

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**The Beaufort Hotel
Beaufort, North Carolina**

December 5-6, 2023

Transcript

Snapper Grouper Committee

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Attendees and Invited Participants

Rick DeVictor
Shep Grimes
Ira Laks
Kristin Foss
Miles Dover
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Michael McDermott
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John Walter
Martha Guyas
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Tim Sartwell
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Observers and Participants

Other observers and participants attached.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened at The Beaufort Hotel, Beaufort, North Carolina, on Tuesday, December 5, 2023, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: All right. We're going to get going in the Snapper Grouper Committee, and our first order of business is Approval of the Agenda. Are there any changes, or modifications, to the agenda, items that we know of right now to come under Other Business? Kerry.

MS. MARHEFKA: I guess I think that I had two that I wanted to bring up, which was the recreational overage of golden tilefish the past three seasons, sort of how accurate that is, and let's have a discussion on that, and I think it's maybe planned to already come up, but the -- What's going to happen with the gag quota in January, and I think that's already on the -- Okay. That's what I thought. Sorry. I got caught off-guard.

MS. MCCAWLEY: No, you're good. Any other Other Business items that people know of right now that they would like to discuss when we get to Other Business in this committee? All right. With those changes, is there any opposition to approval of the agenda? All right. The next order of business is Approval of the Minutes. Any changes or concerns with the minutes from the September meeting? Shep.

MR. GRIMES: Thank you, Madam Chair. Just two quick things. My statement, page 85, middle of the page, "FMY" should be "FMSY", and then, on page 79, and it's Allie's statement, in the middle of the page, that "OSASWG" acronym is incorrect, and so just to look for that. Thank you.

MS. MCCAWLEY: Monica.

MS. SMIT-BRUNELLO: To follow my colleague, on page 170, the bottom paragraph, the first sentence, there's a word "make" in there, and it should be replaced with "may", and so it would read "May take additional action", instead of "make take additional action".

MS. MCCAWLEY: Any other changes to the minutes? Here comes Shep again. All right. Any other changes to the minutes? All right. Any opposition to approval of the minutes as modified? All right. Seeing none, we'll consider the minutes approved, with the changes, and then the next order of business is an Update on Red Snapper Notice of Funding Opportunity, or EFPs, and I am thinking that that's going to Andy.

MR. STRELCHECK: All right, and so, with regard to update on the red snapper notice of funding opportunity, that was extended until November 20, and so we gave a couple of extra weeks for submission of proposals. We have now received the proposals, and they're under review. We have a six-person panel that's comprised of both NMFS and non-NMFS employees that are reviewing those proposals. They are going to, I believe, meet in early January, as a panel, to kind of deliberate over the submissions that we've received, and then, following that meeting, each one of them will submit their individual ranking scores for the proposals.

That then get synthesized and provided to me, as the deciding official, and it's not a consensus-based decision, and it's based on the scorings and rankings that are submitted by each individual panel member, and we'll make decisions on the proposals probably in late January, and I think announcements will come quite a bit after that, because they have to go through grant review and

processing, and then, simultaneously with that, the exempted fishing permits, as part of the application process for the grants, we outlined that, you know, the information and exempted fishing permit would be pulled from the grant proposals themselves, and so we will have to do a notice and comment period, for proposals that are moving forward, to issue any sort of exempted fishing permits, if they're needed for those projects.

Timing-wise, we're kind of on track for issuing the exempted fishing permits, and grants, in late spring, probably the March or April timeframe, and our goal, as mentioned in the proposal, was to issue three to five grants, and so that's the kind of maximum that we can afford, based on the money that's set aside. Each one would be no more than \$250,000 per grant submission, and so, with that, I can't go into any details with regard to the projects that have been submitted, who has been submitting them, and that information is currently under review at the panel, and so we'll let them deliberate and provide those recommendations before moving forward, and so any questions?

MS. MCCAWLEY: Thanks, Andy. Is the intent that the EFP portions would come to the March council meeting?

MR. STRELCHECK: I believe so, and I will look to Rick. Is that --

MR. DEVICTOR: Yes. That timing would work.

MR. STRELCHECK: That timing would work.

MS. MCCAWLEY: Any other questions for Andy? Spud.

MR. WOODWARD: I know this is probably a highly-unlikely scenario, but just, for some reason, say that all of the available funding was not requested in this go-round, and there was money remaining to be available, and would there be a process to either allow the successful applicants to expand their process to claim some of that unused money, or a second solicitation for maybe entities that missed the original opportunity, or something like that?

MR. STRELCHECK: I would say yes. I mean, I think there's a number of different options that we can pursue, if not all the funding was requested. We also want to look at is there any gaps, in terms of the projects being submitted, and is there any opportunities to fill those gaps, whether it's through the notice of funding, a separate funding opportunity, internally, reprogramming those funds for use by the Fisheries Service or for other, you know, funding mechanisms, and so the bottom line is, yes, and I don't, obviously, know the details right now, what it all tallies up to, but I believe, based on what I've seen, that the funding requests will exceed the amount that we had laid out.

MS. MCCAWLEY: Any more questions for Andy? All right. The next order of business, moving through the agenda, is Update on Amendments Undergoing Rulemaking, and I will pass it back to the NMFS folks.

MR. STRELCHECK: So Rick is saying there is really no updates, beyond the conversation that Kerry wanted to have about gag, and so Amendment 53, as you're aware, was implemented this fall. It substantially reduced the catch limits for gag grouper, for both the commercial and recreational sector. Not unexpected, we had to close the fishery immediately once that rule went

into effect. We, obviously, don't have final landings, although, obviously, since the sectors have been closed now for a while, we'll continue to evaluate landings between now and the end of the year.

For the commercial fishery, the overage results in a payback, based on the accountability measures, and so we would reduce next year's catch limit, based on the amount of the overage, and they would be operating under a reduced catch limit. For the recreational sector, the accountability measure is to shorten the length of the fishing season, and so we will look at, obviously, the landings data for this current year, as well as past years, and evaluate when to set the fishing season.

What I do want to note is, in Amendment 53, when we did projections of the recreational fishing season, it did indicate that we were looking at closures during the summer months, right, and so I don't think what we saw with the landings data is too far out of line with what we were expecting with Amendment 53.

The challenge here was that we could not get the rulemaking in place in a timely enough fashion to be able to close the fishery to avoid some of these overages, and that's not taking anything away from the council staff, because I thought the council did a phenomenal job of submitting the amendment to us as quickly as possible, and my team did a phenomenal job of trying to process this rulemaking as quickly as we possibly can, and so that's where we're at, and, obviously, we will know more details, I think, and can inform the council at the March meeting, in terms of the kind of final outcomes for the gag seasons and quota levels.

MS. MCCAWLEY: Chip, is that what you -- Okay. Tim.

MR. GRINER: Thank you, Madam Chair. Off the subject a little bit, but is there an update on the status of the ABC Control Rule Amendment?

MR. STRELCHECK: So the update from the Fisheries Service, and Shep can certainly jump in, but I believe that Shep is actually reviewing some of the final rulemaking right now, and so -- But I don't know the final status, in terms of where we're at, but I think we're getting close to publishing the final rulemaking.

MS. MCCAWLEY: Any other questions for Andy? All right. Any more questions for the region? All right. Moving into the next item, which is a System Management Plan Workgroup, and I'm going to pass it over to Chip.

DR. COLLIER: So the System Management Workgroup is a -- It's a big group of people looking to evaluate how the protected areas are working, and so this was established back in 2017, as a function of Amendment 36, as well as the deepwater MPAs, and so Amendment 36 established the spawning special management zones, and what the council, at that point, wanted is they wanted a workgroup to evaluate some of these protected areas, to see how they were functioning over time, and so that's the task of this workgroup.

They met, back in 2017 and 2018, and developed a little tutorial on what the spawning special management zones were, and that is now posted on our webpage for managed areas, and so everybody has access to that, and then our next task, right now, is to develop an evaluation of the spawning special management zones. We have a sunset coming up in 2027 for the three natural

areas, South Cape Lookout, Devil's Hole, and well as Warsaw Hole, and so this workgroup is going to be looking into those areas, to see what new information is available and evaluate the information that is currently available and has been collected.

We had our first meeting in November, talking about some of these issues, and one of the big things that came out of the meeting is there has been new research conducted for the area, which is encouraging, and new projects are even ongoing right now. The Nature Conservancy has funded some new research, and the council has funded new research, in order to gather information on Devil's Hole, as well as Warsaw Hole, and there's also been information on larval dispersal from this spawning special management zones, and so where is it likely that a larval fish spawned in these areas is likely to end up, and so they've completed larval dispersal models for I believe four different species, three species of grouper and red snapper, and so it's very interesting to look at some of those results, and we're going to take all of this information and develop an evaluation for these areas.

Currently, we're in the process of making an evaluation tool. It's going to be simplified based on some of the more complex evaluation tools that are out there, and the group felt like those were pretty much overkill for what we were trying to do, and so what we're doing right now is focusing on what would be most informational to the council. Once that evaluation tool is done, they will go through the evaluation process, and some of that process is going to be reaching out to other advisory panels. Since this is a protected area for snapper grouper species, they will reach out to the Snapper Grouper Advisory Panel, to get some input from them, as well as supply the report to them.

They will also reach out to the Law Enforcement Committee. Compliance is an important part of any protected area. If there's no compliance, it's not really a protected area. It's just a paper park, and that's what we're trying to avoid creating and making sure, during the evaluation, that we're able to look into that.

Then we also want to look at how effective some of the outreach has been, making sure people are aware of these areas, different techniques to get the information to the fishermen, where the fishermen might be accessing the areas, and so we've been working on -- We worked with Garmin, in order to get the protected areas put on the maps, the digital maps for Garmin, and so that was very encouraging, and we also have these protected areas in Fish Rules, both the recreational Fish Rules and commercial Fish Rules app, and so a variety of people have access to them.

The next process that we're doing, once we get the evaluation done, is we will -- Like I said, we're going to be reaching out to the advisory panels, to get input from them, and then also provide them with the report. Once it's been reviewed by the advisory panels, then it will come back to the council, and hopefully we're going to have all that wrapped up by 2025, and so it's going to be a long process, and hopefully it's going to be a successful process.

This is the first evaluation that we've done for some of these protected areas, using this system management plan workgroup, and so there might be a few bumps in the road, but we'll get through them and make it to the end, hopefully by 2025. That way, you all can have time to develop an amendment, as you see fit, regarding these protected areas.

MS. MCCAWLEY: Thank you, Chip. Any questions? Monica.

MS. SMIT-BRUNELLO: Chip, you mentioned this, but would you say again what the sunset date is for the one SMZ that sunsets soon?

DR. COLLIER: It is 2027, and I believe it was September, and I would have to go back and look at that, and I can't remember which council meeting it was approved in.

MS. MCCAWLEY: Any other questions? Spud.

MR. WOODWARD: Just curious procedurally, and let's assume that the council's will is to extend it, and can that be done in a framework, an expedited amendment process?

DR. COLLIER: Yes, and so changes to spawning special management zones, or special management zones, can be done through the framework process, and that was another component of Amendment 36.

MS. MCCAWLEY: Any other questions? All right. Thank you, Chip. All right. The next item is we are going to move into wreckfish, Snapper Grouper Amendment 48, and Christina is coming to the front.

MS. WIEGAND: All right, and so, if you guys will remember, we've started doing wreckfish a little bit differently now. At least meeting, in June, you created two separate groups, first the Wreckfish Advisory Group, and this group is populated by the shareholders, and then the Wreckfish Subcommittee, which is a council committee that's sub to the Snapper Grouper Committee that is now discussing this amendment, making decisions, and then bringing those decisions back to this group. First, I'm going to sort of briefly go over the advisory group report, and there is sort of no chair and vice chair for this group, and we'll address that once that --

(There is a gap in the audio recording.)

MS. WIEGAND: Okay, and so, continuing on, Action 3, the requirement to possess a wreckfish permit, and, again, the advisory group just wanted to reiterate that this fishery cannot handle a large number of participants, prices are currently stable, and their allocations are being utilized, and that, sometimes, it may not look like shares and allocation are being fully utilized, and, oftentimes, that has to do with factors that are outside of the shareholders' control, thing like poor weather and vessel issues that may make it challenging for them to prosecute this fishery in certain years.

They did not have any comments on modifications to the commercial fishing year. They did talk, a little bit more, about offloading site and time requirements, sort of again reiterating some of the discussion they had at their June 2022 meeting, noting that the offloading hours are incredibly burdensome on shareholders and that they rarely see law enforcement when offloading wreckfish, and noting that, if the offloading hours cannot be removed, their preference is to have the most possible time available for offloading.

We did talk about the cost recovery plan, in quite a bit of detail, with the shareholders, and reiterating that their preference is to have the ITQ shareholders be responsible for cost recovery collection and submission, as opposed to the dealers, and, sort of in conjunction with that, they

were comfortable with collection of that happening in the last quarter of the calendar year, because that's the only option with the wreckfish ITQ shareholder being the one responsible.

Again, similarly, they're comfortable with the frequency of submission being once per year, to match with that desire, and then, finally, Sub-Action 6.4, they did sort of change their preference, based on a presentation from SERO staff. They felt that, really, there's not a significant difference, for them on their end, as the shareholders, between using actual ex-vessel value and standard ex-vessel, and so, because of the administrative burden to NMFS, they felt that Alternative 2, which is actual ex-vessel value, would be their preferred.

Moving into some of the participation and eligibility requirements for the wreckfish ITQ fishery, they talked about what requirements there should be to open an online shareholder account in that new electronic system, and they felt that it was important to ensure that anyone who is opening an account has the permits necessary to harvest wreckfish, and so, whatever requirements they are to harvest wreckfish, they felt that you should have to meet those in order to open an account.

They also discussed requirements for obtaining wreckfish shares within the online system, and also then maintaining those shares. Similarly, they felt that, in order to obtain shares, as well as to maintain those shares, it was important to ensure that they had the permits necessary to harvest. They also noted that they wouldn't have any issue with the ability to obtain shares under certain conditions, but they wanted some, you know, clarification, or more discussion, from the Law Enforcement Advisory Panel on what exactly outstanding sanctions would mean and what would constitute a delinquent logbook, especially given some of the challenges fishermen can face when submitting those logbooks.

They also then talked about shared divestment for permit-required accounts, and so, in the case that they're now saying you must have X permit, or the snapper grouper unlimited permit, to maintain shares, what happens to shares if someone who has shares no longer meets that requirement, and so they felt that, you know, one year was probably a sufficient amount of time to allow any current shareholders to transfer permits around as needed, once this amendment was implemented, and then, again, they felt that sort of one year was sufficient for someone who became ineligible to divest of their shares before NMFS came and reclaimed those shares. They did note that they wanted some discussion in the document on how that process would work in the case of death.

Then, finally, they discussed -- So once NMFS has a scenario where they needed to reclaim shares, what happens to those shares that are reclaimed, and there was, I would say, sort of a difference of opinion among the shareholders, and they wanted to see some examples of different redistribution options, including scenarios on how shares would be redistributed if one or more shareholders had already met the share cap, which is the case in the wreckfish fishery.

Next, they talk about requirements for obtaining allocation from shares, and so, if I'm a shareholder, obtaining the poundage allocation for a given year that I can then go harvest, and they felt that it was appropriate to require shareholders to be in compliance with cost recovery, fee requirements, and the necessary permit requirements, in order to receive annual allocation.

Next, they talked about receiving annual allocation through transfer, and so I'm a shareholder, and I have received my annual allocation, and I would like to transfer that to someone, and, again, they

simply felt that, in order to receive that allocation through a transfer, it should mirror the requirements to harvest wreckfish, and then, last, but not least, on eligibility and participation in the fishery, there was one note here about retaining allocation before a commercial annual catch limit reduction. As you all know, there's no stock assessment, or ACL reduction, expected for wreckfish, but this action would simply provide the Regional Administrator with the ability to withhold that annual allocation in the event that an ACL reduction was required in the future.

There weren't really any questions posed to the AP for this, because it's mostly an administrative action, but the advisory panel members did express some concerns about the Regional Administrator being able to withhold allocation before a reduction, and they sort of reiterated the importance of getting an updated stock assessment for wreckfish, and I will say, in the actual actions that you will see when we get to the subcommittee report, there are dates within there, where, if the reduction has not occurred by X date, the full allocation would be released to the shareholders. I guess I will sort of pause here.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: Just as a point of clarification, if I am withholding quota, that means there's some sort of action that's been taken by the council, or is in the process of being taken by the council, and being implemented by NMFS, and so I'm not just going to arbitrarily withhold allocation. I don't have that authority, and you provide me the authority to withhold allocation based on rulemaking that's in progress.

MS. MCCAWLEY: Thanks, Andy.

MS. WIEGAND: All right. If there are no questions about the participation and eligibility actions, I will go into the last two. These have to do with monitoring of the wreckfish ITQ fishery. We first asked them about a trip declaration requirement, and this would be a hail-out requirement, and they noted that they would prefer a twenty-four-hour call line over being required to have VMS, and they felt that sort of any declaration requirement should be specific to the wreckfish ITQ fishery and for sort of any other snapper grouper or other commercial trips, and they felt that, you know, sort of twenty-four hours prior to departure, the maximum amount of time for contacting NMFS in the case of a hail-out, was appropriate.

They did make one other pretty strong statement, and so, in the interest of representing that group fairly, they did note that they felt they were already subject to observers, which is a noted option in the Magnuson-Stevens Act, and that requiring trip declarations and pre-landing notifications, which I will talk about next, was an undue, and unjustified, burden on the ITQ shareholders.

Next, we talked about a prelanding notification, a hail-in notification, and, again, they noted a twenty-four call line over VMS, but they would like to see some sort of provision for bad weather, or some kind of equipment failure, and, again, they wanted it to apply only to the wreckfish ITQ program, and then they had quite a bit of discussion about the sort of three-hour timeframe for notification, and they would like the council to consider a one-hour notification window prior to landing, as opposed to a three-hour notification window, especially to help make sure they get back into cellphone range to submit that prelanding notification. I know that was a lot, but I'm happy to take any questions sort of on what the shareholders discussed, before we move into the subcommittee report.

MS. MCCAWLEY: All right. Any questions for Christina? Okay. I don't see any hands.

MS. WIEGAND: All right, and so I think the next thing to go over will be that subcommittee report, and sort of to go over the different decisions that the subcommittee made. Instead of having you guys approve every single motion we go through here, and then again at Full Council, I think the intent would be to just roll through this, discuss it as needed, and then, unless there is some changes that are made, just have one motion at Full Council to accept all of the recommendations, and, with that, I will turn it to you, Jessica.

MS. MCCAWLEY: All right. Thank you, Christina. I wanted to start with -- So can you remind us of the timing? We will come back to this at the March meeting, have a public hearing at that meeting, and see -- No? Okay. Can you talk about the timing.

MS. WIEGAND: So this is what we're thinking for the timing of this amendment, and so we're going to through this report, and this will show you guys all of the actions that the subcommittee recommended be added to that amendment. Staff is currently working on analyzing all of those actions. The subcommittee is going to meet again in February, at which time they will review the analysis, select preferreds, and approve it for public hearings. In March, it will then come back to the Snapper Grouper Committee, to you all, and you all will discuss, concur, disagree with the preferreds of the subcommittee, also agree to approve it for public hearing, and then, in June, the intent would be to hold public hearings at the June council meeting and then consider it for final approval as well in June.

MS. MCCAWLEY: All right. Thank you, Christina, and so just to -- More reminders here, but so this subcommittee was formed because these wreckfish discussions can be very lengthy, very detailed, lots of things to consider as this program is modernized, and so the Wreckfish AP met, and the subcommittee members were present while the AP was discussing all of these items, and then, the next day, the subcommittee met to go over the actions in the document.

One of the things that Christina was pointing out, as she was going through the AP report, is that there were a number of actions in the document that weren't actually added yet, and so they haven't been analyzed, and, because of everything that we've learned about the pieces of the system that need to be modernized, a lot of what was done, towards the end of the subcommittee meeting, was just saying that we want to consider all of these additional actions, and so there wasn't a lot of, or any, real analysis to look at for some of those. Let me pass it back to you, maybe to start moving through the slides, Christina.

MS. WIEGAND: Just as a note, these slides follow the subcommittee report that's in the briefing book verbatim, and I just put them in the slides, yesterday, to sort of break them up into clear, concise, digestible points, and so I guess, starting with the fishing season spawning closure, and the context for this was the subcommittee, I believe, wanted to look at modifying that spawning season closure to maybe get a couple of extra weeks of fishing at the top of the season.

MS. MCCAWLEY: I am going to be looking around the room. If you guys have questions, or comments, about any of the direction to staff, or the motions, then please raise your hand, and we will stop. Otherwise, we're going to move through this, since the subcommittee has already met, and gone through this in detail, and there's not a specific decision document in the briefing book,

and it's just these two committee reports. I'm going to pass it back to Christina. If you have questions, if you want to talk about it more, then please raise your hand, and we'll stop and discuss it.

MS. WIEGAND: All right, and so next up was the offloading site and times, and there was a motion to split Action 5 into two separate actions, and so now there will be one action in the amendment that addresses the offloading hours, and a second action that addresses the offloading site requirement, and then there was direction to staff to bring the amendment, and all of the new actions, to the Law Enforcement Advisory Panel before the March council meeting, to talk about some of this offloading site stuff, as well as the time requirements and the different monitoring actions.

We talked about cost recovery. As I mentioned with the advisory group report, they were comfortable switching to actual ex-vessel value, because of the lower administrative burden on NMFS, and so the subcommittee passed a motion to make that their preferred. They also wanted to add consideration of time for price determination following landing, looking at something like fifteen days, thirty days, to report that price, and then to have the IPT discuss how to incorporate that extra fifteen, or thirty, days into the amendment and consider some of the input provided by shareholders on when they sort of know the actual price of the fish.

Ultimately, the subcommittee decided not to include an action for a trip declaration, and so not to include a hail-out requirement for wreckfish. They did decide to include a landing notification, and so the hail-in, and you can sort of see the language of that action here, and then have some direction to staff to have NOAA OLE, and the state agencies, provide information on wreckfish citations and how often vessels are intercepted at the dock, and then to consider a notification time of less than three hours in advance and to provide more clarity on sort of the NMFS-approved method language that's in the alternative and information on how other hail-in systems that use a twenty-four-hour call function and account for things like technical issues.

All right, and then the next -- A lot of the rest of these are just sort of adding actions into the amendment, and so adding an action into the amendment that would specify requirements to open a shareholder account, adding an action that would address requirements to obtain and maintain shares, and then direction to staff to get a little bit more information from NOAA GC on sanctions and then to have the IPT discuss sort of valid, versus valid and renewable, permit language that's in a lot of these subsequent actions.

We added an action for share divestment, both looking at when shareholders would need to be in compliance upon the implementation of this amendment and then when they would need to be in compliance, should they no longer meet the requirements to maintain shares at a future date, and then, again, direction to staff to work with the IPT to add language on how divestment of shares would work in the case of a shareholder passing away.

Then we added an action that would address how any reclaimed shares would be redistributed, and we added an action detailing requirements to obtain allocation from shares, and, again, some direction to staff to add an alternative under this action that would require a Snapper Grouper 1 Permit to obtain annual allocation from shares, so that, in the case of someone no longer meeting the requirement to maintain shares, but still being within whatever window they had to divest, they couldn't receive allocation from their shares.

Then we added an action that would look at a requirement for obtaining allocation through transfer and then added in an action that looks at retaining allocation before an ACL reduction, again what Andy was just speaking to, and then there was a timing and tasks motion that can be adopted at Full Council, but it would update the full committee, and then continue to develop this amendment and have the subcommittee meet, via webinar, prior to the March 2024 council meeting.

MS. MCCAWLEY: All right. Thank you, Christina. Any questions, or comments, on this? All right. Andy.

MR. STRELCHECK: I mean, I will just make a comment, and, you know, we're running through this very quickly, because it's complicated, and it was, I think, a great process, right, and I think it worked well, and I appreciate people accommodating me, because I had COVID at the time, virtually. You know, the agency, obviously, is looking at this in terms of how we can take advantage of economies of scale and align this with the Gulf IFQ programs, wherever possible, but we also, I think, showed some flexibility in terms of some things that may be unique with wreckfish, to deviate from, you know, that standardization and consistency, but, overall, I feel like we landed in a good place, and I think we have a really solid range of alternatives, and I want to thank Christina, in particular, for helping lead those efforts.

MS. MCCAWLEY: Thanks, Andy. I agree. I think it was a good process, and we had a lot of good discussion about this, and I'm excited to see this finally finalized. I feel like it's been years, and Brian Chevront started working on this, and then he passed it to Christina, and so this has been years in the making. Anything else on wreckfish? All right. Thank you, Christina.

Next up on the agenda, we are going to move into the Private Recreational Permitting Amendment, which is Amendment 46, and John is coming to the table, but, also, the first thing that we're going to do is we're going to hear the AP recommendations from Bob Lorenz. Bob, are you ready?

MR. LORENZ: Yes, I am, Madam Chairman, but John had said that he was going to introduce me, and so that's where I was, and so thank you, and sorry for zoning.

MR. HADLEY: Sorry about throwing a little kink in things there, but anyway, yes, and I just wanted to start off, before we get into discussion of Amendment 46, to turn it over to Bob, and the AP had a fairly in-depth discussion on this, and we have a set of recommendations for you to consider ahead of getting into the amendment document itself, and so, without further ado, Bob, please take it away.

MR. LORENZ: All right. Thank you, John. Can you bring up my first slide? Thank you. For our recreational permit, we actually had an approved motion that, regardless of whether it's going to be vessel or angler-based, this AP advises the council to include reporting, permitting, and education. I will speak a little bit more on that, because of the AP's intent of, you know, all the years talking about the permitting, and the other things are very good, but there's kind of a little bit of a tier to it, even though it all should be probably brought out at the same time.

We're noting here that it says unanimous support for creating a private recreational permit of some kind, and it wasn't exactly that. There were fourteen in favor, and there was one opposed, and two abstained. The reason, I think, for any opposition, and the abstinence, is mainly the bundle, okay,

and so the permit and the reporting and the education, and what might that timing be, and because we added education, and so is it now going to take longer, and that would always be there, and so there's where you have a concern, and so that was not that they didn't want the permit, but it was just the way the motion was bundled.

There you will see that we did have our split opinion among our AP members, where eleven of them preferred a vessel-based permit, and seven preferred the angler-based permit. When you look at this, if you looked at the makeup of the people that want that, a lot of them -- Some of the for-hire, and almost all commercial, naturally, go with the vessel-based permit, and it's there, and it's the logistics are easy, they're accustomed to it, and why not have it the same, and I guess the theme is to get it out there sooner, quicker, if it more easily matches what's done on the commercial side.

The angler-based permit, you may see a little more of that on the rec side sometimes, going for that, and I'm pretty sure, when you get out to public opinion, you're going to see a lot of the recreational fishing, the NGOs, kind of going that way, because you're going to end up with -- You go to the same place, but the motivations are a little different, all right, and so you have -- With the angler-based permit, the identification and number of fishery participants, recreational fishermen like that, and, you know, you want to show, again, what's in it for them, show us the numbers, see how many of us there are, and see how you have to provide us fish for our passion.

The commercial side usually comes in on, hey, what's fair is fair, and you're making us report, and recreational angling is exploding, and commercial fishing is actually going backwards in participants, and we've got to protect the fishery and find a way to get control over all these people that are fishing that we don't know who they are, and so don't be surprised if your input comes in on that a little bit, where you -- Like I said, you get to the same end, but the base motivation behind it can be a little different on what's in it for us, depending on which side you are on.

The AP, of course, always has and has included a reporting requirement for private recreational anglers, and, again, that's from day-one, and it has been very strong with that, with all of our commercial members and all that. The recreational members, and when we get the feedback from the NGOs, they're also in that camp. We do have what I will call -- I will call them libertarian recreational anglers, and they're probably going to pop up when you do your public hearings and all, and those are the kind of people that -- I get the feedback, and they want -- They basically want a system of tell us when we can fish, where we can fish, how big they must be, you know, and how many we can keep, and we're fine after that. We already have state permits, and so we're good. Don't be surprised with that kind of an input.

We'll get to the -- We're recommending that you use Alternative 2 under Action Plan 2, all species within the snapper grouper complex, and people brought up that some important snapper grouper species are not included in the Florida State Reef Fish Survey species list, which is kind of the template that everybody, you know, keeps looking at, and they would like more, you know, comprehensive coverage for the entire region, and choosing all the species in the snapper grouper complex would just make it just easier for compliance and less confusion about which species do I need a permit for.

We had a little bit of discussion, and not much, with some of a few of us, and you may have a snag, or you may want to consider thinking about a species like the sea bass, when you get north

of Florida, and a lot of it is, I know here in North Carolina, in state waters, particularly at this time of the year, and it isn't a snapper grouper complex, and so you might have that fisherman that -- Where do they sit with something like sea bass, whether it's caught three miles or four miles out, because that's the only one that I could see.

The other ones we had, you know, we did have the -- I think back when we had sheepshead, but that's already been -- That's now under the Atlantic States Marine Fisheries Commission, and so there's kind of maybe a sticky one, and, you know, one that -- You know, where are people going to stand on that, and we have more discussion on that, of whether you get a permit or not if you have a state or a federal permit, and less complexity there.

Then the mechanism for the states to opt-out of the federal program, and the main conversation the AP brought up is, of course, everything takes money, and so, you know, people did kick around, a bit, that, hey, they're going to need money, and just about every rep from every state said that I could just see my state asking for federal funds in order to support this, if it would be issued through the state.

Asking again what would that permit look like in the State of Florida, where you already have your state reef fish designation, and so where does that fit, and then what happens, if federal requirements do not align with the state requirements, and do you need both the federal and the state permit, and, again, you will probably get some feedback from, and, again, I will call them word, the libertarian fishermen, that basically just let's do what we've always done, and we already have our state permits, a license, our state does have rules when we come back, with respect to the fish we're allowed to catch, and, you know, it passes through all the things that come of this council, and I think you're going to get a little feedback on that.

Then the educational requirement -- Of course, the AP thinks that the educational requirement should be put in, and as soon as possible, and, you know, they mentioned what you require for recreational fishing with the HMS, and, you know, it's kind of a simple online type of thing, and I think the secret is in the simplicity and not being too complex for that educational requirement and drawing upon what they need to know to be legal fishermen and fishing within the regulations.

In summary, basically, as it comes from the AP, the recreational permit, as most of us are concerned, is long overdue. I mean, we've been talking about it for the eight-and-a-half years that I've been on the AP, and so, if I had put it -- You know, that's one, and let's get that going, and then that tiers down to the next thing that you want, and, if it can come right away, fine, but don't sacrifice starting that headboat, or registry, of the anglers, and that is the reporting. Then the newest thing that has come in would be the educational requirement, and, as I said earlier, we got a little opposition to it, not having a totally unanimous report, and it was mainly on the report that, oh, is this another thing we're going to add that is going to take another half-year, or another year, until we get to the private recreational permit, and so that's what is behind all that. I believe that's it. Thank you.

MS. MCCAWLEY: Thank you, Bob. Questions for Bob on the presentation? Spud.

MR. WOODWARD: Thanks, Bob. I'm just curious about -- When you talk about reporting, what -- How do members of the AP sort of characterize -- What is reporting, in the context of a private

recreational fishery, in terms of, you know, trip-level reporting, mandatory, and, I mean, has there been any more detailed discussion about what that really means?

MR. LORENZ: We've often discussed it, and it wasn't so much this meeting as at the other meeting, and it is -- It would be reporting, and I think, in most people's heads, it's the reporting, and not necessarily of everything, but the most critical species, the species you're having an issue with, you know, your red pogy, your gag, and your red grouper, your red snapper. I think they're looking at, you know, those species, and it particularly started with the snapper considered in some ways, the choke species in every way, whether you fish or not, conservation level, and so that causes you to go to other species, and, you know, I would say more like not every single -- I don't think they all were thinking like every single fish, but those that are most important to the conservation effort, and particularly those overfished and overfishing occurring.

MS. MCCAWLEY: Robert.

MR. SPOTTSWOOD: Thank you for the update. Going back to your first slide, on the discussion of individual reporting versus vessel reporting, one, I wonder if, in the discussion, it was raised that, even in the vessel reporting program, you can have the vessel that's reporting log-in the individuals that were fishing with them, and so you can ultimately get to that information, and then I will just leave the comment there that you've got a boat coming back with six people on it, and having all six individuals do that work, on an individual basis, and tying it back to the earlier presentation we had about the decline in voluntary reporting, and so, just thinking through that, I think it's important to try and minimize the impacts on the users, in order for us to get the information.

MR. LORENZ: That was brought up, and, in fact, the points were brought up that, if you do put it on the vessel, it puts the responsibility on the vessel owner, and there's a lot of skin in the game, because it's all that they own, and, that way, you will at least get it done, and so, yes, people say that is a good way to get that done.

MS. MCCAWLEY: All right. Any more questions for Bob? Andy.

MR. STRELCHECK: Really, a question for you, Bob, because I don't think the AP, as a whole, discussed this, but Ira, earlier, talked about adding mackerel and cobia as part of the permitting process, and do you have any thoughts on that?

MR. LORENZ: Yes, the AP brought that out, and I believe, in our notes, there is a small sentence, and there is a sentence or two, about that, that there were quite a number of the folks that brought up that, well, this isn't the only thing where a permit should apply, and there will be other critical species where a private recreational permit should be had for certain species, yes.

MS. MCCAWLEY: Any other questions for Bob? All right. I don't see any other hands, and I'm going to pass it back to you, John.

MR. HADLEY: All right. Thank you, and I will pull up the decision document, which is Attachment 2a in your snapper grouper briefing book, and so this is the main document that we'll be going over today, to run through Amendment 46 and where it stands. I am going to hop down here to the actions in the amendment, and so, of course, we'll get into the details of each one of

the actions, but, as you will see, there have been some changes, quite a few changes, made to the actions, compared to what you reviewed in September. Notably, at your direction, we consolidated -- When I say we, the IPT consolidated some of the actions for the education requirement, and then, notably, what is now Action 5 is that mechanism that would establish a system to allow states to opt-out of the federal permit requirement.

As you may recall, that was sort of right in the middle of the amendment, after the permit, after the permit discussion, and we thought it would be better to reorder it, and put that at the end, since it does encompass both the permit and at least, by default, the education requirement, and so those are some of the moving pieces that we'll go over, but, generally speaking, it is a streamlined amendment, down to five actions, and so that's -- I think, previously, there were eight or nine actions or so, and so down to five actions within the amendment, and, really, at this meeting, we're looking for essentially, eventually, potentially a vote of approval for public hearings, and so, with that being the case, where you're comfortable, we were looking at considering preferred alternatives for each action, after getting some of the AP and the IPT feedback.

Just kind of reviewing where this amendment stands in the development process, it's up for a vote for public hearings, assuming it moves along on its currently scheduled plan, and, essentially, the tentative timeline would be to prepare the amendment for potentially a vote of final approval in June. Whether or not we can have the amendment totally together by then, and the IPT will do our best, and there are certainly a lot of administrative effects, and administrative costs, that need to be examined and developed in the meantime, and those really --

We really need to have those ready to go in the amendment, before it can be ready for a vote of final approval, but the tentative timeline is in front of you, currently speaking, and I'm going to zoom-in a little bit, to make it a little bit bigger, so you can see it in the room, but that's the tentative timeline for this amendment.

Again, it certainly could change, depending on the committee's feedback, and so, as of today, this is what we'll be concentrating on, and so we'll be going over the alternatives, the action alternatives, and also some of the draft effects that have been together by your IPT, and then I'll be turning it over, after each action, to discuss the action and see if you are comfortable with selecting a preferred alternative, and so, before I get into the purpose and need, and the actions and alternatives, are there any questions, kind of generally, on the amendment?

MS. MCCAWLEY: I have some questions too, but Carolyn has her hand up. Go ahead.

DR. BELCHER: John, can you just remind us where the workgroup, the new one that we just populated -- Where does that fold into the timeline, and how are we going to get their comments back to us?

MR. HADLEY: That's a good point. Presumably this workgroup that is being developed, and it's an ad hoc AP, made up of private anglers, or private angler groups, to provide input on this, and they would provide input ideally before your March meeting and then again -- Maybe at least one meeting, or possibly two meetings, depending on the timeline for the amendment, before a final vote of approval for this amendment, and so, essentially, between now and final approval is when their input would come into the council's review.

MS. MCCAWLEY: Thanks, John, and so another question is about one of the recommendations from the AP was to put the reporting requirement back in there, and how would the reporting requirement affect this timeline, if that was added back to the document?

MR. HADLEY: I would venture to guess that it would delay the amendment by at least a quarter, or probably two quarters, and, I mean, it is a pretty -- It's a fairly large -- I mean, it would be a single action, most likely, but it's a fairly large one at that, because it would be adding quite a bit more to the amendment, from a substance standpoint, and so, if that were to take place, it would be at least, I would say, a one to two-meeting delay.

Also, if that is what the committee would like to do, it would be good to know sooner than later, but that, as well, is going to have a fairly large impact on the effects, particularly the administrative effects, and potentially the cost of the amendment, and so it would be good to start building that in now, sooner than later, essentially, to make sure that the amendment keeps moving along.

MS. MCCAWLEY: Then, if we add it at this meeting, then that new AP, or workgroup, would be able to discuss it at least one of their upcoming meetings?

MR. HADLEY: Yes, and that would certainly be added to the list of items that they would discuss.

MS. MCCAWLEY: Thanks, John. Spud, did you have your hand up?

MR. WOODWARD: Yes. Thank you. Personally, I feel like we've still got a lot of missing parts here. We don't have a lot of meat on the bones yet, and I think it's premature -- First, it's premature to be picking preferreds and to take it out to the public, and I sort of envision this new AP as giving us the benefit of their input, before we even started considering picking preferreds, and I still think, and especially if we go back to putting some sort of reporting component in this, and this moves things to a completely different level regarding our technical AP, because they really haven't had deliberations about that, and that's why I asked the question of Bob.

I mean, reporting means a lot of things to -- Different things to different people, and different contexts, and, you know, we still have yet to be given specific details of how a permit, whether it's vessel or individual, actually translates into better information. I mean, in theory, yes, and we know that it's going to create a sample frame that allows for more efficient sampling, and I don't think that anybody debates that, but there's a bridge that you've got to build between that and the other things you're doing to create the desired output, and so I think that, you know, we need to stand up this AP, and we can debate now about what reporting means, in the context of this amendment, and potentially let that group -- But both of the APs are going to have to digest that and give us feedback, because, I think, right now, if we take it, in its current form, out to the public, we're going to get a lot more questions than we'll get useful input, but that's my suggestion, Madam Chair.

MS. MCCAWLEY: That's a good point. I have Andy in the queue.

MR. STRELCHECK: I stepped away to talk to John Carmichael about the technical advisory panel, and I missed a little bit of the conversation, but I guess a couple of thoughts here. One is I agree that there is some missing pieces, right, and that technical advisory panel -- I mentioned that at the previous meeting, and I think one of the most important pieces of this is, once we start

selected preferreds, for them to advise us on how it can be used and implemented, right, and, if we don't select preferreds, I feel like it's kind of a chicken-and-egg thing with them, right, and it's like they're going to be able to advise us, because they don't know what direction we're proposing to head and how we're going to ultimately -- How our intent is to use this, and so maybe there's a hybrid approach, where we can select preferreds now, and get this technical AP to weigh-in and provide us some input on the mechanics, what else is missing, what do we need to add, and before we take the next step of going out to public hearings and getting the questions asked of us that we may not have answers to.

MS. MCCAWLEY: Go ahead, Spud.

MR. WOODWARD: I guess I sort of look at it in the opposite way, that we stood up this technical AP to tell us what was the best approach to dealing with this, whether it's vessel or individual angler, and they're still sort of struggling with that, and so we're kind of at an impasse here. I think us picking the preferred is dependent on which of those gets us to the end result, which is the best, most accurate, timely, and precise information that we can get on catch and effort, and so that's kind of -- Maybe we've had unrealistic expectations of them, but, if we pick a preferred, and that implies that we want that one, and that might not be the best one, from a technical standpoint, in terms of generating the best data, and so, you know, again, that's just kind of the way I look at it.

It's kind of like, you know, I want a house that does this, but I'm going to go to an architect, and you tell me how best to build it, you know, and so I've kind of been depending on them to tell us what is the best way. I mean, when Florida developed the State Reef Fish Survey -- I mean, how long did it take you to do that?

MS. MCCAWLEY: We worked on that thing for like five years before we -- It was passed through the Florida legislature, but, before it was approved, we worked on it for many years, to try to make sure that we were getting exactly what we wanted, and, just like you're saying, over time, as you meet with different people, folks have different ideas, based on the outcome that you want, and we also got feedback from our commissioners, and from the legislature as well, and we made some changes based on that feedback, too.

MR. WOODWARD: I certainly don't want to belabor this, but I think, you know, another important part of this discussion, and what we've asked this technical AP to do, is it linked to MRIP, or does it stand alone, and that's still undetermined, you know, in terms of what's the best approach there, and is it an additional -- Is it linked to MRIP, and, of course, our concerns with FES, and, I mean, there's a lot of other things that are now being brought into the circumstance, but, anyway, that's just my perspective, Madam Chair, and certainly the will of the committee will be done.

MS. MCCAWLEY: Thank you, Spud and Andy, and so another thing -- I know that, Andy, you were at the back of the room, but we were also talking about where does the new workgroup come in here, and so it's not just about this technical panel that we have, but also getting the input from other workgroup that we're trying to stand up here, and where does that come in this process, and I think that they would also have some feedback, and then, once again, chicken-and-egg, and do you pick the preferreds now, and then they react to it, or do you wait to get that input and then pick preferreds, and then back to the technical AP, and I feel like there's a lot of what is the best way

to do this, but there's definitely some hands, and folks in the queue, and so I have Trish and then Mel.

MS. MURPHEY: This really isn't getting at whether to pick preferreds or not, and this is getting at the AP wanting reporting, and I totally understand where they're coming from. It's a big issue, and, as we've heard over and over and over again, that effort is increasing, and we need to get better data, but, to me, I think that's going to be a heavier lift than it appears on paper, and I hear the AP, but I think, if we -- I think, if we go to reporting, we're going to be getting into, as Spud said, you know, what do they mean by reporting, and what do we want to report, and then just building the database infrastructure itself is going to be a heavy lift, and so I'm concerned about adding reporting at this time. I think getting the permit in place, and getting a universe, is a great first step, and having the education requirement I think is also a great first step to, down the road, us heading towards that goal of reporting, but, at this point, I think that's just going to be premature at this point.

MS. MCCAWLEY: Thanks, Trish. Mel.

MR. BELL: Thank you. It's kind of going back to the line of reasoning that Spud was following there, and I'm not particularly comfortable with picking preferreds at this point, because I think there are -- That's why we've created the technical advisory panel, working group, whatever we call them, and there were a lot of technical issues that we were kind of concerned about, and what we were looking for was some advice on maybe how to steer us towards being able to make a decision about preferreds and things, and I would go back to when we -- Way back to when we implemented the for-hire reporting system, and there ended up being some technical stuff, after we had -- Basically after we had even passed the amendment, that we hadn't sort of totally thought through.

I am thinking the more detailed technical advice, on issues we have upfront, and then we can make better decisions related to how the amendment should go, what should be in there, what should not, and what we hope to get out of it and what's practical, and so I guess I am just saying I'm not real comfortable myself, at this point, with our level of understanding of all these technical issues and things, in order to pick preferreds and sort of steer -- Because, once we do that, it does kind of steer things in a certain direction, and so I guess I'm just kind of in agreement with Spud, and some of the other things we've heard, and I would advise us to maybe get as much detailed technical advice, with people thinking these things through, in terms of, you know, implementation, and how it's all pulled together, before we kind of commit ourselves to particular courses, you know, that are chosen by preferreds, and so that's just my thinking at this point.

MS. MCCAWLEY: Thank you, Mel. Kerry.

MS. MARHEFKA: I agree with everything that Spud said. I am inclined to sort of disagree a little bit with Trish and want to add reporting now. I just think -- My concern is that the expectations are really high about this, and I think, no matter what, we're probably going to let people down, and I don't see that we're not going to at some point, but I don't know, and I would like to do our best to sort of get it right. I absolutely am not ready to pick preferreds, and I think we need more time, and so, timing-wise, I agree, but I am, right now, inclined to add reporting back in.

MS. MCCAWLEY: Thank you, Kerry. Andy.

MR. STRELCHECK: I guess my question is, if we're not ready to pick preferreds, and why are we even talking about this at the council meeting today? I mean, I feel like we've spent a lot of time going over the actions and alternatives, and we're kind of kicking the can down the road. With that said, I mean, if we do want to push this back to a workgroup, or an advisory panel, I think we need to give them some very specific direction then, right, and what I'm hearing -- I think we're kind of coming a little bit full circle from some past conversations, and my recollection, several meetings back, when we talked about the purpose and need, is we were purposely avoiding MRIP, right, but the intent here wasn't on the catch reporting side, and it was on the effort estimation side, and it was defining that universe better, so that we could get much better fishing effort estimates.

Now we're potentially expanding the conversation back to do we also want to then have sort of supplement for reporting requirements, and, well, if that's a question we want for the advisory panel, then, yes, we need to send that back to them and ask them that question.

To me, I think the main issue here, with the workgroup, the AP, would be to ask specifically what's going to be kind of the best methods, approach, requirements, to collect effort information for snapper grouper species, and advise us on that, with regard to the type of permit, the universe of species that would be included in that permit, et cetera, and I think there's a number of actions in this document that the advisory panel doesn't have to weigh-in on, and they're within our purview, but we may not want to select those preferreds either, just simply because we want more advice from that advisory panel.

MS. MCCAWLEY: Thank you, Andy. Kerry.

MS. MARHEFKA: Andy, to your point, I mean, I get that, you know, it can be frustrating, but, in my mind, this is how the process is designed to work, right, and sometimes coming full circle is what happens when you go through this process, and I know, for me, one of the things that is sort of floating and out of my mind is -- You know, I listened to the entire Snapper Grouper AP meeting, and I heard their concerns, and I heard their frustrations, and that sort of swayed me back the other way. Well, that's what this is designed to do, right, and that's what -- We ask them for their input, and so it is inconvenient, and it is slower, but I think that's how this process is supposed to work, and so that's why, personally, I have swung my head back around the other way.

MS. MCCAWLEY: All right, and so we've had a lot of discussion here, kind of centering around two topics, one being are we adding reporting back in or not, and so that's one thing we need to figure out, and the second is are we picking preferreds, and then another thing that's going to come up, probably, when we get to the end of the document, is what are the order of operations, and so where does this document go next?

Does it go back to the technical AP, or does it go to the new workgroup, or -- I can't even remember the names of all these different groups that we're establishing, and is one an AP, or are they both workgroups, and one is technical, and one is fishermen, but so we need to figure out the order of operations for going through here, but maybe a little bit more on the reporting, and do people think that we need to add reporting back into this document? Are there others around the table here -- Shep.

MR. GRIMES: Thank you, Madam Chair. At the past two meetings, I think I've said that it seems to me that reporting is central enough to this, and, you know, it's part of the purpose and need, or at least the data collection aspect of it is, right, and so it seems we at least need to decide -- If the council is thinking about a recreational logbook or something, then that would help inform the decision as to whether you want individual or vessel-based permits. If you're thinking that, no, we're not looking at that, and what we're looking for, in terms of data collection, is like what Andy was just saying, and it's, you know, an MRIP supplement, and it's improving the effect aspect of it anyway, and, that way, you know, that would help inform our decisions.

You know, as we all know, you're not wedded to those decisions now, and we can always change things down the road, but, at least tentatively, we ought to have some notion of where we're going, so it can help make decisions to help get us to that point, and, to me anyway, that suggests, if not including reporting, or data collection, at least some discussion and nod to where you intend to go with it.

MS. MCCAWLEY: Thank you, Shep. Spud.

MR. WOODWARD: Just I got a text from Mel, reminding us that, actually, our technical advisory panel hasn't met since August, and so they're still kind of waiting for us to move them to the next step in this process, and I go back to what I said about reporting, and, well, what does that mean, because, right now, in the recreational world, you've got an FES mail survey, and then you've got a dockside survey, and I think what has been contemplated, thus far, is that you -- By having a permit, you would not be going into the individual state licensing frames to develop a sampling frame for a very specialized group of fishermen. You would have that separate sampling frame, but you're still going to be relying on dockside interviews, or whatever exists in that state, to characterize what's caught, the size of the catch, and so forth and so on.

If we want something other than that as a reporting mechanism, we haven't been told, by the technical AP, what that should be, because -- You know, I go back to this vessel thing, and you all indulge me, because I'm not as familiar with commercial permits, and for-hire permits, and so a for-hire permit is issued to a vessel in an individual, or a company, name, and is that correct? Okay.

The individual associated with that permit, or the individual associated with that company, is then responsible for SEFHIER reporting, pursuant to that permit, and is that correct? All right. So, if we have a recreational vessel permit, it's going to be issued in somebody's name, associated with a vessel identifier, and, well, lots of different people can be fishing that vessel that are not that individual who is associated with it, but that individual, whose name is associated with that permit, is then going to bear the responsibility of reporting, if there's a reporting requirement, and so, if the son of the boat owner is out on the boat, and the son doesn't turn the permit back in, then, you know, we're going to fracture families apart, because daddy gets mad at son, because he didn't send the report in, and now he can't get his permit.

The problem with this stuff is there's the science part of it, and then there's the people part of it, and you've got to reconcile those two things back together, and that's why we put together this additional AP, is because their job is to look at the human part of this, you know, what's practical, what's reasonable, from a sport fishermen standpoint, and I go back to the Mid-Atlantic tilefish,

and not to beat up on it, but, as Sonny said, I mean, your compliance is low, and it's not accomplishing its intended purpose.

This thing needs to be designed on the frontend that properly balances the human element, and the science element, to have the maximum chance of success, and that's why we have these APs, and we've got to take this -- I know there's a sense of urgency, but we've got to do it carefully and right, because, if we don't do it right, then we're going to be back at this table trying to undo something, and make it right, and, you know, I would rather -- An ounce of prevention is worth a pound of cure, and so, if we're going to do a reporting thing, we need to think long and hard about what is that, what does it mean, and what's reasonable in a sportfishing, recreational fishing, context, because, right now, nobody is required to participate in that dockside survey.

I mean, if a clerk goes up to them, and, you know, if they say no, and I'm too busy, then they go on about their business, but your State Reef Fish Survey is a different animal, in terms of what people are required to do, and so -- And we've got to reconcile this permit against that one, which is still an unresolved matter, and so --

MS. MCCAWLEY: Let me try to summarize some pieces that I heard, and then other people can react to it, and so I don't want to put words in your mouth, but it sounds like what you're suggesting is that maybe we go through the document, and whether we pick preferreds or not, but things like are we going to require reporting, that we need information from both of these groups, the technical group and the fishermen group, to give us feedback on, I guess either whether or not we want to have reporting at all, although you're hearing some feedback, around the table, that why do this unless we do have a reporting aspect, and that we need to consider that, and so, yes, I guess I would say what do others think about this, and I know that Carolyn is in the queue.

DR. BELCHER: My comment was more along with Spud, you know, and I think about it too like the vessel and the angler, and I'm still waiting to hear a lot more feedback from folks, because it reminds me a lot of these red-light cameras. The amount of money that's been invested in red-light cameras, and it takes pictures of people's license plates, and then they get served with this thing, and then it's like, well, I wasn't the one driving, and then you see how many townships have now gone back, after investing how many dollars in them, to pull them down, and nobody uses them, and so I think we do need to really think about what we hope to get by licensing the vessel over the angler and, again, how that -- Because, if the accountability isn't going to be there, it's not going to help us any.

MS. MCCAWLEY: All right, and so I have, in the queue, Andy and then Kerry and then Robert. Okay. Kerry wants to pass. Over to Andy.

MR. STRELCHECK: I mean, so all this gets back to why, and why are we going to collect the data, and what's the purpose of it, right, and, on the reporting end, I guess I would note, at least from my experience in the Gulf, and Jessica can appreciate this, right, and the biggest improvements, at least on the state surveys, has been refining the effort estimates, right, and you have made some changes, with the State Reef Fish Survey, to your dockside intercepts, but it's more like an augmentation to MRIP, rather than an entire change of the dockside sampling.

Now, there are states, in the Gulf of Mexico, that do require specific reporting of landings data, but those often require reporting of red snapper, maybe red snapper and one or two other species,

and it's been consistently shown that you're not going to get census reporting, right, and you wouldn't expect that, and not everyone is going to comply, and so that then requires significant validation if we were going to use that to -- I feel like the conversation is kind of morphing into almost like how we do transform data collection, right now, and move away from MRIP.

It's a good conversation to have, but I don't think the thirteen of us around this table are the right people to be having that conversation either, and I'm not a data collection expert, and some of you might be, and so that gets me back to what the advisory panel, or the working group, would help us with, and so, to me, I'm struggling with the addition of the reporting, simply because of, I think, the challenges we face within how do we validate that data, and how would that data, and information, be used, and I'm just not sure we're ready yet to include that, and I think we still would be better focused on the intent of using this is to better refine the universe of anglers, first and foremost, to better estimate effort.

MS. MCCAWLEY: All right. Next up is Robert, and then we'll go back to Kerry, and then we'll possibly take a break, and then we'll come back and discuss it further, but Robert.

MR. SPOTTSWOOD: At each of these points, I've kind of made the same statement, and we keep talking about reporting, and, you know, what is reporting, and what are we looking to get out of it, and, ultimately, it's better data, but, you know, to Andy's point, I do think it would be good for whatever group that is, and not with a specific, you know, species or application in mind, but just talk about what does report look like, from the private sector, in order for us to ultimately get the data that we need to put this into the modeling to help us better understand catch, but I would just say I think that all the discussions -- Reporting is something that I think I would like to try and include here.

MS. MCCAWLEY: Thanks, Robert. Kerry.

MS. MARHEFKA: I just switched my mind around the other way, and so thanks. I thought I was the only one on that hill, and I didn't want to die alone, and so I think Spud and Carolyn and Andy all made really good points, as far as sort of what's practical, and I'm definitely not a data collection expert, and so I just wanted to speak to say that, if I was the only person, you know, sort of holding up this reporting thing, I'm fine, you know, not keeping it in there.

The only other thing I will say is, hopefully, when we go back to the Snapper Grouper AP in April, we can find a way to really explain to them that we've struggled with this, and we're not not hearing them, right, and, you know, we hear you, and we want everything you want, but it's just that, when the rubber meets the road, it's not as simple as, you know, let's have a universal reporting requirement, and so however best we can explain that to them, because I just want them to be heard. They've been screaming this for such a long time, and it's not that we're listening to them, but it's that it's much, much more complicated than anyone can imagine.

MS. MCCAWLEY: Thank you, Kerry, and so let's go ahead and take a ten-minute break. When we come back, we're going to try to -- Wait. Spud has one more point before we take a break.

MR. WOODWARD: Just a real quick question. Is it correct that all of the state permits, licenses, whatever you want to call them in the Gulf, that are related back to snapper grouper, that are all at

the angler level, and there are no vessel, recreational vessel, permits in the Gulf, that they're all at the individual angler level, and I think that's the case, but --

MS. MCCAWLEY: I'm looking at Andy, and I don't feel like I'm an expert on LA Creel and Snapper Check and -- She says yes. Martha says yes. All right. Then let's take a ten-minute break. When we come back, we need to try to resolve what these next steps are, what we're doing with reporting, are we going back to the groups first, are we picking preferreds, but let's take a ten-minute break.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: All right. We're going to get going again, if folks could come on back to the table. I hope that people had a chance to think about this during the break. I think, maybe process-wise, we need -- Let's talk about where we want to go to get the information that we need to make the decisions, as the Snapper Grouper Committee, on this document. We've had a bunch of discussion about this already, and it seems like we need to ask some additional questions of our technical advisory panel, and then of our new angler group, and I'm not sure what we're calling that group, workgroup, and then maybe bring that information from those two groups back to the March meeting, but maybe we can have some discussion on that.

Almost everybody has said no preferreds today, but we can't even make a decision about what are we doing about reporting, and so maybe we need to talk to the technical AP about that. We haven't made a decision about angler-based versus vessel-based, and maybe we think about questions we want to ask the AP, such as, if you think about the educational requirement, does this need to be angler-based, or can it be vessel-based, and kind of go through more specific questions for these groups to think about, and report back to us, and then maybe we can make some of these decisions, but are there thoughts? Spud.

MR. WOODWARD: Well, and Amy is here, Amy Dukes is here, and she can -- I certainly would invite her to the microphone if I misspeak here, but the technical AP I think has recommended that a vessel-based permit is compatible with MRIP, and can be used to improve snapper grouper effort estimates, and is that --

MS. DUKES: (Ms. Dukes' comment is not audible on the recording.)

MR. WOODWARD: Yes, but they were recognizing that the scaling of this is drastically different with vessels versus individuals, and you're talking about orders of magnitude difference. Now, they haven't gone into the minutia of how all that would work from a licensing entity issue, because that moves into a whole other realm, but I guess, from a survey design, and a statistical point of view, it can be made to create improvements, and so, if we want to expedite some sort of permit to do nothing but generate a sample frame, then it's vessel or angler, yes or no, which one, and start the process of connecting that to survey design in the future and move forward with it, and you don't have an educational requirement, and you don't have a reporting requirement, and you say, all right, all we're going to do is create a permit, and create an improved sample frame, and, you know, we've still got to work out Florida, and, I mean, we've got other issues to work out, but do you want the total package, or do you want a simple permit that allows you to have a different sample frame for doing current sampling methodology? I think that's a fundamental question that we need to ask ourselves and answer for our ourselves.

MS. MCCAWLEY: I agree with you. I think it is a fundamental question. What all do we want here, and, until we can answer that, I don't know that these workgroups, APs, can give us the information. Tim.

MR. GRINER: Thank you, Madam Chair. Spud, to me, that's kind of the root of where we are right now, I mean, and so, when we first started talking about this, in my mind, that's exactly what it was, and it was just a -- To me, it was a vessel permit that would allow a better MRIP survey, that would allow more of a targeted survey, where you had a better -- You know, you had a better chance of getting to someone that was truly offshore fishing and knew what they were doing.

However, right now, given where MRIP really is, and not knowing whether the order of the questions makes any difference, I don't know whether it really matters whether you have a better method of getting to people or not, and so I don't know that that really -- That even having a permit does anything, as far as making MRIP any better, and so I still would think, in my mind, that this whole process lends itself to a vessel permit, but I am now struggling with the fact that any of it is going to make MRIP any better. Thank you.

MS. MCCAWLEY: All right. I have Trish and then Robert.

MS. MURPHEY: So I don't -- I am good either way, whether we pick preferreds or not, and I support it being on the individual, the reason being is, again, we were trying to get that universe, and then, just thinking what are the issues that you're going to come up against with those -- If you had it on the vessel, and, I mean, there's people that rent boats out, and there's people, when they sell boats, they've got a permit on it, and, when you do go to contact those folks, it's the wrong people now, because they never updated the permit, or got a new permit, and I just think there's going to be issues sticking it on the vessel, versus the -- I just think it's going to be a better product, in the long run, with individual, and it doesn't -- Even though we -- You know, whether we go with reporting or not reporting, once you get that universe, we can start surveys.

I mean, it's not precluding us to go ahead and move ahead with surveys, and get some information, you know, before we -- You know, if phase two is reporting, you know, and great, but at least phase one here -- If we get a permit in place, we can already start using that to get information that we need.

MS. MCCAWLEY: Thank you. Robert and then back to Tim.

MR. SPOTTSWOOD: I guess I just kind of have a question for the group. I mean, out of reporting, is the goal to get to actual catch data or to try to improve effort estimates? I guess that's what Andy has asked, but I come back to I think we're trying to actually understand how many fish are coming out of the water, or being discarded, and then, on the, you know, vessel and individual, I've come full circle on this. If you go individual, you could have an aggregated report, where one individual can include the other five people on their boat, and report for all of them at once, and so you could resolve the issue, and the concern, that I have about making six people submit the exact same report for both, which just causes problems, but I agree with Trish on that.

MS. MCCAWLEY: Tim.

MR. GRINER: Thank you. To Trish's point, you know, you can solve all those issues with a vessel, right, and you have to renew the permit every year, you know, and there is hull ID numbers, and there is state registrations, and it's easy to identify a boat, right, and you can even -- You can even, on the permit, determine whether it's a privately-owned boat or a rental boat, owned by a rental company, and you could identify all that, and know all that, but, if you think that would be problematic, it would be nothing compared to trying to track down every tourist that comes into this town for three days and has to buy a permit and goes back to Ohio, and half of them would never know what they even caught. On an individual basis, you've got to remember how many people come here to visit, and how would you handle that, and, if there's reporting involved, how would you ever get reporting done, if they're here for three days, five days, seven days, or whatever?

MS. MCCAWLEY: All right. I have Andy and then Carolyn and then Trish.

MR. STRELCHECK: I guess, in response to Tim and Robert first, and so, Tim, kind of the way I would describe the improvement, whether it's MRIP or something else, is we can do a really good job of sampling the headboat fishery, because it's small, and we do a pretty good job sampling the commercial fishery, and it's a little bigger. If you start expanding up that universe of entities that we're sampling, it, obviously, becomes harder, and you have to go to surveys, rather than more census-based approaches, right, and so what we're talking about here -- You know, to me, there are two ways that you can improve recreational catch estimates.

One is increasing our sample sizes dockside, right, which is costly, and limiting, and we're not talking about that, per se, here, although we are maybe talking about reporting and how that maybe could augment that type of sampling, and the other is defining the universe, right, and so, if we can take the offshore universe of anglers, which right now is unknown, but we have millions of recreational angler permits, and reduce that down to hundreds of thousands, right, and now that expansion factor for estimating catch is much better know, and we have less uncertainty, and so, to me, I think I go back to Spud now.

The questions on the table, to me, would be not so much vessel or angler permit, but it's, you know, do we want this for effort, for catch reporting, or both, and do we want an education component or not, right, and, the simpler the answers, right, the more easy it's going to be to implement. If the goal is more of an overhauling of the data collection system, then my recommendation would probably be to table Amendment 46 and go back to the states, and MRIP and others, and start talking about an entirely different approach for catch estimation.

MS. MCCAWLEY: Thanks, Andy. Carolyn.

DR. BELCHER: Okay, and I will sound a little flippant, but we all have driver's licenses, and our vehicles are all licensed, and so I don't think it's an impossibility, and I have a hard time when I know, in the general sense of things around this country, there's other examples of universes much bigger than ours, and they can seem to make it work, and so I don't understand why we can't, but, that said, the Census Bureau has also struggled for years.

The last two times that the census has come up, they recognize that they cannot touch every human being in the United States, and they have asked to go to survey designs, and they have been told they cannot, and so, somewhere in there, they're not getting all of their work done with their

approaches either, but I do get frustrated when we feel like there's just so much stuff that we have going on that it's unwieldy, and we can't get it done, when there's enough examples out there that show it can be done.

I tend to lean towards the angler, as far as an angler-based, but I just -- Again, I would really like to see the pros and cons weighed out, and my concern about the preferreds, which it sounds like we're not going that way, is we're engaging the anglers, and I don't want them feeling like we've already made our decisions, and so them coming in, and we've already marked these things as preferred, and they're going to be like so why did you bring us in now, and you already seem to know where you want to go, and so what is our opinion actually giving you at this point, and so that's the only hazard that I have with the preferreds for today.

MS. MCCAWLEY: Thanks, Carolyn. Trish.

MS. MURPHEY: So this is a question for you Florida guys. So, the other thing that I was thinking about individual is the shore-based, and so, granted -- Would that -- I mean, would that impact -- Because you guys can -- I mean, you've got snapper grouper under bridges, right, and so wouldn't that be another reason to consider it going individual, at least for Florida? I mean, I don't think that's as big of an issue in the rest of our states, but, you know -- Anyway, that was a thought too, as far as another reason for individual, or for people.

MS. MCCAWLEY: Thanks, Trish. Judy.

MS. HELMEY: Well, I was leaning to the boat, and then I was leaning to the angler, and then I got to think about the way we do it in Georgia, just the state license, and, you know, we have a blanket license on our boats, to take people fishing, but then, when they get off of our boats, they have to buy a license to fish on the pier, or at the beach, and so maybe we should consider an angler license.

MS. MCCAWLEY: Thanks, Judy. Tom.

MR. ROLLER: I just kind of want to weigh-in here, and I've been quiet today on this issue, and, I mean, I've batted this around a lot, but one of the comments from today that really rang true is Carolyn's red-light comment, right, and, when we look at like how towns have utilized that sort of technology to ticket somebody, but we don't know who is driving, and so that's one of these issues, when I think about all the aspects of our angling community, why I keep coming back to an angler-based permit, because I can't tell you how many people I know who have shared ownership of a boat, or a family owns a boat, and yet five or six different people operate it, and, if we're going to use this to do any sort of better survey design -- Again, obviously, I'm not a fisheries statistician, or somebody who is an expert in data collection, but I would like to believe that we would get a better estimate if we're going back to the individual, right, and that's where I keep coming back to in this conversation.

Then another point I want to make is regarding reporting, and, obviously, that's a bigger leap, but we've had this discussion about the education component, whether we add it now or add it in the future, and we seem to be coming back to, if we're going to do this, we should have it now, and, looking at reporting, who is to say we can't take that approach, right, and so maybe we don't include it right now, but we look towards moving towards it in the future.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: It sounds like we're honing-in on a preferred alternative.

MS. MCCAWLEY: Would you like to make a motion?

MR. STRELCHECK: No, and I think Tom should. Well, I will add to the rationale, in that, if the goal is also to have exemptions for states that already have permit programs in place, this would better align with what the State Reef Fish Survey is doing with an angler permit, and so I think that's important to consider.

I think, from the educational component, one thing that might be in there, and we can look at language, is, you know, we could put in a provision like "if required", and we've done this for like commercial logbooks and some other regulations, but we do need to define kind of what we want to accomplish with that, but it bides us maybe some time to implement that educational requirement, and better define it.

I am a very pragmatic person, and one of my concerns is like an angler permit -- I buy mine online, but people can go into Walmart, and other places, and so how are we going to implement an education program, universal, with state exceptions, that would allow for that education to take place and be completed? Would it have to all be online? You know, those are the types of questions that we probably need to really be rolling up our sleeves and asking, because I think we'll get to some of the answers as to whether or not this is practical to move forward and how it would be implemented.

MS. MCCAWLEY: So, in Florida, we have multiple permits that require a pre-education course, and so shore-based shark fishing, and now fishing on the pier in St. Pete, and we also have this in the EFP that we submitted, and it would be an educational course, and so the way that we do it is the educational course is online, and you get a -- When you complete the course, you get a certificate, and you get a little number, and then, when you go into the licensing system, you can enter that number into the licensing system.

The one for the Skyway Fishing Pier, you don't need a special license for that, because they have a fishing pier license, and so you're getting the certificate, and you're getting the number, and you just retain that, and law enforcement can look it up, to make sure that you've had the educational course, and so it doesn't necessarily have to be married at the in-person licensing system, tax collector, or what have you, Walmart, and it can be another thing that happens online, separate from this, and then you get something that then goes into the licensing system, and so that's how we've implemented it. Tom.

MR. ROLLER: On that same note, I mean, this is commonplace in the hunting license world, right, and, I mean, I buy hunting licenses across the country, and rest assured that I've got my hunter's safety card, that I got when I was like thirteen years old, which has a universal number on it, to make sure that I can qualify for buying those licenses in other states, because a lot of -- It won't even let you complete the process unless you put that number in, and so, again, and this goes back to Carolyn's comment about how there are other entities which are accomplishing this same

sort of thing with a different universe. If we can accomplish that, if that can be accomplished, I'm sure we can accomplish that here.

MS. MCCAWLEY: All right. To try to keep us moving here, it sounds like the discussion, since the break, is kind of honing-in on one of the particular actions, and it sounds like we're ready to pick a preferred on that particular action, the one on angler-based versus vessel-based, and so maybe we start walking through some of these actions, and then, when we get to the end of this document, we come back to talk about this timing that we have here on the screen, to figure out where the document is going next, what the questions are for the technical advisory panel, for the workgroup, and then we kind of go from there on the next steps, and are people okay with that? Okay.

MR. HADLEY: All right. So, the action that I think a lot of the discussion was centered around was Action 1, and this would establish a private -- This would essentially be the action that establishes the private recreational snapper grouper permit, and it specifies whether or not that permit would be issued to an angler or to a vessel. I don't know, and do you want to get into the effects, or just kind of turn it back over to the group for discussion? I guess how in-depth do you want me to go?

MS. MCCAWLEY: Tom.

MR. ROLLER: I was just going to say that I would make a motion.

MS. MCCAWLEY: Go ahead. That sounds great.

MR. ROLLER: **I would like to make a motion to select Alternative 3 as our preferred option.**

MS. MCCAWLEY: All right. We have a motion by Tom, and it's seconded by Trish. We've already had a lot of discussion, but are there any other comments that people want to make before we vote on this motion? Robert.

MR. SPOTTSWOOD: Is there any discussion, at least in Florida, of aligning that, or what would that process look like?

MS. MCCAWLEY: Florida already has it as angler-based. The State Reef Fish Survey is angler-based.

MR. SPOTTSWOOD: Right, but, in Florida, will you need both the state snapper grouper and this permit?

MS. MCCAWLEY: That's in another action, as to how that would work, and so one of the actions in this document says that, if you have it exactly aligned, that you could be exempt.

MR. SPOTTSWOOD: Okay. Thank you.

MS. MCCAWLEY: Spud.

MR. WOODWARD: Also, Robert, this would only be a law in federal waters. You would only have to have this permit in federal waters. That would be a federal permit, and so that's another thing, and so I just would just remind you that we haven't vetted this thing through our Law Enforcement AP yet at all, and I'm sure they're going to have some pretty interesting perspectives on this, given the range of North Carolina to Florida.

MS. MCCAWLEY: That's another good point. John.

MR. HADLEY: If I could, just to pick up on the AP point that Spud just brought up, you know, just thinking about the next steps for this, we do have your Law Enforcement AP coming up, and we have the two ad hoc APs that are dedicated to this, and they could meet after you've had discussions on this, and, whatever decisions come out of it today, they would be discussing that, and so just keeping that in mind, and then the Snapper Grouper AP would presumably review this again, and so just thinking, you know, today -- Any decisions you make can come back to several of your APs, and you can get feedback from them, you know, based on that discussion, and so thank you.

MS. MCCAWLEY: Carolyn.

DR. BELCHER: Maybe a good way for LE to think about it is if you use the HMS examples, because there is already an angler, HMS angler, federal permit, relative to state-water permits, and talk to LE about what the pros and cons are about how that's set up, because, I mean, if you're in state waters, you don't have to have that permit, but, yet, if you're in federal waters, you have to, and then there is a supersedence that you're expected to adhere under the federal guidelines if you're in state waters, but I think to talk to them about what the pitfalls have been with that might be helpful.

MS. MCCAWLEY: That sounds good. I think Mel has his hand up.

MR. BELL: Thanks, Jessica. Well, given the discussion here, and kind of leaning towards the concept of anglers, I guess the question, for -- This is a technical thing, and it's a question for Andy, and that is, given the order of magnitude size difference between vessel and angler, and, you know, given cost and ability to support it, is angler even within the realm of possibility for the service to support? I mean, is that -- Again, these are things that -- It's one thing that you've got a few thousand boats, and it's another thing that you've got tens of thousands of anglers, and is that even feasible? I guess that's just a practical question for the agency, and can they even realistically think about, you know, the costs, and the personnel, to run something like that? Is it even feasible?

MS. MCCAWLEY: Andy.

MR. STRELCHECK: Thanks, Mel, and, obviously, good question. Like you, I'm very practical, and, when you go to angler permit, versus a vessel permit, you're scaling up significantly the number of permits that would have to be issued, and what I told Jessica, during the break, is I think, right now, it's important to just set aside the cost discussion, and I think that, obviously, that needs to play out based on the recommendations, and I think we'll have to build into this amendment that, you know, if the agency can afford to implement this, right, then we would

implement it, but, in terms of cost considerations, there are thoughts of potential avenues, but no clear path at this point, in terms of how we would afford to implement this going forward.

Ideally, and how the states have benefitted from their state license permits, is that that money then comes back to the state for recreational fisheries management and science, but we don't have similar provisions right now, under federal law, for us to receive those funds, and they just go into the General Treasury, and so I think the best advice right now is let's try to stay the course with looking at how we could design the program, the best way we can, acknowledging that cost could play an important role in terms of its implementation.

MS. MCCAWLEY: Thanks, Andy. All right. Any other comments before we vote on this motion? All right. **Is there any opposition to this motion?** All right. **Seeing none, that motion carries.**

MR. HADLEY: Okay. I'm going to scroll down to the next action here, which would be Action 2, and so this is sort of the next step in the decision process, and so, after the private recreational permit is established in Action 1, the next decision point is specifying which species would be covered by that permit. There are three -- Other than the no action alternative, where you don't have a permit in place, there are three main alternatives that have been developed.

Alternative 2 would specify that the private recreational snapper grouper permit would cover all species within the snapper grouper fishery management unit, and, in Alternative 3, the permit would cover any species currently covered by the Florida State Reef Fish Survey, and then Alternative 4 would cover any deepwater species, and I'm going to get -- That's highlighted because, at the committee's discussion last time, and then some of the IPT discussion in the meantime, there are a few additional species that have been added, sort of suggested to be added, to that deepwater species list to sort of increase the utility of that alternative.

I'm going to scroll down to the kind of list of species, and so how would those different alternatives play out within the list of species in the snapper grouper fishery management unit, and so, in Table 1 here, you can see that the -- Kind of at the very top there, those are the species that are currently covered by the Florida State Reef Fish Survey. Scrolling down, these are the species that are considered deepwater species, and so within this list are the species that are within the deepwater complex, and then, in addition to that, what was added to this list were some of the commonly -- Some of the commonly-caught deepwater species that include species such as blueline tilefish, golden tilefish, and snowy grouper, and so that was something that was mentioned last time, and we're looking for some committee feedback on that.

I'm going to briefly go over some of the analysis that we have here, and some of the effects information, and so, if you recall, and I believe it was a couple of meetings back, the committee requested some information on top species within the snapper grouper complex that are harvested, as well as discarded, and so there's a full analysis in the draft amendment document, but I pulled a couple of tables out here, to show you the existing information related to that, and so within this is Table 2, and it's the top snapper grouper species, essentially ranked by harvest, as well as total catch, and so, if you look at the species list, if the name is sort of italicized, those are species that fell in the top ten for all three metrics, whether you look at harvest by weight, harvest by numbers of fish, or total catch, and so, essentially, that's harvested fish as well as discarded fish.

You can see that red snapper does make the list, at the top there, and I will note, on the harvest side, the way that that ACL is accounted for is a little bit different, and this is strictly from MRIP. These are MRIP-FES estimates, and so that's a little bit different from the way the ACL is set up, but, when you look at the MRIP-FES numbers, red snapper falls at the very top there, following by gray triggerfish, mutton snapper, yellowtail snapper, vermilion snapper, and so on.

The next table that's included is the percent standard error, and so error estimates around the harvest estimates by weight, and you can see, if the -- What's in the table here is the percent standard error, and so PSE, by year, for the different species, and, if it's shaded, that indicates that it's a PSE value between 30 and 50, which indicates that it is a fairly imprecise estimate, and so treat it with caution, and then, if it's in red, that indicates a highly-imprecise estimate, and so essentially a PSE of 50 or greater, and you can see, for many of these commonly caught, or harvested, snapper grouper species, there is fairly high error estimates associated with that. That's the analysis, and do you want me to go into the specific effects and the biological and economic? It's certainly up to you.

MS. MCCAWLEY: Sure.

MR. HADLEY: Okay. With that, I will go into some of the summary effects that the IPT has put together, and so, from a biological perspective, the Alternatives 2 through 4 would be expected to have positive impacts, from a biological standpoint. Essentially, improvements in data could lead to better management of the fishery, which would, ideally, lead to biological improvements. On the economic side, the number of participants that would be required to obtain the permit would be higher under Alternative 2, compared to Alternative 3 and 4, which would require fewer permits, since there's a more narrow range of species there, and so, essentially, the cost to fishery participants, as well as the administrative cost, would likely be somewhat larger for Alternative 2 compared to Alternative 3.

However, Alternative 2 would have the highest potential utility and potential for indirect benefits down the road, and, from a social standpoint, Alternative 2 is the least complex, and so as far as that could be beneficial to private anglers, and law enforcement, as far as anglers knowing which species fall in or out of the permit requirement. Alternatives 3 and 4, of course, being a subset, may make it a little bit more complex.

Looking at some of your AP recommendations, the Snapper Grouper -- So the technical AP, if you will, and so the Snapper Grouper Recreational Permitting and Reporting AP, did weigh-in on this, and they noted that Florida State Reef Fish Survey efforts would not be compromised, likely, as long as the SRFS species are also covered by the federal permit, and so including additional species beyond the Florida SRFS species would not necessarily be problematic.

Then the AP really got into a discussion of sort of the benefits of being more inclusive, and that led to their recommendation, where the technical AP recommended Alternative 2 in Action 2, and so all species within the snapper grouper fishery management unit, since there is little to no downside of being more inclusive of species, but there is a cost, if more species are needed to be added down the road, and so to sort of try to avoid that situation, try to capture all species upfront, and so initially capturing all species that may be needed currently and in the future.

Your Snapper Grouper AP weighed-in on this at their -- They came up with a recommendation for this at their April meeting, and they reiterated this at their last meeting in October, that the council also select Alternative 2, and so all species, noting that -- One of the main topics that came up, essentially, was that it would make it a bit less complex to just have all species in there, and, there again, whether -- Or not having to decide which species fall within our outside of the permit requirement, and then, finally, from the IPT perspective, it was noted that Alternatives 3 and 4 can make it more difficult for both law enforcement and anglers to keep up with the permit requirement.

Consider that the Florida State Reef Fish Survey species may not be applicable to the entire South Atlantic region, and, there again, there was a suggestion of adding blueline tilefish, golden tilefish, snowy grouper, and wreckfish to Alternative 4, to include sort of a wider range of deepwater species, and so, with that, we're looking for considering the input, as well as direction on whether or not the committee wants to add -- Or is comfortable with adding those species to Alternative 4, and so those deepwater species, and if you're comfortable with selecting a preferred alternative.

MS. MCCAWLEY: All right. Thoughts on which species? Tom.

MR. ROLLER: I tend to go towards Alternative 2, because it includes all of our important species that we manage, and I would be happy to make a motion.

MS. MCCAWLEY: Why don't you do that?

MR. ROLLER: **I move that we select Alternative 2 as our preferred alternative.**

MS. MCCAWLEY: All right. Motion by Tom, and it's seconded by Trish, and it's under discussion. Just so I'm clear, this would be all species in the snapper grouper complex, and so the fifty-five species, and is that right, John? Yes. Okay. Discussion on all species? Andy.

MR. STRELCHECK: A crystal ball from your perspective, right, and so I know the State Reef Fish Survey only includes thirteen species, and you went through, I think, a lot of challenges just to get those thirteen species added, and so, if our goal is consistency, do you see challenges with adopting all snapper grouper species?

MS. MCCAWLEY: I am not sure. I think that we would want to go back to FWRI and make some determinations about what the lift would be on their side, and then if we need to go back to the legislature, back to the commission, and I think that we would have to dive into that more, and so I do see some challenges, and I don't know that they're insurmountable, and let me say that. Andy.

MR. STRELCHECK: In response to that, and I appreciate that comment, and, yes, it would be good to know what, because where I was landing was Alternative 2, but I think we could also potentially do some sort of kind of hybrid of some of the options here that are really the true species that are more offshore. I do see challenges with -- We can estimate effort better, but, if the catch is coming from both state and federal waters, we're going to miss a whole universe of anglers that only requires a state permit or may be fishing from shore.

MS. MCCAWLEY: So we can go back and try to get those answers in the coming months. Any more questions, or comments, or discussion before we vote on this? Tom.

MR. ROLLER: It's kind of in the spirit of what we discussed earlier about providing guidance to look at, right, and I think that we should start at a bigger number than start at a smaller number, and I'm looking forward to some of that input from Florida, because I know this is a bigger lift for you guys.

MS. MCCAWLEY: Yes, and thanks for that. All right. Any more discussion? All right. **Any objection?** All right. **Seeing none, that motion carries.**

MR. HADLEY: All right, and so that's it for the two permitting actions. We're going to switch gears to education-component-related actions, and, again, we'll finish up with that, you know, kind of tying it all together, with potentially an opt-out situation for state-administered snapper grouper permits.

With that said, Actions 3 and 4 will focus on the education component, and in front of you is sort of a hybrid version of what you saw last time. Action 3 would establish an education component in conjunction with a private recreational snapper grouper permit, and so there is -- Outside of the no action alternative, where there is not currently an education component requirement in place, Alternative 2 would establish and require an education component, in conjunction with establishing the snapper grouper permit, and the education component would be implemented at the same time, sort of side-by-side, with the private recreational permit.

Under Draft Alternative 3, the education component and requirement would be established. However, this education component would have some sort of delayed implementation, and so, in this situation, the private recreational permit requirement would be established, and then the education requirement would come into play at some later date, and the council would need to specify ideal timing for that delayed implementation, were that the case.

Really, this is -- I mentioned this is sort of a hybrid action, if you will, where it took two previous actions and molded them together to establish the requirement and specify the timing of implementation. From a biological perspective, if required training is utilized by recreational anglers, are potential benefits to that, biologically speaking, and so Alternatives 2 and 3 could improve, and increase, survivorship, reduce mortality of discarded snapper grouper species, thus leading to the improvement in long-term positive biological effects.

From an economic perspective, for the draft economic effects, Alternative 2 would forego potential improvements in post-release mortality of snapper grouper species, thus foregoing some economic benefits that would be related to that. It would also forego some direct costs to anglers, as well as the National Marine Fisheries Service, some of the administrative costs.

Alternatives 2 and 3 would result in direct costs stemming from the opportunity costs of time, for essentially anglers or vessels, permit holders, if you would, from needing to complete the education requirement, as well as increase administrative costs of developing the education program and implementing it, and then, from a social perspective, there are short-term direct negative social effects of the education component. That would be associated with the time burden for completing

the program. However, there may be some long-term indirect social benefits, if it improves the long-term sustainability of the snapper grouper resource overall.

Then there are certainly some administrative effects of this action. For Alternatives 2 and 3, where you're establishing the education requirement, the development of the outreach and education component would create a substantial short-term impact on the administrative environment, and NMFS would also need to develop a process to verify completion of training.

I won't go over it in too much detail, since you've seen this a few times, but I did want to remind you that your technical AP did provide input on this. Generally speaking, they thought that an education requirement would not necessarily replace, or would be a substitute for a permit, but would pair well with a permit. You did receive quite a bit of input from your Outreach and Communications AP yesterday, and I'm happy to go back to any of that, but that's there for you, and then, also, the Snapper Grouper AP has weighed-in on this. Generally speaking, the Snapper Grouper AP has supported an education requirement and implementing that as soon as possible.

Last, but not least, from the IPT side, you know, any details that can be provided, as far as how this education requirement may be implemented, developed, you know, that's helpful, certainly, from writing up the effects analysis, developing the amendment, and so that sort of input is certainly appreciated, and there are some specifications, as far as, you know, if it were a vessel-based permit, which it sounds like, at least based on the council's preferred alternative, it would not be, but, if you did have a vessel-based permit, who would end up needing to satisfy the education requirement, and how it would be tracked, and then, last, but not least, again, you know, any sort of details on the education requirement, and what's envisioned, is helpful, since this will trigger the Paperwork Reduction Act approval process, and so some of those details will need to be specified to satisfy that requirement, and so, really, we're looking to discuss whether or not you would like to accept the draft alternatives and consider selecting a preferred alternative.

MS. MCCAWLEY: Okay. So there's two actions here on the educational requirement. This one is whether it's implemented at the same time as the permit requirement or it comes at a later date, and we would need to specify what is the delay of that implementation, and the next action is how often we want people to take the course, and so just that's coming next, and this is separated. Do we have a preference here? You heard that the AP is suggesting implement it at the same time, and there could be some challenges, since it's the first time that the council would be doing this. Are there thoughts around the table, and don't forget that we need to also accept these new alternatives into the document, too. Thoughts? Tom and then Andy.

MR. ROLLER: I tend to drift towards going towards Draft Alternative 2 and starting this thing immediately, or at least try to start it immediately, right, and, clearly there could be some technical implementation issues, but I think that we're best off starting this, and, you know, I also think it's important that we don't overthink this at this time. Like we don't really know what this could look like, other than we want to include this, and we can look at it, and when I hear, you know, the AP talk about a fifteen to twenty-minute course, that sounds, personally, a little excessive to me to begin with, but, you know, this could look like a lot of different things, and I would like to see it start when we ideally put the permit down.

MS. MCCAWLEY: Thanks, Tom. Andy.

MR. STRELCHECK: I guess I lean toward Alternative 3, primarily because I think this would slow down any sort of implementing of the permitting process. I also recognize the administrative costs, and burden, of kind of doing this, and we've talked, in past meetings, about, if we're going to have the exemption for states, you know, are we going to have a consistent educational tool, and how does that get implemented, and I guess a couple of thoughts, and I don't want to wordsmith here during the meeting, and I think we can have the staff maybe take a look at this.

It seems like, with Draft Alternative 2, rather than say implement at the same time, we could just say an education component would be required before issuance of a private angler permit, period, right, and, for Draft Alternative 3, rather than saying implement at a later date, you know, I would like to maybe explore some language that would be like, you know, either within a certain time period that the council could specify that it's reasonable or, like we've done with other permits, like, if selected, you know, you would be required to take an educational course, but it gives us an out, in terms of not implementing it immediately.

Then one last point, and, you know, I appreciate what you said, Jessica, about your education system, and how it kind of ties into your permitting. Given, you know, one of our big priorities is equity and environmental justice, right, I'm also thinking about does this present barriers to entry, and does this present equity considerations, in terms of issuance, access, of a permit, and so I have some questions that I want to take back to my team that's working on that, to see if they have recommendations as well.

MS. MCCAWLEY: Thanks, Andy. Robert.

MR. SPOTTSWOOD: My assumption is this permit would have to be renewed at some point, and so perhaps, in Alternative 3, the language can say that, you know, it will be a requirement of renewal, at a later date, because I think the issue is, right, that, if you don't have to do the education in order to get the permit, we're less likely to get the education buy-in, and so, you know, maybe you pin it to a renewal at a later date, so that people have to go through that and get to the same place.

MS. MCCAWLEY: That almost sounds like a fourth alternative. Tim.

MR. GRINER: Yes, but, you know, the caution with that is this going to be an education component that's required every time you renew?

MS. MCCAWLEY: That's in the next action. I don't know if we have enough information to make a decision on a preferred on this particular -- Because you've heard people speak on both Alternative 2 and Alternative 3, and then maybe a fourth alternative, and, John, thoughts?

MR. HADLEY: I think some of the discussion, particularly in relation to Draft Alternative 3, we could maybe add some subalternatives there that would get at the different options that were just discussed, and the IPT could bring that back to you, presumably in March.

MS. MCCAWLEY: I like that. Shep.

MR. GRIMES: Thank you, Madam Chair. Well, just something to consider, kind of practically, that comes to mind when you're talking about it, is it's an open-access permit. When the agency

issues open-access permits, we don't usually think of renewing those, right, and you have it for whatever period, and you can get a new one, or whatever, but, you know, it's like sort of the annual permit, and so tracking it -- You know, if you're going to tie like an educational requirement to a limited-access permit, there's a specific number on that permit, right, and you could track that permit and what happens with it over time, but, the way these are, you might get one one year, and you might not get it the next year, and tracking the education with it would be a little different.

MS. MCCAWLEY: Carolyn.

DR. BELCHER: So is a working example of a similar -- Again, a similar program, and that's all I can throw out, is through our sport that we do, and you actually -- It's renewable every year, but there's the check boxes as you sign up, and they're always flagged as to whether or not you're due for your training or whatnot, and so there are ways to kind of build in -- Like I could skip a year on my membership, and come back in and renew, and it would tell me automatically that I need to do an update on my educational component, and so it just depends, I think, on how the system is built, as to how that works into it.

MS. MCCAWLEY: Tim.

MR. GRINER: Well, Shep, we do have open-access permits that you have to renew every year, you know, and so, I mean, I think we already have that, and so I don't see this being any different.

MS. MCCAWLEY: I guess my question would be to Shep, and do we need an action in here as to how often someone would need to obtain the permit?

MR. GRIMES: I just raised that to put it on the record and think about it in the IPT, and they can come up with it, but just like the terminology we're using and how we would incorporate this into our existing permit system, but my guess is it's going to be large enough that maybe it's going to have its own system, and maybe even its own set of rules for how it's done.

MS. MCCAWLEY: Okay. Maybe we shouldn't pick a preferred on this one, since the IPT is going to come back with kind of some subalternatives under Alternative 3, et cetera, and we've had some good discussion on this, and maybe we could go ahead to the next action.

MR. HADLEY: All right, and so the next action clarifies the timing of when the education component, or the education requirement, would essentially need to be satisfied, in relation to the snapper grouper permit, and so there is -- Other than the no action alternative, there's four other alternatives. Alternative 2 is completion of the education component would be required upon each issuance of the snapper grouper permit, and so presumably that would be on some sort of annual basis.

Completion, under Alternative 3, would be required every other year, and so sometime in the twenty-four-month period. Alternative 4, the education requirement would need to be satisfied upon initial issuance, but there's no sort of reupping, if you will, after that, and so sort of a one-time satisfying the education requirement, and then Draft Alternative 5 was the IPT's response to the committee guidance from September, where it would create a scenario that the education requirement would need to be satisfied upon initial issuance of the permit, and then each time that the education component materials are updated, and so, if there's any sort of overhaul update to

the education materials, that would require essentially all permit holders to reup their education component, and so that's the idea behind Draft Alternative 5. You know, one of the items for this action is getting input on whether or not that's what the committee was thinking, and does that adequately get at the guidance that was provided in September.

Looking at the draft effects, it's sort of neutral effects from a biological perspective, and there are direct costs to permit holders, from an economic perspective, and there are costs to permit holders that would include the opportunity costs of the time that it would take to complete the requirement. Thus, the more times that permit holders would need to satisfy the requirement, sort of the higher related costs associated with that.

From a social perspective, the more frequent the requirement, the greater the social effects on private anglers. However, regular completion of the component would contribute to the long -- It could contribute to the long-term sustainability of the snapper grouper fishery, and so essentially positive social effects from that perspective.

Looking at the AP feedback that has been offered, previously, the Snapper Grouper AP has noted that considering implementing an education requirement that is valid for as long as the permit is maintained and up-to-date, but, if it lapses, the permit holder would need to go through the education requirement again, and the IPT's comments on this were just any -- You know, any thoughts related to tracking, you know, keeping that in mind, and making sure that this educational component is tracked and any sort of process related to that.

Again, as far as the committee action on this, discuss whether or not you're comfortable with Draft Alternative 5, and is that what you were thinking when you provided the guidance in September, and, if you do want to select a preferred alternative, this would be a good time for that as well.

MS. MCCAWLEY: All right. Any thoughts to offer on this action? This is the how often question. Carolyn.

DR. BELCHER: I think the addition of Alternative 5 is a good one to have on there.

MS. MCCAWLEY: Me too. Judy.

MS. HELMEY: I think Alternative 5 would be good.

MS. MCCAWLEY: All right. Thank you, Judy. Mel has his hand up.

MR. BELL: Thank you. Yes, 5 is good to have in there. If you think about it, it provides you an option where it's not overly burdensome, like every year might be, or even every other year, but it does give you the ability to update the training, and, again, the whole purpose of the training is try to get some positive benefit out of that that results in an improved fishery, and so, you know, someone has to, of course, make the decision of when materials are -- You know, there's a sufficient reason to update, but I think it does give you that option, and it would be less aggravating, perhaps, for folks than annually or every other year.

MS. MCCAWLEY: Thank you, Mel. Kerry.

MS. MARHEFKA: Mel started and touched on what I was concerned about, and I'm fine with this, but I think, as we go along, I think we really need to -- The devil is in the details, as far as what's the trigger for updating them, and is it a one-inch size limit change on jolthead porgy, you know, and like so I think let's all leave here and really think about and ask our APs what the trigger is for updating and have that be laid out pretty clearly.

MS. MCCAWLEY: All right. That sounds good. Andy.

MR. STRELCHECK: I guess first a question for you, and you described some of the educational programs that you have, and then there's this code that they receive, and is that a one-time education program, or is there requirements to also redo the education periodically for some of this?

MS. MCCAWLEY: Let's talk about shore-based shark fishing. It is an annual requirement, and so, after you do it the first time, and the first time is more lengthy, and then the -- When you go back to renew, it's a much shorter course, but it's an annual requirement.

MR. STRELCHECK: So the system will stop you from receiving a permit until you've taken the course, right?

MS. MCCAWLEY: That's right, and you get a number from the course, and then you've got to then enter that in when you go into the licensing system, and it will ask you for your number, and then, if you haven't recently taken the course, it will prompt you to take the course and get a new number.

MR. STRELCHECK: Okay, and then I guess my comment is I like what Kerry said, right, and the devil is in the details here, and I think it goes back to what Shep was saying as well, with regard to issuance of an open-access permit, and then the renewal, especially if you let it expire, right, and so, if someone lets their permit expire, but then goes and renews three months later, right, are they going to be forced to take the course again? You know, we would have to really kind of think about those details, because I don't think that's the intent here, right, but I like Alternative 5, because I don't see it as overly burdensome, and I also think it would make the point that, when we discuss the educational component, we want to make it so that it's long-lasting, in terms of the content and information, and avoid things that might be regularly changing with regard to fisheries management.

MS. MCCAWLEY: Robert.

MR. SPOTTSWOOD: I like Draft Alternative 5 as well. My comment here, and I hope I don't continue this options and alternatives path, but instead of -- You know, when you update the -- There was a comment that, you know, of maybe fifteen or twenty minutes, and so instead of -- You know, if we made a change in the minimum size of limit of fish, to reduce it by two inches or something, they shouldn't have to sit back through the entire education thing, and there should just be an update of what was changed, and so I would like to see that be a consideration.

MS. MCCAWLEY: Carolyn.

DR. BELCHER: So I guess it comes down to, again, what are we putting in the educational component, because, if it's like best management practices and things like that, that aren't changing a whole lot, you probably wouldn't need to reengage. I mean, I wouldn't think of it for size limits and things like that, and it's more of identification issues and how to best handle your fish, to ensure that discard mortality rates remain low or whatever, right, and so maybe not as frequently as we would think.

MS. MCCAWLEY: I'm wondering if, at some point, when we see this again, that we talk about the components of the education course, because we all seem to have some different ideas about what should be in there, and so should it be species identification, best fishing practices, and, you know, what all is going in this course, and I wasn't thinking that it would get down to the level of the size limit on the different species, but maybe -- It sounds like some of you do think that that should be in there, and so maybe we can talk about, whether it's an action or just in direction to staff -- When we talk about this document again, people need to think about what is going to be in this course that we're asking people to take, and it seems like the APs had some pretty specific ideas about it, especially the Outreach and Education AP. Kerry.

MS. MARHEFKA: I mean, I realize that we're probably not going to go through all fifty-five species and talk about the regulations, but I think we would be remiss to miss opportunities like these are the special management zones that we have for snapper grouper species, where education is a huge component, and, if you're going to fish in this fishery, you need to know where you can't fish, and, I mean, there are some things that I do think that are big, and important, that are regulatory, that are above and beyond best fishing practices, and so I think it's worthy of us having an extended discussion about this at some point.

MS. MCCAWLEY: All right. John, is that enough direction for you guys to think about, the IPT to think about, how it would come back, so that we can have a more robust discussion about it?

MR. HADLEY: Yes, absolutely, and I'll capture that in direction to staff in the committee report as well.

MS. MCCAWLEY: Okay. It sounds like we really like Alternative 5 here, and are we wanting to go ahead and pick a preferred on this, or do we want to wait and pick a preferred on this action in another meeting? Okay. Carolyn just says wait. All right.

MR. HADLEY: All right. We're coming up on the last action in the amendment, and there are sort of two versions of this action that are presented. One is the current action, which is fairly similar to what you have reviewed, and then there is sort of a new version of this action that incorporates some of the guidance that you've provided at the September meeting, and so really the idea behind this action is to establish a mechanism that would allow a state to opt-out of a federal snapper grouper permit requirement, and, really, the meat, if you will, of this action is in Alternative 2, and this would specify that a state could opt-out of a private recreational snapper grouper permit, provided that the state implements similar measures to whatever the council specifies in this amendment, at a minimum, and so the different subalternatives of that go through each one of those.

Subalternative 2a would note that the same entity would be required as the federal permit, 2b is the same species would be covered, 2c is the state permit would remain valid for the same period

of time as the federal permit, and what is new, the Draft Subalternative 2d, is the state permit would have the same education requirement as the federal permit, and so that's sort of one of the action items, to see if the committee wants to accept that and bring that into this action.

Sort of alternative language here that has been developed is, at the September meeting, you provided guidance to task the IPT to develop a process for how NMFS would certify a state program to allow the opt-out of a federal permit requirement and clarify the connection between the education component and the option for states to opt-out of the education requirement, and so that's really what this action does. Additionally, the opt-out language, when the IPT discussed this, we thought maybe it would be better to remove the opt-out language, and so what's in front of you is sort of a revised overhauled version of the Action 5, to implement the committee guidance from the September meeting.

Similarly, what you're doing is the meat of the action is in Alternative 2, to establish an exemption to the permit requirement, and the National Marine Fisheries Service would certify a state permit as equivalent to a federal permit, provided that the state implements equivalent measures, and so the alternatives there are essentially the same. There again, the same permitted entity, the same species, the same period of time, and the same education requirement, and so Subalternatives 2a through 2d are very similar.

Then a quick overview of the draft effects, and it's not likely to -- Between the two alternatives, there's not likely a major difference between the biological effects, and the economic effects are really dependent on the scenario, and so it depends on whether or not the state has a potential permit system in place, or it tends to have a permit system in place that would be equivalent to the federal permitting system.

If there is such a permitting system in place, thinking about Florida currently, then there would be some benefit to Alternative 2, and so, essentially, it would decrease some of the costs on participants. However, if the state has no intent to create such a system, there's really not much of a difference in the economic effects between the two. From a social perspective, if a federal permit is required under Action 1, but a mechanism is not created to allow states to opt-out, there is the possibility of redundant permits for private recreational fishermen.

I am not going to go over the AP recommendations in too much detail, but your technical AP has weighed-in on this. They did recommend Alternative 2, and the subalternatives, to be included. Of note, the AP hasn't had a chance to discuss Subalternative 2d, and so that's why it's not included in their recommendation. Then we did have the Snapper Grouper AP comments on this, noting that funding is going to be an issue for states, and so keeping that in mind for any sort of state-based system created in the future.

Then, from the IPT perspective, just any sort of discussion on how this may operate, any sort of rationale for putting this in place and creating this system would be helpful, again, for amendment development overall, and so I'm going to turn it over to the committee, but we're looking for input on which version of the action you want to move forward with, so either the current version or the draft version, and are you okay with inclusion of Subalternative 2d, and so including that education requirement in this state permitting system, and, if you do want to select a preferred alternative, this would be a good time for that as well.

MS. MCCAWLEY: All right. Are there thoughts on this? I think that the draft action maybe is better than the current action, based on the direction we gave to staff at the last meeting, but I think I want to look to Andy, and Shep, to make sure you guys are okay with that new Draft Action 5. Shep.

MR. GRIMES: Thank you, and I was with the IPT working on it, and I think it's -- It's much better than we had before, and the exemption language tracks the statutory language that's used for the registry, and so there's some parity there, and opt-out seems -- I mean, it's basically the state gets exempted if they have some program in place, and they're not really choosing to opt-out by, you know, some specific choice with it, and so it just seems like better wording. Thank you.

MS. MCCAWLEY: Thank you, Shep. Carolyn.

DR. BELCHER: I support the draft change for Action 5.

MR. HADLEY: I think, at this point, we don't necessarily need a motion, and we can capture that in the direction to staff. There will be some sort of motion, at the end, to sort of accept the amendment as edited, essentially, during this discussion, and so, you know, it's really up to the committee, but we don't necessarily have to have a motion.

MS. MCCAWLEY: All right. Thank you, John, and so it seems like we're okay with the new draft action. I'm looking around the table, and I see heads nodding. Okay. It looks like people are okay with that. Okay, and so I think we've been through all of the actions in the document, and I think we need to do what John was suggesting, is maybe a motion to accept all the actions, as revised, in the document. Then, separately, we can talk about what the next steps are, and I feel like that's going to be a more challenging discussion, and so is anyone willing to make the motion to approve Amendment 46 and all the actions, as revised? Tom.

MR. ROLLER: **So moved.**

MS. MCCAWLEY: All right. Motion by Tom, and seconded by Carolyn, and it's under discussion. Andy.

MR. STRELCHECK: I'm fine with the motion, as long as it's clear that staff is going to have some discretion here to modify some of the actions and alternatives, based on the discussion today.

MS. MCCAWLEY: Okay. We're trying to capture that as direction to staff. Okay. Andy, can you look at the board? That was direction to staff to allow the IPT to incorporate the committee's guidance into the actions and alternatives, and does that do it? Okay. Any more discussion on the motion? Robert.

MR. SPOTTSWOOD: I forget which action item it was, but I thought I heard you mention that we were going to put off the action to a later meeting, and did I mishear something on that? I thought there was one of those specific --

MS. MCCAWLEY: Well, we're going to talk about next steps, not in this motion, but we need to figure out where the document goes next, and does it go to out to public hearing, or does it go to the technical AP, or does it go to the workgroup. Okay. I see heads nodding yes. Okay. Then

this motion is just to approve this document, as modified, and then allow the IPT to make additional modifications to it. Any more comments? Tom.

MR. ROLLER: Just for the record, I just want to clarify that motion does incorporate that direction to staff. That was my intent.

MS. MCCAWLEY: Thank you, Tom. Any more questions or comments or discussion? **Any objection to this motion?** All right. **That motion carries.** Now let's talk about next steps. Spud.

MR. WOODWARD: I would recommend that we -- I've just got a question, before I'll make a recommendation, and so about how long would we be looking at it taking for the IPT to make their tweaks to this?

MR. HADLEY: I think, you know, as far as the committee guidance, the IPT can incorporate this over the next quarter, and so between now and March. That's based on the input that's been provided so far. Now, you know, if reporting wants to be added, or not, which I know that that was discussed, that would be a larger issue, but I think, based on the specific feedback on the actions in the amendment at this time, the IPT can come back with those revisions, or at least discussion related to those revisions, at your next meeting.

MS. MCCAWLEY: Spud, do you mean can the IPT make the edits say in thirty days, and then would there be time to have meetings with the AP, and the workgroup, and then come back to March, and is that what you're really asking?

MR. WOODWARD: Yes, and what I'm trying to get at is the possibility that the IPT is going to make substantive changes that may affect how the two APs, or, well, the three APs, interpret what this means and give us feedback on it, and I don't know, and, I mean, that's -- I wouldn't think so, but, you know, a lot of this stuff hinges on a word or two and all, and so I just want to make sure that, before we put this in front of the APs, that it's complete and ready for them to give us their feedback on it.

MR. HADLEY: Okay. I see that perspective, and so, assuming that we were to move -- The IPT should be able to get together and come up with new wording, but it would be wording that the council has not reviewed just yet, and so it would be -- Essentially, it would be going to the APs with draft wording on some of the actions and alternatives, but, if you wanted to wait for that, and put sort of more final versions in front of the APs, presumably, unless there was a special meeting, it would be after the March meeting.

MS. MCCAWLEY: Spud.

MR. WOODWARD: Well, I mean, I -- I mean, we're sort of getting at cross-purposes here, is we're trying to move this thing along, and we keep stepping on the accelerator pedal, and then the brake pedal, but, at the same time, I certainly don't want to sit here and deliberate about the next version of it without having that AP input, and so, you know, we're kind of caught in another one of them chicken-and-egg things here, and so how do we resolve that, so that we make sure that the AP gets the version they need to give us meaningful input?

MS. MCCAWLEY: I mean, we selected preferreds. If we have specific questions, or points, that we want those groups to look at and talk about, maybe in addition to what's already in the document, maybe we can lay that out right here, but we have other hands up, and let's see what other folks think. Kerry.

MS. MARHEFKA: I guess my question is, is there a hierarchy, so to speak, of APs in this situation, in that, if the technical AP comes back and -- You know, I know that some of this has already gone through them, but, you know, if they come back and say fifty-five species is just not going to happen, you know, then it's -- You know, should that be fleshed out before it goes to the new reporting AP, you know, and are they all going to see it at the same time, and then what if they come back with conflicting opinions, and then we decide, I guess?

MS. MCCAWLEY: I think it would be back to us, but, Spud, thoughts?

MR. WOODWARD: Well, I mean, we've got a technical AP that has already said that a vessel permit can work in the context of MRIP, but they also said that an angler permit, and so now I think we're at a point where we can send it back to the technical AP and say this is what our preferred is, the angler, and so give us more specific detail of how we're going to move from an angler-based permit to better information on effort in the snapper grouper fishery of the South Atlantic, and then, you know, the human side of it, which is what the other AP is designed to do - - I mean, they can react to what we've already said, you know, and I think there's enough there for them to react to it, I mean, because, right now, there is no reporting component in there. We haven't put a reporting component in there.

MS. MCCAWLEY: Right, and so that's why I was wondering if we should make a list of questions here and the order of how this is going to move, so that you have these questions for these groups, so that we're asking them things like, if we put reporting in here, what does this get us, and, you know, that we list out these things for them to talk about, so that we're maximizing the time period that those groups are spending on this and that they're looking into some of these questions that we keep debating. Kerry.

MS. MARHEFKA: I'm trying to figure out if you and I are on the same page and saying the same thing. I mean, in my mind, I really think that the utmost importance is hearing from the technical AP again right now, because I really don't want them to come back -- You know, they're just the experts, and, you know, Andy said that we're not data collection experts, and, well, those are our data collection experts, and so I don't know how it would work, but, in my mind, I would want to hear back from them before proceeding, but maybe I'm just not thinking clearly.

MS. MCCAWLEY: Well, in my mind, they've already answered a bunch of the questions, and they said that -- You know, so they said that angler was okay, and so then that's why I was saying that maybe we want to ask them some more specific questions, but I think I would like to see it go to the technical group, plus the angler group, or the people group, whatever we're calling that other group, and then come back to the committee, but, Andy, do you have some thoughts on this?

MR. STRELCHECK: Yes, and you and I talked a little bit about this, and, I mean, my preference is kind of where Kerry is getting at, to go to the technical group first, and then I feel like the outcome of that would dictate then whether we need to go to this other group or not, or whether it needs to come back to the council first, right, and the -- I guess the other suggestion that I would

make -- I mean, we are at 4:30, and it's been a long day already, and maybe we could have a small group of us work with John, and staff, to kind of generate a list of questions that could go to that technical group, and then bring that back to Full Council. This may have also been mentioned, but I wanted to ask, and is the Outreach Advisory Panel going to be convened between now and March?

MS. MCCAWLEY: It looks like heads nodding no.

MR. STRELCHECK: Okay, because the other idea I had was getting them to weigh-in on the education component of this and kind of combining the input of the AP with the outreach and education team.

MS. MCCAWLEY: I like that. Before I go to Spud, I'm wondering if the next steps, meaning the order of which groups it goes to, and then what the questions are, maybe a small group can do all of those things and pose something in Full Council, later this week, so that we're not sitting here wordsmithing questions, et cetera, here at 4:30. Okay. I see heads nodding yes, but, Spud, I want to capture what you have, too.

MR. WOODWARD: Just we already have a Law Enforcement AP meeting on the calendar for late January of next year, and so I think it's fine to bring to them. I mean, they're not worried about the technical aspects of survey, and, you know, they're going to deal with it from where it is required, when is it required, how is it required, and so forth and so on, and we'll get some useful feedback from them. It's more of the technical side, and then sort of the customer side of it, where I think we can benefit, and I think having a technical AP meeting first, and then bringing it to this new AP later on, in time for us to have something at the March meeting, is fine.

MS. MCCAWLEY: All right, and so are we good with a subgroup kind of working on this, working on the questions, typing that up, those points up, about the order of how this would work, and then bringing it back to Full Council, and are we good with that? Okay. I see heads nodding yes.

All right. So we can -- If you would like to be on this subgroup that's going to work on these questions, and these bullets, then please get with John Hadley, and we'll figure out who is going to be on this group, and when they're going to do this work, and I think email would be okay, and so then we are done for right now, until Full Council, on this particular amendment, and, since we have a little bit more time, I think we're going to jump, in the agenda, over to the Best Fishing Practices Update, and I think we're going to get that update from Ashley and David.

MS. OLIVER: All right. Well, hi, everyone. Good afternoon. Back at your September meeting, we had shared two of our new projects, and that would be the What It Means to Me video project and the Best Fishing Practices Master Volunteer Program, and so I just wanted to spend a few minutes giving you guys a very brief, quick update on those two projects, and then also touch on some of our upcoming outreach that will be upcoming in the beginning of the new year.

Then I will change it over to David Hugo, and he's going to give you guys an update on all that he's been up to with his Sea Grant Reef Fish Fellowship, and he's been doing some amazing work traveling around the region, in and out of tackle shops with Meg, and so this is something -- This

collaboration is something that we have continuously been so grateful for, just because it has really allowed us to expand our reach and expand the best fishing practices campaign.

The first project I want to talk about is the What It Means to Me video project. Just as kind of a little refresher on what this project is, I'm working with Nick Smillie on this, and what we're doing is creating videos to document the stories, and perspectives, of South Atlantic fishermen in a very constructive manner, and so what we're doing is we're having conversations with fishermen and, you know, just talking about what their fishery means to them, and really what the importance of preserving that resource is, and so this project is just an additional outreach tool in our toolbox that is allowing us to hopefully, ultimately, help bridge the trust gap between the council and fishermen.

As for project updates, we took this to all of the fall advisory panels, and we ended up getting a few participants for that. We are currently in the middle of filming participants, and, by the end of this week, we'll have a total of five, and so, you know, back in September, you guys heard from David Hugo and his story, and we then filmed with Chip Berry, who sits on the Dolphin Wahoo Advisory Panel, and, last week, we filmed with Mark Phelps. Mark sits on the Outreach and Communications AP, and he's also extremely involved in all of our outreach, and we've done many seminars with Mark.

Most recently, as in I guess, what, four hours ago, we filmed with Tim Griner, and Tim did an awesome job sharing his story, and, you know, talking about his background and, you know, how he came to sit around this table, and then, later this week, we're going to meet up with Chris Kimrey. Chris sits on the Snapper Grouper AP, and he's out of Morehead City, and so we're really busy with filming. We plan to spend the, you know, winter months editing these videos, and hopefully start rolling some of them out at the beginning of 2024.

Then, just touching a little bit on the Best Fishing Practices Master Volunteer Program, again, this is going to be those regional in-person workshops that are targeting, you know, key members of the fishing community, port samplers, and agency personnel, and so the plan is to have two main sections to this program, the first being all about best fishing practices, of course, and so talking about barotrauma, barotrauma mitigation devices, kind of your general practices, and then the second section is going to be all about getting involved, and so citizen science and then the general council process.

This workshop is really intended to be very conversational in nature, and we want to have an open dialogue throughout this entire workshop, and this is something that we stress to everybody that we talk to about this program, and especially at the APs, and that ended up getting a lot of support, and so, as for program updates, as you see on the screen here, we do have a new program-specific logo, and so this is going to be on all of our new informational materials.

I mentioned that we had presented to all of the fall advisory panels, and we ended up getting a lot of support, and we got great feedback from them, and they especially liked that we are going to be talking about some venting tools, and also that we're targeting port samplers, and they also provided some great -- A whole bunch of locations that we could potentially host these workshops at, and so that was super helpful.

Also, we're working on some new informational materials. One thing that I plan to give every participant is a binder to take with them, and, if you've been through MREP, you received a binder,

which I loved when I went to MREP, and so I want to incorporate that, and so, along with, you know, just information in that binder, we'll also have prepackaged, you know, stickers, rack cards, things like that for those participants to take back to their communities and hand out around the town.

We are also -- I'm working on kind of dates and locations of where we're going to have these at, and we are estimating to have about ten to fifteen workshops throughout next year, and I do have a tentative timeline, and so, you know, looking at kind of the springtime, and spending the time in South Carolina, and then going down to Georgia in late spring, kind of the start of the summer, spending most of the summer in Florida, and then the fall time in North Carolina, and so that was a really quick update on that program, and that's kind of where we're at, but I do plan to bring a more in-depth update to you all, with, you know, specific dates and times, especially for the earlier parts of 2024, and also an overall communications plan.

Then, just quickly touching on some of our upcoming outreach events, we are starting the new year off -- The new year off extremely busy, and so most of our outreach team is going to go down to the Florida Keys, and so we're trying to pack that week full, with a whole bunch of stuff, and so we're going to do some tackle shop outreach throughout the Keys, and David is working on a Sea Grant media headboat trip, which I think he'll probably touch on here in a few minutes, and we're working on a seminar with The Tackle Box, which is located in Marathon.

Julia is going to be extremely busy, doing some FISHstory scanning events, and we'll also be at the Florida Keys Seafood Festival in Key West, and we will have a booth there that's focused on best fishing practices and SAFMC Release.

Then, that following weekend, we will be at the Haddrell's Point Fishing Expo in Charleston, South Carolina. We went this event last year, and it was a great turnout. We had, you know, a lot of questions, and conversations, and we had a cool seminar as well, and so we're hoping for the same this year, and then we will also be attending George Poveromo's seminar series. For those that may not be familiar with this, George Poveromo, obviously, is a very well-known fisherman, and he puts on these in-person seminar series throughout the United States, and so we're planning to go to three of these.

I do just want to give a quick shoutout to BeBe Harrison, who has not only put us in touch with George, but also a whole bunch of other people in the industry as well, and so we'll have a table at the Wilmington, North Carolina seminar in January, the Port St. Lucie, Florida seminar in February, and then Myrtle Beach, South Carolina in March, and so that's kind of a quick overview of what we've got going on council-wise. At this point, I think I'm going to go ahead and turn it over to David, so he can talk a little bit more about what he has been doing with the Sea Grant Reef Fish Fellowship.

MR. HUGO: Good afternoon, everyone. For those of you who I have not met, my name is David Hugo, and I'm the Sea Grant South Atlantic Reef Fish Extension and Communication Fellow. This is an update that kind of spans back from the September council meeting through now, and, like Ashley mentioned, this is a -- My fellowship is a collaboration between the council and Sea Grant, and so a lot of this is kind of crossover between the two entities.

I will kind of jump straight into things, and so, following the September council meeting, I actually had a really neat opportunity to join South Carolina DNR on their offshore reef fish survey, and I was kind of acting as part of the surveying team, with some of the chevron trap sampling and standardized hook-and-line sampling off of South Carolina.

This was a really neat opportunity for me, because I do, obviously, a lot of outreach, and I'm engaging with stakeholders about the management process, and, obviously, that's directly tied to the science process, and so, me personally, I didn't have too much experience with the actual on-the-water surveying, and so this was really awesome for me to kind of get the experience, and I think it's made me a much better communicator in the outreach settings.

In addition to kind of just my on-the-water experience with surveying, I also kind of documented the experience with photos and videos, and I actually wrote up a narrative that is now kind of going to be published in an upcoming issue of North Carolina Sea Grant's *Coastwatch* magazine, and so be on the lookout for that. It kind of documents my whole experience, from living on a boat for several days to actually surveying, and it ties it directly into the fellowship and into the broader scheme of management of reef fish species.

Following my surveying experience, there were several APs, the Outreach and Communications AP in Charleston, and the Snapper Grouper AP as well, and then I flew to New Orleans for the Reef Fish Extension AP, which is directly tied to the Sea Grant fellowship. I gave a kind of similar update there as to this one, focusing on South Atlantic extension efforts, and we had a little bit of an AP discussion, and then, also, I was kind of engaged with AP members regarding preliminary results from a reef fish longitudinal survey. This AP meeting was in coordination with the Gulf States Marine Fisheries Commission meeting as well.

Then this is a little bit of a tangent here, but several of you may recall, in Ashley's September council meeting presentation, that I had the opportunity, and Ashley also had the opportunity, to go on a media trip out of Isle of Palms, South Carolina, and this was on September 5, and we were kind of working on developing an article, and we had the pleasure of bringing along a South Carolina Sea Grant writer and editor, and we've been back and forth with her regarding drafts for a best fishing practices and citizen-science-focused article, and that's finally got an approval, and it's going to be published in an upcoming edition of *Coastal Heritage*, which is South Carolina Sea Grant's quarterly online publication.

This article is really focusing on angler preparedness, on best handling practices, and there's a neat little segment on barotrauma physiology, because this trip did have a lot of cobia involved, which was kind of unique, and then citizen science, obviously.

All right, and so this is the one that I'm really excited about sharing with you all. You may recognize that man in the left up there, and that's Mr. Tom Roller, but we had a really awesome media trip out of Beaufort, North Carolina, just right here, back in late October, and this was actually a trip in coordination with PBS, and so kind of a heavy-hitter here, and so they were actually basically recording our entire trip, with the hopes that it will be in a TV episode airing in 2024 on Sci NC, which is a TV series with PBS that is focused on science and communication, both in North Carolina, but also in the broader United States.

This trip was kind of a multiday effort. We had pre-trip dockside interviews, with a hired camera man, and it consisted of me, Meg Withers with the Citizen Science team, Scott Baker with Sea Grant, Kyle Shertzer with NOAA as well, and then Tom was really gracious, and we actually intercepted him coming off the water, and he was willing to provide some really valuable insight as well.

The actual trip was kind of -- The weather was a little dicey for a while, and it was looking a little bit dicey, but it kind of cooperated for us, and we were able to get pretty far offshore. We caught eleven different species, which was really awesome, and a lot of them were kind of relevant snapper grouper species, and we found kind of a scamp nursery, so to speak, and we caught a bunch of small scamp, some red snapper, black sea bass, and gray triggerfish, to name a few, but we really had an awesome opportunity, and literally the trip, from sunrise to sunset, was filmed, and Tom was mic'd up for much of the day, and we got a chance to kind of do a best fishing practices 101 on descending devices.

We got some really neat kind of descending footage on a descending device rig that we made, and circle hooks, and kind of why they're important, dehooking tools, kind of live demos as well, and then, with a bunch of undersized grouper, we did get a chance to use SAFMC Release many times, and so, like I said, this is kind of set to be in a TV episode, a Sci NC episode, airing in 2024. The exact release date of that is to be determined, but I anticipate kind of mid 2024 as the timeframe there, and so stay tuned.

Immediately following that, I flew to West Palm Beach for some tackle shop outreach, and I did a bunch of tackle shop outreach there, and I also was involved with the West Palm Beach Fishing Club. I gave a seminar there, kind of at the frontend of a larger sailfish seminar, but there were around eighty to a hundred attendees there, and it was a pretty packed house, and my seminar was brief, but really, I think, valuable for members. It focused on trends in recreational fishing effort, kind of the importance of best fishing practices in recreational fisheries, and I also gave a live demonstration of a SeaQualizer device, and I just hung around afterwards, to take questions and provide answers with members, and so that was really awesome.

I figured I would take a moment to kind of share a general tackle shop outreach overview and observations, and even outcomes, because that is a large portion of the fellowship, and it's a big kind of crossover with council staff that I'm involved with, and so this is some of the tackle shop outreach that I've been involved with just since the September meeting, and so I've been to Murrells Inlet, Wilmington, Morehead City, West Palm Beach, Pompano Beach, and Jupiter, Florida. This was kind of before even this council meeting, and so I actually was doing some public comment outreach with Ashley today, and then, also, we were kind of in more central North Carolina yesterday.

These are some general observations, just from my -- So I started the fellowship back in May, but, since then, just observations that I've noticed in interactions with stakeholders, whether it be tackle shop owners, sales reps, or even customers that I just happen to run into at these stores, and the first thing is that best fishing practices are generally supported, regardless of council beliefs, and the second being that there is little confidence in the value of public input. Whenever I mention public comment opportunities, at a lot of my tackle shop outreach, I think folks are very hesitant to kind of put the effort in to go to comment, because they think that their comments will not be used, and so just something to keep in mind.

There's also mixed opinions regarding the provisioning of angler data, and this more pertains to kind of citizen science efforts, particularly SAFMC Release, and just the idea that management will use the data they're providing against them and make it harder for them to keep fish.

The next note here is probably pretty self-explanatory, but there is regional red snapper frustration, and I'm kind of referencing that northeast region of Florida specifically, and then, in terms of kind of store setups, this is an interesting note that I thought that several of you might find interesting, is there's a pretty drastic lack of descending devices at stores, and I've been to -- I mean, I will note it here in a second, but I've been to dozens of tackle shops since I started, and I would say the vast majority of tackle shops do not have descending devices in stock.

It's not that they don't want them, but it's that they cannot get them, and so they're pushing for people to make their own, or they're selling the few descending devices they have for incredible upcharges, and I actually saw a SeaQualizer selling yesterday for almost a hundred dollars, which is incredible, and so that's just something to note there, and then my last note here is there's a pretty widespread willingness to display materials, and so, similar to that first note, and, regardless of council beliefs, people are pretty open to displaying materials and kind of doing what they can.

Okay. In terms of tackle shop outcomes, this is just kind of a reminder of some of the evaluative measures we have for tackle shop outreach, and the first here is seminar venues, and so Ashley mentioned the Haddrell's Point Tackle Fishing Expo, and this is a kind of relationship we've built through tackle shop outreach, and also The Tackle Box, which is in Marathon, Florida, and that's an upcoming seminar, and it's led to some public comment interest from folks, and hopefully it will lead to some more actual comments, and then it's also an opportunity for SAFMC Release signups.

I will end here by saying that there are, obviously, some kind of negative connotations in my previous slide, but a lot of the anglers, and tackle shop owners, are really appreciative of the in-person efforts that are being put out there, whether they kind of agree with what's going on or not, and they're just appreciative of someone being there and talking to them, and trying to answer their questions, and, if I can't answer their questions, referring them to someone who can. All right, and so that is kind of a summary of what I've been up to since September.

I figured, in the spirit of the new year, I would provide kind of a 2023 outreach overview, and so this is kind of what I'm calling By the Numbers, but it's -- The first slide here is an actual kind of heatmap of all the tackle shops that we have been to, and so this was since early November, and this tackle shop outreach has included over fifty-six shops, marinas, and piers, across all four states, with Florida kind of holding the number there, with twenty-four shops that we've visited.

The colors here, and so blue is less-frequent, and those yellow and green colors are going to be more frequent visits, and, as you can see, we've done a lot of -- We've put in a lot of effort with tackle shop outreach. This doesn't include repeat visits, and so a lot of places, specifically in Charleston, we'll keep going back to just as meetings pop up, as public comment opportunities pop up.

In addition to this, this kind of overlays some of the industry events, and seminars, that we've done as well, and so this includes everything from ICAST in Orlando to the West Palm Beach Fishing

Club in West Palm Beach, up to the Jacksonville Offshore Sportfishing Club, and so really everything there, and then, on top of that, here's a kind of overlay of the media and content trips, both through Sea Grant and the South Atlantic Council, and so this, I think, really does a good job of showing the geographic expanse that the outreach team has undertaken this year.

With that in mind, this is kind of the early 2024 plans, and I know Ashley touched on a bunch of this, and so I won't dive into too much detail, but we do have a bunch of Florida Keys outreach planned for the early part of January, and we've got a seminar at The Tackle Box, a bunch of tackle shop outreach, and there's also the Sea Grant media headboat trip, which I'm kind of working on. The hope there is to kind of get a really unique perspective, from a headboat, of best fishing practices, and I'm working on kind of identifying external media figures that we can bring onboard and get not only content, but also just have them hopefully create some sort of public-facing deliverable, whether it be an article or a video or things like that.

We will be at the seafood festival that weekend as well, and we'll be involved with the Haddrell's Point Fishing Expo and the George Poveromo seminar series, and then, more specific to the Sea Grant Fellowship, I've been working on developing what I'm calling a winter webinar series, and this is an opportunity, and it's going to be a public-facing webinar series, but an opportunity for fishermen to tune into kind of the present state of reef fish science.

It's going to be a three-part series, the first being on January 30, and it will focus on reef fish surveying. Wally Bublely, with South Carolina DNR, has agreed to be a guest speaker for that, and the way these seminars are going to work is there will be a guest presentation, and there will kind of be a moderated Q&A, by yours truly, kind of at the end, and then, February 13, we'll have -- Will Patterson will be giving a guest presentation on the South Atlantic red snapper research program, which is, obviously, still ongoing, and then February 27 will be the greater amberjack count with Sean Powers, and so we're really looking forward to having that in the new year, and I think I will be distributing kind of advertisements for that in the coming weeks, and hopefully we can get a really solid turnout there, but that does it for me, and I'm happy to entertain any questions, if anyone has any, but thank you.

MS. MCCAWLEY: Thank you. Any questions? You guys have sure been busy. Tom.

MR. ROLLER: David, I just wanted to thank you guys for putting together that trip that we all did together. I think we got a lot of -- A tremendous amount of hard work went into that organization, and you did a great job, and I thought we got a lot of good material from it, and so thank you.

MR. HUGO: Thank you, Tom, and I will say that I am very appreciative of Tom, for everything he did in that effort. I mean, it was just an outstanding -- He was mic'd up, like I said, the whole day, and he was willing to literally talk about anything from circle hooks to dehooking tools to descending devices, and so I'm really appreciative of that.

MS. MCCAWLEY: All right. Judy.

MS. HELMEY: I love your energy. Keep it up.

MS. MCCAWLEY: Anybody else? All right. I think that this concludes our business for today, and I will turn it over to our Chair to tell us when we're coming back tomorrow.

DR. BELCHER: Tomorrow morning, we'll be starting at 8:30, and we'll be going back into Snapper Grouper, and we'll be here for a little bit, with some good topics. The good news is we've managed to bank twenty minutes, and so let's keep up the good work, and so we're recessed for tonight, and just check about directions to the venue with Trish, if you haven't already gotten them, and then we'll see everybody over for dinner.

(Whereupon, the meeting recessed on December 5, 2023.)

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DECEMBER 6, 2023

WEDNESDAY MORNING SESSION

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened at The Beaufort Hotel, Beaufort, North Carolina, on Wednesday, December 6, 2023, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: All right. We're going to get going, back in the Snapper Grouper Committee this morning, and so the first item on the agenda is we are going to dive into the gag and black grouper vessel limit and on-demand gear for black sea bass, and this is Regulatory Amendment 36, and I'm going to turn it over to Mike.

DR. SCHMIDTKE: Thank you, Madam Chair. In your briefing book, you have a decision document related to Regulatory Amendment 36, and that's addressing the gag and black grouper vessel limits and the black sea bass on-demand gear. I'm going to kind of go through that, give a summary of it, and try to hit points where you all have a couple of decisions, or opportunities for direction and input, and so this amendment is addressing two issues, the first of which has to do with gag and black grouper.

In Amendment 53, that established recreational vessel limits of two gag per vessel and two black grouper per vessel, subject to other regulations and terms. At the last meeting, you all clarified that your original intent for these vessel limits was that they would be aggregated, and so, instead of two gag and two black grouper, it would be a two-fish vessel limit, and those two fish could be either gag or black grouper, and so you initiated Regulatory Amendment 36, in September, to address that issue.

Then the other issue that this one is looking at has to do with black sea bass on-demand gear, and so, for the last two years, there's been an exempted fishing permit that's been in effect that has allowed experimental harvest of black sea bass using on-demand, and sometimes on-demand is also known as sub-sea retrieval systems, or ropeless, but these are black sea bass pots, and the actual pots, the actual fishing mechanism of all of these, are just normal black sea bass pots, and

they adhere to the same dimensions, mesh size, escape panel requirements, and all of that is the same as any regular black sea bass pot.

Where on-demand pots differ from traditional rope pots is how they are retrieved, and so roped pots are attached by a line, by a vertical line, to a floating buoy, and that vertical line stays in the water column while the gear is being fished. On-demand pots may or may not have vertical line, but it doesn't stay in the water column.

What it does is it sits on the bottom with the trap, and then, either on a timer, or by remote control, or some type of mechanism like that, it is released when the fisherman is ready to retrieve that gear, and ready to bring the pot in. There are lots of different configurations, and that's one of the things that we're going to kind of get to as we get into that action. The primary benefit of on-demand gear is reduced probability of whale entanglements, and that's of particular concern, in our region, with respect to the North Atlantic right whale.

Black sea bass pots are subject to a variety of regulations under both the Magnuson-Stevens Act and the Marine Mammal Protection Act. On-demand pots would be subject to these same regulations, and they would either need to adhere to those regulations or regulations would need to be changed to accommodate their use, and so that's what this second issue of Regulatory Amendment 36 is trying to address, is it's trying to see what needs to be changed and then going through the process of changing what needs to be changed.

Scrolling down into our objectives for this meeting, we're going to be looking at some initial information for the gag and black grouper issue, and we actually have a draft action and alternative there for your review, and you all can provide guidance on the actions and alternatives that would go into this and be considered, and, ultimately, we're looking to the committee for approval for scoping.

The timing of this amendment is shown there on the screen, and that's kind of a tentative timeline, and some of that is dependent on some of the decisions that you'll make in this meeting, and in the next meeting in particular, but one of the things that we are considering with this timeline is that the exempted fishing permit that those black sea bass pot endorsement holders are using to kind of test out this gear -- That expires in April of 2025, and so the goal was to have kind of continuous allowed use, if there is any prohibition on use of on-demand gear, to kind of have that continuous, so that there's no gap in between the ending of that EFP and the start of new regulations, and so we're on track, with this timeline, to potentially have regulations effective to make that happen in early 2025.

Here, we have a drafted purpose and need statement, and so I can pause here for folks to take a look at that, and see if there's any necessary changes at this point, and we are going to, in follow-up to this meeting, have an IPT meeting, where they're going to take their crack at making sure all the wording is right, and so, if you want to make changes now, you're welcome to, but we will have probably some recommended changes from the IPT at the March meeting as well.

MS. MCCAWLEY: Anybody care to make changes to these draft purpose and need statements, or are we good? Kerry.

MS. MARHEFKA: Do we want to mention anything in there about the -- It says to provide black sea bass commercial pot requirements to accommodate the use of on-demand pots, and like because -- This isn't the wording, but because it's helping to reduce entanglement, and like do we want to say anything about why the on-demand pots are important?

DR. SCHMIDTKE: I think we covered that a little bit in the need statement, kind of in the middle section there, and that modification lowers the probability of negative interactions with marine mammals.

MS. MCCAWLEY: All right. I see thumbs-up on that. Any other thoughts, or ideas, on the purpose and need statements? Okay. I don't see any hands. Back to you, Mike.

DR. SCHMIDTKE: Okay, and so, continuing on, we'll take a look, first, at the gag and black grouper action. We have a drafted action here that would -- That would revise the vessel limits, and we have a few alternatives, and so the first alternative lays out what is in Amendment 53, which is now in effect, and we have kind of two sections here, and one is for private recreational vessels, and the other is for recreational for-hire vessels.

The difference in these two is in the context of -- I will highlight it, but for gag, gag in particular, two fish per vessel per day, as opposed to the for-hire vessels, and that would be two fish per vessel per trip, and so that's the difference there, is the per day and per trip. You all had discussions related to that in Amendment 53, related to that wording, and so we've maintained that wording within the drafted Alternatives 2 and 3.

Draft Alternative 2 would establish a -- It would remove the single-species vessel limits, and it would establish an aggregate private recreational vessel limit of two gag, or black grouper, per vessel per day, and, of course, that would not exceed the daily bag limit of one gag, or black grouper, per person per day. Then Draft Alternative 3 is addressing the for-hire vessel limit, and that establishes an aggregate for-hire recreational vessel limit of two gag, or black grouper, per vessel per trip, and so, in this context, if you would like to change both of those components of the recreational sector, then your preferreds would be Alternative 2 and Alternative 3, and you would select both of those as preferred.

One piece of discussion, just kind of adding to the record for this, is that the recreational bag limit for gag and black grouper that is in effect right now is under the aggregate for grouper and tilefish, and so there's no more than three grouper or tilefish per person, and, of these three grouper or tilefish, no more than one of those can be a gag or black grouper, and so there is some continuity with having an aggregate of gag and black grouper, and that has to do with difficulties in identifying the two species from each other, and so there's a bit of discussion, and I will pause here, to see if there's any guidance of additional discussion or if there are any additional alternatives that you all would like to consider regarding this action.

MS. MCCAWLEY: Laurilee.

MS. THOMPSON: I am looking through it, to see if it addresses headboats, or are headboats -- Do they get only two fish on a headboat, too?

DR. SCHMIDTKE: If I remember correctly, yes, and headboat would fall under the for-hire portion of that. I am getting a thumbs-up from Allie, and so yes, and that was part of the discussion that went into Amendment 53, when this was established.

MS. THOMPSON: Okay. Do we need to clarify that?

DR. SCHMIDTKE: I think we can. I think we can maybe put a parentheses that for-hire includes both headboat and charter.

MS. MCCAWLEY: All right. Anything else here that we need to consider in these draft alternatives? Once again, this is fixing what we had talked about when we were going through the gag and black amendment, but the codified text didn't match up with our discussion, and so we're fixing that here in this action.

DR. SCHMIDTKE: All right. Next, we will slide down to the second action, and, actually, I'm going to do a little bit of jumping around, just to kind of note some things. As I was going through this, it made a little bit more sense to address the diversity of this on-demand gear before I jump into Action 2.

Under the EFP project, they tested a wide variety of retrieval systems, and not all of these have a rope and buoy, and one of the issues that that kind of creates, and you can refer to Appendix A, and we have, down here, kind of a picture of a few of these ropeless systems, and you see the buoy, and the line is just kind of attached to the trap there, and then there's a whole list here of the regulations that are related to black sea bass pots, and I'm not going to go through all of those, but there are marking requirements, and identification requirements, that are related to the buoy and the tag.

The requirements say that these things need to be affixed to either the buoy or the vertical line, and so some of these configurations may have a buoy in line to mark, and to attach identification to, and some of them do not, and there are some systems that, when the retrieval mechanism is activated, they kind of inflate, and then carry up the pot from the bottom to the surface, and there are other configurations that may have -- That may have surface lines that are connecting multiple floating objects that are bringing that object up, and those are prohibited under the Marine Mammal Protection Act, and so there is -- There are a lot of complications that are presented by these retrieval mechanisms that do not have a buoy and a line attached to them.

That doesn't necessarily mean that you all can't make changes to allow them, but you wouldn't be able to do that solely on your own, because some of those conflict with the Marine Mammal Protection Act, and so I just wanted to kind of note the diversity of gear that's available here, and I will go through the action that's above now, and then we can kind of come back and relate some of these things to a path forward.

The action -- One of the requirements that's related to black sea bass pots has to do with stowage when going through a marine protected area or a special management zone, and the requirement is that the pots must be unbaited, and all buoys must be disconnected from the gear, and so, even for those that have a pot and rope, one of the things that I have learned, from talking to some of the people involved with this EFP, has been that it's rather difficult to disconnect the buoy from

the gear and maintain that mechanism, and so we've come up with a couple of draft alternatives to consider.

This would, obviously, only apply for those that have a buoy that can be connected, and this wouldn't be in consideration to some of those other retrieval mechanisms, and so one alternative is to allow, just for those on-demand systems, that the buoy can remain connected to the gear. Another alternative is to allow the buoy to remain connected to the gear, but require that it be stowed within the sea bass pot during transit through an MPA or SMZ. That alternative comes out of the requirements for the black sea bass pot closed area, and there's a seasonal closed area, and, in that area, when you're transiting through during a non-open season, you are allowed to have the buoy connected and stowed within the pot, and so there's a little bit of difference in between whether you're going through an MPA, or an SMZ, versus if you're going just through that non-MPA, or SMZ, closed area.

Draft Alternative 3 would kind of connect those two regulations, and it would make it the same whether you're going through an MPA, an SMZ, or a closed area, and you would have -- You would be allowed to keep the buoy connected to the gear, as long as it's stowed within the pot, and that's your indicator that that gear is not being fished in that area, and so those are the three alternatives that we've come up with to kind of get this action going, to aid in practicality of the use of on-demand with that rope buoy system, and I will pause here, to see if there is any additional discussion or suggestions of other alternatives that we can include here.

MS. MCCAWLEY: Thank you, Mike. Any other suggestions, changes, questions, concerns here? I don't see any hands up.

DR. SCHMIDTKE: Okay, and so now, kind of coming back to the overall timing, and the overall movement of this reg amendment forward, given the difficulties presented by configurations that don't have a rope buoy system with the regulations from the MSA and MMPA, there are kind of a couple of paths forward that staff have talked to GC and SERO staff about.

One approach is that you all can approve this for scoping. We're kind of at a point now where staff -- We've kind of put out as much we can, and one of the big questions that we have, from our end, is, okay, if on-demand gear becomes more prominent within this fishery, what are the fishermen actually going to use? Are they going to use those inflatable systems, or are they going to use, you know, some of these different configurations that would be a little bit harder to get into the regs, or are they are going to use a rope and buoy system?

If they use the rope and buoy system, if that is all that is allowed for this fishery, then, by some interpretation, and we're still working with GC to figure this out, but on-demand gear, in that form, may be allowed right now, under current regulations, and they would just need to make sure that it's marked and identified appropriately, adhering to all the list of things in the appendix of this document, but, as long as they're doing that, the line doesn't have to sit in the water, and that's kind of what we're potentially learning from GC, that that's how that law is to be interpreted.

That's kind of one path forward, is to approve for scoping, ask the fishermen what they're going to use, and then you can come back, in March, and decide what configurations you would like to allow. Within that decision, one of those paths is you could decide that rope buoy systems are all that's going to be allowed, you know, through Regulatory Amendment 36. If you want to revisit

that, and try to go through the process of adding, you know, kind of a more diverse array of systems, a way to do that might be to look at it through Amendment 56, with the black sea bass response to the assessment, and that would give you more time to coordinate with the Large Whale Take Reduction Team, to also have corresponding changes to the Marine Mammal Protection Act, because, if you look -- I am going to scroll down, quickly, to especially our rope marking requirements.

Our rope marking requirements are dependent on the Marine Mammal Protection Act requirements, and they refer to them, and they say, in addition to the MMPA requirements, you're also required to mark your rope thusly, and so, if you're going to make changes that would say there is an allowance of non-rope buoy gear, then we would have to have changes to both of those acts, and so I guess I can look to the committee here and see what your desired path forward would be for this amendment.

MS. MCCAWLEY: Kerry.

MS. MARHEFKA: I'm just taking it all in and making sure that I follow, but what I'm hearing is there's a chance that we go out to scoping, and everyone is already going to use the roped gear with the buoys, and then that will not -- We won't be up against that timeline with this EFP running out, because it's already allowable, and then, if people are like, yes, but it would be great to try all this other gear too, we would either make the decision of slowing this down, which would not be good for the other component of this, and we definitely don't want to do that, or tackling that when we tackle the assessment response, and possibly opening that closed area, and so there's a chance we don't need to do anything right now, if we go out to scoping and they say that, and is that correct?

DR. SCHMIDTKE: So the only -- The only thing that would need to be done right now, if the rope buoy systems are the only thing that's going to be allowed, would be that Action 2, and that kind of makes it a bit more practical for them to transit those MPAs and SMZs, but that doesn't seem to be a heavily-complicated action at this point, and that would be the only thing, but there wouldn't be anything to change in the marking requirements, or anything about the pots themselves, to make that gear usable right now.

I do think that it would be helpful, if that were the case, for there to be some outreach from the council, and from NMFS, and to let fishermen know that, hey, this is a system that's been tested, and it's legal under these circumstances, and to notify them that it can be used, under these circumstances in these areas and times.

MS. MCCAWLEY: Okay, and so then let me try to recap what you're both saying. We would partly figure that out when we go to scoping and talk to the folks that have been using the gear, and then, when we come back in March, then we would figure out the next steps, whether it stays in this framework action or it goes into a different plan amendment, and is that what you guys are saying?

DR. SCHMIDTKE: I think it would -- The decision in March would be -- From you all's end, it would be do you want to allow on-demand gear that is not a rope buoy system, and that would be the decision that you all would need to make, and, if you do want to allow it, then the simplest

path forward would be to put it in Amendment 56. If you don't want to allow it, then you don't need to do anything related to that. Reg 36 would kind of stay how it is.

If you decide that you do want it to do it, then what would happen is that there would be continuity of the rope buoy system on-demand gear, and then those other configurations -- They wouldn't be allowed until after Amendment 56 is passed.

MS. MCCAWLEY: Okay. That was helpful, and so then how -- A couple more questions. How would you plan to scope this particular amendment, because of all these questions to the fishermen on how they plan to use the gear, fish the gear, and how would you scope this?

DR. SCHMIDTKE: I think from -- I mean, I think there's the general, you know -- There's the general approach that we would take, that we would normally take with our scoping, that we would still need to complete, just because, you know, it's a fully public process. I do think that we can directly have some communication, you know, ask for information from the people that have conducted the EFP, and that would include the primary investigator, the fishermen that have operated under that, and then, also, possibly get some -- Get some, you know, direct communication to the black sea bass pot endorsement holders, and there's not a whole lot of them, and there's thirty-two, as far as I understand, right now. That's a doable thing, from a communication end, to get information from that number of people.

MS. MCCAWLEY: Okay. That was part of what I was asking, and you think all of that can be done and this could come back to March? Okay. All right. So are there questions, or concerns, here on this draft action, and then we talked a little bit about the timing and the scoping, and are we good here? I see heads nodding yes. Okay, and so then we need a motion to approve Regulatory Amendment 36 for scoping, and we've already talked a little bit about the format of scoping and how staff would reach out to the people that have the black sea bass endorsements, and especially to the people that were part of the EFP and were testing the gear and intend to use it. Kerry.

MS. MARHEFKA: I was going to make a motion. Well, first of all, I know Jimmy Hull is listening, and so hopefully, Jimmy, you're on here, and you'll start spreading the word, especially since he's not on the AP to do that. **I make a motion to approve Regulatory Amendment 36 for scoping.**

MS. MCCAWLEY: All right. Motion by Kerry, and it's seconded by Carolyn. Any more discussion on this motion? Andy.

MR. STRELCHECK: A couple of comments, and so I'm catching up here, but, in terms of the traps that didn't have ropes, it sounds like those weren't necessarily preferred by fishermen, and so I think the path we're on is a good one right now. The other thing that I just wanted to talk about, with this amendment, is we have -- We talked, yesterday, about the gag recreational season, and, the way it's set up right now, it's closed from January 1 to April 30. It opens on May 1, and, essentially, at least if someone is looking at the regulations, they're going to believe it's an eight-month season.

The reality is we're not going to come close to maintaining an eight-month season, and so I wanted to at least have the council talk about whether or not you wanted to specify a shorter season that

still allows the Fisheries Service, based on the accountability measures, to set the season, but it wouldn't run it all the way until the end of the year, because I'm just concerned that what we may be seeing is a season that's one or two or, you know, three months, which is far less than, obviously, what the regulations are for the fishery.

MS. MCCAWLEY: Robert.

MR. SPOTTSWOOD: Can I ask for a two-minute recess?

MS. MCCAWLEY: All right. Can we take a short break, to have a discussion on this, and then we'll come back, and so we're going to leave this motion on the table, and then we will vote on it after we come back.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: All right. We're going to get going. We were in the middle of a discussion there, and we had a motion on the table, but, before approval of the motion, Andy was bringing up some things about the recreational gag season, and so I would like him to kind of explain what the current situation is, now that the previous -- The passage of the previous regs, and kind of tell you guys what the situation is and see how you want to handle this, whether you want to add kind of a fixed season for gag in this framework amendment or whether you want to give Andy the authority to do something with the season, but I want to go back to Andy, so he can kind of explain what the current situation is and maybe a little bit about how the Gulf has handled this situation.

MR. STRELCHECK: Thanks, Jessica, and nice timeout, Robert. I think it was good, in terms of having that conversation, and so the reason I'm bringing this up is twofold, right, and one is we know that the season was projected to be short, when we took action on Amendment 53, but, also, the Gulf and South Atlantic right now are taking very different approaches to setting the seasons, and so, in the Gulf of Mexico, just like the South Atlantic, the stock is overfished, and the stock is undergoing overfishing, and we're having to reduce catch limits considerably in both regions.

For the Gulf, what they decided to do was set the recreational season starting in September and run it for a period of a little over two months. There is still in-season closure authority provided to the Regional Administrator, but it at least gives the expectation, to recreational anglers and others, in terms of the season not being significantly longer than that two-month period, right, and it could be shorter, and so my concern here, and why I was raising it, is the perception that regulations, websites, brochures, right, are going to show the gag recreational season in the South Atlantic opens on May 1, and it will close on December 31, unless the Regional Administrator makes the decision to shorten the season based on our accountability measures, right, and it's kind of like an asterisk that you put on the regulations that we know, in reality, we are far more likely to come closer to having a summer closure than we are going to be having a winter closure that goes all the way to the end of the year.

I just wanted to have some discussion with the council about this, whether you were interested in setting kind of a fixed season that would allow for potentially some growth in harvest over time, as the stock rebuilds, and I'm also fine with just kind of staying the course, but recognizing the reality that the season will be set likely -- That it will close far sooner than December 31, and so I'm happy to answer any questions.

MS. MCCAWLEY: All right. Robert.

MR. SPOTTSWOOD: Thank you for that, Andy. You know, I would defer, or would prefer, to go the route of giving you guys some flexibility, allowing you to extend the season, if we get there, rather than cutting it down, and so I will leave that there, but I want to highlight that there's some internal inconsistency with talking about setting a season and then the justification for the aggregate bag limit being misidentification of the fish. Like how people are going to go, you know, is this a black or a gag, and what does the season mean, and so I would also ask that we remove, from this action item, the misidentification issue being the driver for that aggregate bag limit.

MS. MCCAWLEY: Okay, and so let me try to restate some of this, and ask some more questions, while people are thinking about this. What Robert is suggesting is that the justification, which I think would include the purpose and need statements, as well as the justification under the black and gag Action Number 1, in this document, that the justification is more that we're trying to fix this situation that came out of the passage of the last amendment, with the codified text and all that, and tone down the pieces about the misidentification between black and gag.

He's also suggesting that, if misidentification is one of our reasons, and then we're going to add an action to this document about the season, then do you have to somewhat, by default, add in changing the black season as well, because you're saying that people can't tell the difference, and so I don't know that we need more discussion on the black and gag misidentification issue at this time, but I think we need discussion on do we want to add an action to this framework, a vehicle that would be for the gag recreational season, and so you heard what Andy said, and let me try to restate that.

The Gulf is rebuilding gag also, and they're doing it, one way, by setting a fixed season, because they wanted to select the specific time period of the year with which they wanted to fish for gag, and so they picked out what were the most important months, recreationally, for gag harvest, and they shifted the season, that they knew was going to be really short, to that particular very short time period, knowing that the Regional Administrator might also need to come into that very short time period and shorten the season on the backend.

Right now, we, the South Atlantic, are also trying to rebuild gag, and we have a six-month season on the books, but we already know that, because we're rebuilding gag, and where it is at this point, there's no way we can have a six-month season, and so what Andy is asking, and please correct me if I'm misstated it here, Andy, is how do we want to handle that, and do we also want to set a fixed season, and then when would that season start?

Do we want to continue to start on May 1? Do you want to shift it to another time period in the year, since we know it's going to be short? You know, is there a time period where people, recreational folks, definitely need gag, in these two months, or do we want to just let Andy open the season on May 1, because that's what is in the rule, and then he would determine when the season would close each year, but it is a little odd, in the paperwork, and in the regulations, because it looks like we're having a six-month season, when, really, we all know that there's no way that the six-month season is going to actually occur. Do you want to add to that, Andy?

MR. STRELCHECK: Very well stated, and a couple of clarifications, and it's actually an eight-month season, right, and so May 1 to the end of the year, and the other thing that I misstated earlier, and so, when we did an interim rule this year, we bounded the season from September 1 to November 10, and then we actually made a decision to shorten it, based on early projections of landings, but the council, through Amendment, I think, 56 in the Gulf, bounded the season as September 1 to the end of the year, but gave me authority, obviously, to set the season within that timeframe, and so they have essentially recognized that the likelihood of having a season longer than four months is slim to none, and so they wanted it to open in the fall, and that's for certain, and then the closure date is determined based on the trends in landings, and so I'm open to, obviously, conversation. If you're happy with kind of the approach that we're taking now, I'm fine with that, but, if you want to consider modifying when the season opens and closes, then certainly I think we need to do it here in this framework.

MS. MCCAWLEY: Okay. I've got hands going up. Robert and then Tim.

MR. SPOTTSWOOD: I've, you know, asked some of the folks around the table, but, at least for the Keys, I would suggest keeping it with the May 1. That's when the grouper effort is the highest and most likely to kind of, I think, reduce, you know, discards, ultimately, by bifurcating the seasons between black grouper and gag.

MS. MCCAWLEY: All right. Tim.

MR. GRINER: I agree with Robert. I think May 1 is what everybody is used to, and I think that's an important start of the season, and, you know, as far as giving -- I like Andy having the authority to go ahead and set that season and, you know, close it within that, and so, even if you were to shorten it, and say we're going to prescribe an open season, he's still going to have to have that authority within that, and so, really and truly, it's no different than any other species, and so I would be in favor of just leaving it like it is and give Andy the authority to close it when it needs to be closed, because that's going to change every year, as these ABCs go up, and so I -- Personally, I think it should stay May 1 and just status quo.

MS. MCCAWLEY: Thanks, Tim. Judy.

MS. HELMEY: I kind of agree with Tim. Leave it open at May 1, and then, if Andy has to close it, and we understand that he will, but, in my case, being in the charter boat business, just an option of thinking that they can go catch the fish, whether they can or not, is good for our business, and so I leave it like it is, and you can close it, because it didn't have too much effect on us this year. Bookings were already made when the grouper was closed, and I really didn't have to call and say, well, we can't catch grouper, because it wasn't such a big deal at that point, but it would have been for May 1. It would have been a big deal for our company on May 1. Thank you.

MS. MCCAWLEY: All right. Do others want to weigh-in here on the discussion? I guess I would put it back to Andy. You know, what we're hearing, around the table, is kind of keep the structure that we have right now, and, if we want to keep that structure, are any modifications needed to the Regional Administrator's authority here that would need to go into the framework action?

MR. STRELCHECK: No, and, I mean, I appreciate the conversation, and no changes to my authority are needed, and what we would hope to do is, you know, bring back to you, hopefully

by the March council meeting, an indication of how long we think the gag recreational season would be. If we can't do it in March, then obviously try to do it as far in advance of that May 1 opening as possible.

MS. MCCAWLEY: Andy, that would be -- It would be that way every year, because that's what the structure is? Okay. All right. Is everybody good with that, sticking with the current structure? I'm looking around the table. Okay. I see heads nodding yes, and so then let's go -- Thank you for that discussion. Good discussion. **Let's go back to the motion that we left here, which was to approve Regulatory Amendment 36 for scoping.** A motion has been made and seconded. We've had some side discussions about whether there were other things that we might want to add to Regulatory Amendment 36, but we ultimately decided that, no, we're just going to stick with the two actions that are in there right now. Any more discussion on this motion? **Any objection to this motion?** Robert.

MR. SPOTTSWOOD: For discussion, when that -- If this motion passes, will the clarification to the misidentification issue be included in that? Do we need to make an amendment to the motion to include that change?

DR. SCHMIDTKE: So we don't need to include the misidentification in the scoping materials, and like this isn't the document that's going to go out for scoping. We will make a scoping document that goes out and kind of caters in a way that we can solicit some input. While I have the mic, I do want to note that the misidentification justification is not solely a vessel limit thing, and that goes back several amendments, and, I mean, those amendments are passed, and so it's going to be in there. It goes into the Amendment 53 justification for the establishment of this vessel limit, and it goes into the establishment of the aggregate bag limit that's in place for gag and black grouper, and so it's in the record, and it's going to be -- It's going to remain in the record in that capacity, but we don't need to have it as, you know, a primary reason why this change is being made.

MR. SPOTTSWOOD: Understood, and, you know, just for the record, my understanding of what the misidentification issue was it was mis-recording and other things, and it wasn't necessarily boat-side misidentification, but that's why I've now tried to push on this. Thank you for that.

MS. MCCAWLEY: Thanks, Robert. **Okay, and so then are there any objections to this motion?** All right. **Seeing none, this motion carries.** All right. We are done with that particular framework action, Regulatory Amendment 36, and now we're going to move into scamp and yellowmouth grouper, which is Amendment 35, and we're going to get Allie up here. All right, and so we are going to start with Bob giving us the recommendations from the AP, and so we have Bob's presentation pulled up here, and we're going to turn it over to Bob to talk about what the AP discussed on Amendment 55.

MR. LORENZ: Okay. Thank you, Madam Chair. This will be pretty short and sweet, with basically, you know, what we've considered on scamp and yellowmouth and then presented to us about the combination of the two together, as a combination of the groupers, and so you asked for our input, and, basically, here's what came back.

From the commercial side, we had fishermen who stated about why not consider reducing the trip limit with gag and red grouper, and the gag is Amendment 53, suggesting the 300 pounds great

weight, and the red grouper, which is currently 200 pounds of gross weight. Another fisherman stated, and I think some others agreed, and this is, again, on the commercial side, that establishing a commercial trip limit they feel may be difficult, but would be much more fairer if the new complex is established before you change anything or with respect to catch levels that are put in place, and so get the complex combined first.

Again, it was stated on the commercial side, but agreed to by many of the recreational fishermen, is that the feeling is that the scamp are hard to catch, particularly among us private recreational -- I know us private recreational fishermen, and they seem to be hard to catch, and they're known to be picky eaters, and the thought was that, from some, and it came from the commercial side, that they don't necessarily think that we're causing -- That our fishing is really causing any reduction that you might see in the scamp, and I know, among many of us that are north of Florida and Georgia -- You know, Georgia, South Carolina, and, you know, where I am here in North Carolina, and, for a lot of us, it's the -- You know, the scamp are found in when we go out for the gag grouper, in that 140 to 250-mile zone, and, for so many of us, when the red grouper are there -- You know, when they go through their fluctuations, and they're around, and we can get them, and we plan trips for them, often, the scamp is kind of the bonus fish on the board.

I know, with my own group, the guy who catches the scamp doesn't usually want to share the meat with the rest of us, and so it's something like that, you know, and it's kind of a novelty fish for us, and that was even stated by a lot of the charter captains, you know, south of where I am, and then they agree that, commercially, you do put the scamp and the yellowmouth together as a single species for reporting, and so, therefore, the AP does support combining the two as a complex. Thank you.

MS. MCCAWLEY: All right. Any questions for Bob? All right. I don't see any hands, and I'm going to turn it back to you, Allie.

MS. IBERLE: All right, and so I'm going to go ahead and dive into Amendment 55, our scamp and friends amendment, and so I'm not going to spend too much time on the background, and we've gone over this a lot, and it kind of set us up before we started digging into this amendment on what Bob was mentioning of reorganizing these complexes. I will just give a quick reminder that the status quo for both scamp and yellowmouth grouper is that scamp has its own ACL and accountability measure, and then yellowmouth grouper is currently part of that other South Atlantic shallow-water grouper, which we've been lovingly termed as the OSASWG complex.

Because of the assessment giving us catch level recommendations for scamp and yellowmouth together, we need to reorganize the complex, just to accommodate those recommendations, and so your ABC, and our OFL -- In September, we were looking at an OFL, and then an ABC and total removals, and then we mentioned that the IPT was asking for that ABC, or those ABC values, in landings and discards, and so, in Table 2, we have now provided you those levels in landings and discards, and so we'll be basing your total ACL off of the landings values for the ABC, and so I just wanted to note that really quickly.

I kind of just went over the grouper complex refresher, and so I'm going to keep moving past that, unless there is any questions, and then, for this meeting, what we're trying to do is just review the action and alternative language, and this is the first time you're seeing that language. I think it would be helpful to have the council possibly pick preferreds for the first three actions. Those

actions -- You wouldn't really need, you know, effects to make a decision on those, and they're kind of just -- It would help facilitate the rest of the amendment process, and so that's an option for you today, and then we also have projections, and so we'll review that preliminary analysis.

Taking a look, really quick, at timing, and so, obviously, this went to the AP in October, and we're, again, reviewing the action and alternative language, and then, in March, we'll review, again, that suite of actions and alternatives, any updated analysis, and then we'll approve it for public hearings at your next meeting.

The draft purpose and need statement, we did have some suggestions, in September, to add in language about the stock determination criteria, and so that was added in here after that meeting, and so the purpose of this fishery management plan amendment, or the purposes, are to remove yellowmouth grouper from the other South Atlantic shallow-water grouper complex, establish a new scamp and yellowmouth grouper complex, and then, for that new complex, establish stock determination criteria, a rebuilding timeframe, catch levels, sector allocations, and accountability measures based on SEDAR 68. Then the need for this fishery management plan is to rebuild the scamp and yellowmouth grouper stock and achieve optimum yield, while minimizing, to the extent practicable, adverse social and economic effects. I am going to pause, really quickly, here. Any additional edits, this kind of go-round, on the purpose and need statements?

MS. MCCAWLEY: All right. I'm looking around the table. Andy.

MR. STRELCHECK: I guess we're establishing a new complex, and we're modifying an existing complex, and so I don't feel like that's fully reflected in the purpose, and then, because we're modifying the existing complex, we're also going to have to make changes to catch levels, and other requirements, and so I think we need to modify the purpose for that.

MS. IBERLE: Would you mind providing me -- Because I just don't want to misinterpret, and would you mind providing me verbiage for that?

MS. MCCAWLEY: All right. We're going to work on that. Anything else on the purpose and need at this point? All right. I don't see any additional hands.

MS. IBERLE: All right. The other thing that we chatted about, in September, was data confidentiality, and so the concerns for confidentiality were that yellowmouth grouper landings, both for the commercial and the recreational season, or sectors, are confidential for the years that I have listed there. When you're combining yellowmouth grouper landings with scamp landings, to get the projections for your new complex, you can easily back-calculate and figure out yellowmouth grouper landings.

This next section kind of just overviews how the IPT dealt with these confidentiality issues, and so, to ensure confidentiality, yellowmouth grouper landings were averaged over three-year bins, and then the annual estimates of scamp landings, and the updated non-confidential yellowmouth grouper landings, were summed to create the annual estimates for scamp and yellowmouth, and so they just made sure -- We just made sure that you weren't able to back-calculate, and then, again, the landings that you're seeing, when we're referencing scamp and yellowmouth, are those combined landings. Any questions on that, before I move forward?

I have a section in here, just going over the AP feedback, and I think Bob did a great job, and so I'm not going to dig too much into that, but that is there for you, and then, with that, I will just jump right into actions, and so Action 1 is one of the actions that the IPT thinks that we can possibly pick a preferred for, and this is reorganizing the other South Atlantic shallow-water grouper complex and establishing that new scamp and yellowmouth grouper complex.

In Table 3 -- We have the action language, but, in Table 3, it kind of shows you status quo, versus your alternatives, and it's pretty simple here. You have scamp, and scamp alone, and then you have that current other South Atlantic grouper, or shallow-water grouper, and you have the species listed there, and then, in Alternative 2, you just have the scamp and yellowmouth grouper complex, and then you have the OSASWG minus yellowmouth.

Table 4 just shows you kind of the breakdown of what's, again, in status quo, and then, if you're curious on how yellowmouth grouper fits in with the rest of the friends, this figure shows you how much of the total ACL, and this isn't landings, but the ACL is, I guess, allocated, for lack of a better term, to yellowmouth grouper, and so, with that, I will turn it over.

MS. MCCAWLEY: All right, and so are we good with the range of alternatives here, and we need to select a preferred. Allie, do you want to scroll back up to where those alternatives are listed? Okay. There we go, and so there's the no action alternative, and then there's another alternative, and so selecting a preferred might be easy here, and so staff would like us to try to select a preferred today, and are we good with selecting Alternative 2? Do people have additional questions or thoughts or concerns? All right. Are we ready to select that preferred? Okay. All right. I see heads nodding yes. All right. We're asking for a motion, and would someone like to make a motion to select Alternative 2 as the preferred? All right. Tom.

MR. ROLLER: **So moved.**

MS. MCCAWLEY: All right. We have a motion, and it's seconded by Kerry. It's under discussion. All right. I don't see any additional hands. **Is there any objection to selecting Alternative 2 as the preferred for Action 1?** All right. **That motion carries.**

MS. IBERLE: All right. That brings us to Action 2. Action 2 has several subactions, and this is the stock determination criteria. All of your -- I apologize, and I just scrolled right past it, but all of our action, or alternative, language is above, but I, for the purposes of this discussion, am going to use the table, because it kind of condenses everything into one.

2a is going to be establishing your MSY, 2b is your MFMT, 2c is MSST, and then 2d is your equilibrium OY. The one thing that I did want to note, that I didn't note in September, is that these subactions are going to tier, and so, when you set your MSY, that is going to tier onto setting your MFMT and your MSST, and then it's also going to affect your equilibrium OY, as it's set now, and so all of these things are dependent on what MSY, or MSY proxy, you choose, and so I did want to note that.

The other thing is we had discussions, in September, about why there are alternatives for these subactions, and I did want to note that you did receive your overfishing letter on the 21st of September. That overfishing letter mentioned that the stock status was tied to F 40 percent SPR. Status quo, for scamp and yellowmouth grouper, as they currently are existing, is an MSY of F 30

percent SPR, and so, John, I think you are here to kind of lead the discussion on whether or not alternatives are feasible for this, and so I think that, Jessica, if you're good to turn it over to John.

MR. CARMICHAEL: Thanks, Allie, and, as Allie said, it was like September 21st, and so, after the meeting, we got the status letter, and, you know, this is important, in my mind at least, and this is a very important part in this process, because it's where the status of the stock is conveyed to the council officially, determined by the agency, and then, if there's a statutory deadline associated with that status, that essentially starts that clock ticking within the timeframe in which you have to take action.

It also gets into the what is BSIA and the recommendations, which is a process that we've been working with the region, for a year or two, to come up with, you know, our regional approach to determining BSIA and conveying it to the council, and so, you know, having gone through all of this, when we got the letter, and then looking at this amendment, it did raise some questions, in my mind, and so a couple are directly related to scamp, and then the others are more about the process, and so first the ones related to scamp.

You know, the letter does refer to the status of overfished and overfishing, referring to the complex, which, you know, that's what we have in the stock assessment, and so the council really has no choice there, you know, given the scientific information you have, as far as Action 1, other than to just, yes, that's what we have, and that's what the SSC has given their recommendations on, and, you know, you really have no choice but to create a complex for scamp that includes yellowmouth, but I felt like, in the letter, it would be very helpful if there was some acknowledgement of, just as sort of as Andy said, of, well, we don't have this complex, and we're having to create it, and that's part of the purpose and need for this amendment.

You know, I think, in letters like this, that are important to establishing the ground rules and the start point, that acknowledge that, you know, there is no status for scamp itself, and we need to do a complex, although that complex doesn't exist in the law, and so, you know, I understand why it's going that way, and the other one is more of a question that I don't understand, is why the fishing mortality rate that's used to determine status is based on F 40 percent SPR, because that's not the law today.

You know, it's F 30 percent, and so, even if we assumed that, well, we don't have the complex, and maybe it's a gray area, scamp is the bulk of the complex, and the focus, and it is F 30 percent, and so it just raised the question of why do we have actions, and alternatives, if it's not a council choice, and, if it is a council choice, why is it said, in the letter, as saying the status is based on F 40 percent, and the council could choose F 30 percent, and that would change that.

You know, we're in an unusual situation, usually, when we don't really have an existing reference point to build on a stock, but, in this case, we do, sort of, and, you know, the SSC has recommended, and the Science Center, going with F 40, but it seems, to me, that the letter shouldn't reference an alternative that the council has not chosen, and a reference point that is not in the law, and the guidelines that we worked on, for the best science process, make it pretty clear that, when you have an FMSY estimated directly by the assessment, it is the council's choice to choose what the proxy is. You know, I was just wondering and like, in this letter, is there any explanation for why it's using F 40, and not F 30, or maybe acknowledging it in how that pertains to the actions.

MS. MCCAWLEY: Shep.

MR. GRIMES: Thank you, Madam Chair. I don't have the letter in front of me, and I saw it, but I just wanted to take issue, I guess, with one thing you said, and I would say, right now, I mean, you're entirely correct, and there is no complex, and there is nothing on the books, and so there is no MSY for scamp and yellowmouth.

There is 30 percent SPR for scamp, and I think there's a 30 percent SPR on the books for yellowmouth, but there's nothing for scamp and yellowmouth, right, and that has created some bumps, in terms of the report to Congress and, you know, what did we assess, and can you apply those determinations for scamp and yellowmouth to scamp or yellowmouth individually, and so, I mean, it is a little bit confusing, but, in this context, there is nothing in the FMP, because it's a new complex, and the status determination criteria recommended by the assessment, and the SSC, was the 40 percent, and so we used the 40 percent for making the determination relative to this complex to be, I guess. Not that we had an explicit discussion of it, but that's my read on it.

MR. CARMICHAEL: You know, my point, to that, would be there's nothing in the letter that builds that record and makes it clear that that's the situation, and the record is, as you always tell us, the most important thing here that we have to work on, and I think you raise an interesting point.

If we take the assumption that there is nothing for the complex, and so the record is silent on what the reference point is, since we don't have an FMSY, it is the council's choice to pick a reference point, but yet this letter implies the agency has selected a reference point for the council, and selected it at F 40, and I don't think that's appropriate, and I think the letter would be more clear if it presented two situations. The council has alternatives of F 40 and F 30. If you used F 40, this is the status, and, if you used F 30, this is the status.

Now, in this situation, it doesn't matter, because the status doesn't change, but there could easily be situations, and we've had situations, where the status does change, and so I think this just created, to me, a bit of an uncertainty. In these situations, where it is something new, that the council is supposed to make a choice, but the agency is already deciding the status and, essentially, to me, circumventing the council's process to make a choice.

MS. MCCAWLEY: Hands are going up. Andy, Tim, and then Carolyn.

MR. STRELCHECK: John, would the overfishing determination be not undergoing overfishing if it was F 30 percent?

MR. CARMICHAEL: I don't recall exactly, but I'm not sure if it changed the status. It certainly didn't change the important part, which is the overfished status, which is the one that's going to trigger the two-year deadline and the rebuilding and everything else. I don't recall exactly on overfishing, but I don't think that that changed.

MR. STRELCHECK: No, and my point is, obviously, if you drop the SPR benchmark from 40 to 30 percent, it will actually show that the stock is in better shape, that the overfishing is less, right, and, you know, I -- I hear what you're saying, and I think you're over-reading the letter, in some respect. We say "which is represented by", right, which was the SSC's recommendation, and we

also talk about that overfishing is not occurring, without referencing the reference point, and so, in this situation, obviously, we're basing the letter off of the scientific advice, but I agree with you, right, that the council can build the record.

You have some choices here, and, ultimately, at the end of the day, depending on that record, and, obviously, I don't think what's in this letter would change the outcome of what we've provided you, other than it might change the actual magnitude of the status determination, relative to the overfishing and overfished status.

MS. MCCAWLEY: John, and then Carolyn, both to that point.

MR. CARMICHAEL: Yes and, actually, to the point that I was saying, it doesn't change the outcome, and my issue is more with the record that's being created, because this letter is a very important part of the process, and it does say, to the council, this is your status, and I think, when there's some uncertainty as to what the metric is for determining status, then the record would be better if these letters that I -- Like I said, I think they're very important. If they were clear that we have an option before us now, and we're not exactly clear, if you went this route, or if you went that, and it just really presents it as a much more absolute, factual situation than I think the evidence before us, and in the FMP, really reveals, because the council could look at it and say, well, why am I even talking about F 30, and the agency is telling me it's F 40, and they're telling me that it's represented by F 40, but I don't think that's strictly the case.

MS. MCCAWLEY: All right. First, let's go to Carolyn, then Shep, then Tim.

DR. BELCHER: So, procedurally, I have a question for John Walter, and I don't know if you can answer it or not, but, in looking at -- Because this is the research track, right, and it was done under a research assessment, and so, in looking through the reports, when you look at the research assessment, there was actually an FMSY value that was produced by that assessment, and it was 0.21, I believe was the value that was in there, yet, when the operational was done, there was the statement made that they couldn't estimate an FMSY, and, as such, used F 40 percent, and can you explain that? There's not really any language in there that explains that -- If one could estimate it, why was it, in the second run, that it was unestimable?

DR. WALTER: Well, the research track is not designed to give management advice, and so there were a number of changes that actually occurred from the research track to the operational, and that is to give management advice, and then, after those changes, in going through the full diagnostic treatment of whether the FMSY is estimable, as determined by the panel, it was not estimable, and, therefore, it was recommended to use a proxy.

DR. BELCHER: But the language doesn't carry that clearly. When you go to the operational, it's a very one sentence, it couldn't be estimated, and we used this, and so it's not clear how, in one situation we could provide a value of FMSY, and I understand, at that point, it's not designed to give you management advice, but there was nothing in there that then said we don't support, you know, the idea of knowing that there's an F 30 percent that's been the status for scamp, and talking about that, and I guess, for me, it's just hard knowing why you could produce it, and give a number, in that first run, but, when we pushed it to the operational, it was not able to be generated, and so, again, it just needs more information, because it is not clear how one can do and the other one can't.

DR. WALTER: I guess I'm a little confused at why there would need to be that documentation, because the research track is not using that benchmark, and not recommending those benchmarks, and it's not being evaluated as to whether it's ready for management advice, and so it gets a different level of scrutiny, and diagnostic treatment, and so I don't think we've actually tried, or focused, on building the record of between a research track and an operational, where they might, for good reasons, give different results and have a different ability to actually estimate those key benchmarks, and so it's not something that is in the terms of reference of an operational to do that crosswalk, necessarily, but I could see why it might be surprising that that might be the case, but, indeed, I think, for analysts, and for people who have been doing that, when you actually put something under the pressure of being used for management advice, you have to have it to a really high standard of whether it can estimate those benchmarks, and that's what an operational does. The research track has much more flexibility in what it's designed to do.

DR. BELCHER: I get -- Like I said, I think, for me, the hard part is knowing that, in absence of an FMSY, we have to use a proxy, and so, in one step, we're saying it's a producible number, but, when we go to the next step, it's not producible, and that's where I think, for me, the disconnect is.

In one instance, we can do it. In the next instance, we can't, and so, as long as there's an explanation, I'm fine with that, but the explanation was not very -- It was succinct, and that was it, and it was just we can't do it, and we moved on to using the next level, and it would just be nice, for the completion of the record, especially as this is something new for us, and that's kind of a hard jump, for me, in looking at those two reports and thinking that one should be the pre-load, understanding that there's not management advice coming out of it, but it's all the testing to make sure we check boxes, and, to me, coming out of the research, it said we could produce an FMSY. That's what I took away from that, but, when the operational took it over, you could not, and so it's just helping clean that up, because it's not an easy jump.

MS. MCCAWLEY: All right. I'm going to go Shep and then Tim.

MR. GRIMES: Thank you, Madam Chair. I only wanted to make the point that the record -- I mean, I hear what you're saying, John, and I understand it, that, you know, taken in the abstract, just that letter, it doesn't tell the whole picture, and maybe we should discuss that for the future letters in this context, but the record is broader than that.

The record is the assessment, and the record is the SSC review, the SSC discussion, and that should add, you know, more information to the larger picture with it all, and so, you know, I think it would provide, you know, certainly more information, whether it's the whole picture, the 30 or 40 or whatever, and I don't know, but I would also say, in this context, yes, ultimately, it is the council's responsibility to pick which proxy they're going to implement, if they have an MSY proxy, but, in this case, right, it's got to be -- Well, it always has to be consistent with the National Standards, and I would say, in this instance, you have a very strong statement as to the best available for the 40 percent, and so the council, while at least in theory has the discretion to pick something different, in this context, and I would say in practice, you really don't. You have a very clear direction as to what is the best available, and picking something else would not be based on best available, and it would be something that the Secretary would probably have a -- Well, would have difficulty approving, and that's it. Thank you.

MS. MCCAWLEY: I guess, before we go to Tim, just to pose a question, and it just seems like maybe the letter should be reissued to, you know, more clearly state some of these things. I get that the record is broader than just the letter, but it's almost as if the letter has misstated a couple of things, and can the agency reissue the letter and fix a couple of these things?

MR. GRIMES: Well, legally, yes, but, I mean, in this instance, the purpose of the letter is to notify you of the overfishing determination, and start the clock, and it's not to provide an encyclopedic description of everything that has occurred up to that point, or build the full record for what's there, and so it seems like you have high expectations for the overfishing notification letter. Thank you.

MS. MCCAWLEY: Tim.

MR. GRINER: Thank you, Madam Chair. I kind of share some of what Carolyn said, that, you know, that I was very confused at how we went from the F 30, which was used for both of them, and was what we were always at, and then, all of a sudden, now it looks like, for reasons that I can't really understand, that, you know, we're being told that it's F 40, and we don't have that choice, and, although the difference might not change the status, it does change our ACL, our ABC, and so, you know, I think it's -- I hear what Shep is saying, that maybe we don't have a choice, but, you know, I think we should have a choice. You know, if it's up to this council to have the flexibility to pick a proxy, then, you know, we should have that flexibility to do it, because, although it doesn't change the status, it does change how we go about rebuilding, and so, you know, it's kind of disappointing to me.

MS. MCCAWLEY: John.

MR. CARMICHAEL: I appreciate the conversation, for sure, and I don't think the letter needs to be encyclopedic, and I actually think a few sentences could have acknowledged that we're in this unique situation, with a complex that doesn't exist, and we've got recommendations from the stock assessments, from the peer review, from the SSC, to point us in a couple of directions. I mean, we could acknowledge that we don't have a complex that exists, and we don't have an overfishing definition on the books for that, and the council is considering that, and has alternatives, but, based on the information we have, the agency has determined, you know, that this is the status, if you were to use this, and it could have put another sentence that, if the council were to choose F 30, this would be the status, and it would clearly make sure that it doesn't change.

I think that's -- You know, that's not too much, and I just feel like, a lot of times, these letters -- They kind of try to save words too much, and we work very hard, in the assessments, in the amendments, to do a very clear record, and they take hundreds of pages, and I just don't think this is the place to save a few words that creates a problem with clarity, that creates a problem that the council has an action to something that appears to already be decided, and it just sets a -- It kind of looks bad, I think, and it's really bad optics, and three sentences probably could have resolved it, I think was really the core point to be made.

A couple of other points on the technicalities of it, and, if you scroll down to the next paragraph, the bottom of there, where it addresses BSIA, you know, we have the BSIA process, and it makes it clear that it's the agency that determines BSIA. This letter should document whether or not the

assessment was BSIA and adequate for determining status. Nowhere in this letter does it give me the agency's determination of BSIA.

The final sentence in that paragraph says that the SSC determined that SEDAR 68 was consistent with BSIA and was adequate for determining stock status and supporting fishing level recommendations. They may have determined, or they may have recommended, and that's really irrelevant, because they are not the final say. It is not up to the SSC to determine BSIA. We discussed this at the last SSC meeting, and it's the agency's determination, and our regional BSIA guidance says, several times, that the SSC is one step in the process. There is the stock assessment, there is the SSC, there is the agency's review of what everybody said, and then there's the agency determination.

My point, and it's with this letter, and it's with practically every one of these letters that we've ever gotten, is they never come out and say that the National Marine Fisheries Service has determined that SEDAR 68 is consistent, and I think that's -- Again, maybe it's semantics, but I think it's a really important point, and I guess I don't understand why we can't ever get a letter that says that NMFS determined, because the SSC is only a recommendation. If the SSC has determined that it was not, then NMFS would go through another set of processes to work back and, ultimately, have to decide. I guess I just would like to request that future letters -- I have no problem acknowledging what the assessment, and the SSC, said, and the peer review, but I think it should conclude with what the agency's determination is, to make it clear.

MS. MCCAWLEY: Andy and then Shep.

MR. STRELCHECK: I am pretty frustrated right now, and I think my frustration is we sent this letter in September, and I'm hearing about these concerns today, and no one picked up the phone to call me and talk to me about them, and so a couple of things. I heard comment about the Fisheries Service reissuing the letter, and I'm not going to reissue the letter. I don't think the content is inaccurate. What I would recommend, if you have concerns about what was contained in the letter, is you can send me a letter, right, and you can document that as part of the record, and I am happy to receive that letter.

In terms of John's last comment, about BSIA, the way the Fisheries Service has handled that, for stock status determinations, is we have a status of stocks report, and document, internally, the status determinations, when we have assessments, and it's a very rigorous process, and, at the time that we send you a letter, we're also coordinating with Headquarters to update the status of stocks report, right, and that's done on a quarterly basis.

That determination about the Fisheries Service making that BSIA determination happens at the -- Kind of simultaneously with our status of stocks report, and so that's happening. We're clear, in the letter, that the SSC's determination is consistent with BSIA, and they're not, obviously, deciding BSIA, and so I just wanted to emphasize that. I can -- I will talk to my team, and maybe there's some things we can do to modify the letter, going forward, with regard to BSIA, but I think, in the future, what I would certainly encourage the council staff, leadership, to do is pick up the phone, give me an email, and let's talk about these things, because I think we could clarify this well in advance of the council meeting.

MS. MCCAWLEY: Before I go to Shep, I would ask Andy, and do you want a letter now that lays out these points, and then makes a request for items to be contained for future letters like this, and is that something that you're wanting from council leadership? Would that be helpful, or is it not helpful at this point, because we've had the discussion? Do you want to think about that, and I will go to Shep?

MR. STRELCHECK: I mean, my response is you can choose whatever you want to do, to send me a letter, and I don't necessarily see it as necessary, but certainly this is part of building the record as well, and having this conversation at the council table.

MS. MCCAWLEY: Thank you. Shep.

MR. GRIMES: Thank you, Madam Chair. Well, you know, the letter was worded the way it was deliberately, and I think all of them are. They use that same language, and they avoid making some express agency determination on it, because that's not the process, and what needs to be eventually determined to be based on the available scientific information are the management, the conservation and management, measures that the council develops and submits to the Secretary for review.

That is explicitly in the language of the statute, and that's part of what the secretarial review process is about, and I think there will be some snags, and maybe why would the agency come out, at this point, and make any -- Write a letter and report to make any official determination that the Secretary has yet to make, because there are no conservation and management measures before the agency for review, and so, you know, I think, at the stage where you're notified of the overfishing determination, and the results of the stock assessment, that official determination that it constitutes the best available scientific information might eventually constrain the ability to use other information in supporting conservation and management, and so it's a little premature, in that respect, and I don't know that it's something that you will ultimately get. Thank you.

MS. MCCAWLEY: John.

MR. CARMICHAEL: I guess I'm confused, because I thought that there is BSIA relative to the assessment and the status determination, and then there's BSIA relative to an amendment, because you -- My understanding of what's in the guidelines, and our regional process, is that you review the assessment, and you deem if it's BSIA, and, if you decide it is, you prepare the status information, and you prepare a -- What is it called? A decision memo is prepared, for the Secretary, that says you determine it's BSIA, and you allow the information to be put into the SIS, and it makes it all done.

What this looks like, to people, is that it's the SSC that is determining the assessment is BSIA, and not's their job, and the agency needs to be determining BSIA on the assessment, to establish status, when then lets us start an amendment, which needs to have a separate BSIA determination, in my understanding, and I don't see how the two can be -- You know, that we can work on an amendment, until the very end, and still not have been told, by the agency, you know, that it is BSIA, and I feel like this letter, telling us the status, is saying you've determined it's BSIA, and you've entered this information into your system, and all of that says you determined the assessment as BSIA, but yet the letter puts that burden on the SSC.

We've talked about the difficulties with the SSC and dealing with BSIA, and whether or not it's a recommendation or a determination, and I thought we worked it out in the regional guidance, that that clearly is the agency's job, and so that's why it's frustration that the letter still says the SSC determines it, and so, you know, I don't think we need a new letter, as we discussed the status, but just -- You know, in the future, when there's action before the council, just acknowledge, and it's fine for the agency to say, you know, this is what we're going with, but I think, in these, we need to also be clear that the agency has determined the assessment is BSIA, because that's what this says. It says the assessment, and I think the amendment has to come later, because the amendment is a whole other piece of work.

MS. MCCAWLEY: Before I go to John Walter, I would -- I am going to make a suggestion here, and then Carolyn can respond, after John talks, but I really would like to see a letter, from this council, and I guess that letter would go to Andy, and, sure, it can list out the points about this letter, but I guess I would -- I'm hearing things that are indicative of what we're wanting the letter to cover in future letters, and so maybe that could be detailed in the letter, that like we would like to see X, Y, and Z in these letters that we receive, and so I guess I would ask our council chair if that's something that she would be willing to sign, because this has been a good discussion, and it brings up some good points about what should be in that letter, what we would like to see in the letter, how that helps us, how it begins to build the record, et cetera, and so I think a letter, coming out of this discussion, would be good, but, while Carolyn thinks about that, I'm going to go to John Walter.

DR. WALTER: I think there's a lot of topics here, but I think, fundamentally, what we're touching on is perhaps a failure of communication, and I think that maybe is the key thing that could be reconciled, with a little better communication, and I will note that the BSIA document, that we got reviewed by the SSC, and there is some language from the SSC of where some concerns were there, and we haven't heard from the council, but I think we are hearing, essentially, responses about that, and there is language that says a BSIA determination memo from the SEFSC may be provided at this point, and that is the point at which the status is locked into SIS.

That memo may be provided and shared with the council and SSC, and I think that's maybe that key communication link that we haven't done, and it says "may", and I think maybe, if that's something that would be helpful to this process, that we say that, okay, let's lock the assessment here, and then we will eventually rule, and make that determination, on the management package, and, if that's a good benchmark, that would be helpful to this council for the record, I think that "may" can probably be -- The request, at least in the letter, that we would do that at some point in the process.

MR. CARMICHAEL: I've made exactly that suggestion since we've been reviewing that regional process, that I don't think it should be "may", and I think it should be "will", and so I appreciate you bringing that up.

MS. MCCAWLEY: All right. I'm going to go to Carolyn, to see what she thinks about us writing a letter about this, and so, to me, the letter would bring up some points about the current letter, these current two species, but more so get into, if you're going to build the perfect letter in the future, here's some things that we would like to see in there, and so, Carolyn, do you have thoughts on if you would be willing to sign a letter like this coming from the council?

DR. BELCHER: So, actually, Andy is getting up, and I was going to direct a question to him. My question, to you, is would that be helpful for you or not? I mean, I know we're having the conversation right now, but is it helpful to have that in writing, of what our expectations are, and then we can either talk about what's reasonable, or not reasonable, but at least we're kind of talking about the same language on a piece of paper, as opposed to verbally?

MR. STRELCHECK: So I think what will be most helpful, for me, would be your input on future letters, and the reason I was getting up is I was going to talk to Rick about is there some standardization, across the agency, in terms of content, and what we prepare in these letters, and kind of a certain format that we have to abide by, right, and so, that, I don't have an answer for you.

In terms of, you know, shallow-water grouper, and what we're talking about today, I think the record will be built around this council table. You know, we have an action and alternative, that we'll be talking about in a few minutes, that looks at F 30 percent, versus 40 percent, and so all of that is before us, and I think we can have a conversation around that.

MS. MCCAWLEY: So to -- I was going to try to wrap it up, but I see more hands going up. Tim and then Kerry.

MR. GRINER: Well, Andy, that was kind of my confusion. I mean, do we have the choice of -- I mean, we're looking at an alternative, but do we even have that choice? Is that an alternative? I mean, I just heard you say that it wasn't an alternative.

MR. CARMICHAEL: Shep said you have an alternative, but you don't really have a sound justification from the SSC, or the stock assessment, to choose F 30, but it is technically an alternative, but, for all these reasons, the Secretary would have a really hard time choosing F 30 just because you recommended it.

MS. MCCAWLEY: Kerry and then John Walter.

MS. MARHEFKA: Well, on the chance that we could sit around this table and justify that, I'm pretty sure I heard him say that the Secretary would not approve it, and so that's a non-choice.

MR. CARMICHAEL: Probably not, and I don't think he can presume what the Secretary will do, and I think he said the Secretary would not likely approve it.

MS. MCCAWLEY: John and then Andy, or, Andy, do you want to go first? Andy and then John.

MR. STRELCHECK: Although Shep is an excellent lawyer, he cannot speak for the Secretary of Commerce at this point in the process, and we can't presume anything at this point, and I would go back to what we always talk about, is what's the record, and is there -- You know, is the SSC going to change their advice, and is the Science Center recommending something different in the future, right, and there's a lot of things. Right now, the record certainly points to F 40 percent.

MS. MCCAWLEY: John Walter.

DR. WALTER: I'm just following-up on that, that most of the scientific publications are suggesting that a higher F SPR is recommended for groupers, that they have a higher vulnerability to fishing pressure, and so partly because of their life history, and so I think that the record would have to be made, by this council, for a scientific argument for going with a lower one, and, right now, your SSC has put a scientific record out there for an F SPR of 40, and I think that's -- The guidance that we've given in those situations, where, yes, it is under the discretion of the council to choose that, that record would need to be fairly strongly made for it to then be later on -- For how it would be considered later on by the agency. Thanks.

MS. MCCAWLEY: So I think I would add that I would still -- I would like to see a letter about what we would like to see in these letters, going forward, and, just in this discussion here, we can't even agree, communication-wise, what each person said, and so that's why I think putting it in a letter, about what we would like to see going forward, is something that I would like to see, but there were others that had their hands up. Tim.

MR. GRINER: Thank you for that, John, and maybe that was part of my confusion as well. It seemed, to me, that was there some kind of recent study, or recent data, and, I mean, how did the SSC -- How did it, all of a sudden, jump from 30 percent being BSIA, to now 40 percent, and what happened, over a one-year or two-year period? I mean, didn't this just come about in the last year, or, I mean, was there some new data, some new study, and how did we get to this change that, all of a sudden, we're recommending 40 percent for the grouper species, and their life history -- Nothing has changed about grouper over the past five years, and so what changed that made the SSC feel like we need to be more conservative?

MS. MCCAWLEY: John.

DR. WALTER: My photographic memory is running out of trying to keep track of how that change occurred, but I think, in general, when those have happened, and the FMSY is not estimated by the stock-recruitment relationship, the SSCs have been recommending a proxy, and the one paper that's the main one that they have based that guidance on is a simulation paper by Bill Harford that evaluates what effective proxies are for these different species, and it's recommended to go with F SPR 40, or higher, for a lot of these more vulnerable species, and I think that, since then, there's been a number of other papers.

Why it happened now, and seemingly like a one-year change, is because, when presented an assessment doesn't estimate those benchmarks, then you've got to employ a proxy, and then go back to the literature as to what an effective proxy is, and F SPR 40 is generally being used for most of the grouper stocks, I think in the Gulf, and I think it's probably going to be more of a standard for a lot of our species, based on that Harford et al. paper. Thanks.

MS. MCCAWLEY: All right. I feel like we've had a lot of discussion here. What staff has typed here is direction to draft a letter regarding what the council would like included in future stock status letters, and we're just making sure we're okay with that or if we need to add more to this direction here. All right. Any more discussion on this? Once again, this would be a letter for Carolyn's signature. Okay. Are we good? Let's go ahead and take a ten-minute break, and then we'll come back and continue through this document.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: Allie, I'm going to pass it over to you to start working through Action 2.

MS. IBERLE: All right. Staying with stock determination criteria for a little bit longer, and so I know we've had that discussion, and so I guess what we can do now is go through each subaction, which deals with each value, and I put in here just kind of a blanket preferred, that I can kind of easily copy-and-paste, if the council so wishes to select a preferred at this time, and, again, this is one of those actions that we don't really need effects, and we've had a decent amount of discussion already on these subactions, and so, if the council chooses to select a preferred, we can do so at this time.

Again, Action 2a is establishing your maximum sustainable yield for scamp and yellowmouth grouper. Alternative 1 for these subactions, and moving forward -- For every action that deals with scamp and yellowmouth, and usually your Alternative 1 is status quo, but you're going to see, going through the rest of this document, your Alternative 1 is nothing, because nothing exists, and then Alternative 2, for most of these, is going to be the status quo for scamp and yellowmouth, as it exists in the OSASWG complex, and so that's how it is listed here. Alternative 2 would be establishing that proxy, or the MSY proxy, of F 30 percent SPR, and then Alternative 3 is establishing that MSY proxy at F 40 percent SPR.

MS. MCCAWLEY: Trish.

MS. MURPHEY: Is it all right if I go ahead and make motion?

MS. MCCAWLEY: Sure. Go ahead. I thought you had questions, but a motion is fine.

MS. MURPHEY: Okay. **Just based off of all the discussion we already heard, I would like to make a motion to select Alternative 3 as the preferred alternative for Subaction 2a.**

MS. MCCAWLEY: Is there a second? It's seconded by Andy. It's under discussion. Andy.

MR. STRELCHECK: So what I was going to add, and John and I were talking about this during the break, is I think it's really important that you understand why F 40 percent was selected during the stock assessment process, the rationale, the SSC's deliberations over that, and so I think we can work with the Science Center to either provide information in the future on this, or a paragraph that could go into the amendment itself, for clarify, but certainly, from a record standpoint right now, I don't have anything to substantiate why to choose F 40 percent, and the scientists have recommended -- Or F 30 percent, and the scientists have recommended F 40 percent, and so I recommend this for the preferred.

MS. MCCAWLEY: Thank you for that. I agree that we have had discussion on this this morning. Any more discussion on this? Any more comments or questions? I can see the looks on people's faces. All right. **Is there any objection to selecting Alternative 3 as the preferred alternative for Subaction 2a?** All right. **Seeing no objections, the motion carries.**

MS. IBERLE: All right. I was just getting myself set up for this subaction, and so I have that note highlighted here, and I mentioned it earlier, that all of these subactions are kind of going to tier off of what you set your MSY proxy as, and so Action 2 establishes the maximum fishing mortality

threshold for scamp and yellowmouth, and, again, for Alternative 1, nothing exists. Alternative 2 would base your MFMT on the 30 percent -- Or the MSY proxy of 30 percent SPR. Then Alternative 3 is using that proxy of F 40 percent SPR.

MS. MCCAWLEY: Are we ready to select a preferred here? Trish.

MS. MURPHEY: Well, we'll just keep sticking with F 40 percent. **I make a motion to select Alternative 3 as a preferred alternative for Subaction 2b.**

MS. MCCAWLEY: All right. Motion by Trish. Do we have a second? It's seconded by Andy. All right. It's under discussion. No discussion? I mean, this is following with the preferred that we just selected on 2a, but any more discussion on this motion? **Any objection to this motion?** All right. **That motion carries.**

MS. IBERLE: All right. Same thing for Subaction 2c. You're establishing the minimum stock size threshold for scamp and yellowmouth. Alternative 1, you don't have one. Alternative 2, it would establish the minimum stock size threshold equal to the spawning biomass at maximum sustainable yield times either one minus the natural mortality or 0.5, whichever is greater, for scamp and yellowmouth. Alternative 3 would establish your MSST equal to 75 percent of the stock biomass at maximum sustainable yield.

I did want to kind of have a discussion for this one, and so, prior to Regulatory Amendment 21, the MSST for all shallow-water groupers was that SSB MSY one minus M, which is, again, that natural mortality, or 0.5, whichever is greater. This formula was in place for scamp and yellowmouth, as they currently sit. However, SEDAR 68 defined MSST as 75 percent of SSB MSY, and then you have what your natural mortality is estimated at, and Regulatory Amendment 21 changed the MSST for species, based on their natural mortality rate, and it stated that anything -- Any species with an M of 0.25 or lower should be 75 percent of SSB MSY, and so I just wanted to give you some context on your alternatives there, and I will turn it over.

MS. MCCAWLEY: Are we ready to select a preferred here? Andy.

MR. STRELCHECK: I guess a question, given that Regulatory Amendment 21 already specifies how we would determine MSST, and do we need to take action here, specific to scamp and yellowmouth, or could we just include that now in the action?

MS. IBERLE: Myra is coming to the table, but I believe it just specified the method going forward, but I'm going to give it to Myra.

MS. BROUWER: Thanks, and so Regulatory Amendment 21 did redefine MSST for specific snapper grouper species that had a low natural mortality, and so it wasn't just any species with a low M that would have that different.

MS. MCCAWLEY: Shep.

MR. GRIMES: I will make sure that my answer appears in the minutes on the record, but I would say that, yes, and, in this case, it's a new complex, and so you're creating everything, and so we

need to specify what it is, and you're making a decision today, and you're not necessarily bound by decisions you made in the past. Thank you.

MS. MCCAWLEY: Okay. Based on that discussion, do we want to select a preferred? Trish.

MS. MURPHEY: **I make a motion to select Alternative 3 as the preferred alternative for Subaction 2c.**

MS. MCCAWLEY: All right. There's been a motion. Is there a second? It's seconded by Andy, and it's under discussion. Tim.

MR. GRINER: Trish, could you just maybe tell me a little bit, or explain to me why you would choose that?

MS. MURPHEY: Didn't they make that recommendation, that the SEDAR 68 defines MSST as 75 percent of SSB MSY, and then it stated that MSST, for any species with an M of 0.25 or lower would be 75 percent of SSB, and so I'm just kind of following the -- Or how I understand the SEDAR suggestion.

MS. MCCAWLEY: Chip, and then we'll go to Andy.

DR. COLLIER: The reason that the council had selected going away from the one minus M is quite often because the buffer between what would be an SSB and then what would be an overfished status was so narrow, and so, looking at the natural mortality for this species, it would have been one minus 1.55, and that's not a very big buffer between those two, and you can get into an overfished status pretty quickly, and so that's why it was selected to go with that 75 percent.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: To add to that, obviously, our goal is to manage to the spawning stock at MSY, or the proxy, and, as Chip is pointing out, it's going to fluctuate around that, if we're doing a really good job, and so providing a bigger buffer, obviously, allows us to prevent from just triggering the overfished status, because of it, you know, bouncing around due to recruitment and other changes in the environment, and so this seems very reasonable.

MS. MCCAWLEY: All right. More discussion on this motion? Tim.

MR. GRINER: I understand that, and I understand that gives us a better buffer, but aren't we already -- We're already in an overfished status, and so does it really matter, in this case, or is this -- Would this apply? I mean, are we doing this for the next stock assessment or -- I mean, we're already overfished, and undergoing overfishing, and so I guess I'm kind of struggling with what difference it makes.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: I mean, at this point, we're required to rebuild the stock, and so we're already considered overfished, but, as we rebuild the stock, and recover it, right, it will come up above this level, and then this would be essentially the minimum stock size threshold that we

would continue to monitor the health and status of scamp and yellowmouth, and, if it ever drops below that again in the future, it would trigger an overfished status and rebuilding.

MS. MCCAWLEY: All right. Any more discussion of this selection of Alternative 3 as the preferred under Subaction 2c? All right. **Any objection?** All right. **Seeing none, that motion carries.** Andy.

MR. STRELCHECK: Before we move on, and I did not realize that we had our stock assessment expert here, Kyle Shertzer, and he's in the back of the room, and he's willing to come up and talk to the council about F 30, versus F 40, percent, if you're okay with that.

MS. MCCAWLEY: Sure.

DR. SHERTZER: I was the lead analyst for the scamp and yellowmouth assessment, and I think most of -- Most of what's already been said is accurate, in terms of F 40, versus F 30, and I'm not sure why F 30 was originally chosen, but all of the scientific literature I've seen suggests that F 40 is a more appropriate proxy for FMSY, and keep in mind what we're trying to do with this proxy is to use it as a substitute for MSY, for FMSY, and so when say it's more appropriate, what we mean is that, if we were to evaluate whether it's estimating FMSY, it's more accurate than if we were using F 30, and that's supported by a number of scientific publications that are listed in the operational assessment report, if you care to look at those. The only times that F 30 is an appropriate proxy for FMSY is for the most resilient stocks, and, in fact, for grouper, some of the literature suggests that even F 40 is too aggressive, that it may even be closer to F 50 as a proxy for FMSY.

MS. MCCAWLEY: We have questions for you. Carolyn.

DR. BELCHER: So, Kyle, since you did do the operational side of it, can you talk to why there was an FMSY that was able to come out of the research side, but yet it didn't translate through on the operational?

DR. SHERTZER: I would have to go back and look at the research track report, to understand better why it was estimable there, and, in fact, I'm not even sure if it was, and I can't remember if the spawner-recruit relationship was estimated, or if some of the parameters had to be fixed in that assessment, and so that would be one thing to check.

I think mostly what John said about it earlier is the reason, and I don't think they, at that time, were as concerned about providing management advice, because that's not what the research track was really for, and then, at the operational stage, we were more focused on providing management advice that, in that case, we did evaluate FMSY, and whether it was estimable, and it was not, in that case, and so that's why we had to use a proxy for the operational.

DR. BELCHER: So is it possible, procedurally, and I'm just asking because, again, those of us who do try to look to see what's going on, is there a way that that can be captured better, because that really was confusing, when you could see that there was one, and I understand that they're not using it for management advice, but it just feels like we've had that happen with a couple of other things, and I can remember, back when we were looking at ASPIC models were also included in stock assessments, which, to us, are alternative models, but yet they're being used for diagnostics,

and so, when you're getting, you know, disparaging overfished or overfishing statuses, and it's like don't look at that one, and look at this one, and it would just be helpful, I think, if we had more clarification as to why that's the case, because, otherwise, if you're just looking at two paragraphs that are basically indexed the same way, and one says yes, and the other says no, but there's no reason why -- Or the explanation of why, okay, we did it here, and it was there, but, when we carried it forward, this is where it went off the rails, and there's none of that information easily distilled out of that, and so is there a way that we could get that, in the future?

DR. SHERTZER: Yes, I think so. In the operational, we were really just focused on providing all of the diagnostics, or why it wasn't, and so there's a lot more than just the one sentence that you were, I think, referencing. If we go to some of the diagnostics reports, and go back to all of the discussions that we had during the assessment webinars, that was fairly well documented, I think, but maybe it's less easy to find, and so I can understand what you're saying.

There were a number of changes, actually, going from the research track to the operational, and it wasn't just a turn of the crank, in terms of things that we found that really needed to be addressed, and so, yes, that's probably something we could do a better job of, is documenting if there is a change from -- Especially for benchmarks, if there is a change going from one to the other, and we could probably do a better job of documenting why.

DR. BELCHER: So, just to follow-up with that, is there some way that we may be able to talk about that, and maybe SEDAR Steering, or whatever might be an avenue for it, but it's that idea that this is the first of the research tracks, and so that idea of the marriage of knowing what one does to carry into the next level, since they are more tightly married than what we've done with a benchmark and then an operational, because they're -- The outcomes of one is basically what's driving going into the second, and so maybe it would be worthwhile for us to talk more about, in the collective, I guess, within the SEDAR realm, of what to do to better make sure that that's understood. Is it worth it or --

DR. SHERTZER: I mean, if there are specific thoughts on that, then certainly any guidance would be welcome.

MS. MCCAWLEY: Any more questions? Andy.

MR. STRELCHECK: Just for clarity, I think for the council members, when you're talking about certain SPR benchmarks -- I mean, you mentioned, obviously, lower benchmarks are for more resilient species, but a lot of the literature, if I'm not mistaken, comes down to kind of the life history of the species, how long-lived is it, the reproductive biology, and kind of the -- You know, as you point out, the resilience that kind of cumulatively comes together, and so can you just talk a little bit more about that?

DR. SHERTZER: More resilient stocks would be the gonochoristic stocks, and so the sex-changing species that we deal with, groupers, tend to be less resilient to fishing rates, and more resilient stocks would tend to be ones that mature early, mature young, and grow fast.

MS. MCCAWLEY: Any other questions? All right. Thanks for that impromptu discussion.

MS. IBERLE: All right. Thanks for letting me get set up there, and so your last subaction under Action 2 is 2d, which will establish the equilibrium optimum yield for scamp and yellowmouth.

We had some discussion, in September, on whether or not we were going to have OY be an annual value for this new complex, as it's, you know, previously been set for some snapper grouper species, and, currently, scamp and yellowmouth have an annual OY, and yellowmouth within that complex, and then, in September, the discussion that came out of that was that the council did not want an annual OY, and, instead, wanted the long-term, or equilibrium, OY.

Then we have the following alternatives for you, and so, again, Alternative 1 is nothing. Alternative 2 is 75 percent of the MSY, or MSY proxy, and Alternative 3 is 90 percent, and then Alternative 4 is 95 percent, and, again, there's that note that this is, obviously, dependent on your MSY, or MSY proxy.

MS. MCCAWLEY: All right. Are we ready to select a preferred on this subaction? Shep.

MR. GRIMES: Thank you, Madam Chair. My guidance, tentative guidance -- I guess, at this point, I think it's a little premature to select a preferred alternative for OY. This incorporates social and economic considerations, and it's not dictated by biological concerns, like the others, and I think you should wait until you have a little more analysis in front of you to inform that decision. Thank you.

MS. MCCAWLEY: Thank you, Shep.

MS. IBERLE: There is definitely no need to make a motion for that one, and we can revisit that again in March, and so that is everything for Action 2 and the subactions, and so we picked a preferred for 2a, 2b, and 2c, and then we'll pick a preferred, possibly in March, for 2d.

That brings us to Action 3, which is to establish a rebuilding timeframe for the scamp and yellowmouth grouper complex. We've had some discussion on this, obviously, and you've got SEDAR 68 that indicated that the stock of scamp and yellowmouth is overfished, but not experiencing overfishing. Therefore, the council has to implement a rebuilding timeframe.

Alternative 1 is no rebuilding timeframe, and there's currently nothing in place, because the complex has yet to exist. Alternative 2 establishes a rebuilding timeframe equal to the shortest period, and that would equal five years, with 2025 being year-one. Alternative 3 would establish a rebuilding timeframe equal to T_{max} , which we had some discussion, and clarifications, at September, and I believe at previous meetings, and I think we talked about this a little bit in June as well, that our T_{max} for this stock would be equal to ten years, and, again, ending in 2035, with 2025 as year-one. With that, I will turn it over.

MS. MCCAWLEY: Just so I understand, and I think I need a reminder, we were only trying to pick preferreds on those early actions, so that that could be analyzed and put in the document, and we're not necessarily trying to pick preferreds on these other actions, and we're just trying to figure out does this encompass the range of alternatives, and provide feedback on it, and is that right?

MS. IBERLE: So I think, if there's one more action that we could select preferreds on, it would be this, and I think, because of that ten-year timeframe, we're kind of stuck between, for lack of

better words, these two alternatives, because your bound is ten years, but, again, it's the council's purview to pick a preferred, and so, if you guys want to wait, no problem.

MS. MCCAWLEY: Shep.

MR. GRIMES: Thank you, Madam Chair. On this one, I think I would -- I don't know that I would encourage you, but I don't see any harm in picking your preferred alternative, and it seems like your choice is kind of illusory here, and the five years is a pipe dream, in terms of rebuilding, and it's all contingent on changes in recruitment, and so the choice is pretty clear. Thank you.

MS. MCCAWLEY: Thank you. Would someone like to make a motion to select a preferred? Trish.

MS. MURPHEY: So this one -- I kind of struggled with this one, because they're talking about - - You know, here, we're using projections that are based on a long-term average, and I guess, if we did recent average, it won't ever rebuild, right, and is that kind of why we're looking at the long-term average, because at least there's an opportunity to rebuild? This one, I was concerned about, and I'm not sure what to do with it, about long-term versus recent average recruitment, and, again, it kind of gets back, and it makes me think, especially since we can't rebuild with recent, are we still looking at a regime shift, and I don't know if that horse is out of the barn, as far as discussing a regime shift, but this -- That just really concerns me in this whole rebuilding timeframe, and so I don't know whether there's a solution to it, to revisiting this, but it just -- I just wanted to state my concerns about this particular one.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: Thanks, Trish, and I guess I share similar concerns, right, and you bring up a good point that we've talked with council staff some about, and the assessment process did not declare a regime shift, although it was kind of borderline, in terms of whether we are or aren't experiencing a regime shift.

Recall that we're not undergoing overfishing, right, but the reason that it's kind of been depleted, and now considered overfished, is recruitment has been precipitously falling, and I think someone last night actually showed a graphic of that, and so the challenge before us is we haven't declared the regime shift, and we haven't -- If we did, we would have to essentially change the reference points, right, and we would be rebuilding to some alternative goal, at this point, that accounts for that lower level of recruitment.

If we assume low recruitment, or the more recent recruitment, and try to rebuild to historically what, you know, the SSB MSY is, we're not going to get there if that recruitment doesn't come back up, and so this is based on that long-term average recruitment. I think, right now, you know, it's consistent with Magnuson, in terms of rebuilding probabilities, but we're going to have to monitor this stock closely, with a future assessment, to determine whether or not recruitment is bouncing back or not.

MS. MURPHEY: Yes, and I understand that, and I guess I'm not convinced that it's not a regime shift, but I'm not that smart, but, when I saw that talk last night, that actually -- I was like, hey, that's scamp, you know, because the recruitment is crashing so bad, and the recruitment is crashing

so bad that I actually thought that the, quote, unquote, cartoon that was shown to me -- That's scamp right there, I bet you, and basing -- I finally got around to reading that paper, and I actually got the impression -- You know, I'm not sure that paper is appropriate, but, at the same time, I don't think those authors meant it to be used in the way it's being used. I think they just did this is what we looked at, this is the global piece, and here's four, and here's how we scored it.

I mean, I really did not take that paper to -- I don't think the authors meant that paper to be used the way it is, and so I'm kind of concerned, also, about how the SSC, who are really, really, really smart people, do determine regime shift or not, and I know this is probably a discussion for another time, and not here, but I really think we need to really start looking more seriously at regime shifts and what criteria we need to use and look at more of what the data say. Anyway, that's my soapbox on regime shift, but it just concerns me to use that long-term average.

MS. MCCAWLEY: I share those concerns, and I would love to have a discussion around the table, at some point, about a regime shift. Andy.

MR. STRELCHECK: I appreciate the conversation, and, you know, the council is getting ready to submit a request for climate-ready fishery funding under the IRA, and John and I have talked, and I've talked also with the Gulf Council, about potentially a project that looks at dynamic reference points, and so that's essentially a fancy term for kind of doing what you're discussing, right, which how do we, in light of changes in recruitment and other factors, adaptively manage our fisheries based on these shifts that we're seeing in the environment and other causes, right, and if we can determine that it's not fishing-mortality related, and it's some other environmental factors, right, we should then be modifying our reference points to adjust for that. We're not, I think, there yet, in terms of implementing that, but I think there's an opportunity before us, with some funding through the IRA, to make our fisheries more climate ready.

MS. MCCAWLEY: Trish.

MS. MURPHEY: Again, I think that's why I think this one is a perfect example that I think it's a regime shift, because we're not overfishing, and so fishing is not the issue, and even the fishermen are saying, you know, they just don't believe that fishing is the issue, and so I think there is compelling evidence that this -- You know, yes, I think maybe we're not there yet, but we've got to get there quick, and I think this is one that we really need to think about.

MS. MCCAWLEY: John.

DR. WALTER: I'm going to try to tie a couple of threads together, because I think some of last night's talks helps us here, and so one of the things that I think should help, and give some comfort to this council, is what Kyle showed about fishing at a certain fishing mortality rate gets you to where you want to be, even if you don't know where you want to, or need to, be. That doesn't change the fact that you're legally required to put a rebuilding plan in, but what it does say is that what's going to actually be the operative thing is going to be the catch at the F SPR 40, which is going to be -- At that certain rate is going to be likely to get you where you need to go, even if that's uncertain, or changing, in the future.

What's going to be the operative thing is going to be the catch limit, and whether the stock rebuilds or not is dependent on a lot of factors that are outside of the control here, because of what we're seeing in recruitment.

Tying that dynamic reference point -- That was something that was incorporated into the bluefin tuna management procedure, and so there was a longstanding concern about whether a regime shift had occurred, or had not, and science could not answer that, and I think that's probably going to be the norm that science is going to really struggle to answer the Klaer et al. rubric, and we're probably going to be going back and forth on that a lot, and the challenge is that's not really something that can be debated on the council floor, because there needs to be a large scientific body of evidence supporting a decision for that or not, and it needs to be based on scientific principles.

However, the science is going to be uncertain, and it's going to be like, well, if we get one more year of data, do we meet that number of years in Klaer et al., and that's the game that's been played with bluefin tuna for years, is do we get one more year of recruitment, and is it going to tell us whether the regime shift had occurred or had not, and, finally, they moved to that management procedure approach, incorporating a dynamic reference point, so that you're measuring the stock based on its conditions as they are now.

That's something that could be considered probably in the management strategy evaluation, and I think that would be the appropriate place to really begin to entertain those, which this council is embarking upon, and so I think that should be in that conversation, and that should be what's considered. At this case, I can't say that it's going to solve scamp, and we're bringing up these conversations that really apply it across all species, and I think they need to be addressed holistically for the science to really carry the day on giving good advice, but, in this case, there is a decision point here, and there's not a great real guidance here from the scientists of what recruitment is going to be in the future, and so I think -- I wish we could be a little more clear on what's going on, and I think this decision needs to be made legally, but then what's going to do the operative action is the catch limit. Thanks.

MS. MCCAWLEY: Go ahead.

DR. SCHMIDTKE: Just to build upon that, the National SSC meeting, and I think this was mentioned earlier this week, is happening next August, and one of the focal themes for that is how to manage in these dynamic environments, and that's going to include concepts like regime shifts, dynamic reference points, climate change, issues because of climate change, like species distribution shifts, those kind of things, and so, you know, that framework will hopefully provide some nice guidance for this council, and all the councils, because it is a very pervasive theme across all the councils right now, as they're experiencing these dynamic environments, and so, from that point, maybe we can get some better guidance, in a more holistic setting hopefully, that can be applied to these issues, but that's, of course, going to be a year down the road still.

MS. MCCAWLEY: Thank you for that. Shep.

MR. GRIMES: Thank you, Madam Chair. Just keep in mind that the statute requires the agency to monitor rebuilding plans, evaluate their effectiveness, and we're going to revisit this as we get new information in the future, and not just assessments, but other information, and, if the case is

strengthened for the regime shift, and the change to the status determination criteria, then you would do it when you revised the rebuilding plan, based on that information, at some point in the future. Thank you.

MS. MCCAWLEY: All right. Good discussion, and so are we ready to pick a preferred? Andy.

MR. STRELCHECK: **I will make a motion to select Alternative 3 in Action -- In whatever action we're in, as the preferred.**

MS. MCCAWLEY: All right. Motion by Andy, and it's seconded by Kerry. We've had good discussion on this. Do we want any more discussion on this? All right. **Once again, the motion is to select Alternative 3 as the preferred alternative for Action 3. Any objection to this motion?** All right. **The motion carries.**

MS. IBERLE: All right. That brings us to Action 4, and that will establish the acceptable biological catch and total ACL for scamp and yellowmouth grouper. Alternative 1, we don't have an ABC or ACL for this complex at this time, and Alternative 2 would accept the ABC recommended by the SSC, and it would establish your total ACL set equal to that ABC. We do have language, in here, indicating that the recommended ABC is inclusive of recreational estimated from the MRIP-FES.

Alternatives 3 and 4 set a 5 and 10 percent buffer, respectively, in between those ABC recommendations and your total ACL. I did want to note, on Table 6, I've color-coded, and the reason I've done that is we've got some pretty big projection charts, and so I would say, if the council is kind of -- If you have an ACL and ABC recommendation in mind, just follow that color throughout the rest of the document, and it will kind of help you decipher, as you're seeing more and more things kind of getting compiled.

I want to have -- Just a quick reminder, again, that this is for the ACL just for scamp and yellowmouth grouper and not the remaining OSASWG species, and those will be dealt with at the kind of backend of the amendment. A quick note, again, is, at the top, I mentioned that the ABC was provided to you now in landings and discards, and so the values that you will see are going to be based on the ABC values and landings, and that is where I will hand it over, and I will scroll back up for you.

MS. MCCAWLEY: All right, and so we're trying to determine if we're good with this range of alternatives that we have here, and so I see some heads nodding yes. All right, and so, if we select a preferred on this action, then the IPT can kind of do a better, or more thorough, job in figuring out the following actions here, if we select a preferred here, because then they can analyze it, as opposed to doing an analysis that's like a matrix of all of these different options, and so does the committee want to go ahead and select a preferred here? Andy.

MR. STRELCHECK: A question, and sorry, Allie, and you may have said this, but the catch limits -- Are they landings only, or are they landings and -- Okay.

MS. MCCAWLEY: So are we ready to select a preferred? Carolyn.

DR. BELCHER: I'm just throwing it out there for some discussion, but just thinking about how much of a buffer that you want, based on the fact that we're not sure about the recruitment and all of that, that maybe the preferred should be something like Alternative 4, but, like I said, I'm just throwing it out there to get the conversation going. It just feels like it should be more conservative.

MS. MCCAWLEY: Okay. Kerry.

MS. MARHEFKA: Well, I am, probably to no one's surprise, inclined to go the other way, mostly because we've already -- I know it's not a buffer, but we have become more conservative with our 40 percent SPR, and, also, we've all talked about how this likely isn't a fishing issue, and so, you know, I would be inclined to set the ACL to ABC, which is 2, but, you know, would meet in the middle, at 95, 95 percent, but I would be inclined not to support the 90 percent of ABC option.

MS. MCCAWLEY: All right. Tim.

MR. GRINER: I was going to echo kind of what Kerry was saying, and I think we've addressed, with this 40 percent -- You know, although it's not really a buffer, but it does give us -- You know, it is more conservative, and, you know, part of me thinks that, you know, it's not a fishing problem, and we're going to catch what we catch, and 8,000 pounds is not going to make a difference, and so I'm inclined with Kerry, and I would like to see the ABC equal to ACL. We really don't know, you know, whether the recruitment might turn around or not, and so, yes, I would -- I would be very inclined to set the ABC equal to the ACL.

MS. MCCAWLEY: Okay, and that's Alternative 2. Thoughts from others? Are we ready to select a preferred? Tim.

MR. GRINER: **I would move that we select Alternative 2 as a preferred.**

MS. MCCAWLEY: All right. Motion by Tim. Do we have a second? Seconded by Kerry. Is there more discussion? Andy.

MR. STRELCHECK: I guess a couple of thoughts, and so we are talking about very low catch limits to begin with, and I think there's some good comments on the record. The OFL is about 20 percent higher than the ABC recommendation, and so there is accounting for scientific uncertainty, and I'm a little hesitant to select a preferred right now, until we kind of discuss the accountability measures, because I would like to better understand where we're going to land with the accountability measures for this fishery. Certainly I think there's been valid points made for both setting it equal to the ABC as well as providing a buffer.

MS. MCCAWLEY: Okay. Other thoughts? Tim.

MR. GRINER: I hear you loud and clear, Andy, except for -- I mean, we already have an accountability measure, and we're going to close for the commercial side, and, you know, this is - - To me, you know, for the recreational side, you're going to have to set a season, and it's going to have to be such a short season, in my mind, that, you know, I don't think there's going to be any need for an accountability measure, because it's just going to be a really short season, and I don't know that it would even be long enough that they could really do much to go over their ABC very much, or their ACL very much.

MS. MCCAWLEY: All right. Do we want to leave this motion on the table and then go discuss accountability measures, and then come back to this, and are we okay with that? Okay. I see people nodding yes, and I'm going to turn it back to Allie.

MS. IBERLE: All right. I'm going to leave that motion up and get us to -- So I have it in order, starting with commercial, and so this is going to be Action 6 in the decision document, which establishes your commercial accountability measure for the new complex. Your alternative language is here. However, I find it easier to explain using the table, and so I'm going to start with that.

Alternative 1, obviously, is no AM at all, and Alternative 2 is what's currently in place, again, for scamp and yellowmouth, as they currently sit, and so it's just status quo for what we have for a lot of the snapper grouper species for the commercial sector, and that is an in-season closure that, when commercial landings reach, or are expected to reach, the ACL, then the current season closes, and there is also a post-season AM that is triggered, and there's a payback that's triggered by the commercial landings exceeding the commercial ACL, the total ACL being exceeded, and the stock status as overfished, and so all three of those triggers have to occur to have the payback happen for the following season.

Then Alternative 3 is one that you've seen, and I want to make sure that it's clear, more for the recreational side, and so I think that would be a good thing for the council to discuss, is whether it's applicable for the commercial sector, and so it retains that current in-season accountability measure, but it uncouples, is how I've kind of been addressing it, the post-season, and so the commercial payback would be triggered only if the commercial landings exceed the commercial ACL, and so you wouldn't have those other two triggers for that payback, and so those are your current suite of alternatives for the commercial sector. I don't know if you want me to go through the recreational AMs as well, and that's the next action, or stop here.

MS. MCCAWLEY: Okay. No, and I see some hands going up for this. Kerry.

MS. MARHEFKA: Allie, I'm a little confused, because I thought that, as we have gone along and done these in the past couple of years, that we have changed most of ours to what is currently represented in Alternative 3, even for the commercial sector, and we haven't? Okay. Well, then I'm obviously lost. Personally, I think that you uncouple. I think that a sector needs to be held to its ACL, regardless of stock status or what has happened with the total ACL, and I said that yesterday, in regard to recreational AMs, and I think it should be the same for commercial AMs, and so I would -- I will support Alternative 3, and then I will get an education, off the record, about where I've gone wrong.

MS. MCCAWLEY: Got it.

MS. MARHEFKA: I thought we did it in amberjack, and I thought we did in snowy, but I will -- I've been wrong before, and I'll be wrong again.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: So, Kerry, Alternative 2 is more restrictive when it comes to stock status, right, and so, in this instance, overfished, but it would be less restrictive, in my view, for the commercial sector, if you consider the total ACL, because, for example, the commercial sector could go over, but the recreational landings are under their catch limit, and so you wouldn't have to then pay back an overage.

MS. MCCAWLEY: Yes. Anything else on that, before I go to Tim? Okay. Tim.

MR. GRINER: That's exactly what I was going to say, and I don't like -- I would not be supportive of a commercial payback without the total ACL being -- Without going over the total ACL, and, biologically, I don't think that makes any sense whatsoever, and so, yes, I would be supportive of Alternative 2, but not Alternative 3.

MS. MCCAWLEY: Does someone want to make a motion to select a preferred? Tim.

MR. GRINER: **I would make a motion that we select Alternative 2 as the preferred.**

MS. MCCAWLEY: All right. Motion by Tim, and do we have a second? It's seconded by Laurilee. It's under discussion. Any more discussion on this accountability measure? Laurilee.

MS. THOMPSON: I just want to make sure that I understand, and so the commercial could -- Under Alternative 2, the commercial could exceed their ACL, but, if the recreational don't exceed their ACL, there is no -- There is no -- Well, it still says the commercial ACL is reduced by the amount of the overage. Okay, but it would only be reduced by the amount of the commercial overage? Thank you.

MS. IBERLE: In Alternative 2, the commercial sector has to -- Their landings have to exceed the commercial ACL, and so you have to check that box. Then the total ACL has to be exceeded, and, obviously, this box is already checked for this stock, and so the stock is overfished, and then, if those three scenarios are in place, then the commercial ACL is reduced, for the following year, by the amount of the commercial overage.

MS. THOMPSON: So, if all three of those triggers are not reached, then the commercial ACL would not be reduced the following year?

MS. IBERLE: Correct, and, with Alternative 2, and sorry, and I should have gone over this bullet, but, since the stock is overfished, there is increased potential for that payback to be triggered as it is, and so, in Alternative 3, essentially, you're taking away the two things that are keeping that from being triggered, and so the only thing you're basing it on, in Alternative 3, is simply the commercial landings exceeding the commercial ACL.

MS. MCCAWLEY: All right. Tim.

MR. GRINER: I think we also need to keep in mind that, you know, the Center does a really, really great job of monitoring the commercial catches, and so it's -- You know, it's pretty close to real-time, and it's very difficult for the commercial sector to exceed their ACL by an appreciable amount, and so, you know, if all those were to line up, and it were to happen, it would be a very

small amount of payback, but, you know, again, I think all of those need to happen in order to have a payback.

MS. MCCAWLEY: Kerry.

MS. MARHEFKA: Maybe I can tell you all what my concerns are, and you can tell me why I'm thinking about this wrong. You know, the reason that I was trying to be more conservative is because, eventually, ten years down the road, there's going to be a different body of people sitting here, and there's going to maybe be some, you know, reallocation discussions, and you're looking at ten -- You know, these years of data, and you're seeing, you know, higher commercial landings, in this case commercial, and higher commercial landings than what were really allowed, and it looks like they're taking maybe more of the total ACL, and so a different body might go, well, they need it more, or they're using it more, some other thing, and it just feels like a way, on both sides, to allow allocation creep, which is why I thought that it was important that we're consistent with both commercial and recreational when we look at accountability measures, but maybe I'm thinking about it wrong, which is if this is what the sector can catch, and this is what this sector can catch, all that should matter is what they can catch, and not what's happening outside of that.

MS. MCCAWLEY: Okay. Tim.

MR. GRINER: To the allocation creep, you know, I think the in-season closure stops that, on the commercial side, and so, you know, really, it would be very, very difficult, especially, you know, in the hook-and-line sector -- You know, the longline sector, I could see you getting -- I could see where, you know, you could have some sets, and, the next thing you know, you're 5, or 8, percent over, but, with this, with the hook-and-line sector, you're never going to be but a few percent over, and so I don't see how -- I think that would take care of any concerns about the allocation creep.

MS. MCCAWLEY: Kerry.

MS. MARHEFKA: To that point, I agree, but there's also the optics of it as well, and, if we want to have a similar, you know, accountability measure on the recreational side, I feel like they should be consistent, and they don't have that same sort of hard, in-season closure, and so I guess I was just trying to be fair, and that's where I was coming at, is being fair without allowing the allocation creep, but I will set that aside and think on it more and not belabor it.

MS. MCCAWLEY: Okay. Anything else? **Are we ready to vote on this motion to select Alternative 2 as the preferred?** Okay. No more discussion? All right. **Any objection to this motion?** All right. **That motion carries.**

MS. IBERLE: All right, and that brings us to Action 7, which are the recreational accountability measures, and, again, I'm going to use Table 11. Alternative 1 here is still nothing, and Alternative 2 is going to be just like what we were discussing, but for the recreational sector, and so, again, this is the status quo for scamp and yellowmouth within the complex.

The recreational landings, when they reach, or are expected to reach, the recreational ACL, then the current season closes, and then, in the post-season, if the recreational landings exceed the recreational ACL, the total ACL is exceeded, and the stock is overfished, and then the recreational season for the following year is reduced by the amount necessary to prevent the ACL from being

exceeded, and so the only difference there between the commercial and the recreational AM is that, with the commercial, there is the payback. With the recreational, there is the change in the season length, and, again, that's what is currently in place for scamp and the OSASWG.

Alternative 3 removes the in-season accountability measure, and then it, again, uncouples that post-season, and so, if recreational landings exceed the recreational ACL, then the recreational season is reduced in the following year, and then, finally, Alternative 4 is essentially the same thing, but you're just taking that in-season AM from Alternative 2 and kind of putting it in place, and so the difference between Alternatives 3 and 4 is going to be that in-season closure between - - Sorry. Again, if the recreational landings reach, or are expected to reach, then the current season closes.

The one thing -- The IPT discussed this a little bit, and I have kind of a little portion from the CFR in here. The CFR does mention that, for stocks, and complexes, within rebuilding plans, AMs should include overage adjustments that reduce the ACL in the following fishing year, and so this is talking about, in that post-season AM, the payback, versus shortening the recreational season, and so, right now, commercial has a payback, and recreational does not, and so this is something that the council needs to consider, and so this section of the CFR strongly recommends the consideration of a payback provision for the recreational sector, but this is something that I think maybe discussion is warranted, and so, with that, I will turn it over.

DR. BELCHER: Okay. I've got Shep and then Tim.

MR. GRIMES: Thank you, Madam Chair. Well, consistent with the guidelines, I strongly recommend that you consider a payback provision, to at least put it in as one of the alternatives, and, just to provide a little bit of additional information, "should", as it's used in the National Standard Guidelines, is used to indicate that an action, or a consideration, is strongly recommended to fulfill the Secretary's interpretation of the Magnuson-Stevens Act, and, as a factor, reviewers will look for it in evaluating the statement of organization, practices, and procedures for an FMP, but, again, it's not absolutely mandatory. Thank you.

DR. BELCHER: Tim.

MR. GRINER: Thank you, and I think, when you look at what that CFR was trying to get to, and I understand, you know, that it makes sense to try to put a number on that, but, in reality, with the recreational sector, the shortening of the season is a de facto reduction of their ACL, and, because of the way these waves come in, there is really -- Really, there is no way to really put a hard and fast reduction number in there that would make any sense.

The only thing that really makes any sense is to reduce their season, because, even if you reduce their season, you could say, well, they still could go over, but you wouldn't know that they would go over until the season was already over, and so, at that point, you're back in the same quandary again the following year, and it would just go on and on and on and on, and so, really and truly, in my mind, the only thing, post-season, you can do is just reduce the season the following year, because that is in fact a reduction of their ACL.

DR. BELCHER: Shep.

MR. GRIMES: Thank you, Madam Chair. I would just point out that the reduction in season is tied to a target catch level though, right, and it's not just a made-up season. The reduction, the next year, is intended to achieve either a catch limit, or the reduced catch limit, and it's as reduced by your overage from the prior year. It's a common accountability mechanism, and you've got in the commercial sector. Thank you.

DR. BELCHER: Tim.

MR. GRINER: Yes, that's correct, and so, if they met all those criteria, and they went over, then their following season is going to be reduced based on the amount that they went over, and so, yes, that's correct, and that's exactly why it is a de facto reduction in their ACL.

DR. BELCHER: Is there further discussion from the group? Shep.

MR. GRIMES: Thank you, Madam Chair, but the point being that, if you don't have the payback provision, you are not reducing their ACL by the overage. You leave it the same, and, the next year, you would reduce the season, because you went over, but you would reduce the season only enough to catch their annual catch limit and not their annual catch limit minus what they had exceeded the prior year. Thank you.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: I'm getting a little lost in the document here, and so we do not have an alternative right now that considers the payback, and is that correct? So I would recommend that we do add a new alternative that considers a payback, and I'm not necessarily recommending that as a preferred, and then kind of just a case in point, and where I get concerned about paybacks, and, obviously, we have to rebuild the fishery, but, if we had a payback similar to this for gag grouper, we would have no season next year, because the catch limit would be driven to zero, right, and so those are the consequences that I think we also need to be thinking about, given the data collection system and given the timing of when we can put in rulemaking, but we also have an obligation to conserve, manage, and rebuild these stocks as well, and so I think at least considering that alternative, and having further discussion at a future meeting, would be beneficial.

MS. MCCAWLEY: All right, and so we are capturing the direction to staff there to add an additional alternative, and so, based on adding alternatives, I don't think that we're ready to pick a preferred on this one. We aren't.

MS. IBERLE: So I will go back to the motion that was on Action 4, and, really quickly, before I do that, for clarity, on the payback provision, versus reducing the ACL, I think what I was hearing is, if you're not reducing the ACL, you're essentially trying to, for lack of a better term, shove that ACL in a shorter time period, instead of reducing the ACL in the same time period, and is that kind of what I'm hearing? I didn't really say that eloquently though.

MS. MCCAWLEY: Shep.

MR. GRIMES: Thank you, Madam Chair. Well, yes, and, I mean, one is you have a payback, and you pay back what you went over from the year before, and then you have to shorten the season to get that smaller amount, which is the ACL minus your overage. If you're not doing that,

then, the next year, you're shortening the season, because you went over, but it's just intended to constrain them to the ACL, and that overage amount is gone, and you're not recouping it. Thank you.

MS. MCCAWLEY: All right, and so then can you scroll up a little bit? This was the motion that we left on the table, and I think that the table there is fine. This was the motion to select Alternative 2 as the preferred under Action 4, which is setting ACL equal to ABC, and so we wanted to talk about AMs first, and we had that discussion, and we're adding more alternatives under the AMs, and do we want to select a preferred here under this particular action? Okay. Do we need more discussion of this before we take a vote on this motion? No? Okay. All right. **Are there any objections to selecting Alternative 2 as the preferred on Action 4?** Andy.

MR. STRELCHECK: I abstain.

MS. MCCAWLEY: Okay, and so let's go ahead and take a vote. **Those in favor, please raise your hand, six in favor; those opposed; then abstentions, two.** Wait. Mel has his -- Which one were you, Robert?

MR. SPOTTSWOOD: (Mr. Spottswood's comment is not audible on the recording.)

MS. MCCAWLEY: **In favor, and so eight in favor, and then none opposed, and two abstentions. The motion passes.**

MS. IBERLE: All right. That brings us to Action 5, and this will establish sector allocations and sector ACLs for scamp and yellowmouth. We've had some discussion about the kind of suite of alternatives. The last time we left this action, we were incorporating four viable alternatives, and, again, Alternative 1 is nothing, and Alternatives 2 and 3 are that split reduction method that was used for gag in Amendment 53, with two different date ranges. In Alternative 2, you have the split reduction method is based off of 2018 through 2022, and Alternative 3 is based off of 2013 to 2022, and so a little bit wider of a timeframe there.

Then, similarly, Alternatives 4 and 5 are using those same date ranges as 2 and 3. However, this is just a distribution of landings, and so, again, Alternative 4 is going to be based off of 2018 to 2022, but it's just the distribution, and so you get a flat allocation percentage. Alternative 5 is based off of 2013 through 2022, and, again, just a distribution, and so you get a flat percentage.

There's a lot going on in Table 7, which is why we have the colors, and so I would suggest just honing-in on the blue section, since that was your preferred for Action 4, and so, when you're looking at this table, you have your columns are going to be each allocation alternative, and so, just focusing on that blue section, each column is a different alternative, and you have your commercial percentage, your recreational percentage, and then, within each cell, you're going to get the percentage for that year, and then in the parentheses is your poundage sector ACL, and so I wanted to kind of set everybody up.

For the two split reduction method, if you remember back to gag, because you're basing it on the status quo from that date range that you chose, it's going to fluctuate every year as your total ACL increases and you're allocating that increasing poundage between the sectors, and so, again, that's

why your percentage is changing there. However, for Alternatives 4 and 5, it's just going to stay static, and that same allocation percentage is going to stay throughout the time series.

If anyone would like a quick refresher on the split reduction method, this link in your decision document takes you to that really kind of simple shadow shark example that I put together during Amendment 53, and it's kind of just really even numbers, and it walks you through that.

The other thing that I wanted to mention, when discussing allocations, was data smoothing, and so the IPT was looking at some of the data within the date range for these allocation alternatives, and there were definitely some outliers, 2014 being the one that literally kind of jumps out at us, and so, in SEDAR 68, analysts replaced landings estimates with really high uncertainty values, greater than 50 percent, with the nearest two years, and so that's what you're looking at in Figure 2. Anything with that green shading over the point was a year that had high uncertainty, and, therefore, was replaced with the average of the nearest two years.

Because the allocation alternatives only use the more recent years of landings, the data were smoothed using that same method, but we only did it for the time period that was applicable for the allocations, okay, and so then, when we're thinking about what was done to the data in totality, and so we have the data smoothing here, in yellow, that was done with the same method that was performed in the assessment and the masking for confidentiality, and so commercial landings were assumed to be a census, and so we didn't have to do data smoothing there, and so I just wanted to make sure that this was clear, before we moved on, and why we did this for allocations, because, if we were leaving those outliers in, it would be affecting your outcome of your allocations, in a sense. I will pause before I jump into projections, to see if there's any questions regarding that method.

MS. MCCAWLEY: Can you go back up to the table one more time? The Alternative 2 and Alternative 3, what we're now calling split reduction, was formerly called share-the-pain-share-the-gain? Okay. All right. I just wanted to make sure that I was thinking of the same thing. Okay. Other questions at this point? Okay. I'm going to turn it back to you, Allie.

MS. IBERLE: Okay. The next two tables are going to be your projections, and so the projections are including information with your total ACL alternatives and your allocation alternatives. Table 8 is going to be for the recreational sector, and so I'll kind of just take it one chunk at a time, and so each column that you're looking at is an allocation alternative, and then, again, hone-in on that blue section, because that's your preferred total ACL, and so you can kind of disregard the rest, and so what you're looking at is the approximate wave in which the recreational ACL will be met, and then we gave you an approximate day of what we felt like the wave was a little bit more appropriate, because that's how the data are coming in for this sector.

For Alternative 2, we're starting out closing in Wave 4, or, you know, ACL being met in Wave 4, and then out to Wave 6 at the end of the time periods, and then Alternative 3 we have starting at Wave 4, but then ending with the ACL not expected to be met, and then, again, you can see kind of what waves we're expecting for Alternatives 4 and 5. Any questions? I feel like there's a lot of information in this table, and so any questions before I skip to the commercial table? Okay. Again, please -- I will switch back to the recreational if something comes up.

The only difference here is you're just looking at an approximate date, again because we don't have waves for the commercial, and so you're looking at an approximate date at which the commercial ACL will be met, and, again, your columns are each alternative for your allocations, honing-in on that blue section, because that's your preferred total ACL, and then I will note that we left Alternative 1 in here, but, since there's no ACL, there's no projection, and so I just wanted to note why that was N/A, and so, with that, I will turn it over.

MS. MCCAWLEY: All right. Is there discussion of these alternatives and whether or not we want to pick a preferred today?

MS. IBERLE: I will note that we have not completed Chapter 4, which is analyzing your social, economic, and admin effects for these actions yet, and so that might be something that you want to consider before picking a preferred, and we're not expecting to approve this for public hearing at this meeting, and so just some things to consider.

MS. MCCAWLEY: Okay. Maybe we don't want to pick a preferred on this one today, until we have that additional -- But, if you feel differently, then feel free to speak up. Okay. Hands are going up. Allie and then Andy and then Carolyn.

MS. IBERLE: Sorry. Really quickly too, I did want to note that the draft document in your briefing book -- These projections were updated after that document went into the briefing book, and that document is currently a draft, but I just wanted to make sure that it was clear that those will be updated in that draft document, moving forward, and we just updated them here for kind of ease of use.

MS. MCCAWLEY: Thank you. Andy and then Carolyn.

MR. STRELCHECK: I guess two points. One is the alternatives are very similar to one another, and I'm not sure if the council wants to consider removing any at this point, and the share-the-pain-share-the-gain, the Griner method, whatever it's called at this point, I really appreciate it, and liked it, and I'm not sure -- It may be just overly complicated, given what we're seeing for the averages, and so I would just mention that.

The other comment that I guess I would make, and I want to talk to the Science Center, and maybe come back at Full Council, and I appreciate the effort to smooth the data, right, especially with uncertainty, and one of the things that I'm not thinking about as well is, with the allocations, with the catch limits, how do we monitor it, and, if we get a spike like that, should we be smoothing the data as well in a similar fashion, to remain consistent, and so I need to look at our regulations, and mandates, and see if that's something that would be feasible, and I can come back and talk to that later.

MS. MCCAWLEY: Thank you, Andy. Carolyn.

DR. BELCHER: I am going to piggyback off of Andy's comments. I don't feel that we can do a preferred, but I was looking at the time series, for that reason. The smoothing thing, we always look at it relative to the peaks, but you also have extreme values that are on the low side of this. Also, we tend to do that more with the recreational side than we do with the commercial side, because the commercial side is considered a census, and so why would you smooth out what's a

high number on a census side of the peak, and so I tend to look at it from the standpoint of that time series.

If you use a 2018 forward, you avoid that spike, and it's also tied in with the cutoff of when the changes happened within the last MRIP survey timing, and so it's kind of at least working within what we know, and there's more consistency after 2018 forward, because that was when the break occurred in the estimation methodologies, and so it's just cleaner, to me.

MS. MCCAWLEY: So then, based on that, Carolyn, are you suggesting that we remove Alternative 3 from further analysis, because it looks like Alternative 2 is the one that does 2018 to 2022, and then --

DR. BELCHER: (Dr. Belcher's comment is not audible on the recording.)

MS. MCCAWLEY: Right, and so then you would be, I guess, removing Alternatives -- Both 3 and 5, and is that what you're suggesting?

DR. BELCHER: Yes, and, like I said, I would like to hear other conversation, but that's just for me to be equitable with the smoothing approaches and all of that.

MS. MCCAWLEY: Do you want to wait for the answer from Andy on monitoring and smoothing at Full Council and then do that?

DR. BELCHER: I mean, I think it just is the same thing, but, yes, I mean, obviously, if it's a technique that is allowed, but I still would like to have those conversations, because I would like to know that smoothing is applied across-the-board similarly, and it's not just focusing on what seems like an extremely high point, but we're also going to use it to address low points, and how do you give that same courtesy to a commercial side of that, and it just seems like we're smoothing one side over the other, and, if it's a function of an estimation method --

MS. MCCAWLEY: So then, Andy, do you think that you could address some of those things at Full Council?

MR. STRELCHECK: Yes, and so I'm trying to -- The one thing that I guess I would note, and if I'm not mistaken, right, and we had that huge spike, right, which is being smoothed, but there is other areas that are being smoothed, that are represented with the green bars, right, and so it's not that we're eliminating smoothing, but we are eliminating at least a major data point that is really out of line with others. I actually agree with you, Carolyn, and I think we have probably enough information to justify why we would eliminate Alternatives 3 and 5 at this point, and then I can come back and talk about the issue of monitoring and smoothing at Full Council.

MS. MCCAWLEY: All right. Tim.

MR. GRINER: Yes, and I just -- I'm not sure that I would want to remove Alternative 5 right now, and the reason being because, even though all the projections are fairly close, Alternative 5 does give the commercial sector their longest season, and so I wouldn't want to take out the top end right now.

MS. MCCAWLEY: So then is there a recommendation to remove Alternative 3? Carolyn.

DR. BELCHER: (Dr. Belcher's comment is not audible on the recording.)

MS. MCCAWLEY: **Okay, and so we have a motion, and let's call it a motion, to remove Alternative 3 from Action 5.** Is there a second? It's seconded by Kerry. We're going to be revisiting this particular action at Full Council, but are we okay, at this point, approving this? Go ahead, Tim.

MR. GRINER: You know, along those same lines that I just mentioned for the commercial, I would mention the same thing for Alternative 3 for the recreational, and that is their longest season, and so I'm just throwing that out there.

MS. MCCAWLEY: Okay. Thanks for bringing that up. What do we think about this motion to remove Alternative 3 from Action 5? Go ahead.

DR. BELCHER: Just to be clear, I am basing my decision for 3 and 5 based on the time series methodology, and it's not -- I haven't looked at numbers, and I'm just saying whether or not you think it's the appropriate way to do the allocation.

MS. MCCAWLEY: Tim.

MR. GRINER: I understand that, and I'm just -- I just think it's important that we look at these projections and look at what they're really based on, or what they're going to do, right, regardless of the smoothing or the years or anything, and, at the end of the day, you know, this is kind of what we're looking at achieving.

MS. MCCAWLEY: All right. Tom.

MR. ROLLER: So I'm trying to gather my thoughts here, and I'm not going to argue, Carolyn, with your point, which is, you know, obviously astute, regarding the methodology, but, off of Tim's comments as well, you know, like Alternative 5 being, you know, the longest season for commercial, that's also the case with Alternative 3, and I would point that I know we have higher PSEs and stuff in this fishery, but a very, very small poundage gives the recreational industry a huge amount of days, right, and so I'm curious -- For that, I'm a little less comfortable, at this time, removing Alternative 3.

MS. MCCAWLEY: **All right, and so I'm hearing some concerns on it, and I think, based on those concerns, maybe you want to vote the motion down, and then we reconsider this particular action at Full Council, and so let's see a show of hands for a vote if you're in favor of removing Alternative 3 at this time, two in favor; those opposed; any abstentions.** All right. **The motion fails.** Once again, we'll come back with more information on this in Full Council. Shep.

MR. GRIMES: Thank you, Madam Chair. Even with all the alternatives that you currently have, I would say you have a fairly narrow range of alternatives, and you're not looking at many options for allocation, at least not a wide range of options, and, given that, on one hand, this is a new complex that you're creating, you have a lot of discretion, and so I think we should have some

rationale as to why we're only looking at a narrow range, and my thinking there is that, while this is a new complex, these are not newly-managed species.

They're already managed species, and the range of alternatives that are in the document now track the current allocations for those individual species. You're comfortable enough with the way that things are working with these two species now, in terms of sectors, and so you're comfortable with it, and you don't see a need to look at a bunch of alternatives that are outside of what you're currently looking at.

MS. MCCAWLEY: All right. Thanks for that. Tim.

MR. GRINER: Yes, and I think you're exactly right, and, you know, even though they seem like they're narrow, the result of them is not so narrow, and so I think there's a big -- You know, I think there is a nice range.

MS. MCCAWLEY: All right. I think we've had a bunch of good discussion on this particular action for right now.

MS. IBERLE: All right, and so we've been dealing with scamp and yellowmouth throughout the majority of this document, but, with Action 8, and you've dealt with 6 and 7, with your accountability measures, and so I'm kind of just jumping back to the bottom, and we're going to be dealing with the friends portion of scamp and friends.

This action will revise the total annual catch limit, annual optimum yield, and sector annual catch limits for the other South Atlantic shallow-water grouper, and so, within that action language, we have the ACL, the OY, and the sector annual catch limits, and that's written that way not with the intention to adjust the allocations there, and you're just setting the new sector ACLs as you shift the total ACL, and so I just kind of wanted to make that clear, going into it.

Alternative 1, the current ACL for the OSASWG complex is 104,190 pounds. That ACL is set equal to the ABC, and then, again, yellowmouth grouper is included in that complex, and landings for that species are included in that total poundage. What Alternative 2 does is it retains an ABC of 104,190 pounds, but it reduces that ACL by the amount that was allocated for yellowmouth grouper, and so that would drop that number down to 100,151 pounds, and so we're removing that yellowmouth portion. However, the total ACL is going to retain recreational estimates from the CHTS survey, and so we're not updating and incorporating recreational FES landings here, and then, in Table 12, you can see kind of how the commercial and recreational annual catch limits will shake out if you reduce that total ACL and retain the current sector percentages, and so the intention, again, wouldn't be to modify that allocation, and you're just kind of recalculating that ACL.

There was a little bit of discussion in September, and we heard from Jeff, on behalf of the SSC, about updating the ACL for this complex, and they are data-limited. There was a workgroup that originally recommended catch levels for these species, based on ORCS and third-highest. However, this method is no longer considered BSIA.

The SSC has previously recommended that the OSASWG ABC be revised in an unassessed species amendment. However, we're looking at a timeframe of the council being presented with

information, or updated catch levels for this complex, not until either September or December of 2024, and I will remind you that, timeframe-wise, that this amendment, since we are on a timeframe, needs to be done, this one, in -- I believe it's September of 2024, and so that timeline is kind of, you know, two ships passing in the night. That is pretty much all I had for Action 8, and, again, there's no need to pick a preferred, but just any future discussion, or any edits, that you have for the IPT.

MS. MCCAWLEY: All right. I've got hands going up. Tim and then Carolyn.

MR. GRINER: Thank you for that. Well, I thought, when we discussed this back in September, or at least I was under the impression that where we going to end up with this was going to take the 4 percent out, but that 4 percent is going on top of the other ABC, and I don't see -- I don't see that that happened here, and so I thought that 4 percent was coming out, but it was going into the new complex, and so I thought that poundage was going on top of the new ABC.

MS. IBERLE: The catch levels, the ABCs that you were provided kind of at the top of this document, that came out of 68, those already include yellowmouth grouper, and so the ABC values -- That is scamp and yellowmouth. The assessment essentially packaged it together for us already, and so, if we weren't to adjust this ACL, then you would have landings that include yellowmouth in your ABC and ACL for your new complex, and then you would also have a portion of this shallow-water grouper ACL that was also -- It's like four-thousand-and-change allocated for yellowmouth, and so, in taking it out of this complex, we're making sure that we're not -- You don't have a catch level for yellowmouth in two places, essentially.

MR. GRINER: I understand that, but I did not -- I guess I was maybe not understanding exactly the data that went into the assessment then, because my understanding was that there was no real data, that there wasn't enough in there to gather anything from yellowmouth by itself, and so it was lumped in there, but the assessment was really just scamp grouper, and so you still have this quota out there that came from somewhere, at some time, some data-limited -- Some way you came up with that, and now you're just going to discard it, and you're going to throw it away, and I don't think that's what my understanding was, and I don't think that's the right way to look at this, because that assessment did not account for -- It didn't know that yellowmouth was lumped into it, and it did not account for yellowmouth, and so we need to take those 4,000 pounds, or 4 percent, whatever that is, and put it over there on the new complex ABC.

MS. MCCAWLEY: Okay. I'm going to go to Carolyn, while Chip is coming up here.

DR. BELCHER: Allie, for clarification, each of the species that are part of the remaining -- I hate using the OSASWG, but I'm going to use it, and those species have all individually been given an ABC based on either third-highest or ORCS, and so not all of them fall under the third-highest category? That's my question, because to say that the old method is not good -- It may be more of a -- If there's five species, two may be fine, and the other three may be bad, and so I think that just needs understanding.

Like seeing it, is it additive, or is it -- You know, like, individually, you're getting an ABC, and so one methodology gives you one, and that's not third-highest, and the next one may, and so how do we account for that ABC? Do you see what I'm saying, because it's not the assumption that

the whole OSASWG was done with third-highest. It's a combination, and they collapsed together to give you an ABC.

MS. IBERLE: Yes, and Chip is here, and I believe the majority of them were using ORCS, and there was several that were third-highest, but I'm going to let Chip chime-in.

DR. COLLIER: No, that's right, and it is a combination of both approaches. There were some revisions to it, and I can't remember the exact species right now, but, based on some of the guidance from the SSC, that they felt like there was enough information to take it into an ORCS approach, as opposed to the lower tier, which is the third-highest, and so, yes, she's displaying it right now for the different species, and I'm not certain if that tells you the ORCS approach, but what I was up here to talk about was based on Tim's information, or Tim's question.

In the stock assessment, it absolutely includes landings of scamp and yellowmouth grouper. Those are both combined in there, and that's why they're taking that approach of setting that value, and then, thinking about this other approach, taking the 4 percent from the OSASWG and adding it to this, so that OSASWG was combined, back in 2012, or 2014, and I can't remember the year for that, but that's when that was established, and so, in order to -- That included yellowmouth in it, and so you can't take those values and add it in there, because you would then be double-counting yellowmouth into the new ACL, and so what you need to do is keep the values from SEDAR 68, and those are the ones that were used, and it's the new information that includes the two different stocks, yellowmouth and scamp, but you also need to take the yellowmouth value that was added into scamp and take it back out of the OSASWG, because it's no longer there.

MS. MCCAWLEY: Tim.

MR. GRINER: I understand that, in theory, but I think what I understood was, in reality, the reason we lumped the two together was because we couldn't determine -- Nobody could determine, among landings, whether or not you had caught a scamp or a yellowmouth, and so I don't believe that the data that went in, for landings for yellowmouth, was really landings for yellowmouth, because they couldn't tell them apart, and so it was really just landings for scamp.

DR. COLLIER: Yes, and you're absolutely right. That is an issue, and that's why you're looking at something like yellowmouth was third-highest, and it was questioned whether or not we had good landings values, and that's why it's now grouped.

Using the best information, now it's grouped, and it's probably a more appropriate complex ACL than it was before, and that's, once again, why yellowmouth still has to be removed, because there is -- It's unlikely that yellowmouth is going to be grouped in with any of those other OSASWG species, and they are most likely going to be grouped with scamp, and so taking those landings, and dividing them out, you definitely have to take it out of the OSASWG and now move it -- Keep it where it is. Otherwise, if you wanted to let's say take it the other way, and take yellowmouth and put it back into the OSASWG, and you would have to reduce the values from SEDAR 68, if you just wanted to track scamp alone.

MS. MCCAWLEY: Okay. Tim.

MR. GRINER: I am just not convinced that that -- That that assessment captures what was the ACL for yellowmouth inside of the OSASWG. In my mind, because you couldn't determine between a scamp and a yellowmouth landings in the assessment, how could you possibly have accounted for the true 4 percent of the OSASWG in that new assessment, and so, in effect, it seems, to me, that the assessment really was a scamp assessment that we lumped some information, or we lumped yellowmouth in there with it, because we couldn't distinguish between the two, but, in reality, the only data we really had -- Or, in reality, that 4 percent is still out there.

DR. COLLIER: No, and the 4 percent is in the landings stream that was used to establish the ACL, and so all those landings from scamp and yellowmouth are now being lumped together, because of the uncertainty with the identification, and so, now that you have this new complex that you're starting for scamp and yellowmouth, you have to take all the landings that were previously attributed to the OSASWG for yellowmouth. Even though it was highly uncertain when they did that, they still had to come up with an ACL value for yellowmouth grouper, and they did that by developing a complex, understanding that there was a lot of uncertainty with many of those species, and it was a difficult approach, but it was the best way that they could do it at the time, the best way the SSC could do it at the time.

MS. MCCAWLEY: Okay. Good discussion, and I guess I would ask, based on that discussion, is this a good range of alternatives here under this particular action? Okay. Maybe we can think about that, and try to answer that at Full Council, and so think about that more, if we need to change up Alternative 2 or add other alternatives here, based on that discussion. All right. Shep.

MR. GRIMES: Thank you, Madam Chair. This is totally off-the-cuff, and so I apologize to the IPT in advance, but so this has annual optimum yield in it, right, and this last one, and so -- It's in Action 8, and that's what -- It's in the language for it, and, consistent with my past plug, I would like to remove that, assuming that we have OYs on the books and we don't have annual OYs for these species that need to be updated. Thank you.

MS. IBERLE: So that, again, is the council's purview, but I just wanted to note that, currently, there is an annual OY for that complex, and so you would just be modifying that, and does that make sense, because, essentially, this -- When we're thinking about scamp and yellowmouth, that complex doesn't exist, and so we're establishing it. However, here, there is an annual OY for this complex, and so you would just be -- You would have -- I guess you would have to include action language, or language in the alternatives, that would then say either, you know, we don't want an annual OY, and then you have an action to establish an equilibrium OY, and does that make sense?

MS. MCCAWLEY: Yes, it does, and can we think about this more, and, if you have a different recommendation, Shep, bring it to Full Council? Okay. Thumbs-up. All right. Andy.

MR. STRELCHECK: We don't have any management measures in this to control harvest, and I'm curious if the IPT has discussed that. I get all the regulations confused, and so I have no idea right now if there's trip limits, and bag limits, and what all of those are, but, you know, to me, I feel like it's an oversight not to be considering some of that, especially with some of the closure projections and the AP recommendation for a commercial trip limit.

MS. IBERLE: So Table A1 kind of goes over your current regulations for each species in the complex currently, and so you have the aggregate bag limit, and there are no trip limits for any of

the species, and then yellowfin and yellowmouth are the only species in the complex that currently have a size limit.

We talked a little bit about the size limit for yellowmouth and scamp in previous meetings, but, if you look at the green columns, scamp and yellowmouth both currently have the same size limit, and the IPT has discussed that, and it didn't seem like it was a problem, and we didn't need an action to kind of implement that within the new complex. It exists, and it still exists, and it will until modified. Then, obviously, all species are underneath that spawning season closure, and so that's kind of the summation of regulations that you have in place for them currently.

MS. MCCAWLEY: So, Andy, do you want to come back, at Full Council, with thoughts on whether or not we need to add an action to consider changing the current regulations?

MR. STRELCHECK: That sounds good, because I'm hungry.

MS. MCCAWLEY: Me too. I'm starving. All right, and so then I think that concludes our discussion today on this particular document, and we're going to break for lunch, and Carolyn is going to tell us when we're going to come back. When we come back, we will be working on yellowtail.

DR. BELCHER: Okay, and so the plan -- Because we have a group of us that are going to lunch with Ms. Coit, I figure that it would be better for us to buffer, in case we have a longer lunch, because it is a large group, and so I'm going to suggest coming back at 2:15, and that gives us two hours, and then we'll work through. Like I said, unfortunately, we've got to do a give-and-take, but two hours for now.

(Whereupon, a recess was taken)

DR. BELCHER: Okay, and so we have a little bit of ordering change to the agenda, because we have -- Ms. Janet Coit is going to talk with us at 3:15 today, and then we have to have a hard stop at 3:45 to get ready for public comment at 4:00. The plan is to move up Bob Lorenz's report from the AP in the process and go back to some Other Business, and there's a couple of items there, which will then transition over to Janet and to public comment. Then, depending on how many people -- Right now, we have a low number of people in the queue for public comment, and, provided that number stays low, we will be coming back into session, and, yes, you can all beat me later, to talk about red snapper. I hope you enjoyed your long lunch.

MS. MCCAWLEY: All right, and so we are going to go into yellowtail snapper right now.

MS. IBERLE: All right. Jumping into yellowtail snapper, and hopefully this is brief, or at least my part of it will be brief, and so I just wanted to give a brief recap of kind of where we're at with yellowtail and then get some feedback from you all on where we're going, and so we -- You all had discussion, in September, about the kind of ramifications of the MRIP pilot study and how it affects this amendment.

Not only does it have a sector allocation on the South Atlantic side, and remember this is a joint amendment, but it also has a jurisdictional allocation between the South Atlantic and the Gulf. That first kind of chunk of stuff there is the direction to staff that you gave in September, and this

was reviewed by the Gulf at their meeting in October, and the Gulf had very similar concerns about the MRIP pilot study, and then they made the following motion, listed here. Essentially -- I'm not going to read it verbatim, but, essentially, they are opting to deprioritize work on the amendment, opting to wait to get an updated assessment.

Then what I did was just put together a draft motion that kind of just mirrors what the Gulf put together at their October meeting, and, if the council still feels that they want to wait for updated information to make decisions regarding the yellowtail stock, and, if the South Atlantic Council chooses to do this, then we're kind of on the same page with the Gulf, and so, with that, that's all I've got with yellowtail.

MS. MCCAWLEY: All right. Let me just -- Thanks for that discussion, Allie. Let me just try to add to that, and try to do another little recap here, and so, when we were working through the FES discussions at the last council meeting, this is one of the species where there is State Reef Fish Survey data, but it is not currently incorporated into the yellowtail stock assessment. The yellowtail assessment, the mutton assessment, the hogfish assessment, black grouper, all of those are done by FWC, and so mutton snapper is already underway, and so we kind of have an idea, based on some calculations that some of us saw at that stock assessment workshop, and we saw that there was quite a bit of difference between the State Reef Fish Survey data and MRIP.

What we had talked about at the last meeting, as Allie was pointing out, is kind of holding off on the management changes for yellowtail snapper and asking FWC, FWRI, to go ahead and rerun the yellowtail stock assessment, using the State Reef Fish Survey data, and so the Gulf talked about it. Because this is a joint amendment, the Gulf talked about it, and they made a motion there, that you can see on the screen, and so we are suggesting -- We had already made a motion, and it was complex, and it was talking about going back to the SSC, and other things, and that's not how -- The Gulf did what we're talking about here, and they had a different type of motion, and so we are suggesting just having another motion here that more closely matches what the Gulf did that basically puts this document -- I will say on hold, or on the back burner here, until after FWC can rerun the yellowtail stock assessment with the State Reef Fish Survey data. Are there questions? Okay. It looks like people -- Andy.

MR. STRELCHECK: Not a question, and I was, obviously, at the Gulf Council meeting when they made this recommendation, and I support it. We have a species that's not overfished, and it's not undergoing overfishing, and there's not an urgency, necessarily, to change management measures until we incorporate the State Reef Fish Survey.

I guess my question is the kind of feedback loop with the SSC, because they now won't meet probably until April, but, obviously, we're not ignoring -- We are, but we're not, ignoring their advice, right, and we're kind of just taking a different path, and so it's important, I think, to convey back to the SSC why we made this decision.

MS. MCCAWLEY: Sounds good. Monica.

MS. SMIT-BRUNELLO: I think that's good advice, Andy, and, in looking at the SSC final report, they did have some questions about that survey that they will eventually get, and they had some suggestions, I guess, on presentations they could receive, as well as other kinds of information,

and it's in their final report, and so we should pay attention to that, at some point, when you get the additional information back.

DR. SCHMIDTKE: To that point, the SSC will be receiving some presentations from the Florida SRFS survey at the April meeting, and so they -- You know, it's been going on in the Gulf for a little bit longer, and this should be a full three years now, at the end of this year, but the South Atlantic SSC has not seen any of that data, those data streams, and so that was definitely one of their main requests, is to use that data moving forward. They want to vet it and have it go through a review process, at the SSC level, and that will be on the agenda for our April meeting.

MS. MCCAWLEY: All right. Thanks for that. Robert.

MR. SPOTTSWOOD: **I will make a motion to approve the draft motion, as it's shown on the screen.**

MS. MCCAWLEY: All right. It's seconded by Carolyn, and let me just read the motion. **The motion is to deprioritize work on Snapper Grouper Amendment/Reef Fish Amendment 55 until after the completion of the updated SEDAR 64 operational assessment that incorporates calibrated State Reef Fish Survey recreational landings estimates.** Any more discussion? All right. **Any objection?** All right. **That motion carries.**

All right, and so now we are -- Because of the time limitations, I'm going to see if Bob Lorenz would be willing to come back up here and talk to us about the AP recommendations on the topics not on the agenda.

MR. LORENZ: All right. Thank you, Madam Chair. There's actually quite a few topics that we had on the side, and this was actually one of the most relaxed AP meetings that I ever have attended, which is really nice if you're the chair, and so it was more learning than anything, but we actually had extra time that gave time, which we've always been short of in about the past two years, for people to discuss and put out on the table some things on their minds that they would like to bring in front of you, in addition to the things we had been asked upon.

We did provide the additional input for the snapper grouper management strategy evaluation, and the nice thing about it, and I think it's costing a chunk of change, and I have read that many other councils, and other fisheries, have used this, and, personally, Dr. Tom Carruthers does a great job with this AP, and they like him. He's very personable, and he presents well, and he knows how to dig the information out of people, and he socializes later and gets some of the background from the rest of us, and so the AP likes it, as far as with respect to your various fisheries management plans, the way it seems like this allows for all the extenuating circumstances to maybe be baked-in, or modeled, on how you're managing the fishery.

It was interesting, to me, as you discussed the scamp and the yellowmouth, on this side of the table, and many things the AP came up with you actually kicked around here, and it would actually be in what the AP thought was important, and they certainly appreciated an opportunity for that, and that's on page 4 of our report, and so I would kind of ask you to read it.

We put a lot of time on that, and so, at some point, take a look at that, because we've spent about two-and-a-half hours on this, and there was a lot of good thinking, and so things that -- There were

about basically three buckets, and one was the uncertainties that come up in your management plan, and so the discussion about weather, its variability, and its effect, pro and con, on particularly if there's a short season. How economic variability can control how we fish, and, I mean, we do know, in the recreational sector, that all it takes is a lot of unemployment and high gas prices to ramp that down, and, obviously, if the coastal economy is doing poorly, it affects the consumers on the commercial fishers.

We talked about, you know, the spatial variability, and, I mean, we're going with a long coastline, from Virginia to the Keys here, and, you know, how that might affect different species, what you see, and how maybe you want to manage them and how that variability occurs. Certain things you see in Florida, with one of our favorite fish, may take a little longer to see in North Carolina and, you know, how recreational fishing grows, how that might affect it, and changes along the coast, due to climate and development, how -- If you do allow us to fish for red snapper, how that might affect other fisheries, and so that was discussed.

Then they put in there the management options, the typical ones we all talk about, with what type of hook types you use, bag limits, that sort of thing, how that affects the fisheries, and they were kind of excited about, okay, we can throw that into a model and do these things that they -- The other runs on how things occur, and then they mentioned about alternative runs where they discussed, or noted, the data that's observed in MRIP.

Red snapper was not talked about very much, but it did pop up once here and there, and so somebody threw in accounting for black sea bass predation by red snapper, and then the density-dependent growth. As a species comes back, and gets the -- The species that get rather large and what effect that might have on recruitment and the juveniles and predation, or cannibalization and that sort of thing, and so a great discussion by us, and, if you managed to listen in, you would probably enjoy that, and everyone was so enrolled in that, and it was very exciting to see.

We completed the fishery performance reports that are going to be issued, and golden and blueline tilefish -- I don't believe we have anybody though on the AP, at this current time, that is fishing for those species, but some did have knowledge of people who do and all, and so that input is -- We've put a lid on that one.

We did listen to the presentation of the offshore wind developments, which I think you're having tomorrow, and that, from what I've read and heard about, you know, and it's caused a lot of consternation, I know, in New England and the Mid-Atlantic, from certain kinds of fisheries, but we don't have any dragnets, and we don't have any trawlers here, and so the only one it might affect would be the longliners, and the tilefish are too far out to be of concern of them, and so, believe it or not, there was absolutely nothing negative about this from the AP.

Any comments that came in were more economic than about fisheries, and the only thing, with respect to fisheries, was, oh, the structure, and are you going to allow me to dive on that structure, and that would be fabulous, and so that's what came out of it. At the time our AP meeting was held, you know, Dominion Energy in Virginia, which also has -- You know, because they absorbed SCANA down in South Carolina, and there was kind of a battle about that, the Virginia offshore development, and the Virginia Utility Commission not even -- I guess, putting it to Dominion, they weren't even allowing them to make a path in the future that they thought that they needed, in order to make this kind of investment, and so, therefore, the people asked more questions about the

economy, and is this really going to work for you utility companies, than they really did about the fisheries.

Coming from your AP, there was nobody concerned about this. If there were any comments, or statements, they were pretty positive, and it's like they didn't really care, even though there is quite an effect here in our extreme southern coast, where we meet -- You know, we have a lot of live bottom here on this -- Off of our southeast North Carolina coast and northeast North Carolina.

The next thing we had was the for-hire limited entry, and this has come up from time and time again, and I believe that is on page 6 of our report, if you want to read more on that, and so a motion was made that our AP would like to recommend that you consider limited entry, and we've been there before, for the recreational for-hire component of the snapper grouper fishery, and so they want you to consider the number of permits, and they did talk about, a bit, of will there be a distinction between the six-pack and less and those with more passengers, and so the headboats.

We have so few headboats left, and luckily, on the AP, we do have somebody who runs a pretty substantial operation with headboats, out of South Carolina, and we have, you know, probably one of North Carolina's most storied captains, from right here locally, that's on our AP, but a lot of the members look upon that as, boy, that's a way for the common person, at a reasonable price, to go fishing in this fishery. A lot of us have kind of an emotional interest to keep those folks alive, and we think they're up against more than the rest of us, in order to keep going forward, at least economically.

The request, of course, would be to please consider the control date, to change that, to be on, or around, the time of any implementation that you would have for the for-hire reporting requirement. You know, if you look, the last control date, and I wrote it down here, is June 15, 2016, and so there would be an update there, and then there was discussion, and I believe Andy asked me the question the other day, yesterday, and they do want to know if this will apply to fisheries outside of the snapper grouper fishery, and there are some folks thinking the time may be -- That may be something that we want to look for for over there.

Next, the recommending that we consider the private -- This is just a matter of priorities, but, yes, that you keep the private recreational permit kind of up there as a priority, and they do consider the limited entry -- You know, for the majority of the AP member, it's something pretty important, and then their request would be can this be implemented as soon as it possibly can.

There were some discussions about, when you do the limited entry -- It's kind of interesting, because there were statements like, you know, south Florida, and the Keys, there's just a phenomenal amount of people coming into the for-hire industry, and some other towns, and areas, on the east coast, and then there's other areas that are almost disadvantaged from for-hire, and there's nobody for miles, and so how would that be baked in, or considered, in that type of approach. I had a number somewhere, and I think we said -- I think there's just shy of 2,000 people with these permits right now.

I am repeating myself there, but most of the AP did support consideration of limited entry for the recreational for-hire component of the snapper grouper fishery, and there is no real color on that. There's several rationale, and it's kind of escaping me now what some of our statements were with that, and I think that was where I came to you about some of the areas where there's quite a crush,

and there's quite a few people competing in this, and then there's also those -- A statement, again, that -- To keep an eye for what they consider the illegal charter fishing, the people that are going through social media and all, and you're able to book charter trips and all, and this does harm the people that are doing everything by the book and complying completely with the fisheries regulations, and the safety regulations, and there are those that are not.

I actually went to kind an economic thing called Blue Economy in my area, and there was a Coast Guard Rear Admiral that presented, and this was not for fishing, and this was for 200 people to listen about how you leverage your coast for industries that can bring economic vitality to your area, and the Rear Admiral, and it was a woman, had mentioned that that was something of her interest. Now, she was up towards Washington, as far as in her administration and with her command, thinking that's also an issue, and that has been brought up over the years with our AP, adamantly by some members, back about eight years ago, and it's now surfacing again.

Then the last thing is vermilion snapper commercial trip limit, and they did make a -- We had an approved motion that we wanted to recommend to you to discuss increasing the commercial trip limit for vermilion snapper, with options up to 1,500 pounds in the Atlantic, and I believe the people were saying that maybe they're not -- The commercial guys aren't catching all they can, and they seem to be relatively abundant, and they're looking for that opportunity, since we're not approaching the ACL, and, if we look like we're going over, or we may be highly likely, from time to time, to go over, to consider a step-down limit.

Other things that came up, that was not on our slides, was the commercial two-for-one policy, and this continues to be brought up, and now it's being brought up pretty strong, and they're kind of asking is time up on this one, and, you know, have you met the goals and objectives on the two-for-one permit system, and the request would be to please take a look at that and maybe clarify, with the commercial fishermen -- Publicize what your long-term attempt is on this for allowing the leasing of commercial vessels and continuing this policy and not updating it or eliminating it at this time.

We actually had one member, who is no longer on the AP, but he actually got a little nasty about this one once before, and they don't -- Some people don't like this, and there's feeling that the people that have had these permits for a long time can kind of bleed the people who don't, who want to try to get into the industry, with respect to these permits and the leasing of them, and then there was one -- This is another one that I am not too up on this, but we had one fisherman that was -- I think he has a lot of retail outlets, but he was quite interested to consider the 225-pound commercial permit transfers.

There's something behind that, and it's transferable to a vessel owned and leased by the same permit holder, and you can't sell that to a new owner, and you can't even transfer it to your immediate family, and they wanted that looked at, and there was on AP member that proposed maybe just even disallowing this type of transfer. I think it has worked in some areas, but I know we've got some folks in North Carolina -- They would just as soon see it go on, and so thank you. That completes the laundry list of things that we had, and it was a nice opportunity to discuss our AP meeting. Thank you, Madam Chair.

MS. MCCAWLEY: Thank you so much, Bob. I'm sure there's going to be questions on these topics. Mike.

DR. SCHMIDTKE: I just wanted to clarify that the 225 transfer topic -- So what was brought up by one of our AP members, and I think I've heard this before, but it was brought up again, is that there's some dissatisfaction with people owning a commercial permit under a corporation name and then essentially being able to transfer that permit by transferring ownership of the corporation, when the intent of the permit was that it would not be transferable, and so you can't -- If you own it as an individual, you can't transfer it to another individual, whether within your family or outside of your family, but, if you own it as a corporation, you can sell that corporation, and then the permit changes ownership, effectively, and that's what this AP member was bringing up and would like the council to consider making some change, to not allow that type of transfer.

MS. MCCAWLEY: Thank you, Mike. All right, and so are there questions? Tim and then Kerry and then Andy.

MR. GRINER: Thank you for that, and thank you for that clarification, because, you know, we've struggled with this, and we've brought this up multiple times, and my understanding is that originally that permit was to be held by a few individuals, and it was not to be transferable, and so, basically, when they passed away, the permit went away. Well, that's not what has happened, and this has morphed into basically a transferable permit, and I don't, for the life of me, understand how a permit ever went from someone's individual name, and then it got put into a corporation, which now, as Mike said, the corporation can be sold, but, even at that, and you take it one step further, and there's corporations that have multiple 225 permits, and so how can one single corporation own multiple permits, and that corporation is being sold back and forth? You know, I don't know what the solution is, but there's definitely an issue here.

MS. MCCAWLEY: Thank you, Tim. Kerry and then Andy.

MS. MARHEFKA: I started my career with the council right after Amendment 8 went into effect, and so I have a very good memory of the intent, and I've gone back, and I've read the minutes, and I've read the document, and I know exactly what was intended with that 225, and Tim is right that it was supposed to be for subsistence fishermen, and, specifically, at the time, there was a lot of people in Florida who were, you know, sort of fishing at that level, and not at a complete commercial level, like the guys that got the transferable.

It was never intended to -- They were never intended to be around in 2023, or 2024, and I know that. I guarantee, if we look at the record, that's exactly what it says, and so it's my intention to figure out how to get rid of the 225 permits, and I've asked Myra to look up -- You know, I'm not quite sure if we need -- There would have been an original control date for Amendment 8, and I know there was, and I don't know if that's good enough for what we're doing now, if we need to talk about a control date, to put these people on notice that they're going to go away, but they're no longer doing what they were supposed to be doing, and I don't think they're serving this fishery, and I think that we need to get rid of them.

MS. MCCAWLEY: So I guess, and you don't need to answer right now, but can you think about if there's an action item, and like do we need a white paper, or do we have questions that we want answered by staff, and so think about that, and are you ready to think about what those action items might be, so that the council could consider the next step?

MS. MARHEFKA: I mean, in my mind, I think that Robert, and the AP, bring up a lot of things that we've kind of kicked the can down the road on, and I think that this would fall under the same discussion of looking at the two-for-one and looking at the 225. I think, Jessica, you and I have talked about this, and I was always under the impression, and I know I was mistaken, but the MSE was going to be a holistic look at both portion of the fishery, all of the portions of the fishery, and I thought that that's when we would get to looking at what the commercial fishery was going to look like in the future.

I don't know how this would work, and I know it can't be in the MSE, but how can we now craft a way forward, to look at the commercial fishery, and talk about what the commercial fishery should look like in the future, and I think it's really important.

I don't know the answer, and, I mean, I feel -- Obviously, I have a strong opinion on the 225, and I think the two-for-one is a lot more nuanced, and a bigger discussion, and that might also take -- You know, maybe, at the same time, we look at the charter/for-hire limited entry, and I'm not sure, but I think it's time for us to start talking about the other portion of this fishery, and so, when you say white paper, should we look at all of that, and I don't know about the workplan and how that would all work.

MS. MCCAWLEY: I agree, and we've talked about the two-for-one, which was something that I think that we had gotten maybe a white paper on in the past, but it could probably be updated, but, yes, I agree with you that maybe there's a way to look at all of these pieces, because you're right that the MSE is not getting into some of these things that we thought that it was getting into. I am going to put you in the queue. All right, and so there's a number of hands that have gone up, and so I have Andy, and then Robert, and then John Walter.

MR. STRELCHECK: Thanks, Bob, for being here, and great presentation, as always, and so I have two questions. First, kind of along the lines of the permitting discussion we're having, the two-for-one, obviously, was intended to consolidate the fishery and deal with overcapacity. The 225, I don't have the history on it, but, you know, hearing from Kerry about trying to kind of get rid of it, but I was struck by the fact that, you know, for the two-for-one, people want to kind of set a threshold that, if we drop below that, and like we're going to maintain that number of permits, but it seems like, with transferability provision with the 225, that's essentially allowing those permits to still be retained in the fishery, which maybe the commercial fishermen that use those would view that as a good thing, but the highliners might view it as a bad thing, and so can you just share a little bit more with regard to the threshold for the two-for-one and kind of the thoughts on the 225 permit, in terms of the transferability going away?

MR. LORENZ: Most of what I've heard, with respect to the -- I've heard more with respect to the two-for-one, and it kind of involves the ability of new people to get into the fishery, of the cost to them and how it pushes back them or, in their opinion, denies opportunity for new people in the fishery. I know you -- This is coming up more and more, about the social and environmental justice, and so this has been brought up, and it's been brought up from extreme southeast South Carolina, and from Hatteras and Dare County, from people, younger folks who want to get into the fishery that feel they are being, you know, starved out, that they can't afford to get in, and so it's more coming, you know, probably from, you know, that end.

We occasionally have, like in North Carolina, someone saying, well, we're actually losing commercial fishermen, or he no longer maybe runs his own boats, because he says, you know, I'm having trouble sometimes getting enough fish, and I don't have enough fishermen supplying me, and so maybe some of it is rooted in there, from what I could see.

MR. STRELCHER: Great. That's helpful. Then, going back to the conversation about the MSE, in the uncertainty section, you note future recreational capacity, and so I'm curious, and is that essentially running the MSE based on future levels of fishing effort in the recreational sector, and what is considered kind of reasonable, and sustainable, for harvest?

MR. LORENZ: Yes, and that's what it is. It's the cautionary note of how does -- You know, if what we see in the past few years, if it continues, kind of an exploding nature of recreational fishing ability, more participants in the fishery, and then, also, saddled with that, and I neglected to mention, is just the skill level to get out there and pursue the fishery keeps dropping lower, and it's getting easier and easier for everybody to fish, due to technology and the safety and the power of modern-day boats, and so it's kind of wrapped up in that.

MS. MCCAWLEY: All right. I'm going to go back to my list of hands. I have Robert and then John Walter.

MR. SPOTTSWOOD: I just wanted to make the comment about individuals versus corporations, and there are, in other contexts, you know, controls in place, for like real estate taxes, liquor licenses, where if there's a controlling share, or any interest, transferred, and so, you know, there's probably legitimate reasons for having things in corporations, and so I just wanted to put that on the table, and then, also, if this was intended to be for individuals, is there some way to go back and look at, if it was used by corporations, you know, when ownership changes, is there any ability there, but I just wanted to leave that there.

MS. MCCAWLEY: Thank you. John.

DR. WALTER: Thanks, Bob, for a really good summary here, and I don't know if you can answer this, and I don't necessarily want to put you on the spot, but I guess my understanding, and I was concerned, if the MSE is not addressing commercial management, it's going to -- I'm not sure how it's going to actually function, because you have to make then an assumption about how the commercial fishery is going to work, because they're a package deal in managing a fishery, and so maybe, to someone who is -- Maybe staff might be able to comment on that, on how that would be treated. Then if it's, right now, not part of the current workplan, there are additional funds to extend that MSE, and to include some other factors that this committee, or this council, had outlined, and, if that's a priority, then I think we want to make sure that we get it in there, in the workplan. Thank you.

MS. MCCAWLEY: Thank you. Chip.

DR. COLLIER: We do have plans on getting commercial in the future. Right now, what we're trying to do is focus on some of the recreational fishery issues that are going on, and so, in order to project the commercial fishery forward, we would take the allocations the way that they are right now, and we have a control rule, a harvest control rule, that we typically use, which is set equal to FMSY, and then drop down from there according to P*, and so there are certain rules that

we have in place that are going to be used to estimate what would be going on in the commercial fishery, and so those are going to be used to establish how that fishery would be managed, and just keep it static for the way it is right now, but really tweak the recreational fishery, in order to see what would be most appropriate, given what the stakeholders' guidance is. Does that make sense?

DR. WALTER: I have just a little concern, because it -- Assuming one user group is static, and status quo, while another gets an intervention, is an action itself, where I think that the -- To get to where, at the end, advice -- You're going to have a series of tradeoffs in performance, and, if you're not actually allowing for some increased performance in maybe the commercial sector, due to something, then you're only looking at your status quo versus potential increases in performance on the other side, and I think where the solution space for this MSE is going to be is in finding an acceptable compromise amongst competing management objectives, which means actually freeing up the other management objectives. I am just concerned that we're not going to find that sweet spot if we don't explore -- Because we're exploring the sweet spots on one end, but not letting the sweet spots on the other end get explored, and does that make sense?

DR. COLLIER: Yes, and, I mean, it makes total sense, but the elephant in the room for this fishery is the recreational fishery. It's discards in that, and it's the red snapper fishery, and we're trying to make sure that it is the recreational issues that are being addressed in this big one, because that is the complex, and difficult, issue that we're dealing with. The commercial side, although unhappy with several issues that are going on, they're not as disgruntled as the recreational sector.

MS. MCCAWLEY: So a question, Chip, and what would be the timing? Does the MSE get 100 percent complete, while the commercial then comes, I don't know, what a year later, or six months later, and how -- Then does the SSC just review the piece with recreational, and then it comes to the council, and then, in the meantime, they're starting the pieces on the commercial? Can you talk a little bit more about the timing?

DR. COLLIER: So, really, they're setting up the pieces that could go into management procedures, or some of the management actions that could go into place, and so we could set up commercial size limit changes, commercial trip limits, how different things operate, and so we can do that on our own, and that was one goal of mine this year, is to really work with them, so that I can tweak some of the MSE, in order to move forward, but the next real big component of the MSE is -- At least as I was talking to Adrian on Monday night, it was to maybe put in species interactions, because we're also hearing that maybe there is competition among these species, and maybe that's causing some of the issues.

We do have -- Within the South Atlantic, we have that Ecopath with Ecosim model that's been developed by FWRI, and they're revamping it right now, to have an Ecospace component to it, and that part we're thinking could be placed as an integrated model into the MSE, and that's going to be complicated, but that was what we were thinking we could do as the next phase. Meanwhile, staff could be working on it, putting some of the commercial management measures in there, to make sure that it is meeting the commercial goals as well.

MS. MCCAWLEY: So then, thinking about timing, does it mean that the Snapper Grouper Committee should go ahead and start discussing some of these commercial items, like the 225, the two-for-one, and should the council start discussing limited entry for the for-hire permits, and like I'm not -- It's hard for me, in hearing how you're explaining it, to figure out how these pieces all

come together and if we should start, timing-wise, on some of these challenging discussions while the Ecosim, Ecospace, Ecopath model, and the MSE, are working, kind of at the same time, or we wait until a piece is 100 percent complete and then work on the commercial, and do you have some advice here?

DR. COLLIER: Not really. I mean, as you were talking, I was just going through, in my head, you know, how can we evaluate these pieces of the commercial fishery, because a lot of it is economic-driven, and maybe that's -- We can talk to John Hadley about maybe some potential economic models that could be used to -- All right, and let's say we eliminate all the 225, and a few more individuals are fishing with the SG 1 permit, and is that better? Does that make the fishery any better, but we've also had difficult discussions, or the council has had difficult discussions, at the table, on what they want the commercial fishery to look like, and, without guidance on that, it's going to be a bit of a challenge.

We can reach back out to the Snapper Grouper AP, to get their feedback on that, and one of the issues that I worry about with that is I don't know if we have any of those 225 permits on there, and so that voice would be missed, when we're talking with them.

MS. MCCAWLEY: I guess let me look to this side of the table, and I know Kerry had her hand up, but I'm also thinking about the timing, and what you've heard from Chip here, and is it better to start asking some questions, and get some type of white paper, or get an updated white paper, maybe in the next six months or something, where we could start having these discussions, and then I guess would also say that, you know, one of the other things that they talked about, because we asked the AP to talk about it, was limited entry on the for-hire permits, and so I guess I would like to hear some discussion on what people think, what we would like to see, in order to start those discussions, and by when, and then, of course, we would have to look at the workplan, when we get to Full Council, but do you all have some thoughts over here, based on what Chip said? Kerry.

MS. MARHEFKA: Yes, I do. Chip, thank you, and I absolutely was not railing on the MSE, and, you know, I'm sure this has come up before, and you have explained it to us, about this rec and commercial issue, and it just takes five or six times to really penetrate my head, but I think what might be interesting to me, and I have no idea how feasible this is, not being an economist, John Hadley, but, a long time ago, there was -- I think it was sort of a rough-and-dirty that a former economist -- He had done sort of a rough-and-dirty calculation of, you know, what the ideal number of full-time snapper grouper boats, commercial boats, were to make it, you know, whatever the economic term for it is, like, you know, a viable boutique fishery that we have.

You know, to some extent, if a white paper included -- Even if it wasn't the number, but a way that we should all consider looking, or options for sort of what different versions of a snapper grouper commercial fishery may look like, and I think that figuring out truly how many 225s are out there, and sort of the legality of this corporation situation.

I found out that like Ira Laks, who is on our Mackerel AP, has a 225, and he's sort of one of those people that was like that's what you intended, right, and like he does other commercial fishing fulltime, and he just didn't snapper grouper fish enough to get the unlimited, and so sort of the extent we can find out what those 225 boats are really catching, what they're really doing, and, you know, I don't know if, at this point, we're getting into a full-blown analysis, and I'm not trying

to do that, but these are the questions that go through my head when I think about what we want the future of this fishery to look like.

MS. MCCAWLEY: Thank you. Tom.

MR. ROLLER: I will shift gears here to a little bit of the for-hire component, and kind of expand upon my comments from Monday, which, you know, I will note that -- First of all, always, thank you, Bob, for your hard work, but I will note that I paid attention to this conversation on the AP, and a lot of the concerns were regarding the viability of our SEFHIER program and the reporting, right, and that's a lot of the discussions that we had.

I noted, on Monday, that a lot of our fishermen, in this industry, are expecting a lot from this program, and it's clearly not meeting their expectations, right, and I think for -- I would like to point out that we did have a pretty well-developed amendment that this council did not advance, and it has a lot of hashed-out ideas for the for-hire, and so we do have a lot of that to begin with. Personally, if we were to do a white paper, I would be interested in seeing change in industry, I mean, over the last decade, and how many more permits do we have, trends in states, you know, as well as compliance with the current SEFHIER program.

MS. MCCAWLEY: All right. Thank you for that. John Walter and then Andy and then Laurilee.

DR. WALTER: Thanks, and I think, as I'm thinking about this, there's a lot of different management measures, for the commercial side, that are somewhat complex that might be able to be abstracted into just kind of an effort metric, and there might be a way to, at least from the standpoint of the MSE, evaluate some of these, but not at the granular detail of how they would be implemented, and maybe that's the step that needs to be taken, so that we're not doing all of it at once, but allowing to at least say what is the amount of commercial effort that would lead to profitability.

I imagine there's an operational management objective, or there should be, in the MSE of like commercial profitability, some incorporation of economics, and what would you need to be able to get, in yield, to be profitable across the multispecies, and then the goal would be to find the management procedure that better achieves that, while meeting all of the others and the biological must-pays, and so, at least if there was that, then maybe a way to --

I think that probably the Blue Matters group could really assist with that, but I would say that probably it's something for the AP to help try to get some flavor of those commercial management measures in, because my concern is that, any time you manage one sector, you're actually affecting the other sector, and so they're not going to be achieving, necessarily, what they want, and so you're going to have to have that lever of could you get something better out for the other side, and, again, I don't think we can take it in isolation, if we're going to actually look at what the real tradeoffs are and come up with realistic outcomes.

It's good enough for at least an initial view of it, but it won't get us down to the brass tacks that are really what the decision points are going -- When they go before a body, they need those hard numbers about what that decision is going to do, and, once you've got those hard numbers in front of you, then you can make an informed decision, and just, having seen this process go through to its end -- It was only when those numbers were on the table before any real decisions could be

made, and, once you had those numbers, then there was all these other questions about could we get a little better at it, could we get more yield, could we get more et cetera, but having some numbers really helps crystalize that. Thanks.

MS. MCCAWLEY: Thank you. Andy and then Laurilee.

MR. STRELCHECK: A lot of thoughts here, and good conversation, and I'm encouraged by the conversation. You know, in terms of the snapper grouper permits, a couple of thoughts. One is, you know, for questions just about the permitting itself, how it works, some of the mechanics of it, I would certainly recommend inviting my branch chief, Kevin Macintosh, to a future meeting, and I think that would be helpful, in terms of answering specific questions about permitting.

I believe, in March, and I'm not sure, there was a paper that was done by the Science Center that was comparing snapper grouper profitability for the Gulf versus South Atlantic, and kind of a compare and contrast and a lot of the differences there. I think that's an opportunity for us to get some more information about kind of what we're seeing, in terms of overall trends in the commercial sector.

In the Gulf, we've been wrestling with this issue of overcapacity. The IFQ programs were implemented, but I really appreciated Kerry's comment just now that we have this boutique fisheries, right, and there's an important role that these fishermen play, even if we're not eliminating overcapacity, right, and so what do we want our commercial fishery to look like, going forward, and what's our vision for that?

Then, I guess, my last comment would be on limited entry, and let's do it. I think it's time. We don't need to wait for an MSE to tell us that we have too much effort, and capacity, in our fisheries right now, and we have faced this every single meeting, with stocks being overfished or undergoing overfishing, and we continue to battle challenge with open-access fisheries, and so let's go ahead and move forward and start working on a limited-entry action.

MS. MCCAWLEY: All right, and so great conversation, as Andy mentioned, and I'm going to be coming back to folks, so that we can articulate these things into motions, or requests for white papers, and to try to put a strawman on the timing for some of these items, so that we can then talk about it when we get to the workplan discussion, and so just be ready, and I'm coming back to folks. In the queue, I have Laurilee.

MS. THOMPSON: One of the things that you have to consider too, when you're looking at changes to the industry, is the loss of infrastructure. We could rebuild the fisheries, and have all the fish out there that people want to catch, but, if there's nowhere for them to tie up their boats, or unload their product, we haven't accomplished everything, and we have to preserve some infrastructure.

MS. MCCAWLEY: Great point. Okay, and so I am looking to folks top hear more about if you want to make some motions, if the motions are requests for a report, or a white paper, and let me talk to Myra for a second, but be thinking about what you would like to request, and what the timing of that is, and so you heard Andy talk about that I would like to look at the for-hire limited entry now, and you heard some questions that Tom Roller had, and so just be thinking about that, but, yes, let me talk to Myra for just a second.

All right. We have nine minutes before we have to move to the next item, and so do you want to wait? The one issue is, if we talk about it a little bit more now, about what you might want, then we can talk about those items in the context of the workplan, and it will be more -- You know, you have to flip-flop the committee reports and other things, and so let me give some examples of items, and then you guys -- We can either postpone the discussion, because the Snapper Grouper Committee will continue after public comment, and so that's another way to do it.

You've heard that there are some existing documents out there, and so the commercial two-for-one, and I think that that could be updated, and this is after talking to Myra, and I think that that document -- It is dated, but it could be updated, and the 225 analysis -- That was not in there before, and so I think that the committee could request that the two-for-one document be updated, and so this would be like an informational paper, like a white paper, and you would request that the 225 information be added to that.

I think a separate item could be a white paper, an informational document, on the limited entry that would bring in the items from -- Was it 47, Amendment 47, where there was a lot of work, like Tom said, on that, but I think that there is some things, like the for-hire reporting, and other questions that you're going to have, and none of that was really covered in that document, and so you would have to bring in all of that together, and bring in these updated questions that you have, and so all of that would need to be updated, and so I don't know if that kind of covers everything that you guys are thinking, and I think that you might have specific questions that you want to make sure are in these documents, and so thoughts on that, or if you have questions for Myra on what could be produced, but it sounds like you could get kind of two informational papers, one that's on commercial that would be two-for-one and 225 and the other one on limited entry, and that would bring back these older items, but a lot of the pieces would need to be updated. Kerry.

MS. MARHEFKA: I like exactly what you described. I think that's fine, and I think that's a high view, and it sounds like it's somewhat available, and it just needs to be updated, because I don't want to throw too much on staff, and so I think you just laid it out perfectly.

MS. MCCAWLEY: Okay, and so the one thing that wasn't in that, that was something that Chip brought up, was the economic piece, and so there was an older economic document, that was done by a previous staffer, and I thought that Chip talked about it too, that there could be some updates on that, and I'm not sure if that's even possible, and I'm looking at Myra, but, in the meantime, can you guys look at the bullet points that we have here, that maybe we want to do a motion to do the things that we were talking about here, but you guys check it out here. Andy.

MR. STRELCHECK: Just a question for staff, and, you know, we keep tossing out the term "white paper", and I think it makes sense with the two-for-one document, since it already exists, but I feel like it's always an added step in the process, right, that we could go to starting to develop a scoping document that starts fleshing out ideas, without having to do a white paper, and maybe that's what is envisioned for the discussion of the limited entry, but I just -- I'm cognizant of staff resources, time, workload, and I would be interested in maybe talking to Myra or John about that, in terms of white papers versus scoping documents.

MS. MCCAWLEY: Okay. Well, we're about to have to stop this discussion anyway, and I guess another thing to think about would be thinking about if you had questions for the AP or what's

missing from the list of what you would want to see, so that we could have a discussion about this, and so do we want to kind of end this discussion for now, and people can talk to staff and figure out if this includes everything that they want, or do we want to go right to some sort of scoping document, or are we going to get these informational papers and then figure out the next steps, and so maybe we concludes this discussion right now, and then I will pass it back to the Chair to tell us about the timing for talking to Janet and for public comment.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: All right. We're going to get going again back into the Snapper Grouper Committee, and we are going to start with a discussion on Amendment 35, and I'm going to turn it over to Mike, because I believe he has prepared a presentation for us.

DR. SCHMIDTKE: All right, and so, before I jump into the presentation, I do want to, I guess, point you to a document that was in your briefing book, that can kind of help you follow along and reference some of the materials that I'll be talking about in the presentation, and so this is Attachment 6c for the Snapper Grouper Committee, and this is a timeline of the actions that I'm about to go over in presentation form, but one of the helpful things here is that this will contain the links, so that you can access different pieces of information that I will be referring to, and you can reference those as you need to, and so I'm going to just minimize that for now, while I go through the presentation.

All right, and so the goal of this presentation is just to kind of give an overview, or a reminder, of the process that you all have gone through in developing Regulatory Amendment 35, kind of some of the discussions that you've had along the way, some of the rationale that you've developed that have gone into that amendment, and another attachment that is in your briefing book is the actual draft amendment document.

Staff and SERO staff, council staff and SERO staff, have finished up the edits for that, and that amendment is in the form of, if you all decide to submit it, then a submittal date will go onto it, and it's going to get sent, and there is no additional editing that needs to be done to that amendment from the council staff, or the SERO staff, and so that's ready to get sent out the door, if that is your decision today.

This process all started with SEDAR 73, in receiving the results of the SEDAR 73 stock assessment, and those were presented to the council in June of 2021, and the results of that were that the stock is not yet rebuilt, and overfishing is occurring, and the SSC met in July of 2021 to provide the catch level recommendations, and one of the significant notes that we've talked about, for a long time since then, has been that recreational discards, in particular, are a significant issue for this fishery.

The council settled on kind of an overall plan to respond to the SEDAR 73 results, and this plan here included an immediate and a long-term action, and there was kind of an intermediary action that ended up getting brought about in the interim, and that intermediary action is more of the exempted fishing permits that have been talked about from the SERO end, but the overall plan that was set forth by the council was, in the immediate term, exploring actions that would reduce red snapper discards and implement the revised ABC, the acceptable biological catch, and the annual

catch limits, through a framework amendment, or a regulatory amendment, and that is Reg 35. That would address overfishing, in response to that stock assessment.

The long-term action was to also address the discards through expanded outreach efforts that would improve best fishing practices throughout the region, and also to develop a management strategy evaluation that would evaluate the impacts of red snapper regulations and discard reductions on the overall snapper grouper fishery and not solely in regards to red snapper, and, following that management strategy evaluation, there would be some broader actions that would be implemented through a fishery management plan amendment, a full amendment process.

This plan has evolved over time, through council discussions of various analyses and ideas, followed by you all's direction to staff, and so the next several slides are going to kind of go meeting-by-meeting through that process and the record that you all have built.

In September of 2021, the council directed staff to begin developing a framework amendment that would explore methods for reducing discards, and this was directed to include gear modifications, time/area closures, and slot or maximum size limits. This framework amendment, after several meetings, you will see that it becomes Regulatory Amendment 35. The council also directed staff, in that meeting, to work on tasks related to the longer-term response, including increased -- Including developing a plan for increased best fishing practices outreach, convening a workgroup to explore what a management strategy evaluation could look like for this fishery, and then noting that a plan amendment would follow the MSE, to incorporate the results, along with revised red snapper catch levels.

In December of 2021, the council discussed information that had been compiled, requested and compiled, by staff, and so you all looked at a compilation of dead discard data, to better understand the extent of change that could be expected from some of the management changes that you were considering at that time, and you all decided that ABC, and ACL, changes should be included in the framework amendment, rather than the plan amendment, so that the council would be fulfilling the MSA requirement to manage within the ABC that is recommended by the Scientific and Statistical Committee.

The council also wanted to consider potential management measures, like area closures by depth, hotspot analysis, gear modifications, weight limits on a per-person basis, or seasons, in the framework amendment, and so you directed staff to conduct some preliminary scoping, to get an idea of what measures for addressing recreational discards the public might be interested in moving forward. For the long-term action, at that March -- At the December 2021 meeting, the council approved a workplan for the MSE and directed that it continue moving forward.

In March of 2022, this is when the council really started diving into some of the more extensive analyses of the entire snapper grouper fishery, and so, at this meeting, the council initiated, formally initiated, Regulatory Amendment 35 to adjust the catch levels for red snapper and requested quite a bit of guidance for staff to bring back. At this meeting, the analysis that was requested included depth zone definition and delineation options, and kind of considering the effects of barotrauma by depth, estimates of commercial and recreational discards, and discard mortalities for assessed stocks, and this wasn't just red snapper, and this was all assessed stocks that were -- All snapper grouper assessed stocks at that time.

Then also considering species that should be considered for exemption from any seasonal regulations, a table of spawning seasons for all the different snapper grouper stocks that had been assessed, and that we had that information for, annual seasonal and regional trips targeting, or catching, red snapper or overfished stocks, some pros and cons of impacts to -- Of impacts to the commercial and for-hire sectors from the potential management approaches, and then compiling some discussions of social and economic impacts. This was considering the commercial two-for-one, the white paper that was discussed at that meeting and that got brought up kind of in some of the discussions today, and then some of the past documents, like the visioning blueprint, Kari MacLauchlin-Buck's paper, and Amendment 17A.

There was kind of a long list of items that was requested at that March meeting for the immediate action, and then, in the long-term action, the council also reviewed proposals, at that point, for the management strategy evaluation and selected Blue Matter Science to be its contracted company that would work on the MSE, beginning in July of 2022.

Next, in the June 2022 meeting, staff presented the requested information and analyses. At that meeting, the council gave direction to add gear modifications to the amendment, and so the gear modifications that were added at that point were single-hook rigs, the action that made it all the way to the end, and then the action that was considering prohibition of electric reels while snapper grouper fishing. At that meeting, staff was also requested to develop, more formally, a proposed plan for the expanded outreach and education on best fishing practices, as one of the tools to reduce release mortality, and then staff was, again, given a pretty extensive list of data and analyses to bring back to the council to inform decisions, this time with respect specifically to time and area restrictions, and this was to be brought back at the September of 2022 meeting.

Within the June meeting as well, there was also the note from the SSC that, while they recommended that spatial and time closures be something that the council would consider, they did note there that those types of measures would likely take significant time to develop and be unlikely to full vet and have completed for Reg 35, with the timeline that was presented to them at that time, during their April of 2022 meeting.

For the long-term action, there was a request to include consideration of spatial and time closures in the MSE, and that come from kind of that SSC note of how long it would take to develop some of these time and area closure measures.

In September of 2022, staff presented options for the Regulatory Amendment 35 actions and alternatives that were available at that time, as well as the data report that went through the data that were being considered to support any decisions made on time and area closures at that time, and so all of that was presented to you, and an appendix was added to the document that promotes best fishing practices and details the efforts for expanded education and outreach. For the long-term action, there were presentations on the management strategy evaluation that were requested to be given to the Snapper Grouper Advisory Panel and the SSC at their October of 2022 meetings.

Then, moving into December, the council gave direction for the IPT to add some discussion to Reg 35 on how it fits into its overall plan of ending overfishing of red snapper, noting that Regulatory Amendment 35 does not accomplish that on its own, but it is one piece in the larger plan that the council had set forward, and that also includes the MSE, the increase of best fishing practices, some of the items that I noted before, and that's actually all detailed within the

amendment document as it stands now. At that meeting, you all approved Regulatory Amendment 35 for public hearings, and there was also, in terms of the long-term action, a request for a presentation from the MSE contractors at the March 2023 council meeting.

Also, at that December 2022 meeting, that was where you removed the action that considered prohibition on electric reels, and so, at that point, that's where it changed from the three action items to now two action items, where you have your ABC/ACL action and then you have your action that requires rigs to be only single-hook rigs.

Then, finally, in March of 2023, that is when you all approved Regulatory Amendment 35 for review, for your immediate action. From the long-term action standpoint, you had a presentation on the management strategy evaluation, and you had some feedback on the options, and the uncertainties, that would go and be considered within that process, and there was also input provided on the Southeast Fisheries Science Center's 2023 spend plan, and the additional funding that was available to do some studies that would help better understand discards in the snapper grouper fishery.

So, kind of coming back to your final approval for Regulatory Amendment 35, I just wanted to note to you kind of the record that you built concerning the actions that you took on that, and this can be found in Chapter 5 of that regulatory amendment document, and so you made your selection of the ABC and ACL for red snapper, and, within your rationale, you supported Preferred Alternative 2 for Action 1, and some of the pieces there that were noted is that -- Your rationale stated that, for Preferred Alternative 2, the catch levels are based on the best scientific information available and recommended by the council's SSC.

The council determined that the social and economic benefits of allowing a small amount of red snapper harvest, under Preferred Alternative 2, outweighed the potential biological benefits from a full closure, and that was Alternative 3 in that action, and then continued allowance of some harvest of red snapper maintains a limited commercial fishery for South Atlantic red snapper.

Under Action 2, the rationale for the single-hook rig action noted that the preferred alternative there was an initial step that is expected to reduce fishing mortality for South Atlantic red snapper, as well as other species in the management unit, by slowing catch rates, reducing overall catch, reducing the number of fish that are caught and released, and reducing the number of fish that die after being caught and released.

Preferred Alternative 2 was also expected to reduce bycatch, and, with other ongoing council projects, like the MSE, it would be expected to have a cumulative effect to eventually end overfishing of South Atlantic red snapper, when the council's plan for addressing that is completed. There was also the justification for Alternative 2 that it would be -- That it would contribute to ending overfishing and the rebuilding of other South Atlantic snapper grouper species, by reducing fishing mortality on those. Those are the two actions that you took in Reg 35, were to set the ABC and ACL and then to require that single-hook rigs be used when snapper grouper fishing in the South Atlantic region.

Finally, there are some additional considerations that have been going on outside of the council's Reg Amendment 35 process, and there is, of course, the South Atlantic Red Snapper Research Program, or SARSRP, and that's scheduled to be completed in the fall of 2025, and there also is

the Red Snapper Act, that, in October of 2023, the House Natural Resources Committee voted to advance that act. It would prevent NOAA from making sweeping changes to Atlantic red snapper management until the results of the research program are integrated into a stock assessment.

That kind of gives an overview of the process that led up to the decision that you all have in front of you today, discussing whether you will submit, or not submit, Regulatory Amendment 35, and so I will pass it back to you, Madam Chair.

MS. MCCAWLEY: All right. Thank you, Mike. Thanks for the detailed presentation. In this discussion -- We're having the discussion today because we started a discussion in September, and we had a lot of points that we talked about in September, about whether or not to submit Amendment 35 to the Secretary, but, since we didn't have that document, that discussion, on the agenda itself, then we said we wanted to move it to the December meeting and make a decision about whether or not we wanted to submit this amendment to the Secretary. I would like to open the floor to discussion, or a possible motion, and then we'll go from there. Spud.

MR. WOODWARD: Thank you, Madam Chair. I do have a motion that I would like to present. **I move to rescind the March 2023 action approving submission of Regulatory Amendment 35.** If there is a second, I have a prepared statement of rationale.

MS. MCCAWLEY: All right. We have a motion by Spud, and it's seconded by Gary, and it looks like Mike is getting that on the board there, and I'm going to go back to you, Spud, to give us some points on this motion.

MR. WOODWARD: All right. Thank you. I'm going to read this, to make sure I get it correct. Management of South Atlantic red snapper is part of a multispecies snapper grouper complex, and it is a challenging issue that the council has struggled with for several years. While still deemed to be overfished and undergoing overfishing, the South Atlantic red snapper stock is rebuilding, both in abundance and expanded age structure, thanks to strong recruitment and controls on fishing mortality.

The council has taken multiple actions to reduce red snapper overfishing, while pursuing options to improve management of the South Atlantic snapper grouper fishery. These include descending device requirements and best fishing practices outreach. We know these efforts are beneficial, albeit difficult to quantify. At this time, the council does not have the full suite of management options that will end red snapper overfishing without creating undesirable adverse social and economic impacts in the South Atlantic snapper grouper fishery. A management strategy evaluation is underway to provide options to holistically manage the snapper grouper fishery, considering all requirements of the Magnuson-Stevens Act.

The MRIP-FES pilot study results compound already existing uncertainty about the magnitude of recreational sector discards and especially how a potential overestimate of the magnitude of those discards might bias calculation of fishing mortality and, subsequently, the acceptable biological catch. Implementation of the acceptable biological catch specified in Regulatory Amendment 35 will reduce access to a red snapper stock that is at a high level of abundance, further eroding stakeholder confidence in and support of the federal fishery management process.

By not submitting Amendment 35, I don't believe that we are subjecting this stock to excessive risk, but rather are allowing continued access to a rebuilding red snapper stock, while making progress in holistic management of the entire snapper grouper fishery.

MS. MCCAWLEY: All right. Thank you, Spud, and so we have a motion on the board here. I would like to try to limit the discussion to whether or not we're submitting this to the Secretary, and then the next steps -- I understand that, when you make some of your points, the pros and cons, you might have to talk a little bit about some proposed next steps, and I will keep a tally, like a running list, of it, but I would really like to get into the discussion of the next steps, if this motion passes, and so trying to hear some pros and cons on this and then, if it passes, then we'll get into here is what we would do. You heard a lengthy discussion about kind of short-term, mid-term, long-term actions of what we were thinking, and so we would need to get into what are the next steps from here, if this motion passes. I will take hands. I saw Tim.

MR. GRINER: Thank you, Madam Chair, and thank you for that, Spud. You know, kind of thinking along next steps, and I don't know -- I don't know exactly how to go about this, or whether it's even feasible, but, in my mind, the first step to go back to -- Because some of this data is kind of new to me, and a new way of looking at it, because, you know, right now, we get an ABC that's just landings, and I think I would love to see us go back, and I don't know if projections have to be run, or how deep into this assessment you have to go, but I would like to see, you know, us come forward with an ABC for landings, an ABC explicit for landings, and explicitly for discards, and see what that looks like.

I think that would be very informative for red snapper, and I know they've done it in the Gulf, and I know there are some new papers out there, and so, you know, I just think that is worth exploring. Chip will probably have to help explain it to me, or maybe John, but, you know, I just think that, you know, we've gone down this road of coming up with an ABC, a landings-based ABC, but I don't -- I am not convinced that's the way we should be moving forward, and especially with red snapper.

MS. MCCAWLEY: All right. Other hands? Trish.

MS. MURPHEY: So I've struggled really, really hard on this, and going back and forth, and, you know, whether to move forward with Amendment 35 or not move forward with Amendment 35, and, I mean, I think Spud, you know, brings up very good points that, you know, I've thought about too, but it kind of came down, to me, and I went ahead and kind of put my thoughts on paper, so I can try to stay short.

This was just sort of the things that were going through my mind, and have gone through my mind, and, you know, we began -- I think Mike said it was December of 2022 that we debated the approaches of how to implement that new ABC, and addressing the overfishing for red snapper, and, you know, fully knowing that it's -- You know, it goes beyond the single species. I mean, we talked about -- You know, even when we talked about closures and stuff, it was going to impact, you know, all species, and that was an issue.

So, as Mike has mentioned, in December of 2022, we kind of came up with this plan of crafting the short-term, you know, mid-term, and long-term component of it, and, you know, I just called it the three-prong plan, in which we were going to implement 35 with the ABCs that were required

-- That, you know, the SSC said this is what you've got, and then, you know, the mid-term plan was going to be look at EFPs, you know, so that we can start looking at discards, and then that long-term plan was the MSE, which, of course, gets to that holistic -- You know, that holistic piece.

Then the FES pilot study came out, and I know that kind of freaked everyone out, and, yes, it freaked me too, and so we asked the SSC to, you know, take a look at this, and tell us what you think, and you can tell that I'm not reading this now can't you? But, you know, they looked at the pilot study, and, you know, they came up with these responses, and we heard this from Jeff yesterday, you know, that the stock assessments should continue, with using current MRIP data streams, and the stock assessment process, using recreational data, should remain unchanged.

Application of recreational data streams in stocks should be consistent across assessments, and the SSC does not endorse using the preliminary pilot study findings as a basis for ABC determinations or impacting the timing of ABC determinations, and I think, you know, if we asked them to look back, I don't think they would change it, change our ABCs. You know, again, we're at it's a pilot.

Then I struggle with the MSA, and, you know, it says, within two years after identification by the Secretary that the fishery is overfished, the council shall prepare and implement a fishery management plan, or a plan amendment, or a proposed regulation, blah, blah, blah, to end overfishing immediately in the fishery and to rebuild affected stocks of fish, and I know that we've discussed the term "immediately" is not defined in the MSA, but, if you go to Merriam-Webster, it says it's without an interval of time.

With all that said, what's very frustrating for me, and I guess probably what the root cause here amongst the whole group, is that, unfortunately, that MSA does not allow any flexibility in how we can best handle a rebuilding stock, and especially when we've got a rebuilding trajectory that's like, you know, crazy, going so quick than even initially planned, and, because of that MSA mandate, I just think rescinding this amendment would be contrary to the MSA, and to the council process. I mean, I feel everybody's pain, but I cannot support this motion.

MS. MCCAWLEY: All right. Mel has his hand up.

MR. BELL: Thanks. I will be brief. I really appreciate Trish's take on this, and I have struggled with this, and I've struggled with it for quite a while. I struggled with it at the last meeting, and, you know, we did what we did at the last meeting, but I've got to say that I have this nagging sense of buyer's remorse or something, having done that, and it's just compounded, I guess, and Spud did a very nice job of covering all the rationale, and I won't go into that, but I think what really just I have a hard time with is, if it were any other stock that we were talking about, I wouldn't -- You know, I wouldn't have the same issues, but we're dealing with red snapper, that seem to be at a level of abundance that's -- Particularly I know off of our state, which I don't know that we have ever seen anything like that.

That's why this is so hard for the public to swallow, is they're -- You know, we can explain what they're looking at, in terms of year classes and all that stuff, and the need to rebuild older fish and everything in the stock, but it just defies logic, and that's why we're getting so much grief from folks, and it's just really hard to -- It's hard to defend, in terms of the decision of, you know, moving on this right now, and I think there are things in play still that would better inform a decision, and, yes, immediate, and what's immediate, and without time lapsing, but, I mean, we've

been doing a lot of things immediately to move down this road, but I think I would feel better, decision-wise, if some of these things that we've listed, that we've got underway, and we basically get to a point where we're better informed by those, because I think, honestly -- My fear is really the damage that we could do right now to the process, to the credibility of the council, to the credibility of the whole council process with the public, and we're depending on the public for some of these things that we're about to engage in, the fishing public to work cooperatively with us.

I just feel like, in protection almost of the system itself, and to allow it to work, and we would do more damage by moving forward right now, like we're doing, and for not the benefit that we would try to get, and we're not going to end overfishing by going to one -- You know, to one-hook rigs and that sort of thing, and so, for all that -- For that reason, and Spud, again, did a nice job of summarizing things, and I would support the motion at this point. Thanks.

MS. MCCAWLEY: Thanks, Mel. Other folks that want to speak to this topic? Judy.

MS. HELMEY: Well, this issue of red snapper has really gotten out of hand, and it has -- In one way, you know, we have so many red snapper, and I know that they say you have to have the older red snapper, like we had in 1950, but we have so many fish now, and it's ridiculous, and, because we have so many fish, we are not able to actually do -- You know, our charter business has collapsed because of it, because all we do is go catch red snapper, and, you know, they can go to the Gulf and keep red snapper, and so I wish we had some way that we could change this, so that we could keep some fish, and we're, obviously, killing a lot of fish, but nobody is getting to keep any of them, and so, if there -- I know we've talked about this, and talked about it and talked about it, but we've got to -- We really do have to come up with some plan so that we can keep these fish, so that some people can have fish, instead of just catching. All we catch is red snapper, forty and fifty a day, and so I support Spud.

MS. MCCAWLEY: Thank you, Judy. Gary and then Trish.

MR. BORLAND: I am going to speak a little bit about common sense, and I know we're not supposed to talk about common sense, and we're supposed to talk about data. The interesting part is the SSC has handed us a plan, or what we should do, and yet every data we look at, and even last night, the data points are proving that we have abundance growth, and it feels like it's on the right direction, and to pass an amendment that will basically shut down recreational fishing -- I can't support that, and I support declining, rescinding, this amendment.

Now, the challenging part is what do we do going forward, and I believe that we need some more of these data points. I think we need the MSE to fast-track, and I think we need the great red snapper count before we can make decisions to shut down stakeholders in this fishery, with every other data point we see, except for what the SSC has brought us.

MS. MCCAWLEY: Thank you, Gary. Trish.

MS. MURPHEY: I think it was something that Mel said, and so, again, I'm not going to belabor this, but we did have -- Right now, in that FMP, we do have a plan, and that plan is laid out in that three prongs that we just discussed, and it's in that FMP that will be submitted, and maybe no one thing is -- I guess my point is we follow through with all those plans of the great red snapper count,

the EFPs, the best fishing practices, you know, all of that, that long list of things that's in that plan, and, you know, we won't know whether we have ended overfishing until we get another stock assessment, and so there's a lot of stuff in there. There is a lot of tools in that FMP, besides just changing the ABC to get at ending overfishing, and we won't know until we get another stock assessment, and so I just wanted to make that statement and thank you.

MS. MCCAWLEY: Thanks, Trish. Others? Other thoughts? Andy.

MR. STRELCHECK: Thanks. I am probably going to ramble a little bit here, and I probably won't say anything that hasn't been said before. First, I want to thank Mike for the summary. I thought that was a good job of, you know, going through things, but it has now given me PTSD again, and so just a few things.

Obviously, I was the only person that actually voted against submitting this to the Secretary, right, but it's not -- It's not for the reasons that we're discussing here, right, and so I want to make that clear. The challenge I have, right, is that I took an oath, right, and I have to abide by the mandates of the Magnuson Act, federal laws, and we don't have the option to choose when we're going end overfishing, versus address overfishing, and we also have to make decisions based on the best available science, and I think that's been part of our challenge here, is that a lot of people don't believe the science, right, even though the science does say that abundance is increasing, but we've spent the last two-plus-years I think debating the management, because of the challenges about the science and what Gary said about kind of defying common sense, but the science really is showing what anglers are seeing, that abundance is increasing.

The problem we have is we have a discard issue, and that discard issue has not been adequately addressed. We also have to rebuild a fishery for a fish that lives for fifty years, and you can't do that in fifteen years, right, and it takes time.

I'm dissatisfied with where we're at with management as well, and this doesn't solve, ultimately, where we're going to want to get to with management of red snapper, and we still have short seasons, and it's still going to be problematic. It has been mentioned about FES as part of the rationale as to why we would rescind this, and I do want to remind the council that, back in December of 2022, there were projections that were provided that reduced the discard estimates by 50 percent, and it was a hypothetical run, and it still concluded that overfishing was occurring, and it had a modest gain in the annual catch limit, while reducing those discards.

Even if we believe FES is flawed, and wrong, and wrong by a lot, it's still telling us, based on the assessment, that we have an overfishing challenge, and so, with that, I guess I will end by saying we have a hard job, and Janet said it, and rebuilding fisheries is really difficult, and it's really difficult given the amount of fishing power we now have, and so, you know, I'm ready, whatever the decision is here, to begin to move forward with addressing discards, but certainly, from the standpoint of the Magnuson Act, I think I want to make it clear that we don't have the option just not to do anything. We have to address -- Or not address, but we have to end overfishing.

MS. MCCAWLEY: Right, and, while I agree that we have to end overfishing, I think that we, as a body, struggle with how to do that, and I think that, if we move forward with this motion to rescind, then we would need to talk about what are the next steps. You know, we have this kind of midterm step, with the EFPs, and then we have the longer-term step, with the MSE, and there's

been a suggestion about, you know, fast-tracking the MSE, et cetera, but, yes, I think we should still need to talk about what is the short-term action here.

I agree with some of the points that Mel said as well, and I think that one of the things that we've struggled with is this is a single-species action, other than the single-hook rig portion, and single-species action, but this is a problem that we're trying to look at holistically, and so our next two steps, the EFP step, the mid-term step, and the long-term step, are trying to look at the problem more holistically, and so it's -- To me, it's kind of a struggle to figure out what to do, because red snapper is at record abundance levels, and has had this really great recent recruitment, and so it just is a conundrum here, but I would support this motion. Do others want to speak on this topic?
Monica.

MS. SMIT-BRUNELLO: Well, we've talked about the need to end overfishing and the requirements of the Magnuson Act, and there's another requirement in the Magnuson Act that says that you basically can't set your catch level higher than your SSC's fishing level recommendation, and that's essentially what Reg Amendment 35 does, is it brings down your catch level to meet what the SSC is saying, and so, by not submitting this forward, you're also not following that part of the Magnuson Act that says you can't exceed that fishing level recommendation, and so, you know, that's a problem. We're not only -- You're not only not ending overfishing, but you're also allowing a higher harvest level than what the act says basically you can have.

You have heard me, many times, talk to you about ending overfishing immediately, and I think Andy has covered that, and so I don't need to say more, but I did want to bring to your attention that you've got the other piece of the act as well that says you shouldn't exceed this fishing level recommendation.

MS. MCCAWLEY: Thanks, Monica. Trish.

MS. MURPHEY: Just a small point, and, you know, looking at the -- When I looked at the FMP itself, the SSC did set their ABC to equal OFL, and so, I mean, they kind of put as many fish out there as they could on their recommendation, and so I don't know how often that happens, that an ABC equals the OFL, and so just to let you all know that.

MS. MCCAWLEY: Others here that want to comment on this before we take a vote? I don't see any hands. John Walter.

DR. WALTER: I just wanted to comment on one of the rationale that I see as a little bit problematic, and that was using FES as the rationale for making a rescission, and I think that's problematic, partly because of the SSC recommendations to carry on with what is available right now, but also because we have the sensitivity run that Andy noted that said that that's not -- Actually cutting discards in half gets you at about the same place, and so there may be other rationale, but I think, in terms of pinning it solely, and exclusively, on FES is not that solid of a grounds to base this on, and so I just wanted to get that out there for the record. Thanks.

MS. MCCAWLEY: Thank you. Spud.

MR. WOODWARD: I think I've asked this question before, but, if the discards were half of what they were estimated to be in that SEDAR, would that ABC be the same?

DR. WALTER: No, and the ABC would be lower, because we would have less removals from the population, and usually that's exactly what happens in the stock assessment, and so the ABC would be lower, but it's a situation that we've kind of described as, if you're measuring with a thirteen-inch ruler, if you set your catch limit with a thirteen-inch ruler, and measure it with a thirteen-inch ruler, you can still stay within your catch limit, because you're setting and measuring with the same tool.

Now, this is a situation that, if we now know that the discards were lower, or if it comes out with lower estimates, maybe -- As long as we're setting the ACL with how we're measuring it, we still stay within the management objectives. The ACL is going to scale up or down, based on what we think the absolute level is, and that's where the uncertainty is, but, here, as long as we monitor it, we'll be able to stay within, and below, where it's set. Does that --

MR. WOODWARD: Yes, but it's totally counterintuitive to me, but it's too late in the day to dive into this, and it just -- You know, I mean, I come from old school biology, when it's how many dead fish get pulled out of the population, in totality, and how does that relate to the overall health of the population, and it's just the way I think is, if you have less discards, you've got less fish being removed from the population, and you've got a target level of fish to be removed from the population to not be overfishing, and so, if you're removing less by dead discards, you would think you would be able to remove some by direct removals, more by direct removals, because you end up with a total number of removals, whether they're attributable to landing or whether they're attributable to discards, and so, anyway, it's way too late in the day, but I appreciate the answer.

MS. MCCAWLEY: All right. Anything -- Any more discussion on this, before we vote? **All right, and so what the motion would do here is it would be to rescind the approval that we did back in March of 2023 to send Regulatory Amendment 35 to the Secretary.** Can we do a roll call vote on this?

MR. CARMICHAEL: Okay. We'll do the roll call vote, and I will do a slightly modified order, to give Mel a chance to go at the end, since he's remote. We will start off with Mr. Borland.

MR. BORLAND: Yes.

MR. CARMICHAEL: Mr. Griner.

MR. GRINER: Yes.

MR. CARMICHAEL: Ms. Helmey.

MS. HELMEY: Yes.

MR. CARMICHAEL: Ms. Marhefka.

MS. MARHEFKA: Yes.

MR. CARMICHAEL: Ms. McCawley.

MS. MCCAWLEY: Yes.

MR. CARMICHAEL: Ms. Murphey.

MS. MURPHEY: No.

MR. CARMICHAEL: Mr. Roller.

MR. ROLLER: Yes.

MR. CARMICHAEL: Mr. Spottswood, Jr.

MR. SPOTTSWOOD: Yes.

MR. CARMICHAEL: Mr. Strelcheck.

MR. STRELCHECK: Abstain.

MR. CARMICHAEL: Ms. Thompson.

MS. THOMPSON: Yes.

MR. CARMICHAEL: Mr. Woodward.

MR. WOODWARD: Yes.

MR. CARMICHAEL: Okay. Mr. Bell, are you ready?

MR. BELL: Yes.

MR. CARMICHAEL: You're a yes. Thank you. Dr. Belcher.

DR. BELCHER: Abstain.

MR. CARMICHAEL: **The motion carries with one no vote and two abstentions.**

MS. MCCAWLEY: Okay. Now that we've passed this motion, I think we need to have a little bit of discussion about what the next steps are, and I'm not saying that we need to solve it at this meeting, but we need to have some discussion on that, so that staff could bring something back to the next council meeting about what we might want to do here in the short-term. We already have the mid-term action laid out, and the long-term action laid out, and so, so far, I captured an item from Tim that talked about maybe shortening the timeframe, I guess, on the MSE, and so that was one of the next steps that I heard, but are there thoughts from others on what the next steps should be here about what we want to do next? Carolyn.

DR. BELCHER: Just to start with the language, I was just looking back at what Mike had provided to us. If you look at the September 2023, we had the statement that was in there that said, if the decision is not to submit, then look at all information that was compiled during the development

of Reg 35 and consider additional information that would be needed to consider a different short-term action, which would also need to include public meetings, and so that's just -- I don't know if that's helpful, to start with that language and go from there.

MS. MCCAWLEY: John.

MR. CARMICHAEL: To be clear, the motion was to just negate your motion that said to approve, and so the amendment still exists, and, as Mike said, it's sitting there, and so, you know, you can -- You know, it will probably take some more work, in another meeting, to decide can you take things out of that, continue with that, add things to that, and I think Jessica -- Where she's trying to go is like are there thoughts that you have, and there was a lot discussed in September, and are there things that people would say, yes, I would like to look at this, I would like to consider this again.

As Mike showed, we went through a lot of stuff in a couple of years, and, you know, it's easy to forget all the things that might have been brought before you, as far as what could be analyzed and what couldn't, and where we had information, and so our thought is, if we can get just some broad feedback here from people tonight, then we can make time on the agenda in the March meeting and come back and, you know, look and see what -- Okay, we had this before, and let's get back to it, and this is something we can try to maybe find that we didn't have, and analyze that we didn't have, et cetera. We're just looking at broad strokes here, knowing we can't fully solve this problem in the next fifteen minutes.

MS. MCCAWLEY: One of the items that I would throw out there, that we talked about a little bit, but I don't feel like anyone really kind of bought on the idea, would be this overall snapper grouper bag limit, and I don't know that I explained it well when we went through this at other meetings. I can tell you -- So FWC submitted three proposals for the red snapper funding opportunity, and testing out an aggregate snapper grouper bag limit is in each one of those proposals, and so we think that this would be a really cool, innovative path forward that looks at this as a multispecies initiative to try to reduce discards, and not just looking at red snapper, and so I'll just put it out there that I would like to see some analysis on that, and I would like to see us talk about that again. Gary and then Tim.

MR. BORLAND: So, yes, I think we brought that up at one time, and we talked about -- This is more around that holistic view of the snapper grouper fishery and how do we -- How do allow an angler to catch ten fish and come home, but it's got to have a -- The caveat, at the end, is, once they catch their ten fish, they've got to stop fishing, so we end discards, right, and that is the tough part, and I don't -- You know, I don't know that we have ever seen -- I've never seen, and I don't know if there is such a model out there, to tell us what that looks like. To me, if it ends discards -- I mean, we've heard nothing but that's what is causing the whole problem, and so, to me, it would, or it should, but that's just me, from the commonsense part again, but we need to understand what that looks like in a model.

MS. MCCAWLEY: All right. Next up is Tim, and then Andy.

MR. GRINER: Yes, and, along the lines of what Jessica was saying, you know, that's kind of what my thoughts were too, and, I mean, I almost think that you've got to go back and start recomputing your benchmarks, and, you know, whether you're looking at the selectivity or, you

know, the fleet ratios or whatever, but you're going to have to -- When you do these projections, if you're going to make management changes like that, where you have an aggregate, you're going to need to have some type of understanding of what the fleet response is going to be to that, and then you can look at it holistically.

MS. MCCAWLEY: All right. I have Andy, and then Trish, and then Robert, and then back to Gary.

MR. STRELCHECK: Science Center staff have already reached out to the council, and Scott Crosson and Kyle Shertzer are publishing a paper, with other authors, that will come out soon, and they looked at twenty-plus management options, and kind of the benefits and tradeoffs of management of red snapper and reducing discards and meeting other goals, and so they're going to, I think, give a presentation in March, and I think that will be an opportunity as well to discuss some of the outcomes of that and how it can help us.

MS. MCCAWLEY: Thanks, Andy. Trish.

MS. MURPHEY: This is probably a question for John, and I probably already know the answer, but I will ask it anyway, and is there any chance that the SSC, or whoever ran the stock assessment, go play with some sensitivity analysis with that MRIP data, and, I mean, what I was thinking is that pilot did include Florida, and Florida has the majority of red snapper in it, and is there anything -- Is there any sensitivity runs to -- I guess to test that pilot, in this case, and I know it was mostly -- It was Florida and North Carolina, and then two up-north states, but, anyway, I didn't know if that might be an option, to kind of get a better feel for what might be a proper ABC, or maybe it's just a shot in the dark, but anyway.

MS. MCCAWLEY: John Walter.

DR. WALTER: I had mentioned that one or two sensitivity runs, testing different effects of that pilot, are actually kind of one of the standard things that we're going to do in assessments moving forward, at least in the Gulf, and we'll probably want to do that in the Atlantic too, even just of our own accord. As analysts, I think we want to have at least some idea of bookending the potential impacts, and so say starting with 40 percent being maybe the maximum bias and then saying do things stay relatively the same.

When we've done that, we've seen that, for most of the stocks we've done it for, the status is almost always about the same. The absolute level of the stock is lower, because we said, actually, we're taking less out of the stock, and so the way the models work kind of backwards is, if you've taken less out of it, then it says, well, there are probably less out there, given that all the other things that are put into the model are the same, because the indices are the same, the other removals are the same, and so, if you just tell it that we caught less landings, or we killed less discards, there must have been fewer out there.

The ABCs change, and usually they decrease, in that case, but presumably, as I mentioned on the thirteen-inch rule aspect, if you were then measuring with that new -- Say we get a new perfect FES, and it's now 40 percent less, hypothetically, and we're measuring with that, and we put that into our assessment, and our ABC is 40 percent less, but we're also measuring with a ruler that's maybe more correct, but it's a little bit lower, and we're still managing appropriately.

Where there might be some sensitivity runs that might be using the Florida-specific information, which was different, because remember the 30 to 40 percent was averaging over all of the areas, and I think, there, you start looking at -- Actually, the differences were a lot more variable, and we haven't done that, and, if we thought that they were reliable enough to be Florida-specific, you could potentially do that, but I think it's going to probably -- We know the directionality, generally speaking, for what it's going to do if you put lower levels of landings in.

I will just comment a bit on the paper that will come out on exploring the different management options, and I will just give a little preface, and it does include things that have not been palatable to this group to explore, and partly I think you have to look at -- You have to open your mind, in terms of saying, okay, what would actually move the bar, and not be afraid to explore that space, even if it's not a desirable management action, and so, when that paper comes out, take it with a grain of salt that the analysts did explore a lot of options, such as spatial and temporal closures, but also a number of options like the hooks, and actually whether going to one hook, or changing hook size, and so you'll get to see which ones move the bar, and I think that's useful, and I think our analysts would welcome the opportunity to brief the council, in March, on that, if that could be arranged. Thanks.

MS. MCCAWLEY: Okay. Robert, no response? Okay. Gary.

MR. BORLAND: So that's what I was going to kind of speak to about temporary spatial closures, and I think we're going to have to -- I think we're going to have to look at that, as a group. If it can prolong seasons, have seasons open for the whole year, change the dynamics there, I think, from a rec angler standpoint, that would be more palatable than, obviously, shutting it down, because, even if we shut it down, we're not going to get rid of discards at this point, right, and they're going to still have discards, no matter what, and so I think we're going to have to figure out a way to somehow protect some areas, for a certain time period, and then open them back, and I think we need to explore that. I don't know what that looks like, and you guys might have been presented that before I came on the council, but I think that's something we have to look at.

MS. MCCAWLEY: Laurilee.

MS. THOMPSON: So, in the written comment section, Jimmy Hull has presented a plan that makes a lot of sense, and, you know, I would like to see -- I went back and just briefly went over the comments, and the results, from when we requested, at the Key West meeting, that an analysis be done of what might be -- What might be done if we did some time and area temporary closures, and, you know, there were some comments, from the Snapper Grouper AP, that the commercial industry may not necessarily be willing to give up their access to some of the other fish in order to keep red snapper, but I just heard Gary say just the opposite, and so I think that -- I think we need to look at what Jimmy is suggesting here, because, to me, it makes a lot of sense. Gary, didn't you just say that the recreational -- I said commercial, and I meant recreational, that the recreational industry might be amenable to giving up their access to some of the other fish so that they could keep some red snapper.

MS. MCCAWLEY: Andy. I'm sorry. Go ahead, Gary.

MR. BORLAND: I just wanted to make a comment. Yes, I said that we -- I feel like the recreational fishermen would work with that, if it opened more season, allowed them to fish for bottom fish, and not just red snapper, and, you know, I'm trying to combat a total-closure-type scenario, and, if it would open up time to let them fish for other bottom fish, then I think it would be palatable, but what does that look like, how much do we have to close, all the parts and pieces would have to be vetted.

MS. MCCAWLEY: Andy and then Tom.

MR. STRELCHECK: I know -- I think it was Carolyn that mentioned earlier kind of bringing back all the things that we've kind of compiled for Reg 35. To be more specific, there was some data in the September 2022 briefing book that we never really discussed with any detail, and it was Attachment 2b, and so that kind of pertained to some of these ideas about temporal and spatial management and more of just kind of the information about the occurrence, the distribution, when the discards are occurring, and I think that's important to just kind of frame our knowledge about discards in general.

The other thing that I would mention is we have an assessment now that I think has a terminal year of 2019, and so we have three years that have at least gone by, and maybe a fourth, where we have SERFS data, video survey data, and so having those kind of brought back to us, and how has it changed since 2019, and what, if anything, can that do to inform, obviously, future management.

MS. THOMPSON: What attachment did you say that was, Andy?

MR. STRELCHECK: It was September of 2022, Attachment 2b.

MS. MCCAWLEY: Andy, you meant -- You said SERFS, and did you mean State Reef Fish Survey or the SERFS? Which one did you mean?

MR. STRELCHECK: The SEFIS survey, actually, and that's what I meant.

MS. MCCAWLEY: Thank you. All right. Tom and then Robert.

MR. ROLLER: I just want to reiterate some of Gary's comments here, as well as some of my comments in previous meetings in regard to this. One of my frustrations with this amendment was not the idea of time and area closures, and I understand that they're controversial, and they may not be palatable to the fishing public, but I think it's okay for us to at least analyze them, and see what they look like, and what I have said, previous, is that I think we would have a better idea of how palatable they would be as a management option, and I would just like to see a little bit more there as a possibility.

MS. MCCAWLEY: So do you think that's captured under the bullet that says temporary closures for some areas, or do we need to add "time" in there?

MR. ROLLER: No, absolutely, and I just am trying to build on those previous comments, and I also do want to add that they may not be popular. They may be super -- They may be really bad, or bad in the sense that people may not be supportive of them, but I think we should at least look at it, and so I just agree with Gary there.

MS. MCCAWLEY: All right. Robert.

MR. SPOTTSWOOD: Two comments. I think I've heard before the concept of rotating closures as well, and I know there's probably a lot more considerations, with law enforcement and everything else, to go into that, but, to Tom's point, I would like to understand what that looks like, and the other point that I would make here is that, you know, as we go through this, and I think we're ultimately, you know, give back something, I think we should be attaching some reporting requirements at the outcome of this, really trying to understand, you know, real catch data on these fish, and discard data as well.

MS. MCCAWLEY: Okay. Anything else here that we can think of? We can also come back to this list in Full Council, once you have a little bit more time, and not at, you know, 6:00 p.m., to think about this, and we can add to this list later in the week. John.

DR. WALTER: I think this is really valuable, and I think that the idea of spatial and temporal closures has gotten off on kind of the wrong footing, as massive closures and something terrible for the fishery, and I think that there are certainly options that some of the materials that Andy alludes to that probably could be much more reduced, and small, and focused on where the discards are, and that conversation would be useful to have, and I think that's what also the Shertzer paper will show, that maybe they aren't going to be terrible, and it might be something that might actually also benefit some of the other stocks that need some help here, and I think the goal, and other part of the Crosson paper, and I just want to note that Scott is an economist, and so are some of the other authors on it.

The goal there is not to create sticks here, because economists want to find carrots, because, you know, human behavior works better when there is an incentive for it, and so, really, the goal of that project is not to find out what punitive measures can be taken on the fishery, but how the fishery can benefit, and achieve long-term benefits, and get to a better state, and so I think, when you read it, which I hope, when it's published, everyone will be able to do that, but recognize that's the first step of that, and the full realization of that project is getting to what those carrots are, in terms of finding a better place for this fishery, of which a lot of different management measures have to be put on the table, and I think that the fishing fleet research opportunity is going to explore that space, as to what are the potential carrots, and so thanks.

MS. MCCAWLEY: All right. Spud.

MR. WOODWARD: Not to cast a pall of gloom over this, but, in the past, when we've talked with law enforcement, the more dotted lines you draw in the ocean, the more little trapezoids and all these kind of things, the more difficult it gets to enforce them, you know, and so, to me, time closures, you know, probably are a lot more practical, from that standpoint, than a lot of sort of piecemeal bottom fishing closures are going to be, but, you know, all of them need to be evaluated, but just a cautionary tone there, that let's don't be putting a lot of faith in something, and it may look good on paper, and it may look good in an analysis, but, when it comes to practicality, and enforceability -- I mean, we've got marine protected areas now.

I mean, we've sort of already invested in having this concept of areas, and, you know, a lot of times, we don't know a whole lot about how those areas are actually being adequately protected by enforcement, and so that's just something to keep in mind as we're building our hopes up here.

MS. MCCAWLEY: All right. We're at six o'clock, and I'm going to turn it back to over to our Chair, and you can continue to think about this, and we can try to add anything that you think of at Full Council, and we also had two other items remaining on Snapper Grouper Other Business, and we'll kick those to Full Council. Mike.

DR. SCHMIDTKE: Just one brief thing, because I keep hearing folks kind of refer to some of the past information that's come before you, especially with regard to what was compiled for the time and area closure discussion that happened earlier, and that's available to you, and like what we've done before is available to you. There are, you know, certain refinements, and things, that can continue to be made, but I do want to point you within that Attachment 6c document, especially September of 2022, and this is linked right here, this data report, and so I will go ahead and click on it, just to give you a visual of what you're looking for, but this is a twenty-six-page document that goes through this list of thirteen different analyses that have to do with time and spatial closures.

In that analysis, the areas that were -- You know, the fish were kind of divided up in were North Carolina and South Carolina and Georgia, and then three areas of Florida, and that doesn't, you know, lock you into anything there, but that's kind of the coarse area, and, if you want it to be more refined from that, you can be more refined from that, but that's the work that has already been done, if you want to think on that in between now and Full Council, of what more information you would need to kind of move forward with future decisions.

MS. MCCAWLEY: All right. Thank you, and so I'm going to adjourn the Snapper Grouper Committee and turn it back over to our Chair to tell us how we're going to structure tomorrow.

(Whereupon, the meeting adjourned on December 6, 2023.)

- - -

Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
January 29, 2024

Dec. 5, 2023

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Report Generated:

12/05/2023 05:20 PM EST

Webinar ID

379-228-259

Actual Start Date/Time

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Duration

9 hours 10 minutes

Registered

169

Attended

135

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Interest Rating

Not applicable for staff

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Dec. 6, 2023

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- Martha Guyas
- Dominique Lazarra
- David Hugo
- Thomas Newman
- Bob Lorenz
- Michelle Masi
- Jamal Ingram
- John Walter
- Michael McDermott
- Tim Sartwell
- Michelle Masi

Attendee Report: SAFMC December 2023 Council Meeting (12/4/23 - 12/8/23)

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Actual Start Date/Time

12/06/2023 07:34 AM EST

Duration

10 hours 29 minutes

Registered

205

Attended

147

Staff Details

Attended

Yes

Interest Rating

Not applicable for staff

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First Name

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