Appendix B

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
SNAPPER GROUPER COMMITTEE VERBATIM TRANSCRIPT
(EXCERPT)

Hilton Wilmington Riverside Hotel
Wilmington, North Carolina

DECEMBER 4-5, 2012

MS. BROUWER: The fishing season alternatives are on PDF Page 9. Alternative 3 deals with the commercial fishing seasons and you have three subalternatives beginning the second Monday or the first Monday in July, August or September. Alternative 4 and its subalternatives deal with establishing the recreational fishing seasons.

The Snapper Grouper AP recommended Subalternative 3C for the commercial red snapper season, and that is a season that would begin on the second Monday in September. They recommended Subalternative 4C for the recreational red snapper season, and that would mean the season would begin on the second Friday in September. The SSC did not have any recommendations.

DR. CRABTREE: Myra, in the emergency rule we specified that fishing would occur in seven-day seasons; does this document say that or is this just open it and then let them fish until they catch it up?

MS. BROUWER: No, it does specify that commercial it would be seven days and two consecutive weekends consisting of Friday, Saturday and Sunday for the recreational sector.

DR. CRABTREE: Only two or as many consecutive weekends as the ABC allows?

MS. BROUWER: I believe initially it is just two; and then based on the landings during those two consecutive weekends the season could reopen.

MR. BELL: Just to comment, I know September – we're not red snapper central, but September starts really pushing it for us on weather. We ran into some weather this year. I know where we are our prime period of a potential hit for a hurricane is September. I would just think maybe earlier in the year would be – I mean just from our perspective I think earlier would be perhaps a little better.

DR. DUVAL: Yes, and I think there were a variety of public comments that came in. Some were in favor of the second Monday in July; others the second Monday in September. Monica.

MS. SMIT-BRUNELLO: Excuse me if you already said this, Jim, but why did the AP choose September?

MR. BOWEN: Zack Bowen. I think one reason that chose September was because of the majority of the spawning biomass happened in the June/July/August time. Some of the samples of the snapper that we caught this past September; some of them had already spawned and some of them had not. I think if we moved it earlier you're going to be taking more of a spawning biomass out of the ocean.

MR. ATACK: And then the other things we looked at I think was the black sea bass and stuff was maybe closing by then like it did last year, and that would give another directed fishery for

charters and some advertising. If you moved it earlier, your black sea bass you're also fishing maybe at the same time so it would help, we thought.

DR. DUVAL: Myra wanted to clarify something.

MS. BROUWER: Roy, Alternative 4, the end of the last two sentences talk about the end of the recreational season would be predetermined and announced before the start of the season, and the season will not open if the projected season length is three days or less.

MS. BECKWITH: For the recreational fishery, I would be most interested in a July opening. I am concerned about the discard mortality of black sea bass when we do open the red snapper in September. As we did this last year, we did have quite a bit of people complaining about the discard mortality of the black sea bass.

We're certainly discarding red snapper during the black sea bass season recreationally in June and July, so we're losing those fish regardless. To have those fish available for the recreational and for-hire fishery while black sea bass is open I think would be the most prudent approach, allowing for less discards of black sea bass in September; and taking those fish even though some may be spawn ready, but it is a limited number of fish that we would be taking and some portion of that is being discarded regardless. **Given those points, if I may deal with Alternative 4 first, I would like to move that we make Subalternative 4A the preferred for the recreational season.**

DR. DUVAL: We have a motion by Anna to make Subalternative 4A the preferred alternative for the recreational season; seconded by Steve Amick. Discussion. Steve.

MR. AMICK: I had mixed emotions of when it would be best to start a recreational mini-season. Like the AP says, I agree that the spawning goes on through August and a little bit into September, and they're done, they're spent. But at the same time we don't know what the recreational landings were for 2012 and we won't know until March.

The preliminary feelings or what we have seen is that the recreational landings were nowhere near the ACL that was set. Part of it and mostly probably it is because of effort. Now, September is a transitional month where everybody goes back to school, hunting season and the effort is probably less in September than it would be in July.

I have a concern in the amendment that we have the commercial sector being able to reopen seven days until their ACL is met, but recreationally we have these two weekends, long weekends, which is I think worthwhile at this stage. I didn't believe so in the beginning, but it is worth pursuing.

If we are to try to catch the ACL – and from what I understand it is NOAA Fisheries that would consider the length of the fishing season – I think a July start date would give us more room if there is a possibility of increasing the length of a recreational season to try to catch the recreational ACL.

DR. CRABTREE: As I understand it, though, you're not just limited to two weekends. Depending on how the ABC works out, it could be three weekends. Myra, I don't believe the document indicates that it is seven days, right, so the commercial fishery will just open, they will have some amount of fish, and they will fish until it is caught, and that will largely determine how many days they get by whatever trip limit you set, I would guess.

DR. DUVAL: And just in response to Roy's comment, Steve.

MR. AMICK: Roy, to your point, that is exactly what my first feelings were that September would be a better start date for recreationally; but if there is an opportunity for a three-weekend series of a recreational season it would be better to start it early in the year to avoid the bad weather in the winter, especially on the northern states as you go further north. That is my reason of changing my preferred start date for recreational.

MR. ATACK: Just in response to Anna's comments, black sea bass mortality is pretty low on the catch and release. We looked at that. I'm sure red snapper has got a higher mortality. And with the spawning, moving it to September would seem like a better deal than moving the opening to July.

DR. DUVAL: Certainly, we got a lot of comments in North Carolina. At least I got a lot of comments from folks who were very upset about the fact that black sea bass was closed when this limited red snapper season was open. I think the reality of this is whatever date is chosen as a preferred alternative we're going to have some folks who are disappointed.

We do have a motion on the table to select Subalternative 4A. We have heard the concerns regarding the spawn. We have heard the concerns regarding being able to fish when the weather is a little bit better and potentially start this earlier in the year and possibly, depending on the level of harvest, allow for any additional season openings with regard to the recreational sector. Are there other comments around the table with regard to this motion? Hearing none, are folks ready to vote. Do you need to think about this a little more? Bonnie, you look like you might want to say something.

DR. PONWITH: And it is just to the comments that we heard earlier. Comparing the commercial to the recreational is challenging because the commercial is additionally constrained by the trip limit. We don't really have anything that resembles a trip limit in the recreational. We have a bag limit, but that controls what all the people that go fishing bring home.

The thing that is the wild card is how many people will go fishing. The advantage to having that later in the season, in addition to the things that were already raised, is the notion of the post-spawning season. Certainly, from a science standpoint, that is an attractive alternative is to have that fishery carried out in a way that is as manageable as possible.

The concern that I would have with July is we have been closed for a while; and whenever you're closed and you have a reopening it makes it very difficult to predict human behavior; will

they be excited about this and show up or will they say it is not long enough for me to be excited about and I won't come.

That just creates a lot of uncertainty in terms of being able to select burn rates that actually are good predictors of what is actually going to happen when you open that up. All of that is to say that because all the reasons that make July exciting for going fishing, the weather is better, more people are available to go fishing actually are the very things that make me worried about a July opening because the range of possible outcomes of that fishery is broader in July than it is in September. It is just something to think about from that standpoint.

DR. DUVAL: Okay, in response to that point, Steve, and then I am going to go to Doug.

MR. AMICK: Thank you, Bonnie. I understand the concerns of uncertainty of the recreational sector. It is very hard to track what is going on. I think there was a lot of concern opening this mini-season of what would happen in 2012, and that we were going to blow through the numbers and that we were going to go way over the ACL, and that wasn't the case for whatever reasons.

We could say it is effort, we say it is something going on with the biomass that is out there. At the same time if we're going to have an ACL for the recreational sector, when would be the best time to take advantage of that. The red snapper mini-season does create excitement. Snapper has always been the prize in the bottom fishing communities. When you catch a red, you can feel the excitement on the boat.

It is discouraging to release them at that stage, but it does create – the 2012 season, I don't think the publicity was out there to anticipate the opening. At least a lot of people – we personally in our business we had trips scheduled, we let the people know that you have the bonus of being able to keep red snapper and they were happy, but it was not a big economic effect. I think next year in 2013 there will be more interest and it will have more of an impact. I understand your concerns. I was just trying to maximize the little potential of a recreational ACL.

MR. HAYMANS: That was sort of my point exactly in that we really did put a whole lot of stress and heartburn and headache in, oh, my God, what is going to happen in September and it really was a non-event in my opinion. But, opening in July and trying it for a year will give us an idea about what happens in July when we open it. We might have the same stresses but least we will have data point to see what it is like in July.

MR. HARTIG: Well, we keep arguing about July and September. Why don't we look at this; have one week open in July if you have a two-week season and the other week would open in September. If you have a three-week season, one week would still be open in July and the other two weeks would be in September.

This way at least you get one week in the area of good fishing while the other two weeks you would have in a period where we have an idea of what we might catch. It is another way of looking at it; where you could give people access in areas where weather becomes more of a concern in September. In the northern part of the area they would have more availability to go

fishing during that time while in Florida you could still possibly fish in September more than you could in the northern area. It breaks it up; it gives you another way of looking at another option.

DR. DUVAL: I have Roy and then Mel; but before that, Ben, could you just repeat what you said. You said one week in July and then if there is another opening available you could do another week in September or two weeks.

MR. HARTIG: Yes, if you were only opening for two weeks, you would have one week in July and one week in September. If you were opening for three weeks you would open – and it is still only one week in July and then other two weeks would be in September. You would have the one week in July. It is a new alternative and I don't know what that is going to do. Okay, never mind.

DR. CRABTREE: And when you say weeks you mean weekends.

MR. HARTIG: Weekends.

DR. CRABTREE: Well, that seems to me that it is within the range of what is in here now. We have July, August and September. I think we need to check with Monica and get her to think about that, but my initial impression is you would have to direct a new alternative, but it seems to be within the range of what you have. I would be curious as to what Myra thinks.

MR. BELL: Just kind of echoing some of Steve's comments, if you recall back to June when we started down this path, one of our primary justifications was the social and economic benefits from this. I think you would probably maximize that a little bit better by moving towards July or doing the earlier opening. I know this year was kind of a bust for us. I think given why we were doing this and what we said up front, the reason that July makes sense and to at least start something in July,

MS. BROUWER: Just to remind the committee that your intent was to approve this at this meeting for submission; and if you add another alternative, even if it is within the range, it will create more analysis and so the timing will be delayed. It is up you. We can add it but just be aware that the timing will shift.

DR. DUVAL: Thank you for that, Myra. Steve.

MR. AMICK: I understood. I talked to Gregg and he said this is a final amendment to go to the Secretary of Commerce, and I wouldn't want to make an alternative and delay this Amendment 28. However, for NOAA Fisheries to consider the range of possibilities for setting up these seasons, you know, instead of the two consecutive three-day weekends, the last day of three-day weekends or the last weekends of July, August and September was along the lines that I was thinking like Ben mentioned, that it would be a possibility and spread out effort a little bit. Weather-wise you could plan it – the first weekend was bad, you would have two other spread out weekends to try to do a little bit of fishing.

MS. SMIT-BRUNELLO: I heard I think what mostly went on and the questions that we're asking. Ben's alternative I think does fall within the range. This is an environment assessment and I think you could add that alternative. It does fall within the range. I'm not sure how much additional analysis would be needed.

I leave that up to Myra, Jack and others at staff to inform you all of that and to tell you whether it would be delayed or not. That is what Myra said so I have no reason to doubt that, but it does fall within this. If you were thinking that it didn't, I guess the idea is that it does. I don't know about the delay time period, though.

MS. BADEMAN: We haven't really talked about this, but it is somewhat related. Is the committee and the council's intent to do another stepped-up data collection effort in these subsequent seasons? Okay, I just wanted to make sure that was clear.

DR. DUVAL: I guess I'm nodding my head in terms of, yes, I think that is an excellent question to bring before everyone. I know it was a lot of work for the states. It was a lot for the Fisheries Service. There was a lot of coordination that had to occur. I can only assume that a similar effort would be desired in order to maximize the possibility of collecting data. Roy.

DR. CRABTREE: Yes, I fully expect that we will be calling upon our state partners and asking them to help us in some targeted sampling again until we get out of the woods on this fishery. If I could, I would suggest this. If you really want to explore one of these new alternatives, I think I would defer the selection of that preferred until full council and give Myra and Jack and company time to really look at what would be involved in that. I don't think we want to delay this until the next meeting, and I am sort of concerned by that.

MR. CUPKA: What would be the consequences, though, of doing something like that in terms of when we hold a public comment?

DR. CRABTREE: Well, that is going to be tomorrow, the public comment, and then – well, Thursday, I guess.

MR. CUPKA: Well, I'm not sure if it would be before or after the full council session.

DR. CRABTREE: Well, we could erect some alternative like that if that is what you want to do and then the public would know about it and make a comment on it, but I would sure want to have staff to really look hard and advise us before we make a final decision as to whether this is going to delay us or not. I look at this and the analysis I'm seeing on the various start dates as pretty qualitative, so I don't know that a hybrid really entails a whole lot of analysis. It might be that could be done after the fact, but it makes me nervous.

MR. HAYMANS: The alternative doesn't say anything about consecutive weekends anywhere, right? It just has a start. If we did the start by the second Friday in July, between now and July the analysis could be done and presented to the regional administrator to determine when the second season may be. It doesn't necessarily have to be consecutive, right?

DR. CRABTREE: Well, I think that is implicit in what is in here that it is consecutive weekends. The problem is you just can't leave it up to me to decide these because then I'll have to go through proposed rules and take public comment and all of that. When we open a fishery, I don't think we explicitly say it is open for consecutive days, but that is the understanding that it is. I think that is the way this has been set up.

DR. DUVAL: And the way it is written right now the alternative states that the season will consist of weekends only and that the end will be predetermined and announced before the start of the season. I guess my question was just that it doesn't necessarily – if this motion passes and we have a recreational season that begins on the second Friday in July and goes for two consecutive weekends, that doesn't necessarily preclude another reopening; does it or does it?

DR. CRABTREE: Well, in theory if we figured out that the ACL was not caught, we could reopen it, but in reality I don't think we're going to have any way to really figure that out. What we will do when we know what the ACL is, we will project how many weekends we think it is going to take to catch it, and then they will be consecutive weekends starting – if you pass this motion, that second Friday in July and it would be however many weekends we figure, and that would be it.

DR. LANEY: Madam Chairman, I'm not on your committee but to inform the council a little bit more relative to the spawning periodicity and percentage of red snapper, I asked Jack if he had any information on that and it turns out he has a paper on his hard drive, and he may want to just share what the relative amount of spawning is that is going on in July, August and September just so the council knows.

DR. DUVAL: Jack, would you mind coming up to the microphone and just sharing that information for us.

DR. McGOVERN: I looked at a paper by White and Palmer in 2004, and they show the percentage of individuals that are ripe, developing, have post ovulatory follicles, and for the females the greatest percentage occurs in July, August and September. It is pretty high for all those months. That is for the whole South Atlantic. I don't know if they have a plot in here that shows it by state. That is for all the samples they collected.

DR. PONWITH: And just another thing to keep in the back of your minds from the science standpoint is that setting your season so that if there are multiple weekends, they both land in the same wave. It gives you a precision benefit in the estimate. If you have them spread in multiple waves, it is a little teeny spike three times versus a somewhat bigger spike in the wave. It is just another thing to add into your formula, things you consider.

DR. DUVAL: Thank you for that reminder. I recall dimly now that we had some of this discussion previously when we were considering this earlier this year. Is there anymore discussion or comments on this particular motion? The motion is to select Subalternative 4A as

the preferred for the recreational red snapper season. That would have the season beginning on the second Friday in July. John.

MR. JOLLEY: Does that mean if we went to a second, it would be the next weekend in July if we're doing them in consecutive weekends.

DR. CRABTREE: Well, that is certainly my understanding of how this works, but Myra has pointed out to me it doesn't actually say that, but I think that is what we mean. Assuming that is what our understanding is, I think we need to add the word "consecutive" into the document.

DR. DUVAL: We might be able to do that in a separate motion once we dispense with this motion that it would be our intent that those weekends be consecutive. Is everybody ready to vote? I think there has been a lot of good, productive discussion. This is what I was hoping for because this is a high-profile issue and I want to make sure that everybody's concerns and all the alternatives have been thoroughly discussed.

Is there any opposition to this motion? Seeing none; **that motion stands approved.** Thank you for all the discussion. Now to address the point that John and Roy brought up that right now the language of the alternative does not indicate that weekends would be consecutive.

Myra, would you like a motion from the committee to please add the word "consecutive" to the language within the alternative to indicate that recreational weekends would be consecutive? I would entertain a motion to indicate in the language of Alternative 4 that recreational fishing weekends will be consecutive. Is anyone willing to make a motion in that regard? Charlie.

MR. PHILLIPS: **Michelle, I'll make the motion to indicate in the language of Alternative 4 that the recreational fishing weekends would be consecutive.**

DR. DUVAL: Seconded by Anna. Discussion. Monica has a slightly perplexed look on her face.

MS. SMIT-BRUNELLO: It is not about this particular action.

MR. AMICK: I'm not sure of the benefit that we get by having consecutive weekends. Say if it's two or three – I'm not sure of the benefit of why two consecutive weekends would be better than, say, the last weekend of several months.

DR. DUVAL: It doesn't indicate that it would be just two consecutive weekends. It is just that all the weekends would be consecutive. I think as Roy has indicated when we get the information indicating if we could do this near year, if we could have a season, that they would rely on the science center to develop some projections of what the allowable harvest would be and that would indicate how many weekends could be opened, correct?

DR. CRABTREE: Yes, you could have it be every other weekend, I guess, or something like that. If we start getting to where the weekends are skipping all around, it is going to get complicated. We haven't really analyzed that kind of thing.

DR. DUVAL: And I think Bonnie brought up the point that you want make sure that your weekends are not skipping around between two waves. I don't think that this necessarily would do that. The way this is structured right now would allow for everything to be within a wave.

DR. CRABTREE: Yes, we have got July/August is a wave so you should be fine and everything should be within Wave 4.

MS. BECKWITH: To that point, the only benefit of a consecutive weekend I can see is being able to plan ahead, but I wouldn't be opposed to not having them consecutive as long as they're identified in advance. If we were going to do one weekend on and one weekend off, then that still allows the industry to be able to plan for it. I don't have any preference over being consecutive or having a weekend in between.

DR. DUVAL: Is there any other discussion on this motion? Is there opposition to this motion? Seeing none; **that motion stands approved.** We kind of dealt with things out of order. We went to Alternative 4 dealing with the recreational fishing season and we haven't made any decisions with regard to the commercial fishing seasons. Charlie.

MR. PHILLIPS: Madam Chair, I would make the motion that we have Subalternative 3A for Alternative 3.

DR. DUVAL**: Motion by Charlie to select Subalternative 3A for specifying the commercial fishing season.** Is there a second; seconded by Tom Burgess. Discussion. Charlie.

MR. PHILLIPS: Well, according to Jack we have got spawning going on in July, August and September, so it doesn't matter from that aspect. Everything else will be open. It is one of the few times that everything is open commercially, so there will be more interaction with red snapper then. It just makes more sense to go ahead and do it while everything is open. The weather is better. We're less likely to deal with hurricanes. Again, we don't have any benefit of moving it any other time for spawning.

DR. DUVAL: And the AP preferred on this, just as a reminder, was the second Monday in September, was it not?

MR. ATACK: Yes, the AP recommended that, but they also recommended under recreational the second Friday in September so they were aligning the two seasons. If you're going to move the recreational to July, then I think you need to move the commercial to the same time.

DR. DUVAL: I would agree that seems to make sense. Other thoughts? Are folks ready to vote on this motion? Is there any opposition to this motion? Seeing none; **that motion stands approved.**

The next alternative is Alternative 5 and that deals with eliminating the commercial and recreational 20-inch total length minimum size limit, which we did for the limited reopening that we had for this year. There are obviously no subalternatives within this. It would just be a motion from the committee to select Alternative 5 as a preferred alternative, so I would entertain a motion like that at this time.

DR. CRABTREE: So moved.

DR. DUVAL: Was that Roy?

DR. CRABTREE: Yes, ma'am.

DR. DUVAL: **Motion by Roy select Alternative 5 as the preferred; seconded by Ben. Any discussion? Any objection? Seeing none; that motion stands approved.** Then finally we come to the red snapper commercial trip limit and there has been a lot of comment on this from both I think the commercial industry as well as the recreational industry.

There are a number of subalternatives under Alternative 6 ranging in 25-pound increments, from 25 pounds gutted weight to a hundred pounds gutted weight. As a reminder, we went with the 50-pound gutted weight trip limit for the limited reopenings that we had this year. Is there anyone on the committee willing to make a motion in that regard? Actually just let me quickly let Jim go through the AP's preferred.

MR. ATACK: We went with Subalternative 6D, which was establish the trip limit of a hundred pounds. I guess part of the reason behind that is the commercial season – that was looking at the reopening – we had the 50 pounds for the mini-season and we didn't meet the limit, so they were wanting to go with the hundred pound trip limit.

MR. PHILLIPS: **And to that point I would make the motion that we select Subalternative 6D, the hundred pound trip limit.**

DR. DUVAL: Motion by Charlie; seconded by Tom Burgess. Discussion. Ben.

MR. HARTIG: I don't know; we have gone around both ways with this thing. I'm a little bit concerned that during the opening and the primetime when everything is open and everybody is out there, that we may get more fish than we're bargaining for. I would certainly entertain 75 pounds instead of the 50 to just give us a little bit of a hedge on the chance that during that time when everybody is out there fishing in the best weather of the year that we don't overshoot it or we try not to, anyway.

DR. DUVAL: And I know we had this same discussion back in June I think was whether or not – I think we initially started out with a hundred pound trip limit as a preferred and then moved it down to 50 for similar concerns. Are there any other comments on the commercial trip limit? John Jolley.

MR. JOLLEY: I think I would feel more comfortable with Ben and moving a little more slowly; 75 would be something I would rather see.

MR. HARTIG: Well, in that case I will move as a substitute motion Subalternative 6C; establish a red snapper commercial trip limit of 75 pounds gutted weight per trip.

DR. DUVAL: There is a substitute motion by Ben to select Subalternative 6C as the preferred; seconded by John Jolley. Discussion on this. Charlie.

MR. PHILLIPS: I don't have a problem with it. I don't really want to have a one-week season and get almost there, but we're not going to know, so I really don't have a problem.

MR. AMICK: Basically even 50 pounds or a hundred pounds is not a big difference with 75 pounds. At 50 pounds you're only looking at two 20- or 25-pound fish; 75 maybe three; or even if it averages out to eight or ten pounds, it is not a lot of fish either way. You can't really make a trip commercially on those numbers, but it will eliminate discards.

MR. ATACK: Yes, but I think Alternative 3 that we voted on earlier is not a one-week season. It is opened and it stays open until the ACL is met, right, with the trip limit in place. It could go on two, three or four weeks depending on when it is met, right?

DR. DUVAL: A good point.

DR. CRABTREE: Is that right, Myra, or is it seven days; I can't remember now?

MS. BROUWER: It does not specify that it is seven days.

DR. CRABTREE: So it is just going to open and they fish until they catch it.

DR. DUVAL: It does say in the alternative that the commercial fishing season will not open if the projected season length is three days or less. It just doesn't specify a maximum under that.

DR. CRABTREE: If you wanted it to open in seven-day windows, you could add that in there. We did that the last time to give us a chance to get the dealer reports and make sure. It is up to you, I guess.

MS. BADEMAN: Well, if we didn't have the seven-day thing on there, would you guys project when you would think it was going to be closed just from the science it would be open eight days or whatever and then if they're not caught during that eight days we could do a reopening?

DR. CRABTREE: Well, that would depend on the magnitude of the ACL, I guess; and if we thought it was small enough that they actually could catch it in seven days, then we would open it with a defined period and then if we found out they didn't catch it all we would reopen it.

If the ACL was pretty high, though, and we thought we had time to do dealer reports we wouldn't. My guess is the ACL is not going to be that high and we will probably have to open it for period of time and then close it down and regroup.

MR. HARTIG: So regardless of what we do, Roy, you're going to make the decision on how long it is going to be open if it is a small number of fish?

DR. CRABTREE: We will have to make a decision about that if the projections suggest it could be caught before we would get the dealer reports.

MS. SMIT-BRUNELLO: And that is to a point, Ben, I was going to bring up after you were done selecting I guess through Alternative 7 is to sort of walk through what is likely to happen this coming spring so everybody is on the same page and everybody knows what is going on. If we can discuss that at some point on the record, I think that would be very good for all of us and the audience and the future readers of this amendment.

DR. DUVAL: Yes, and I think it would be good to walk everyone through that kind of scenario, the mechanics of how this would play out. We have a substitute motion on the table to select Subalternative 6C as a preferred, which is the 75-pound commercial trip limit. Is there anymore discussion on that particular item? Are folks ready to vote on this?

Is there any objection to that motion? Seeing none; **that motion stands approved** and the substitute motion now becomes the main motion, which means we get to vote on it one more time. The main motion is now to select Subalternative 6C as our preferred. Is there any objection to this; that is the main motion? Seeing none; that motion stands approved.

There is one more alternative, which is Alternative 7, and that deals with the recreational bag limit, and this is one fish per day. This is what we did previously for our open season, and I guess I would entertain a motion from the committee with regards to that. Anna.

MS. BECKWITH: I move we select Alternative 7 as our preferred.

DR. DUVAL: Motion by Anna; second by John Jolley. Discussion on this motion? Is there opposition to this motion? Seeing none; **that motion stands approved**. Roy.

DR. CRABTREE: When we did the emergency rule, we put language in there that gave the RA authority to modify the opening and closing dates in the event of severe weather. It is not that big a thing with the commercial fishery because they would keep on fishing, but with the recreational fishery it would be more of a deal.

If you want to do that, you ought to indicate that and have some language put in there. I would ask that if you do want to do that, you give me some criteria on that kind of thing. I'll kind of tell you how I thought about it the last time to me severe weather meant there is a hurricane or a tropical storm.

It doesn't mean it is bumpy out there. We ought to talk about that because it is right in the heart of hurricane season and it could be that we have the recreational fishery opening and a storm is bearing down.

DR. DUVAL: Discussion from the committee on this; would you like to include something along these lines? Steve.

MR. AMICK: Well, for us a small craft advisory of 20 or 25 knots basically shuts us down, and that is basically we're looking at five to eight foot seas. I don't know if you predict that kind of front coming through and the northeast wind blowing at that level. That is just a comment.

DR. DUVAL: I see hands going up all over the place here. The weather is always going to be bad for somebody somewhere I think is really the reality what we're faced with. Quite honestly, for this season's recreational opening of red snapper I think the Morehead City area was the one place where people were actually able to get out. Everywhere else it was pretty rough. I think that is just the reality of what we're dealing with. Roy.

DR. CRABTREE: Yes, and that is the problem. You might small craft advisories in one area but not in the others, so it is a bit of a can of worms. If you decide, no, we don't want to do that, then when this issue comes up I can say, well, the council talked about it and decided not to put that in there. That might be the best thing to do here is just let the chips fall where they may.

MR. HAYMANS: Well, I was simply going to add but if you were to have something that said if a tropical storm or a hurricane were projected to impact the South Atlantic coast, then you would delay. They will understand that. Do we need a motion, recommendation or what?

DR. DUVAL: We would need a motion to do something like that. Before we get a motion, I think Bonnie wanted to make a comment.

DR. PONWITH: Just as Roy has suggested, that we would be relying very heavily on our state partners for helping us to collect whatever data necessary to capture as much about this fishery as we could. I guess it was just the reminder that if we set up to do additional biological sampling, to do effort monitoring, to really do a good job of characterizing the scope of this fishery, we would have to also be prepared to stand down from that and then reassemble it at another time. I only raise this because this is an impact that all of us are going to have to be prepared to deal with if we build that contingency into the planning.

DR. DUVAL: What is the pleasure of the committee; would you like to include a provision for severe weather; specifying that this would be potentially in the event of a tropical storm or a hurricane that would affect the South Atlantic Region, as Doug has suggested? It is up to you all. Roy.

DR. CRABTREE: I like Doug's idea that if it is a tropical storm or a hurricane, we delay; but other than that, it goes forward. We typically get five-day projections; and so if there is something in a five-day projection that is getting into the South Atlantic, it would get shut down.

If you want to do that, I think that would be the way to go, either that or just don't even deal with it.

DR. DUVAL: Well, the one thing I would want to clarify or I would want clarified in a motion is that this would be for both commercial and recreational. Right now the way we have selected our preferred alternatives, we have aligned the openings of these two fisheries. Doug.

MR. HAYMANS: Before the motion is made, if we don't include something, if it is going to happen no matter what, if we wind up with one, we're stuck. I think it behooves us to have some sort of contingency in there with that. So with that, I would make a motion that we – I don't know what the right term is here, Roy, to allow you to –

DR. CRABTREE: To give the RA authority.

MR. HAYMANS: To give the RA the authority to delay the opening in the event of a projected tropical storm or a hurricane making landing fall in the South Atlantic United States.

MS. BECKWITH: Not landfall.

MR. HAYMANS: There seems to be unanimous consent here that the word "landfall" wasn't correct; so a tropical storm or a hurricane affecting the South Atlantic.

DR. DUVAL: **Okay, so a motion by Doug to include language in Alternatives 3 and 4 to give the RA authority to delay opening of the fishing seasons in the event of a tropical storm or hurricane affecting the South Atlantic. Is there a second; seconded by Anna. Is there discussion? I think we kind of had the discussion before we had the motion. Is there any opposition? Seeing none; that motion stands approved.** Monica.

MS. SMIT-BRUNELLO: I think you could just add that as a discussion in the document. I don't know that you necessarily have to put it with the alternative; but if Myra thinks that is the way to go, then that is fine.

DR. DUVAL: It might make it clearer to the public when they're reading the final alternatives in the final version of the document that was in there and not having I think to dig around for that would probably be beneficial, but that is just my thoughts.

MS. SMIT-BRUNELLO: I think that is a good idea.

DR. DUVAL: So that leads us a motion to approve this amendment for submission to the Secretary of Commerce. Anna.

MS. BECKWITH: **I move to approve Regulatory Amendment 28 for submission to the Secretary of Commerce.**

DR. DUVAL: If you can make it just Amendment 28.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
SNAPPER GROUPER COMMITTEE
(EXCERPT)

HUTCHINSON ISLAND MARRIOTT

Stuart, Florida

June 11-12, 2013

they get, because you have got to make some assumption about, all right, this is the catch rate we are going to go with. That part doesn't go away.

Now, I think some of these issues we anticipated, and they are reflected in the proposed rule. Monica can go over that, but I think the council deemed the proposed rule. I don't want to make this so inflexible that we end up with a season that we give virtually zero notice to fishermen. I don't think we ought to let this notion of we don't want any flexibility result in a season that doesn't provide the economic benefits that this whole thing was designed to be.

I understand the need to lay out this process well, and I think we've followed the advice of NOAA Office of General Counsel all along the way through laying out the rules. But from a practical matter, there has to be some flexibility in this if it is going to work in a way that is consistent with what the council's intent with the whole thing was. I don't know if you want to comment, Monica.

MS. SMIT-BRUNELLO: Well, the flexibility to the extent it exists is very limited. I mean you have the amendment; the proposed rule has been published. Roy is right; you all deemed the text of the regulations. I think the issue is really this year. The amendment hasn't been approved. Rulemaking is not done.

Let's just assume that the amendment gets approved, and let's take you a year from now. I don't know that you're going to have this discussion necessarily, because if the amendment got approved and if the final rule was published – I have to throw in those ifs – then that should set up the process. It should be the second week in July. I believe that to the extent we can adhere to the second week in July, I think that is a very good idea. The fact of the matter is rulemaking is not complete.

You haven't been told the amendment is approved. I think that it is this year more than any other year in which you have to kind of weigh adequate notice to the public and with sticking with – well, I'll just say I think you have a little bit of flexibility built in here. As to whether you can have two-day seasons, I have a little more difficulty with that.

I have no trouble with you all discussing it, but I think that we're really going to have to look at the ability to have two-day seasons when you have been pretty clear that it is going to be three days, Friday, Saturday and Sunday. That is throughout the amendment and that is throughout the rule. There is some wiggle room in the proposed rule that says "unless otherwise specified", but I think our office will have to give some advice to the Fisheries Service on the amount of risk that is involved with those decisions. I'm not prepared to do that now, except I want to tell you you have been pretty clear it is going to be a Friday, Saturday or Sunday, and that is what the public thinks, because that is what the rule said.

MR. CUPKA: Monica has responded to the issue I was going to raise.

MR. HARTIG: Yes, thanks for that, Monica, I appreciate that, so the two-day season is off the table. That is nice to know. Was there the same amount of analysis done for the length of the commercial season as was done for the length of the recreational season? We've got catch rates and looking at these different numbers; do we have the same kind of thing? I just heard 49 days for the commercial season. That is all I heard.

DR. DUVAL: I think Roy is going to speak to that.

DR. CRABTREE: Well, in that case we will look to the quota monitoring program to provide us with estimates of where the closure date should come as we move along. I don't think that estimate is particularly important other than to give you some idea of what we think is going to happen.

Now, I expect we'll have problems with delinquent dealers and those types of things that we will have to deal with, but nonetheless we'll get some reports along the way. With the recreational fishery, that is just not the case, and so we have to make all the decisions up front. The length of the season is going to be contingent on what fishing effort is; weather, fish availability and all those things, and we just can't predict those.

I do want to point out it is unlikely that the recreational season could be as long as seven days. The calculation from last year that we got was based on poor weather conditions and fairly low catch rates through most of the time. If we are going to open this fishery in July or August as compared to last year we were in September, and so school is still out and all those kinds of things.

The weather is generally better, so it is likely that the catch rates are going to be similar to the higher catch rate weekend from last year. They may be even higher than that because of the timing of it. If the catch rates are similar to the second weekend last year, then we are probably looking at a season that is closer to three days than a season that is closer to six days.

Remember, if we push it and give too many days this year, then that puts the season in 2014 in jeopardy; because if we go over this year, then there won't be any fish left to catch for next year and we won't end up with a season then. It might feel good this year to be generous with days. I've learned from past experience that giving extra days may feel good when you do it; but then when the consequences of the overrun come to roost the next day, everybody is pointing at you saying why did you give them too many days?

I kind of think where we're probably heading in here is a season more in the three or four days, something like that. I'll work with Monica on the two days versus three days, but it does seem to me we could have a three-day season and then maybe one Saturday or something like that as an option.

MS. SMIT-BRUNELLO: Just to be clear; if the calculation is that it is a three-day season, you are not going to have a season, because you have all been clear it has got to be more than three days. You have been clear in the amendment and you have been clear in the rule that the council decided that if the season as determined by the Fisheries Service is three days, then the commercial or recreational fishing season would not open for that fishing year, because that short time period would not provide sufficient fishing opportunity to the public.

That was the discussion here. It has got to be more than three days. I don't know what that more means. That is what my office and me particularly is going to be looking at; but if it is three days, you have all said there is no season. Now, you can adjust this in the future, and you may not like what you've said, but for right now if the amendment is approved and if the final rule gets published, it has got to be more than three days or there is no season.

DR. CRABTREE: Right now based on the analysis we have, I think it is fair to conclude that the analysis indicates more than three days. The question is how much more than three days?

MS. BADEMAN: Yes, my question was if we do the four weeks' notice, is that putting us in August most likely as a start?

DR. DUVAL: Potentially I think because there are a lot of ifs in here. It is if the amendment is approved and if the final rule publishes by the end of this month, end of June, and if the 30-day cooling off period is waived, then it could still be in July if the 30-day cooling-off period is waived.

DR. CRABTREE: I think it is a fair bet to say that August is the most likely time.

MS. SMIT-BRUNELLO: If you would like a month's notice to be given to people – and I think you built a fine record for that – then we wouldn't need to waive a 30-day cooling-off period; we would just let the regulation go into effect as usual with the 30-day cooling-off period.

MR. PHILLIPS: Monica, if three days is the magic number and Roy said, well, maybe you could add a Saturday, but if we think three days plus a Saturday is going to give us a good chance of going over, can we do three days like plus a minute on the next day; like 12:04, which puts it over three days? I just want to know if this is an option or not when we sit down to figure out what's what.

MS. SMIT-BRUNELLO: Charlie, you're just thinking like a lawyer; that's pretty good. I'm not sure; maybe. I mean I think that there is more flexibility there because you all thankfully didn't get into determining – or maybe unthankfully – what does a day mean? Is it 24 hours, you know what I mean. There is probably more flexibility there. I think that is something that I know Roy has thought of that and I know I've thought of that. We have to figure out just what does that mean?

DR. DUVAL: Okay; so according to what we've heard, we do have some flexibility that is written into the proposed rule with regard to the opening day being as close to what we set out in the amendment as possible, so that gives us a little bit of reasonable space within which to operate. If we're clear that we want to stay with at least one month's notice, then we don't need to waive any cooling-off period.

Really, are you all interested in one three-day weekend or potentially two three-day weekends? I guess, Monica, I have a little bit of concern about you said you could work with Roy and maybe an extra day or a Saturday or something like that, but I don't think we had anything in the amendment. It was three-day weekends or nothing.

DR. CRABTREE: No.

MS. SMIT-BRUNELLO: I wouldn't read the amendment that way. I would read it that you would like openings to be Friday, Saturday and Sunday; and you specified those days; but you never said if there couldn't be two three-day weekends, then you don't want the fishery to occur. What you said was to open up the harvest and allow people to retain red snapper, the opening

had to be greater than three days; because if it was three days or less, you didn't want the opening to occur.

DR. CRABTREE: Yes, that was my memory; we didn't want to have a two-day season. I don't think we ever meant that it had to be done in blocks of solid three-day weekends. My understanding was that was a minimum and then we fish until we think that they've caught what they caught. That was my read on it. My view of the intent of that was that we didn't want to have to get in a position of opening for like one day. I think the rule reflects that.

DR. DUVAL: I have the codified text in front of me that we did approve back in December, I believe. "Seasonal closure of the recreational sector for red snapper: one, the recreational sector for red snapper is closed in or from the South Atlantic EEZ from January 1st through the day preceding the second Friday in July each year. During the recreational opening, the season consists of consecutive Fridays, Saturdays and Sundays, unless otherwise specified." Are you saying that unless otherwise specified means that you could say we're opening for a four-day weekend?

DR. CRABTREE: I think it means we are going to fish three-day weekends until the quota is caught; and that means if we say four days, so that is going to be three days and then one day the next weekend and the quota is caught and you're closed.

DR. DUVAL: Okay, thanks for the clarification.

DR. CRABTREE: Well, I think I have enough guidance from you to get the general feel of where you guys are on this. I don't know that we need to belabor this, but I've gotten the sense that you would like to have about a four weeks' notice, and there seem to be varying opinions on season length. I don't know that we're going to come to any resolution on the rest.

MR. HAYMANS: Well, that was my question to you, Roy, because I've heard three two days, I've heard two three days. I've heard you say that you didn't think it was going to go either one of those. That is why I do wonder what guidance do you have on the season length? I mean is it four days? That sounds like that is going to be a reasonable compromise.

DR. CRABTREE: Well, I think four days is reasonable and there is a diversity of opinions on the council. I've heard those and I've heard some of the rationale behind them, so we'll have to go back and make a decision. If you guys want to try and pass a motion with what you think, that is fine, but I more just wanted to have some discussion.

The main thing I was interested in was your views on the amount of notice people need to have with this, because I am very sensitive to not wanting to spring this on people and not give them enough time to gear up and be ready to fish. It seems to me if we did that, we would forego a lot of what we are trying to accomplish by having the season to begin with, and that is a big deal for me. I think I got pretty good guidance on that.

DR. PONWITH: Strictly from a science perspective, another thing that needs to be raised as you're contemplating the season length is the monitoring. It is an opportunity to once again congratulate all the states for the phenomenal job they did last year in helping to design a means of monitoring this pulsed fishery and actually carrying out that sampling.

That sampling was instrumental in being able to come up with the numbers that we have before us to drive us to the consideration of another season this year. What I want to raise is just the importance then as you are looking at these seasons to think from a state-by-state basis what abilities you would have to be able to collaborate again on that monitoring, because that is going to be a critical component of a successful season.

MRIP exists and MRIP will be sampling that weekend, but it will be sampling according to the standardized protocols for MRIP, which are designed for long-haul seasons and not for three-day weekend pulsed fisheries. We can't take people off of MRIP to specialize in this sampling, because then it disrupts the statistical stability of the estimates for all the other species that we are relying on those numbers for, so it will take some good collaboration with the states again.

MS. SMIT-BRUNELLO: One thing maybe in closing, unless you want to discuss this further, is that the public had the opportunity to comment on this. We received I think 63 or 64 comments on the amendment and the proposed rule. Those came from commercial fishermen, recreational fishermen, fishing organizations, environmental groups.

I can't remember if I missed someone, but they I believe commented on the length of the season and when they thought it should open and what they thought of all the things that were proposed. Those public comments all have to be taken into account if the amendment is approved and if a final rule is published. We'll respond to those comments, of course, in the future final rule. But the public's thoughts on all these things that you have really kind of discussed today, if they commented on it, and I believe some of them did, will be taken into account as well.

MR. AMICK: I would just like to make a couple comments that it is pretty discouraging to have what we already have considered a mini-season and then we're going to trim it down even further. It is almost again like a non-event to fish four days or three days. I understand, but six days is already not a lot of days, but you trim it down further, and it is not a big deal.

I want to comment on Charlie's comment about the commercial sector seeing plenty of big snapper in deeper water. I have heard the same reports, also reports of divers in 140, 130 feet of water seeing big schools of 15, 20 pound snapper, and that is very encouraging. But the reality is we are recreationally fishing in 90 foot of water, and what we're seeing off the state of Georgia – and maybe Robert can give us some insight of what is happening down in Florida – but we are really not seeing lots of lots of snapper in the 18 to 25 inch range. When May 1st rolls around and we start trying to dig for grouper, scamps and gags, we start bumping into the reds more than we are early in the season.

We are not seeing great, great numbers where we are fishing 90 to 120 foot of water. That is discouraging as you have to weigh everything, but the idea that at least where we are at and what we've seen happened like in 2012, it is not a great abundance of red snapper in the area we fish up here.

MR. PHILLIPS: Bonnie, as relating to the data coming in from these mini-seasons and pulses of fish, I see that we're trying to weigh what kind of season we can have without trying to go over and if we go over we're not going to have a season in 2014. What would it do, if anything, to your side of the equation if you didn't have any fish coming in for analysis in 2014? What I'm

trying to get at is how important is it really that we stay under the number so you have something coming in in 2014?

DR. PONWITH: I just want to make sure I understand what you're asking. Are you asking if I don't have any recreational or commercial landings what the impacts those fishery-dependent data will have on the stock assessment? What I would say is I would base the determination of whether to have a season solely on number one.

The number one criteria is do we have enough fish to enable it without getting cross-threaded with our rebuilding plan; and, number two, the will of the industry. In terms of the data collection, those otoliths are taken and those otoliths are used, but their value relative to the otoliths from the fishery-independent sampling right now is weak.

It is because it is a very small time period. It tends to be concentrated areas where the people who are sampling are; whereas, the fishery independent is designed to be over a broader area and representative of the broader population, so it is a little more statistically robust. From that standpoint, I wouldn't use needing those data as the decider.

MS. BECKWITH: To Steve's previous point, being a headboat and charter mindset is certainly one side of the component here, but I don't want us to lose in conversation the importance of this to the regular recreational fishermen off of Morehead City and such. While this will do nothing for the for-hire industry potentially from an economic standpoint; maybe some with a month's advanced for someone who might have had openings on the weekends, it is pretty neat for guys off of Morehead City to be able to slip out not that far and can catch a couple of red snapper with their family. I just don't want to lose that point in this conversation.

One weekend opening may not be that useful for the for-hire industry, but I think it is something that the recreational community will look forward to. One last thing, it is my understanding as long as the projections say that we have more than three days, we can still choose to only open for three days. Is that not accurate, Monica?

MS. SMIT-BRUNELLO: Would you ask me that last question again?

MS. BECKWITH: Sure, as long as the projections say that we are capable of opening for more than three days, if this council chooses to be more conservative than that, we can certainly open for just one three-day weekend. As long as the projections say that it is capable of being open for more than three days, we don't have to open for more than three days, we can choose to just open for three days.

MS. SMIT-BRUNELLO: Another lawyer on the council; you must be sitting next to Charlie. That is a really good question and I'm going to think about that. I would like to let you know that Mike Collins, I believe, just sent around the approval. The Fisheries Service formally approved it and the letter has been sent out. Now we don't have to use the "if" part when we talk about the amendment.

DR. DUVAL: All right, we only have to ifs now, awesome, or, no, just one.

MS. SMIT-BRUNELLO: But, Anna, that is a really good question, and I am going to think about that.

DR. DUVAL: Our AP Chair Robert Johnson has asked to make a brief comment and then I think I would like to wrap up discussion on this. Robert, go ahead and make your comment and then we'll come back.

MR. JOHNSON: I just think it is important for this council as far as the public's trust in trying to let them know that what they have suffered through is benefiting them; that you do be able to give them some type of season. I think it goes for the recreational angler, I think it is huge. Even if it is just a short period of time, at least it shows them that the process is working and I think that is very important. Thank you.

DR. DUVAL: Thanks for that, Robert. Monica, given Anna's question of the council could choose to be more conservative given the projection range of the recreational season that we've received, I guess that plays into whether or not – I was going to ask the committee if someone wanted to offer up a motion with regard to a season length.

We've discussed two three-day weekends, we have projections that say 3 to 6.8 days, but is it the Fisheries Service thinking that the Regional Administrator would make the final determination on exactly what the length of days would be? I think we just want to be clear about that so that if you don't need a motion and the ball is in your court to make that final decision, I just want to be clear about that here.

DR. CRABTREE: Yes, it is and I have heard plenty of discussion and have sufficient guidance.

DR. DUVAL: Great, awesome, no motions needed then. Does anybody have any other comments or questions with regard to the information that we've seen on red snapper? Okay, if not, we are going to take a quick five-minute break and then we are going to move into our next agenda item, which is the status of amendments under formal review.

DR. DUVAL: All right, the next item of our agenda is status of amendments under formal review, and Jack usually takes us through this. I know Bonnie had asked if she could have just a couple of minutes to clarify some of the discussion we had on the electronic headboat reporting. I am going to give Bonnie a few minutes to go through that.

DR. PONWITH: Yes, I appreciate that. Just some clarifications; first of all, when you think about the headboat, remember that the headboat fleet doesn't have an ACL. The headboat fleet is part of the recreational ACL; so no matter what the timing of the headboat data are, you won't have a feel for the total approach of the ACL until the private and the for-hire data come in afterwards.

Certainly, having one component is useful, because it can be used as a leading indicator of what is happening in the other, but if and only if those things track in parallel. If they track in parallel, it has utility. It won't tell you when to close the fishery. That is point number one. Another point is the headboat sampling; three things happen.