity to do that right now.

We have something that is simply a harvest tag program to constrain landings to an ACL – if you want to catch a fish, you've got to have a tag – and it is done via a lottery system; does the Fisheries Service have the resources to administer a program like that?

I think that is a pretty key question; because if that is not the case, it is clear that this isn't going to move forward and we've just spent probably about an hour of conversation and sort of spinning our wheels. Roy, if we had a program that was simply a lottery-based tag system, get a tag, catch a fish, and that's it; could you administer that?

DR. CRABTREE: Well, I wouldn't be prepared at this point to say generically, no, we can't do any, but there are a lot of questions. One, I don't think anybody has priced out what any of this costs. I don't know what the tags cost or has anybody actually looked at who makes the tags that are suitable, those kinds of things.

Then the other question would be how many species are we talking and how many tags? It is a big difference if we're talking five or ten thousand tags versus if we're talking 500 tags. Unfortunately, I also don't know what resources I have because we don't have a budget for next year. I don't know what we're going to have.

We may be shut down on October 1 for all I know. That is a question that I can't answer except in the general sense that if we're going to have hope to make something like this work, it is going to need to be a very bare-bones program.

I think it needs to be developed a little further and better estimates of what it would actually cost to do it, and then we're going to have to see what Congress comes up with in terms of our budget for next year.

MS. McCAWLEY: By Full Council, if this makes it to Full Council, the tags that FWC uses for the Tarpon Tag Program where you have to have a tag attached to the fish; I could get a cost estimate on that. It is hard plastic tags. I can get a cost estimate on that for us if that would be beneficial by Full Council.

DR. DUVAL: And I could do the same thing. We use hard plastic tags for striped bass harvest as well. Bob, you might have something off the top of your head. Those are anywhere from like seven cents a tag, maybe, or something like that?

MR. BEAL: I'm not sure about the striped bass ones, but the tags we put on the lobster traps, which are almost identical, single-use tags, they're eight cents apiece, so pretty cheap.

DR. DUVAL: So that is a couple of rough estimates for you for cost of tags.

DR. CRABTREE: So I think if we wanted to do, say, a program with snowy grouper and we're going to have 500 tags and it is going to be straight lottery and that kind of thing, yes, we probably could handle something like that. If you're talking doing ten different species that includes red snapper and it totals up to 10,000 tags, I don't know; that is hard to say.

MR. HAYMANS: I was just going to ask the question – you know, we have a lot of unanswered questions and so it needs a lot more work by someone. Once we have developed the purpose and need and got it worded the way that we want it, is there any desire to sort – I don't want to say table this amendment, but send this back to an IPT, let the IPT get together with the National

Marine Fisheries Service, who I know is already part of the IPT, I guess, and the states in a room to decide what they can and can't do, flesh some of this out and bring it back at a future date fleshed out rather than try to hammer all this out here without a whole lot of answers?

DR. DUVAL: I think Myra is indicating as long as we provide enough guidance, that is certainly an option. We could probably convene a conference call and have some state leads on the phone along with folks on the IPT; but again I think it would need to be a very bare-bones kind of thing; you know, a tag for a fish.

I think as an example to estimate what potential costs would be; you could certainly pick up snowy grouper and golden tilefish because we've had to shut both the recreational seasons for those two species down just due to the excessive overages that they've had the past couple of years. That is probably a total like 17 or 1,800 tags; and look at that. I think you could probably axe some of the actions like transferability and establish a data collection program, things like that. But, yes, that is certainly an option. David.

MR. CUPKA: Yes, and I think one of the biggest costs to this thing, Roy, is not the cost of the tags but distributing those tags to people.

DR. CRABTREE: That sounds like what I heard that the postage is more cost than the tag and all the rest of it.

DR. DUVAL: Order in bulk; that is what we found. All right, how do folks feel about that particular option? We need to get some revised language for a purpose and need. We don't have a whole lot more time to spend on this. I think if we could get a motion from the committee to at least do away with a couple of the actions like perhaps Action 5 dealing with transferability of tags and Action 6 to establish a data collection program. I don't know about a cost-recovery plan. That is something that would probably need to be further examined. Jessica.

MS. McCAWLEY: Madam Chair, I would like to make a motion to remove Action 5 and Action 6 from this document.

DR. DUVAL: Motion by Jessica; seconded by Charlie. Discussion? Anna.

MS. BECKWITH: Just to be clear, does that mean we would be making these tags non-transferable or are we just going to be tracking the transfers?

DR. DUVAL: We just wouldn't be tracking them. If there are 500 tags out there for snowy grouper, you could probably just assume that there are 500 dead fish that are going to get killed. Other comments? **Is there any objection to that motion? Seeing none; that motion stands approved.** John, how is going on your wordsmithing revisions?

MR. JOLLEY: Pretty good.

MR. HARTIG: When you're figuring out how many tags you're going to – okay, you've got the numbers of fish.

MR. HAYMANS: May I ask a question of Monica? Monica, when a code section is silent about something; how is that treated; i.e. transferability? If it doesn't mention transferability; is it allowed or should it state tags are transferable with no hitches?

MS. SMIT-BRUNELLO: In the fishery permit – with the commercial permits, you can't transfer it unless we write it in there and allow you to transfer it. In this particular situation, I'm not sure. I think it would depend how it was written and structured as to whether we would need to write something in to allow that to occur.

MR. HAYMANS: So, in the interest of safety, I guess, wouldn't it be better to write in the tags are transferable between individuals or write something into that account?

DR. CRABTREE: I think the issue here is whether you need an action in here that deals with it. I think if your decision is that you're going to issue these tags and you're not going to track them and you're not worried about what is going to happen with them; then that is just some text somewhere way down the road when we get to put in where we're going. I don't see it needs to be an action unless you're talking about tracking them and all that kind of thing.

MS. SMIT-BRUNELLO: And that is probably right. I thought of the same thing that you just raised as to whether we need it; is it prohibited because we don't allow it. Maybe we could take care of it in the discussion. Yes, that is down the road, too, but it is a good point.

DR. DUVAL: Myra is working on a shortened purpose and need statement up here. Doug.

MR. BOYD: Just to comment – and I am not on your committee – whenever you introduce tradability into something, you inherently introduce speculation. That is what we found in the Gulf in the IFQ Program. Speculation gets you all kinds of things that you may not have thought about getting, whether it can turn into leasing. In this case it couldn't because these things evaporate, but it certainly could lead to some type of collection of quantities of tags and then the use of those tags in a way that you hadn't thought of. I mean, it is just a whole myriad of things that can take place once you introduce speculation.

DR. DUVAL: Good points, Doug, and thanks for bringing those up. John has provided us with a revised purpose and needs statement that Myra has typed in here. The purpose reads, "Create a recreational tag program for the South Atlantic Region that could be applied to any snapper grouper species with a small ACL as determined by the SAFMC and the Regional Administrator."

The need "is to achieve optimum yield without exceeding overfishing of the resource. Such a program is intended to help maintain harvest at or below the recreational ACLs. A tag program for species with small ACLs would constrain the harvest to sustainable levels, ensuring fairness and equitability." That is John's proposal for a shortened purpose and need statement. John.

MR. JOLLEY: And it is just an example if we try to do things, where we make things I think more concise and short and more easily read, if we practice it, eventually it becomes common; and without practice, it will never become common. That is just an example. I think this thing is

50 percent more wordy that it needed to be, and I think I've reduced the words by at least 25 percent, and I don't think it changes the meaning of anything. Now, I would defer to Monica about the legality of some of this stuff, but we've got too much law in America already that makes things unintelligible.

DR. DUVAL: I want to give folks a chance to read what is up here on the screen; but whether we accept this or the modified language that we just wordsmithed that is highlighted in yellow up on the screen, we would need a motion from the committee to accept the revised purpose and need. We're just going to need to be clear about which one it is.

MS. BECKWITH: How do you exceed overfishing, "exceeding overfishing of the resource".

DR. DUVAL: Remove "exceeding"; how about that? Has everyone had a chance to read this? Can I get a motion from the committee to accept either the revised purpose and need?

MS. BECKWITH: I would also take out "help" in front of "maintain".

DR. CRABTREE: And I would take out "and the RA". I am just one vote here, folks.

DR. DUVAL: I love writing by committee. David.

MR. CUPKA: Madam Chairman, I would make a motion that we accept John's wording for the purpose and need.

DR. DUVAL: Motion by David; seconded by Ben. The purpose reads, "Create a recreational tag program for the South Atlantic Region that could be applied to any snapper grouper species with a small ACL as determined by the SAFMC and the Regional Administrator." The need "is to achieve optimum yield without overfishing the resource. Such a program is intended to maintain harvest at or below the recreational ACLs. A tag program for species with small ACLs would constrain the harvest to sustainable levels, ensuring fairness and equitability."

Any discussion? Any other wordsmithing? Any objection? Seeing none; that motion stands approved. We have removed a couple of actions and Doug has made a suggestion that perhaps instead of trying to hammer this out here, it might be better to at least I think convene via conference call some members of the IPT and some state representatives to discuss – what do you want to discuss?

MR. HAYMANS: Well, the administration of a program. Roy has got to go back and get some answers as to whether or not the National Marine Fisheries Service can do this. The states really need to decide if the National Marine Fisheries Service can't, then can we? If it is going to be the states, then it really comes back to how that is going to be allocated. I like Bonnie's suggestion of it gets allocated based on the lottery. Those are the sorts of things that we don't have the answers to now that are large questions.

DR. DUVAL: I would agree; and I think that if it comes down to the states managing it, there are probably a couple of states that are just not going to be able to do that necessarily. Those are questions we need answered; Option A, management by NMFS; Option B, management by the states. Mel.

MR. BELL: I just agree with Doug. There are questions and we've got to really go back and consider some of this stuff, and there is no sense in kind of going around and around here as we need to answer some things. I think that is a good approach.

DR. DUVAL: Myra, is there more that you need from us at this point?

MS. BROUWER: I think the guidance is clear. I just wanted to point out that the proposed timeline had us reviewing a public hearing draft at the December meeting, and it may not be possible to do that. You will see a draft that may or may not be ready for approval for public hearings; so as long as that's okay with the committee, then that's good.

DR. DUVAL: I think probably what we can expect to see at the December meeting is maybe a revised version of an options paper. I mean, if it is possible to do some analyses, I think you guys will let us know, but I just don't want to get people's expectations raised to the point that they're expecting something could actually be voted on to go out to public comment. That is all I'm doing. Ben.

MR. HARTIG: I don't understand how it is going to be ready for us to vote on if we don't make the decisions now; I mean, going through each of these and make decisions. We have got half an hour or 40 minutes.

DR. DUVAL: And we also have two other items to go through or at least one, and a small one that is going to take probably ten minutes or so after that. We still have Regulatory Amendment 16 to go through. I don't anticipate that discussion will be long, but I would imagine probably 15 minutes. It is up to the committee. If you feel that you can provide any additional guidance here on the actions in this paper, I'm happy to entertain that.

MR. HARTIG: Just for Action 2, I don't believe we need to establish criteria. I think we should do it as needed and use council judgment to define what species we want to include in these programs. I don't think we have to have specific criteria laid out. We just make the decision based on looking at a number of different things.

We look at the MRIP numbers; we look at those giant spikes up and down; and we go that species has enough of a problem. We look at the overages and we look at – one year you're here and the next year you're down here; that species is eligible for – and we may not want to do it for our minor species.

We may want to keep it tailored to our most important species and not develop tag programs for white grunt, for instance, or something of that nature. If we put criteria in, I think we're going to get bound to some animals that we don't want to do and make this thing way too many tags to deal with. I think if we keep tailored specific to species that we think we ought to use if for

based on judgment, I think that would be good. **I think you could take Action 2 and remove it from the document, and I will make that as a motion.**

DR. DUVAL: That is what I was hoping you were going to say.

MR. HARTIG: Well, I got there.

DR. DUVAL: I agree. I think just from a legal perspective we just need to make sure that we are very clear as to our rationale for why we would want to include certain species in there. I think we have discussed enough a rationale for including species like snowy grouper and golden tilefish. The law mandates that we establish ACLs for species. We have done that, but we haven't been able to constrain harvest below that, so I think there is probably a clear case for those two species. We just need to make sure that if we're using our best informed judgment that we bolster that. That's all. David.

MR. CUPKA: In Action 1, I can't see us establishing a separate program for the private sector versus the for-hire sector. I think anybody could be eligible to apply for it. Otherwise, we're going to get in one of the Gulf's favorite activities, which is sector separation and allocation, which creates all kinds of problems.

My idea would be that anybody could apply for those, whether they're a charterboat operator or a private recreational, and the person that gets it could use it any way they want to, whether it is on a private boat or take it on a charterboat or whatever. I think we'd avoid a lot of problems if we don't try and separate it out.

DR. PONWITH: And exactly to that point, certainly, if you wanted to, you could create allocations within those three components, but experience has taught us we rarely want to do things like that. The other way of dealing with it would be who rides on headboats and who rides on charterboats; individuals who fish.

If you want to catch one of these, whether you're going on your own personal vessel or on a headboat, you need to have that tag, so you would apply just as if. The same thing can be true of the captain of a headboat or the captain of a charterboat. They apply as an individual; and if they end up with a card, they can use it on their boat for customers or they can use it on their boat for them. That would be a way of avoiding the weighting allocation challenges.

DR. DUVAL: Good points! I just want to get back to Ben. **He indicated that he was willing to – or I think thought he had made a motion to remove Action 2 from the options paper. I think if Ben was making that motion and Charlie indicated that he was going to second it, so if we can have that. Is there any other discussion on that particular motion? Is there any opposition? Seeing none; that motion stands approved.**

And then to get to David's point about under Action 1 really not needing getting into the sector separation business; that would really be just two alternatives; either develop a harvest tag program or don't. Are we going to be in NEPA trouble if we don't include at least one other alternative, Monica? I guess I'm just wondering if we should leave it the way it is for purposes

of NEPA, but understanding that we would just want to have that tag program apply to the entire recreational sector.

MS. SMIT-BRUNELLO: I think if you wanted to take it out right now, that's fine, remove. Nothing prevents the IPT from suggesting that for whatever reason maybe you want to add it back in if they see the need to do so, but I don't see a big problem with taking it out. It would be you develop it or you don't develop it.

DR. DUVAL: All right, do you want to make that in the form of a motion, David?

MR. CUPKA: So move.

DR. DUVAL: The motion is to remove Alternative 2 from Action 1. Is there a second? Seconded by Charlie. Further discussion?

MR. CUPKA: Well, would it be remove Alternative 2 or Alternative 3 where you establish separate programs? We either don't establish a recreational harvest tag program or we do establish one for the recreational sector. If we just remove the word "private" or something from Alternative 2 and then remove Alternative 3, it would be generic.

DR. DUVAL: I agree; so if we remove "private" from Alternative 2 and then we could remove Alternative 3. **The motion reads remove Alternative 3 from Action 1 and remove the word "private" from Alternative 2. All right, any other discussion? Any objection? Seeing none; that motion stands approved.** We have modified Action 1; we have removed Action 2; we have removed Action 5; we have removed Action 6.

There seems to be some consensus around the table for having a conference call with members of the IPT and I think state representatives to determine what the options would be for moving forward, and then we come back with that information more fleshed out at the December meeting. What about Action 7, the cost-recovery program? Does that need to stay in? Yes. Okay, is there anymore discussion on this amendment? If not, I would like to move on to Regulatory Amendment 16. John.

MR. JOLLEY: Not to belabor it, but it could be wordsmithed just like we did with the purpose and need.

DR. DUVAL: What could be wordsmithed?

MR. JOLLEY: Well, the rest of the document.

DR. DUVAL: I think that is duly noted that we could remove lots of words from the text of the document, so thank you, John. The next item on our agenda is Regulatory Amendment 16, and hopefully this will be fairly quick. This should be Attachment 6 in your briefing book. This is the action that would simply remove the November through April annual closure for black sea bass pots. Remember, this hasn't actually gone into place yet.

It is included in Regulatory Amendment 19. However, all indications are that it will go into place. In order for us to receive an updated biological opinion on the snapper grouper fishery, that would I think include some of the measures that were taken through Amendment 18A. We need to at least select a preferred alternative and an action to remove that. I am going to turn it over to Myra.

MS. BROUWER: The first thing is to look at the purpose and need. Our proposed purpose and need is that the purpose of the amendment would be to remove the annual November 1st to April 30th prohibition on the use of black sea bass pot gear. The need for the amendment is to minimize socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for ESA-listed whales in the South Atlantic Region. If that looks adequate to you, then I would need a motion to approve the purpose and need.

MR. HARTIG: Yes, I would like to move that we approve the purpose and need.

DR. DUVAL: Motion by Ben; second by Charlie. Discussion? Mel.

MR. BELL: A quick observation; I guess those are the dates we settled on, but I know in going to the recent meeting with the large whale folks, they were using 15 November to 15 April for the time period. If that is what was in the amendment we did, then that's what we need to do.

DR. DUVAL: That is indeed correct; the dates were different in the Take Reduction Team Documents. **Any other discussion? Is there any opposition? Seeing none; that motion stands approved.**

MS. BROUWER: And there is the one action which is to modify the November 1st to April 30th prohibition on the use of black sea bass pot gear. We have four alternatives. I'm not sure that they're all necessary. Alternative 2 would simply remove it. Alternative 3 would change it to begin November 15th and last through April 15th.

Alternative 4 would prohibit the use of pots from November 1st to April 30th but only in designated right whale critical habitat in the South Atlantic Region. This is just the range of alternatives that the IPT came up with. I don't know what else we can include in there; but if you have ideas, we could expand that range or contract that range of alternatives, whatever you'd like to do.

MS. BECKWITH: Under Alternative 4 shouldn't it be November 15th to April 15th given the new information that Mel was suggesting?

MS. BROUWER: Well, what is going to get implemented through Regulatory Amendment 19 is November 1st through April 30th, so that is the extent of the closure that would need to be modified.

DR. DUVAL: Anna, I think I see what your question is. Alternative 3 addresses the dates that are actually the ones that are contained within Take Reduction Team Documents, so it really just shortens it by 30 days. Alternative 4 maintains the November 1st to April 30th closure, but only

within that designated right whale critical habitat area. There are some maps included here that show where that is. That doesn't preclude us from adding additional alternatives in here or removing any of these.

MS. BECKWITH: Right, but what is going to be mandated; is it November 15th to April 15th that is what is in the Take Reduction Plan now. I mean, is that what we're trying to go to since it was – I mean, I get that it was different from what we put into what that document said. I guess that is where my bit of confusion comes in.

DR. DUVAL: November 15th through April 15th has to do with like gear requirements and how you mark your gear and how you use your gear within these designated areas. Roy.

DR. CRABTREE: What is in Regulatory Amendment 19, when it goes in place, is November 1st to April 30th. I think you could in Alternative 4 remove specific reference to the dates and just say that the black sea bass pot seasonal closure would apply only in critical habitat. Then if you wanted to change it to November 15 to April 15 and only in critical habitat, you could choose two preferreds. That might be a way to do it.

MS. SMIT-BRUNELLO: I don't need to add anything. I was going to comment to Anna's question, but Roy addressed it.

DR. DUVAL: Could we have that change in the form of a motion?

MS. BECKWITH: I move that we remove the date-specific in Alternative 4.

DR. DUVAL: Motion by Anna to remove the specific dates from Alternative 4; seconded by Ben.

MR. HAYMANS: Monica, could I ask you a question while they're typing that? How far in the process does this have to go before the Office of Protected Species offers an opinion or BO or whatever they're going to do? Does it have to go to the secretary for review before you get that or at what point?

MS. SMIT-BRUNELLO: I think some of that is going to be addressed a little bit later this week because you've got some Protected Resources people. I think that if you're going to take a strict reading, it would almost have to be when the council takes final action and it is submitted to the secretary.

However, I think the Service may have a policy – and I will find out for certain for you – that once you get as far as like the DEIS phase or something like that where you're pretty settled on an alternative, then they can start developing a biological opinion and analyzing that. But you can understand where they don't want to start an opinion and then the council picks a different alternative and then they've got to go back and redo all that. I am not quite sure of the Service's exact policy on when they start, because I don't know that they take the exact hard line on when you submit it to the secretary. I think it might be before that.

DR. CRABTREE: Well, I think there is some leeway there, but I think the best time to have that discussion would be in the Protected Resources Committee when we have our Protected Resources folks here.

MS. BECKWITH: So if we were to make Alternative 3 and 4 our preferreds, just thinking ahead, I think the end goal is, what, that we want to not allow black sea bass to use pots for these dates within the right whale critical habitat or is the second end goal to remove the complete closure. I think we need to have a little bit of discussion of what the overall goal is.

DR. DUVAL: Yes, I was trying to clarify that when we started this discussion in that I think the council's concern, when Regulatory Amendment 19 went through and when we discussed that, is that there was a pot closure that was put into that amendment as a requirement to protect right whales. The council's concern was that, look, we have reduced the total number of permit holders to 30 or 32.

There are only 35 pots that everybody is allowed to use; they have to bring them back at the end of every trip; and so the maximum number of pots in the South Atlantic Region that is going to be deployed at any time is like 1,100 pots; so how is that potentially impacting – having a negative impact on right whales when there has not been a documented interaction of right whales with sea bass pots. I think the council's goal was to have a revised biological opinion that would take that we took under Amendment 18A into account. Roy.

DR. CRABTREE: But looking at what we did with the purpose and need and then looking at these alternatives, they don't jive up exactly. It seems to me rather than being as blunt in our purpose and need is to say our purpose is to remove the closure. It looks to me what we're trying to do is make sure that we've struck the proper balance between economic benefits to the fishery and this closure because we have alternatives in here that in fact don't remove the closure, but they just shrink it a little bit to the critical habitat area.

It seems to me that if we're going to consider doing that, the purpose and need ought to be revised a little bit to provide more nuance other than just to remove it because that may not be our purpose. Our purpose ultimately may be to make sure it is no bigger than it has to be or something like that.

DR. DUVAL: If we go back to the purpose statement and modify that to say something along the lines of the purpose is to balance the economic needs of the black sea bass pot fishery with protection for critically endangered right whales or something along those lines?

DR. CRABTREE: I think that something along those lines is really what we're about here.

MR. PHILLIPS: Well, would it be simpler to put an alternative in there to just remove the closure?

MS. BECKWITH: Well, we already have one. I think it is reasonable to consider maintaining the closure within the critical habitat area for the most reduced amount of time. I think that

would be my potential angle to this, but that's certainly up for discussion with the rest of the council.

DR. CRABTREE: And, of course, we don't have any analysis here, so we don't know; but if there was an analysis done that showed that you would get virtually the same right whale protection by putting the closed season only in the critical habitat area that you would get with having it in the whole region, then, yes, that would be a very logical thing to do.

Now, I don't know if any analysis will ever show that or not, but that's why I think what we're trying to do here is review the balance between right whale conservation and the economic performance of the fishery and make sure that there aren't things that we could do better than we did in 19, which admittedly we did very quickly and didn't have time to fully analyze perhaps some of these things.

DR. DUVAL: We would need another motion to revise the purpose and need statement. **Let's dispense with this motion and that was to edit Alternative 4 as follows, so Alternative 4 would read, "The black sea bass pot closure applies only in designated right whale critical habitat in the South Atlantic Region." Is there anymore discussion on this motion? Is there any objection? Seeing none; that motion stands approved.**

MS. SMIT-BRUNELLO: And just for the record, I think that the reason November 1 to April 30th was chosen, which is slightly than the right whale calving season, was because it takes into account also the large whale migration period as it starts through North Carolina. That is why there is the 15-day difference there.

MR. CUPKA: Yes, and I think it will be interesting – during our Protected Species Committee Meeting, we have a presentation on the co-occurrence model, which we tried to explain why we thought that there wasn't going to be any problems with the black sea bass pot, but I think it is all based on the probability of a co-occurrence.

We have got information here that outlines the procedure for doing a co-occurrence model, but we don't have any of the results in there, so I'm really looking forward to seeing what some of the results of the application of that co-occurrence model is and maybe have a better understanding, because they taking into account sightings within the area not only of critical habitat but migration and a number of things that, like I say, we don't have the data.

I don't even know what the critical data points would be to designate something like this, so I'm looking forward to that presentation during our committee and hopefully it will shine some light on some of the things we're trying to do here.

DR. DUVAL: I think we're all definitely looking forward to that presentation, and it should be pretty informative. I think we do need to back up to the purpose and need, though, and get a motion to modify the language in the purpose statement. Ben.

MR. HARTIG: Madam Chairman, I jotted down, after the discussion, the purpose and need of Regulatory Amendment 16 to the fishery management plan for the snapper grouper fishery of the

South Atlantic Region is to address the balance between whale protection with the socio-economic impacts imposed on black sea bass pot fishermen initiated by the November 1 to April 30 pot closure. Does that encapsulate it?

DR. DUVAL: I think if you can read it one more time, Ben, so that Myra can get it down; that would be great.

MR. HARTIG: Where do you want me to start, Myra?

MS. BROUWER: "Address the balance".

MR. HARTIG: Okay, to address the balance between right whale protection with the socio-economic impacts imposed on black sea bass pot fishermen initiated by the annual November 1 through April 30 sea bass pot closure.

DR. DUVAL: Motion by Ben; seconded by Mel to modify the purpose statement as follows: The purpose of Regulatory Amendment 16 to the fishery management plan for the snapper grouper fishery of the South Atlantic Region is to address the balance between right whale protection and the socio-economic impacts imposed on black sea bass pot fishermen initiated by the annual November 1 to April 30 prohibition on the use of black sea bass pot gear. Mel.

MR. BELL: I remember going through this. They have other species listed on there other than right whales. I know the big focus is right whales, but at the hearing and all we went to they had more than right whales in there. We originally had "ESA-listed whales" or something. Right whales is indeed probably the most of it, but I know from the Large Whale Take Reduction Team Plan stuff, it was more than just right whales.

DR. DUVAL: So perhaps "ESA-listed whales"; would that cover the gamut; a friendly modification, both the motioner and seconder? Okay. Is there any other discussion on this motion? **The motion is modify the purpose statement as follows: The purpose of Regulatory Amendment 16 to the fishery management plan for the snapper grouper fishery of the South Atlantic Region is to address the balance between ESA-listed whale protection and the socio-economic impacts imposed on black sea bass pot fishermen initiated by the annual November 1 to April 30 prohibition on the use of black sea bass pot gear.** Any other discussion or wordsmithing? Charlie.

MR. PHILLIPS: Monica, I know this talks about black sea bass pots, which is basically vertical gear in the water. Is it going to also cover any other possible vertical gear in the water?

DR. DUVAL: Roy.

DR. CRABTREE: Well, the biological opinion will be on the entire snapper grouper fishery, and it is going to look at everything. It is going to look at turtles and the whole shebang.

MR. PHILLIPS: What if we have a fishery that has vertical gear that is not in the snapper grouper fishery?

DR. DUVAL: Then it is not going to be considered because the biological opinion is only for the fishery.

DR. CRABTREE: And one thing I would point out; we're talking about getting a biological opinion to see if there is jeopardy or not, but bear in mind the Endangered Species Act requires us to do more than just avoid jeopardy. It requires us to achieve recovery. I worry that this is being portrayed a little too black and white and simple, and it is a lot more complicated than that. We need to be very careful on this one, because this is going to be scrutinized big time, and we've got to make sure we do everything right.

DR. DUVAL: Does the committee at this time have a desire to choose a preferred alternative? Sorry, we need to finish this motion. **Any other discussion? Any opposition? Seeing none; that motion stands approved.** Now, does the committee have any desire to choose a preferred alternative at this time?

MS. BECKWITH: Monica had brought up earlier that we don't necessarily have enough analysis to choose an alternative, preferred, maybe.

DR. DUVAL: I'm just asking the question. Monica, do you have any advice for us on this? I'm just going to let the committee members know we've got one more thing to go through. I have asked Gregg to come up here and just quickly run over – not going through it in detail, but to just review the decision document for Regulatory Amendment 17, which is going to be our only agenda item tomorrow, just so that folks have this front and center and everybody knows what is in that regulatory amendment in terms of options and alternatives. Roy.

DR. CRABTREE: Well, I would advise you not to choose a preferred alternative at this point. You don't have any real alternative here, and I think it would give the appearance that you made your mind up before anything was done with it. I think you really need to see a pretty sophisticated analysis of the impacts, the economic costs of the closure, the potential impacts on right whales and all of that, and then you decide what the preferred alternative is based on the result of that analysis.

DR. DUVAL: That sounds fine and logical to me, so everybody is okay with that? Our discussion on Regulatory Amendment 16 is ended at this time; great! Gregg.

MR. WAUGH: This is Attachment 7 in snapper grouper. A revised attachment was sent out just after the second briefing book, and that adds the Appendix B that was missing in the first one. I'm just going to go through this, as Michelle said, very quickly. First off, we present some background.

This is the motion the committee made and that has driven what we've put together for you in terms of the purpose and need and options looking at reconfigurations and spawning. By spawning, we looked in the minutes and you all were talking about speckled hind and Warsaw. The other issue that needed to be resolved was Type 1 versus Type 2. The Expert Workgroup is recommending Type 1.

You all had made a decision in the past that it should be Type 2, so we wanted that clear up front. We worked up the purpose and the need, and something to consider here is – well, first, let me back up a second. This does not alter the purpose and need in Amendment 14 for the original eight MPAs.

This is targeting a new purpose and need to deal with speckled hind and Warsaw. In our Table 1, which I'll get to in a minute, we have our original sites there, and that meets our original purpose and need. Now we're looking at an additional issue of focusing in on speckled hind and Warsaw. How you structure your purpose and need – you saw this just now with the need to back up and modify the purpose here.

We need to spend some time with this because the way you have this set up now looking at configuration of existing sites and new sites with evidence of speckled hind and Warsaw grouper spawning leads you to list in Table 1, which I will show in a minute. If you want to add more sites, then we need to modify our purpose and need. There is a little bit of discussion and background under here, points to help in looking at this history of management, the stock assessments that were used here, the current stock status – speckled hind and Warsaw are undergoing overfishing – the current stock status conclusions from the SSC.

Then we present the current best estimate from logbooks and observer programs on discards. There is concern about these numbers and how accurate they are given the rarity of these catches, and you heard that some when we had the Gulf and South Atlantic Fisheries Development Foundation presentation.

Nonetheless, these are the numbers that would go into an assessment. These are the best numbers that we have. For 2011 there 415 speckled hind; in 2012, 474; for Warsaw, 117 in 2011; 202 in 2012. Then we lay out the reconfigured sites, and that is in Table 1 and 2, and I will get to that in a minute.

Again, how you structure your purpose and need leads to a list of the sites. Once we talk about the list of sites, then we want a little input on how to structure the actions and alternatives. In Regulatory Amendment 14 we structured them looking at each site and alternatives for that site. Our suggestion here is perhaps a better way to deal with this is look at it on a state-by-state basis with alternatives for changing those sites or having different alternatives within each state.

Then we talk about a system management plan. We had a draft management and evaluation plan in Snapper Grouper Amendment 14 in the public hearing version. It was taken out over concern of the limited resources and that would take resources away from the Oculina Research Plan. We talked about this earlier. Someone mentioned that still the research, outreach and enforcement needs were included in Amendment 14, and those are included here as Appendix A.

We want your guidance on moving forward with this. We've got a draft that Michelle Meadows and Ken Lindeman have put together, and that is included in the additional material. I will point that out in a second. What we need to feed into this are some presentations at the December meeting on what has been done in terms of NOAA Law Enforcement and the Center in meeting these research and enforcement needs.

Council staff will present at December what we've done in meeting the outreach needs. That will feed into this system management plan so that we know what still needs to be done to evaluate these sites. The intent right now is that system management plan will focus on the existing eight MPA sites.

Should we go and develop additional sites, then they would fold into that system management plan. Then in terms of timing, there are three options laid out here. The fastest one, which I think would be extremely difficult for us to get the analyses done, would have you approving it – and this assumes that it would only be an EA, environmental assessment.

That will depend on how many sites you're including in the analysis and the level of impacts. But Option 1 would be the fastest we could go, assuming an EA, you would approve for public hearings at the December meeting. We would do the hearings in January and it comes back for you review public comments at March and final review is either at March or June. Option 2 and 3 are if it is an EIS.

Option 2 would have us approving it for scoping it at the December meeting, do the scoping in the January or February time period, review scoping comments at March, approve for public hearings and conduct separate public hearings during the April/May time period similar to what we did for VMS, and then final review at September.

Option 3 would be basically the same except we would take a little more time to finalize the document for public hearings, approve it for public hearings at the June meeting, hold public hearings in August, then final review at the December meeting. We've got a lot of material here that is included as background information.

We've got both MPA Expert Workgroup Reports, the minority report, minutes from the last Expert Workgroup meeting, presentations and spreadsheets that they used, the April SSC minutes, the March Snapper Grouper Committee meeting, MPA ranking sheets provided by Nick Farmer and this was used by the Expert Work Group.

We've got an updated version of that that can be projected. That also presents one method of estimating impacts. Tabs A and B, that is a spreadsheet that is included here with the information that is in Tables 1 and 2. You can copy and paste those if you want to create different alternatives.

Eleven and twelve, eleven is a cover letter from Michelle Meadows related to the system management plan, and the system management plan is included as twelve. Scott Baker, who did some research – and Amber worked with him on that – looking at a pilot for electronic monitoring, he took the results from his study and looked at how many pings occurred in these proposed MPA sites. Item 11 includes a table showing some level of impact.

Then, finally, we've got some letters that we received; Pew, a letter from scientists. An NRDC letter was also e-mailed out to you. In terms of you specifying the purpose and need, let me go first to Table 2. This is a complete list recommended by the Expert Work Group, the MPA Expert Work Group.

We went through in detail their report. They did a great job, but at times it is a little unclear as to what specifically is being recommended. As you're going through their report, you may want to use this table. The existing sites are shown in green and italics. They did not include the East Hump and the Charleston Deep Artificial Reef MPA, but they're not intending that those be removed.

To look at Table 1, applying your existing purpose and need in terms of reconfiguration and spawning of speckled hind and Warsaw, this is the list you get to. Now, 1A is existing snowy wreck. The Expert Work Group has recommended some alternatives that could look at shrinking that. South Carolina and Edisto Reconfiguration and then the Devil's Hole or Georgetown Hole and northern South Carolina extension; Georgia, the existing Georgia MPA; and then Florida, you can see the one new site would be the Warsaw Hole.

Under your existing purpose and need, that is where you end up. You've got as Attachment A the purpose and need and the research needs from Snapper Grouper Amendment 14; and then the last Item B are some graphs from Nick Farmer showing speckled hind commercial discards, speckled hind commercial landings, recreational discards, recreational landings.

It gives you some indication of the ongoing level of landings. It gets pretty small; but in 1992 speckled hind and Warsaw grouper were included in the five grouper bag limit; in '94 was a no sale. You see we've got the level of commercial landings after the no sale. Then the no possession went in place in 2011, so we've still got some recreational and commercial possession after that. The first page is speckled hind and then the same information for Warsaw grouper. That's it.

DR. DUVAL: Thank you, Gregg. Again, I just wanted to do this to sort of prep everyone for the conversation tomorrow. It is probably going to be a long one, so I want to make sure that the contents of the decision document and some of the decisions that we're going to have to make are sort of top of mind so that you can go to sleep dreaming about them tonight. If there is nothing else and no other questions, we're going to recess until 8:30 tomorrow morning.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Blue Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday morning, September 18, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Michelle Duval.

DR. DUVAL: All right, everybody, we're going to go ahead and reconvene the Snapper Grouper Committee. We have just one major item left on our agenda before other business today, and that is discussion of Regulatory Amendment 17. I had Gregg run through the draft decision document yesterday just to kind of familiarize everybody with the decisions that the committee would be making this morning.

In reviewing that it seems like it might be a little more logical to actually skip to Page 6 of that decision document and discuss a system management plan. Recall that I stated yesterday that previously the monitoring and research plan for the existing marine protected areas that went in through Amendment 14 was removed by the council before the final document was submitted.

I thought it might be a little bit easier for us to sort of step back to the items that might have been in that plan and draft system management plan outline that Michelle Meadows and Ken Lindeman have prepared. I will just note that Ken actually worked on the previous monitoring and evaluation plan that was previously incorporated into Amendment 14 that the council then removed. I hope folks have had the opportunity to take a look at this.

I think if you go to that background or information folder in your briefing book or that revised background information folder – it should be Item Number 12 – is the draft outline of a system management plan for the existing MPAs. I'm going to turn it over to Gregg to kind of run us through this and give a little bit more background. I thought having a discussion about this and sort of what we need for our existing MPAs to really make them function the way they should, to determine if they're meeting the goals and objectives that were originally set out within Amendment 14 – and if you have taken a look at that system management plan, all the background information that is in there includes the goals and objectives that were originally included in Amendment 14. I am going to turn things over to Gregg.

MR. WAUGH: Just by way of a little bit more background, as Michelle said, we originally had a research and monitoring plan in the public hearing version of Amendment 14. It was taken out because of funding concerns. Ken Lindeman worked with us and he put together a lot of that material.

Those of you that have looked at the minutes from the last Expert MPA Work Group, Ken raised this issue again and pointed out that we're vulnerable without that to being able to document the status and utility of the MPAs in achieving the goals in Snapper Grouper Amendment 14. I met with Ken over lunch during that meeting and explained him to that we understand we need to add this; but given our current workload and expertise, there is just no way we could do this as staff.

I asked Ken if he could do this, and he said, "Well, my schedule is really booked up." He couldn't but he has continued to work in this area, and he said, "I have a recent master's graduate who could work on this. Can you all provide some funding?" I said, "Well, I can't commit anything." I went and talked to Bob and being the good administrator Bob is, he said just with the current fiscal times and not knowing what is going to happen, we can't commit to any new expenditures.

I told Ken this and I said, "You know, we'd be supportive, we would write letters to anybody who you could think of that might be able to help provide some funding." Ken was able to discuss this with a number of groups and Pew ended up coming up with some money for Michelle to work on this outline.

I think what is important to understand is this builds on what was in Amendment 14. It targets Amendment 14 and what is needed to achieve those research issues that were outlined in Amendment 14. This is not an evaluation. We will be talking a little bit more and requesting some presentations at our next council meeting related to our Oculina Research Plan.

What we need to do is have an evaluation of that. Within that Oculina Evaluation Plan, the council has identified an evaluation team and appointed an evaluation team to conduct the evaluation of the Oculina Experimental Closed Area. For oculina, we have a plan that lays out what needs to be collected, and it also has a provision for an evaluation plan.

That evaluation team has already met once. They did their three-year review. Their ten-year review is supposed to be provided in March of next year. The timeline we're looking at will be delayed a little bit until about June. Coming back to this system management plan, what Michelle – and she is here and I hope a number of you have had a chance to talk with her, but she working with Ken have put together a draft of what this would look like. Again, it is not complete and it does not have the parts of appointing an evaluation plan.

The intent here if the committee approves this is we would take this outline and work with it, modify it as we see fit that it needs to be modified, work with the Center, work with the Region, work with all of our advisory panels to make sure everybody has their input into that process. This would be an umbrella for what needs to be collected for our MPAs.

There may be the opportunity for Ken and Michelle to do some more work on this in the future. Certainly, someone of Ken's experience and status may be considered for the evaluation team. I think it is important to understand this is a two-step process. The system management plan will lay out what data and research needs to be collected, and then the council would appoint an evaluation team who would actually conduct the evaluation at some point in the future.

With that, let me just walk through this briefly. Again, the intent is this is to establish initially to cover our existing eight MPAs. Should the council ultimately approve additional MPAs in the future, they would be folded into this, and I will show you in a moment where that would happen. First, we have got just a list of the sites.

It goes over Amendment 14, and again you have the purpose and need for Amendment 14 in the decision document as Appendix A, also, describing the legislative authority and the regulations. Then the system management plan would look at the goals, and these goals and objectives come right out of Amendment 14.

Those would be the goals and objectives that would be evaluated; looking at connectivity within and amongst MPAs; existing knowledge gap; management; action items; resource protection items; research and monitoring action items. And this is good because there has been some confusion about what work has been done in these existing MPAs, and Michelle has put together a brief outline of what those are.

We can certainly have presentations and I would expect that the presentations in December would go into this in a little more detail. Stacy Harter can give us a presentation on what they have done. But NOAA Fisheries Southeast Regional Office, the Southeast Fisheries Science Center have been doing ongoing monitoring and sampling in 2004 through present.

There has been some modeling of the geographic distribution of speckled hind and Warsaw, and this is the project Nick and Mandy have worked on in the regional office. MARMAP and

SEFES are conducting continuing monitoring, and some of their monitoring sites are within these MPAs. North Carolina Sea Grant had a project to do some acoustic surveys in the Snowy Wreck MPA.

NOAA Ocean Exploration has done some video and sonar surveys from 2001 through 2013. Larval connectivity studies have been conducted 2005 through 2008, and Michelle Meadows participated in some of that work as did George Sedberry. We have additional sections that need to be fleshed out.

I think what is very helpful here is there is a section that will deal with socio-economic monitoring; and some of the appendices to this draft system management plan lay out in detail what has been conducted for socio-economic monitoring in other areas; and outreach and education action items. Then you get into the management effectiveness evaluation, and this to me is where the council would have ownership of this system management plan at that stage.

You would lay out who would do the evaluation and when it would be done and so forth; and then the same looking at socio-economic indicators. This really gets at the public's participation in these areas, views of these areas, utilization of these areas. And then we get into the specific site characterization.

I think this would work; this system management plan would be a document that would be modified periodically, and you will see this will go through – this section will be repeated for each MPA because some of the work can apply to all of them, but there is some work that would be specific to the existing MPAs.

For instance, the one off of Georgia that targets tilefish, you would look at that slightly differently than you might look at some other ones. And should the council establish additional MPAs in the future, well, then, those individual MPAs and any tailoring of research would fold under this section. That is a brief outline, and Michelle is here. If you have specific questions at this stage, we can deal with those.

And then just to sort of outline the questions to you is we would like to have presentations – and this is in the decision document on Page 6 – we would like to have presentations for the December meeting from NOAA Law Enforcement and the Southeast Fisheries Science Center on which of the needs identified in Amendment 14 have been met and which have been outstanding.

Our staff will present the outreach. Kim has been the one that has done a lot of this work over the years, but we will be making a presentation on what has been done on the outreach side. We get the enforcement side and the research and monitoring side, and that way that could feed into the system management plan in terms of what has been done and what is lacking.

Then if you want us to pursue working on a system management plan for the existing MPAs, then we look for that guidance. Then again in the future – and this isn't stated properly here. We wouldn't develop an additional monitoring plan for any additional MPAs. Those would just be folded into the system management plan once they're developed. That is what I've got.

DR. DUVAL: Thanks for that overview, Gregg. I view this as being a really important tool. This is what we would use to establish metrics of success. This is what we would use to determine socio-economic impacts to the fishing community. I think this is the vehicle through which cooperative research for our existing MPAs would occur.

I think some folks know that Tom Burgess, immediate past council member, has done some cooperative research with one of our SSC members on the Snowy Wreck MPA in North Carolina. I think that is the kind of cooperation that I would envision this particular document helping us to move forward. Wilson.

DR. LANEY: Madam Chairman, a couple of comments and one question. The comment is that I think Ken and Michelle have done a great job putting this document together. One thing that they may want to take a look at is I know that the Fish and Wildlife Service is going through a similar exercise for the National Wildlife Refuge System. Even though that is largely a terrestrial system, it might be beneficial to take a look and see what sort of components they have included in their National Wildlife Refuge System Management Plan.

I think the National Park Service may be going through a similar exercise for the National Park System as well. I know there has been a big effort to shift to from thinking about individual refuges and parks, inside the refuge boundary and park boundary, to managing them more as a system, which is I think what the intent is here.

With regard to the socio-economic indicators, I guess the question would be – and it looks like from the list that this is in their thinking, but Michelle may be able to answer this. I presume that when you look at the socio-economic indicators and as Madam Chairman just said the socio-economic impacts, those would include beneficial as well as negative impacts.

I am thinking of things like ecotourism, for example, that might be a beneficiary of the creation of an MPA; maybe not so much in some of the deepwater sites, because I guess you can't – you know, you wouldn't easily be able to dive those sites and directly observe populations on those sites; but certainly from a seabird perspective, from a marine mammal perspective, certainly from a pelagic fisheries' perspective, if they were I guess Type 2 sites, which would still allow pelagic fishing. So, that is the only question I have was whether or not the indicators in there included an effort to look at the potential economic benefits as well as any detrimental effects.

DR. DUVAL: Wilson, I think if you look at the Appendix 7 that is indicated in there, this is given as an example of socio-economic goals and objectives. Those are examples of things that the council could consider and include in that particular section. I would think that it would absolutely include both positive and negative benefits and evaluation. I can't imagine that it wouldn't. I see Michelle is nodding her head yes. David.

MR. CUPKA: Madam Chairman, I would like to speak in favor of undertaking an action like this. I think there is a need for it. Anybody who participated in our earlier work on Amendment 14 and the Oculina Bank knows that it was useful. I am somewhat concerned about the lack of funding, but we have got to start somewhere, and we could use this document to establish some priorities.

Otherwise, we're going to find ourselves in pretty much the same spot we are now, which is really a lack of data to say exactly what we've got out of the existing MPAs. We need to start somewhere and hopefully if we prioritize some of these activities, funding will become available to carry some of them out and we can answer some of these very important questions that we need answers for to evaluate these areas. I would speak in favor of moving ahead on this if we can and following the process that Gregg that laid out for us. I think it is extremely important and something that we need to do.

DR. DUVAL: Thanks for those comments, David, and I would strongly agree. I think this would also go through SSC review. If I'm correct, it would go through all of our sort of normal review processes, the Socio-Economic Panel of the SSC as well. Mel.

MR. BELL: I'd just kind of echo what David said; I would be in total support of this. I think regardless of what happens associated with the discussion of additional sites and things is that we still have an obligation to the original eight sites. I think we have an obligation to have something like this in place. Something we might also want to look at as we eventually get into this is we have the original goals that were established that are capture in here, but does that cover everything that we still want covered in terms of assessing what we're doing out there.

One of the really hard things that has hit me just in terms of discussing moving forward is the fact that we don't necessarily have a clear characterization of what we've already done or what sites we have in place; you know, what have we captured in terms of the actual bottom, what sort of complete or incomplete bathymetric work do we have, the description of the biota, the spawning, the non-spawning.

You will notice that, of course, there are a lot of X's off of South Carolina related to spawning sites and presence of species. Well, that has a lot to do with the fact that MARMAP for years and years and years has operated out of South Carolina, so you tend to find yourself in your backyard a lot sampling. But, certainly, there are X's that there could be potential X's in other places.

That is something we might want to consider for December is perhaps kind of helping us to understand what we already have is MARMAP presenting data that they have going I don't know how far back, but I'm sure they've actually touched a number of those sites over the years. That would be worthwhile understanding.

I think this is just critical for us to establish what we already have in place, and that will help us better decide what we might want to do in terms of additional bottom or adjustments or things; sort of that Tier 1 level that we tasked the working group with. It is kind of hard to know how best to adjust something if you don't really know what you have already accomplished, so I think this is critical. Regardless of what we do, we need to have something like this in place.

DR. DUVAL: I absolutely agree, and I think that is kind of what we wanted to get to after this was, first of all, is the committee supportive of having a plan like this and moving forward with development of a plan like this as Gregg has laid out with cooperation and input from all the parties that we would normally work with.

I think also in terms of the work that has been done, as Gregg has mentioned, there have been ROV surveys that have occurred within our existing sites. One of the, I don't know, maybe benefits in some people's eyes and detriments in others is that this body turns over and so the people sitting around this table now are not necessarily the people that were sitting around this table when the Amendment 14 process went through, and so there is not necessarily a clear understanding of what research or monitoring activities have occurred in those sites.

I think a presentation as Gregg has suggested from Stacy Harter to review the ROV cruises that have occurred on those sites, I think maybe a presentation from MARMAP would be good. I think that information has been collated and used in some of the efforts like what Nick and Mandy have worked on to try to identify particular areas, but it is a little different seeing it in that format as opposed to having someone come here and say, "Well, here are the cruises that we have done, here is the sampling protocol that we set up," et cetera, et cetera. I would agree that having presentations like that for the December meeting would be useful.

MR. BELL: And to that point, if we could specific enough to where here is the box, these are all the data that we have associated with that box; and in terms of the mapping or the biota or whatever it is, that would be – I guess that would help me in a very simplified fashion to kind of realize what we have actually got right now. If we could really focus on what we have in our hands, that would help us out a lot, I think.

MR. HARTIG: Yes, Gregg, do you figure with what we have got, this outline from Michelle and Ken, and what we had in 14, that you've got enough information to go with the IPT and develop what you need to do for the monitoring an evaluation plan?

MR. WAUGH: Yes, but we certainly wouldn't turn down any additional help that Michelle and Ken could provide as we work through this. They have a lot of knowledge about how you have monitored and evaluated other MPAs that we don't have. But, yes, I think this outline is good, and I know Michelle's intent, after talking with people here at the meeting, was to tweak it some.

And if there are areas like Wilson has pointed out, other groups that can be looked at, to look at pulling some more information; and I'm sure her intent is to make another revision and then provide something to us. But, yes, I think this is a good outline; but when we get to Executive Finance, we will see the bigger picture of all the amendments and any additional help would be much appreciated.

MR. CUPKA: Just to get the ball rolling, I would like to go ahead and make a motion in regard to Option 1, that we approve that and have those presentations at our December meeting.

DR. DUVAL: There is a motion by David; seconded by Charlie. David, your motion is to go ahead and request those presentations for December or were you also including direction to staff to move forward with a system management plan?

MR. CUPKA: Well, I was going to do it in steps, and I think the first step was to get the presentations, but certainly I would be in favor of additional motions to proceed with a plan, but I was going to kind of take stepwise.

DR. DUVAL: I just wanted to make sure I understood what your motion was. Is there any discussion on the motion? Gregg.

MR. WAUGH: Just to clarify based on your previous discussion, I have added in here to make it absolutely clear that the staff will make the presentation and then MARMAP as well.

MR. CUPKA: And that was my intent to include the additional language.

DR. DUVAL: Anymore discussion? **The motion reads to request presentations for the December 2013 meeting from the South Atlantic Council staff, MARMAP, NOAA Law Enforcement, and the National Marine Fisheries Service Southeast Fisheries Science Center on which of the needs identified in Amendment 14 have been met and which are outstanding. Any opposition? Seeing none; that motion stands approved.**

It sounds like at least from the comments that I have heard that folks are generally in support of moving forward with development of a system management plan for our existing marine protected areas.

I think it would probably be helpful for staff in terms of including this in our priorities for work for the upcoming year, if we could get a motion from the committee to that effect. I don't know if anyone has any other comments that they want to make with regard to that or what, but I think it would be helpful to have a motion in that regard. Jessica.

MS. McCAWLEY: That looks like Option 2 to me, so a motion to direct staff to work on a system management plan for the existing eight MPAs.

DR. DUVAL: There is a motion by Jessica; seconded by Mel. Discussion? David.

MR. CUPKA: A question perhaps for Gregg; it seems to me you had indicated that Option 3 would be a part of that as well, that it would also include an evaluation plan as part of that; is that correct?

MR. WAUGH: Yes, a component of the system management plan, after we get it, would be laying out similar to what is done for oculina is appointing an evaluation team and that process. And then I guess we could discuss and just indicate your intent that within this motion should we create more MPAs, that they would be added to the system management plan; just to clarify that.

MR. CUPKA: I just wanted to clarify that it would also – and ask Jessica if her intent was to include that component of Option 3 as well, as Gregg has indicated.

MS. McCAWLEY: That was not my intent.

DR. DUVAL: **Other comments or discussion? Everyone is clear on what the intent of the motion is? Is there opposition to this motion? Seeing none; that motion stands approved.** Now I think we're probably in a better place to go back to the beginning of the decision document and move forward in a sequential fashion from here, if folks are okay with that.

MR. WAUGH: Again, as I pointed out yesterday, the intent here is not to change the original purpose and need from Amendment 14. As Mel suggested, a part of the evaluation will be determining whether or not those objectives are still applicable and whether they should be modified. The purpose and need in Regulatory Amendment 17 is specific to speckled hind and Warsaw.

This draft wording was developed by our staff and by the IPT based on the motion that is shown on the top of Page 2 that was approved by you at the March meeting. That was to bring the MPA issue back to the Snapper Grouper Committee at the September meeting to develop a purpose and need and potentially consider options for reconfigurations and spawning.

The purpose is to modify the existing network of eight deepwater marine protected areas, implemented through Snapper Grouper Amendment 14, through reconfiguration of existing sites and/or addition of new sites with evidence of speckled hind or Warsaw grouper spawning. Develop and implement monitoring/evaluation plans for existing and any new marine protected areas.

We may want to modify that to not address the existing, since you've already told us to do that separately. There would need to be some direction to do that for new MPAs.

The need is to reduce bycatch mortality of speckled hind and Warsaw grouper in specific areas; protect areas of spawning activity for speckled hind and Warsaw grouper which will also protect spawning areas for other snapper grouper species including snowy grouper, red snapper, red grouper, and red porgy that are currently overfished; continue protection of deepwater habitat and associated species from directed fishing activity; and routinely monitor and assess the effectiveness of the marine protected area network, as outlined in a marine protected area monitoring plan, in meeting the stated goals of the area designations.

I think it is important to understand how you structure your purpose and need leads directly to the list of sites. The sites are shown in Table 2 that the Expert Work Group has recommended. We went through their report. We've indicated and pulled out – the existing ones are shown in the green and italics; the size of them, whether they're existing or new, and reconfigurations.

In the reconfigurations, if it was rotating an area or expanding or shrinking an area, we included that in reconfiguration. There are some that touch an existing MPA, in the border, a portion of it, and we did not consider those for this purpose as a reconfiguration – and then which ones have spawning for speckled hind and Warsaw.

So by saying what you're doing is looking at reconfiguration and spawning of speckled hind and Warsaw, what that does is extract these sites from the overall list, so these sites meet your current criteria of reconfiguration and targeting spawning. Again, we've got here, 1A is the existing Snowy Wreck; 1B is the option to reconfigure that and reduce it in size.

South Carolina – and as Mel pointed out, let no good deed go unpunished – you have done a lot of research off here, so you've got a lot of sites. Again, the existing ones, Edisto, this is shown as 3A, 3B, because you have got the existing MPA site, you've got the Edisto reconfiguration.

The Charleston Deep Reef and then you have got Devil's Hole or Georgetown and northern South Carolina extension.

Georgia, the proposed sites, none of them had spawning of speckled hind and Warsaw, so we just have the existing MPA. Florida you have got four existing and the Warsaw Hole. This table now meets your existing purpose and need. If you want to look at additional sites, then we need to consider that as you set your purpose and need.

DR. DUVAL: I think one of the first items of business is probably to modify at least that last sentence within the purpose statement that speaks to implementing monitoring/evaluation plans for existing marine protected areas, because we have already indicated our desire to go ahead and do that through the motion that was just passed. I think the committee might want to modify that particular sentence; but as Gregg said, whatever is in the purpose statement is going to inform what is included in this amendment. Mel, I think you had your hand up.

MR. BELL: It was necessarily to the last sentence. I am a little uncomfortable with Table 1 in that it seems to be rather South Carolina centric. I'm not an expert on deepwater groupers, but I would be willing to bet you they don't only spawn off of South Carolina. We have kind of got ourselves in a little box there the way the previous sentence is worded "with evidence".

That probably needs to be changed as well. To the last sentence, just like we said earlier, whatever plan we put in place would suffice for the existing eight boxes in terms of evaluation. It would also cover anything else we might consider in the future. I'm not sure what you need to do as far as tweaking the last sentence, but I'm not satisfied with the current purpose statement as it is written.

DR. CRABTREE: Well, what strikes me about our purpose and need is I read where we have our purpose, and I look at that and I see no purpose at all in that statement. That's all a need, it seems to me. Then when I read the needs' statement, well, now I see the purpose. If our purpose is to reduce bycatch of these animals, then, okay, that's a purpose.

If our purpose is to protect them to achieve some end, well, when I look at our purpose statement, our purpose isn't just to modify these things. We need to modify them to achieve some purpose, which is I guess to protect these fish or reduce by catch or do other kinds of good things. It does seem to me that we haven't very well separated out the purpose from the need in that, and I think that is a lot of our problem here.

DR. DUVAL: So it sounds like you're suggesting that potentially these might need to be flip-flopped a bit?

DR. CRABTREE: Well, I think there are some things in the needs' statement that stand out to be more purpose, and I don't see any purpose in the purpose statement, so I think the whole thing kind of needs to be rethought and redone.

MR. HARTIG: I can start if you want to do that. I think Roy is right. For the purpose, reduce bycatch mortality of speckled hind and Warsaw grouper in specific areas by modifying the

existing network of eight marine protected areas through reconfiguration or addition of new sites. And this is a work in progress, by the way. That's not the only thing to go in.

I think somewhere in there you're going to have to define how you do that, and the only way that has been developed in the past – and the staff has made this clear as well – that you have to use the frequency of occurrence data in this purpose somewhere because that is the only thing we've used to delineate these areas through the workgroup work; all the work that has been done. I would add that as well at the end of anything we do, using that data to delineate sites.

MR. WAUGH: Ben, I think what you're suggesting is rather than stick with evidence of speckled hind and Warsaw grouper spawning, what you're suggesting is look at occurrence; is that correct?

MR. HARTIG: Well, the spawning is defined by occurrence. Spawning occurs based on the occurrences that came out of that data. It is within that occurrence data. It is not stated explicitly, but I think you need to state that. As Mel said, he is concerned about South Carolina and maybe we want to look at some other sites using just the occurrence data to do that, because there is nothing that we use. We have not idea how much habitat is out there.

These percentages that we've have been given through these different ways to adjust these things, they're meaningless. The South Atlantic does not know how much shelf-edge habitat we actually have; so we have nothing else to use but occurrence data. That's all we have; and so occurrence of spawning and occurrences based on data that has been collected and fishermen observations is all we have to move forward with.

MR. WAUGH: And should you want to do that, to add just occurrence in addition to spawning, then what you have in terms of what impacts that has to the list, if you look at Table 2, then the only sites on there that don't have some occurrence of speckled hind are the Malchase Wreck, Georgia MPA Reconfiguration N-2, and the Florida Keys Sanctuaries, SPAs and ERs. If you modify your purpose statement to add occurrence of speckled hind and Warsaw and not just spawning, then you bring in all these other sites. Then you can look at whether that's what you want to do or whether you want to select from those, using some process.

MR. HARTIG: Yes, my intent is not to bring in every site and go to public hearing with every site we have. My intent is to limit the discussion based on the reorientation – you know, what I have heard from the council, reorientation first, and then possibly a couple of more sites that encompass spawning. That is how I see us going forward.

I don't see us going forward taking everything out to the public and saying, well, pick and choose what is the best; you know, how is that going to work. I think if we limit our discussion and our site selection to the reconfiguration based on occurrences and your spawning based on spawning occurrence, I think that gives us the definition on how to move forward with a select group of sites that we deem appropriate and possibly a state-by-state selection process.

DR. CRABTREE: Gregg, it says “evidence of speckled hind and Warsaw grouper”; what exactly does that mean, what constitutes evidence of spawning?

MR. WAUGH: They show up in some sort of research that has been conducted or information on occurrence that was presented to the Expert Workgroup.

DR. CRABTREE: Does it mean that we have to have caught females with hydrated oocytes or post-ovulatory follicles? What is the test? It is one thing to say a female with developed ovaries is spawning. You see lots of developed ovaries. It is a lot harder and it takes a lot more sampling to find hydrated females because they don't hydrate for long; or post-ovulatory follicles because those typically degenerate within 48 hours or so. Then you start getting into issues that really the amount of sampling there is driving the whole thing. I think it is worth giving some thought as to what is the standard we would use to constitute evidence of spawning.

DR. DUVAL: I was just going to say a lot of those sites, like if you look at the maps where there are the little stars that denote spawning, many of those are from MARMAP. I don't know – Marcel is here – if we might want to ask him what MARMAP considers to be a spawning female, how they define that. David.

MR. CUPKA: I just want to go back and think a little bit about the creation of these MPAs and I guess remind or tell some of the new members when we originally created these, we weren't just looking at speckled hind and Warsaw. We were looking at a lot of species that occur in these areas that we wanted to protect.

It turns out that the emphasis has been on speckled hind and Warsaw because we need to do something for them. Also, we looked at these areas not just from a standpoint of spawning but an ecological reserve-type approach, so it would include things like Ben was alluding to, occurrences of these species we were trying to protect. I think we have focused in on some aspects of why they were originally created but they created for more reasons than just to try and protect speckled hind and Warsaw grouper spawning sites.

DR. DUVAL: I think that is a valuable history lesson. Mel.

MR. BELL: Just following up on that quickly; he is right, we put these tools in place to benefit the full spectrum of deepwater snapper grouper species, which even included tilefish and things out in habitats that might not be the greatest for speckled hind or Warsaw. So now what we're really talking about is so these tools that we have put in place, to what degree are they – now that Warsaw and speckled hind have kind of risen to a need to do something specifically for them perhaps, so what degree do the existing sites benefit them, whether it is just their presence or whether or it is spawning that can both be beneficial.

So then the next tier beyond that is, is there tweaking that you could do of the existing sites to maximize benefit to those two species in particular; so can you adjust your use of the tool to put a little more focus on those two priority species? That is what this is really about, but where we're kind of hampered is we don't really quite know what the tool is doing right now to help us kind of make that next jump.

DR. DUVAL: Dr. George Sedberry, who is the chair of the Expert MPA Workgroup, has stepped up to the mike to clarify the spawning situation, hopefully.

DR. SEDBERRY: I hope so, too. I was also the PI on MARMAP for a number of years, too, and so Marcel and I got together and reviewed the criteria for spawning. They are females with migratory nucleus oocytes, hydrated oocytes, or post-ovulatory follicles. Those are fish that are going to spawn within – we can narrow the spawning to about 36 hours using that gonad histology.

There were also a few submersible observations of spawning courtship or nesting. The data were based mostly on fishery-independent MARMAP data, but some fishery-dependent data for which the locations are not as precise; but I believe that is included in the data base, whether they were fishery-independent or fishery-dependent.

MR. JOLLEY: I would be interested if there was some larval evidence as well.

DR. SEDBERRY: There is some larval evidence from MARMAP. MARMAP did ichthyoplankton surveys back in the seventies and there is, for example, a large number of gag larvae associated with the Charleston Gyre. Those larvae are in the plankton for 40 days, and it is harder to pinpoint exactly where those fish were spawned.

Now, Michelle and I have done some drifter studies and some other students I have worked with have done some drifter studies, putting drifters out on spawning locations to see where the water masses go, and they kind of correlate very well with what we thought about where the larvae go, particularly for gag. But pinpointing spawning locations from larval data is difficult. Now, we can age the larvae and pinpoint the spawning time but not the location.

DR. DUVAL: Gregg has projected up here on the screen maps that are contained within the Expert Workgroup Report, and the legend shows pink stars for speckled hind spawning and yellow stars for Warsaw grouper spawning. There is a question mark next to that particular legend so I'm assuming that those are perhaps sites that were uncertain or maybe where that courtship behavior might have been observed? I don't know. Roy, is that helping to answer your question about spawning? Marcel, can you provide a little bit of additional clarification on that?

DR. REICHART: Maybe not additional clarification but just MARMAP staff is working with SERO staff at the moment developing a predictive model for spawning locations, especially on the shelf-edge area. That information I think should be available early next year, some preliminary data of that modeling, and that could provide some additional information in terms of a more broad idea of potential spawning locations for the species in question.

MR. HARTIG: The spawning characterization for Warsaw Hole in the Keys came from fishermen. There isn't any research, and Nick is shaking his head as well. I did remember that. I think most the stars and things that he has are based on the MARMAP research and the other research that was done, and he is shaking his head at that as well. But the only one I remember that didn't have that characterization was the one in the Keys, the Warsaw Hole.

DR. DUVAL: Okay, so we've had a little discussion about what spawning actually means, so I would like us to circle back around to the purpose statement, if we could, and how folks would

like to see that modified. I think Gregg has bolded the potential additional language that we may want to include that might address what Ben was getting at and Mel was getting at.

I would like folks to make sure that they can read that language up on the screen. Right now the purpose reads, “Reduce bycatch mortality of speckled hind and Warsaw grouper in specific areas by modifying the existing network of eight deepwater marine protected areas, implemented through Snapper Grouper Amendment 14, through reconfiguration of existing sites and/or addition of new sites with occurrence and/or evidence of speckled hind or Warsaw grouper spawning; develop and implement monitoring/evaluation plans for any new marine protected areas.” John.

MR. JOLLEY: In addition to Warsaw and speckled hind, do we need to say “and other species of concern”?

MS. McCAWLEY: I’m not really comfortable adding in other species. I would like to focus on speckled hind and Warsaw grouper.

DR. DUVAL: Yes, and I think to sort of add to David’s history lesson, more recent history is we had a deepwater closure that extended from 240 feet seaward that was implemented through Amendment 17B. We elected to remove that through Regulatory Amendment 11 in favor of a more focused approach specific to these two species. Mel.

MR. BELL: What we’re really considering is possibly modifying. I guess we could determine that if we really knew enough about these sites, we may actually be doing more benefit than we realize we’re doing right now with what we have got. Modification would be the first step you’d want to take, so I don’t know that you’d need to weasel with that or not. It is not necessarily a foregone conclusion that is what we would actually do.

DR. DUVAL: Just so I understand what you’re saying, the potentially the wording is structured now, that it could be construed to indicate that we would reconfigure all of the existing MPAs when that might not be the case. Doug.

MR. HAYMANS: I had a question as to whether the wording indicates that it is not just the occurrence of the fish but it is the occurrence of spawning of the fish.

DR. DUVAL: I think Ben was getting to the fact that it should be both; that it is occurrence of spawning fish and occurrence of fish, that both of those things should be considered. Mel.

MR. BELL: I was just going to say to that point, if your need is to reduce bycatch mortality, if that stays in there, then it doesn’t matter if they’re spawning or not. If you can stay off of them, you’re going to potentially help reduce bycatch mortality.

DR. LANEY: Madam Chairman, I’m not on your committee, but I was going to suggest to your point that you might want to add the words “protect areas of spawning activity” in the purpose statement. To me that is definitely a purpose, and it also would reduce bycatch mortality as well. That is just pulled out of the existing needs’ statement.

DR. CRABTREE: Isn't part of what we're doing – it seems to me we're getting into National Standard 9 kinds of issues here, reducing bycatch mortality. So is a part of what we're going through this exercise is to determine whether it is practicable, which is using the word out of the guidelines and everything. It is practicable to further reduce bycatch mortality of these fish by modifying these or perhaps closing some other areas, and we don't know right now whether it is or isn't, but that is the exercise we're going to go through in evaluating these area.

DR. DUVAL: Roy, I just threw some words in there but “determine if it is practicable to reduce bycatch mortality”, et cetera, et cetera.

DR. CRABTREE: It does seem to me that is what we're going to evaluate and we're going to put it in the context of, okay, if we modify this one or maybe close these other areas, we think we would get something in this neighborhood of reduction. Now, what are the economic costs of getting there and then we will make some judgment as to is this practicable; and if we decide it is, then we'll do it. If you decide it's not, then I guess you wouldn't do it. I don't know what the council will ultimately decide because we haven't really analyzed all those things.

DR. DUVAL: I think it is important for folks to focus on the screen and read this. I'm assuming that is what everybody is doing and chewing on this. Mel.

MR. BELL: I was just going to say the way it is kind of settling out, I still have the same concern that if we're only focused on areas where we can document spawning, we're kind of back to Table 1 still. If our sampling protocol is such that we have a lot more data in one particular area and then we have the opportunity to document spawning in one particular area, we're going to get a little bit – this is still going to end up a little more South Carolina heavy than perhaps it needs to be. In my mind it is not all just about spawning.

Protecting spawning aggregations or spawning areas would certainly be important and a way of maximizing benefit to the species, but just protecting the species or providing some additional reduction to bycatch mortality would be useful wherever they are, even if you haven't documented that as being an actual spawning site.

I just think the more we look in an area, the more we might detect spawning. Since MARMAP has a lot of historical data as well as recent data, it is sort of off of our part of the coast, it is just going to take us back to those kind of Table 1 focus again.

DR. DUVAL: Gregg just added in some words that hopefully might clarify that, “through reconfiguration of existing sites and/or addition of new sites with occurrence of speckled hind or Warsaw grouper and/or evidence of speckled hind or Warsaw grouper spawning.” It is a very long sentence. Charlie.

MR. PHILLIPS: The sentence “protect area of spawning activity”, if you take everything else out and just say “protect area of spawning activity”, are we going to protect every area, all areas?

DR. DUVAL: I'm going to go back to what Roy's comments were. I don't think that gets you to wasn't the purpose to reduce bycatch mortality of these species? That was the original purpose. That was why we went down the 17B road. Ben.

MR. HARTIG: George, can I ask you a question or two? I think I know this, but from all the literature and the observations and data that has been collected for both speckled hind and Warsaw, the information doesn't point to any wholesale large movements of these animals to spawning sites.

You couldn't compare them to gag where you have gag that go all the way from South Carolina to Jupiter to spawn in the wintertime. Based on my fishing activities, we have never seen anything that resembles any kind of wholesale movements of either one of those species to any of the sites. By inference could you say that they're more like red grouper and form these small groups that – I will just let you go.

DR. SEDBERRY: Well, you're right, we don't know too much about their movements, but generally *Mycteroperca* groupers like gag are more active, swimming higher in the water column, undertaking migrations for spawning, and also just as they grow they move into deeper water, and the *Epinephelus* groupers tend not to do that, but there are exceptions to all of that.

For example, Nassau grouper does undertake migrations, not as extensive as gag but it does. These fish, by the time we started studying them, were so rare that it is hard to find out anything about them. I am not aware of any tagging work that has been done to show that they migrate for spawning. I don't really have an answer for that.

DR. DUVAL: Gregg, I'm wondering if in the language up there, if it is redundant in saying – let's see, "determine if it is practicable to reduce bycatch mortality of speckled hind and Warsaw grouper in specific areas by modifying the existing network of eight deepwater marine protected areas, implemented through Snapper Grouper Amendment 14, through reconfiguration of existing sites." I mean, if we reconfigure existing sites, we are by definition modifying the existing network, so could we shorten that sentence by removing some of those words?

MR. JOLLEY: I'm working on it.

DR. DUVAL: Let's see, "in specific areas by modifying" – I'm wondering if we can just skip to "through reconfiguration of existing sites (implemented through Snapper Grouper Amendment 14)." I don't know what other folks think about that. Charlie.

MR. PHILLIPS: You may want to just put "modifying as needed", and then you could take out some of the other at the bottom.

DR. DUVAL: All right, how do folks feel about this thus far: "Determine if it is practicable to reduce bycatch mortality of speckled hind and Warsaw grouper in specific areas through reconfiguration of existing MPAs (implemented through Snapper Grouper Amendment 14) and/or addition of new MPAs with occurrence of speckled hind or Warsaw grouper and/or

evidence of speckled hind or Warsaw grouper spawning; protect areas of spawning activity. Develop and implement monitoring/evaluation plans for any new marine protected areas.” Mel.

MR. BELL: Does the “protect areas of spawning activity”; is that sort of redundant with what you’ve already said related to –

DR. DUVAL: That is what I’m wondering.

MR. BELL: – the spawning activities. And when you make it stand out like that, again I get a little scared.

DR. DUVAL: I’m just warning folks our needs’ statement is going to need a little bit of work after this. David.

MR. CUPKA: I was just wondering if we really need that parenthetical phrase in there since the existing MPAs are the ones that were established through 14.

DR. DUVAL: I guess maybe my concern about taking that out is that some folks might think that we would be talking about our Coral HAPCs or the Oculina Experimental Closed Area or some other area. That is my only concern, but it is up to the committee. Zack.

MR. BOWEN: I know we’re trying to condense this as much as possible but still get everything in there that we’d like to see. The last sentence, “Develop and implement monitoring/evaluation plans, I was thinking “Develop and implement monitoring/evaluation and enforcement plans for any new marine protected areas.”

DR. DUVAL: Good call! John has made some suggestions to a second version for our consideration and Gregg is going to type that in there. John, I think we just might to add “speckled hind and Warsaw grouper” in what you have written to be very specific about that.

MS. BECKWITH: This might be a required history lesson, but how much power do we have for implementing monitoring/evaluation/enforcement plans? It might be a purpose, but is not within our purview, so do we need to specify in there that it is somehow developing relationships or working with others that have that power, because we certainly don’t have the power to enforce these MPAs.

DR. DUVAL: We can put the plan in. It is other parties would be needed to help carry out the plan. I think we may get at that with the “develop and implement”. Certainly, the implementation piece is going to require outreach on our part, working with a variety of partners to do so. But, yes, that is a good point; we can’t do it alone. Mel.

MR. BELL: When we say “monitoring/evaluation/enforcement plan” there; is that a subset of what we discussed this morning as far as an overall management plan?

DR. DUVAL: Yes, that would be – I think as Gregg noted this morning, if the council chooses to move forward with development of any new sites, that those new sites would be folded into

the system management plan that we've expressed our support for developing for the existing eight marine protected areas. John.

MR. JOLLEY: I'm still interested a little bit in this larval thing, and I would ask the question have we been able to identify speckled hind and Warsaw grouper down to the larvae yet? I don't even know that for sure. I would think that the occurrence and abundance of those larvae in the system that we're working with, for example, from Dry Tortugas to Virginia would be an interesting aspect of all of this.

I mean, if you're finding larvae but you might not know specific sites from larval occurrence, you certainly would have abundant evidence along the coastline here of those animals that spawning is taking place; wherever it is at specific sites, it is occurring over a fairly broad area, and I just wondered if we have that information. Maybe we haven't even identified them down to the larval stage yet by species; I don't know.

DR. DUVAL: That sounds like a Dr. George question to me.

DR. SEDBERRY: As far as I know, there is no ongoing ichthyoplankton surveys in the South Atlantic Region, not since the MARMAP surveys of the 1970's. Back then the taxonomy was not very good. It was very difficult to distinguish different species of grouper larvae other than grouper larvae.

Dave Johnson and his students did some work on that and published some descriptions, but I can't remember now which species they were able to distinguish. Jack McGovern might remember. The grouper larvae are exceedingly rare in plankton collections. These top-level predators are just not abundant in plankton collections, and there is no collecting going on.

I don't that we'll be able to use a larval survey to determine where these fish are spawning. Gag larvae are somewhat more abundant; but even after years of collecting, I think maybe the total is less than a hundred. The other groupers are even rarer in plankton collections because you can pinpoint gag because they're more predictable when and where they spawn, but the other groupers are really – and then target larval surveys on those spawning grounds, but the other groupers are pretty rare in plankton collections.

DR. DUVAL: Jack, do you want to add to that?

DR. McGOVERN: Yes, I remember Dave Johnson did have a paper with Paula Keener years ago where he identified a number of grouper larvae, just two species, but it was extremely difficult to do. I don't think many people could do that these days. Like George said, they're very rare in the plankton, anyway.

DR. DUVAL: I would like to turn everybody's eyes back up to the screen. Gregg has typed in another alternative of the purpose statement that was suggested by John, so that reads: "Determine the practicality of reducing bycatch mortality of speckled hind and Warsaw grouper in the eight Deepwater MPAs from Amendment 14 by reconfiguration and/or addition of new MPAs that contain evidence of occurrence and/or spawning of speckled hind or Warsaw grouper.

Develop and implement monitoring/evaluation/enforcement plans for any new marine protected areas.” That is Version 3.

Can you scroll back up to Version 2, please? It doesn’t seem to me that we’ve lost anything from Version 2 with Version 3. Can we scroll back down to Version 3, please? Mel, does his wording address your concern that focusing only on spawning areas sort of puts a bulls eye on South Carolina?

MR. BELL: Yes, you have got “occurrence” in there so that’s better.

DR. DUVAL: I am going to read this one more time. I would like to be able to move on to addressing the needs’ statement before we take a break, and we’re not going to take a break until we address the needs’ statement.

So, the purpose, “Determine the practicality” – and I don’t know what the difference is between “practicable” and “practicality”; but “Determine the practicality of reducing bycatch mortality of speckled hind and Warsaw grouper in the eight Deepwater MPAs (Amendment 14) by reconfiguration and/or addition of new MPAs that contain evidence of occurrence and/or spawning of speckled hind or Warsaw grouper. Develop and implement monitoring/evaluation/enforcement plans for any new marine protected areas.” Monica, do you have any thoughts on “practicality” versus – I don’t even know what that word would be – “practicability”?

MS. SMIT-BRUNELLO: I have been thinking about that. I would rather maybe strike – the statute uses “practicable” and “practicality” to me – it may mean practicable, I’m not sure. I could look further, but if you just change “determine”, -- “if it is practicable to reduce”, that might determine if it is practicable to reduce bycatch mortality. Does that work? I think that is maybe a little bit – it tracks the statute, which that is something that we should follow, and it just changes “reducing” to “reduce”. I think that perhaps is a little bit better.

DR. DUVAL: I like that. Charlie.

MR. PHILLIPS: Well, you might just say “determine options to reduce bycatch,” and by having the options we decide which options are practical. That may be cleaner; I don’t know.

DR. CRABTREE: It seems to me the word “mortality” could be stricken there. What we’re really trying to do is reduce the bycatch, right, and then the mortality rate is whatever it is. I think we’re just trying to reduce bycatch.

DR. DUVAL: Charlie, you were suggesting develop options?

MR. PHILLIPS: I was just saying that it might be – what we’re doing is we’re looking at what practical options there are to reduce bycatch. If you’re making options, you’re going to decide what is practical and what is not by default. I don’t have any heartburn one way or the other, but it may be a way of saying it where the public can understand it.

DR. DUVAL: We're not trying to reduce the bycatch in the Deepwater MPAs, though. Zack.

MR. BOWEN: Somehow we've got the word "new" in the bottom sentence; "new" got put in there somehow?

DR. DUVAL: Yes, because we've already agreed that we want to develop a system management plan for existing MPAs, so that is going to be done.

MR. BOWEN: But we're covering this in one purpose, correct?

DR. DUVAL: Not the existing ones. The previous motion that was passed dealt with development of a system management plan for the existing MPAs. Any new MPAs would be folded in that; but if new MPAs were developed through this, we would want to include them in that, so that would require further development.

MR. BOWEN: Right, but I'm of the opinion that we also should develop and implement monitoring/evaluation/enforcement plans for any existing marine protected areas.

DR. DUVAL: And that is what I'm saying, we're already doing that. We already passed that motion. Roy.

DR. CRABTREE: We're not just making a determination here either, obviously, because if we determine it is practicable, then the law requires that we do it because we have to reduce bycatch to the extent practicable. That determination then forces an action. If we decide it is not practicable, okay, I guess we're done. If we decide it is practicable, then we're going to do it in this amendment and reconfigure and do whatever we decide is practicable so that we have reduced bycatch to the extent practicable. Right, just so we all understand this is an action forcing kind of determination.

DR. DUVAL: Does everybody understand that? Charlie.

MR. PHILLIPS: Well, I'm just trying to make it simple, and you could put "determine options to protect speckled hind and Warsaw", which covers bycatch, and it may not put us in quite so much of a box, and it is shorter.

DR. DUVAL: Charlie, I still think that – I mean, I don't really necessarily have a problem with "determine options", but I think again the purpose was to reduce bycatch of speckled hind and Warsaw grouper. I think if you just say "protect", I think that is broader than – not that we don't want to protect them, but I think that is probably broader than what we were necessarily looking for, and I'm wondering if "develop options to reduce bycatch of speckled hind and Warsaw grouper" might not be more appropriate. We need to wrap this up here in a few minutes. I know this is just absolutely fascinating for everybody.

That would read "determine options" – I wonder if it should say "Develop options to reduce bycatch of speckled hind and Warsaw grouper by reconfiguration of Deepwater MPAs (Amendment 14) and/or addition of new MPAs that contain evidence of occurrence and/or

spawning of speckled hind or Warsaw grouper. Develop and implement monitoring/evaluation/enforcement plans for any new marine protected areas.” John.

MR. JOLLEY: I like that better.

MR. BEL: So where that leaves you then is the ability to figure out how this tool could be optimally utilized, so it doesn’t box you in a corner where you have to do a certain suite of things, but it allows you to move to that next step that you might want to – you know, how do you want to use it? That doesn’t commit us to a certain level. We will get into the needs’ statement in a minute, but I like that better.

DR. DUVAL: Okay, is everyone done fussing around with the purpose statement right now? If they are, I would like to move on to the needs’ statement; and then once we’ve edited that, I would like a motion to accept the purpose and need and then we’ll take a break. Gregg has a needs’ statement currently up here on the screen.

I think we can probably take some of this out because we’ve actually included it in the purpose statement. If you axe those first two things, it just says, “Continue protection of deepwater habitat and associated species from directed fishing activity and routinely monitor and assess the effectiveness of the marine protected area network as outlined in the system management plan in meeting the stated goals of the area designations.” Jessica.

MS. McCAWLEY: The part that says “associated species”; should that be replaced with “speckled hind and Warsaw grouper”?

DR. DUVAL: If we’re being specific about speckled hind and Warsaw grouper in this particular amendment, I would think it probably should. David.

MR. CUPKA: Except they’re already protected from directed fishing activity. What we’re looking at is protecting the bycatch.

DR. DUVAL: So, David, do you have a suggestion for a word there; “from non-directed fishing activity,” you can’t really –

MR. CUPKA: Yes, if it is specific to speckled hind and Warsaw; I mean, they’re already protected from directed.

MR. JOLLEY: Madam Chairman, I think you can say just “protect deepwater habit for speckled hind and Warsaw grouper” as the need. I don’t think you need “continue”. I don’t think you need “activity”.

DR. DUVAL: So just “protect deepwater habitat for speckled hind and Warsaw grouper from non-directed fishing”.

MR. JOLLEY: And I don’t think you need “routinely”. You may not need “network”. You might just say “MPAs”, and end it “with stated goals”, period.

MS. McCAWLEY: I think that word “managed” seems to be “management” in the next to the last line.

MR. HAYMANS: One would think with an English teacher for a wife, I would know the correct terminology here, but I don’t. It seems to me that first sentence is you’re protecting the habitat from directed fishing.

DR. DUVAL: Say that one more time.

MR. HAYMANS: Well, it looks like the subject of the sentence is the habitat and not the fish. It reads, “To protect deepwater water habitat from directed fishing.”

DR. DUVAL: So protecting the habitat, we’re reducing the potential for interaction.

MR. HAYMANS: But the directed fishing is not on the habitat. The directed fishing is on the species; it is on the fish.

DR. DUVAL: Well, there is no directed fishing for these two species.

MR. HAYMANS: Well, non-directed.

MR. CONKLIN: My point was the habitat; take that out and then protect the speckled hind and Warsaw grouper from becoming bycatch, because in theory we’re trying to protect – you know, saving them from bycatch and not protect the habitat.

DR. DUVAL: Does that reflect, Chris, what we were thinking? We just took out the habitat, so says, “Protect speckled hind and Warsaw grouper from non-directed fishing and monitor and assess the effectiveness of the MPAs as outlined in the system management plan in meeting the stated goals.” Zack.

MR. BOWEN: That was exactly my point.

MR. PHILLIPS: I don’t even think we need “non-directed fishing” in there; any fishing, directed or non-directed.

DR. DUVAL: They shouldn’t be exposed to any directed fishing right now. It is up to the committee if you want to be specific about non-directed fishing or just fishing. John.

MR. JOLLEY: I like it; I think it is better. I think you guys are getting good at this.

DR. DUVAL: Let me read this again. The need is “Protect speckled hind and Warsaw grouper from non-directed fishing and monitor and assess the effectiveness of MPAs, as outlined in a system management plan, in meeting the stated goals. I guess the question is just whether you want non-directed in there or not. Charlie.

MR. PHILLIPS: Well, you could replace that “protect the Warsaw grouper from bycatch mortality”, which is what we’re doing.

DR. DUVAL: It is not bycatch mortality.

MR. PHILLIPS: Or bycatch. Okay, just leave it like it was.

DR. DUVAL: Well, no, I’m just thinking out loud about protect it from bycatch. David.

MR. CUPKA: Bycatch is the issue but right now the only bycatch there should be from non-direct fishing, so it makes sense to me to say “from non-directed fishing” because that is what leads to the bycatch.

MS. BECKWITH: If someone were to take just this needs’ statement out and quote it somewhere; is it too broad in terms of area? If we’re protecting speckled hind and Warsaw grouper from non-directed fishing, end of quotations, does that indicate that we’re protecting them potentially everywhere within our area? Do we need to house that somehow?

DR. DUVAL: You mean to indicate that we would be protecting them in specific areas as opposed to throughout the range? Mel.

MR. BELL: I think the need is to protect them from non-directed fishing, and we have chosen to apply perhaps this particular tool in these particular areas that make the most sense. I think you’re okay. I think you’re covered there.

DR. DUVAL: Roger just whispered my ear that is the reason that deepwater habitat was in there because that targeted the efforts. I know this is wordy and I know John isn’t going to like me for this, but one thing you could do to address some of these concerns is say “protect speckled hind and Warsaw grouper from bycatch associated with non-directed fishing”, because it is the bycatch we’re getting to. I am not wedded to that. No, maybe not. It might be worth it to put the “deepwater habitat” back in there. Roger.

MR. PUGLIESE: One other point; when we were establishing the MPAs or modifying, these are also being designated as areas of particular concern, so you immediately also put them in the loop of having other non-fishing activities addressed through other avenues, so you’re adding in additional conservation of those habitat; the prohibition of gears in the area, the prohibition of fishing in the area, coupled with that, address trying to really focus on habitat areas.

DR. DUVAL: How do folks like “protect speckled hind and Warsaw grouper and their deepwater habitat from non-directed fishing and monitor and assess the effectiveness of MPAs, as outlined in a system management plan, in meeting the stated goals”? Mel.

MR. BELL: I had one more point, the non-directed fishing, so that is the world right now. Let’s say, being an optimist, there is directed fishing in the future, you still have these sites. They’re still potentially beneficial so it could just actually be fishing covers everything including future – you know, once things are improved and there is directed fishing, maybe.

DR. DUVAL: I think that was Charlie's point was to be broader.

MR. HARTIG: But the specific purpose is to use MPAs to do that, so you wouldn't worry about what happened outside of MPAs for a directed fishery, if it developed in the future. I think you're okay.

DR. DUVAL: By taking out "non-directed" – "Protect speckled hind and Warsaw grouper and their deepwater habitat from fishing and monitor and assess the effectiveness of MPAs, as outlined in a system management plan, in meeting the stated goals." Monica, I just wanted to ask you to look over, once Gregg is done typing, the need one more time and perhaps make any comments you might have on that.

MS. SMIT-BRUNELLO: I was going to suggest right before the break if you could put the purpose and need on the screen so you could see both together and give us a few minutes to think about it during the break.

DR. DUVAL: We can do that, but I hope that you think and are efficient in your actions after the break, then. We will take about a 15-minute break and then come back and make any final tweaks and then take a vote.

DR. DUVAL: Hopefully, everyone has had the opportunity to look at the purpose statement that we wordsmithed as well as the needs' statement. I am just going to read those one more time for the record: The purpose reads, "Develop options to reduce bycatch of speckled hind and Warsaw grouper by reconfiguration of Deepwater MPAs (Amendment 14) and/or addition of new MPAs that contain evidence of occurrence and/or spawning of speckled hind or Warsaw grouper. Develop and implement monitoring/evaluation/enforcement plans for any new marine protected areas."

The need: "Protect speckled hind and Warsaw grouper and their deepwater habitat from fishing and monitor and assess the effectiveness of MPAs, as outlined in a system management plan, in meeting the stated goals." I know this was a painful exercise that we just went through. I think it was important to really clarify what the council's intent was in going forward.

The one thing that I will say is just recognize that as with all of our amendments, the IPT is likely to come back with some suggested wording changes to address any NEPA concerns or things like that when we see this document again in December. I just want to make sure that folks aren't surprised when we do see this again and there are a few modified changes. I think it was important to get the core of the intent down there. Bonnie.

DR. PONWITH: I'm looking at the purpose, the last sentence again. I know we've spoken about this, and it is the "develop and implement monitoring/evaluation/enforcement plans for any new marine protected areas". You've already expressed that implementation would rely on partners of the council as opposed to the council itself, because that would be an unorthodox activity for the council itself to implement that.

I'm assuming that the Southeast Fisheries Science Center is an implied one of those partners. I just want to say that certainly we understand the importance from a science standpoint of developing monitoring programs to be certain that an MPA is achieving the desired outcome. Those are also notoriously expensive monitoring programs.

I just wanted to raise the concern about the cost that it would incur to set up the monitoring programs and highlight that to the council's attention. We certainly have an interest in this. We certainly have an interest in the desired outcome. It is just that there are limits to the resources we have to be able to apply to this.

DR. DUVAL: Thanks for that, Bonnie. If the committee would like, we can remove that "and implement" if that gives less heartache. Again, as I've said before, I see this as a great opportunity with development a system management plan for our existing MPAs. That is a great cooperative research opportunity whereby other partners bring resources to the mix, including money. I appreciate your concern there. Is there any desire or heartache to remove "and implement"? Charlie.

MR. PHILLIPS: Yes, because if we don't implement somehow, some way, some form, then all this have very little gain, if any. We know we have to have enforcement, we know we need to know what evaluation; so, yes, I do have some heartburn over taking "implement" out.

DR. DUVAL: Okay, it can certainly stay. I think it just, as Bonnie indicated, needs to be acknowledged that implementation occurs through partners and that the Science Center is supportive, but has limited resources to set up new programs. **Okay, here is the point where if everyone is satisfied, with the caveats that I noted regarding potential suggested word changes from the IPT the next time we see this, this is where I would be looking for a motion to approve the purpose and need for Regulatory Amendment 17. David.**

MR. CUPKA: I would so move, Madam Chair.

DR. DUVAL: Motion by David; seconded by John Jolley. Is there further discussion? Is there any opposition to this motion? Seeing none; that motion stands approved. I think moving on in the decision document, the next couple of decisions had to do with approving a list of sites for analysis or modifying the list of sites for analysis and recommendations with regard to how actions and alternatives in the draft amendment be developed.

Gregg spoke of earlier I think in terms of the structure of the amendment, one option would be to have one action per state with a suite of alternatives within each action that could be – so if you had an action for, say, Action 1, North Carolina, your first Alternative 1 would, of course, be no action. Alternative 2 could be reconfiguration of existing sites. Alternative 3 could be spawning sites, and Alternative 4 could be new sites with occurrence.

I would assume that in terms of new sites you would want suboptions for each of those new sites within there. That is just one way of potentially structuring this. I think another option – and that would be Option 2 on Page 5 of your decision document – you could have one action for

each site. You would have to narrow your universe to the list of sites that you want analyzed and have one action for each site.

Personally I think it might be easier to have one action for each state and have alternatives and subalternatives within that, but it is really up to the committee. I know Ben spoke earlier and said it was not his intent to see the entire suite of sites that came out of the Expert Workgroup Report taken to the public.

The structure that I proposed is one means of structuring the amendment. You would have to narrow the list of sites that you might want considered under that suite of alternatives; the no action; Alternative 1, reconfiguration; Alternative 2, spawning; Alternative 3, additional new sites. If you don't want them all, then you have to select some sub-site.

MR. HARTIG: I was mulling that over and thinking about if we do it only one site per state, you might miss some spawning. Well, I guess you could prioritize. If spawning is the most important dimension that you want to protect from bycatch, then you would use the spawning off of that state, I guess.

From experience with speckled hind, they're distributed equally throughout the South Atlantic. We encounter them only as juveniles, and those juveniles actually move out of our area and go north. They seem more attuned to latitudinal distribution of red snapper, similar to that than some of the other species. Now, Warsaw is different. It comes throughout the range as adults. I was just trying to think of a way to move forward that doesn't limit us to not getting what we need out of this activity.

DR. DUVAL: Ben, look up at the screen. Gregg has taken what I've verbalized and sort of put it into text. I don't think that limits you to one new site, if that's the direction the committee chooses to go.

MR. WAUGH: The intent here would be under, say, this Item 2, reconfiguration of existing sites, we would list the ones for that state that meet that reconfiguration criteria. Spawning sites would list each site that meets that spawning site characteristic; and then the new sites with occurrence, all of those sites. Then that would give you a range to select from, and you can pare some back if you want to. That seems to be a structure that would work.

MR. BELL: I was just going to say at this point, based on what I feel I know and don't know, I'm not real comfortable with at this point taking sites off and putting sites on. I think there are questions that need to be answered. The way we've set this up, kind of the first tier, are level of things we might want to make sure we understand is what we've accomplished with what we've got and can that be tweaked before we start talking about other sites. At the same time, I couldn't argue real strongly that a bunch of sites need to be taken off because I don't feel I know enough about them at this point.

DR. DUVAL: I was referring simply to a structure and site selection at this point. I think I was referring simply as a way for how to structure the information in the document. Do you want to structure it with one action by states; do you want to structure it with one action per site?

I think the site selection – I mean, I agree with you, Mel, we might want to get to site selection at the December meeting after we've had a few presentations, as we spoke of earlier this morning, regarding what has been done in existing areas; what has been done in the box versus what hasn't. I'm just talking about a structure to inform future decisions. That is just one model. There are others. Ben.

MR. HARTIG: I'm comfortable with the format Gregg has put up so far. For each state, Gregg, you have got NC up there for Action 1; for each state you would have that same kind of structure to go through, and that is what we'd be presented with in December?

MR. WAUGH: That's correct.

MR. HARTIG: What kind of a motion do you need to accept that?

DR. DUVAL: I think maybe a motion to direct staff to structure the actions and alternatives with one action per state. I think Gregg is wordsmithing this a little bit. If you would like to make that motion that is up there on screen, that might do it.

MR. HARTIG: I will and I would move to direct staff to structure the action and alternatives be developed with one action for each state and alternatives, including no action for each state.

DR. DUVAL: Motion by Ben; seconded by John. Discussion? Roy.

DR. CRABTREE: So this means one new MPA off of each state or one reconfiguration?

DR. DUVAL: No, if you look at the text below that motion, you would have one action for each state. Alternative 1 would be your no action; you're not making any changes to any of the marine protected areas within that state. Alternative 2 would look at reconfigurations that have been suggested by the Expert Workgroup for each state. Alternative 3 would be spawning sites. Alternative 4 could be any additional sites where there are occurrences. I don't see that structure as being – it doesn't exclude you from choosing I think a spawning site and a reconfiguration for each state. Monica

MS. SMIT-BRUNELLO: And just to make it clear, then Gregg has under 3C and so on; so I'm assuming that under Alternative 1 or 2 or 3, there are as many suboptions as are needed. You're not restricted to just Suboption 1 and 2, obviously, right?

DR. DUVAL: Right, I think you would just fill out the list of sites that the council could – I mean, clearly, there a lot more new sites that were recommended by the Expert Workgroup than there are sites with spawning or sites that are reconfiguration, so it would be up to the council to determine how many of those new sites you would want in that new site alternative.

Gregg has suggested just getting rid of some extraneous words as we seem to be doing so that the motion would read, "Direct staff to structure the action and alternatives with one action for each state and alternatives, including no action for each state." Again, this is just

structure. This is not selection of any sites. I think that would come later because anything we select is going to have to be analyzed. Mel.

MR. BELL: What that simply does is keeps options open as we move forward. It could be determined that a state had already done what was necessary to meet the need and no action was required or you could add one, adjust one, whatever the various options are, and go with that. This just simply keeps things – it keeps our options open I guess for the future.

DR. DUVAL: I think it keeps them orderly. Chris.

MR. CONKLIN: Under Alternative 2, since we use “modify” in the purpose statement, “reconfiguration” might imply that we’re going to keep the same square miles and just move areas around where the definition Gregg gave us for “modify” was could shrink or make bigger or whatnot, you might want to just change that.

DR. DUVAL: Does that look better, “modification of existing sites”? John.

MR. JOLLEY: Might there be any attempt by staff to give us some kind of a rating as we go through this? Maybe that is not appropriate now, but you get two stars for something where spawning and occurrence and many sitings have occurred. Would that be appropriate for staff to give us a heads-up on?

DR. DUVAL: I’m not sure that is appropriate at this time. I think there have been some tools put together that were included in your briefing materials and the additional material Nick Farmer included, sort of a decision tool for the council to utilize that takes into account known and probable habitat for each of the different sites that was evaluated by that Expert Workgroup that allows you to manipulate what sites you might like to see chosen and has a methodology that allows for calculation of how much area it would cover of known and probable habitat, efficiency I think in terms of impacts to known fishing grounds, that sort of thing. I’m just saying that a tool has been developed for the council’s use. Gregg.

MR. WAUGH: And building on Mel’s suggestion for the presentations, it may be useful in December to go action by action; so for North Carolina we’ve got the no action alternative and describe what has been done in those boxes or that box; and then give a presentation – and Nick has an excellent tool that can facilitate that.

We still have to fine tune the impacts and he is working with us to do that. But then for North Carolina look at the sites that have been suggested and then you all can use this tool to weigh which alternatives you want to look at and fill in these alternatives. What we’d like to get in December is then guidance on the specific alternatives so we can do the analysis to bring before you. I think that’s a way of getting at what you’re asking for, John.

MR. BELL: And to that, kind of a detail in that explanation of the current boxes would be – and maybe we know this, so we only know about 20 percent of the box, so we only know about 50 percent of the box – that’s what I don’t have a real good feeling for. Maybe know about 80 percent of box, but that level of detail would be nice for us to have.

MR. WAUGH: Yes, and a lot this information is available from our website as well. I know they're in the midst of making some modifications, but we can certainly show that as well. I'm sure Roger can show that as well. If we go sort of state by state, that may be a good way to approach it is focus in on what has been done, what is in the sites, what do you get from the new sites, and then you all populate these alternatives as you want; and then go to the next state.

MR. PUGLIESE: Just quickly picking up from Gregg, one of the things is I think the timing will be really good because we'll be coming off our Habitat Advisory Panel Meeting where we are going to be looking at all the tools and information systems we have been building, expanding, trying to look at a regional level, mapping, multibeam work that has been done for the entire region.

We're working closely to make sure any of the work that has been done through the MPAs is highlighted. We have connections to a digital dashboard which actually does present each MPA. The hope is that we can connect it to the spatial presentations, the occurrence distribution. We have connections to the fishing-independent surveys so we can actually look at tiers that show where the species are being caught. I think as part of the overall presentation is being able to capture that type of information, snapshots for the different areas.

Even if we can get to maybe some of the environmental characteristics, that may be a longer-term plan to do that, oceanographic characterization, there are some tools that we have developed with SCOORA and the Ocean Observing Group. What we wanted to do, as we move through this process and really for the existing MPAs, is to build those types of information and see which – right now they do not exist for any of the areas, so that would be another piece. But, definitely, we can have that available.

DR. DUVAL: I think that would be helpful. Is there other discussion? We have a motion on the floor to direct staff to structure the actions and alternatives with one action for each state and alternatives, including no action for each state. Again, this is just a structure for the development of the amendment. **Anymore comments? Is there any opposition to this motion? Seeing none; that motion stands approved.**

Gregg has suggested a process for our December meeting by which we would be able to review existing information on sites and go state by state with I think assistance from Nick, possibly, with the decision tool that he has already built. I would encourage folks to play around with that if they have the opportunity to do so and go state by state and look at the existing information that there is for each of these areas and then make some decisions on what to include for analysis. Does that sound like an okay way to move forward?

I just want to make sure that everybody is in agreement here. Mel has indicated that it would be nice to know sort of how much of the box has been explored versus not. I think that would be a good thing to know. I believe Stacy Harter had indicated that she would be more than happy to come to our December meeting and give a presentation regarding the work that has gone on in the existing MPAs. Gregg, I don't know if you need a motion in that regard for moving forward in terms of some of these presentations.

MR. WAUGH: I don't think so. We'll get presentations from the Center. I'm sure Bonnie will work to see who in addition to Stacy should be there. I think with the understanding that is the approach we're going to take is have those presentations, I think that is good enough guidance. We are planning on a data workshop Monday afternoon of the December council meeting.

ACCSP is coming down to give us a presentation. George Lapointe is going to be there to give a presentation on the electronic monitoring and data initiative. I just mentioned to Nick if he can be there then, I think that would be an excellent time for him to meet one on one with individual council members and make sure everybody is comfortable with that tool, because it does take a little bit of playing with it.

Then Roger can be there and people can meet individually one on one with him and understand what is available from the website. Then when we get in the Snapper Grouper Committee, you can have the presentations from the Center and have a clear understanding then of what has been done in the box. We will also summarize work that has been done outside of the Center, so that then in the committee you have those presentations and then go through and make your decisions.

MR. BELL: And one other thing regarding knowledge of what goes on in the box is if there are data let's say from MARMAP, particularly MARMAP just because they have a history where it is possible to look at some of their activity pre-2009, post-2009. I mean, maybe there are actually data which show you some improvement of CPUE or something, and that would be good to draw into this as well. Maybe we've actually done something great and we actually have an indication of it or something.

DR. DUVAL: And I think we included MARMAP on the list of folks from our previous motion with regard to presentations. Hopefully, that will take care of that. If we're good on that, I think the next thing is timing. Information on that is included at the bottom of Page 6 in your decision document and Gregg has got various options laid out up here on the screen.

MR. WAUGH: And no determination has been made whether this is an EA or an EIS yet. Certainly, if we were going with some minor tweaking, the expectation was this could be an EA, and that would lead you to potential timing here in Option 1, because that does not have scoping in it. Options 2 and 3 are timing associated with having a scoping process because it is an EIS.

We have the potential here of including virtually all the sites recommended by the Expert Workgroup, so that level of sites would perhaps lead you to conclude that there is an EIS needed. We will work with NMFS to get that determination as soon as we can after this meeting. I would think from a planning perspective that we should go ahead and plan on it being an EIS and lay out how you want to do scoping.

Now, what we had structured was to do scoping meetings in January, and our recommendation to the Executive Finance Committee is going to be that we do scoping via our webinar process except if there are certain instances where you feel it would be better to do face-to-face scoping meetings – and this may be one of them.

We have a round of public hearings in January so we need to give some thought to whether you want to scope it during that at the same time we're trying to get comments on other amendments. Option 2 would have it scoped in January. The presentations we talked about, the actions you have taken here, in December you would then pick sites to populate those alternatives and subalternatives, so we would have sufficient to then go out and do scoping.

Scope in January, review scoping comments in March, approve for public hearings, conduct separate public hearings in the April/May time period; and then review comments in June, approve all the actions and then give us time to put the final document together and see it at the September meeting.

Option 3 basically does the same thing except gives you more time to put the document together before we go out to public hearing and we go out to public hearing in August, review comments at the September meeting, approve all actions and then final review and approval at the December meeting.

Two issues here is your broad timing and then how do you think we should do scoping. Is it sufficient to do scoping with our webinar or should it be face to face with that round of public hearings in January? I know our staff had some concerns about the number of items that would be on the docket for that round of hearings in January and adding MPAs is a big issue.

MR. HARTIG: That was my concern as well, and I thought a bit about that. I really do think we should separate the MPA stuff out for an individual public hearing series, because I think it is that important to get the public to focus on that one particular item to be able to give us comment. I don't know how the rest of the committee feels but to me, when we have done this before, it just seemed to me that it was real important for the public to be able to focus on MPAs, to be able to give us their undivided attention on the issue. That would really bring us to Option 3, I think.

MR. WAUGH: Well, Option 2 has it going out for public hearings in April/May, and that would be the separate time period. The question is then how do you want us to do scoping. Can we just scope using our webinar process? Let me mention how we do that now because not everybody may be familiar.

We have a scoping document that is posted to the website. We do a PowerPoint presentation that is also posted to the website. Then we do a video of us walking through the presentation just as we would give in person. That is also posted on the website. They have a comment period and then we do the actual webinar where we give a very abbreviated presentation and then take comments. It seems to work very well.

MR. CUPKA: I think we have had some success with those, Gregg, and I'm also very aware of financial implications for doing that, but I'm also very aware of the amount of public interest there is out there in MPAs. I'm a little bit hesitant, I guess, to suggest that we do a webinar. I think in this case it would be better to do an in-person meeting.

There are still people out there who are not familiar with the webinar process and are not able to do that. I think a lot of people are going to want to comment on this. Given all those comments, I think my preference would be to do an actual in-person meeting given the importance of this issue and the amount of feedback we've gotten in the past.

MR. PHILLIPS: I'm curious do we need to discuss this in Executive Finance to make sure we have got the time and people for an extra one-on-one MPA or do we need to keep our budget so we tie it in with other public hearings.

MR. WAUGH: What we are doing is having the individual species' committee sort of lay out their recommendations as to what they see coming up and then the arbitrage will take place at the Executive Finance.

DR. DUVAL: All right, I think if the committee would prefer to have in-person scoping and a separate set of public hearings focused solely on MPAs, then now is the time to express that preference and then we can take it up in Executive Finance. Mel.

MR. BELL: I think this is important. As David said, it is going to be a topic of a great deal of interest, and I think affording the public an opportunity to come and engage face to face – and I'm sure they will – I think that is important, so I would go with the public hearing type approach myself.

MS. McCRAWLEY: I agree; I think that we should give them the opportunity for a face-to-face meeting with staff. I'm not sure that any of the options laid out here does that for that January scoping. It looks like all the options I think were looking at the online stuff in January.

MR. WAUGH: We do have a round of public hearings scheduled for January, so those are face to face. The tentative list that we had to take out to public hearings is Snapper Grouper Amendment 22, which is the recreational tag program – that may or may not be ready – Snapper Grouper Amendment, which is the ORCS revisions; Snapper Grouper Amendment 31, which is bluefin tilefish rebuilding program. You will have the results of that from the SSC. That's looking it is overfishing and overfished.

Snapper Grouper Framework to deal with the adjustments of snowy grouper and mutton snapper; South Atlantic Coastal Migratory Pelagic Framework Action, looking at allocations for Atlantic Spanish Mackerel; and Dolphin Wahoo Amendment 7, fillets from the Bahamas; except that fillets from the Bahamas, we decided to move up, so that drops off. That is what is on the schedule right now for the in-person public hearings. We could do the scoping for MPAs at that time. We've got that on the draft list as public hearings, but that could be done as scoping at the same time.

DR. DUVAL: Other thoughts or comments on the timeline? It sounds pretty clear that the committee would like to see in-person scoping and potentially a separate set of public hearings, which sort of gets you towards Option 2, I think, in here. Chris.

MR. CONKLIN: I support Option 3, and I don't really see where – I mean, our turnout at these public hearings isn't that great, anyway; and if we have a big issue like this, if people hear about it, they actually are going to come out. I don't see the real need to have separate public hearings as far as that goes. If we put it on the agenda for the public hearings as an item, people are going to come and say something about them.

DR. DUVAL: So that would be more Option 3. It is up to the committee. Chris.

MR. CONKLIN: But I do support the separate in-person scoping type meetings. It would definitely provide a lot of clarity and benefit to the public. I do support that.

MR. COX: I agree with Chris. If we put it in there and there are other things going on, they're going to show up for it. I don't see a need to have it in a separate public hearing.

DR. DUVAL: Gregg, were you looking for a motion from the committee to select one of these two options? To some extent it is going to be dependent on what sites are selected for analysis in December. We're assuming an EIS just for planning purposes because that's the one that takes up the most time and resources. I just don't know if you're looking for a specific motion or for committee preference. We've heard support for both Options 2 and 3.

MR. WAUGH: Yes, we do need a motion because if we're going to have separate public hearings for MPAs, then we need to go ahead and start making those arrangements. That would be Option 2. Option 3 would be in-person scoping in January with the others and then public hearings in August. That would give us more time to flesh the document out. Again, when you're doing scoping, you sort of lay out the issue and the range of alternatives, so you don't need to have a lot of analysis for scoping.

MR. CUPKA: Given the list of public hearing amendments that went over and knowing what is in those amendments, I wouldn't be surprised again if we wouldn't have kind of a light turnout. A lot of people don't care about framework actions or understand ORCS or that kind of thing, but I think having the scoping in conjunction with that would definitely bring them out. We may get some comments we wouldn't get otherwise on some of these other amendment actions.

I do think it is going to take a while to put all this together and analyze all this. Again, I'm sensitive not only to the monetary issues involved but also the staff time issues involved in this, and I think it would – I mean we need to do this and do it right, so I would support Option 3.

MS. McCRAWLEY: I would like to make a motion for Option 3 for our timing, which would include in-person scoping meetings in January in conjunction with those other in-person meetings we're already doing.

DR. DUVAL: There is a motion from Jessica to accept Option 3 as our timeline, clarifying that scoping would be in person in January; seconded by Anna. Discussion?

MR. BELL: Related to that, I was going in the same direction. I just think also what David said; we need to be sensitive of staff load and we need to do this right. We don't want to rush to

failure somehow. We just want to make sure we give this right and get it right the first time. That gives us a little more time and gives staff a little more breathing room to work. I like Option 3.

DR. DUVAL: All right, other comments on the motion? **The motion is direct staff to prepare a draft Regulatory Amendment 17 Document for review at the December 2013 meeting; approve for scoping, assuming an environmental impact assessment is necessary at the December 2013 meeting; conduct in-person scoping meetings in January 2014; review scoping documents at the March 2014 meeting to provide guidance for more complete analyses; review analyses and approve for public hearings at the June 2014 meeting; conduct public hearings in August 2014; review comments at the September 2014 meeting to approve actions; and final review to approve for secretarial review at the December 2014 meeting.**

Any more discussion? Any opposition? Seeing none; that motion stands approved. Gregg, I think that brings to pretty much the end of everything that was contained in the decision document for Regulatory Amendment 17. Okay, thank you very much for leading us through this. We are down to other business and we do have a timing and task motion that we sort of need to make sure we have got all our ducks in a row that we will review at Full Council.

We have one other item I might look to Anna to help me out on this, but we do need to request a presentation from the Science Center and the Office of Law Enforcement on the Oculina Closed Area Activities for the December meeting. Apparently this is a time-sensitive thing. Anna, I don't know if you might want to come to the microphone and just clarify that for us.

MS. MARTIN: That's right, Michelle, I think Gregg had mentioned that earlier. This is the requirement under Snapper Grouper 13A, and he had mentioned that. We just need to request the presentations he had talked about earlier.

DR. DUVAL: **Okay, so I guess we would just need a motion from the committee to request a presentation from the Science Center and the Office of Law Enforcement on the Oculina Closed Area activities for the December 2013 meeting.**

MR. HARTIG: So moved.

DR. DUVAL: Motion by Ben; seconded by Jessica. **Is there any other discussion? Any opposition to this motion? Seeing none; that motion stands approved.** Myra, I guess we will review the timing and task motion at Full Council once we go through the committee report. Okay, is there any other business to come before the committee? Seeing none; the Snapper Grouper Committee stands adjourned.

(Whereupon, the meeting was adjourned at 11:30 o'clock a.m., September 18, 2013.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
October 15, 2013

INDEX OF MOTIONS

REGULATORY AMENDMENT 14 MOTIONS

PAGE 18: Motion to approve the IPT's suggested edits to the needs statement of Regulatory Amendment 14. Motion carried on Page 18.

PAGE 18: Motion to approve recommended edits to alternatives under Action 1. Motion carried on Page 18.

PAGE 19: Motion to select Alternative 1 as the preferred.

PAGE 25: Substitute motion to change the preferred to Alternative 3, which would modify the commercial and recreational years for greater amberjack to begin on March 1 and end on February 28th. Motion carried as the main motion on Page 25.

PAGE 27: Under Action 3, motion to approve the IPT-recommended changes. Motion carried on Page 27.

PAGE 27: Motion to select Alternative 2 under Action 3 as the preferred. Motion carried on Page 30.

PAGE 31: Motion to approve the recommended edits to the alternatives in Action 4. Motion carried on Page 31.

PAGE 31: Motion to make Alternative 3, Subalternative 3C the preferred in Action 4. Motion carried on Page 32.

PAGE 34: Motion to approve the recommended edits to alternatives under Action 5. Motion carried on Page 34.

PAGE 37: Motion to change the preferred subalternative to 2E under Action 6. Motion carried on Page 41.

PAGE 41: Motion to approve recommended edits to Preferred Alternative 4 under Action 7. Motion carried on Page 41.

PAGE 42: Motion to approve the codified text for Regulatory Amendment 14 as necessary and appropriate. Motion carried on Page 42.

PAGE 42: Motion to approve Regulatory Amendment 14 for submission to the Secretary of Commerce. Motion carried on Page 42.

PAGE 42: Motion to give the Council Chair editorial license to make necessary changes and redeem the codified text as appropriate. Motion carried on Page 42.

AMENDMENT 29 MOTIONS

PAGE 49: Motion to approve the recommended scalar scheme for risk of overexploitation. Motion carried on Page 49.

PAGE 54: Motion to remove blueline tilefish from Amendment 29 and include a three-year review provision for the ORCS species in the amendment. Motion carried on Page 54.

PAGE 63: Motion to add actions related to gray triggerfish that were previously included in Regulatory Amendment 14; in addition include actions to establish a commercial split season and trip limit. Motion carried on Page 65.

AMENDMENT 22 MOTIONS

PAGE 88: Motion to remove Action 5 and Action 6 from the options paper. Motion carried on Page 88.

PAGE 90: Motion to adopt the revised purpose and need. Motion carried on Page 90.

PAGE 92: Motion to remove Action 2 from the options paper. Motion carried on Page 92.

PAGE 93: Motion to remove Alternative 3 from Action 1 and remove the word “private” from Alternative 2. Motion carried on Page 93.

REGULATORY AMENDMENT 16 MOTIONS

PAGE 94: Motion to approve the purpose and need. Motion carried on Page 94.

PAGE 97: Motion to edit Alternative 4 as follows: The black sea bass pot closure applies only in designated right whale critical habitat in the South Atlantic Region. Motion carried on Page 97.

PAGE 98: Motion to modify the purpose statement as follows: The purpose of Regulatory Amendment 16 to the fishery management plan for the snapper grouper fishery of the South Atlantic Region is to address the balance between ESA-listed whale protection and the socio-economic impacts imposed on black sea bass pot fishermen initiated by the annual November 1 to April 30 prohibition on the use of black sea bass pot gear. Motion carried on Page 99.

REGULATORY AMENDMENT 17 MOTIONS

PAGE 109: Motion to request presentations for the December 2013 meeting from the South Atlantic Council staff, MARMAP, NOAA Law Enforcement, and the National Marine Fisheries Service Southeast Fisheries Science Center on which of the needs identified in Amendment 14 have been met and which are outstanding. Motion carried on Page 109.

PAGE 109: Motion to direct staff to work on a system management plan for the existing eight MPAs. Motion carried on Page 109.

PAGE 126: Motion to approve the purpose and need for Regulatory Amendment 17. Motion carried on Page 126.

PAGE 128: Motion to direct staff to structure the action and alternatives with one action for each state and alternatives, including no action for each state. Motion carried on Page 130.

PAGE 134: Motion to direct staff to prepare a draft Regulatory Amendment 17 Document for review at the December 2013 meeting; approve for scoping, assuming an environmental impact assessment is necessary at the December 2013 meeting; conduct in-person scoping meetings in January 2014; review scoping documents at the March 2014 meeting to provide guidance for more complete analyses; review analyses and approve for public hearings at the June 2014 meeting; conduct public hearings in August 2014; review comments at the September 2014 meeting to approve actions; and final review to approve for secretarial review at the December 2014 meeting. Motion carried on Page 135.

PAGE 135: Motion to request a presentation from the Science Center and Office of Law Enforcement on the Oculina Experimental Closed Area at the December 2013 meeting. Motion carried on Page 135.

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Susan Shepherd	912-222-9206	susan.shepherd@att.net	St. Simons Island, GA

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

South Atlantic Fishery Management Council Meeting: Snapper Grouper Committee Tuesday, September 17, 2013

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
CATE GIGUERE US COAST GUARD	843-740-7084	Cathleen.a.giguere @uscg.mil	1500 REGISTER ST N. CHARLESTON SC 29405
Tim Freeman	386-882-6151	cfreema23@bellsouth.net	Dartmouth Beach
Dave Norman MDC			
Michelle Wardlaw		MichelleSteward@wardlaw.com	FL
Emmy Helander		ehelander@earthlink.net	
Matt Rubin			
Georg Selberg		georg.selberg@nova.gov	
Bill Keen		FKCFA	Maitland FL

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South Atlantic Fishery Management Council Meeting: Snapper Grouper Committee Wednesday, September 18, 2013

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Lenny Fee AP	910620-5847	lennyfee@gmail	Southport NC
Paula Ferguson ST	386-239-0948	2572009@aol.com	PO Box 9351 32120-9351
Robert Blum SC AP	904-590-2628	Johnnie G. Bell Smith, Inc	804 Shore Dr St Augustine FL
Paul Nelson	386-527-0732	Bloodline	301 Herbert St. Port Orange, FL 32119
Michelle Meadows		MichelleStevens@gmail.com	FL
Leesa Dunning	305-393-0934	LDunning@Nashville.org	
Frank Blum	843-556-2520	scannell@comcast.net	
Walton John	843-953-7835	JohnWalton@sc.gov	
Abby Clark	202-540-6462	ackclark@epa.gov	401 E St NW, Wash DC

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South Atlantic Fishery Management Council Meeting: Snapper Grouper Committee Wednesday, September 18, 2013

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Ann Dickey - SEDOR Markle Marketta FARWOOD	843-953-9365	DickeyA@dnr.sc.gov	217 E. Johnson Rd. Chas SC 29412
Dick Browne	910-599-5245		
Mark Brown	881 9735	MBP1 SC	
Holly Binns, Pew	850-330-7845	hbinns@prtrust.org	Tallahassee, FL
Jimmy Hull, SFA	386-547-1254	HULLSSEAFOOD@aol	PO BOX 11187, FL
Susan Shipman	912-222-9206	susan.shipman@att.net	SSI, GA
Bob Martore	843-953-9303	martoreb@dnr.sc.gov	217 E. Johnson Rd. Chas, SC 29414
Liam Carr	843-819-8169	lcarr@prtrust.sc.gov	PO BOX Chas. SC 29402

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South Atlantic Fishery Management Council Meeting: *Snapper Grouper Committee* Wednesday, September 18, 2013

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

EMAIL
ADDRESS

P.O. BOX/STREET
CITY, STATE & ZIP

Helmick

ehelmick@Beaufort.org

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201

North Charleston, SC 29405

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70	Thompson, Robert	capt.thompson@gmail.com	14 min
70	klostermann, joe	grkjkf@comcast.net	24 min
68	Laban, Elisabeth	labane@dnr.sc.gov	37 min
63	Smith, Christopher...	chris.a.smith@ncdenr.gov	203 min
60	mussensr, toby	tobymussensr@yahoo.com	11 min
60	Bonura, Vincent	sailraiser25c@aol.com	544 min
53	rindone, ryan	ryan.rindone@gulfcouncil....	1 min
53	l, i	captaindrifter@bellsouth....	4 min
51	Conklin, Chris	conklincc@gmai.com	5 min
50	Mehta, Nikhil	nikhil.mehta@noaa.gov	522 min
50	Conklin, Chris	conklincc@gmail.com	115 min
45	Lee, Jennifer	jennifer.lee@noaa.gov	4 min
43	Lamberte, Tony	tony.lamberte@noaa.gov	444 min
42	Michie, Kate	kate.michie@noaa.gov	491 min
40	travis, michael	mike.travis@noaa.gov	93 min
39	larkin, Michael	michael.larkin@noaa.gov	117 min
39	Swatzel, Tom	tom@swatzel.com	172 min
39	DeVictor, Rick	rick.devictor@noaa.gov	507 min
37	holiman, stephen	stephen.holiman@noaa.gov	434 min
36	raine, karen	karen.raine@noaa.gov	508 min
36	Crosson, Scott	scott.crosson@noaa.gov	116 min
34	burton, michael	michael.burton@noaa.gov	120 min
34	holland, jack	jack.holland@ncdenr.gov	235 min
33	Sedberry, George	george.sedberry@noaa.gov	166 min
33	Herndon, Andy	andrew.herndon@noaa.gov	478 min
32	Gerhart, Susan	susan.gerhart@noaa.gov	482 min
32	Takade-Heumacher, ...	htakade@edf.org	210 min
31	merrifield, mike	mikem@wildoceanmarket.com...	447 min

31	Bresnen, Anthony	anthony.bresnen@myfwc.com...	508 min
30	c, m	mec181@yahoo.com	566 min
30	E, A	annemarie.eich@noaa.gov	535 min
29	sandorf, scott	scott.sandorf@noaa.gov	457 min
29	Merrifield, Jeanna...	jeannam@wildoceanmarket.c...	439 min
29	jenkins, wallace	jenkinsw@dnr.sc.gov	344 min
29	Smart, Tracey	smartt@dnr.sc.gov	362 min
28	Meyers, Steve	steve.meyers@noaa.gov	392 min
28	McCoy, Sherri	sherrim@wildoceanmarket.c...	501 min
27	Knowlton, Kathy	kathy.knowlton@gadnr.org	274 min
27	Gore, Karla	karla.gore@noaa.gov	387 min
27	levy, mara	marab.levy@noaa.gov	388 min
27	Farmer, Nick	nick.farmer@noaa.gov	423 min
23	pugliese, roger	roger.pugliese@safmc.net	151 min

78	Bonura, Vincent	sailraiser25c@aol.com	563 min
70	smith, bruce	bsmith@ap.org	2 min
68	Mehta, Nikhil	nikhil.mehta@noaa.gov	252 min
67	MERRIFIELD, MIKE	mikem@wildoceanmarket.com...	42 min
61	Swatzel, Tom	tom@swatzel.com	180 min
61	MacLauchlin, Bill	billmac@charter.net	126 min
58	Austin, Tony	redress@ec.rr.com	378 min
53	conklin, chris	conklincc@gmail.com	206 min
51	Krause, Sandra	sandra.krause@noaa.gov	240 min
48	mershon, wayne	kenyonseafood@sc.rr.com	123 min
47	Laban, Elisabeth	labane@dnr.sc.gov	434 min
44	Curry, Robin	jcurry@bellsouth.net	119 min
42	holiman, stephen	stephen.holiman@noaa.gov	408 min
41	Takade-Heumacher, ...	htakade@edf.org	394 min
41	bennett, brian	captshorthop@comcast.net	403 min
38	Lamberte, Tony	tony.lamberte@noaa.gov	481 min
37	Gerhart, Susan	susan.gerhart@noaa.gov	315 min
37	holland, jack	jack.holland@ncdenr.gov	147 min
36	DeVictor, rick	rick.devictor@noaa.gov	510 min
36	Bresnen, Anthony	anthony.bresnen@myfwc.com...	511 min
35	michie, kate	kate.michie@noaa.gov	447 min
35	Sedberry, George	george.sedberry@noaa.gov	183 min
32	jenkins, wallace	jenkinsw@dnr.sc.gov	52 min
31	E, A	annemarie.eich@noaa.gov	553 min
31	c, m	mec181@yahoo.com	683 min
30	Bademan, Martha	martha.bademan@myfwc.com	508 min
30	Package-Ward, Chri...	christina.package-ward@no...	29 min
30	Smart, Tracey	smartt@dnr.sc.gov	455 min

29	harris, sandra	reefc@aol.com	197 min
29	raine, karen	karen.raine@noaa.gov	495 min
28	Stump, Ken	magpiewdc@gmail.com	280 min
28	Meyers, Steve	steve.meyers@noaa.gov	492 min
27	sandorf, scott	scott.sandorf@noaa.gov	502 min
27	Helies, Frank	fchelies@verizon.net	484 min
26	pugliese, roger	roger.pugliese@safmc.net	279 min
26	Farmer, Nick	nick.farmer@noaa.gov	248 min
26	McCoy, Sherri	sherrim@wildoceanmarket.c...	298 min
26	Package-Ward, Chri...	christina.package-ward!@n...	44 min
25	burton, michael	michael.burton@noaa.gov	337 min
25	Knowlton, Kathy	kathy.knowlton@gadnr.org	300 min
24	Davis, Julie	julie.davis@scseagrant.or...	150 min
23	Rindone, Ryan	ryan.rindone@gulfcouncil....	68 min
23	levy, mara	mara.levy@noaa.gov	163 min
23	ellis, john	john_ellis@fws.gov	170 min
22	Baker, Scott	bakers@uncw.edu	64 min
21	Crosson, Scott	scott.crosson@noaa.gov	32 min
21	Webster, Robert	websterp@dnr.sc.gov	62 min