

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Town & Country Inn and Suites
Charleston, South Carolina**

September 18, 2024

Transcript

Snapper Grouper Committee

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Observers and Participants

Other observers and participants attached.

Snapper Grouper
September 18, 2024
Charleston, SC

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened at The Town & Country Inn and Suites, Charleston, South Carolina, on Wednesday, September 18, 2024, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: All right. The first order of business is Approval of the Agenda. Are there modifications to the agenda? Andy.

MR. STRELCHECK: Thanks, Jessica. I would like to add a discussion of red snapper litigation and the agency's secretarial action.

MS. MCCAWLEY: All right. Sounds good. Why don't we dive into that before we get into the exempted fishing permits, and so any other modifications to the agenda or items, that people know of, for Other Business? We have one item of other business on here right now. Are there other items for Other Business? Kerry, didn't you have another item for Other Business?

MS. MARHEFKA: Yes, and I've been spoken to about that, and it's not a big deal, and so we don't need to discuss it.

MS. MCCAWLEY: All right. Thank you. Anything else? Any other changes, or modifications, to the committee agenda? All right. Any objection to approval of the modified agenda? All right. Seeing none, the agenda stands approved. The next order of business is Approval of the Minutes from the June Meeting. Any modifications to the minutes? Any objection to approval of the minutes? All right. The minutes stand approved. The next order of business is Status of Amendments Under Formal Review. Who is going to talk to us about that?

MR. DEVICTOR: Thanks. Yes, there's two amendments that have been approved by the council for submission to the Secretary of Commerce. The first one is Amendment 48, that you all took action on at the last council meeting, and so, once that gets submitted to us, we'll begin rulemaking on that, which, of course, is the proposed rule and notice of availability.

The second amendment that you took action on, earlier this year, is the commercial e-logbook amendment, right, and so we spoke about that at the last council meeting, and we're working on the rulemaking for that, and we talked about the steps that need to be undertaken for that, such as PRA, creating the database, catch specs, and, of course, education and outreach, and so we're working on that, and so look out for that proposed rule, and that's what we have.

MS. MCCAWLEY: Thank you, Rick. Any questions for Rick? All right. Next up, we'll go to the Red Snapper Litigation Brief. Monica, is that you?

MS. SMIT-BRUNELLO: I guess it is. Well, since the last council meeting, we have had another lawsuit that was filed, on June 19, and it challenged the 2024 interim rule to reduce overfishing of red snapper. That was really a supplemented complaint, because the plaintiffs are the same plaintiffs that sued on the 2023 red snapper season.

We call that the Slash Creek Waterworks case, because they're the first-named plaintiffs. The plaintiffs are Slash Creek Waterworks, J&C Charters, Tilman Gray, Antonio Giambanco, and Ryan Speckman. That case is currently being briefed, and I believe I have sent around all the

briefs to you. The last reply brief for us, the defendants, will be filed September 27, and then we'll see if the judge will schedule oral argument, but, otherwise, we'll be awaiting a decision.

There was another red snapper -- So that's the third red snapper case that we've had, I guess, in the last seventeen months or so. There was -- At the last council meeting, I had mentioned another red snapper case that was filed by two of the plaintiffs that are in the case that I just mentioned, Tilman Gray and Slash Creek Waterworks, and they filed a complaint in May alleging that the Fisheries Service, and the Secretary of Commerce violates the Magnuson-Stevens Act and the Administrative Procedure Act, because they failed to end overfishing of red snapper.

They allege that's a violation of those two laws, and so they also allege that overfishing continues to occur, because of excessive discard mortality in the recreational sector, and failing to prevent and account for this continues to harm the commercial sector, with low catch limits and short seasons, and so they wanted an order from the court to require the Fisheries Service, and the Secretary, to prepare a fishery management plan amendment, or regulations, to stop overfishing.

We looked at that case, and, essentially, we've entered into a settlement agreement, and that settlement agreement was approved by the judge on August 22, and the settlement agreement contains a couple of things. The most important to you all is that NMFS agreed to complete and submit a secretarial amendment to stop the overfishing of red snapper, and the final rule to implement that amendment -- We agreed to send that to the Federal Register for publication by June 6 of 2025.

There's another provision in the settlement agreement which would allow action by the council, and, in effect, that means that, if the council goes ahead and prepares an amendment, or regulations, to end the overfishing, and that is then approved by the Fisheries Service, we would have to submit that to -- The final rule, to submit that to the Federal Register by June 6, and so it's kind of a two-pronged approach that, if the council wants to take up the action, and deal with it, then we have a provision that you could do that. It would be on a quick schedule, because we would need to submit a final rule either implementing the council's action or the Fisheries Services' secretarial action by June 6, 2025, and so, in effect, that would be in advance of the usual July red snapper season.

The Fisheries Service is going to prepare a secretarial amendment, if the council does not to decide to take action, and in that -- I should open my Magnuson Act, but it's Section 304(c), and it provides for what happens if the service, or the secretary, develops a secretarial amendment, and it, in essence, just in brief -- You can look at that, if you would like, and it's Section 304(c), but it provides that the council -- The Fisheries Service will take the amendment back to the council, once it's developed, or partially developed, for comment, and so you'll be able to see the amendment and any regulations that get developed to implement the amendment.

There are comment periods. There will be a sixty-day comment period on the amendment and a sixty-day comment period on the proposed rule. There will also be public hearings. The act says that the service will do those, and I think their plan is for perhaps early 2025, and there's also developing an environmental impact statement, and so there will be public comment periods for that too, and so there will be plenty of opportunity for the council and the public to weigh-in on this. That's really the end of my litigation briefing, and I don't know if Andy wanted to add anything or if you have any questions.

MR. STRELCHECK: Thanks, Monica, and you've covered most of the points that I wanted to make, and I just wanted to go over a few other things that we discussed in closed session, just for public awareness, and so, you know, secretarial actions are very rare.

I think this is the third one, maybe, in the Southeast region. We've done two in the Gulf of Mexico, but it's probably been about two decades since we've done secretarial action, and it's certainly not a position the Fisheries Service wants to be in, and we talked about, well, if the council wanted to do something, consistent with the settlement agreement, it would have to be on a very expedited schedule, and very much, you know, a hurry up, in order to complete something and get it submitted to the agency for secretarial review. We are taking action under authority of the Magnuson Act, and specifically -- Monica, was it Section 304(c)? Is that right?

MS. SMIT-BRUNELLO: Yes.

MR. STRELCHECK: Section 304(c), and that says that it provides the Secretary authority to act if the council fails to develop and submit to the Secretary, after a reasonable period of time, needed conservation and management measures. I was asked, the other day, about, you know, the difference between addressing overfishing and ending overfishing, and so addressing overfishing is authorized under our interim and emergency rulemaking authority, whereas ending overfishing is a requirement of the Magnuson Act, and consistent with the letter that we shared with the council back in 2021.

There was also mention about the best scientific information available, and the dated, you know, SEDAR 73 stock assessment, with a terminal year of 2019, and so certainly we are looking at analyses, and other information, that can be provided, and updated, to inform this action at this time. I know the public has a lot of question about what actions and alternatives we're going to be considering in the secretarial action, and it's premature, really, to discuss those at this point, and it's still being developed.

I don't want to get out in front of that process and say that we're working on one thing, and we might not even consider that, but, as Monica said, there's going to be a number of public opportunities to provide input, starting with, next month, we'll be publishing a notice of intent to prepare an environmental impact statement, and so that will start scoping for this action, and then, as Monica mentioned, we'll be doing some in-person and virtual hearings, early next year, and then, at some point, we'll work with John Carmichael, the chair of the council, to send the secretarial action for formal council review, consistent with the Magnuson Act.

I just wanted to lay out that there's a process, and we are going to, obviously, be very transparent about this. It is different than a council amendment, in that there won't be as many touch points for the public, given that we're not going to be holding council meetings, and other opportunities, for public engagement, but our intent, obviously, is to share, obviously, when the public, and others, can engage in this process and provide input throughout the process, and so, with that, Monica and I will take any questions.

MS. MCCAWLEY: Thank you, Andy. Questions? Robert.

MR. SPOTTSWOOD: Thank you, Madam Chair. Thank you, Monica and Andy, for the further review. Would the Secretary have more latitude in the action the Secretary would take than the council would, in terms of tools, or capabilities, number one, and then, number two, is it possible for the council to set up some type of smaller committee, or folks that could work with the Fisheries Service between meetings, to participate a little bit in that process?

What I'm hearing is, you know, this council, kind of left to our own here, we would have to very quickly figure out how to resolve this, without any of the benefit of the discussions that are going on at the Fisheries Service, and I'm just curious if we can build a bridge there and somehow participate in that process.

MR. STRELCHECK: So I'll answer the first question. I'm not certain about the second question, and so I think what I would say is the Fisheries Service will have more flexibility than would be provided with the council process, because, you know, I'm only one of thirteen members around this table, right, and so the actions, and things that we agree to, and put into a management plan, aren't necessarily entirely the whole suite of things that I would want to consider, or my team would want to consider, including in a fishery management plan, right, and so there is certainly the opportunity to have a broader suite of actions and alternatives than what this council might be willing to consider and accept, and so I would just leave it at that, right, and we, obviously, will focus on -- You know, I think the other point of emphasis that I should have stated, you know, is we are rebuilding this stock.

It is clear that we're rebuilding this stock. We're seeing the recovery, and the fishermen are seeing the recovery, but we're rebuilding it on the back of limiting landings to very small levels, because of these immense discards, right, and so my goal, my hope, right, is that we can get a handle on these discards, reduce those discards, and, by successfully reducing the discards, ending the overfishing, turn some of that bycatch, and waste, into landed catch, right, and that's been my goal for quite some time, and that's my hope, that we can accomplish that through the secretarial action.

MS. MCCAWLEY: Go ahead, Robert.

MR. SPOTTSWOOD: Thanks for that, Andy, and I think that, at the last couple of meetings, we've had a lot of really good discussion about, you know, some ideas on how to get there, and so that's why I had some interest in participating, you know, in discussions that are going to happen on that side, because I think the council might be inclined to take some action, but it may be limited in some of what it can do, and it may actually prefer to see what the Fisheries Service can do, but I just wanted -- You know, if we could follow-up and see what level of, you know, purview we can have into what discussions are being had there, I think it would help inform the council.

MS. MCCAWLEY: Thank you, Robert. Monica.

MS. SMIT-BRUNELLO: Robert, you know, the council process is a very public process, and so I think, if the council wanted to have additional meetings to discuss things that were related to red snapper, I think you could do that. You would have to notice those in the Federal Register, and have them open to the public. I don't know that there would be anything to give to the council along the lines of secretarial actions, you know, or options that would be considered, until the council sees it under the 304(c) process.

This is a very short timeline. If you think about how long it takes the council usually to develop a fishery management plan amendment and then implement the amendment -- Today is September 18, and we certainly know the clock is ticking, because June 6 is going to come around very quickly, and so I guess, in short, if the council wants to schedule some additional meetings to deal with red snapper, they could, but it would be under the normal council meeting process.

MS. MCCAWLEY: Jimmy.

MR. HULL: Thank you, Andy, and one of the comments you made was basically to get an update of the amount of overfishing that's occurring currently, as opposed to what was determined back at the end of SEDAR 73, and I think that's highly important, to have that level known, to address what measures need to be taken, how severe they need to be taken, and so thanks for that.

MS. MCCAWLEY: Kerry.

MS. MARHEFKA: Just a quick question, Andy. You mentioned -- I think you said that scoping would happen -- Or you would have a scoping document maybe in a month, and I presume that you're still complying with NEPA, and so, at that time, we would see a full -- The full range of what you all were considering?

MS. SMIT-BRUNELLO: Well, I haven't seen anything yet, but I would imagine -- So I believe that a notice of intent to prepare the environmental impact statement, like Andy said, will be going out pretty soon, because, again, we're on a really compressed timeline. I don't know what will be in that document, in terms of giving the public an idea of the different alternatives and options, but I would think that it might be a little bit of a skeleton, if you will, because I think the service would want to get public input on what they think potentially could be done, and so I don't -- I can't get any more definitive than that, because I haven't seen anything yet.

MS. MCCAWLEY: Kerry.

MS. MARHEFKA: To that, I think just what I'm asking is, just as we have to do it, there's going to be the range, and whatever is decided is going to be within the range of what is in that scoping document. In other words, we're going to see the most extreme thing that could happen, and the least extreme thing that could happen, and what comes out will be something within those bounds, the way we do a scoping document.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: Yes, and certainly Monica can jump in, and so maybe I used the wrong term, but, you know, when I was referring to scoping, it was really that notice of intent to get input, right, on the fact that we're proceeding forward with an environmental impact statement. What this process won't be is an exact replicate of what the council does, right, and so we do expect to have, you know, a public document, at some point, with public hearings, virtual hearings, right, opportunities for public comment. Because we don't have, you know, one council meeting after another, to actually update people, and share the document, it won't be sequential, like a normal amendment process would be.

MS. MCCAWLEY: Any more questions? Judy.

MS. HELMEY: So let me just make sure that I understand this. So you all are going to come up with a plan, and we're just going to be like the public. We'll be getting the same information that the public is going to get, that they'll be scoping, correct?

MS. MCCAWLEY: Monica.

MS. SMIT-BRUNELLO: Well, I guess that's one way to put it, yes, but, in essence, yes. You know, the 304(c) process, under the Magnuson Act, has specific provision for the council's input, and so, yes, I guess, Judy, in essence, that will be it. I mean, the public will definitely have an opportunity to get an idea of what's going on during the public hearings, and then certainly, when it's presented to the council, the public will have an opportunity to see it then too.

I will say that the one part of the act says that the one thing that the Secretary cannot do, without the council approval, under a secretarial amendment, is that the Secretary may not include a provision establishing a limited access system, including any limited access privilege program, unless such a system is first approved by a majority of the voting members present and voting of the council, and so I would think that, unless the service plans to bring that forward to the council, to have your approval -- That would need to be, you know, kind of a special action here, and so I would anticipate that that would likely not be on the table, any kind of limited access system, just because there's just not enough time between now and June 6, but, anyway, that is a provision that could be brought to you all, but I don't anticipate that happening.

MS. MCCAWLEY: Andy, and then back to Judy.

MR. STRELCHECK: Thanks, Judy, and so, just to kind of clarify a few things, the Magnuson Act -- We're doing a secretarial action, and it does require public hearings, and it also requires us to share that action with the council, and have the council consider any comment on it, right, and so our goal would be to hopefully align the comment period, when we release this action, to overlap with the council meeting or work with John and team to set up a special council meeting, if needed, to discuss this action.

Certainly, getting back to some earlier comments, like Robert was making, if you want to provide feedback, input, ideas, in terms of how you think we could end the overfishing, I would welcome that, right, but it needs to be through a public process, and we need to get it very quickly, given that we've been working on this for quite some time, and we're under a tight timeline to meet this settlement agreement.

MS. MCCAWLEY: Judy.

MS. HELMEY: I know this is a stupid question, but explain to me limited access. You said that they can't do limited access? I misunderstood that.

MS. SMIT-BRUNELLO: The Magnuson Act says, under 303(b)(6), and it's got to be achieve optimum yield, and the Secretary, and the council, must take into account present participation in the fishery, historical fishing practices in and dependence on the fishery, the economics of the fishery, the capability of fishing vessels used in the fishery to engage in other fisheries, the cultural and social framework relevant to the fishery and any affected fishing communities, the fair and

equitable distribution of access privileges in the fishery, and any other relevant considerations, and so an example of that would be your snapper grouper commercial fishery.

That's a limited-access fishery, in that it's not open access, and not anyone can just apply and get a federal permit to fish for snapper grouper. This council has decided, for various reasons, that that should be a limited-access system, and so you're familiar with the snapper grouper unlimited permit, and the two-for-one process to get a new permit, and so that's an example of a limited access system.

MS. HELMEY: Thank you.

MS. MCCAWLEY: Good discussion. Any more questions? All right. We'll keep moving through our agenda. Next up is an Update on the Exempted Fishing Permits and Red Snapper Projects, and so I'll give you a couple of updates, and then, depending on how detailed your questions are, we might need to get Kristen or Matt up here to help.

We have been proceeding forward with the FWC exempted fishing permits. Our exempted fishing permits, remember we have three of them. Two of them are in northeast Florida, and one of them is in southeast Florida, and they're operating on a quarter system, and so the first quarter was August, and so we had an application period. Two of the projects, people apply through the Go Outdoors Florida licensing system, and one of them they submit an application just on the website.

The application period -- It's around a two-week time period, and so, in the first quarter application period, we had 8,000 applicants for 410 spots, and so, to get a little bit more specific, the hotspot, which is northeast Florida, that application period, we had 4,527 applicants. The southeast Florida application period, or applications, was 2,991, and then 204 people applied to be in the study fleet, and so the study fleet only has ten. The other two have 200.

People are already out there fishing right now with these exempted fishing permits. People have to complete an education course before going out there, and they use an FWC app that we developed specifically for this project to declare their trips, and then we have hired additional people to meet these vessels at the dock, in order to sample the catch, and so the study fleet is 100 percent intercepts, and collecting samples from those trips, and the other two trips -- It's kind of they let us know when they're coming in, and, if we can meet them, then we sample those trips as well.

We'll also be sending out a newsletter to all the participants, because you can imagine we've hit a number of snags, or maybe some of our instructions weren't completely clear, and we've gotten a lot of questions on this, and so we'll be sending out a newsletter, to let people know how many people have been fishing, kind of here's some helpful tips from people that are out there, here's some ways to report, and here's some things -- So one of them, the study fleet, has a camera setup, and so the study fleet has five private vessels and five for-hire vessels. The for-hire vessels have observers on them, and then the private vessels have a camera, and so there's a lot of logistics to doing this, but we're getting a lot of cool photos coming in.

People are really excited about this project, really excited to provide their data, and so I think it's going well. We'll be putting out these newsletters so that the people participating in the program

can kind of understand what type of data is coming in, if we have any helpful tips for them, and that will go out in the newsletter as well.

We have a whole website about this, if you would like to, you know, see videos about the project, videos about how to apply for the projects, and those types of things, and so the next application period will open October 4, through October 14, for Quarter 2, and that would be to fish in the November to January time period.

Then there's two other application periods, two more fishing periods, and so our website for this is myfwc.com/atlanticefp. This is just little updates on how it's going, and we've hit a lot of snags, a lot of challenges, and we still don't have our money yet, but cross your fingers, and hopefully soon, and so we've been spending FWC dollars to front the money to do this project. It's just so important, and we're so excited about it, and so we wanted to move forward, even though we didn't have the money in hand at the time, but I'm happy to take any questions from folks about the EFP. Robert.

MR. SPOTTSWOOD: Jessica, thanks for all your hard work in getting that EFP done. I just wanted to share something that was kind of interesting to me, looking at one of the reports from these folks that came back, and they were fishing under one of these exempted fishing permits, and, because they weren't discarding stuff, they actually said that they witnessed significantly lower depredation, actually, and they didn't have a shark take a single fish, and I hadn't thought about it before, but not throwing fish back, and essentially creating a chum trail of fish behind the boat, has now led to some other consequences that I think are pretty interesting, and so I'm pretty excited to see what's coming out of this. I think we're going to learn a lot, and I think this dovetails, Andy, with some of the discussion that I would like to have with the Fisheries Service.

MS. MCCAWLEY: Yes, and we have the ability for people to report depredation information in the app that we've developed for this project. Andy.

MR. STRELCHECK: Yes, and I just wanted to echo the thanks to FWC for all the hard work to get these up and running. I was excited to hear that -- I think you said, on day-one, you had 800 applicants, and a total of 8,000, right, and a couple of things. One, you may not heard, but the grant awards are finalized. Money is on the way, and I won't tell you when you will get it, but it's on the way, I promise, and so thank you for your patience on that.

You and I talked on the phone, a little while ago, and, you know, one of the components of the studies is a control group, and so that's probably one of the snags you might be referring to, and so I'm just curious how that's going, participation in the control group, because that's a really important component of comparing, obviously, the EFPs with that control group.

MS. MCCAWLEY: Yes, and so I'll talk a little bit about that, and, if you have more detailed questions, then Kristen or Matt might have to come up here and help answer, and so, yes, the non-study fleet EFPs have a control group of folks, and so, when you apply to the Go Outdoors Florida licensing system, if you're selected, then we divide those people into these are the people that get to do the fifteen-fish aggregate limit, and take red snapper, and then here's the control group, and so the control group still takes the education course.

They fill out the logbook, but one of the key components of this control group is -- So we have some pre-fishing surveys, post-fishing angler surveys, and so they're supposed to be fishing as normal, you know, telling us about those trips, and we have some incentives that we're giving people, especially the control group folks, so that they'll report, and, every time that they report-out on the trip, then they get a little incentive for doing that.

The other thing that happens with the control group, and that's going well. We've had a lot of these angler surveys filled out, and some people are disappointed that they weren't selected in the first round to be some of the folks that get to test out the fifteen-fish aggregate, or keep red snapper, but just a reminder that the way that we're doing this is, if the control group people submit the pre surveys, do the education course, and report-out on their trips, then they get what essentially is preference points to be selected in the next quarter, and so they get a little incentive that, if that goes well, and they do all the crazy things that we're asking them to report-out about, then they get preference points to be selected in a future quarter, and so that's helpful.

If you want to hear some war stories, I feel like Matt Bunting has talked to 8,000 people on the phone, and they call him with, hey, why didn't I get selected to keep red snapper, and why I am in the control group, to, hey, my camera is not working, et cetera, and so he's got a lot of little nuggets, from all of those phone conversations, if you want to hear more about that. Any other questions on this? All right. Thanks for asking for the update. We'll have some more information by the time we get to the December council meeting.

All right. I believe that we're going to dive into the gag and black grouper vessel limit and on-demand gear for black sea bass, and I believe -- Mike, are you going to start with the overview?

DR. SCHMIDTKE: Thank you, Madam Chair. I'll get this pulled up. Within your briefing book for the Snapper Grouper Committee, Attachments 1a, b, and c are going to be the ones that we're referencing with this amendment. This is Regulatory Amendment 36, and, as Jessica noted, it's addressing the gag and black grouper vessel limits and transit stowage requirements for black sea bass on-demand gear.

Looking through the document, there's some background information, and that's just there kind of for your reference, to give a little bit of context to how we've gotten to this point. At this meeting, I'll refer you to the public hearing comments. We didn't get a whole lot during the comment period that we had between June and September. We held it at the middle to end of July, and the beginning of August, and there weren't a whole lot of comments, but I'll refer you to where you can view the comments that have been received throughout this process.

You will also take a look at the actions and alternatives, as you've developed them to this point, review your preferred alternatives, as well as the draft rationale that's been developed, make any changes to the rationale that you want in the final amendment, and also review the draft codified text, to make sure that is getting at the intended actions in this amendment, and then, finally, you'll be considering this document for approval for secretarial review at this meeting.

We have our summary timeline, and, as I've noted, we held public hearings on July 31 and August 1, and we had a written comment period that surrounded those public hearings. It was opened up a couple of weeks before we held the hearings, and it lasted through the Friday after those hearings were held.

The purpose and need statements, as you've developed them to this point, are shown here on the screen, and you can take one last look at those and make sure that those are where you need them to be, but you've seen those several meetings over, as we've gone through this process, and so I'll pause and see if there are any comments or anything else to do with the purpose and need.

MS. MCCAWLEY: Thank you, Mike. Any comments, or questions, or concerns about the purpose and need statements? I don't see any hands. Back to you, Mike.

DR. SCHMIDTKE: Okay. Continuing on with the discussion document, I noted the dates of the public comment period and the hearings, and there is a link that is included in that public hearing summary section, right here, and that will take you to the online form. That includes all the comments that have been received during the comment period that we held most recently, as of the time that we wrote up the decision document, and we have received two additional comments, but, like I noted, there are comments from the scoping period included there, as well as some comments that were received in between periods, and so you can take those into account as you are making your final decisions today.

Noting the nature of the comments, most of the comments that we've received since scoping -- Most of them were expressing disagreement with the use of vessel limits for for-hire recreational vessels, especially those that carry more than six passengers, and so that would be your headboats, and the council has discussed that. We talked about it in June, in reference to getting a report-out and possibly developing some action that was specific to application of these vessel limits to headboats in a more general context, and not just for gag and black grouper, and so that's something that you have decided to kind of address outside of the context of this amendment.

Then, related to Action 2, and that's the action that deals with the on-demand pots and stowage through closed areas, or through some of the closed areas, and I will note that when we get to that action, we didn't receive any additional comments on that during the public hearing comment period this time around.

Next, moving into the actions themselves, first, we will deal with Action 1, which is revising the recreational vessel limits for gag and black grouper. You have selected Preferred Alternative 2 and Preferred Alternative 3, and so these deal with the different components of the recreational sector. Preferred Alternative 2 deals with the private component of the recreational sector, and it limits private recreational vessels to two gag or black grouper per vessel per day, noting that this is an aggregate of gag and black grouper, and these are not separate vessel limits. This is one vessel limit that includes two species.

Then Preferred Alternative 3 applies a very similar vessel limit to the for-hire recreational vessels. The only difference is that it's on a per-trip basis, instead of a per-day basis, and you have provided some discussion related to that, noting that there are for-hire vessels that would catch these species that may conduct multiple trips in a given day, and so this would allow those limits to be reached by anglers on the trips, even if there are multiple trips on the same vessel in a given day.

Moving down, some of the points for rationale that I want to point out, related to this action, is these have been drafted based on your discussions, but this is -- This section, this draft council conclusions, these are the main points that you all are making in support of your decision of what your preferred alternatives would be for this action, and so I ask that you -- I'm not going to read

through every single point, and I'm going to kind of leave it up on the screen, so that you can take a look, read through, and provide any additional notes that need to be included in that action, and there is kind of a more formal written-up section that is in Chapter 5 of the draft amendment document. That would be where you can find the rationale for your actions. I will pause here and see if there are any comments, any additions or edits, to the information that's included in your draft council conclusions.

MS. MCCAWLEY: Thanks, Mike. I had a question about the codified text here, and so I thought we were just modifying the vessel limit, but the codified text also modifies the bag limit, and I'm concerned, with that modification, that maybe it's a little less clear, the way that it's written in the codified text.

DR. SCHMIDTKE: Thank you, Jessica, and so I'll go ahead and pull that up. This is Attachment 1c in your briefing book, and we'll zoom-in to where the noted changes to the codified text are being made. Scrolling down here, you can see this is within the section dealing with bag and possession limits and just noting like the (b) and the (2) that are above -- The gag bag and possession limits are listed within the aggregate grouper and tilefish, because gag is within that aggregate three-fish-per-person bag limit, and so, within that aggregate grouper and tilefish limit, you would then see, under that section, the specific bag and possession limits for gag and black grouper, and we note that gag and black grouper has a combined bag limit here of one fish, and I guess I will pause here and see -- The vessel limits are noted as sub-points underneath that bag limit, but I guess I will ask -- Back to you, Jessica, of what recommended changes you would have for this section.

MS. MCCAWLEY: A couple of things. I was talking about that very first phrase "For gag or black grouper combined 1", and just I wasn't sure that that was 100 percent clear in the regs. Of course, we can put something on our website to try to explain it in other terms, but, also, I'm not sure that the scamp/yellowmouth vessel limit is worded the same way, and so I think that I was also concerned that it wasn't the same in other amendment that we're trying to finalize this week, and so I believe that it used to say no more than one fish may be gag or black grouper combined, and so I just put that out there for discussion, and I don't know what others think about this. Carolyn.

DR. BELCHER: Just because -- When you posed it to us before, I mean, obviously, you guys saw where it was coming in as a problem, and so I would like to defer to your guidance on that, because, if it has caused you a problem, it will probably cause the rest of us one as well.

MS. MCCAWLEY: I just thought the previous language on the bag limit was a little bit more clear. Of course, the issue we're trying to address with the amendment is the vessel limit, and so vessel limit seems improved, and bag limit might have gone in the other direction, and so I'm just putting that out there, and it looks like you're taking some notes on that, Mike. Jimmy.

MR. HULL: Thank you. I like the language that you just used. I think it's a lot clearer than what's written here, that no more than one fish that's either species can be --

MS. MCCAWLEY: Yes, and that was our concern, just that it seemed like it was clearer before, and I would hate to muddy the waters in the amendment where we're trying to fix this. Monica.

MS. SMIT-BRUNELLO: So, Jessica, you would prefer -- You think it's more clear to keep it the way it is in the regulations now?

MS. MCCAWLEY: Just the bag limit part, and so, in addition to the codified text changing the vessel limit, which was what we're going for here, the codified text also changed the way that the bag limit was worded, and now I think the bag limit is less clear, and so, on the bag limit part, we would prefer the bag limit language to remain the same as it is right now.

MS. SMIT-BRUNELLO: Okay. Thank you.

MS. MCCAWLEY: All right. Any other comments or questions on that? Amy.

MS. DUKES: It may be not necessary, but, again, if we're really trying to make the language the exact same, does it need to say -- I just lost it, because Mike moved it off the screen but does it need to say like "a gag grouper or a black"? I'm sorry. "A gag or a black grouper combined", because that would then be very consistent. It's a simple thing, but I don't -- It might not be necessary.

MS. MCCAWLEY: Well, so that's why we're suggesting the previous language, and so the previous language says no more than one fish may be gag or black grouper combined, and so, instead of trying to edit that wording there on the screen in the codified text, I was suggesting using the existing language that's already in the federal rule for the bag. It's written over there in that little text box, if you can see that. It's a little small. You still think it's confusing? I'm okay with that. I mean, if we're going to edit this section either way, I think it's fine to add -- So then it would say "no more than one fish may be a gag or a black grouper combined". Okay. Is that what you're saying?

MS. DUKES: Yes, ma'am. Thank you. I appreciate that, Madam Chair, and then, again, to go back to your original comment, that matches specifically the exact language for the golden tile.

MS. MCCAWLEY: All right. Thank you. All right. Thanks for fixing that. All right. Any more comments on this? Andy.

MR. STRELCHECK: Not on this, but going back to the rationale for the action, if we could, and it may be in the amendment, and I didn't see it in a quick review, but, you know, you brought this forward, Jessica, as kind of a consistency in our intent, which we've, you know, talked about kind of correcting, but it's also consistency in terms of state and federal regulations, right, and so where black grouper and gag overlap the most is Florida, and so your regulations are, in fact, going to be the same as this, or are already in place, that would be consistent with what we're trying to correct here.

MS. MCCAWLEY: Yes, great question, and so they're not in place right now, and that's how we figured out there was an issue, because, when we went to take the federal consistency action to our commission, that's when we read the language that we had previously approved, and we realized that, really, it looked more like you could have four fish, and that's why we started on the amendment in the first place, and so, as this gets passed, then the plan is to then take a federal consistency action to the commission to match this, and that's how we figured this out the first time. All right. Mike, I'm going to turn it back to you to keep walking us through the document.

DR. SCHMIDTKE: Okay, and so, if everybody is okay with the rationale, and we've made the changes to the codified text, just I guess one last pause and see if there's anything else for Action 1, before we move to Action 2.

MS. MCCAWLEY: I guess I would channel Robert here, and so he brought up, at the last meeting, how the intent is that we would be doing this now to fix this rule issue with the codified text, but the intent would be to consider if black grouper regulations need to be changed following the MSE type of assessment that will be coming out, and then we can consider black grouper. Is that your intent, Robert?

MR. SPOTTSWOOD: Yes, and I think we even discussed potentially treating black grouper differently for southeast Florida, and I, again, reiterate that I don't believe we have misidentification issues down there, but understanding fisheries are different, and so I don't think this is going to impact our fishermen now. Two black grouper seems to be okay with everybody, but, as we move forward, I think that fish stock is probably going to need a little bit different treatment.

MS. MCCAWLEY: Thank you.

DR. SCHMIDTKE: So are you saying you would just want that noted in discussion, or rationale, something like that, or just stating it on the record as the council's intent, kind of as a follow-up, but it doesn't necessarily need to be in this amendment?

MS. MCCAWLEY: I would look to you, Robert.

MR. SPOTTSWOOD: Yes, and, I mean, I just searched the document for "misidentification", and so I think we're missing that background here, right, and it doesn't even talk about that whole issue of misidentification in the fish house and other, and so, you know, I'm not -- I'm still a little unsure that this is really an issue everywhere else, but kind of deferring to everybody, and, for southeast Florida, certainly I don't think misidentification is an issue, and I would like to have some record here to be able to come back and justify why we're looking for different treatment down south.

MS. MCCAWLEY: Okay, and so then -- Okay. Let me just try to sum that up a little bit and see if this is what you're saying. I think that, at a previous meeting, we removed the misidentification part of the document, because of just what you just said, that you didn't think that this was a concern, and so it seems like what you're saying here, in the rationale, is that previous identification issues was why this was lumped together in the first place, but the intent of the council is to go back and look at black grouper separately, following the results of the MSE, and is that what you're saying?

MR. SPOTTSWOOD: Yes, and I apologize if I'm confusing this a little bit, right, but, when you pull out the misidentification issues, I go back to, okay, why are we even dealing with black grouper, and the issue is gag, and so, you know, I don't want to take us ten steps back, but I do think that, at least coming back and looking at this in the future, it would be helpful to remember how we got here.

MS. MCCAWLEY: Okay, and so Mike added an item there on the screen that the intent of the council is to go back and look at black grouper when the MSE is finished. I don't know if you want to make reference to the fact that we're doing this, and it was in the previous document, because of the misidentification issues. It looks like you're adding it there, and then I'm going to -- I think, Mike, you had your hand up, and so I'm going to go back to you. Then Monica.

DR. SCHMIDTKE: I guess I initially put my hand up to kind of reference what you noted, Jessica, is that the reason why misidentification is not included in the amendment is because the council directed the IPT to not include that as justification for like why this action was being -- Was being taken, or being dealt with in this way, but, now that I've heard the discussion, my question is this -- I guess that last bullet that I put up there, and that's more of an I'm not sure, and do you want it in the document or not? Do you want additional background discussing the misidentification of these two species, you know, in the fish houses, like it's been talked about, or is that not a document thing, and that's simply it's been discussed here at the table, and that's the record for it?

MS. MCCAWLEY: Okay. We've got hands going up. I'm going to go to Monica and then Myra.

MS. SMIT-BRUNELLO: Well, I'm glad that Robert brought this up, because Amendment 53 definitely brings up the misidentification issue, and that's the crux of why black grouper was included with gag grouper, and so I had thought that, to make an adequate record for this specific document, we at least need to bring up something about misidentification, whether you want to reference that, you know, explain what was discussed in Amendment 53, and that's the rationale for, you know, bringing some of this forward, and I have no issue with, I think, if you also want to bring up in this document what Robert just said about, yes, and the council intends to look at this further, to see whether that's actually an issue in other places, or that sort of thing, but it seems like, to make a complete record, you do have to discuss, in some fashion, the misidentification issue that the council, you know, addressed in Amendment 53.

MS. MCCAWLEY: Thanks, Monica. Myra.

MS. BROUWER: Thank you. I just wanted to remind you guys that we do have, on our to-do list, to develop a report examining the potential different regulations for black grouper in south Florida for March of 2025, and I believe that was direction for us from June.

MS. MCCAWLEY: Thanks, Myra. Thanks, Monica. All right. Are we good with these two added points here? We're kind of referencing the rationale from Amendment 53 about the misidentification. Okay, and we're intending to go back and look at black grouper. All right. Anything else on this discussion? All right. Back to you, Mike.

DR. SCHMIDTKE: All right. Then we'll move down into Action 2, and this is revising the transit stowage requirements for black sea bass pots with on-demand gear. One thing you will notice, right off the bat, is there's a lot of yellow highlights there. There have been a lot of changes to the wording, and not necessarily changing the intent, as you all have discussed it, but trying to clarify the wording and which zones actually need requirements changed in order to accomplish the goal that you're trying to get at.

The first thing I will note is that we are crossing out, removing, special management zones from the consideration here. There are no transit stowage requirements for black sea bass pots through

special management zones. It's only through spawning special management zones, and so those remain in, and it's also through marine protected areas. Those remain in, but we removed special management zones that are not designated as spawning SMZs, because those don't have regulations to change, and so that's been taken out.

The other part -- Well, another part that was edited was something that Monica suggested last time, where we shifted around the language such that the different alternatives are changing what "appropriately stowed" means, and so we weren't necessarily talking about, you know, allowed or disallowed, in the way that previous versions looked, and we changed around the language so that this definition of "appropriately stowed" is what changes between Alternatives 1, 2, and 3.

So there was some necessary kind of shifting around of the sentences to make these things noted, and so those are the changes that you see highlighted there, and you can review that language, to make sure that it says what you want it to say in these different alternatives.

As you're looking at that, I do want to note one of the discussion points that came up, as we were kind of developing the final draft of the amendment, was that your current preferred, Preferred Alternative 2, it makes changes to how the gear needs to be stowed for MPAs and spawning SMZs, but, for the black sea bass on-demand pot fishery, we have a whole other type of area, which are these nearshore seasonal closed areas, and, under Preferred Alternative 2, you would have different stowage requirements between your nearshore closed areas, those seasonal closed areas, and your MPAs and spawning SMZs. In the MPAs and spawning SMZs, someone could -
- A fisherman could leave the buoy attached to the on-demand pots in the MPAs, and in the spawning SMZs, and they don't have to have the buoy stowed within the pot, and they could just -- The only requirement is that the pot be unbaited, and the buoy is allowed to remain attached.

In your nearshore closed areas, there is a requirement that the buoy must be disconnected or stowed inside the pot, and so, in order to kind of optimize your efficiency, if you're a fisherman in that situation, you would want to put the buoy in the pot anyway, so you wouldn't have to stop, change up your stowage as you're transiting, as you go out of an MPA and as you go into that seasonal closed area.

It's a seasonal closed area, and so it's not year-round, but there is a time of year when fishermen -
- When they would have to transit through there that they would need to be conscious of those different regulations, and so I did want to point that out that with your current preferred alternative, Alternative 2.

I do note that Alternative 3, when it was developed, it was developed to have the requirements be the same as the nearshore closed areas, and so that would have it aligned where the fishermen would -- They can keep the buoy connected to the gear only if the buoy is stored within the pot, or they would have to disconnect it, and it would be a choice between those two. If you were to choose Alternative 3, you would have the same requirements in MPAs, spawning SMZs, and your nearshore closed area, and so I wanted to note that, and that is what is discussed in this highlighted language down here in the discussion. It's noting that, under the current preferred alternative, you would have this difference in your stowage requirements between the different types of closed areas.

Scrolling down, you also have a draft council conclusion, and this is your rationale, your support for your preferred alternative, and I will take a second here to let you all look over the notes that are included there and provide any comments, or edits, or changes that you would like to make.

MS. MCCAWLEY: All right. Thank you, Mike. Jimmy.

MR. HULL: Thank you, Mike, for throwing that last bit in about the nearshore closed area, because it creates a little confusion, but all of those were put in place prior to on-demand gear discussions, and so were using vertical lines, and so it's kind of a different look, but I think that the Preferred Alternative 2 satisfies, you know, the purpose and need of the amendment, and also the conclusions that you have listed here, and I believe it's definitely one that we should have. We don't need to get into the details of, you know, how we fish the gear, but it will definitely make it more efficient, to be able to stack your gear that way, because generally we're stacking these pots one on top of another, and we always put the floats in there, and, even with the on-demand setup, when you pack the rope on top, there's still enough scope to throw the buoys in there, and it's definitely workable.

MS. MCCAWLEY: Thanks, Jimmy. Carolyn.

DR. BELCHER: My comment is more to a housekeeping thing, and it's just because -- As I read documents, a lot of times, when I'm familiar with acronyms, I kind of read the acronym, and I don't necessarily notice there's a modification, and so using SMZ, but noting that we're talking about a spawning SMZ -- I think, if there's some way to denote that a little bit different, because I just think -- Again, as I gloss through, I'm reading special management zones, not recognizing that modifier for the spawning part of it.

MS. MCCAWLEY: Yes. Kerry, did you have your hand up? Okay. Mike is taking some notes on that. Jimmy spoke to the next text that was from the IPT that was highlighted in yellow above, in addition to our rationale, and were there other questions about that new text that we saw just a second ago? Maybe Mike can scroll up to that, when he gets a chance. Carolyn just spoke to this as well. Go ahead, Mike.

DR. SCHMIDTKE: I do want to note that one of the things that has been talked about throughout this process, related to the on-demand pots, regardless of, you know, preferred alternatives that you all are choosing for this action, is that there's always been a plan to have some follow-up engagement with the on-demand -- With the pot endorsement holders. Sorry. I'm getting the terms confused, but some engagement with the pot endorsement holders, just to kind of have some outreach to update them on, hey, on-demand pots -- You know, this is what is legal, and there are the requirements that you need to fulfill, and, in regard to this action, there would be kind of some laying out of, when you're stowing your gear, this is what you need to do in order to stow your gear, legally, and so we'll have to, you know, do some brainstorming with our outreach team on the best way to convey that information, but there's always been that intent to have a follow-up engagement with those endorsement holders.

MS. MCCAWLEY: Thank you, Mike. Andy.

MR. STRELCHECK: Two things, and so, kind of like what Robert said about the MSE for black grouper, I'm glad to see, with Reg 36, we reference Amendment 56 and our intent to, obviously,

look at those nearshore closed areas, because of the allowance of on-demand gear, and so I just wanted to note that.

Then, in terms of the rationale, just a little bit of a technical correction, and so that first bullet talks about a requirement for black sea bass pots equipped with on-demand gear to disconnect buoys, and it's all black sea bass pots, right, that this applies to, and it's not just those with on-demand gear, the way the regulations are written.

DR. SCHMIDTKE: No, it would be just those that are equipped with on-demand gear.

MR. STRELCHECK: Well, if you go up to our alternative, then we need to clarify that, because it says with a black sea bass pot onboard.

MS. MCCAWLEY: That's a good point.

DR. SCHMIDTKE: So the -- I guess I will highlight the part where, from the IPT, when we developed this, where we thought it was addressed is "appropriately stowed" means on-demand black sea bass pots are not baited, but may have buoys connected to the gear, and so, in this context -- I guess that first sentence is what's currently in the regulations right now, and that's a holdover of, when you're transiting through those areas, it needs to be appropriately stowed. There is already the requirement of appropriate stowage, and we're just changing the definition of "appropriately stowed", as it applies to pots that are equipped with on-demand gear.

MS. MCCAWLEY: Monica.

MS. SMIT-BRUNELLO: Meaning that, if you have the usual kinds of pots, that have roped gear, those regulations will not change, right, and those requirements remain the same, and this is just going to on-demand gear.

MS. MCCAWLEY: Yes, I agree, and I would suggest a glance at the codified text, and it looks like it's clear in the codified text, but I thought that before in black and gag grouper, but you might want to take a glance at that. Jimmy.

MR. HULL: I just noticed something, when Andy -- There was that bullet point, and these don't match, and so one of them says that you can leave the buoys attached, and the other says they must be disconnected, but I thought that the amendment, that we wanted to have as our preferred, said that you could leave the buoys attached, but they have to be in the pot, and, in Alternative 2 there, if you read it again, it has to -- It says the buoy is connected to the gear, and it doesn't state that they have to be stowed in the pot.

MS. MCCAWLEY: Mike and then Tim.

DR. SCHMIDTKE: That's correct, Jimmy, and so what the council decided, in the last meeting, was to select as preferred that pots that are equipped with on-demand gear can simply have the buoys connected to the gear, and there is no additional requirement to stow the buoy within the pot, or no requirement to disconnect the buoy from the gear. The only requirement indicating that that pot is not being fished is no bait. Alternative 3 is I think what you're referencing, with the

practice of putting the buoy inside the pot, and that's the one that was developed based on the nearshore closed area stowage requirements.

MR. HULL: Okay. Thank you. That was helpful. So it's maybe something you might want to -
- You may want to consider to change to Alternative 3 as the preferred, because I think that to line up all the closed areas, so that they're the same requirement, because, currently, with current line gear, and not on-demand gear, it's to put the buoys in the pots, correct? The current seasonal closed area is -- Yes, and so -- I mean, everybody can have their opinion on it. For me, the way I fish the gear, when I'm transporting them, the buoys go in the pot, whether it's on-demand gear or, you know, vertical line gear.

MS. MCCAWLEY: Mike and then over to Tim.

DR. SCHMIDTKE: Thanks, Jimmy, and I think some of the discussion surrounding Alternative 2, versus Alternative 3, was the note that there's nothing restricting fishermen -- Like, if that's your practice of putting -- You know, keeping the buoy connected, and putting it in the pot, there's nothing restricting you from doing that, and is a legal stowage.

If people don't want to do that, then Alternative 2 would provide other methods, and I'm not sure what other configurations folks would have, as far as keeping the gear connected but not putting it in the pot, or, you know, if it were stowed in some other location, but Alternative 2 would encompass -- Like that is an option, and we do note, in the discussion, you know, kind of talking especially about the economic effects and being efficient with time during transit, that, especially during the time of the nearshore seasonal closed areas, you would optimize your efficiency of your transit, and you would be able to transit quicker if you have your gear -- If you have the buoy stowed inside the pot, because then you would be meeting the requirements of all of the different areas by doing that.

MS. MCCAWLEY: Jimmy.

MR. HULL: That's the point that I was trying to make. If you make it the same regulation for the inshore seasonal -- For the whale closed areas, as these other closed areas, it's the same, and so it should be consistent, in my opinion. That's all.

MS. MCCAWLEY: So it sounds like maybe you're making an argument for Alternative 3 as the preferred, but, while you're thinking about that, I'm going to go to Tim.

MR. GRINER: I kind of hear what you're saying, Jimmy, but I think the reason was exactly -- It was kind of what Mike said. This gives the -- This gives the pot fishermen more flexibility, and so the only time he has to worry about something different is when that special closed area -- During that time period, and I think the overall goal was to, at some point, if you're fishing on-demand gear, that there is no special closed area during any time, because -- The only reason we had that was because of vertical lines, and so I think this helps us move toward that, to get more buy-in with the on-demand, so that, at some point, that line goes away, and, if you want to put your buoy in your pot, you put your buoy in your pot, but you don't have to, and so I kind of keep going back to Preferred Alternative 2. I hear what you're saying, but this doesn't prevent you from doing that. It just gives you more flexibility.

MS. MCCAWLEY: Tim said what my recollection as well, but, Monica, you had your hand up, and then Andy. Andy.

MR. STRELCHECK: A question for Jimmy. I believe you were a part of the pilot project for on-demand gear, and did you test multiple types of gear, because one of the other arguments, I thought, for Preferred Alternative 2 was, for some trap configurations, detaching the rope was much more complicated than others, right?

MR. HULL: Yes, sir. I did participate in that, and it was a very effective gear type, and so the most important thing is that you don't -- You aren't packing a parachute with your -- You're not getting rid of the vertical line, and you're containing it on the trap, and you all know that, and then a release device, and so it's -- Everything has got to be packed just right, and so, if the buoy -- If you have to detach the buoy, with some type of, you know, clips, or whatever you're doing, it could cause potential for it to hang up, and then a failure, and so you want to try to leave that alone, as much as possible, and so leaving the buoy attached is important, and that was the win here, the real win. Whether we put it in the pot or not, it doesn't really matter, in the long run, and so just disregard all my other thoughts.

MS. MCCAWLEY: All right. Let me try to sum up. I'm going to go back to what Tim said. Based on all the comments that we heard, Preferred Alternative 2 seems to get us where we want to be, with allowing that flexibility, and, like Tim was stating, if you want to put it in, you can't, but, with Preferred Alternative 2, you don't necessarily have to.

Any more questions, or discussion, on that, or discussion on the council's rationale here? I see heads nodding no, and thumbs-up, and I'm going to turn it back to you, Mike. I know that we're at the final stop for this, and we usually send it to the Secretary when we get to Full Council, but I will pass it back to you, Mike.

DR. SCHMIDTKE: I guess the only thing left to do then is -- We have your preferred alternatives, and you reviewed your rationale, and so the only thing left to do would be to approve a motion that would send it for secretarial review, and I'm looking at Myra, just to make sure I'm procedurally doing this correctly. Would they pass this motion in committee, and then a roll call in Full Council, or just the roll call in Full Council?

MS. MCCAWLEY: Just the roll call in Full Council is what she's saying, and then one more procedural question. Are we making the modifications to the codified text? It seemed like we were doing that. When we pass this, or as part of this discussion, is it clear that we mean to edit the codified text?

DR. SCHMIDTKE: I guess it's clear to me, and I would look down towards the Monica end of the table, to make sure it's clear there.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: Certainly Monica can weigh-in, but my suggestion, because we want to make sure this is also consistent with other codified text, is that we -- We want to look into this, based on your recommendations, and that we could come back, obviously, to the council chair, and discuss that with them, at the time of any sort of revisions, rather than making the -- You can

make the recommendation now, but I want to make sure there's opportunity to go back and forth, in the event that there's inconsistency created by making that modification within other federal regulations.

MS. MCCAWLEY: Okay, and so, based on that, I don't -- I mean, we have a draft motion. It will go in the committee report, but we don't need to make this motion now. That way, that will allow us to make additional edits, if needed, to the codified text, based on scamp and yellowmouth, and we'll come back to this in Full Council. Monica.

MS. SMIT-BRUNELLO: I think that's a good process. I was going to say that it's possible -- I don't want to put people on the spot, but it is possible to potentially have a revised codified text before Full Council, but I'm not sure, because I'm not drafting it, but I will check with those folks, and I know that before -- Well, you will take up the next amendment, and so we'll try to make it consistent. That makes perfect sense.

MS. MCCAWLEY: I think it would be great if we could see revised codified text before the end of the week. That would be great. All right. Thank you, Mike. I think we're done with this action. Can we take a five-minute break before we dive into black sea bass, Amendment 56? All right. Thank you.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: We're going to dive into the next item on the agenda, which is black sea bass, Amendment 56, and, before we do the SSC recommendations, I believe that Judd has something for us.

DR. CURTIS: Thanks. Just a couple of details to kind of give you some context on what the SSC review reflects, before the SSC rapporteur launches into his report, and I would note that Marcel, our SSC chair, was unable this week, and Jason Walsh will be our SSC rapporteur, and he has graciously stepped up to give the report, but, basically, I just wanted to provide some context on what the SSC reviewed in the August meeting.

After the request on potential management actions to lower the size limits by the council, the SSC was tasked with reviewing some alternate projection scenarios that changed the potential selectivities, and so the Science Center built those projections, and that's what the SSC reviewed. This was more or less a steppingstone towards October. There was no final recommendations on catch levels or anything at this meeting, and there was a few questions asked by the analyst that he wanted some SSC input and feedback on, and so that's kind of the context for the overall objectives for the meeting for the SSC in August, and, with that, I'll let Jason give his report.

MR. WALSH: Thank you for that introduction and context, Judd. Like Judd said, my name is Jason Walsh, and I'm a fisheries economist at North Carolina Division of Marine Fisheries and a member of the SSC. I appreciate the opportunity to provide you an update on the ongoing work that we've been doing to provide catch level recommendations on black sea bass. I just have a brief presentation that summarizes uncertainty concerns the SSC raised and some guidance the SSC provided to the analysts for projections that, like Judd said, we'll be reviewing in October.

In response to the SSC's catch level recommendations at the March and June council meetings, the council discussed management options to rebuild the stock, which included, like Judd already mentioned, changes to the minimum size limit for the recreational and commercial sectors. The potential management actions would require alternate projection runs, which include the proposed size limit changes.

The SSC was requested to review alternative projection runs, characterize uncertainties, and make recommendations to the analysts, and so the SSC identified, and discussed, the following uncertainty concerns. Considering the distribution of black sea bass over state and federal waters, there was uncertainty whether states would implement management and how that would impact the effectiveness of management actions made by the council, and so the SSC requested information on the proportion of landings and discards between state and federal waters, which will be presented in October to the SSC.

The SSC also raised concerns about the relationship between minimum size limits and reproductive parameters. The SSC discussed the possibility that fishery-independent survey data may be able to identify these relationships, but it was noted that SERFS does not routinely sample during the black sea bass reproductive season. There was -- We raised a concern that age structure, and changes in the age structure, could affect landings and discards. There was uncertainty about fishing behavior, and how that may change as size limits change, or black sea bass is added to the shallow-water grouper closure, and the SSC discussed concerns on the sources of discards. Also, we have limited information on differential discard mortality by depth and the effect of the use of descending devices on discard mortality rates.

The SSC expressed concern that changing the size limits may not have the effect needed to rebuild the overfished stock, due to the low recruitment, low index values, and high fishing effort. If implemented as the only management option, the SSC is concerned that lower size limits will likely increase overall F. The increase in landings will -- We're concerned the increase in landings will offset the gains in reducing the discards. The SSC recommended the council explore strategies to control effort more broadly, to effectively recover and sustain harvest in the fishery.

Moving forward, at the October SSC meeting, we'll receive alternate projections that explore minimum size limits of eleven, twelve, and thirteen inches, the closed season scenarios, and we requested to look at closures in Waves 1 and 2, to align with shallow grouper closures.

These scenarios should include how effort and landings potentially shift to later waves, once reopened, and the projections will explore a phase-in approach to the ABC, allocations to commercial and recreational sectors under current ABC scenarios, a comparison of assuming SPR 30 percent and 40 percent in the projections, and then projections that include long-term recruitment and recent recruitment.

The SSC did not recommend performing projections for scenarios by subtracting discard mortality post allocation by sector, and the SSC recommended using the most recent time period, 2019 to 2021, and weights for all size limit scenarios, due to the recent stock dynamics being the most representative of future fishery dynamics. The SSC will be reviewing these updated projections at our October meeting, and we look forward to updating you after those discussions. With that, I'm happy to answer any questions you have about where we're at. Thank you.

MS. MCCAWLEY: All right. Thank you for that. We do have questions. Tim.

MR. GRINER: Thank you, Madam Chair. Thank you for the presentation. I wanted to jump straight to your comments about the presentation of allocations to discards and landings by sector. You know, that's something that we're very, very interested in, and that's something that is done for this exact species in the Mid-Atlantic, and we -- I want a little bit more reasoning why the SSC felt like this wasn't a good idea, or why they felt like they couldn't move forward with what.

Like I said, it's done for this exact species in the Mid-Atlantic. We're seeing this species shift, and I don't know whether that's been taken into account, and whether or not -- You know, what we think is a low recruitment is maybe more than just low recruitment, and it's shifting, but, you know, I really need to understand why the SSC feels like there's an issue with breaking out landings and discards by sector. Thank you.

MR. WALSH: I think the concern that was raised by the SSC was how much those -- Just the magnitude of the recreational discards and how those -- How the recreational discards alone will exceed the recreational allowable catch. I think that was the concern.

MS. MCCAWLEY: Tim.

MR. GRINER: Well, that exactly is the concern, and that's why we want to see it. I mean, that's -- That's exactly why we want to see it, and so I think we need to go back to that, and have another discussion about that, and put it forth like we've asked for.

MS. MCCAWLEY: Shep.

MR. GRIMES: Thank you, Madam Chair. Well, the point of that is that it's not possible, right, with your existing allocation and with the existing management measures. There are so many discards in the recreational sector that you can't just allocate, based on that, and then have those discards addressed by each individual sector, because it will be exceeded. Without some other management measures that reduce the level of discards, you cannot do it, I think is the thing, the end message.

MS. MCCAWLEY: Tim.

MR. GRINER: Well, that's exactly why we need to see it. We can't make management measures if we don't know what we're looking at. They do it in the Mid-Atlantic. They break it out, and then they can look at it, and then they can use a suite of management measures that may address that, but, until we look at it and see it, and see it right there in front of you, it's kind of hard. There is no reason why we can't do it. You know, the science is there. You can do it. It is done, and so, you know, we've asked for it, and we've asked for it, and we've asked for it, and there's no reason why it can't be presented to us. It can be done, and it is done.

MS. MCCAWLEY: Okay. Jimmy.

MR. HULL: Thank you, Madam Chair. Yes, I agree totally with Tim. We need to see those numbers. You know, basically, the recreational discards put the whole fishery into a negative F, and so now you're taking -- The way that it is, you're taking from the commercial sector to satisfy

the discards of the overall ACL, and so we definitely need to probably make a management change, but we need to see the information prior.

MS. MCCAWLEY: All right. Any additional questions? Any other questions? Kerry.

MS. MARHEFKA: Well, I just had a quick -- I don't recall having any discussion with this body about potential future action, and one of the things that they were going to analyze was a cooccurrence with the shallow-water grouper closure, and I was just wondering where that came from, and were we talking for both sectors, and it just confused me, because it felt out of the blue for me, but I might have missed it.

MS. MCCAWLEY: Mike.

DR. SCHMIDTKE: So that was discussed in June. I think the context that you all put it in was for the recreational sector, and I don't believe that you had discussed it for both sectors, and I think that that's how it was modeled, conveyed, to the Science Center, as well as for the recreational sector, and so the recreational sector would have black sea bass added to that group of shallow-water grouper, and it's not just shallow-water grouper, but several species that are closed from January through April during that time period.

MS. MCCAWLEY: All right. Any other questions? Carolyn.

DR. BELCHER: No, and I think I just wanted to point out that, right now, not every state is sampling during Wave 1, and so, as far as recreational impacts in that first wave, that may be problematic.

MS. MCCAWLEY: All right. Any other questions? All right. I don't -- Kerry.

MS. MARHEFKA: I mean, I just didn't -- Are we -- Were we clear enough? Are we going to get what we asked for with this discard situation?

MS. MCCAWLEY: Mike or Judd?

DR. CURTIS: What I'm hearing then is the council is requesting -- They want to see this split allocation before the discards get removed from total landings, right, and that's clear, and then also that the closures would coincide, as Mike stated, to the Waves 1 and 2.

MS. MCCAWLEY: Okay. All right. It sounds like we have that. Tim.

MR. GRINER: Just so -- Maybe I've got myself a little confused on it, and so back to the minimum size limits. We are going to see -- We are going to see an analysis of these changes to the minimum size limits, and is that correct?

DR. CURTIS: Yes, that's correct. We saw a few of the projection scenarios in our August meeting, and there were some additional questions that needed to be tossed back and forth with the SSC, and some recommendations to make those projections complete, and we'll see the series of the eleven, twelve, and thirteen-inch size limit projection scenarios in October.

MR. GRINER: Thank you.

MS. MCCAWLEY: Okay. Good discussion. Anything else here? Robert.

MR. SPOTTSWOOD: I was trying to look back, and I'm sorry, and I don't fish too much for black sea bass myself, but I thought that I understood a lot of the problem was not necessarily the retention nearshore, but it was the use of small hooks, and really gut-hooking and discard mortality, and was that not --

MS. MCCAWLEY: I don't know. I'm looking around the table, and it looks like heads nodding. Carolyn is saying no. Okay. I don't recall this, but Judd, then Tom, then Mike.

DR. CURTIS: I think the main concern was, just looking at the distribution of where those landings and discards are occurring, whether they're in deeper, federal waters or closer, shallower state waters, and then trying to apply a discard mortality rate that's appropriate and commensurate with the depths, and that information is somewhat lacking. Right now, we're not able to apply kind of a gradient of discard mortality across the range of those species, but that is something that was requested also by the SSC to look at in October, and you all have seen the presentation that John Carmichael gave, a couple of meetings ago, that really looked at the different -- The distribution at least in the landings, and potential discards across those different depths, regions, where then maybe differential discard mortality could be applied.

MR. SPOTTSWOOD: Thank you, Jessica, and I'm hearing two things. I'm hearing discards, and then I'm seeing recreational season and retention closure, and I'm just wondering how one solves the other issue. Do we need to be exploring -- You know, change a gear modification, or other types of things, right, and, if you're not going to stop fishing altogether, and you're just going to close retention, do you still have the discard issue?

MS. MCCAWLEY: Okay. There were hands up over here. Tom and then Mike.

MR. ROLLER: I think I want to provide this for context, Robert, and I appreciate you bringing this up, because it references some of our previous discussion, I think at the Georgia meeting in March, and, when we look at this fishery, I think we're going to have trouble addressing discards, and that's what I was trying to get the council to understand at that period of time. Yes, I do believe, to an extent, looking at mortality of this gear is important, but what I want to preface there is we have a lot of discards in state waters, a lot of discards.

These are not people trying to catch black sea bass to harvest. These are people who are just fishing. They're on jetties and bridges, and they're in the port terminals, and they are catching lots and lots and lots of just stuff, and some of that stuff is black sea bass, and I don't see how we're going to change that behavior, nor do I see how -- Maybe understanding the mortality of that gear will help make things a little bit better, but it's going to be hard for us to address this, because these are not folks who are trying to harvest black sea bass, and it's going to be very hard for us to address it.

MS. MCCAWLEY: Thanks, Tom. Mike.

DR. SCHMIDTKE: I just wanted to note that some of the points being brought up in this discussion are also brought up in the decision document, and so, just from a managing the discussion standpoint, that might be better held until we get into the decision document, and keep this discussion back towards comments towards the SSC.

MS. MCCAWLEY: All right. Good point. All right, and so any more comments, or questions, for the SSC or about what they're going to come back with in October? All right. I don't see additional hands. Are we good, Judd? Okay. Thumbs-up on that, and so then, Mike, are you going to walk us through the document? Okay.

DR. SCHMIDTKE: Okay, and so, getting into the decision document that's provided in your briefing book, and we're really early in this amendment process, and so I do want to point out a few more things within the background, and so, first of all, the fishery overview, there are still a lot of questions, and there will be, you know, a lot of points raised about what does this or that piece of data look like.

The fishery overview is one of those resources that council staff put together for you all to use. You click that link, and there are several tabs within there where you can see different configurations of recreational, commercial, life history data, and so I would encourage you to kind of use that, possibly, as ideas pop into your head of, well, what does recreational Wave 2 landings look like for this fishery, something like that. You can look in there, and that can address a good number of questions as we move through the discussion, and that's been brought up, and kind of presented to you, and I'm just pointing it back out, that that can be helpful as you move through your discussions.

We also have a link of John Carmichael's presentation kind of explaining the current situation, and also giving some information on the assessment history of black sea bass, and that was given I believe in March of 2024, and so there's a YouTube link there that kind of goes through that presentation, and that's available for your reference as well, and then, finally, the letter that was received from the Fisheries Service in May of this year that details that current listing status for black sea bass, because that's kind of -- That is pertinent to what is and is not being included in this amendment, or your discussions about what would be included in this amendment, and so that's linked as well and listed within the documents for this meeting.

The ABC, that section is kind of a holdover from the previous SSC discussions, as Judd and as Jason talked about, and we're awaiting some additional feedback from the SSC, that they'll be developing in their October meeting, and so I'm going to move past that for the time being, and, looking at the objectives for this meeting, you've already kind of looked through the SSC's comments from August, and one thing that we will need to address, within this meeting, is the timeline.

At the June meeting, one of the things that was discussed was waiting on scoping until after the ABC recommendations were provided by the SSC. At the time, that was expected to be coming out of the August meeting, and be provided at this meeting, and so, if there is discussion about do you still want scoping hearings to happen in between now and December, do you want to shift the timeline around, that's one of the decision points for you all to discuss today, and then there's also kind of a compiled list, and this is resulting from the last couple of meetings, just keeping that

running list of potential management actions to be included in this amendment that have come up and been discussed at the council table, and there are a couple within that that there may --

There's some potential refining, or additional information, some questions to be asked, but most of them are just kind of keeping that list, so that you all can see this is what you've discussed so far, and that information would be kind of contained and conveyed to the public when we go to scoping, that these are all the things the council has thrown on the table at this point, and then we could get public feedback on what they think is helpful for this fishery.

I think the timeline -- Just from an organization standpoint, the timeline is listed here at the top, but it may be helpful to come to the timeline after you've had your discussions, and then come back to the timeline about whether you would like to have scoping in between now and December, or at some other time, and so I'm going to pause on that and move down into the potential actions list, and so, within this list, I have it divided up into you have your required actions, your things that are going to have some type of Magnuson requirement attached to them, or, even if not necessarily directly in Magnuson, there's also been, you know, kind of scientific recommendations that you all would need to kind of adhere to as you're making decisions based on the best scientific information available.

Those three required actions would be reducing the catch levels, and that would be changing your ABC in accordance with SSC recommendations, and that's one of your required actions within this amendment, and next would be revising the status determination criteria.

As you will note from the NMFS letter that was sent in May, as well as the SSC discussions and the assessment panel recommendations, it was recommended that this stock transition from reference points based on 30 percent SPR to those based on F 40 percent SPR, SPR being spawning potential ratio, and you all have requested some discussion from the SSC, kind of giving details on what exactly spawning potential ratio is, and that's something that I believe will be talked about at the October meeting, and so that will be coming back, with those catch recommendations, for you all to discuss and have some additional information on what exactly you're choosing in between those different types of reference points.

The next action that isn't necessarily a requirement to include, and it's a required discussion that you all would need to have, per your allocation trigger policy, and you have a new stock assessment, and that's one of the triggers for you all to have a conversation about do you want to change the allocation for this fishery. I believe this is one of the ones that we are -- We're in that transition, I believe, from CHTS to FES, right, and this is the first -- Yes, this is the first assessment that puts in the Fishing Effort Survey recreational data.

Previously, it was in the Coastal Household Telephone Survey, and so we have that difference in that recreational currency, and that's been discussed for several other species, and in other amendments, and so that's not necessarily a conversation for today, but that's a conversation that you will need to have as you go through this amendment process.

Then we get into the other actions. These are measures that you've talked about having some potential interest in, or that you've discussed for other species, but you don't necessarily have a requirement to include all of these, but they also may be helpful in accomplishing other goals, such as preventing overfishing, or rebuilding, or any other plans that you would have for this fishery.

The first is noting accountability measures, and that was brought up I believe in June, and Andy had brought up potentially considering changing the recreational accountability measures. Right now, it's a situation where the service sets the season each year, and that may be something that the council may want to revise, potentially being more consistent with some of the other species for which you've revised your accountability measures.

Next is looking at the fishing year start date. Especially as this stock is kind of getting evaluated and potentially going into a rebuilding plan, having two different fishing year start dates, and evaluating whether you've exceeded limits -- That may make things a little bit more complicated, having different start dates for your commercial versus your recreational sector, and so that may be one of the conversations to bring into this amendment.

There's the discussion about reopening the nearshore areas to on-demand black sea bass pots, and then there was also a suggestion, in the last fishery performance report, about some consideration of allocating the commercial ACL by gear, kind of similar to how the golden tilefish fishery commercial fishery is allocated by gear into the longline and hook-and-line components. For black sea bass, that would be your pot component and your hook-and-line component, of having separate allotments of that commercial ACL for those different gear types.

Next, we're getting into -- Those are all discussions that you've kind of put on the table. We're not necessarily addressing those today, but that's kind of the running tally, and then the final two points are a little bit more on the discussion end and possibly looking for some feedback from the council on what you would like to do.

The next one is developing a rebuilding plan, and this one is where it's -- It's a little bit more complicated than your typical situation, where you come out of an assessment and there's, you know, a stock status and rebuilding plan. Right now, we're -- The council is considering changing these status determination criteria, and so your stock status right now is from SEDAR 56. It's from the last stock assessment and not the most recent one that you've received.

A rebuilding plan is not technically required by the current stock status, and the situation that you're in is that, if the -- If the council adopts the recommended status determination criteria, at that point, the stock would be determined to be overfished, and you all would receive the letter from the service, and the timeline for developing a rebuilding plan would start. Right now, you're not on that timeline, but we also want to recognize that the status of the stock -- You know, the reality of where the black sea bass fishery is at this point.

The reason why it's being brought up is because this affects the assumptions, the constraints of projections, and it also affects how things are written, in terms of what are the council's goals in developing these catch levels, and is the goal of this to rebuild, when you're not in an overfished status currently, or are you adopting the overfished status, and recognizing that and putting in a rebuilding plan?

If you choose not to put in a rebuilding plan, then there are some constraints that you may not necessarily be bound to, and like, right now, the projections that are all being run are being run with an assumption of a 70 percent probability of being rebuilt within ten years. That would be if

you were putting in a rebuilding plan, noting a rebuilding plan is anticipated to be necessary after revising the status determination criteria.

A couple of notes surrounding it, and there's been a lot of uncertainty discussed regarding rebuilding plans, and projections that are going out to ten years, especially as it pertains to black sea bass, which is a stock that has had a lot of changes to its recruitment, a lot of lower changes to its recruitment, and has really been sustained through more pulse-like recruitment, as opposed to the gradual increase that is projected typically in rebuilding plans, and so there is a lot of uncertainty associated with kind of those long-term plans.

There is some interim analysis that's expected to be completed by the end of 2027, and I do want to note that, if you all chose to wait on rebuilding, and to do it after Amendment 56, you can do that through a framework amendment, and so that's something that could be done through a follow-up process, and a little bit of a quicker timeline than what this amendment is kind of turning into, where we're looking at a lot of actions that are being included in one amendment, potentially, and so these are all different points of discussion, but the overall question -- You kind of hit it in the last meeting, but didn't really come to a full conclusion, and are you interested, or at least interested for now, in the consideration of including a rebuilding plan in this amendment, such that the projections should be based on you all rebuilding within ten years, or would you all like projections to be based on an assumption of preventing overfishing, and so that would not bind you to the ten years, and it would not bind you to a 70 percent probability of the stock reaching the reference biomass level in that timeframe.

MS. MCCAWLEY: All right. Let's have a discussion on that. My gut is no, is the short answer, but let's have a discussion about this. Who wants to start? Kerry.

MS. MARHEFKA: Yes. I mean, in my mind, it's clearly option two, which, if I can restate correctly, just so I'm clear, is not -- Having a rebuilding plan that prevents overfishing, but not that rebuilds the fishery within ten years. Is that --

DR. SCHMIDTKE: I guess, for the verbiage sake, it wouldn't be a rebuilding plan. It would be establishing catch levels that would prevent overfishing.

MS. MARHEFKA: That's why I asked. Yes.

DR. SCHMIDTKE: But it would not be a rebuilding plan.

MS. MARHEFKA: Okay. Obviously, and so my rationale for that is that I think that we all, pretty intuitively, know that the issue we have with black sea bass is not necessarily a fishing issue, and there's something else going on, but, obviously, we don't want to add insult to injury and allow overfishing. We need to, you know, sort of work within the parameters of still doing our job, and so, in my mind, that is why I would choose the second option.

MS. MCCAWLEY: Just to be clear, it would be not establishing a rebuilding plan in Amendment 56? Okay. All right. I just wanted to be clear. All right. Is there more discussion? Andy.

MR. STRELCHECK: I guess I've gotten really confused with this, and I'm reading back through my letter, and, Mike, please clarify if I'm wrong, but, under the current status determination

criteria, the stock would be overfished, and, under the new status determination criteria, it would be overfished. Correct?

DR. SCHMIDTKE: It would be underfished under either situation, and it would -- Overfished. Sorry. It would be overfished under either situation, under either reference point situation, but overfishing would not be occurring under either situation, and so, that being the case -- Yes, that would be the current status, and the only thing that would change the council's ability is the current status, what it's based on, if it's based on SEDAR 76 or SEDAR 56.

MS. MCCAWLEY: Andy, did you have a response, or can I go to other hands?

MR. STRELCHECK: Well, this is where I guess I should have been better prepared, and so, in our letter, we say, based on comparing the FMSY and spawning stock biomass MSY to existing status determination criteria, the assessment supported a determination that the stock is overfished and undergoing overfishing. Then, later in the letter, it says, if you, obviously, use the SSC's status determination criteria, it would not be undergoing overfishing, but it would still be overfished, right, and so that's what I'm trying to get at, is I'm not sure we have the ability to not do a rebuilding plan, if it's overfished under either criteria.

MS. MCCAWLEY: I think that confused me. Okay. Judd.

DR. CURTIS: So the initial assessment came out last October that did declare that it was overfished and undergoing overfishing. After the SSC reviewed it, and had some adjustments to the model inputs, that changed the overfishing status to not undergoing overfishing, and that was the latest assessment projections that the SSC had received. We'll see some more in October as well, that hopefully gives us a little more clarity on the status of each of those benchmarks, but that might help some of the confusion.

MS. MCCAWLEY: Okay. Tim.

MR. GRINER: Okay. I'm not sure. Wow, that was a wrinkle there, and so then the SDC is not what's keeping us from being overfished, and I was under the impression that it was, but it's not, and so it's only keeping us from overfishing, and is that correct?

DR. SCHMIDTKE: Can you phrase that again, Tim, please?

MR. GRINER: The letter was asking to look at this 40 percent as a new SDC, and, currently, we're at the 30 percent, which is what the assessment was based on.

DR. SCHMIDTKE: The assessment was run under the benchmark projections of SPR 40 percent.

MR. GRINER: But we never -- Which we haven't adopted, right, and so, at the 30 percent, the levels are different, and you're saying we're still overfished, but we're not experiencing overfishing, and is that what I'm hearing? In either case, you're saying we would have to have a rebuilding plan, but the difference would be a rebuilding plan that addresses being overfished, but not overfishing.

DR. SCHMIDTKE: A rebuilding plan, in any context, is going to address an overfished status. That's what it is designed to do. It's designed to rebuild the stock, so that it's no longer overfished. The overfishing is associated -- It comes along with it, but that's not -- The ending the overfishing is not the goal of the rebuilding plan. The goal of the rebuilding plan is to end the overfished status.

MS. MCCAWLEY: Trish and then back to Tim.

MS. MURPHEY: Okay. So how I had read all of this was, under SPR 40, we're overfished, but overfishing is not occurring. However, since we did not adopt the SPR 40 percent in our criteria, the agency went back to SEDAR 56, which is not overfished, and overfishing is not occurring, right?

UNIDENTIFIED: (The comment is not audible on the recording.)

MS. MURPHEY: Okay, and so, in my mind -- How I had this figured out in my brain was we would do -- We would continue with this amendment, that would -- That we would then change that criteria to SPR 40, which will then change it to overfished, and not overfishing, and then we would do a framework to do a rebuilding, and that's how I pictured the process to go, and so is that -- That's what I thought we would end up doing, but I guess we have an option to start rebuilding in this plan, but we would not know what to be rebuilding to until we have projections from the SSC.

MS. MCCAWLEY: Okay. Mike, because I thought it was what Trish said too, and so can you clarify?

DR. SCHMIDTKE: Yes, as far as the beginning part. I don't know how to answer the last question at the moment, and I guess the thing that I may be looking to get some clarification on -- I guess, with the current status, where the council is right now, and this is kind of possibly a NMFS or GC question, but is the council bound to a ten-year rebuilding plan, under the current status, to the 40 percent SPR reference point? Is that one of the requirements that the council has with this amendment?

MS. MCCAWLEY: All right. Who over there wants to answer that? Andy and then Shep.

MR. STRELCHECK: Shep, go first, and then I will add to it.

MR. GRIMES: Technically, I guess I would say no. That 40 percent SPR reference point isn't adopted, and it isn't binding until it's adopted. That's part of the problem with your overfished status, and I'm not entirely clear on the discussion here. My understanding was that we could not estimate where we were relative to the existing reference point in the FMP, which is why you did not get an overfished letter, right, and why you're not already under the -- On the clock for rebuilding.

If we could determine that it was overfished relative to the existing reference points, that's what the letter would say. My recollection is, for the same reasons that are discussed in here, and the concerns about how the estimations took into account discards, that we couldn't estimate where

things stood relative to the existing reference point, but we could relative to the 40 percent SPR reference point, because that was estimated in a different way.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: You know, this is the conundrum I think we're facing, is the change in the status determination criteria, as recommended by the SSC and the best scientific information available, right, and so, under our protocols for when we, you know, send you a letter for the overfishing and overfished status, we need to base that on the existing status determination criteria.

Because the best scientific information available now is recommending something different, we're essentially not declaring that it's undergoing -- It's not overfished, or, you know, we're not declaring any change in terms of overfishing status at this point, but, with that said, the letter does say, well, if you still use the same status determination criteria, it would be overfished, and it would be undergoing overfishing, right, and so it's the issue of the status determination criteria changing here. I think Shep was exactly right, right, that you're not bound to act until that status determination criteria is changed, but it's like we're looking the other way and ignoring the issue, until such time that we change the status determination criteria.

MS. MCCAWLEY: It's like a sequencing issue, but yes. Okay. Back to more hands. Tim.

MR. GRINER: Okay. Now I'm really confused, and so -- I understand exactly what Shep is saying, and that was my understanding, but I guess now I've got to go back to maybe refresh me, or maybe go back, and why was the -- What happened, or what new information came forth, that we now think that we have to change the SDC from 30 to 40? What does that -- Where does that come from? I mean, is there some new scientific information that does that?

MS. MCCAWLEY: Clay.

DR. PORCH: In general, after a lot of analyses have been conducted, and a lot of simulation studies, and looking at the life history strategies of various fish species, it turns out that F 40 percent generally is a better proxy for FMSY than F 30 percent, unless it happens to be an extremely productive stock, and the SSC, you know, considering the evidence before it, felt that 40 percent, in this case, was more likely to produce the maximum sustainable yield than 30 percent.

MS. MCCAWLEY: But, ultimately, it's the council's decision. Okay. Clay.

DR. PORCH: Yes, but the council would need to justify why they're adopting a more risk-prone reference point that is unlikely to produce the maximum sustainable yield. It still comes back to best scientific information available, and so, if you pick a lower proxy than the SSC, they would need to justify why they feel that's actually more likely to produce the MSY.

MS. MCCAWLEY: Okay. Charlie and then back to Tim.

MR. PHILLIPS: Maybe it's just me, but this is confusing, but it looks like, if we follow the SSC recommendation, and actually vote to go to 40 percent, then we're definitely voting to put ourselves in a rebuilding plan. We will get a letter, I'm guessing, if we do that, and, if we don't, then maybe we've got some other wiggle room, or did I misinterpret that?

MS. MCCAWLEY: Andy.

MR. STRELCHECK: I mean, I think, if the status determination criteria is changed, then, yes, we would clearly then indicate the stock is overfished, right, and this is based on the letter that I sent, and I haven't reviewed it for quite some time, but we also say the stock is overfished based on the current status determination criteria, and so, if you don't change it, I feel like we're in the same situation, right, and so I just want to make that clear, but we need to double-check that that's in fact the case and that, under F 30, or F 40, we would still have an overfished stock status.

MS. MCCAWLEY: Tim.

MR. GRINER: Thank you, and that's helpful, Clay, but, you know, part of the way I look at this is that, well, we've been operating under this 30 percent, and now, you know, with some vague -- What I deem as, you know, a little bit vague, is that now 40 percent is more appropriate, and I don't know what these new studies, or these new papers, that have come forth, and I would like to see those, but I think, more importantly, is there any data out there that says 40 percent is more appropriate specifically for black sea bass?

You know, I'm not talking about other grouper species, or anything else, but just specifically black sea bass, because I think there's a lot more going on here than, you know, than just recruitment and just the normal things that we look at. I mean, you know, if I talk to Sonny, they're seeing -- They're seeing more black sea bass, that possibly have shifted ranges, and they're seeing gag grouper up there, and they're seeing triggerfish up there, and so there's a lot more going on, and maybe Sonny can shed some light on what he's actually seeing there, but, you know, when a black pot fisherman in Maryland is having banner years, and there are so many black sea bass that even this northern range is exploding, to the point where they're even shifting some of his quota north, because they keep -- Everything keeps shifting north, and, when he pulls up a black sea bass, there's gag grouper and triggerfish all around it, and there's a lot more at play here than maybe we -- You know, than maybe is going into the assessment, and the way that the SSC is looking at it, but I'm just --

It seems, to me, that instead of us justifying why we wouldn't use the 40 percent, we need some -- I need some justification as to why we would, and why would we change? What data is out there, specifically for black sea bass, that says this is better?

MS. MCCAWLEY: I saw a couple of hands go up. Judd and then Mike.

DR. CURTIS: Just to state that the SSC will be receiving some more thorough analysis on that comparison between the different SPR proxies at their October meeting, and they hopefully can provide some more guidance, and justification, of which proxy might be most appropriate. I'll leave it there.

MS. MCCAWLEY: Mike.

DR. SCHMIDTKE: I was going to note what Judd said. That information that you're talking about, Tim, is going to be coming to you all, likely in the December meeting, following the SSC's discussion, and, really, what -- This conversation wasn't necessarily to be the 40 percent reference

point versus the 30 percent. There's already been kind of the recommendation regarding that. The conversation is more looking to how these projections of catch are being built, moving forward, because, when projections are run, you take the status at the end of your data, and you take your current status that's resulting from the assessment, and then you take the goal of where you want the fishery to be.

Now, in the case of an overfished fishery, you have a biomass level that you want to achieve, and, in this case, in a time specific, and so your constraints are we want this population to hit this level, within this amount of time, and then we model how do we get there. That's what happens, and the question is that end goal. Should that end goal be what it's been projected at this point, to be a level of rebuilding within ten years, or should that end goal be looking at the fishing mortality rate, which is the overfishing, in the sense of maybe not necessarily getting the population to a certain point on a ten-year frame, but preventing overfishing right away, based on the 40 percent SPR reference point fishing mortality rate.

It very likely won't have a huge difference in terms of landings, but it matters in terms of how you're writing it, how you're phrasing it, and the assumption that are going into the model, if that ten-year is a constraint, or if, you know, we're writing this as this is a rebuilding plan that is going to accomplish this goal of rebuilding the population to this biomass in ten years or we're writing this as these are catch levels that will prevent overfishing, and that's all we're writing as our rationale, but it depends on what your justification is for what your catch levels are, as you set them moving forward.

That's the question being -- That I was hoping to potentially get some feedback on, you know, in terms of what are the requirements, and what does the council want to do with, you know, the requirements that you do or do not have in this situation.

MS. MCCAWLEY: Jimmy.

MR. HULL: Thank you, Madam Chair. You know, I read the transcript from the SSC report, from that webinar they had, several times, and, you know, the SSC seemed to have an awful lot of concern about whether the stock structure has changed so much that we could never rebuild back to the reference points, historical biomass reference points, and so, if we put our --

The council, if we put ourselves in a situation where we have to do that, it's like they're already saying, well, I don't know that the stock is even capable of doing that, and so you would have to change those reference points before we could say, yes, this is what we need to rebuild to, and here's the management plans we can put in place, and so, you know, it's a tough spot, because they're telling us that you may never -- I feel that way, personally, that you just --

There's no way we can rebuild this back to those historical levels, because the stock structure has changed, which changes everything, the age structure of the stock, and the shifting of it to the north, and so there's lots of things that we don't know, that we're relying on advice from the SSC for, and so, if we do force ourselves into a timeframe to rebuild it, we're going to be -- To have some trouble.

MS. MCCAWLEY: Shep.

MR. GRIMES: Thank you, Madam Chair, and so I was -- I participated in all that, and that's all exactly right, but, at the end of the day, the SSC was unwilling to declare that a regime shift had occurred and change those reference points, and, absent that, we have what we have, and we have to pursue those reference points until we change them.

I think, in terms of your decision, I just wanted to lay out one thing, and, Mike Schmidtke, correct me if I'm off-base on this, but my understanding -- So, if we just go -- We're ending overfishing, and we're not trying to set a catch level that would be consistent with rebuilding to that new level within ten years, and then our management measures may end overfishing, but, based on what we're saying from the assessment, it's not overfishing, and it's largely recruitment-driven, you know, what we've seen, and so, if we just go with overfishing, and we don't go for that ten-year target, we're continuing to dig the hole deeper, and, when we do have to implement a rebuilding plan, we're going to have greater rebuilding obligations than we would had we acted earlier, correct?

MS. MCCAWLEY: Mike.

DR. SCHMIDTKE: I guess, noting the verbiage, we wouldn't be ending overfishing, and we would be preventing overfishing, because there's no overfishing occurring currently, and I think that would be making an assumption about recruitment, which I don't know that we have a really certain assumption about recruitment. There's a lot of uncertainty about recruitment, because, if you are not -- If you are not overfishing a stock -- Theoretically, if you are not overfishing a stock, over a prolonged period of time, then the stock should naturally tend toward its BMSY. It should tend towards that level, that reference point level.

Now, if there are dynamics that are changing, like recruitment, and we're assuming that recruitment is going to be at, you know, low levels, and stay low, or if it's going to -- Is there going to be a recruitment pulse in that timeframe, and I don't know. There's a lot of uncertainty regarding that, and I guess that would affect the outcome that you stated of are we going to be in a better or worse situation, and it depends on what you assume about recruitment in the interim.

MS. MCCAWLEY: Shep.

MR. GRIMES: Thank you, Madam Chair, and that's great, and we have to make some assumptions about recruitment. The SSC already has in providing the recommendations that they have already, but so what we've seen, and, again, please correct me if I'm wrong, but my understanding is the assessment has shown we're not overfishing, and we haven't been undergoing overfishing, yet we have still seen steep declines in stock biomass, right, and so -- And our estimated recruitment has continued to decline, right, and, if those trends remain, I don't see how we couldn't be worse off than we are now, if we don't pursue the more aggressive approach sooner. Thank you.

MS. MCCAWLEY: Mike and then Robert.

DR. SCHMIDTKE: Well, if you take that same assumption about recruitment, then that assumption about recruitment is also what leads you to the conclusion that the stock will never get back to its rebuilt status, and so, if you're going to take the assumption about low recruitment is

going to be maintained, then the stock -- The council can put in a rebuilding plan, and it still won't rebuild the stock.

MS. MCCAWLEY: Robert.

MR. SPOTTSWOOD: Shep, is it possible that -- I guess Shep and Mike, but, before the next meeting, we have some additional reports to come before the SSC, and is it possible that the SSC, at that point, can change their determination on whether there's been a regime shift, and, thus, change the reference points, and, if that's possible, should we just be waiting? I mean, it seems like we're putting the cart before the horse here, in taking some action, rather than just waiting until the next meeting, when we have the information.

MS. MCCAWLEY: Judd.

DR. CURTIS: Yes, and so, currently, that regime shift categorization is based upon that one single paper, and that is something that was discussed -- The concept of regime shifts, dynamic reference points, and some other thing at the national SSC meeting, and that just concluded in late August, and we'll be getting a final report from them, and the SSC will get a chance to review that, and then we'll hopefully have some guidance, and some regional action items, that we can implement for the South Atlantic, one of them being looking at some of the concepts of regime shifts, and when to declare one, and what are the impacts when you do so.

Some other approaches, like these dynamic reference points, might be a solution to some of these things where you have these low recruitment issues through the last ten years of our time series, but they're still in development right now, and so they're not ready for primetime, but those are the types of tools that are on the horizon that might help us out of this quandary.

MS. MCCAWLEY: Amy.

MS. DUKES: In addition to that, just, again, to remind this body, South Carolina DNR, with our coastal trawl survey, along with NEAMAP and ChesMMAP, are in fact doing those genetic structure reassessment, to determine are these the same stocks, and so we are currently collecting those fin clips from Florida to Maine, and it's going to take some time, and we'll start analyzing those soon, and so that will be additional information that could also be brought back to this as well.

MS. MCCAWLEY: Mike.

DR. SCHMIDTKE: That's kind of the discussion, that point that you raised, Robert, of the uncertainty about the stock, and, you know, potential regime shifts, things of that nature, and that kind of gets to the point of the discussion of are you developing a ten-year plan, or are you developing a plan that is consistent with preventing overfishing in the short-term, essentially, and that would be the -- That would be your decision point, and that would change how you're -- The assumptions of your projections, and not necessarily it's going to change catch levels. The catch is going to have to be reduced, and like it's very obvious, from any way you configure it, but it does change the assumptions, and it does change the justification and how things are written associated with this document.

It also changes what you're stating your goal is. Is your goal to rebuild the stock in ten years, based on this information, or is your goal, within this amendment, to prevent the overfishing of this stock and to establish catch levels that would do such?

MS. MCCAWLEY: Robert.

MR. SPOTTSWOOD: Is it also appropriate, within this amendment, to try to ascertain what the appropriate structure of this fish looks like, moving forward, of this stock?

DR. SCHMIDTKE: I don't know if that's as much an amendment question as it is a scientific question. That would be more something that the Science Center, and the SSC, would inform the council of, and the council would make management decisions based on that information, but I don't know that that's a decision point for the council.

MS. MCCAWLEY: Andy.

MR. STRELCHECK: A couple of just statements first, and then I guess restating what Mike is trying to get us to weigh-in on. I'm not a fan of, obviously, the ten-year requirement for rebuilding plans. I find it artificial and frustrating, right, because we're then bound by either ten years or less or greater than ten years, based on the life history of the stock.

With black sea bass, I think the other component here, right, and there's a lot of good conversation about stock structure, and is it a regime shift, and, you know, this, to me, is the challenge of the day for the South Atlantic right now, is these falloffs in recruitment, and we're going to talk about scamp, and it's a similar situation with scamp, and I hate to set up, obviously, rebuilding plans that are rebuilding to a target that may not be achievable in the future, right, and I do agree that it's important to prevent the overfishing, right, taking action to prevent the overfishing.

So, kind of getting at what Mike is saying, I think there's really -- There's a course of action, which is we'll prevent the overfishing, and work on that action, but then have to follow that with a rebuilding plan, or we can combine those two and do it all in one action, right, and, I mean, I think it's as simple as, you know, stating both.

Maybe the benefit of splitting it, right, is we can see what we've accomplished with preventing the overfishing in this action, how it aligns with the rebuilding plan, and then implement the rebuilding plan accordingly. I will, you know, support Shep's comments that we could also dig ourselves a little bigger hole, if we're not thoughtful, and careful, in terms of the work we do with this action that then leads into the rebuilding plan.

I'm supportive, I think, of either approach at this time, but with the recognition that I look at this stock, and there's differences with red snapper, but this is definitely red snapper 2.0, because of the amount of discards we have in this fishery, and us really having to figure out ways to turn those discards into greater landed catch, as well as then the added challenge of having a lot more state-water fish for black sea bass, and I've talked to Bob Beal, and I wish he was here, about more engagement with Atlantic States, in particular, to increase alignment between what we do, as a council, and what Atlantic States could help in supporting across the South Atlantic states in state waters.

MS. MCCAWLEY: Okay. This is good discussion. I'm going to circle back to where we started the discussion, which as it seems like some folks are suggesting that we split this. Andy just said he's okay with either one. I think that it should be split, which means we're not trying to do a rebuilding plan right now, and that will come at a later date, and, instead, we're trying to prevent overfishing. Kerry.

MS. MARHEFKA: I think that's the first thing I said, and my head twisted around about eighteen-million times in that discussion, but I've come full circle, to I think that is the plan, and there's lots of rationale for that, but just the glaring one is, if it took all of us that long to sort of wrap our heads around what that looks like, imagine what it would look like in a plan amendment going out to the public. I think we do it incrementally, and we stick with the two-step plan.

MS. MCCAWLEY: Okay. All right. Trish.

MS. MURPHEY: I was just going to concur with everybody. I agree with the two-step plan. Plus, we'll be hearing from the SSC in October as well, and so I'm good with going forward and trying to prevent overfishing, and then rebuilding in a framework, but I think I would like to hear also from the SSC, after October, what -- You know, their projections and everything as well.

MS. MCCAWLEY: I agree. I would love to hear more about regime shifts, because I feel like we've got other issues here. Okay, and so I'm going to look around the table. Are we all good with the two-step plan? I see heads nodding yes, that we are good with that. I'm going to put it back to Mike, to guide us on what we need to do next here, now that we've decided on a two-step plan.

DR. SCHMIDTKE: So there's one more, I guess, discussion, talking about recreational management measures, and the effects that you all think that they would have on the fishery, as it pertains to recreational effort assumptions that are going into the projections that are being developed for black sea bass, and I'm just noting the time being 11:50, and being that we're, at the moment, a little bit ahead of schedule, and did you guys want to split that until after lunch?

MS. MCCAWLEY: All right, and so I suggest -- Good point. Maybe we go ahead and take a lunchbreak now, and I will turn it back to our chair, to tell us when to come back.

MR. SPOTTSWOOD: Just a question. If we rush back here at 1:30, and we finish this, are we going to have another big gap between finishing black sea bass and then public comment?

MS. MCCAWLEY: No, and we're going to do scamp and then yellowmouth.

MR. SPOTTSWOOD: Thanks.

DR. BELCHER: Robert took my thunder. We are breaking now for lunch, and come back at 1:30, and hustle back. At 1:30, we'll reconvene.

(Whereupon, a recess was taken.)

DR. BELCHER: Okay. We're going to go ahead and get started. A reminder that we have a hard stop at 3:45 to get ready for public comment, and, before we go back into Snapper Grouper, Christina is going to introduce our new fellow.

MS. WIEGAND: Thanks for giving me just a quick moment. I wanted to update you guys, briefly, on the Sea Grant fellowship. If you'll remember, as part of sort of a broader Gulf and South Atlantic-wide grant that was received, the South Atlantic Sea Grants sort of banded together, so that we had money to hire a fellow to work to further reef fish science, outreach, and best fishing practices outreach, and that fellow has been housed in the council office for the last, I guess almost three years.

We started with Ashley Oliver as the fellow, and, after she moved to the council, we had David Hugo serve out his year, and now I am so happy to announce that we have a hired a Charleston native, Greyson Webb, and she will be finishing out the remainder of the fellowship, doing outreach on best fishing practices, and I just wanted to give her a quick moment to introduce herself to you all, because you'll likely be hearing from her about a variety of different outreach opportunities.

MS. WEBB: Hi, everyone. My name is Grayson. I'm really excited to be here. Like Christina said, I'm a Charleston native, born and raised. I went to Wando High School, if anyone is familiar with the schools in the area. I graduated last year from the George Washington University, studying journalism and mass communications and sustainability. I moved back to Charleston in December, and I just completed a six-month AmeriCorps term, working on oyster reef restoration and saltmarsh restoration work.

We did a couple of other activities, but that was the main focus. I'm really, really excited to be here and to be helping out with the efforts to advance stakeholder understanding of some of the things that are going on in fishery management and best fishing practices. If you guys have any questions about some of the projects that I'll be working on, please let me know, and the same if you have any questions on my background. Don't be shy, but, yes, and thanks for listening to me. I'm really excited to work with you all.

MS. WIEGAND: Yes, and so look out for Grayson at a tackle shop near you soon.

DR. BELCHER: Thanks, Christina, and thanks, Grayson. Chip, you also have a new person that you would like to introduce to us?

DR. COLLIER: Yes, and I meant to do it during SEDAR, but I blanked on it, and so I apologize, and so Emily Ott is coming to the table right now. She is our new SEDAR coordinator, and she's been with us about a month, and has been to three meetings already, and so she's jumping in quickly. Emily.

MS. OTT: Hi, everyone. I'm glad that I got to meet a lot of you guys yesterday, and I'm super excited to be here, like Chip said. I've been here for a month. I graduated with my master's from Nicholls State University in Thibodaux, Louisiana, where I studied gar for a couple of years, and then I was in environmental education for a year at the University of North Carolina Wilmington, and so I'm really excited to be here as a SEDAR coordinator. Thank you.

DR. BELCHER: Thanks, Chip, and thanks, Emily. Okay. Anyone else? Do we have anybody else that you guys want to introduce? All right. We're all covered. All right. Jessica, back to you.

MS. MCCAWLEY: All right. We're going to dive back into this document, and I'm going to turn it back to Mike, and I think we're going to talk about recreational management measures.

DR. SCHMIDTKE: Thank you, Madam Chair, and so there's one more -- There's kind of one more talking point, related to the actions that you all have kind of put on the table for this amendment at this point, and, after we are done with this, and I'm just putting it out there so that I don't forget, and so that people can help me remember that we do still need to have the conversation about the timeline that you all would like moving forward from this meeting for this amendment.

Getting into these recreational management measures, you all have talked about various recreational management measures, and a lot of them are aimed at reducing discards in one way or another, or affecting the recreational catch in one form or another, and so just general discard-reducing measures, and one of the items that you all brought up is the single-hook rigs action, similar to what has been considered in a previous amendment, and then you've also brought up the potential of a recreational bag limit reduction, or a recreational size limit reduction, and I want to focus a little bit more on the size limit reduction, because that is one of the items that you all have requested additional projections from the Science Center on, kind of bringing in some of those different size limits into those forward-looking catch projections.

I want to bring your attention to this figure that we've included, and Chip has also added this to the fishery overview, and so it's there for you to take a look at as well, and what you see here is, on the horizontal axis, you have the black sea bass landed per angler, and so this is your recreational fishery, and this includes all of your different components, charter, private, and shore, and it also includes both state and federal landings, and so this is all black sea bass landings.

One of the things to really point out here is there's a large number of black sea bass that are caught and released by anglers that do not retain any black sea bass on that fishing trip. That's getting into over four-million of these fish, and these are, I believe, annual averages from 2020 through 2023, and this is something that's been talked about, you know, in some instances before with this fishery.

Especially in state waters, closer inshore, people catch a lot of small black sea bass, and they would be undersized, and they would have to release those fish, and so, in terms of these -- A lot of these releases that we're seeing in this fishery -- These are predominantly size-based, and they're not -- Fishermen are not often being limited by the bag limit.

They're catching undersized fish, and that seems to be what the information that we have from the data, the feedback that we've gotten from fishermen in the AP, and that seems to be the case for most of these releases, and so, when you talk about a recreational size limit reduction, there's a possibility to increase retention, if people are catching, and keeping, eleven-inch, or twelve-inch, fish, but, with the fact that they're often not getting close to the bag limit, the effects of this are likely to be limited, if an action like that is taken on its own, without a reduction in the bag limit, because the thing that would reduce discards is if fishermen are limiting out sooner in their trip.

Say they're catching -- They're releasing six black sea bass for every one that they keep, and the intent of a size limit, as it would reduce discards, would be they limit out, and then they're no longer fishing on that area, and they're not continuing to fish in that area, and so that would be the hope, and so we wanted to kind of point that out, that the bag limit and the size limit actions are kind of in concert. The size limit action doesn't seem like it will have a very large effect without a commensurate bag limit being associated with it.

I next wanted to look at another one of the measures that you put forward as a projection item, which was the recreational seasonal retention closure, and what you put forward to be modeled was one that would match the shallow-water grouper closure. This would be -- As was pointed out in an earlier discussion, what we're looking at right now is the recreational sector only, in this instance, but I wanted to point out that there are a number of snapper grouper management unit species that are closed in January through April.

You can see them listed out right there on the page, and so this, you know, could possibly impact the motivations, or where people fish, or things of that nature, whether they're coming in contact with black sea bass. I've noted that it's included in the runs that are being reviewed by the SSC coming up, and one of the notes that came out of the August 2024 meeting was that there is a still strong need, in this fishery, to reduce effort that's being put on black sea bass, the effort to catch black sea bass, or the effort that's coming in contact and catching black sea bass, and so, right now, kind of the working assumption is that the recent landings-based fishing mortality that is associated with Wave 1 and Wave 2, that January through April time period, that that would be converted into discard-based fishing mortality, and so, instead of 100 percent fishing mortality rate, at that time of year, it would be a 15 percent mortality rate.

That's the mortality rate for catch-and-release fish, and so there would be, presumably, more fish surviving from that, but there is not, at this point, an assumed change in the effort that's being applied during those waves. Information on effort changes is limited, and there are a couple of roundabout ways to potentially try to look at it, but, at this point, the basic assumption is that effort would predominantly be about the same, whether a seasonal closure is in place or not, and people would just be coming in contact with black sea bass, but would be -- But would have to catch and release instead of retain those fish.

The question coming to the council -- There was a lot of -- There was concern that was expressed, and it's been expressed at other times, about the need to predict changes in fishing behavior, should there be an assumed change in the fishing behavior when catch is being projected forward, and, being that you all are the body, more so than the SSC necessarily, that is affiliated with the fishery, that's familiar with the behavioral changes, and possibly the advisory panel as well, I wanted to check-in with you all to see -- I guess would there be any expected changes in the effort, in the amount of people coming in contact with black sea bass, if these types of changes that you're talking about including in these projections -- If these were to occur, and, if so, do you have any type of expert judgement estimation on what that could be?

Noting that there are some sub-questions that may help in this discussion, and I'm putting them up on the screen, but I'm not going to read through entirely all of them, but a lot of it is focused on how effective are fishermen in being able to target and/or avoid black sea bass.

MS. MCCAWLEY: All right. I've got hands going up. Tom and then Jimmy.

MR. ROLLER: So there's a lot here to address, and I'm going to try to keep my thoughts in order. First of all, we talk about how would fishermen behavior be changed, and you must remember, within the last -- We were trying to figure out what years it was, but, within the last fifteen years, we had a spring closure at the beginning of the last rebuilding plan. I don't remember what years exactly, if it was two years, three years, one year, and it would be really interesting to go look at those years, to see if we saw any behavior changes in effort estimates, but I do --

I'm looking at these discards, and I've got a lot of thoughts about them. I mean, we have declining recruitment, but we have increasing discards, and I guess I would like to understand why is that, and is there more effort? Is this an FES thing? I mean, so I think, you know, analytically, I would be interested in looking at that, but when we talk about like, if they couldn't be retained, would recreational fishermen continue to fish in those areas that they caught black sea bass, and I'm going to keep saying this over and over and over and over again, and we are not going to change fishing behavior here.

These discards are being caught by people who are not trying to catch black sea bass. They are fishing. They are going to the artificial reefs, a mile off the beach, and they are soaking shrimp and squid. They are fishing at the jetties, and the piers, and the port terminals, and they are fishing by hard structure, and they are catching two-inch, three-inch, five-inch fish, and they don't care what they're catching.

Now, why is that? Are we seeing more discards because we've seen a collapse in our traditional panfish -- Our easily-accessible panfish fisheries, like croaker and spot and some of these other popular fisheries that are now completely, for the most part, gone, at least in my state of North Carolina, and so I guess I'm just at a loss, because I see these people fishing, and so, if we're going to regulate it, what are we going to do? Are we going to regulate the use of shrimp as bait and two-up bottom rigs and Walmart surf rods?

I mean, these are just folks that are fishing, and I just don't see how we can get a grasp on that, and I would say, you know, we have a discard issue, but this is fundamentally different than some of our other discard fisheries. This is not red snapper, and this is not people fishing, and catching these, while they're doing other things, and these are just fishermen.

MS. MCCAWLEY: Well, yes, and something that I think you're saying is that these people are in state waters, that they're not in federal waters, and they're in state waters, fishing from the shore, jetties, what have you.

MR. ROLLER: 100 percent. Absolutely. Within state waters, and, often, within the COLREGS line in internal waters.

MS. MCCAWLEY: So I think what you're also saying is the regs adopted here might really not get to the heart of the issue in state waters, and is that part of what you're saying?

MR. ROLLER: Absolutely, chair, and so, I mean, I'm interested to see how effort was changed in the previous closure, by people who were going and trying to target black sea bass, where you have a chance of harvesting a legal fish, but what we have here is you will -- I mean, when I see

estimates that some people are actually catching legal fish in state waters, like I'm kind of stunned, to be honest with you, because, for the most part, they're just -- That's not going to ever happen, right?

MS. MCCAWLEY: Thanks, Tom. Mike, did you want to respond to that?

DR. SCHMIDTKE: Not as much a response, but what Tom brought up is actually included in the document, and so I just want to point out, for your reference, state regulations do sometimes vary from the federal regulations, and so we list out the federal regulations, in terms of bag limit and size limit, included in the decision document, and you can also see, in Table 2, and this was one of the tables that was included in June, when you had that discussion there, and you can see -- You can get an idea of where landings releases, overall catch from the recreational sector, is coming from, in terms of inland, versus within three miles ocean, versus federal waters, and so that's all included in your document as well.

MS. MCCAWLEY: All right. Thanks for that. Jimmy and then Tim.

MR. HULL: Thank you. Yes, I get Tom's point of view on the inshore part of the fishery in state waters, but, if I was a recreational angler, and I was planning an offshore bottom trip, and you had black sea bass retention closed, along with all the shallow-water groupers, I would probably be rethinking that trip, thinking let's go fish for something else, and so, yes, effort would be reduced, in my opinion, because I'm going to go fish for something else that's going to be a lot easier, and maybe I can put something in the box, rather than going after what's not very easy, and not many other species to target, because you're hitting a lot of the key species in that closure, the groupers, and now you're going to add bass, and snapper is closed. I mean, we're going to go after the jacks complex now, right, or whatever. I think you would see a reduction in effort. That's my opinion.

MS. MCCAWLEY: To that point, and then we'll go to Tim. Tom.

MR. ROLLER: So, Jimmy, I completely agree with you. As far as those harvesting these fish, because they know they're going to have an ability to harvest them, you're absolutely going to see a decline in effort, and that's what I was getting to, looking at these previous closures, to see if we saw that behavioral change. Now, I know, personally, if that was the case -- A lot of the times, when I target black sea bass directly, it's in maybe February or March, and you have a pretty day, and, well, I'm not going to do that any more, you know, or, if it was closed another part of the year, I'm going to avoid some of those seventy-foot spots, where I know I'm going to catch them.

I mean, I don't see them in eighty to 120 foot of water very much anymore, because there's very few around, but, to that point, what I'm getting at is, particularly when you look at the releases, and, I mean, the vast majority of them -- Well, there's a lot in ocean waters, but there's a ton in those inland waters, and that's what I'm getting at, is I don't think that we can put a dent in this with this, or we can't expect to put a dent in this, with what we're doing here.

MS. MCCAWLEY: Tim.

MR. GRINER: Thank you for those comments, Tom and Jimmy. You know, this is exactly what we talked about or what I was saying at the last -- When we first started talking about these release numbers inshore, and then turn around and we're trying to say we have a recruitment problem, but

I don't -- This is a species that the recruitment -- Everything takes place in the inshore, right, and this is where the larvae ends up, and this is where the fish grow up, and so how can we have three-and-a-half million individual fish, that are this big, being released, and, at the same, say we have a recruitment problem? Something is just not jibing there, and so I think that's where my big disconnect is, is in these assessments and with the SSC looking at these, the recruitment, and think that the recruitment is driving, or lack of recruitment is driving, issues and problems in the fishery. I don't think that necessarily is the case, if we're releasing three-and-a-half million individual fish, in six to ten feet of water, and I just can't imagine that could be possible. Thank you.

MS. MCCAWLEY: Mike.

DR. SCHMIDTKE: Thank you, Jessica, and so I just want to clarify, and it would probably be better coming from Clay, as the center representative, but just clarifying the definition of what we talk about when we have recruitment here, because recruitment isn't necessarily -- As far as I understand, it's not necessarily just your juvenile fish, but it's they need to get to the point where they are accessible to the fishery. In the case of black sea bass, it would be hitting that commercial minimum size limit is the lower limit, and so they would be growing up to the point that they hit that commercial minimum size limit, and would that be correct, Clay, or is there an alternative way of looking at that?

DR. PORCH: Thank you for the question. I mean, we do tend to use recruitment, you know, kind of with a couple of different meanings, but there is recruitment to the population, which then would be, you know, fish settling out of the plankton, et cetera, and then there's recruitment to the fishery, which then, yes, that's the age where they're really substantially contributing to the catches.

MS. MCCAWLEY: So then I don't know how to answer these questions that we have on the board here, because there just seems to be a disconnect between reality and what we're discussing here and then how to answer these questions, because it's almost like saying we're going to have all these people fishing from shore, and we're going to ask them to not target black sea bass, but they're not targeting black sea bass now, and they're in state waters, and so how can you tell the shoreline fishermen what to do in the first place? Mike.

DR. SCHMIDTKE: I guess the context of asking the question is because, you know, it's something that was talked about at the SSC meeting, that they had a struggle with, you know, fishery behavior responses to management, in trying to predict what the change in behavior would be, and so, right now, they're working with one assumption, that the effort is going to be pretty much the same, and that fish that would have been -- That would have been caught and discarded, under a higher size limit, would be caught and retained under a lower one.

In the context of the seasonal limit, fish that were caught at that time of year, instead of being caught and retained, it would be caught and released, and the question I'm putting to the council is, is that the best assumption that you all can see, or do you have a better one, and I guess that's the better question, is do you have a better assumption than that that should be taken into account in these projections, or is that the one that we should be operating under?

MS. MCCAWLEY: Okay. I have multiple hands. I have Tim, then Tom, then Andy, then Judy.

MR. GRINER: Thank you, and thank you for that distinction, Clay, between recruitment, as you look at it as recruitment into the biomass, as opposed to into the fishery, you know, and I guess you could pick any -- At any point that you wanted to, to say that it's recruited into the fishery, no matter what size it is, but, when I look at the overall numbers then, if you have -- If that's what you're looking at, then you would think that there would be some big change in the offshore, or the greater than three miles, of these fish, when you look at their releases versus their landings, but you don't see that trend.

You don't see any big difference, and so, in other words, all those three-and-a-half million individual fish that were released in the six to ten foot of water, or inside the COLREGS, those fish are making it out there into the fishery, because you don't see a -- You don't see a giant jump in releases, or landings, greater than three miles. They're staying steady, and so, you know, to me, what you're really saying there is it's a -- If you're saying recruitment has got a problem, you're saying recruitment has got a problem into the biomass, and not into the fishery, because those three-and-a-half million fish ended up somewhere.

MS. MCCAWLEY: Thank you. Tom.

MR. ROLLER: I was just going to say that I would be interested in seeing a longer time series of releases, particularly for the inland waters, just to see how they've kind of gone over time, but like trips and releases.

MS. MCCAWLEY: All right. Thank you. Andy.

MR. STRELCHECK: I was going to say the same thing that Tom did, and so this is a snapshot of five years, but we would want to look at the whole time series. In response to Mike's question, right, I guess I would think about this in, you know, a number of ways, but kind of what's in our control, what we think we can influence, and affect, and what's outside of our control, right, and so these fish that are being caught from shore, and piers, that's not something we're likely to be able to reduce effort on, unless the states, and others, come up with other management measures to help along with that, right, and the same with ocean waters inside of three miles. That's why I said earlier, right, the importance of pulling together Atlantic States, in order to work on this issue, in addition to anything we do at the council table.

One thing I guess I wanted to mention, and I was reading about it last week for another issue, but, under our National Standard Guidelines, we do have a provision about setting ACLs for state and federal fisheries, and this might be one where we want to explore that, where you could actually establish a federal ACL and a state ACL, but we still need that conservation and management strategy to happen in both state and federal waters, right, and we've never gone down that path before, and I don't know what it would look like, but I'm concerned, right, that we aren't going to be able to do enough, around this council table, to prevent overfishing and get the catch levels down, based on all these releases, simply because a lot of the problem is outside of our jurisdiction, and so I want to follow through on that and then, you know, maybe talk to Bob Beal, and Atlantic States, about what can be done here.

Ultimately, at the end of the day, for analysis purposes, I think we would have to look at inland as probably staying status quo, ocean waters maybe, you know, if states implement some regulations, in tandem with us, that could change effort. For federal waters, we could look at changes in effort,

based on management measures, and what we've done, at least, at the Regional Office, is use other species as kind of a proxy to look at how the effort might have changed from the time that there wasn't a closure, or some other restriction, to when that management measure was implemented, right, to see if there was a net change in effort, or a net change in discards and releases, based on that management measure.

MS. MCCAWLEY: Judy.

MS. HELMEY: I was just going to say the small black sea bass that they catch in the creeks, and up by the piers and everything, that could be a problem, like you said, because that's a lot of fish, but I don't know where they're going, because I haven't been catching them at the artificial reefs in fifty foot of water. We usually could go out and catch medium-sized ones, and that would give our customers something to do, but now we're getting down to the point where we don't get them in fifty-five foot of water.

I do find a lot more in deeper water, like sixty-five foot of water, but that's not on artificial bottom, and that would be on the real thing, and so I don't know -- I can't really explain what's going on with them, and they're just not in areas they've been before, and I think Jimmy knows this too, because he fishes for them, and they're just not where they usually are, for the last thirty-five years, and so I'm just not sure of how we can fix this.

MS. MCCAWLEY: Carolyn.

DR. BELCHER: I'm going to put something back toward Mike too, because the life history stuff has always been one of those things that I've wondered about with black sea bass, because of the hermaphroditism issue, and the size limits, and the fact that -- I know there's papers out there that say that they're not sperm-limited, but, if we're hitting a lot of the males, and we don't know what the triggers are for the changes, is there a potential that there's somehow some of that life history that's wrapping into that?

I mean, I don't know, and I've just -- I've always wondered that, because it seems like, if you're sitting in an area, and you know they're a harem fish, and they're not a mixed-school fish, with males and females, and there's one male, and you're constantly knocking your males out of it, is there that potential that you're actually bringing down biological recruitment? I don't know that there's been any recent stuff on that, and has the SSC talked about any of the complications with life history, for that reason, or no?

DR. COLLIER: So there was some discussion of sperm limitation for black sea bass. In looking at the recent assessment, I think it was 35, or 40, percent of the fish were males, and so it doesn't seem like that's going to be sperm limited, in that situation. It's not like what we're talking about for some of the groupers, which it's under 10 percent, and so those could definitely have been impacted.

As far as how to do this best, that was some of the discussion that the SSC had in establishing the benchmark, changing from maybe a number of eggs to going to straight biomass, and that was some of the issues that they were trying to address with that, but the behavioral part, of whether or not it's going to cause a fish to stop spawning, they haven't got into that. That level of detail is not available for our fish, unfortunately.

DR. BELCHER: Thanks for that.

MS. MCCAWLEY: Judy.

MS. HELMEY: I would like to say that the blacks -- I've seen a lot smaller males at the artificial reefs, which means -- I'm not if they're just changing over quicker, but we've seen, you know, a lot of females, but then we have a few males, but they really are small.

MS. MCCAWLEY: Thank you. Mike, I don't know how to answer the questions, to get you what you need here, because I feel like these questions are just making us ask more questions.

DR. SCHMIDTKE: I guess, from what I've heard in the discussion so far, it may be worthwhile for us to check into the effort data. The closures that Tom referenced were ACL-related closures that happened in the range of 2010 to 2013, and to possibly look at the snapper grouper recreational trips, and those data, for that time period, and we can also make sure to parse out -- I think we can parse out federal -- Like look at federal only, and exclude the state water information, and see if there are any -- Any notable changes in the trips during that time period, and that might -- I mean, that might be an alternative run, with that different assumption about effort, for the model. That's something that we can communicate with the Science Center on, if that's what the council wants us to do.

MS. MCCAWLEY: Two other things. Have we already talked about what other species are being caught at the same time that they're taking black sea bass, or what are the numbers for discard mortality, and is it the same numbers being used for state waters, like shoreline fishing, as it is for federal waters, or, you know, is there a different discard mortality in federal waters, versus those people fishing from shore, that don't need to descend these fish?

DR. SCHMIDTKE: So, in the information that you all got in June, I believe there were -- There were co-caught species, and not necessarily by location, but by trip, and I think that was all in your decision document that you saw in June, and I can't remember, off the top of my head, what the most frequent species were, but that information is -- It's been gathered, and it's available.

Then, as to your other question about discard mortality rates, as far as I understand, the discard mortality rate that was applied for the recreational sector in the assessment was based on an analysis that encompassed a variety of depths going into shore. I don't know that it necessarily looked at hook differences, one versus the other, but, in terms of the survival, according to depth, it was kind of one number representing a variety of depths.

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

MR. SPOTTSWOOD: So I don't know what we as a council can do here to address what it sounds like is the core of the issue is happening in state waters, but is there some either -- We've got members of each of the states here, and should we be trying to come up with some, you know, suggestions maybe, some management, you know, options, and trying to help the states coordinate on looking at this, coming up with some approach to trying to minimize nearshore discard mortality issues? That sounds like the path that we need to be, you know, exploring, in order to be effective here, unless each of the individual states are already looking into this.

MS. MCCAWLEY: We're not looking at that in Florida, but I think that that's why Andy was suggesting ASMFC, as opposed to waiting for states to implement regs, and ASMFC has the ACFCMA that requires that, once ASMFC decides something, the states have to implement it, or implement a conservation equivalency, unless they're *de minimis*. Andy.

MR. STRELCHECK: Yes, and, just to be clear, I mean, I'm not necessarily suggesting that we turn this over to ASMFC, under the Atlantic Coastal Act, but just more serving as a coordinating body, with co-management, right, so that we could work through them to also come up with management solutions, since we only have some much control of the jurisdiction of which we would have influence.

MS. MCCAWLEY: Carolyn.

DR. BELCHER: So I know that Georgia hasn't looked at this, but I will still go back to the conversation about looking at effort in Wave 1, specifically, and not every state is getting Wave 1 effort, and so Georgia doesn't sample during that time window, and so I have no way to help inform what our impacts are, and so I think there's some things in there that uncertainty is not going to help us.

MS. MCCAWLEY: Amy.

MS. DUKES: Thank you, Madam Chair. I recognize that I am not on your committee, but I was -- I would like to go back to your question about discard mortality rates, and it was actually something that was pondering in my mind, and, Mike, did I understand you correctly that, fishery-wide, they used a single discard mortality rate, and they did not adjust that, based on depth? You would assume that, deeper offshore, higher discard mortalities, but, as you head inland, that slope should continue straight on up, closer to zero.

DR. COLLIER: So, for black sea bass, what they did was they do have a model that includes some depth in it, and so, for species that are caught in deeper water, there was an effect of depth, and so there is a way to estimate that. However, we do not have estimates for shore-based releases. Usually, when the research is being done, it's being done on reefs, and further out, and so the work that was done did not incorporate that shore-based catch, and, even within that, and so looking at the hook styles that they use, and Tom has talked about the two-hook rigs, the j-hooks, and, you know, there's no j-hook requirement in most states, and so -- Or no circle hook requirement in most states, and so that could have a potential impact on the discard estimate as well.

MS. MCCAWLEY: Robert.

MR. SPOTTSWOOD: Amy, I think one of the other things that we talked about was the size of the hooks too, but, Jessica, I wonder if, from the council's perspective, if there is a role here for best fishing practices, even just from an education perspective. If we're traveling around educating on barotrauma and other things, I wonder if there's some education, you know, practices that could help people in the nearshore fishery, whether it's, you know, avoiding the use of multiple-hook rigs or whatever else.

MS. MCCAWLEY: I like it. Mike.

DR. SCHMIDTKE: I guess that was part of the motivation for bringing up the question about the assumption on effort, because one of the -- One of the best fishing practices is that, if you are catching fish that you can't keep, move off that spot, and so the question, you know, being posed about black sea bass would be how successful are fishermen at being able to do that, move off of that spot and fish in a different place, or do a different type of fishing, where they could not -- They could successfully not catch black sea bass, and they would fulfill their trip another way, and that is a form of changing the effort that's applied to the fish, if there is a change from one to another.

MS. MCCAWLEY: Jimmy.

MR. HULL: To those bullet points, where you have how effective are recreational fishermen at targeting and avoiding black sea bass, well, typically on an offshore trip, they're going to target them with a double rig, and they go to the bottom, because that's where they're going to get the bite of black sea bass, and so they could avoid them by not going to the bottom, and fishing in the upper water column, and fishing for the jacks complex, for vermilion in the upper water column, and, yes, they could avoid them, but that would mean they could actually still fish on the same area, but they're targeting at different depths, targeting a different animal.

On the other bullet point, the consider other species already closed during the Waves 1 and 2, notably shallow-water grouper, and are black sea bass typically caught, yes, they are typically -- When you're -- They are typically caught in the same areas as shallow-water grouper, and the same thing, with double rigs. Some people fish for grouper with live bait, and single-hook rigs, and long leaders, and so, yes, they are typically caught.

If black sea bass could not be retained, would recreational fishermen continue fishing to fish in areas where they have typically caught -- That's up to the fishermen, and, if there's other species available on that same spot, like vermilion, which generally there will be, you would fish for vermilion up under the boat, and so yes. I tried to answer those.

MS. MCCAWLEY: I just really don't know what the next steps are here. Like, I mean, we're -- I don't feel like we can directly answer these questions, and I don't know what else to do to move this item, and I don't know what else you need from the committee.

DR. SCHMIDTKE: So I think the discussion today has been very helpful, and kind of the general direction is to look into the trip-level data, the recreational/federal trip-level data, for snapper grouper during the timing of those ACL closures, and possibly looking into seasonal closures, when they were applied for other snapper grouper species, to see what that potential change is, and if it's significant, if it's, you know, a noticeable number, and then work with the Science Center, as far as if and how that can be incorporated into the assumptions for the projections.

Otherwise, that would be about all that we have for the amendment today. The only item that we would need to address is the timeline, and so I can scroll back up to that, and the big question on the timeline is do you all still want scoping between now and the next meeting, although I think I saw hands up, and so maybe people wanted to comment before we get into the timeline.

MS. MCCAWLEY: Okay. Judy, did you have more comments, before we started talking about the timeline? Go ahead, Judy.

MS. HELMEY: I was just going to say -- I was going to tell you how we did the formula during the closure in 2010 for the black sea bass. We couldn't keep any of the fish, because it was closed, and so the way I sold a trip was do you want to catch fifty to seventy-five fish, catch-and-release, and we did catch all of them in forty foot of water, and we would average 250 to 300 fish a trip, and that's how we sold our trips then, because you couldn't keep anything, and, if you did catch something that you could keep, then we would, obviously, keep it, but that's not the situation now at the artificial reefs.

MS. MCCAWLEY: All right. Anything else before we start talking about the timeline? On timeline, just -- I know that we discussed, at the last meeting, going out to scoping after this council meeting, but it just seems strange to move forward with scoping without the catch limits, but maybe I'm missing something. Trish.

MS. MURPHEY: I was thinking the same thing. To me, I'm not sure what we would even take out, really, and so I'm kind of inclined to see where we are after the December meeting, and we'll have the APs meeting in April too, and so they'll be able to comment on something, and so I'm assuming that, since we'll have, in theory, we'll have the projections at the December meeting, and we'll have a little bit more of something -- We'll have something a little more firm to take to scoping, and, in the meantime, we could also hear from the APs.

MS. MCCAWLEY: All right, and so, if I'm hearing you correctly, what you're suggesting is let the SSC meet, let the AP meet, and both of them discuss these things, and we would discuss this again, as a committee, in December, and then figure out what to do, and is that what you were suggesting? Okay. Thoughts on that? Okay. I see Amy nodding yes, and Carolyn nodding yes, Jimmy nodding yes. Okay. Kerry nodding yes. Are we okay with that plan? What else would you need from us on that timeline, Mike?

DR. SCHMIDTKE: That's all I needed on the timeline, because, with that decision, then that comment shifts everything by a quarter. That's about what it does, and so we'll plan on having the discussion about ABCs and projections, and then scoping would be pushed into winter, following the December meeting. That's all we have for that item.

MS. MCCAWLEY: All right, and so nothing else on this document? All right. Thank you, Mike. So then we're going to move into scamp and yellowmouth grouper, Amendment 55, and we'll give Allie a minute to get up here.

MS. IBERLE: All right, and so this is your last, potentially your last, meeting for scamp and friends, and so we've got to get all of our OSASWG done now. Before I jump into the document, I figured that a good place to start with this one would be with the codified text, since we talked a lot about the codified text for gag and black grouper, and so the language that you guys kind of where honing-in on was concerning the bag limit, and so I just wanted to confirm that this is the language that you guys are comfortable with, and it sounded like this was the language that you were wanting to kind of move towards with gag and black grouper.

However, I wanted to take a second and ask if we wanted the “a” before scamp, and the “a” before yellowmouth grouper, on this one, just for consistency’s sake, and so I figured we would start here. If we do that, then I have a feeling that that change is small enough, and it’s not changing the spirit of the action, that we can get that adjusted before Full Council for you guys, and so I will stop there.

MS. MCCAWLEY: Okay. A for Amy, would you like to add an “a” before both of these species, so it matches the last codified text?

MS. DUKES: Yes, Madam Chair, and I’m also really excited to know that it was an error on this paper, and I am on your committee.

MS. MCCAWLEY: Yes, I thought you were, and we were checking on that, after you mentioned it, and so yes.

MS. DUKES: So, yes, I would ask for consistency, and we talked about it with golden tile, and we talked about it earlier, and an “a” please, and not for Amy, but just an “a”.

MS. MCCAWLEY: All right. I’m looking around the table, and are we good with that change? Okay. Yes. People are nodding yes. All right. Back to you, Allie.

MS. IBERLE: All right. That sounds good. Okay, and so we knocked the codified text out of the way. I still urge you guys to just, again, review that document in its entirety, just to make sure that that’s matching what you guys had planned, and then, just because we have some new faces, I’m going to do a really quick lightning-round background for this.

Scamp was assessed through SEDAR 68, an operational assessment in 2022, and it was assessed with yellowmouth grouper, for a number of reasons, misidentification, the low number of landings, and the overlap of catch between both scamp and yellowmouth grouper, and so the catch levels that we were provided from that assessment encompassed both of those species, and so scamp and yellowmouth grouper.

The challenge then became that, when you’re thinking of this from a management perspective, scamp has an individual ACL and accountability measures that are tied to that stock, whereas yellowmouth grouper is part of the other South Atlantic shallow-water grouper, or what we’ve been calling OSASWG, is the incorrect loving way we’ve been pronouncing this acronym.

What this amendment is going to do is address those catch level recommendations, among other things, but mainly separate yellowmouth grouper from that OSASWG complex, create a new scamp and yellowmouth grouper complex, and so it’s going to treat these two as essentially one species, moving forward, with regard to the catch levels and some other things, and then implement some management measures and so forth, and so that’s kind a high-level synopsis of the goals of this amendment.

I wanted to go through objectives for this meeting, and so you have all your preferreds. Your draft amendment, in the briefing book, includes Chapter 5, which is that summary of your draft rationale, and that’s what I really want to spend some time honing-in on today, and so we’re going to go through each action, review your preferred, take that one last look at it, and then I have your

draft rationale summarized in bullet points, and so we're going to review those, and then, if you think it needs any modifications, additions, edits, we'll do that today, and then, in Full Council, you guys will have the opportunity to consider this amendment for final approval.

Our final review, after this -- Well, in our review after this went into the briefing book, the IPT noticed some redundancies with the word "assessment" in your purpose and need, and so I don't think that we need a motion, if you guys want to remove this redundancy, but it something that we noticed. I think this falls under the editorial license that is included in that final motion, if you guys do choose to approve this for final approval.

You've already approved your purpose and need, but this is -- I just wanted to point this out. We caught it, and the double "assessment" there is kind of bugging us, and so, for clarification, and to make this look a little bit neater, we would remove this redundancy, and, again, not changing the spirit of the purpose and need, and so I want to pause here and make sure that the committee is fine with us removing this redundancy.

MS. MCCAWLEY: I think we're good. Is everybody okay? Okay. I see thumbs-up and heads nodding yes.

MS. IBERLE: Okay. Perfect. I just wanted to pause there, really quickly. So that will take us to our actions and alternatives, and so I'll go ahead and get started, and we can see how far through this we can get before we stop for public comment.

Your first action was again, what I mentioned at the top, reorganizing the other South Atlantic shallow-water grouper complex, or that OSASWG complex, and establishing the new scamp and yellowmouth grouper complex, and so this is kind of, you know, a simple action. Alternative 1 would not really mess with scamp, and it wouldn't remove yellowmouth from that OSASWG complex, and then your preferred alternative just establishes the scamp and yellowmouth grouper complex and removes yellowmouth from that OSASWG complex, and, again, you know, this isn't a numbered action, but we're just establishing this complex for future actions.

In looking at your draft rationale, and so the assessment, SEDAR 68, assessed these species together, like I mentioned. Again, due to the low level of landings, the overlap of vessels landing each species, and misidentification issues between the two, and the assessment is considered BSIA, and so, because those catch level recommendations included both, the council then needed to essentially establish this complex, and so the rationale here is we're responding to that best available science and making sure that we can implement those catch levels correctly. That is all I've got for Action 1. I can pause, if there looks like there's any edits to that rationale, or we can keep moving.

MS. MCCAWLEY: Let me just look around the table. Are we good with the rationale we just went over? I see heads nodding yes. Back to you.

MS. IBERLE: All right. That brings us to Action 2, and so Action 2 is a little bit more complex. Because we're creating this new complex, we need to establish stock determination criteria, and so that's your MSY, your MFMT, MSST, and OY. I'm just going to go piece-by-piece here.

You established that your preferred alternative would be Alternative 3 for your MSY, which would set the MSY proxy at F 40 percent SPR, and so, in March of 2023, you guys received a letter from the center noting that BSIA indicates that F 40 percent SPR was more likely than F 30 percent to achieve a level of biomass that would produce the MSY, and so, eventually, the rationale is that, in following that best available science guideline, that the MSY proxy at F 40 percent SPR was the more preferred alternative there.

For your MFMT, and these are going to kind of tier, and so, because you guys selected the MSY proxy at F 40 percent, the council selected the -- Sorry. I'm losing my spot. So, tiering off of 2a, we're following those same recommendations, following BSIA, and the council selected Preferred Alternative 3, to set the MFMT equal to the MSY at F 40 percent, and so, again, just kind of tiering off that best available science recommendation.

Then your MSST, and so we looked to the assessment for kind of guidance and the rationale for this one, and so SEDAR 68 recommended an MSST definition of 75 percent of SSB F 40 percent SPR, and so, again, we're following the most recent assessment, which is considered BSIA for that as well. I want to pause, really quickly, on OY. I had an oversight at the June meeting, and I did not include your motion in committee to select the preferred alternative at Full Council, and that was an oversight on my part, and so, if you're looking at the draft document, that's been labeled as "committee preferred".

That will not get omitted from the committee report this go-round, and so, unless anything changes, the only thing that will drop off is, in that amendment, we will remove the "committee preferred" tag, and so we shouldn't need any additional action, and I just wanted to note that here, and my apologies for any confusion on that.

Anyway, moving forward on your rationale for OY, the council acknowledged the uncertainty in landings estimates for scamp and yellowmouth, but noted that the scientific uncertainty has been accounted for in the P* calculations, and, therefore, selected Preferred Alternative 4, which, to remind you, would set the OY at 95 percent of the MSY. The council felt that this OY values was sufficient enough to account for management uncertainty, while helping to increase social and economic benefits for the fishermen. That was a lot of SDCs, and so I'll pause, really quickly, to see if there was any additions to the rationale for those.

MS. MCCAWLEY: Shep.

MR. GRIMES: Thank you, Madam Chair. The inclusion of accounting for management uncertainty, it seems to me that's potentially confusing, the optimum yield with annual catch limits, and the annual catch limits are supposed to have the buffer in there to address management uncertainty, and optimum yield is not described that way, and, you know, the annual catch limit is supposed to be a ceiling, and OY is a target, annual catch limit is annual, and OY is long-term, and so, you know, I don't know that it's that big of a deal, but I would be inclined to remove that.

Just referring you to the regulations, optimum yield is defined as the yield from the fishery is the amount that will provide the greatest overall benefit to the nation, particularly with respect to food production, recreational opportunities, and taking into account the protection of marine ecosystems. That is prescribed on the basis of MSY from the fishery, as reduced by relevant economic, social, or other ecological factors, and so, in this case, I think basically what you're

saying is that the 5 percent reduction that you have in there for MSY, from MSY, is enough to account for those factors and provide for adequate social and economic benefits to the fishery, but I just wouldn't couch it in terms of management uncertainty, because that's not in the guidance. Thank you.

MS. MCCAWLEY: All right. Thank you for that.

MS. IBERLE: All right, and so we'll make sure to reword that for Chapter 5. All right. That will bring us to Action 3, which would establish a rebuilding timeframe for scamp and yellowmouth grouper. Currently, your preferred alternative is Alternative 3, which is a Tmax of ten years, with a rebuilding timeframe ending in 2035, and so a summary of your rationale is you guys selected the longest available timeframe for rebuilding, as mandated by MSA, given that the SSC's recommended ABC levels resulted in a higher than 50 percent probability of rebuilding within that timeframe.

Then the council intends for this rebuilding time period to help reduce the severity of the required reduction in harvest and lead to fewer short-term negative social and economic impacts on fishing communities, and, again, that's all I've got for that one, and so I'm looking around the room.

MS. MCCAWLEY: Any comments? Are we good? It looks like we're good.

MS. IBERLE: All right. That brings us to Action 4, which would establish your ABC and ACL for the scamp and yellowmouth grouper complex. Your current preferred is Alternative 2, which would set the ACL equal to the ABC, and so the council has been, and can legally, set the ACL equal to the ABC.

The council chose not to include a buffer between these two catch levels, relying instead on the following, the maximum allowed rebuilding timeframe established through Action 3 and then management measures in subsequent actions that ensure the ACL is not exceeded, and another bullet point that probably could have been added here was your accountability measures, and so we really looked extensively, in June, at that decision tool, and we really thought, and had a lot of discussion on management measures, to help make sure that overfishing wasn't occurring, or were contributing to rebuilding.

MS. MCCAWLEY: So then you would go in and add that, add a bullet about that? Okay. All right. Okay. Are we good? Okay. Andy.

MR. STRELCHECK: Sorry, and this was just stated, but I guess the other thing I would note is that there's a big difference between the overfishing limit and the ABC, right, and so setting another buffer -- I recognize it would be for management uncertainty, but we already have, I think, a 25 percent buffer or so between the OFL and ABC.

MS. MCCAWLEY: Okay. Are you going to add that, Allie? Okay. Thank you.

MS. IBERLE: All right. Moving on to Action 5, this will establish your section allocations and sector ACLs for the scamp and yellowmouth grouper complex. Your current preferred is Alternative 2, which is the split reduction, formerly called share-the-pain-share-the-gain, with the basis years from 2018 to 2022.

A quick refresher on the split reduction method, and so this was originally kind of a brainchild of Amendment 53, where you are taking a reduced catch level and reducing each sector's ACL proportional to landings in a specified time period, and so, for your current preferred, that's from 2018 to 2022. As that ACL increases through the time period, each sector gets an equal poundage increase, and so, essentially, you're taking that increase and you're splitting it equally between the sectors, and so you're reducing proportionally and then increasing equally, is how that allocation method works.

You do have a changing allocation percentage each year, so there's not one static percentage. However, when you're looking at these charts, or these tables, the allocation percentage that's in the last year of the table, so 2029, that's what will remain in place until modified, after 2029 and thereafter, and so this first table -- You're looking at the commercial allocations, and, in the second table, you're looking at the recreational allocations, and I will note that these allocations are very similar to the current scamp allocations, as far as percentage.

In looking at your rationale, the council determined that Preferred Alternative 2 fairly allocates, or -- I'm sorry. The allocation method more fairly deals with the initial reduction in landings that results from the updated catch levels.

Again, we're reducing proportional to how each sector has been fishing, and then, similarly, the council noted that Preferred Alternative 2 would strike a balance between the needs of both sectors and then increase each sector's allowable catch proportionally, on a poundage basis, throughout the rebuilding plan. Then you guys felt that the time period of 2018 to 2022 was the most representative of the fishery in recent years, and, therefore, the best to kind of base this allocation method on, and so I will pause there.

MS. MCCAWLEY: Are we good here with this rationale? All right. Thumbs-up.

MS. IBERLE: All right. So that brings us to the first action that you guys have the potential to move to the Considered but Rejected appendix, and so we talked a little bit about this at Full Council in June. Your current preferred alternative for Action 6 is Preferred Alternative 1, and so we had a lot of discussion about reducing the recreational season for scamp and yellowmouth, and so what this will look like, and I have draft rationale bullets listed here, and this is filled out currently in Chapter 5 in your draft document.

However, this -- What we'll do is we'll take these rationale points and kind of morph them into the discussion that we'll move into the Considered but Rejected appendix if you guys decide to retain Alternative 1 as your preferred, and I do have a draft motion here, again if you want to continue to move this action, and so, anyway, that will bring us into our bullet points, and so you guys noted that the recreational landings of scamp and yellowmouth are highest in May, when the shallow-water grouper spawning season closure ends, and it's naturally tapering off into August and September.

The council felt that closing the season at the end of August, as proposed under Alternative 2, might help constrain landings, while still maintaining access during peak landing months. However, stakeholders stated that it's more important to maintain the length of the season at a lower bag limit than to reduce the length of the season, and so, based on input from your Snapper

Grouper AP, and the projections incorporating a reduced recreational bag limit, which will be in your next action, the council felt that a season modification was not necessary, and so, again, those kind of bullet points will transform into your Considered but Rejected, if you choose to move this over.

MS. MCCAWLEY: All right. Thoughts? Do we want to move this to Considered but Rejected? Andy.

MR. STRELCHECK: I'm not going to weigh-in on moving it to Considered but Rejected, but I will say it puts the Fisheries Service, obviously, in a situation where we will ultimately have to then impose accountability measures, if we exceed landings, or the catch limit, right, from one year to the next, and so this could be disruptive, if the season is set too long, and we don't achieve the reductions we were hoping to achieve, and then ultimately have to implement an accountability measure to shorten the season and prevent future overages, right, and so it's a little bit less predictable, I think, in terms of the management going forward. With that said, I certainly don't disagree with the rationale, in terms of why we would start May 1 and let the season go to the end of the year.

MS. MCCAWLEY: Thank you, Andy. All right. Are we good? Do we want to move it? I don't see any desire to move it to Considered but Rejected. Okay.

MS. IBERLE: All right, and, really quickly, before moving on, as far as the kind of bullet points for this one, and we'll talk about this a little bit in the next action, the projections for your preferred alternative for the bag limit, there was not a projected closure for the recreational sector, and so that segues us nice into Action 7.

Action 7 is broken into two subactions, 7a, which is your bag limit, and 7b, which is the vessel limit. Because one of these has Alternative 1 as the preferred, I kind of separated them out a little bit more than I have been in the past, and so we'll tackle the bag limit first, and so, currently -- Well, let's start off with your full suite.

Alternative 1, the status quo, is three scamp or three yellowmouth grouper within the grouper and tilefish aggregate. The other two alternatives establish an aggregate bag limit, and so Alternative 2 is two fish, and so either scamp or yellowmouth grouper, within the grouper-tile aggregate, or your current preferred alternative, which is Alternative 3, which is one fish, either scamp or yellowmouth grouper, within that aggregate.

The bag limit was being considered due to reductions in catch levels compared to the status quo, and so scamp individually and yellowmouth grouper within that OSASWG complex, and so any modifications to the bag limit would establish this aggregate bag limit, and so that's, again, matching the catch levels that you're going to be putting in place for this new complex, and then the other thing it does is absolve anglers from having to identify between the species, and so you catch one fish, and it's scamp or yellowmouth, and you don't have to identify it, and that's your one fish.

Then, based on the following, there's some more reasons why the council -- Why you guys selected Preferred Alternative 3, and so we heard a lot from the Snapper Grouper AP that recreational anglers would prefer a bag limit reduction over a shorter season, and then projections -- Again,

like I mentioned in a previous actions, projections for the one-fish aggregate bag limit predicted no closures throughout the entire time series from 2025 to 2029, which is demonstrating that a reduced bag limit will likely constrain recreational harvest to the recreational ACL, and so I will pause there.

MS. MCCAWLEY: All right. Are we good with this rationale? I think that laid out our rationale nicely. Okay. It looks like we're good.

MS. IBERLE: All right. That brings us to Action 7b, and so this is that vessel limit, and this is another one of, if you choose to move this to Considered but Rejected, we have the opportunity to do that, and so these alternatives were kind of mirrored off of Amendment 53, gag and black grouper.

We were looking at reduced trips, and so two or four fish, and then either per day for the private sector or per trip for the for-hire sector. We had a lot of discussion in June, and we looked at the decision tool, and kind of played with the vessel limits and bag limits, and we talked about the projections in the previous action, where the one-fish bag limit got us to not seeing any season -- Or not projected to see any season closures, and so the council considered establishing the rec vessel limit to further constrain rec harvest of scamp and yellowmouth.

After considering both the AP's input on recreational retention, stakeholder input during public comment, and the projections for the preferred aggregate bag limit, the council decided that establishing a bag limit would be unnecessary, or it would be unnecessary and exacerbate social and economic effects, and so Alternative 1 is currently your preferred. Again, I have a draft motion to move this action to Considered but Rejected, and so your draft rationale would morph into that discussion.

MS. MCCAWLEY: All right. Andy.

MR. STRELCHECK: So I will make the draft motion, but I'm going to make an amendment to it. **I'm going to say move Action 6 and Sub-Action 7b to Considered but Rejected.**

MS. MCCAWLEY: All right. Thank you for that. Is there a second? It's seconded by Carolyn. It's under discussion. Does everyone understand what we're doing here? We're taking actions where we've selected the no action and moving them to Considered but Rejected, and I'm going to let Chip speak to this.

DR. COLLIER: When the preferred alternative by the council is Action 1, and that is the selected one, that does cause issues with the RIR and the RFA analyses that are done, and it potentially opens the council up to legal issues as well, and so moving it to Considered but Rejected cleans up the amendment quite a bit, and so we appreciate you all moving that, making that draft motion, and potentially moving it to the Considered but Rejected section.

MS. MCCAWLEY: Amy.

MS. DUKES: Thank you, Madam Chair. Would it be possible to still include, in essence, the table, in some sort, and I think it really helps paint the picture, from a decision tree mechanism,

for, as folks go through this amendment, to see that, and I know we can put it in words, but, to me, a table really means more.

MS. MCCAWLEY: Yes, and I think the tables in all of these are super helpful, and so, when it goes to the back, can you keep the tables and stuff in there?

MS. IBERLE: Yes, for sure, and then, like I was mentioning before, in that Considered but Rejected, and you do already have some items, and I forget now, and this feels like it was forever ago that we moved stuff in there, but you do have some stuff that was in there, and I believe they were only alternatives, and we kind of just have like that background of why was it moved, you know, what was the discussion around that, just keeping that record, but I think these would be helpful, and so we'll definitely include these when we move all of that over, and so that sounds great.

MS. MCCAWLEY: All right. That's helpful information. Shep.

MR. GRIMES: Thank you, Madam Chair. I will add in one other thing that just came to mind. Now that we have hard page limits in the statute for NEPA, it saves us page space, by not having actions that we're not taking analyzed in our documents. Thank you.

MS. MCCAWLEY: All right. Thank you. All right. **Is there any objection to this motion?** All right. **Seeing none, that motion carries.** Back to you, Allie.

MS. IBERLE: All right. That brings us to Action 8, and this would establish an aggregate commercial trip limit. Again, "aggregate" is just referencing this trip limit is applicable for scamp and yellowmouth, and so, from Action 1, we're treating scamp and yellowmouth as a single species when we're referring to the complex.

We had a very similar suite of alternatives as you saw with gag and black grouper, when we were thinking about that trip limit. Your preferred alternative is currently a 300-pound gutted weight trip limit. I will note that, when you're looking at the commercial ACL, that is shown in whole weight, but we have the trip limit in gutted weight, because we had discussions about how that's more applicable, but no issues in unit conversions there. I left the projections in this, because we didn't have a tool, if you guys wanted to glance at those one more time, but I'm not going to review them in a ton of detail, and so I'm going to skip down.

Table 2 is going to kind of really show you the season projections for your preferred alternative, and I will go ahead and get started on a summary of your rationale, and so you guys decided that limiting the commercial harvest to 300 pounds gutted weight increases the likelihood of the scamp and yellowmouth portion of the fishery remaining open and available to consumers for as long as possible, while reducing harvest to ensure rebuilding is achieved.

While the season is projected to close, the council felt confident that the preferred commercial AM, which you are going to modify through Action 9, will help prevent any commercial overages, and correct for them if they occur, and that the 300-pound trip limit is consistent with what was set for similar snapper grouper species, such as gag, through Amendment 53. I will pause here.

MS. MCCAWLEY: All right. Are we good? Okay. It looks like we're good.

MS. IBERLE: All right. We're getting into the homestretch, and so we're at AMs, and so Action 9 establishes your commercial AMs for the scamp and yellowmouth grouper complex, and so, like we had to establish the status determination criteria, essentially, we came into this complex with no AMs, and so you guys had kind of free rein on what on what AMs you wanted to apply to this complex.

We've got a nice suite of alternatives for the rec sector. Alternative 2 matches the status quo for both scamp individually and yellowmouth grouper, as it's part of the OSASWG complex, and it has a commercial in-season closure, if the commercial ACL is met, and then there is a post-season accountability measure, where the ACL is reduced the following year by the amount of the overage. However, that's dependent on three triggers, the commercial landings exceeding the commercial ACL, the total ACL being exceeded, and the stock status as overfished. All three of those triggers need to be present for the post-season AM to be triggered.

Your current preferred alternative is Alternative 3. This retains that commercial in-season AM, but then, on your post-season AM, it uncouples, and that's how we've been kind of discussing this type of accountability measure, and so the commercial AM is still the ACL reduction in the following year. However, it's no longer tied to stock status or the total ACL, and it's tied only to whether or not commercial landings exceed the commercial ACL.

Getting into your draft rationale, you guys felt that it was imperative that the commercial AMs be as effective as possible in preventing commercial landings from exceeding the commercial ACL. Retaining the current in-season closure would ensure that landings remain at or below the commercial ACL, and you guys felt that -- You guys have been recently modifying recreational post-season AMs to remove those three triggers, and so, again, total ACL, sector ACL, and stock status, effectively making the AM a little easier to trigger, relying only on the sector landings.

During the March 2024 meeting, you guys had some great discussion on this, and the need to be consistent between the sectors with regard to AMs, noting that, while AMs may be more easily triggered, Preferred Alternative 3 provides more equity between the sectors, and then more long-term benefits to the stock, and so I will pause.

MS. MCCAWLEY: All right. Anything on this one? Tim.

MR. GRINER: I just want to ask this question, and I guess this is the proper place to do it, but going -- We had a discussion earlier that, if we were going to discuss any of the new ABC control rule carryover provisions or anything in that amendment, that it had to be done at the time we're doing this new amendment, and so I just wanted to make sure that I was correct, or clarify that, even though we added -- This is a brand-new complex, and the yellowmouth was never subject to overfishing or anything like that, and, now that it's lumped together, none of the new ABC control rule carryover provisions -- They do not apply to the scamp/yellowmouth complex, and is that correct?

MS. MCCAWLEY: I don't know. Allie.

MS. IBERLE: I may be thinking of this wrong, but I believe that the ABC control rule -- Mike is coming to the table, and he's going to be able to answer this much better than I.

DR. SCHMIDTKE: That's correct, Tim, because, when these ABCs were recommended by the SSC -- Like, in order for the carryover provision to come along with the ABC, that would be part of the SSC's recommendation, and then you all would pass it in an amendment, but these ABCs do not include that carryover provision along with them in this process.

MS. MCCAWLEY: Kerry.

MS. MARHEFKA: So that has me thinking, and I'm not saying that I'm going to do this, but, to get the timing straight, when we send things back to the SSC, when they're looking at the black sea bass projections, and, if we wanted to have a carryover provision, this would be the moment to do it, and it's already past here, and so, every time we have a new assessment, we need to make sure that's a discussion we have, as direction to the SSC, if that's what we want to consider.

MS. MCCAWLEY: I think so. Chip, is that right?

DR. COLLIER: Yes, and so, when you're talking about carryover, you have to have a quantitative analysis to indicate that it's not going to cause overfishing, and so the SSC would have to be able to provide that recommendation.

MS. MCCAWLEY: All right. Good discussion. Andy.

MR. STRELCHECK: Maybe Mike or Chip can correct me if I'm wrong, but I do think though that our ABC control rule does not allow carryover if a stock is overfished.

MS. MCCAWLEY: Tim.

MR. GRINER: Well, that -- There was another piece of that that I wasn't sure about, Andy, or Mike, and maybe you can help me understand. In that ABC control rule, was part of that language stated that, even if you did qualify for a carryover, you can never carry over that would exceed the ACL, such that, if in fact we always set -- Anytime we set ABC equal to ACL, the carryover provision is moot, and is that correct?

DR. SCHMIDTKE: You would have to -- There would be an adjustment to that ACL that would automatically happen, and it's you cannot exceed the OFL. That's the limit that you cannot exceed.

MR. GRINER: Thank you for that.

MS. MCCAWLEY: All right. Good discussion. Are we good here with this rationale on this action? I think so. I think we were just having a side conversation there. All right.

MS. IBERLE: All right. That brings us to Action 10, which is your recreational accountability measures. We have a little bit longer suite of actions for this one, and so, like commercial, Alternative 2 is the status quo for scamp individually, and yellowmouth grouper, as part of the OSASWG, you have that in-season AM, and then you have a post-season AM that's reliant on those three triggers.

The only difference between the recreational post-season AM and the commercial, typically, is that the recreational season -- Or the rec post-season AM is a season reduction, versus an ACL reduction. However, Alternatives 3 and 4 kind of play with that a little bit, and so Alternative 3 retains the in-season AM, and it uncouples that post-season AM, and it's a season reduction, and we have an in-season AM. If your rec landings exceed the rec ACL, then you trigger that post-season AM, and the post-season AM is the recreational season is reduced, whereas, for Alternative 4, you have that same situation, an in-season AM and an uncoupled post-season AM. However, the AM itself is the exact same as the commercial AM, and so the ACL is actually reduced in this alternative.

Your current preferred is Alternative 5, which removes the in-season AM and then uncouples the post-season AM with a season reduction, and so, if the recreational landings exceed the recreational ACL, then the recreational season is reduced, the season length is reduced, in the following year, and so, looking at the rationale for this, you guys felt that recreational landings estimates might not be timely enough for in-season monitoring, and, since projections do not predict the recreational ACL as being met with that reduced bag limit, you guys felt comfortable in selecting the preferred alternative that did not include an in-season closure.

You guys also felt that the post-season AM, under Preferred Alternative 5, is more likely to be triggered, again with that uncoupling, and it's not -- Since it's not relying on that total ACL or stock status, and so this will be the most effective in contributing to rebuilding of the stock, and so I'll hand it over.

MS. MCCAWLEY: Tim.

MR. GRINER: Could we go back to the alternatives again? That word "most effective at rebuilding", that kind of threw me for a minute, and so I don't know that Alternative 5 is the most effective at the rebuilding, because Alternative 4 actually reduces the ACL the following year, which in turn is going to reduce the timeframe as well, and so that is actually going to be most effective at rebuilding, and so I'm not sure whether we want to go back and look at Alternative 4 or whether you just want to kind of rework this rationale, but it's not the most effective in contributing to rebuilding. You know, I think -- You know, part of me is thinking that maybe Alternative 4 -- You know, if -- Given the state of this stock, maybe that is a better alternative, but I will leave you guys to discuss it a little bit.

MS. MCCAWLEY: Maybe we could just change the rationale, but, Andy, thoughts here?

MR. STRELCHECK: I think Tim is exactly right, and certainly changing the rationale I would agree with. One of the concerns I have with Alternative 5 is we could run into a situation where do find out, in Wave 3, or maybe even Wave 4, we've exceeded the catch limit, but I, at least at that point, don't have any way to shut down the fishery and prevent further overage from occurring, right, and so then you will have to not necessarily pay it back, but shorten the season considerably the next year, with a large overage that has occurred in the prior year, and so Alternative 4 does provide, or Alternative 3, the ability to close in-season and then adjust the season the following year, with or without a payback.

MS. MCCAWLEY: All right. Are we good with changing up that rationale a little bit? Okay.

MS. IBERLE: All right, and so what we'll do is kind of rework that rationale in your draft document. All right, and that brings us to Action 11, which is your final action, and that will revise -- So, in this action, we have to come back to that OSASWG complex. Since we removed yellowmouth, again, the ACL that's tied to that OSASWG complex currently includes catch for yellowmouth grouper, and so, in removing that species from that complex, we then, in turn, need to revise that total ACL.

These species are currently unassessed. We don't have -- I guess a better way to put that is this amendment is under a statutory deadline, since we are establishing a rebuilding plan, and we need to kind of go back to the drawing board, and the SSC needs to look at the methods for reestablishing this catch level with updated landings, and so, in thinking about that process, we went back to the SSC, and the SSC recommended you guys removing the CHTS portion of the total ACL that was allotted for yellowmouth grouper, and so, when you're looking at Alternative 1, that one-hundred-and-four-thousand-and-change pounds is the ABC. The ACL for this complex is set equal to that ABC, and then you have the commercial and recreational ACLs.

In Preferred Alternative 2, you're removing the four-thousand-and-change pounds that was allotted for yellowmouth from the ACL, and so you're not changing your ABC until you get updated ABC recommendations from the SSC, and then, for the commercial and recreational ACLs, you're just reducing those proportional to how they were in Alternative 1, and so you're not messing with the allocation percentages here. You're just reducing them based on that new total ACL.

I kind of went over a lot of this in walking through the alternatives, and so just a little bit more about the unassessed stocks, and so, in 2020, the unassessed stocks workgroup did develop an ABC for the OSASWG complex, inclusive of MRIP-FES recreational estimates. The catch levels for each species were developed using the third-highest and only reliable catch stocks, or the ORCS method, and the third-highest method is no longer considered BSIA.

You guys acknowledged the statutory timeline required by MSA to establish this rebuilding plan and it wasn't really conducive for updating the ABCs for the OSASWG complex, and so that's why we decided to go with that simple subtraction in CHTS units, and so that's all I've got for Action 11.

MS. MCCAWLEY: Anything on this rationale?

MS. IBERLE: So I wanted to quickly go through the bullet points for kind of what's next for Amendment 55, and so I will not forget the OY preferred motion from June in your committee report this go-round, and then you will also have an opportunity to consider final approval at Full Council, and then the other thing that will happen is we moved those two actions, Actions 6 and 7b, to your Considered but Rejected appendix, and so we're going to be doing some renumbering on the backend, and so, when you see this again, action numbers aren't going to match up with the documents that are in this briefing book. Then the IPT will do a final review, and then it will be submitted, again pending you all's approval in Full Council, and so that's all I've got for scamp, yellowmouth, and the OSASWG.

MS. MCCAWLEY: I had a question in thinking about the outreach, you know, after this is finalized, and have you thought about, like maybe on the website, giving some examples, because

like thinking about the aggregate limit, and like you could keep one scamp/yellowmouth within the aggregate, and you could keep one black or gag, and so have you thought about putting examples out there, in thinking about how to do the outreach on what all the changes are?

MS. IBERLE: No, but I think that that would probably be a worthwhile endeavor, and we can talk to our BFP team. I think that, because -- When you're thinking about the grouper-tile aggregate as a whole, there's a lot of caveats to that, and so maybe it warrants kind of a discussion of looking at kind of the whole rap sheet of caveats, but I think that's something we can definitely confer with the best fishing practices team on, in how to move forward on that.

MS. MCCAWLEY: Sounds great. All right. Anything else on this document? All right. We'll see this again in Full Council and consider approval for submission to the Secretary. All right. Next up on our agenda, Mike is coming back up here, and we're going to get into the topics for the fall AP meeting.

DR. SCHMIDTKE: All right, and so, scrolling down to the overview of the Snapper Grouper Committee agenda, down at the bottom, Item 4 has a preliminary list of topics for the AP's agenda at the fall 2024 meeting. Of note there, so we'll have fishery performance reports completed for red snapper, ahead of that stock assessment, and yellowtail snapper is actually on the backend of its -- I guess of its assessment as well, but there's been quite some time elapsed between the last - - When we completed the yellowtail snapper fishery performance report prior to the first attempt at that assessment, and now we're kind of finishing up the second attempt, and so we're going to get an updated fishery performance report before you all get into your amendment and response process to that assessment early next year.

Then we'll be going through ABC control rule risk scoring, and so, if you'll remember, one part of the ABC control rule is that there is this risk scoring process that will be done for various species, based on biological, economic, social characteristics, ecosystem considerations, and the way that will work is, ahead of assessments, ideally, we would have the AP, the Snapper Grouper AP, and the SSC go through these different ranking systems and give a qualitative recommendation on how these items, these different categories, should be scored, and then that will come to you all for the final decision of if you want to make any changes to how these risk scoring evaluations are set.

We're not on the frontend for several of these assessments, and we kind of have some assessments that are in the middle, or finishing up, but, before they come to you, we want to clear the backlog of several of these assessments, and so we're going to have the AP run through golden tilefish, which you'll be getting that assessment, I believe, like the beginning of next year, and we'll have blueline tilefish, mutton, yellowtail, and those are all assessments that are ongoing, getting into their later stages, and then red snapper is one that is starting up, and so red snapper is going to kind of be --

Red snapper, and then hogfish is another one that they've already done, but those are going to be -- Try to be the first of the new model, where they complete the fishery performance report at the beginning of the stock assessment, and so that information, the risk scoring, all of that, can go into the projections that are produced at the end of the assessment, and then that will all come to you, and so I just wanted to highlight that. They'll be going through that, and the SSC will also be going through risk scoring, when they have their October meeting, as well.

We're going to have some work on management strategy evaluation for the snapper grouper fishery. There will be an update, and there are some final discussion points for the AP to participate in, and so we'll have that, a presentation of the most recent Southeast Reef Fish Survey, and we'll have that for the AP to review and discuss, or, well, to hear about, and to have any discussion or be aware of the results of that survey.

We're going to have some time set aside to talk through stakeholder engagement meetings, and then several amendment updates, and other updates for other programs. One thing to note, just based on discussion that the council had today, Amendment 56 was kind of a status update, and do you all -- Is that kind of where you all view Amendment 56, relative to the AP at this point, or do you all have direct questions that the AP needs to respond to at this point in that amendment?

MS. MCCAWLEY: I'm looking around the table. Kerry, do you have thoughts on this, because, if we're going to ask them some things, I think we need very specific questions, because we're still waiting on the items from the SSC, unless the SSC meets prior to the AP meeting, and I see heads nodding no, and it's after the AP meeting. Kerry, can you think of specific questions that we would need to ask them? Okay. Go ahead.

MS. MARHEFKA: Well, do we want to ask them the fishing behavior question?

MS. MCCAWLEY: Yes. Yes, for sure. So maybe -- Kerry, do you and Mike want to try to work on a list of three or four questions, that we could bring back in the committee report at Full Council, and then we could add, subtract, what have you, and would that work? I would love to hear more about what people know about fishing for black sea bass, and shoreline fishing, and so I'm hoping that we can come up with a list of questions. Tom.

MR. ROLLER: I know it was mentioned before, but I'm hopeful we can work in just briefly talking to the AP about the for-hire, the SEFHIER reporting, and see if we can use that as a medium to see if we can recruit some people, or potential applicants.

MS. MCCAWLEY: Do you think there will be time for that? That was on my list as well. At the very least, give them an update on the amendment.

MR. ROLLER: I mean, maybe a quick update, but I'm just hopeful we can say, hey, do you know anybody who is reporting, who has skin in the game, who might be good to apply, and we would, you know, encourage you to reach out to people, and I think that's a great way to get some word-of-mouth.

MS. MCCAWLEY: Sounds good. Trish.

MS. MURPHEY: I don't know if this is too time consuming, but, you know, we just talked about the allocations of the jacks and spadefish, and should we go ahead and get them started on fishery performance reports for those species? Maybe not all at once, but start -- Is that doable in this group, or is that just too much?

MS. MCCAWLEY: Or does it need to go to the next meeting, and that would be the March/April timeframe, and I don't know. I mean, the list is long, but I don't know how the timing would be split up at the meeting, and, Mike, you probably had your hand up for something else, too.

DR. SCHMIDTKE: Sorry. I was having a side conversation, and so I need to hear again what Trish said.

MS. MURPHEY: I was wondering is it -- Would this be a good place to start working on those fishery performance reports for the jacks complex, and the spadefish, or is that just too much for this particular meeting? I just know, you know, we talked about that yesterday, or whenever, and get them started on that. I mean, they don't have to do all of them, but I wonder -- Or is that just too much, because I know you already have red snapper, and yellow snapper, performance reports, and that's probably too much.

MS. MCCAWLEY: Well, I thought that you all decided that you're waiting for another unassessed stocks amendment, and so I don't know how far away -- What the discussion of the timing of that was, and maybe it's premature to do anything like that, since you all are not considering modifying allocations at this time?

MS. MURPHEY: Well, I think, from the discussion we had -- A lot of the discussion was that we just don't know a lot, and so starting a fishery performance report would kind of get at least that qualitative information going, but this may not be the meeting to do it, but I was just asking. You've got two already, and so adding another one might be too much, but --

MS. MCCAWLEY: They're pretty time consuming, for sure, especially if you haven't done one, and so you're not just updating it, and you're kind of starting it from scratch, and maybe we could put that on the list for the March/April one.

DR. SCHMIDTKE: A new -- Like Jessica said, a new fishery performance report, and especially red snapper is going to be a time-consuming activity. Yellowtail, we put it in there because of the timing of that assessment, but, also, yellowtail had one done fairly recently, like 2018, and so it's a ways back, but it was still within, you know, kind of the attempts at the current assessment process, and so that one should be a bit more updating, and not as in-depth as a red snapper, or as a jacks complex, something like that would be.

MS. MCCAWLEY: I saw a thumbs-up from Trish. All right. Anything else for the AP? All right. Mike is taking some notes about that other fishery performance report. Okay. I think we're good here, if you're good, Mike, on this list of topics, and, if we're good with that, I think that brings us to Other Business and talking about the black grouper management strategy evaluation.

DR. CURTIS: All right. Thanks. So the SSC reviewed a management procedures presentation from a group, Nature Analytics, hired by FWC, to work on a black grouper management strategy evaluation for coming up with management advice, and so, just briefly, the reason for this is because the last stock assessment for black grouper was terminated because of misidentification issues that altered the landings, the historical landings, streams, and so they deemed it unusable for proceeding as a stock assessment, and so alternative ideas were developed, and the presentation that we received was kind of the first step towards coming up with this management procedures. Jason Walsh is back on the line, and, Jason, I will unmute you and bring up our presentation.

MR. WALSH: Again, my name is Jason Walsh, and we received that presentation by Nature Analytics on the management strategy evaluation, which is a methodology that simulates the

workings of a fisheries system and allows scientists, and managers, to test whether management procedures can achieve management objectives in a data-limited stock.

We provided feedback, and guidance, to Nature Analytics on their application to black grouper so far, and so we supported the use of a multi-indicator approach to the development of management procedures. We recommended that the stock model be initially a combined one-stock model of the Gulf and South Atlantic. We recognized that there may be differences in the quality of data streams for the indicators in the Gulf versus the South Atlantic, which may lead to other approaches in the future.

The SSC recommended investigating the quality of data streams the indicators are based upon and how potential misidentification issues may impact other data streams, in addition to the landings data, and we noted that dockside sampling identification after 1990 should be reliable, due to the increasing focus on species identification within the MRIP methodology. We recommended to update the data streams past 2015, which was the SEDAR 48 assessment terminal year, and then we raised concerns that there is a high uncertainty in sex ratios and age of transition information, due to the lack of data.

Finally, we discussed the need for future iterations of model development to be reviewed by a joint South Atlantic and Gulf SSC panel, and, in that same vein, the SSC supported a joint review with the Gulf's SSC before management recommendations are made to the councils, and so that's basically all I have. We'll continue to work to explore stock assessment alternatives for black grouper, and we look forward to updating you on future updates, as we provide management advice in the future. Thank you. Any questions?

MS. MCCAWLEY: Thank you. Judd.

DR. CURTIS: Just to build upon that last statement that Jason said, and so, similar to the snapper grouper MSE that the council has been developing, and has gone to the SSC through various iterations, and they've provided feedback, we're anticipating a similar approach with this management procedure as well, where Nature Analytics will come back to the SSC, both the Gulf and the South Atlantic, for updates in their model development, and then any other input that they request from the SSC.

MS. MCCAWLEY: Thanks for that. Any questions? All right. Thanks, Jason.

MR. WALSH: Thank you.

MS. MCCAWLEY: Any other items for Other Business? Kerry, did you have something else?

MS. MARHEFKA: I just wanted to know where we were with the scheduling of our commercial subgroup, and, also, we have new members now, that fit in very nicely to that subgroup, and so I would love to see some forward movement, if possible.

MS. MCCAWLEY: Yes. Do we have any updates on that? Is it a discussion that comes up when we look at the workplan, and like how do we get this moving? Mike.

DR. SCHMIDTKE: I think the plan is to get that scheduled between now and the December meeting, and we'll have a meeting within the next quarter, and report-out in December, but I don't have a further update on a specific date. We'll get a poll out to the group members.

MS. MARHEFKA: Just a suggestion, and it may be worthwhile to sort of piggyback it after the AP or something, in that some of us will already be here for the AP meeting, and it may spur whatever, but just a thought, and it doesn't need to be, but it's just an idea.

MS. MCCAWLEY: Robert.

MR. SPOTTSWOOD: Did we need to add a comment here, Jessica, about the gag grouper and black grouper amendment that we just made, and then separately looking at treatment, because I saw Southeast Region, and we had discussion earlier about the need to treat black grouper differently, even on the --

MS. MCCAWLEY: I think that it's already covered, because I saw it listed out, when we were covering that earlier amendment, as direction to staff.

MR. SPOTTSWOOD: But in the presentation we just saw, I didn't see anything in there about it.

MS. MCCAWLEY: That's because that's a management strategy evaluation, kind of like what would have been the full stock assessment, and so it's not really -- We're not there yet, I guess is the best way to say it, and that was just the SSC looking at the modeling approach for that stock assessment. Okay. Any other Other Business to come before the Snapper Grouper Committee? All right. Seeing none, I'm going to pass it back to you, Madam Chair.

(Whereupon, the meeting adjourned on September 18, 2024.)

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Transcribed By
Amanda Thomas
October 15, 2024

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Attendee Details

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Barile

Barrows

Bianchi

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Bradshaw

Brewer

Brouwer

Bunting

Byrd

Cermak

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Coleman

Cox

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DeVictor

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