

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

Webinar

June 9, 2020

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Other observers and participants attached.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened via webinar on Tuesday, June 9, 2020, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: Just a reminder who is on the Snapper Grouper Committee. It's basically everybody on the council is on the Snapper Grouper Committee, including the Coast Guard rep, and Robert Copeland is on here, and Tony and Dewey are on the committee as well, and so I just want to reiterate that we're all on there.

Our first order of business on the Snapper Grouper Committee this morning is Approval of the Agenda, and so we have one item that will be under Other Business, and that is an exempted fishing permit review, and so these documents are in your briefing book, and I believe that a couple of folks are going to give us a presentation under Other Business later today about that EFP, and then you can ask questions, and we'll have more discussion on that later in the week at Full Council. Other than that change, are there any other modifications for the agenda for the Snapper Grouper Committee? Any objection to approval of the agenda? All right. We will consider the agenda approved.

The next order of business is Approval of the March 2020 Committee Minutes. Are there any modifications, changes, or questions on those March 2020 minutes? Is there any objection to approval of the committee minutes? We will consider the committee minutes as standing approved. Our next order of business is Status of Amendments Under Formal Review, and I'm not sure who is giving that. Rick, is that you?

MR. DEVICTOR: Yes, that will be me. Good morning, everyone. I will go through a few amendments under formal review, and so starting off with Regulatory Amendment 29, and this would require descending devices be onboard and readily available for use while fishing for or possessing snapper grouper species, and there are a few other requirements, such as requiring the use of non-offset circles when fishing north of 28 degrees North latitude, and, also, all hooks must be non-stainless-steel when fishing for snapper grouper species with hook-and-line gear and natural baits by that 28 North latitude line.

It would also allow the use of powerheads in the federal waters off of South Carolina, and so we are working on the rulemaking here. The proposed rule published April 21, and written comments on the proposed rule were due May 6, and so that comment period ended, and we're working on that final rule.

The next step is Abbreviated Framework Amendment 3, and so this would increase the ACLs and recreational ACT for blueline tilefish, and this is in response to the latest population assessment that we had, and so that proposed rule also published, and that published on April 15, and that comment period ended on May 15, and so, also, the same with that one, and we are working on that final rule to increase the ACLs and recreational ACT for blueline tilefish.

Next up, I'm going to talk about Regulatory Amendment 33, and, as you know, this would remove the requirement that, if we project, for the South Atlantic red snapper season, either commercial or recreational, if we project that would be three days or fewer, there would not be a season, and so, if this requirement is removed, red snapper harvest could be open for either sector for fewer than four days.

That comment period is still open on that proposed rule, and so that closes June 15, and so, after that comment period ends, of course, we'll begin working on that final rule that would have that effective date in the final rule.

That's 29, 33, and 3, and then I'm also going to talk about the red snapper season. As you all saw, we sent out a Fishery Bulletin last Friday, and we announced the limited openings of the recreational and commercial red snapper season. The recreational sector will be open for harvest for four days, and so this is July 10, 11 and 12, and that's Friday, Saturday, and Sunday, and then the following weekend, July 17, and so, again, that's four days, 10, 11, 12, and 17, and so that opens up the second Friday in July, as specified in the regulations and the FMP.

The commercial sector, that will be open on July 13, and so, again the regulations in the FMP says that it will open up the second Monday in July, and so that will be open until January 1 or when that commercial ACL is reached or projected to be reached.

There are your dates for the red snapper season, and, just to remind you of what the regulations will be during these seasons, the recreational bag limit will be one red snapper per person per day, given that's the recreational bag limit, and the commercial trip limit will be seventy-five pounds gutted weight, and there is no minimum size limit for either sector. That concludes my report.

MS. MCCAWLEY: Thank you, Rick.

MR. BREWER: Thank you, Rick. With regard to Regulatory Amendment 29, it sounds like it's in the final stages of before implementation. Any rough idea how long we're talking about here? Are we talking a week, a month, two months? What are we talking?

MR. DEVICTOR: It's hard to say, Chester. Right now, we have a bunch of rules that are up, and the Federal Register has a hold up there, and so we have sent it up, but we're just kind of waiting for that to publish, and so it's hard to give you a time on that, because there is that logjam, from what we understand, up there, and we have a few things that are being held up, but this one is a pretty high priority, because we heard from the public on this, and so we've been moving pretty quick on it.

MR. BREWER: Just as a follow-up, I saw a report that Wilbur Ross, as a matter of a fact, was saying it's coming soon, and so it's also something that is on his radar.

MS. MCCAWLEY: All right. Any more questions for Rick? Thank you, Rick. We're going to go back to Myra for our COVID-19 impacts and potential response.

MS. BROUWER: Thank you, Jessica, and good morning, everybody. Let me pull up a presentation here for you. I am quickly going to run through this, and this is Attachment 1 in your briefing materials, and it's something that staff put together, much like we did -- Recall when Irma came through, and we wanted to give the council an idea of how fishermen and their communities in the South Atlantic had been affected by the hurricane, and so we set out to allow the opportunity for stakeholders to provide input and to tell the council how they had been impacted, and so that's what this presentation is about.

We set up an online form, much like we do to request public comment on the website, a Wufoo form, and we sent it out to mainly the advisory panels and their contacts, and so all the species, and also Law Enforcement and Habitat. It went to everybody, and we requested in the email that they pass this along to folks that are active in fisheries or fishing-related businesses. We received thirty-nine responses, and so what I'm presenting today is the responses that were summarized from March 20, which is when we sent out that initial email, to June 1. We also told folks that their information would be confidential, and so I have summarized it as best as I could to maintain that confidentiality.

These are the questions that we asked. How do you participate in fisheries in the South Atlantic, how has the current situation affected your ability to fish, how, if at all, has your fishing area been affected, and we asked them to list any fish houses, marinas, any kinds of businesses or other fishing industry in their area that have been impacted, and we then went on and contacted those folks, to try to get more information, and then whatever other contacts they were able to supply.

I have divided it up into three segments, and so we'll talk first about the commercial industry and how those folks, including fishermen, seafood dealers, wholesale, and retailers were affected, and then I have divided it up sort of geographically, and so we did get a lot of input from Florida and the Florida Keys, and so the major impacts there were due to the inability to sell product or the uncertainty about demand.

There were impacts to shrimping, because the state waters were closed to harvest during at least a portion of the pandemic-induced shutdown, and folks talked about the inability to obtain supplies in order to go fishing, groceries, ice, bait, and that had some impact on their fishing activity. There were also issues with crew not wanting to go fishing and leaving their family behind, and then the demand and prices, of course, dropped, impacting trip profitability.

There was a heavily reliance during the shutdown on the retail market. Folks talked about severe impacts to the lobster fishery, but they did qualify that those were compounded by other factors besides the pandemic shutdown, and there were severe impacts to the crab market, and exports were definitely very low during the shutdown, and fish houses were limiting what they would buy, and they would only buy from their core fishermen, and some fishermen, of course, elected not to fish during the shutdown, and there were folks that said that I'm just not fishing, and I'm not leaving my family, and I'm not fishing, and they haven't been doing it for two months.

The fish market demand was up by 50 percent from last year, according to one participant, and so there were some good things there, and the catches, according to some folks, were consistent with historical averages.

In Georgia and the Carolinas, the sale of product was very difficult, and folks told us that prices fell at least 25 percent, and some people reported that 50 to 75 percent of their crew was not working or had to lay them off, and there was, of course, little demand for seafood products, and so there was sluggish fishing activity throughout the area, and then, in general, the lack of market resulted in very bad losses in revenue.

We have, throughout the presentation, interspersed some photos, and I'm sure you all are familiar with how things went down, and so this was submitted by the South Carolina DNR, and this is a picture from Hatteras that Andy Piland sent to us, checkpoints and such, and it's very empty

parking lots. Then, as far as the for-hire industry, and so charter vessels and headboats, the businesses in the Florida Keys were severely affected, due to restricted access. As we know, the hotels and businesses in the Keys were shut down from the end of March through I believe June 1 was when they were going to open back up, and there were many, many cancellations for charter trips through the month of May, and many folks were fearing that charter businesses -- That many of them may not survive.

In Georgia and the Carolinas, social distancing and fear of traveling caused for-hire businesses to basically just grind to a halt for quite a bit of time. Several businesses reported being completely shut down, and, of course, access and restrictions to beaches, marinas, and piers contributed to the loss of business for those operations.

Then we did have a little bit of input from the private recreational sector. Some fishermen indicated that they did stop fishing for a while, due to limited public access. However, there were also reports of people fishing higher than usual, and they had a lot of time to go out, and so some folks who had access took advantage of that. Initially, we got reports of low numbers of boats going out, but then, since the restrictions were lifted, fishing activity went up pretty quickly, and so this is a picture that Scott Baker sent us, and so this is early in the shutdown, and then later on, and this is a little bit more like how things were on the water, and it's a little bit crowded.

That's basically, in summary, what we have for you, and we're going to be talking a little bit more throughout the week about potential responses to the shutdown and the impacts that that has caused, and there's going to be an opportunity to talk about more impacts during the Mackerel Cobia Committee and then again at Full Council, and so that's what I have for you, and I would be happy to take any questions at this time.

MS. MCCAWLEY: Thank you, Myra. That was a great presentation, and so we can have a short discussion here. As Myra mentioned, as we go through the different committees, you will see a similar presentation in other committees about folks that told us how they were impacted, and then we'll come back and have a broad COVID-19 discussion when we get to Full Council, but does anybody have any questions for Myra about the responses that we received or want to start a discussion about some of impacts that might be occurring in the snapper grouper fishery or have occurred in the fishery, based on COVID?

MR. BREWER: In looking at this, and just from what I've been hearing, the people that got hammered the hardest were the charter folks. They got blasted, certainly in this area and down in the Keys, and they need some help, or we're going to lose some of those folks, and we don't want to lose them.

I have been kicking around, with other people, the idea of maybe having a special emergency season sometime in the fall, and I know that we can't probably get that together on an emergency measure and get it done quick enough, but other entities higher up the food chain can, and so I think that what we ought to be doing, as we go through these different presentations, is building a record of what the adverse impacts have been and try to -- I guess you would say try to focus really on the charter people, because they got really, really hammered, and, with that, I will mute myself.

MS. MCCAWLEY: Thank you, Chester, and so you talked about this special emergency season in the fall, and I assume you're talking about red snapper?

MR. BREWER: We could be talking about like -- Obviously, you're talking about red snapper primarily, yes. If there are other species that would help try to get some of these folks back on their feet, that would be good as well, because I think about it, and you've got people going out for dolphin fishing, and dolphin are open year-round, and wahoo are open year-round. Most of our, or a lot of our, snappers are open pretty much year-round, if I remember correctly, and so it would primarily be red snapper, yes.

MS. MCCAWLEY: Thanks, Chester, and, yes, I agree that charter folks were definitely impacted. It wasn't to me that commercial wasn't impacted, and I think it kind of depended on what part of the state you were in, and the Keys were definitely impacted down there for everything, but we've got a lot of hands raised, and let's hear from some other folks.

MR. WHITAKER: Just a quick question. Does anyone, any state folks, know if creel clerks were working, particularly once the boat landings reopened?

MR. CARMICHAEL: What do you mean by creel clerks?

MR. WHITAKER: Folks out interviewing people at boat landings to see what they --

MR. CARMICHAEL: During most of April and May, the MRIP samplers were not out, and they have started getting back out, and it certainly varied by state, since they are very much state employees, and they were limited by what states would allow them to do, and so our understanding is that there was virtually no MRIP-based APAIS sampling, and so the access point intercepts, during April and May, and so we lost one-half of one wave and one-half of another wave so far.

MR. WHITAKER: Okay. Thank you.

MS. MCCAWLEY: Thanks, John. Thanks, David.

MR. POLAND: I just wanted some clarification from Chester on what species he was considering for a fall season, but you already answered my question, but, to David's point, our MRIP staff were pulled out of the field sometime in March, and we're still working on internal protocols to get not only them, but all our field staff back out in the field.

To speak a little bit on impacts to the for-hire fishery specifically, here in North Carolina, the stay-at-home orders and restrictions really dealt with it at a county-by-county level, and some of the coastal counties completely shut down, Dare County being one of them, and that's our largest coastal county, and it was under a non-resident restriction for some time, and so there was nobody coming in for rentals and for charters.

Some of the southern counties weren't quite as severe, and New Hanover County, where Scott Baker provided those pictures, they were probably the more extreme, and they were actually closing boat ramps, county-maintained boat ramps, but any state-maintained boat ramps stayed open the entire time, and so, from what I've heard, in talking to charter guys, for-hire guys, and gals, in this area, it was really kind of a mixed bag. A lot of them didn't run charters, and there were some of the larger boats that still went and took a few trips, but still nothing compared to a normal year, and that's certainly a sector, or a component, that really felt these impacts.

MS. MCCAWLEY: Thanks, Steve.

MR. GRINER: I can certainly empathize with the impacts that the charter and for-hire guys have had, but they're not the only ones. For me personally, 99.9 percent of my business went away, and we basically solely serve restaurants. We do some fish markets, and they were up, and that was a blessing, but that's a small amount of what we do.

As we move forward into these discussions, I can appreciate concentrating on the charter and the for-hire, but I think, as we have some discussions regarding emergency rules, that really I would like to see us include in the discussion some thoughts and input on allowing the commercial guys to possibly have a very small bycatch allowance, as we move through the remainder of the year.

It's going to be really important that, when we fish, that we fish efficiently and we don't discard any fish, and so I don't know that we're going to run up against a whole lot of this, but, for instance, if the triggers or the b-liners close before each other, I think 100 or 200 pounds of bycatch, to allow us to continue to not discard those on a trip where that species is closed, would be really beneficial for us, and all the way through the year. If we get into the fall and amberjack were to close, to allow us to have 100 or 200 pounds of them a trip, instead of throwing them back, and I think it's something that's very worthwhile discussing and putting some thought into. Thank you.

MS. MCCAWLEY: Thanks, Tim. I was going to ask you what species you were thinking of, and you're also talking about this bycatch allowance, such as something like 200 pounds if the fishery is closed, and so, in other words, if the ACL is met, you're suggesting that, for the remainder of the calendar year, that there be a small bycatch allowance.

MR. GRINER: Yes, that's correct, and whether the species is closed or -- I guess, maybe in the context of the red porgy, if you've already had your limit, but you catch a few more, you should be allowed to keep them, but it would mainly be impacted where we had met the quota before the season, but we're still going to have interactions with those species, and to throw them back right now just seems a horrible waste.

MS. MCCAWLEY: Thanks, Tim. I really like the thought, the out-of-the-box thinking on this one, and I think, in thinking forward about this, we need to think about the status of some of those species. Once we hit the ACL, I don't even know if we can continue to keep it open, and I'm not sure what the law would allow, but there could be things that are going to be under their ACL on the commercial side that maybe we adjust the trip limit, to make sure that quota is going to be met, or something like that, and so I'm just trying to think of some other things here that we could do on the commercial side, and I agree that commercial folks were impacted as well as for-hire.

DR. CRABTREE: Just remember the requirements of the Magnuson Act are still in effect, and our ACLs and accountability mechanisms are still in effect, and we still have the same requirements to prevent overfishing, and so none of that has changed. I would love to be able to do as much as we can to help fishermen, and, in cases where we think quotas are not going to be caught, if we think raising a trip limit or a bag limit might make sense, I think that certainly would be something we could do. Revisiting some of our seasons, where we're using projections, is another thing, but the basic requirements are still in place.

One of the difficulties we're going to have now is we're going to have some gaps in our catch records for the year, and we've probably lost Wave 2 and 3, and I've talked to the MRIP folks about how they might be able to come up with some estimates of what might have been caught during those waves, and we probably won't get those until next year, and so it's going to be difficult, with recreational fisheries, to really know what has been caught.

I know the MRIP survey is not functional everywhere right now on the South Atlantic, and it's not entirely clear to me when it will be, and so those are things we'll have to deal with, and I'm optimistic that Florida will be able to do their usual red snapper survey in July, but, really, that depends on what happens between now and July, and so there's a lot of uncertainty in what catch data we're going to have, and we may have some gaps that we just will never know with any certainty what happened. The effort survey, the mail survey, is ongoing, and there won't be a gap there, but there certainly will be in terms of the dockside intercepts.

MS. MCCAWLEY: Thanks, Roy, and so I'm hoping that the state reps, as they're in the queue here with their hands raised, can talk about what they plan to do for Atlantic red snapper sampling, and so, yes, MRIP was down. I can tell you that, here in Florida, we are back up and running, and we're not at full capacity yet, but we're getting there, and the plan for the Atlantic red snapper season on the recreational side is to do the same type of sampling that we do every year, which includes monitoring boats at inlets, interviewing people coming off the boats and ramps and marinas, and calling charter boat operators to collect trip information, et cetera, and so we are planning to do our same Atlantic red snapper sampling that we always do. Mel, what have you got?

MR. BELL: Well, I originally stuck my hand up to answer David's question, but that didn't work, but I can follow-up, if you would like, related to -- Well, first of all, a couple of things. Chester is right that what we saw was -- We will talk about this later, in Full Council, because each of the states have materials to present, but, yes, our charter boats took a terrible thumping, particularly the offshore guys, but Tim is also correct in that we saw probably the worst impact on our dealers and the fishermen, related to feeding directly into the restaurants.

Keep in mind that we have a huge tourism economy along the coast, and so, when that tourism economy shut down, from hotels being closed and the restaurants are closed, that had a ripple effect seriously into the commercial sector as well, and so, yes, indeed the charter boats took a hit, but so did the commercial piece as well, and that's all fairly easily documentable, and we'll talk about some of that later.

Related to David's question, yes, the APAIS creel clerks were not operating for a period of time, as was mentioned, and the FES, the effort component, the mail component of the survey, rocked on, and I actually got one, and so we kind of have effort, but we're kind of blind on what was going on in terms of at the boat landings, and that's where I guess Roy or someone was saying how do we fill in that gap, and that will be interesting to do.

Related to red snapper, really quickly, for us, we hope to do the same thing we've done every year for the past several years, which is rely on our remote freezers to get racks, and we also have done some direct outreach with the charter boat folks and worked with them and got red snapper in our hands that way, and we'll have to see how things are going operationally for us.

We're still operating, as a state agency, under some fairly strict requirements related to social distancing and contact with people and things, but I think, by July hopefully, we'll have worked through a good bit of that, and we'll be -- Perhaps, at that point, maybe we'll be at Phase 3 of our reentry plan for state employees, and who knows, and so things may be a little easier, and so we hope to just do the same things we've done every year for the past several years related to trying to get as many carcasses as we can and as much data as we can from the fishermen themselves. Then hopefully the APAIS piece will be back onboard, and we'll have that as well, and so that's related to red snapper for us.

MS. MCCAWLEY: Thanks, Mel.

MR. BREWER: Tim, you and I have talked over the years, and you have told me about your business model, and I like your business model, and I think it's admirable, and it's horrible to hear what happened to you and your restaurant business, because you've told me before that that's the biggest part of your business, and that is your business, for the most part, and so that's terrible, and I'm so sorry to hear it.

I did want to recommend to you that what we're talking about potentially here is short-term stuff, and I don't know that we as a council, any time really soon, are going to be able to adjust our rules and regulations, and there is some stuff that can do on an emergency basis, I think, and I've been trying to read up on that, but it seems to me that the way forward would be for somebody higher up the food chain, perhaps at our urging, to put in place an emergency rule. That happened over in the Gulf, and I know a lot of people weren't happy with it, but it happened, and they didn't destroy the fishery, and so I just wanted to put that thought in your head, and, again, I'm so sorry that happened to you, buddy.

MR. GRINER: Thank you, Chester.

MS. MCCAWLEY: Thanks, Chester, for those comments, and, yes, we're definitely going to get into more of this later in the week, in Full Council. As Mel mentioned, the states have a PowerPoint with the data that we have on hand right now, quantitative data and qualitative data, and then, also, I believe in Full Council, there's a document on how you initiate a request for emergency action, and I'm hoping that we can talk about that as well later in the week.

Also, just another little preview for Full Council is we'll be talking about a presidential order that is requesting that councils look at items that they could modify, and think removing regulatory barriers, like we worked on a year or so ago, and, by September, I believe it is, we need to have a list of items that we want to look at, and then, within a year, a year of the original order, which I believe came out maybe in late March, that we would possibly, the council as a body, consider moving some of those things through the process.

To me, there is kind of some short-term actions that we would discuss, kind of like what Chester is saying, where maybe we're considering things for emergency action requests, and we've had some stakeholders write in for formal emergency action requests, and so we need to consider that, and we need to consider what qualifies for that, and Chester is also suggesting possibly writing a letter that talks about maybe something above and beyond that, and then we also need to have a discussion, or start the discussion, at this council meeting about what we might want to consider for our list of items under this presidential executive order, which I consider more of a mid-

term/long-term solution, and so I would just kind of throw those things out there for people to be thinking about, and I will go to Steve, and so, Steve, when you give your comments, can you talk about you all's plan for Atlantic red snapper sampling?

MR. POLAND: Yes, absolutely, Jessica, and I've got a few things to cover, real quick. First, going back to Tim and just kind of the broader commercial impacts from COVID, I certainly didn't want to act like I was over-washing any impact to the commercial sector or any other sector, because, later on, as you mentioned, in the council meeting, we actually do have some hard numbers that we can provide that looked at how landings and values have changed, and so, at least for the for-hire industry, we don't have any of those numbers to provide, and so it's all qualitative, but, to Tim, we do have, at least from North Carolina, and I think all the states have it, some actual projections and forecasts of what the potential impacts from all of this are.

As far as the MRIP sampling, I just wanted to clarify that, yes, our staff is back in the field, and I think John just sent an email out with the particular dates that all the states sent their MRIP staff back out in the field, and they still are practicing social distancing when they're out in the field, and so the type of data and the quality of data that they're collecting still might be affected, and so, for example, if an individual creel clerk approaches a fishing party, it's kind of on a case-by-case basis, as far as what lengths and weights and that kind of stuff they collect from those fish, and it's just really based off of safety and does that individual feel safe, as far as all their PPE, as far as facemasks and gloves and all that kind of stuff. Even though staff are back out in the field, the data is still going to be impacted, to a certain degree.

As far as Atlantic red snapper, the division will do what we've done every year, as far as a carcass collection program, and we'll have freezers out. We have freezers out year-round, because we have a state-run carcass collection program, not only for red snapper, but for a lot of our state and federal-managed species, and it's just a way to supplement biological data for a lot of the finfish that we manage.

During red snapper season, we do increase the number of freezers and drop-off locations in the state, just to facilitate collection of those red snapper carcasses, and staff will be out and about, as much as they can under current social distancing restrictions, to make contact with anglers, with for-hire anglers and headboats and private anglers, to encourage and facilitate collection of those samples, and, again, this is a completely voluntary program, and it's a donation program, and it's not a survey, and so we won't be generating numbers or catch estimates from those, and it's purely to collect fish for biological sampling.

MRIP staff, as I mentioned, will be out and collecting that data, and so hopefully there will be some intercepts during those weekends to collect that APAIS data for red snapper, but, really, we feel like our current program will not be impacted that much, because, again, it is purely voluntary, and it doesn't require a lot of one-on-one or facetime for staff, and so hopefully the sampling numbers will be consistent with the years past for red snapper.

MS. MCCAWLEY: Thanks, Steve. Carolyn, do you want to share anything about what Georgia plans to do for red snapper sampling?

DR. BELCHER: Sure. Again, kind of similar to everybody else, we're continuing on with what we've done, through the carcass recovery program. Last year, we had a couple of small-scale

tournaments pop up that were kind of taking advantage of the one big weekend anyway, and so we were able to obtain some carcasses from them too as well, but, yes, the group is already gearing up and getting supplies and all that ready, so that we can be on the ground and ready to go.

Our APAIS folks have been out, and we have not collected red snapper through that. I think, if there's been anything, they have directed them towards the carcass, but they have -- There has been work too with the charter/headboat folks out of Savannah, and all that is going to continue on, the same as it's been the last few years.

MS. MCCAWLEY: Thanks, Carolyn. Any more comments or questions or concerns, at this point in the week, during the Snapper Grouper Committee, about COVID-19 impacts and potential response? Is there anything else we want to discuss on this item? All right. I don't see any hands, and I'm going to go back to Myra, and I believe that we're going to get a greater amberjack assessment report from the Science Center, but I'm going to turn it back to Myra for the next steps on Item Number 3.

MS. BROUWER: Thank you, Jessica, and I'm about to pass on the presenter duties to Dr. Kevin Craig here in a minute, and I did want to just remind everybody, on the issue of the management response, there's an information paper that ended up in the late materials folder, and I believe we put it in there on Friday, and so there is a lot of information. The presentation that we've put together for you all for Full Council is very abbreviated, but there's a lot of information in that paper, and so, if you have the time to read through it, I would encourage you to do that. Let me make Kevin a presenter, and then we'll move on with greater amberjack.

DR. CRAIG: Thank you, Myra. I am going to give an overview of the greater amberjack assessment, SEDAR 59, which was completed over the last year. The history of this assessment is there was a benchmark that was completed about twelve years ago, and the terminal year in that assessment was 2006, and this was part of SEDAR 15, and that assessment used the Beaufort Assessment Model, or BAM, which is a catch-at-age model, which is the same model structure that we use for the current assessment.

At that time, greater amberjack was determined to not be overfished, and the spawning stock biomass was about 46 percent higher than the minimum stock size threshold, and not to be undergoing overfishing, and so over F over FMSY was about 0.53 in that benchmark assessment.

The current assessment was a standard, and we did update the BAM assessment model with features that have been added, or improvements that have been made, over that twelve-year interim period, and then we updated it with data through 2017, and so an additional eleven years of data in the current assessment beyond that which was included in the SEDAR 15 benchmark.

The qualitative results of the assessment are similar, and the stock doesn't appear to be undergoing any overfishing, and F over FMSY is about 0.4, and it doesn't appear to be overfished, with an SSB over minimum stock size threshold of 2.8, and one of the primary reasons that it seems to be the case is that, since the last benchmark, the landings of greater amberjack have remained relative constant, and we haven't seen big increases or decreases in landings over that timeframe, but there has also been several years of big recruitment, particularly since the mid-2000s or so, and I will show a little bit more on that later.

In terms of the assessment process, this was actually started in March of 2018, and then there was a delay, due to the SSC MRIP recalibration workshop, and we had about a six-month delay. Greater amberjack was among the suite of I believe it was five species that were considered in that recalibration workshop, and then, once we started back up in December of 2018, we had five data and assessment webinars over the ensuing fourteen months, and then that culminated with the SSC review, which occurred at the April meeting this year.

In terms of participants, we had about forty total participants in the assessment process, two people from the analytical team, myself and Eric Fitzpatrick, both at the Southeast Center Beaufort Lab, and we had fourteen panelists, including two SSC reps, two appointed observers, a council member, a number of council staff, and then a number of other data providers and just other people that happened to be interested in the assessment that participated in the process.

The main terms of reference for this assessment were to prepare a standard assessment for greater amberjack with data updated through 2017, and the full documentation of that assessment is on the SEDAR website, and so the report is up on the website. The specific TORs included evaluating the SERFS fishery-independent video index for inclusion in the assessment and also the headboat at-sea observer data and whether we could develop abundance indices for those two data sources. Then to update the model with the latest configurations in BAM and to evaluate the changes that have occurred between the SEDAR 15 assessment and the current assessment, and, as is typical, we usually reconsider the use of the age and length composition data in the assessment.

This is just an overview of the abundance indices, and so we did look at the headboat at-sea data pretty intensively, and the panel recommended excluding it, and it just didn't capture many greater amberjack, and the sample sizes were really too low to develop an abundance index that we have any confidence in, and we did end up including the video index, and then we updated the indices that were included in the last assessment from the headboat and the commercial handline, and you can see those three here, and so headboat and commercial handline are a much longer time series, and they show a lot of annual variability, but generally an increasing trend overall, especially since the early 2000s. Then, for the video index, we only have seven years on this survey now, and, again, there's a lot of annual variability, but, on average, it appears to be fairly stable, at least over this relatively short timeframe.

This shows the comparison of the benchmarks between SEDAR 15 and SEDAR 59, and so fishing status is on the left, and the biomass status was on the right, and the SEDAR 15 assessment is the dashed line, and then the current assessment is the solid line.

You can see, for the fishing benchmarks, there are some differences, and part of what's contributing to that is we have some more rigorous procedures for the inclusion of age and length composition in the assessment that weren't in place during SEDAR 15, but, in general, the overall pattern is similar between the two, and then the biomass benchmarks between the two assessments are tracking each other fairly closely, at least up until the terminal period of SEDAR 15, which, again, was 2006.

These are some of the primary results from the SEDAR 59 assessment, and this shows the numbers at-age on the left and biomass at-age on the right over the assessment period, which was 1980 to 2017. A couple of things to point out, and there is not really any indication of strong age truncation

in the assessment. We are seeing the older age classes, these eight, nine, and ten-year-olds, and they're not particularly common, but they are sort of present throughout the assessment period.

There was a decline in numbers and biomass in the mid-1990s, which seems to be associated with an increase in the landings, and we had some pretty high landings of amberjack in the early to mid-1990s, and then landings stabilized, and we had another dip in the early 2000s, and that seems to be the tail-end of this kind of below-average recruitment period, and we kind of see the recruitment signal here in the red, and so the red is age-one amberjack, and, since about the mid-2000s, those red bars are kind of above the mean, and then, prior to that, they are below the mean, and so part of this, or a large part of this, increase in numbers and biomass seems to be driven by an increase in recruitment over the last fifteen years of the assessment.

You can see that again here, and so this is a recruitment time series on the left in numbers of fish, and then the deviations from the stock-recruitment relationship, and so this kind of shows the two patterns that I was describing earlier, that, in the 1990s and early 2000s, there was an overall fairly low period of recruitment. Since the mid-2000s, we have had relatively high recruitment, and not every single year, but on average, and you can kind of see that in the trend here, that this line is giving sort of a running average of the recruitment over the time series. In general, it's lower in the 1990s and higher in the 2000s.

One thing to point out here is that, if you look at the last three or four years, there has been a declining trend in at least the last two years of the assessment, which are right here, 2016 and 2017, and we've had average to slightly below average recruitment.

This is spawning stock biomass over time, and the green line is the SSB at MSY, and then the purple line is the minimum stock size threshold, which in this case is one minus M times SSB MSY, and spawning biomass has been above those thresholds for basically the entire assessment period, and it seems to be increasing over the last ten to fifteen years, and so there is not any indication that the stock is overfished.

This shows the landings on the left and the discards on the right, and so you can see this period in the 1990s when landings are fairly high, and it was also the period when commercial handline, or the commercial sector, which is shown in red, was the primary driver of the landings, but, over most of the assessment period, particularly in recent years, it's more dominated by the recreational sector, both in terms of landings and the discards, with the recreational accounting for roughly 60 percent or so of the removals, and the commercial accounting for about 30 or 40 percent. The thing to note is these axes are scaled differently, and so discards are on a scale of zero to 400 and landings are on a scale of zero to 5,000, and so discards are actually a fairly low proportion of the total removals.

This shows the fishing mortality from the assessment. Again, you have this high period of landings and a high associated fishing mortality in the early 1990s, but it has been declining over time, since then. Then, on the right, it shows the contributions of the different sectors to that fishing mortality, and so the red is commercial handline, and the green is general rec, and then general rec discards is in purple, and it's on there, but the commercial handline discards are in blue, and they're kind of difficult to see here.

As part of the assessment, we do a fairly extensive uncertainty analysis that includes a number of sensitivity runs and also ensemble modeling that includes both uncertainty in the data inputs, and so uncertainty in the landings, the age and length compositions, the indices of abundance, as well as some of the key model parameters, and natural mortality and steepness are two parameters that tend to be highly uncertain, and that was certainly the case here, and so we included both of those, as well as discard mortality, in the uncertainty analysis.

These graphs are showing the median from the different ensemble model runs, as a solid line with the circles, and then the uncertainty envelope is shown by the gray area, and the assessment, or the status derived from the assessment, is pretty robust to this uncertainty that we included both in the data and in the model, and so we're not really crossing these thresholds with any of the uncertainty runs.

This is just summarizing that same information, and so this shows all of the different model runs that were conducted, and the left-upper corner is the not overfishing and not overfished quadrant, and you can see that about 98 percent of the runs fall in there, and we only have about 2 percent that suggests there might be some overfishing, and less than 1 percent that suggests that the stock might be overfished, and so the qualitative results from the assessment, in terms of stock status and fishing status, are highly robust to the uncertainty that we were able to include in the assessment.

Projections, and so this is straight from the TORs, we used FMSY to determine OFL, and there are a number of other projections, 75 percent FMSY, F current, and so on, that are in the assessment report. At the April meeting, the SSC recommended using a P^* of 0.45, based on the ABC control rule, which is slightly more conservative than the FMSY level, and so we did do stock projections, and we had seven-year projections. Because of the delays in the assessment, we actually extended those through 2024, with two interim years, 2018 and 2019, and the assumption that management would begin sometime in 2020. During those interim years, the harvest was assumed to be the average of that over the last three years of the assessment period.

Again, these are outlined in detail in the report. There's a number of tables that show the different projections, and I have shown two here. This top table shows the F equals FMSY projection, and I've got the years highlighted since 2020, where management would presumably begin, and the interim years are here and here, and the left column shows the landings from the base run, and then the right column shows the median of the ensemble models that were done as part of the uncertainty analysis.

Then the bottom table has the same format, with the P^* equal to 0.45, and, again, you can see the projected landings, using thousands of pounds wet weight, both for the base run of the model and also for the median of the ensemble models. That was everything that I had, and that was a fairly quick overview, and I would be glad to take any questions or go into additional detail on anything that I presented or that was included in the report. Thank you.

MS. MCCAWLEY: Thank you, Kevin. Let me see if there's any questions for you.

DR. PORCH: Thank you, Kevin. That was a very nice presentation. One of the sensitivity runs that was made admitted the possibility that anglers are getting better at finding and catching amberjack, due to technological advances, et cetera. If I recall, those results were considerably

less optimistic, and maybe suggest that some caution should be taken, and could you talk to us about that a little bit?

DR. CRAIG: I think you're referring to the SEDAR 15 assessment or the current assessment?

DR. PORCH: I thought the current assessment also had that 4 percent increase, or did I mix that up with the previous assessment?

DR. CRAIG: That was during the previous assessment, and so there was an assumed 2 percent increase in Q, or catch efficiency, in SEDAR 15. We had some discussion about that with the panel, and we ended up going with a constant catchability in the current assessment, and there weren't any sensitivities around that.

I guess the one thing I can say is that, even with that 2 percent increase in efficiency in SEDAR 15, the stock status was -- It didn't have big effects on the stock status, though you're right that, if you look at just the benchmarks, they are certainly slightly more -- I don't know if you can see my screen now, but they're more conservative in SEDAR 15 than they were in this assessment, but we actually didn't do the sensitivities around that for the current assessment, but I think you're right that, if catch efficiency increases, then it would suggest more caution in interpretation of these benchmarks.

MS. MCCAWLEY: Clay, do you have anything else?

DR. PORCH: No, and I think the presentation was pretty clear, but it's just that this is -- This is an issue that affects more than just amberjack, but clearly fishermen are getting better at finding the fish. I mean, just look on the internet, and I can get all the GPS locations for all the humps, from the whole coast, and get right on the fish and read about exactly how to catch them, and so it's just a lot easier for fishermen to find and catch the fish nowadays, and what that means is the indices of abundance, especially the private recreational index that was shown, is probably not tracking abundance as well as you would like, and so part of that flat, or even increasing trend, may be that fishermen are just getting better at finding and catching the fish.

MS. MCCAWLEY: Thanks, Clay. Myra, do other folks have their hands up?

MS. BROUWER: No more raised hands right now.

MS. MCCAWLEY: Thank you, Myra. Thank you, Kevin. Let's go ahead and take about a six-minute break, and then, when we come back, we'll get the SSC report from Genny. We're going to take a six-minute break. Council members, when you come back, and you're back at your computer, don't forget to raise your hand, so that we know that you're back.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: Next up on our agenda, I believe that Genny is going to give us the SSC report relative to amberjack.

DR. NESSLAGE: Thank you. The SSC reviewed the greater amberjack standard assessment at our April meeting, and we are pleased to report that we found the assessment appropriately

addressed all the TORs, and it's the best scientific information available, and, thus, it provides an adequate basis for a stock status determination and supporting fishing level recommendations, and we felt that the methods for addressing uncertainty were consistent with our expectations and the available information.

The SSC was asked to comment on any factors affecting the reliability of stock status estimates and fishing level recommendations, and the only thing we wanted to point out was that the model was sensitive to the assumptions about natural mortality, which is not uncommon in a stock assessment, but, in this assessment, one of the changes that was made was the method that was used to estimate natural mortality. Previously, the Lorenzen method had been used, and, with this new assessment, a newer approach, suggested by Charnov et al., was applied, and that had an impact on stock status.

One of the things that Kevin did was -- To do due diligence, whenever you change a major parameter, like natural mortality, it was to explore the sensitivity of that model to that new assumption, and one thing we wanted to point out was that, if you use a lower natural mortality in the model, the biomass and exploitation status ends up being much closer to or beyond the benchmarks for much of the time series.

However, the SSC agreed with the analysts that the new Charnov-based method for estimating natural mortality is appropriate, and we were presented with diagnostics from the model that suggested that natural mortality is likely higher than the previous assumptions about natural mortality that were Lorenzen-based, and perhaps even higher than the new Charnov-based estimates. Just to reiterate, we just wanted to point out that the model is sensitive to assumptions about natural mortality, but that we think this new method is the most appropriate way to move forward. I will just reiterate that we felt that the uncertainty estimation and characterization was consistent with the data and our expectations.

We were also asked to comment on factors that contribute the most to risk and that might impact stock status determinations and future yield predictions, and, again, the method used to estimate M did have an impact on the stock status determination and future yield projections, and we also wanted to point out that the projected catch and the ABC values that are dependent on that projection are dependent on the assumption about future recruitment, as usual.

As Kevin pointed out, there had been several years of recruitment that had been far above average. In the more recent years, it had declined back down to closer to an average recruitment level, and we just wanted to point out that, if for some reason recruitment continued to decline and went below average, then the projections may be overly optimistic, and we hope that's not the case, but it's just something to keep an eye on.

We did run into some difficulties when applying the control rule. Given this new method for estimating natural mortality, it indicated that M is probably higher than we had previously thought, and there's some additional data out there, sampling information, all of which suggested that greater amberjack is likely much more productive than we had previously thought. Therefore, when we went to apply the PSA risk score, the productivity and susceptibility risk score, looking at the old MRAG report for the South Atlantic, they had assigned greater amberjack a risk score of medium, which we felt was not appropriate, given the new information that we've been

provided, and so we changed the risk score in our control rule application to low, which I can elaborate on.

When we went to apply our control rule determinations, we assigned Tier 1, which is the assessment information, a Level 2, which is typical for these statistical catch-at-age models, and we also applied a Tier 2 to the uncertainty characterization, which is high, well characterized. For Tier 3, which is stock status, it's neither overfished nor overfishing, and so there was no adjustment there, and Tier 4 is, again, the risk analysis, the PSA score, which we changed to low, and so there was no adjustment there either, and so the total adjustment was 5 percent, indicating that the SSC then recommended projections at P^* of 50 percent be used to set the OFL, and 45 percent P^* be used to set the ABC.

The resulting OFL and ABC recommendations can be found in Table 4 of our report, which is on page 20, and so you can look at the details there, but I will just move on to some of our additional comments. We were asked if there are any indicators or other metrics that should be monitored to keep an eye on the status of greater amberjack, and we suggested that folks continue to measure and monitor greater amberjack lengths in the SERFS video survey, and that was an important source of information, and we just, in general, suggest that support be strengthened for the fishery-independent surveys that collect data for greater amberjack, not just the SERFS video survey, but also the short and long bottom longline surveys.

With regard to research recommendations, the SSC concurred with those that are listed in the assessment and the prioritization of those research recommendations, and we had a couple of things we wanted to add to ask the analysts to keep in mind when the next assessment rolls around, and perhaps the council take into consideration for any sort of research that might be considered or supported over the next few years, in preparation for the next assessment.

In particular, we were interested, or suggested, that the use of sargassum by juvenile greater amberjack as nursery habitat be investigated, in particular the relationship between how large the aerial extent of sargassum is and what the level of recruitment of greater amberjack might be, if there's any kind of relationship there. We also recommended that folks investigate any association there might be between greater amberjack and reef habitat, both natural and manmade, and just to try and quantify how dependent these animals are on reefs for spawning, shelter, and forage use.

Based on what folks might find if research is conducted on the previous two points, if there is found to be a strong habitat relationship with recruitment, it would be good to quantify that relationship and possibly consider it in some fashion during the next assessment, and then, finally, we just wanted to ask that folks consider the South Atlantic climate vulnerability assessment during the next stock assessment, in particular any anticipated climate change impacts that there might be on recruitment or the timing of migration or the distribution of all the different life stages of greater amberjack in the South Atlantic and beyond.

Given all of that, the SSC recommended an operational assessment sometime in the next three to five years, and that's my report, and I would be happy to answer any questions that you might have.

MS. MCCAWLEY: Thank you, Genny. Do we have any hands for questions?

MR. PUGLIESE: We have no hands raised at this point.

MS. MCCAWLEY: All right. Thank you, Genny, for your thorough report. Now I believe, Myra, that we need to go into what the committee action would be on this item. Can you start walking us through that?

MS. BROUWER: Sure. At this point, the committee can recommend or give staff guidance to begin an amendment to adjust the catch levels for greater amberjack, based on the assessment. If only catch levels are going to be adjusted, that can be accomplished through a framework amendment. We can do an abbreviated framework amendment, like we just did for blueline tilefish.

One thing to remember though is that the council needs to be paying attention also to allocations. For this species, the ACLs for both sectors have been close to being met in the recent years, and so just to remind you that allocation is something that needs to be discussed, and, possibly, if the council were to want to make changes to the allocations for greater amberjack, then we would have to include that as an action in an upcoming amendment, and so, at this point, I think we would just need direction from the committee to get started on whatever amendment you would like for us to start putting together.

MS. MCCAWLEY: Thanks, Myra. I was going to bring up that part about allocation, and so I guess one of my questions is, if we want to consider allocation, and so let's say we ask staff to bring back information to incorporate these new catch level recommendations, then could we still do a framework action, if we're going to look at allocation? You guys, I guess, could bring some information, and then we could decide if we want to adjust the allocation, based on new numbers and based on the incorporation of the FES, et cetera, but let's say that we decide to adjust it. Is it still a framework action?

MS. BROUWER: It would only continue to be a framework action if you continue to use the same methodology, and so, if you stuck with the formula that you've been using thus far, then we could just adjust the allocations, and we could do that via framework. Otherwise, it would have to be a plan amendment.

MS. MCCAWLEY: Thanks for that clarification. Then I guess you will need a motion from the committee that we want staff to bring back new catch level recommendations, and I guess bring back information, so that the committee could consider whether or not we want to adjust the allocation based on the new numbers, and is that kind of what you're thinking here for direction or a motion?

MS. BROUWER: That sounds like a really good approach.

MS. MCCAWLEY: While you're typing, I assume that what you guys bring back on allocation will look similar to say what we were looking at in Dolphin Wahoo Amendment 10, where there is these different percentages that would be based on the new numbers and bringing various pieces of information to light, as this comes back the next time, and is that kind of what you're thinking, Myra?

MS. BROUWER: Yes, and that would give us enough to put something together and bring it back to you in September.

MS. MCCAWLEY: Okay, and so the draft motion that we have there is just about -- I just want to make sure that we have adjusting or incorporating the new catch level recommendations. Committee members, I don't see any hands raised. I would like for other folks to be part of this discussion besides just me. Would anybody like to chime in here? Would anybody like to make this motion or participate in this discussion, please?

MR. WOODWARD: **I am willing to make the motion.**

MS. MCCAWLEY: Thank you, Spud.

MR. WOODWARD: Do you need me to read it into the record?

MR. BELL: If you read it, I will second it.

MS. MCCAWLEY: Okay.

MR. WOODWARD: I will read it into the record. **Direct staff to bring back information to the September meeting regarding sector allocations for greater amberjack and catch level adjustments, based on SSC recommendations and the latest assessment.**

MS. MCCAWLEY: All right. We have a motion by Spud and seconded by Mel. It's under discussion.

MR. BELL: I was just going to make sure that I understood. Once we get this information, then that will determine which way we go with this, whether it can stay a framework or it gets a little more complex, depending on the course we take.

MS. BROUWER: Yes, Mel, and I think we can -- We've been calling them options papers, I guess, is the very beginning stages, and so we could put together an options paper with potential actions and then whatever background information you all need to then get started moving forward at the September meeting.

MS. MCCAWLEY: That sounds great.

MR. GRINER: I just want to make sure that I am clear here. When we start talking about these sector allocations, and we've got to be careful how we get this started, but, to me, there's a big difference in looking at new catch levels and sector allocations when you have information that just came through an assessment, and so, when you're talking about going down the same road we just did with dolphin wahoo, I don't really see that as the same. The information you get from a stock assessment, as it's going to relate to sector allocations, is totally different than an increase in catch levels based off of MRIP numbers, and so I just want to make sure that we're keeping that in mind here.

MS. MCCAWLEY: Thanks, Tim. I appreciate that clarification. I was mostly referring to kind of the structure of the amendment and that we would have a structure that was similar to how it

was set up in dolphin wahoo, in that there would be some options for us to look at, and so I appreciate the clarification. Yes, in dolphin wahoo, we were looking at bringing in Monroe County as well as the FES, and, here, yes, the FES estimates are part of the stock assessment, but you're right that it is different, because we have an assessment, and I appreciate the clarification on that.

DR. CRABTREE: -- the landings during that period, and so, in both cases, the landings estimates for the recreational fishery went up, and that changes the allocation, and so, yes, one has an assessment and one doesn't, but, essentially, for all of our stocks, the mix of the fishery during the baseline period is going to change when we switch over to the FES.

MS. MCCAWLEY: That's a good point.

MR. GRIMES: I just wanted to mention, and this is mostly just a heads-up, I guess, and we'll figure this out once we start to develop the amendment, but, procedurally, I think, even if the council would decide that it wasn't going to change allocation or change the formula, this still might not be something that we want to do via framework, because the underlying numbers will have changed, and so you can not change the formula and still keep the same percentage allocation, but, just like we discussed in dolphin wahoo then, the numbers that go to the fishery, the percentages, or the poundages, would be different than what they would have gotten under the status quo, because of the changes in recreational catch. I just think that, to me, cautions against doing it via framework, and I think you might want to end up going with a plan amendment, even if you decide that you don't want to actually change the allocation formula. Thank you.

MS. MCCAWLEY: Thanks, Shep. That's also a great point, and so then I guess this is a question for Shep. Myra is suggesting that the next step, at the September meeting, is to come back with this options paper, and is that -- Do you think that's an okay route, because then, based on the discussion of the options paper, then we would decide that either we're not doing allocation and we want to do a framework or we are doing allocation and we want to do a full plan amendment, or we're not doing allocation and we want to do a full plan amendment, and so is an options paper an okay next step?

MR. GRIMES: Yes, absolutely. I think just that we don't want to rush to any framework decision, or particularly abbreviated framework-type decision, and that's totally consistent with coming back with an options paper. Thank you.

MS. MCCAWLEY: All right. Thank you, Shep.

MR. BELL: I was just going to -- I think Shep has stated the obvious that we're going to run into here from now on, is failure to change something in the formula is in effect a reallocation and so we're going to find ourselves -- Every time this comes up with anything, we're going to be dealing with -- As long as we're -- We have applied the new MRIP currency, and, under the new currency, this is just what life is going to look like, and we'll have to be considering exactly what Shep said every time. If you don't change anything, in a way, you're actually reallocating, and so it's just going to be life for a while as we adjust to evolving into a full acceptance of the new currency and life under that, with particularly these mixed fisheries, and I'm not married to a framework or -- We just need to do the proper assessment, and we'll base that on the data we get back from the options paper.

MS. BROUWER: **If I may, Jessica, I just wanted to make sure it's okay, with the motion maker and the seconder, and I put in "options paper" in the language of the motion, and, if it's okay with you all, I'm going to put, instead of "regarding", I am going to put "including".**

MR. WOODWARD: **That's fine with me, Myra.**

MR. BELL: It works for me.

MS. MCCAWLEY: All right, and so I appreciate the discussion on this. Shep and Mel definitely brought up very good points here, that this is just one of many that's going to be like this as we get these new stock assessments with the FES information, and, also, we already said that we're going to consider having allocation changes, or initiating an allocation discussion, every time we get a new stock assessment, and so that's part of this as well. Any more discussion on this motion? **Is there any objection to this motion? I am going to take no hands as no objection to this motion. The motion carries.** Myra, do you need anything else from the committee on greater amberjack?

MS. BROUWER: No, and I think that's clear guidance for now. Thank you.

MS. MCCAWLEY: Thank you, Myra, and so then I think we're good to move into the special management zones in North Carolina and South Carolina, and this is Regulatory Amendment 34, and I'm going to turn it back to you, Myra, to give us an overview.

MS. BROUWER: Okay. We're going to start off with just a little orientation presentation, like we always do, to make sure that everybody remembers where we are, and so this is Snapper Grouper Regulatory Amendment 34, and that would designate artificial reefs off of North and South Carolina as special management zones, and there's two actions in this amendment. The first one would designate thirty artificial reefs off of North Carolina as SMZs, and the second one would designate four artificial reefs in the EEZ off of South Carolinas as SMZs.

In March, you reviewed scoping comments, and we conducted hearings in October of last year, via webinar, and you did some modifications, and then you approved the purpose and need, and we'll go over the language of the purpose and need here in a bit, when the decision document gets pulled up. You modified the language of actions and alternatives. Recall the IPT had suggested adding alternatives to both actions, to bring consistency, mainly for NEPA analysis, and you have a preferred for both actions, and then you approved it for public hearings.

We went ahead and held those public hearings in May, and so we'll be going over those comments, and so, at this meeting, what you should consider doing is reviewing the public comments and reviewing the amendment. There's not been a whole lot that has changed. Then you are scheduled to consider approving it for formal review at this meeting, and, if all goes smoothly, then we're looking at regulations being effective in mid to late 2021.

I have already talked about public hearing comments, and we're going to ask you to clarify the inclusion of language pertaining to powerheads in the alternatives, particularly for the second action in the amendment. Also, we requested input from the Law Enforcement Advisory Panel and the SSC, via email, and, normally, those folks would get a short briefing on what's included in the amendment at their respective meetings. Because of the current situation, that was not done,

and so we just requested comments from them, and so I'll be going over those, to make sure the committee is aware of comments from those two committees, panels.

There is also a short supplemental economic analysis that was conducted as a result of some comments that came from the Southeast Fisheries Science Center, and so we just received that yesterday, and so we'll not be going into details about it, but we do have the analysis that was included in the late materials folder this morning, and so I will basically just mention the results during the decision document discussion, and then, if you all have questions, we can get John Hadley or someone else to address them.

Then we're going to also -- I want to review the council rationale for each of the actions and get you to modify it as needed and approve it, so we can draft the council's conclusion section that goes in Chapter 5 of the document, and then, finally, deem the codified text and consider recommending for formal review, as I already said. Are there any questions before we pull up the decision document? I see no raised hands at the moment, and so I'm going to go ahead and pull up the decision document.

This is Attachment 3a in your briefing book, and, again, a little bit of background, to make sure that everybody is familiar and understands where this came from, and this was a request that came from the states back in March of last year, with rationale included for the management measures that are being requested for these artificial reefs. I have already gone over the actions that are included, the objectives for this meeting, the expected timing and what we've done so far. Here is your purpose and need statement, as you modified it in March, and so I'm going to just blow it up a little bit and pause here for a minute, to make sure that everybody is good with it.

MS. MCCAWLEY: Committee members, are there any modifications or changes for the purpose and need statement? Otherwise, we don't need to do anything here. Back to you, Myra.

MS. BROUWER: Thank you. Here is Action 1, and nothing has changed regarding the language, except for some just clarifying language in the no action alternative, and you don't need to pass a motion to accept that, and recall that you've given staff leeway to make changes, as appropriate, to the no action alternatives, and so I just wanted to make sure you were aware that we are just putting that clarifying language in there.

Your preferred for this action is Alternative 3, and so that would designate thirty artificial reefs in the EEZ off of North Carolina as SMZs. Within them, the harvest of snapper grouper species would only be allowed with handline, rod-and-reel, and spear, and all harvest by spear would be limited to the applicable recreational bag limit.

In terms of effects, this is a very short summary, and Alternative 2 and Preferred Alternative 3 would impart biological benefits relative to no action, and Alternative 2 is the most restrictive, and so the biological effects would be greater for that one. Preferred Alternative 3 would reduce the potential negative effects attributed to commercial spearfishing on snapper grouper species. However, the potential would still be there for anglers to disproportionately remove large individuals from an area, which could potentially lead to negative biological effects.

Remember that SMZs are considered essential fish habitat and EFH HAPCs, and so that would be a good thing, in terms of enhancing protection and conservation of habitat. In terms of effects to

protected resources, there are no expected effects, because the artificial reefs already exist, and they already have been attracting fishing for some time. The proposed restrictions could provide some small benefit to sea turtles, to the extent that entangling gear and derelict gear would be minimized.

Here is the economic effects, and you will see there, in this turquoise highlight, is a bullet summarizing the results of the supplemental economic analysis that I just described and I just mentioned, and Preferred Alternative 3 may lead to reduced commercial revenue generated from the sites, and, therefore, reduced direct economic benefits. It could result in increased trip costs, if vessels need to travel further to areas where other commercial gear can be used to harvest snapper grouper species.

Alternative 2 is the most restrictive, and so it therefore has the highest potential cost for the commercial sector and highest potential benefits for the recreational sector, followed by Preferred Alternative 3 and the no action alternative, and, in terms of annual losses, the range that was estimated by the supplemental analysis conducted by the Center is from zero to \$9,200, in 2018 dollars.

As I said, if you're interested, or if you have more questions about that analysis, we can pull it up and get maybe John Hadley to address your questions, and so I'll just keep going and then pause at the end of this summary. In terms of social effects, since Alternative 2 is more restrictive than the preferred, it would result in the greatest short-term negative social effects, but also greatest long-term positive social effects to coastal communities, and then, also, Alternative 2 would provide more consistency, in terms of regulations, than the preferred, and that would reduce confusion and aid in compliance and enforcement, leading to indirect positive social effects.

I'm not going to go over the administrative effects. The IPT didn't have any recommendations right now for this action, and here's where I would like to go over, in a little bit of detail, the Law Enforcement AP comments and recommendations, and so, as I said earlier, the amendment was sent to the AP via email on the 11th of May, and we received two comments, one from the representative for the NOAA Office of General Counsel, the Law Enforcement Section, Duane Smith, and we also received a comment from the U.S. Coast Guard representative on the AP.

I have broken this down into bullets, and the committee is reminded that the Atlantic States Marine Fisheries Commission, in 2015, offered some recommendations for the establishment of closed areas that NOAA OLE supports, and so it is critical to have clearly defined areas, using exact lat/longs and straight lines, instead of depth contours, and closed areas are more likely to be understood by fishermen and result in less unintentional non-compliance if they are of a regular shape or in a north/south and east/west.

There is some comments here talking about prosecution and violations, and a lot of these things you guys are all familiar with, but I wanted to make sure that we had the time to walk through this a little bit. There is also the requirement, depending on the fishery and the type of gear, that require at-sea boarding to document a violation, and so it's important that the areas are larger and contiguous, and that's preferable to smaller areas. There's some language in here about transit, and, of course, as you know, some of these areas are really small, and so the IPT didn't feel like we really needed to address transit provisions in this amendment, and we did talk about it with the committee back in September, I believe, of last year.

These are comments from NOAA OLE, and there was a recommendation that the areas should be in the shape of a box and not circular, as they currently are, and I believe there's only one of the proposed areas, one of the South Carolina areas, that is defined by a boundary that is a polygon and not a circle, and the rest are just circles around a central point.

The U.S. Coast Guard representative on the Law Enforcement AP also concurred with NOAA OLE's comments and added additional recommendations and observations, as you can see on your screen. His argument is that the public and law enforcement use a GPS to determine position, and a GPS is much better suited to showing someone if they're in or out of a given area if that area is a square and not a circle. I will pause there and see if there's any questions, or Duane may want to address or talk some more about some of these recommendations.

Then I will keep going. The Scientific and Statistical Committee also received the amendment via email, and they submitted comments via email, and there was a discussion that we need to explicitly describe how increased bycatch may not be consistent with the council's efforts to rebuild or end overfishing for certain stocks, and they mention, of course, red porgy, and just mainly some observations about artificial reefs and how the science behind them is still controversial, and, granted, there is very little quantitative information that we had available to conduct more detailed analysis for these areas, but we've already discussed that at length for this amendment. Then, finally, the last bullet is the one that was addressed by the supplemental economic analysis that I mentioned before, and so let me go ahead and pause here.

MS. MCCAWLEY: All right, and so we have a number of hands raised, and I'm going to start going through the list. Steve.

MR. POLAND: Thanks, Myra, and I wanted to go back to the economic analysis, mainly because it was just posted earlier today, and I never had a chance to really kind of comb through it, but the figures right there, the values, the zero to \$9,225, I just want a clarification on how those figures were developed, and kind of my understanding, looking through the document, is it seems like that value is based on the proportion of the value, commercial value, in the EEZ relative to just the proportion of the proposed SMZ, and so, basically, it's the percentage of the total value, and is that correct?

MS. BROUWER: Here, I think, if it's okay with you, Jessica, if we let John Hadley perhaps address that.

MS. MCCAWLEY: Of course.

MR. HADLEY: Steve, you're correct in your understanding of that. There's a lot of uncertainty inherent in trying to quantify values. There is a good qualitative discussion in there, and there were initially quantitative values, because there's a lot of uncertainty inherent in that, and the highest resolution data we have, as far as spatial analysis for catch, are the grids, the logbook grids, which are approximately 3,600 nautical miles for each grid, and so these sites are much smaller than that.

In Table 1 of the supplemental analysis, it shows approximately which grid that the different sites fall in and approximately how many square miles each site represents cumulatively within that

grid, and so, basically, the concept was it's unclear how it's going to affect commercial fishing, since we don't have that high resolution data that would be necessary to say, for this specific artificial reef, or these specific sets of artificial reefs, but we know what comparison, what size they are compared to those grids, and we know the total revenue of snapper grouper species from those grids, and so you can come up with sort of a very rough ballpark estimate of you compare the size of the areas to the total catch within that logbook grid, and that's where that comes from.

Really, that's why the range is there, and it's explained further down in the document, but, essentially, that's kind of your lower bound range of zero and your upper bound range is that -- For North Carolina, it's roughly \$9,200. Likely, the effects, as far as that can be estimated, are somewhere in between the realized effects.

MR. POLAND: Thank you, John, and so that's basically that it ranges from zero to \$9,225, and that \$9,225 is an upper bound, because it assumes that commercial effort is evenly distributed throughout that area, and so the real value is probably somewhere much less.

MR. HADLEY: That's correct, and that's looking at all snapper grouper revenues, and that's assuming that the vessel couldn't go somewhere else to make up for lost revenues or whatnot to offset any losses that may occur from not being able to fish in the SMZs, or as they normally would, and so that's correct that those numbers are meant to be a very upper-bound estimate.

MR. POLAND: All right. Thank you.

MR. HADLEY: Sure.

MS. MCCAWLEY: Mel, did you have your hand up?

MR. BELL: Yes, ma'am. I raised it a while ago, when we were on the law enforcement stuff, but, if you want to let Duane or Shep go first, that's fine. I was just going to kind of respond to some of the written comments and just give my perspective, if that's okay right now, or I can let them go first.

MS. MCCAWLEY: Why don't we let Duane go and then Shep go, and then we'll come back to you, if that's okay.

MR. BELL: That would be fine.

MR. SMITH: I appreciate you all taking the time to listen to us. A couple of points that I just want to make in addition to the written comments, and I wanted to point out that this isn't the sort of -- Although I drafted the comments, I drafted them in consultation with my clients, and these are their comments, and I tried to make that clear in the text in the email, but, if you're thinking this is just a persnickety lawyer, this really is everyone in federal law enforcement's position, including Jeremy's, and I know that this came up for a fleeting second at the last council meeting, and Jeremy said that the Coast Guard could enforce circles and radiuses around a point, and that's true, as far as it goes, but it's not the best alternative, and he and I spoke about it, and Lieutenant Copeland can verify that. We were all together on the phone call.

The Coast Guard's position is consistent with its law enforcement advisory panel members as well, and so squares are better than circles. If we had to do these, then squares are the preferred alternative, from the law enforcement perspective, and I just wanted to point those couple of things out, and then, if there's any questions, I am happy to field those, but I would be interested in what Mel has to say.

MS. MCCAWLEY: Thank you, Duane. Shep, do you want to go ahead and go?

MR. GRIMES: Sure, and thank you, Madam Chair. I was just going to push you guys to have some sort of response, or discussion and response, to the feedback from enforcement of whether or not you want to go with all boxes, and, if you don't want to go with all boxes, just some sort of rationale for why you don't feel it's warranted, given the recommendations you have from the law enforcement folks. Thank you very much.

MS. MCCAWLEY: Thanks, Shep. Back to you, Mel.

MR. BELL: Thank you, and let me first just say that I really appreciate Duane pulling all this together for them, and, as Chair of the Law Enforcement Committee, I find myself in a slightly awkward position here, because I think the guys appreciate that I usually try to really point out enforcement concerns, and I try to be an advocate for them, in terms of being able to express the challenges that they face out there, and I fully sympathize with what it's like to try to enforce things on the water, and so I definitely respect the input, and I agree with it, and I will say that the information provided in the guidance document from ASMFC -- All the points made, I agree with totally.

Those are valid points, but in a more general sense, but I think, in the specifics, dealing with these specific areas, there's some exceptions. For instance, related to size, size or shape, and so, for size, these are artificial reefs, and so they're permitted by the individual states, and they're not large to start with, because, when you go out to build one of these, in a flat, featureless sand bottom, you get enough area that the Army Corps will allow you to permit, and then you build the reef, and the reefs are, by nature, small, because you're actually building the reef, as opposed to relying upon natural geological substrate.

They're going to be small by nature, and, if you go all the way back to the original snapper grouper plan, the wise folks that put that plan together way back realized that, hey, there might be a need for this, and they offered folks, who had invested significantly in using artificial reefs as fishery management tools for their states -- They had allowed them the ability to provide some protection for them and a layer of regulation out in federal waters, where the states had no jurisdiction, and so this goes back to the original reef plan, and so they are, by nature, small, and, to make them any larger, now you're claiming some type of management influence or authority over larger and larger areas of bottom, and we know how people tend to respond to restricting access or use of large areas, and so they're going to be small.

The shape, most of our reefs, and we have forty-eight total reefs offshore, twenty-eight of which are already designated as special management zones, and then, of course, we're wanting to add three more, and the rest of them are inside state waters, but ours are mostly rectangles, or squares, and they're not very big.

We have some circular ones, and those are specifically in areas that -- The use of those came from negotiations, if you will, with the shrimp fleet, because, way back, we wanted to move these reefs closer to shore, and so we said, hey, if we put a buoy in the center, and you know you have to stay 200 yards, or whatever it is, away from that buoy, you can trawl all around it, and that was actually a tool we came up with to work with the shrimpers in areas where we had the potential for trawling to occur around it, and they were fine with that, and that's how we started using occasionally a reef with a central buoy and a circle, but most of ours are actually squares or rectangles, and so that's the sort of the -- Shep was asking about the rationale for boxes versus squares, and it just depends on how you design your reefs.

We designed our reefs, and the boundaries are permitted, in accordance with the Army Corps of Engineers, and that's the boundary, and so, if you're going to extend any other kind of influence outside of that boundary, now you're kind of, from a regulatory standpoint, you're kind of claiming more bottom, or influence over more bottom, than the Army Corps gave you originally, and so that's the reason I think box or square, and I totally understand the concept of enforcement along straight lines versus curved lines and things like that, but, if the permit says it's a circle, it's a circle. If the permit says it's a square, it's a square, and that's what you go with.

Now, going way back in time, the original SMZs that were established back in the late 1980s had buffer zones around them for enforceability, and then that went away, over the decades, because it was realized, with improving navigation capability, that we didn't need the buffer zones anymore, and I believe advice from ditching the buffer zones, way back, might have actually come from NOAA legal that we didn't need that, and we were, in effect, claiming more bottom than we had a permit for, and so we did away with the buffer zones.

The more recent ones don't have buffer zones, and, if you think about it, I've been doing this since we were using dead reckoning to get offshore, and then we finally had Loran-C, and Loran-C wasn't bad, but now you have GPS. You have GPS with meter to sub-meter accuracy, and so it's amazing what you can do with a GPS, in terms of documenting exactly where you are on the face of the earth, and so I think some of the original concerns with accuracy and ability to show someone is in the box or not in the box, those have just been overcome by -- Those concerns have been overcome by technology, and it's just so good.

Related to the fishermen understanding things, there is even software, or programs, for navigation where you know you're inside the little blue circle or the little blue box, because your little indicator on your screen shows you that you are inside the little circle or the little blue box, and so that kind of takes away that argument of they don't know where they are sometimes, if they have that software and are using that.

I think, from an enforceability standpoint, certainly the stuff that was pointed out to us -- Those are accurate statements, but, in terms of how they apply for use with these particular little areas, I don't see them as being a show-stopper for us, and I would say that we've got -- South Carolina's personal experience is, and I reinforced this with our law enforcement again, and triple checked it, this morning, but our enforcement folks have no issues whatsoever with the twenty-eight that we have in place, and they would be fine with four more, and they go all the way back to the original JEA agreement that we had with NOAA.

Our JEA patrol patterns were based on where these SMZs were, and they would go out in a particular area and go from SMZ to SMZ to SMZ, artificial reefs, and conduct their offshore patrols, because that's where you're going to intercept fishermen, because that's where a lot of the fishermen are. The fish are there, and the fishermen are there.

It has actually worked well, again, from our state's perspective, our JEA folks, and so no problems there with the concerns of enforceability, or even understanding from the public or that sort of thing, and so, again, I would just say -- The gear restriction aspect, that's the nature of these. The folks, again, that drafted the original snapper grouper plan realized that a state, the state that has permitted the reef, has invested significantly in that site, and this allows us, as managers, to protect our investment.

I mean, South Carolina's reefs alone generate in excess of probably \$20 million a year, and that's value-added data, to the state's economy, and so we have invested a lot in them, and there's a lot of return on our investment, and, to protect that investment, that's why we've had these things in place since the late 1980s.

That's our rationale, and, I mean, hopefully I've covered that. Again, total respect for what Duane and others have put forward, and I actually agree with the points that they've made, but I just think, in the case of what we're trying to do now, and, specifically for South Carolina, we're adding four more to the system of twenty-eight we already have in place, and so I hope that helps a little bit, in terms of building some record or rationale, but that's just my take on it. Thank you.

MS. MCCAWLEY: Thank you, Mel. Duane, I don't know if you want to respond to any of those things before we go to the other folks in the queue.

MR. SMITH: First of all, I agree with everything Mel said, and we know that he's a great advocate for law enforcement sitting at the table, and so it's not directed at you. You raised a couple of points that I would like to respond to. The nature of the areas being small and there's nothing we can do about that, we acknowledge that. I mean, just for the record, I wanted to make clear that we're starting off with a -- We're starting off from a position that's inherently challenging. In general, we don't like small areas, and, generally, we don't like disconnected areas. We can't help that. As you point out, that's sort of the nature of the beast for these reefs, and so that's a given, and we can't change that.

I guess that's why I think having the areas be boxes is more important even than it might otherwise be, because they are small, and they are disjointed, and you can't change the small and disjointed, but you can at least change the shape of the box or the shape of the area.

To that particular point, I would just say that I understand that the Army Corps has permitted a certain radius around a center point, and Shep can address this probably with greater clarity than I, but that doesn't tie your hands as a council, and it doesn't tie our hands as an agency when we create a management zone around that point. We don't have to -- We are not wed to the Army Corps, and, as you point out, buffer zones are allowed.

In this particular case, we're not sort of adding on a huge buffer zone. All we would be doing would be kind of grabbing those four corner points, the kind of triangles, if triangles is the right word. If I could do math, I wouldn't have gone to law school, but whatever the shape is that would

have the rounded inside of a circle that you're kind of kicking out to make it a square, and we're adding those on the four corners.

That's not a dramatic increase. It's very, very slight in area, and, again, our thought was, for ease of enforcement, that is the preferred alternative for us, is to just make those circles into the smallest size box you can have, and then we'll deal with it. I think that's all I want to talk about, and I'll stand by. Thanks.

MS. MCCAWLEY: All right. Thank you, Duane. Before we go to Chris and Steve, Shep, do you have anything that you want to respond to here?

MR. GRIMES: Just real briefly, and, what Duane said, I agree with that 100 percent, and I was going to say something in response to Mel, that I'm not sure where in GC the advice was that you couldn't do buffer zones, and maybe that was case specific, but you could have -- You are not bound by the Corps permitted site for where they place the artificial reef materials, and it would seem to me that it would be easy to argue that these artificial reefs have an aggregating effect, and they aren't limited to just the area, the vertical water column, over the hard substrate, and there's probably same area around it where you're still getting that associated aggregation effect, and so it seems like you could always justify some expansion of that site, and not that you have to, but you could certainly do so. That's it. Thanks.

MS. MCCAWLEY: Thanks, Shep.

MR. CONKLIN: I was just going to speak back to the economic part of it, at least from a fisherman's point of view. If you're out having to rely on these artificial reefs to make a living, then you're not going to make it, and so I think that the economic data back that up, and so we're not going to take a huge hit there. The only thing I have heard, from people, in talking to them, is they would like to be able to still troll over some of the areas for mackerel, but, as far as snapper grouper goes, they're not really that good spots.

MS. MCCAWLEY: Thank you, Chris.

MR. POLAND: Thanks, Mel, and, since Chris since just spoke, I will respond to that first. That's very similar to what I've heard up this way from a few of the commercial fishermen that showed up and provided comment. There's just not a lot of commercial effort on these reefs, and there is some, but it's not a lot, and, at least as far as what North Carolina has requested, it would only apply to snapper grouper species, and so trolling for CMP species would still be allowed. To kind of go back, and Mel gave us copious amounts of comment, and I wish I had written down everything that I was planning on saying, but I just -- To address law enforcement's comments, I agree with Mel, and, I mean, I share, first, the appreciation from Duane and everybody in providing these comments, and then Duane for providing some additional perspective during this call. I can understand the issues and the complexities with enforcement and those lines and circles and that.

I have talked to our enforcement staff here at the division, and what it really seems to boil down to is it's what the courts are comfortable with and what enforcement is comfortable with in approving, approving in a court of law, and, in all honesty, it seems like one of those instances where what the courts are comfortable with has not really caught up with the advances in technology, as far as GPS, like Mel said, and having accuracy within a meter and that kind of stuff.

As far as North Carolina's request for centroids and radius, we based that off of our permitted areas, much like Mel said for them, and that's how Army Corps permits are, centroids and radius. In the past, there were some that were squares. As we added them, for whatever reason, and I'm not sure, they were changed to circles, new ones were changed to circles, and, just recently, the division, to get all of our permits kind of in the same currency and organized, we had them all changed to those circular areas.

As far as drawing boxes around them, actually, when we submitted our first request, we provided corner points and squares, and basically what we did is we looked at the squares on a map and drew tangent lines to create four corners, and so the actual requested area was inclusive of that permitted area, but also those kind of corners that weren't permitted, and I think we had talked about this at one time, a couple of meetings ago, and kind of the uneasiness of applying these SMZ restrictions to areas that weren't necessarily permitted, but, to counter that, all these reef sites, and I can't speak for Mel or any other states, but I assume it's similar, but, here, all these reef sites were sited in areas far away from natural bottom, far away from -- I don't want to say natural shipwrecks, but accidental shipwrecks and not ship sinkings.

They are, effectively, out in the middle of nowhere, and so there's a considerable amount of just sand bottom around them, and so, in reality, drawing a square -- It's not going to capture any live bottom, natural bottom, or any shipwrecks either, and so I guess, in the interest of moving this forward, I'm good either way, with circles or squares, but I would just acknowledge that, if we do move to squares, it will be a little bit larger area, and we will be protecting area that there is no reef material.

MS. MCCAWLEY: All right. Thank you, Steve.

MR. BELL: A little more on the circle/square thing, I guess, and I fully understand what Duane is talking about, and I think part of the sensitivity to turning permitted circles into a square is, those little areas around the edges that you would have now, we're exerting management influence, whether it's the feds or -- From the fishermen's standpoint, whether it's us federal or us state, you're taking potentially something away from them, or you're restricting, and so we were trying to --

By holding it to the actual boundaries that the Corps gave us, we were trying to not appear to be taking additional bottom, so to speak, but, like Steve said, our reefs are all flat, featureless sand bottom, and so those little corner areas would be sandy bottom, and that, of course, goes back to the way that our circles evolved, as that was beneficial for -- Because we were in areas where the shrimpers wanted to be fairly close, and might want to go by, and so it was much easier for them to maintain a certain distance off of a central buoy, and then, regardless of what course they were on, running in any direction, they could kind of stay outside that circle, and so that's where we got circles, but, if we draw boxes around the circles -- I mean, I don't have any problems with that, if that's considered as something that's necessary for enforceability, but then the problem I would have is that it could be perceived that we're now trying to claim more bottom than we were permitted for, so to speak.

Also, to be clear too, when we request a permit from the Army Corps of Engineers, ever since we started using SMZs, we put in the permit request -- We point out that it is our intention to seek

SMZ status for this permitted area, the ones in federal waters, and so it's all documented in the Corps, the dialogue with us in the Corps, in terms of what our intentions are, and so we've never expressed that it's our intentions to establish -- And I get it, that we're not bound by the Corps, but it's trying to have some consistency between what the state has requested a permit for, been given a permit for, and then now we're overlaying federal regulatory authorities in some areas that might not really be in the permit, and so that would be the area that I would be sensitive to, in terms of expanding the area of influence around a circular permit.

MS. MCCAWLEY: Thanks, Mel.

DR. CRABTREE: Well, I don't really think the shape of what the Corps permits is is particularly relevant here. It sounds like, to me, for most of these, we originally had squares, or rectangles, provided, and, I mean, you're hearing the comments from all of the federal law enforcement community that this is a problem, and I would recommend to you that you listen to them, and I also would point out that, in the case off of North Carolina, the only enforcement you're going to have is going to be federal law enforcement, because we do not have a joint enforcement agreement with North Carolina, and so there won't be any state enforcement of these.

I have felt all along that the rationale behind this amendment is weak, and it just is, and so I would urge you to fix as much about this as you can, so that this amendment doesn't die, and I am likely going to vote against this, but this is something that it seems to me that we could fix, and I don't - - It's not clear to me that putting rectangles around here is going to take much more bottom, and I don't know that there's going to be any real perception issue, and the only way to do it would be to go on and look at them, but I really think that you ought to pay attention to what you're hearing from the federal law enforcement community, because they're the ones that are going to have to try and enforce these, and it's going to be a very difficult task for them to do, and I can just see us, down the road, getting complaints from recreational fishermen out there, because they see someone who is not supposed to be there out there, and we ought to at least give law enforcement the tools they say they need to do this.

MS. MCCAWLEY: Thank you for those comments, Roy. Mel and then Steve, and I hope you're going to address some of Roy's comments in your points.

MR. BELL: Roy has hurt my heart. Listen, and I'm fine with squares, if we can figure out how to turn circles into squares, and so my question now would be, I guess to Myra and company, and I'm not speaking for Steve, by the way, since he's got more circles than we do, and I'm okay with that.

I guess I am more -- I think we would probably get more complaints about turning circles into squares than we would the other way around, but I'm fully onboard with, if we can -- If we can work this out and turn our circles into squares, let's look at what that takes, and so my question, I guess, would be, process-wise for us, we're very close to getting this ready to go. What would we be talking about here, in terms of additional time and additional process and work and all? That's my question. To do what Roy is saying, and to agree with the wise counsel given to us by enforcement and legal, what would that take?

MS. BROUWER: I suspect that we would need to, as an IPT, probably regroup. The analyses will likely not change, since these areas are so small already, and we've already talked about the

data limitations. It would take probably a few weeks to put the amendment back together and redo all the maps and things like that. I don't imagine we would need to go back out to public hearings, and that would be a question for GC, but, given that the change would be so small, I'm not sure about that, but, in terms of the IPT's work, we would bring this back to you in September, and you could consider approval then.

MS. MCCAWLEY: Thanks, Myra. I am torn, also, as to whether we would need to go back out to the public, because the shapes have changed, and I'm going to go to Shep, to see if he can help us here.

MR. GRIMES: Madam Chair, I would say, from a legal perspective, I don't think you would have to go back out to public hearings. The statute requires you to hold public hearings in the development of FMP amendments, and you've done that, and you will have a public hearing when you approve this at the next council meeting, and there will be an opportunity for public comment on that, and then always through the process.

I was just going to note that I think, if you do change from circles to squares, I would advise that you not take final action at this meeting, but you would go back and incorporate that stuff into the document. If I understand the additional economic analyses that were performed, those are spatial in nature, and they're based on the geographic areal coverage, and that would change. It would change that economic analysis, assuming I understand correctly, and so there would be some minimal stuff to do, but, regardless, I would not advise making that change now and still taking final action at this meeting. Thank you.

MS. MCCAWLEY: Thanks, Shep. That was my concern, too. I wouldn't want to take final action at this meeting either, if we're going to change shapes, but let me go to Steve. He's had his hand up for a while.

MR. POLAND: Thanks, Jessica. I wanted to respond to some of Roy's comments. He brought up the fact that there wouldn't be any federal enforcement here in North Carolina, and, to a certain degree, yes, that is true, and we do not have a JEA, and it's very unlikely that we will have a JEA unless our state legislature takes action. I received -- I've spoken to this numerous times on the record, but, a few years, five or six years, ago, our legislature passed a session law that said that basically we shall not enter into a JEA, and so that's currently off the table for us as a division.

As far as a lack of enforcement out there, our state marine patrol still has the ability to enforce regulations out in the EEZ on individuals who are state licensed as well as vessels that have a North Carolina registration, as long as we mirror any of the Magnuson requirements in state law, which we do for everything, and, I mean, that's our mechanism to enforce snapper grouper regulations and everything we do, and that gives us the ability to do that in state waters and federal waters.

We do have some federal law enforcement presence here, and we've got numerous Coast Guard, as well as some NOAA Law Enforcement that have recently come into the area, and we are very appreciative of that. I've got some more comments for kind of our general rationale, but I will save those until we move a little further into the document.

MS. MCCAWLEY: Thank you, Steve.

DR. CRABTREE: I mean, I appreciate all that, Steve, and I didn't say there would not be any federal enforcement. My view is there will be federal enforcement, but it seems to me that's all there is going to be, and I will take you at your word that there's things you guys can do that will enable your state folks to enforce it, and I must say I don't really understand how that works if they're out in federal waters, and so it's not clear to me how this would be something the state can enforcement.

Nonetheless, I still feel like we ought to go ahead and do this and square these up and follow law enforcement's advice. I don't see any great urgency as to whether we vote this up at this meeting or in September. These things are likely going to be in place for decades, and so let's take an extra meeting and follow the advice we're being given, and we'll do them right, because it's not likely that they're going to change for a long, long time, but, if we run into all sorts of problems on the enforcement side, we're all going to have to live with that for a long time, and so I would encourage you to hold off on action and let's draw those rectangles and come back to this in September.

MS. MCCAWLEY: Thanks, Roy. Roy has made a suggestion that we don't finalize until September, and I'm going to look to Steve and Mel, to make sure that they would be okay with that, but I still think that there's some work that we can do on the amendment today and completing things of that nature and then bring back new polygons in September, but I'm going to go back to Steve and then Mel.

MR. POLAND: Thanks, Jessica, and thanks, Roy, for those comments. I mean, in the interest of moving this forward, and, like I said, we've already drawn squares around these, and that was in our original request, and we amended it later to circles, and so we already have that done, and, ideally, I would love to go ahead and take final action on this today, but I get the message loud and clear, and, honestly, if squares are going to make everyone happy, or at least more comfortable with this, I am fine taking another meeting to discuss this and get this where it needs to be, and that's from my perspective, and I am certainly not speaking for Mel and their desire to do circles or squares.

MS. MCCAWLEY: Thanks, Steve.

MR. BELL: I am totally fine with that approach, and we can turn circles into squares and come back in September. I think, moving on through the rest of the document, as you've mentioned, and cleaning up anything else we need to clean up, or dealing with anything else, would be great, and then we come back in September, and we're basically just dealing with the one issue of, okay, now these are squares instead of circles, and so I am fine with that, and I did want to -- I mean, I'm okay with it, but Steve has got more circles than I do, but, like he said, they've already started out with squares, and so, if he's onboard, I'm onboard, and maybe we just work through the rest of this and then that's the one thing we deal with between now and -- Then we fix it up in September and we're done.

MS. MCCAWLEY: Thanks, Mel. It seems like where we are today is definitely not taking final action at the meeting this week, but there are a couple more things that we could probably work on here, as indicated by Myra in this document, and so, just as a time check, it's 11:53, and we want to break at noon, or soon thereafter, to give folks the lunch that we have listed here, and so we have us coming back at 1:30. Myra, do you think that there's something else that you can cover

here in the document in the next couple of minutes, between now and noon, before we break, or is it better to break now? That's up to you, Myra.

MS. BROUWER: Thank you for that. What's left to do is we did have some clarification regarding the language in the alternatives for Action 2, in terms of including powerheads, and so I would like to get that done. If you are going to take final action in September, we can review the rationale at that meeting, and there's no need to get into that here, unless the committee feels that they would like to make headway, and so I would suggest just moving on to Action 2 and perhaps getting the issue of the powerhead language clarified, and then we can take care of the rest in September.

MS. MCCAWLEY: All right. I might like to have a little bit more discussion on rationale at this meeting, but, right now, let's do what you're suggesting and do the powerheads.

MS. BROUWER: Okay, and so, on your screen, this is the language for Action 2, and we -- The IPT has suggested some edits, as you can see under Alternative 1, and we just wanted to make sure, from Mel, if these edits are appropriate.

MR. BELL: In the yellow, you have added, in parentheses, "excluding powerheads", and that wasn't there originally?

MS. BROUWER: Yes, Mel. Somewhere along the lines of doctoring up this language, we left that language out at some point, I believe, or, also, there was confusion among IPT members, because of the proposed regulations in Regulatory Amendment 29, where powerheads are going to be allowed in the EEZ, but our understanding is that powerheads will continue to be prohibited within the SMZs, and we just wanted to make sure that that was clearly stated on the record.

MR. BELL: Yes, and that's easy. That originating way back, and I forget which amendment it was when the powerheads came into -- That was an issue actually tied to amberjack, going way back in time, where, on our reefs, we were noticing a heavy use of powerheads to target primarily amberjack, and this was your spearfishing and bang-sticking commercial divers, but they were -- But powerheads and amberjacks don't mix well for the amberjacks, and so what we were seeing was, in terms of the effective use of the reef, the maintaining our investment, and a couple of individuals utilizing powerheads could clean off the reefs of all the amberjack in a few dives.

We documented all that way back when we put that into effect, through before and after video surveys and dives we had made out on some of the reefs, but the amberjack, as you well know, will aggregate over structure, or even hard bottom, but they will kind of get up in schools and circle around, and they would aggregate on our reefs, which were very small, and the divers would take advantage of that, in targeting specifically amberjack, and they would, in effect, just remove the entire population of amberjack.

That wasn't a good stewardship of that reef. In other words, if a couple of people could clean the entire reef off of amberjack with powerheads, that didn't allow anybody else a chance, and so that's why we originally requested -- I can't tell you what year that was, and I can remember coming to a council meeting, as the reef guy at the time, and we had this discussion, and I showed them before video, and I showed them after video, and I showed them a bag of thirty-eight specials,

I think it what they were using at that time, that we had collected, shell casings that we had collected, all over the reef.

That is where the powerhead exclusion on the artificial reefs came into play, and so, over time, we're still concerned about proper use of the reef and prohibiting that gear type on our reefs. We're less concerned now about the other areas, and the commercial guys don't even go to the artificial reefs for that anymore, but, now that we have ACLs in place and we manage differently, we're not as concerned, and recall that I sort of got things going with the removal of the bang stick prohibition on other areas, but we do want to retain it on the artificial reefs, because we see that as just too effective a gear type, and it can basically remove an entire population of fish on that reef in a matter of hours, and that's not an effective use of the reef, to allow broader access to a whole bunch of people over the course of a fishing season, and so that's why we want to retain the powerhead exclusion on just the artificial reefs that are designated as SMZs.

We're okay with the use of powerheads by commercial fishers and others in other places, but we just want to protect our investment in those reefs and ensure that they benefit the largest number of people for the longest amount of time.

MS. MCCAWLEY: Thanks, Mel. That history was very helpful. Myra has a draft motion on the board, but, before someone offers that motion, I had a question for you, Myra. The yellow language that's in the no action alternative that says "do not designate", which actually sounds like an action in and of itself, and this is just status quo, and I was wondering if that last sentence should be more like "Artificial reef sites are not special management zones and don't have any additional fishing restrictions or gear", or do you see what I'm saying? I am up for whatever the IPT thinks, but I just wanted to ask a couple of questions about why it was worded that way.

MS. BROUWER: Thank you for that, Jessica. It's funny you bring it up, because we go back and forth, in various IPTs, between making the language sort of as an action or just stating what is in place. In this case, we just wanted to be consistent with both actions, and I believe the IPT just suggested do not designate as an action for Action 1, and that's the same way that we edited the language for the previous action, and so we just want to be consistent.

MS. MCCAWLEY: Thanks for that explanation, Myra. That's helpful. Then would somebody on the committee like to make the motion that's on the board? **The motion is to accept the IPT's suggested edits to Action 2 in Regulatory Amendment 34.**

MR. BELL: **I move to accept the IPT's suggested edits to Action 2 in Regulatory Amendment 34.**

MS. MCCAWLEY: Thank you, Mel.

MR. POLAND: Second.

MS. MCCAWLEY: All right. It's under discussion here. Any additional discussions here on the IPT's suggested edits in Action 2? **Are there any objections to approval of this motion? I don't see any hands raised, and the motion carries.**

Let's go ahead and stop there. We're at 12:02, and, when we come back at 1:30, we will be seeing if we want to talk about the rationale a little bit more, and Steve said that he had some points to offer, and so maybe we go back to the rationale before we stop working on this amendment for this meeting, and then we will be considering it for final action, I believe, in September, and so, once again, we're on a lunch break, and we will come back at 1:30. When committee members start coming back, around 1:30, please put your hands up, so that we know that you're back at your computer and ready to work. Thanks, everybody.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: All right. We're going to get going here again. Let me give an update on where we are and where I think we're going to go this afternoon. We're going to continue in the SMZ Amendment 34, and I think Mel had a couple more points that he wanted to bring up, and I wanted to go back to -- Steve said he had some additional points to offer today as well, and so I just want to finish up that for today, and then what we're going to do is then we'll go into the red porgy stock assessment, and then we'll do the Other Business, which, right now, the other business on our list is the EFP, and then, if there's any other Other Business, we'll get to that.

Then, if we have time left over before 4:30, and not that I am trying to jinx us here, but, if we have time left over, we're going to go back to the Dolphin Wahoo AP discussion that we did not complete yesterday, and then, if there is still remaining time, I felt like I maybe hurried us along a little too much this morning on the COVID-19 impacts and our potential response, especially if we want to consider emergency actions, and so, if there's time remaining today, then maybe we can talk about that a little bit more relative to snapper grouper, and so I'm just trying to let folks know where we're going this afternoon, so that you can be prepared for those discussions. Now we're back to the special management zones in North Carolina and South Carolina, Regulatory Amendment 34, and I'm going to first go to Mel and then go to Steve.

MR. BELL: If I might, I would like for Steve to go first. We have kind of talked, and I think it would flow sequentially better if he spoke first and then me, if you don't mind.

MS. MCCAWLEY: That sounds great.

MR. POLAND: Thank you, Mel. I think your comments will generate a lot of discussion, and I just wanted to provide some clarification on the discussion that Roy and I had right before lunch, and so I kind of went into our lack of a JEA here in North Carolina and our authority for our state marine patrol to enforce federal regulations in federal waters on state vessels and individuals who are licensed and registered in North Carolina.

I just wanted to make clear that we base this jurisdiction from the Magnuson Act, and Section 306 in MSA is aptly titled "State Jurisdiction", but, if you go to I guess Section (a)(3), it states that a state may regulate a fishing vessel outside the boundaries of the state in the following circumstances, and then (A) is if the fishing vessel is registered under the law of that state, and it provides two conditions after that. The first is there is no fishery management plan or other applicable fishing regulations for the fishery in which the vessel is operating or the state's laws and regulations are consistent with the fishery management plan and applicable federal fishing regulations for the fishery in which the vessel is operating.

This is where we base our jurisdiction to enforce federal regulations on state vessels and state-licensed individuals out in the EEZ, and these are regulations that are consistent in state law with the FMP, and so I wanted to make sure that was clear on the record.

MS. MCCAWLEY: Thank you for that, Steve, and so, before you go to Mel, you mentioned earlier that you had some other points that you wanted to bring up, and do you want to talk about that today, for this June council meeting, or are you wanting to wait until we get to September? I thought you were going to offer some more council rationale, but I'm not sure. I'm not clear on that.

MR. POLAND: I can go ahead and provide it. I mean, honestly, it doesn't really matter now, if we stay on track to talk about this again in September, but, real quickly, I just wanted to point out, from our perspective, another rationale for us in requesting these restrictions on artificial reefs for SMZs, and that is to help us better manage protected resources interactions, and our most recent programmatic evaluation highlighted the fact that derelict gear and entangling gear, specifically on ships, can cause or pose a hazard to protected species, and the recommendations provided were kind of general, just us do whatever we can to limit that, and so we feel like, by limiting certain types of gears, especially things like gillnets or pots that could become derelict, it would certainly further that conservation of those protected species, and there is certainly a precedent for that.

I know Georgia, for example, in a recent response to their evaluation, they highlighted the fact that they had SMZs, and it did restrict certain types of gear, and they basically put that forward as a reason or a justification for use of these SMZs and a benefit for conservation of these protected species, and so I wanted to make sure that was reflected in the council rationale, at least for our North Carolina request.

MS. MCCAWLEY: Thank you, Steve. Mel, are you ready? I was going to weigh-in on that as well, but I can put that off, if you would rather. Steve just brought that up, and, I mean, I would also say that South Carolina's reprogram went through the consultation with Protected Resources and the Army Corps, and the fact that our reefs offshore were designated as SMZs and did have those prohibitions on them for certain gear types was viewed as a positive thing by Protected Resources, and so I think you would find that all the -- I know Georgia is the same thing, and all of us are basically able to kind of show that -- Well, Georgia and ourselves were able to show that the fact that we had those was a good thing, and they liked that, and so as far as protection of other species in addition to the measures that we put in place, to make sure that we maintain the economic viability of our investment out there, and so I would just throw on top of that.

Then, to the point that I wanted to bring up, before we broke, remember that we had some discussion about circles versus squares or boxes or polygons, and it was pointed out to me by a wise fisherman, and I mentioned this a little earlier, is that one issue with superimposing a square over a circle, let's say, is that the circle is your Army Corps permit, and it will always appear on the NOAA nautical charts, whether they are paper charts or electronic charts, and, therefore, it will be incorporated into these navigation systems that people use now that I was describing, where your little boat is going along, and you can tell when your little boat is inside the box or your little boat is inside the blue circle, and that's because it feeds off of the NOAA nautical chart.

Whatever we draw, in terms of a, we'll call it a buffer for law enforcement enhanceability, will never appear on the NOAA nautical charts, and recall that we've had this discussion, and, in fact,

it was the Law Enforcement AP that was involved in this years ago, when we were -- We had issues, and the fact that our MPAs that we have designated do not appear on the NOAA nautical charts, and we even had the folks from NOAA, the chart folks, come and explain to us why they weren't on the charts and why they weren't going to put them on the charts.

That was an issue, because we've had cases, and I think there was one in particular on the Edisto MPA, where the Coast Guard, I believe it was, stopped an individual fishing in the MPA and said, hey, this is an MPA, and you can't be fishing here on the bottom, and they said, well, what MPA, and it's not on the chart, and they showed them the chart, and it was an electronic chart, or a paper chart, and it's not on there, and, indeed, it wasn't on there.

That's the problem that I fully find with however we proceed with this, but I don't want to take a measure that we are considering to enhance enforceability and end up diminishing enforceability by not being able to have something hold up in court later on, if need be, where the argument is, well, yes, I was out in this area, and I'm using my NOAA nautical chart, or I'm using the electronic version, and I'm not inside the blue area, but they say I'm inside a prohibited area, and it's not on the chart, and how am I supposed to know that.

I know the reply is, well, ignorance of the law is no excuse, but, in terms of being able to write a good hard ticket, or write a citation, or do a good termination, a good stop, and have it hold up, I would just be afraid that a measure we are considering to take to enhance enforceability would actually detract from enforceability, but I can live with a square, and I can live with a circle, and that's what I just wanted to point out, and so sort of full disclosure to everybody for consideration. I don't want us to actually do something that has an unintended consequence of actually making enforceability a little more difficult, and that's what I wanted to just make sure that I pointed out. thanks.

MS. MCCAWLEY: Thank you, Mel. We have some other folks in the queue.

DR. CRABTREE: I wanted to thank Steve for clarifying the enforcement situation in North Carolina. That's helpful, and I understand it a little bit better, and I hear Mel's comments, and we can look into that, but I'm just relying on what the law enforcement professionals are relaying to me, in terms of what they feel like they can enforce, but, at any rate, I want to thank Mel and Steve for their willingness to be flexible on this and willingness to maybe make some changes on it, and so thank you.

MS. MCCAWLEY: Thanks, Roy.

MR. GRIMES: I wanted to respond to something that Steve said, and Steve said, in reference to Section to 306(a)(3), that the paragraph about the state may regulate a fishing vessel outside the boundaries of the state in the following circumstances, and that state laws and regulations are consistent with the FMPs that the division was focusing on, and I am not involved in enforcement at all, and certainly not at the state level, and so take this for what it's worth, but I don't read that -- That doesn't provide the authority for a state to enforce a federal regulation.

To me, that is the state may regulate a vessel under state regs and under state law when it's consistent with the laws, with the FMP, that's in place, and so the way I would see that is, if it's a state violation, then the state could enforce the state violation on the vessels registered in its state,

along these areas, even though they were in federal waters, but I think the way Steve said it is that the state would enforce the federal regulations, and, if that's accurate, then what's the point of a JEA, and so I just wanted to add that, and I don't think it's a critical point to address now, but, since you said that, I wanted to provide some on-the-record response. Thank you.

MS. MCCAWLEY: Thanks, Shep.

MR. POLAND: Thanks for that, Shep, and let me further clarify. I'm not saying that we automatically I guess enforce federal regs, but it's, if we mirror those federal regs in our state regs, and this is a mechanism that we use for a lot of our federal management, and so if say, for example, the size limit on one of our federally-managed species is updated, we update that in either our state rules or our state proclamation, and so that would give us the ability to enforce those outside of state waters, but by no means is it an automatic, if the federal regulations change or are put in place, that we automatically have the authority. We have to take the added step of mirroring that in our state regs to be consistent with it for us to have the ability to enforce.

MS. MCCAWLEY: Thank you, Steve.

DR. CHRISTIANSEN: This is more a question for Mel, because I sort of got lost in the back-and-forth. Mel, are you guys talking about actually going back and changing some of the areas from circle to square, or are you looking at making them more consistent going forward?

MR. BELL: All we're talking about right now is related to this specific amendment, and so the three areas that we proposed -- Three of the four areas happen to be circular reefs, because they're in a little closer to shore, where we would normally start worrying about trawlers, and I'm not really worried about trawlers getting that close, and so I can -- If we want to turn that, for SMZ purposes, into a box around that circle, that's what it will be, but we have no intention of going back to the Army Corps of Engineers and adjusting our permit boundaries on any of these, and so the vast majority of our reefs in federal waters are polygons, typically rectangles, and so, no, all we're talking about right now, when I say circles versus squares, is relative to the SMZ boundaries associated with the ones that we're putting forward, the reefs we're putting forward, for this amendment.

DR. CHRISTIANSEN: That helps. The other thing I was going to say is, from a recreational standpoint, and from an enforcement from you guys, whether we have to put in four corners and draw a box or whether we have to put in a point and draw a radius, with today's electronics, like you said -- You grew up with dead reckoning, and I'm not quite back that far, but I did grow up with Loran, and the GPS and these things are so accurate that the mistakes in the I didn't know I was over the line excuse really doesn't play like it used to twenty years ago on something like that, and so, whatever the shape, with today's technology, it's almost a non-issue, what we have to follow. We know where we are.

MS. MCCAWLEY: Thanks, Mel, Steve, Roy, and Shep. Myra, is there anything else that we need to do here on the amendment? Do you need some type of motion or direction from the committee that indicates you're going to make these changes from circles to squares and bring this back in September for possible final approval?

MS. BROUWER: Thanks, Jessica. I don't think we need a motion. I think it's pretty clear what the guidance has been, and, just to recap what I heard just now also, we are going to add to the council rationale the bit about SMZ designation being a good thing for protected resources to both actions, and so we'll make sure we add that in there. Other than that, I think we're in good shape to proceed and bring this back to you all cleaned up in September.

MS. MCCAWLEY: That sounds great, and then, just to be clear, we would be doing no public hearings between now and September, but the September meeting is considered a public hearing, and is that right?

MS. BROUWER: Correct, and the public will also have a chance to provide comment on this amendment tomorrow evening.

MS. MCCAWLEY: That's a good point, and then I see that Shep has his hand up.

MR. GRIMES: Thank you, Madam Chair. Two quick things. First, is the intent that the IPT and council staff will bring back the document with just squares or with circles and squares? My understanding is it sounds like it's just squares, but I would like clarification on that, and there was one other point that was raised, and apparently, for one of the areas for which North Carolina submitted a square area, the lines did not run due north/south/east/west, which is the preference, and so we would like to switch that area, or make clear at least that the box around that area that we draw will be with lines that all run on latitude and longitude, so they're all either due east/west or due north/south. Thank you.

MS. MCCAWLEY: Thanks, Shep, and good point seeking clarification. Is it only squares, or is it circles and squares, so that there's options, and I'm going to look to Mel and then Steve, or vice versa, but, you guys, what are your thoughts here?

MR. BELL: Well, I mean, I think I've made it clear that I can live with either one. The point that I brought up a little bit ago, I just wanted to make sure that law enforcement was aware of that, because they will be the ones that are dealing with the people that might be in the little corners, which won't appear on the nautical chart, and, again, just full disclosure, I want them to be able to do their job and have good assurance that whatever they move forward with, in terms of an action, will be supported by, upheld, by the court, if it goes to that, and so, if we had, I guess, both -- This is, I guess, a question.

Could we have both still in play, and there's some continued discussion or deliberation between now and then by enforcement and the IPT, and, whichever way it lands, I'm in full support of, but I just wanted to make sure they were aware of the potential to be challenged, because it's not -- What will be on the NOAA nautical charts and what will be in the programs that result from that that people use to navigate will be the actual blue circles, in the case of circles, or squares, in the case of squares, and it will never show -- NOAA will not put our boundaries on their charts, and, if that's okay, and enforcement says that's not a problem, I am good to go, but, if we're still kind of deliberating between one or the other -- But, if that gets too complicated, and we need to pick one versus the other, then we could decide that right now.

MS. MCCAWLEY: Those are great points. Part of me says that we have both in there, and then we finalize those deliberations at the next meeting, because let's say we put them all squares, and

then we decide, at the next meeting, that we want to go back to circles, but we don't have the alternatives in there, and then we can't finalize in September either, but let me go to Steve, and then Myra apparently has her hand up, too.

MR. POLAND: You just made my first point, Jessica, and I don't want to run the risk of saying we're just going to move it forward with squares and then decide vice versa, and so I say keep two. Then, to the second point that Shep raised, I just wanted to reach out to I guess it would be council staff, or the IPT in general, but just please let me and our staff know which one of those squares need to be adjusted, and we'll get those new coordinates to you.

MS. MCCAWLEY: Thank you.

MS. BROUWER: So I guess I just need some clarification here that the committee would like to see the document come back to you in September with both circular and polygon boundaries for all of these sites, and, if that's the case, just be aware that it's going to require a good bit of work to have two versions of it, and probably two versions of the codified text, if I'm not mistaken, but I will mute myself and see if SERO staff can clarify that.

MS. MCCAWLEY: Thanks for the questions, Myra. Would someone from SERO like to respond to that?

MR. GRIMES: I'll take a shot at it. I mean, we would have -- The way I am envisioning it, there would be alternatives for circles and alternatives for squares, however we structured that, and then, right now, the way the areas are identified, they are identified in the appendix and not in the alternatives themselves, and so we would, I presume, incorporate that into the appendix, and, yes, I imagine we would need to come back with at least -- Well, with both sets of reg text, and we already have the reg text with circles, and that's available for you now at this meeting, and so it would only be a matter of drafting the reg text to identify the boxes, and we would have both of those available, or one in the back pocket, however, you want to look at it, and, when the council made the decision, we would be good to go, and I would say that's just how I would envision it and not how it necessarily has to be. Thank you.

MS. MCCAWLEY: Thanks, Shep. Myra is putting some clarifying text there on the board, which I think is helpful, and so she is suggesting that -- This is direction to staff to revise the document to include both circular and polygon boundaries for the proposed SMZs and prepare for consideration for final approval at the September meeting. Is everybody okay with that? If not, please raise your hand if you are not okay.

MR. WOODWARD: I have refrained from getting into what has already turned into a very lengthy discussion, but I have to speak my piece now, and that's Mel has made a point that I think has to take precedence in the discussion, and that is we will possibly make a decision that will create confusion in the fishing community about where they can do something with it or can't do something. The fact that we will always have the Corps of Engineers permitted boundaries published, but not SMZ boundaries published, is to me a fatal flaw in this. It's going to diminish enforceability, and it's certainly going to create confusion and I think create public relations problems.

I mean, people are used to having the SMZ boundaries match the reef boundaries, and so that's my concern, and I understand all that's been said about wanting to maximize enforceability, and I was cross-trained in enforcement for almost twenty years, and I understand that, but I don't know that the juice is worth the squeeze here.

MS. MCCAWLEY: Spud, I had the same concern, especially when I heard Mel lay it out, and so what's the pleasure of the committee? Are we good with this direction to staff, and then we figure out this and solve it at the September meeting, or are we wanting to try to solve it now? What does the committee think here? I am leaning towards staff coming back with both of these and then us resolving it at the next meeting, but that is a lot of work for staff to create these polygons and a separate set of all of these sites when it may or may not match what goes on the charts and then create the confusion, like Mel and Spud mentioned, but I'm going to go to Mel.

MR. BELL: My fear would just be burdening staff at this point, and that seems like a way for us to proceed to kind of allow us to pick which direction we want to go, but I'm very sensitive about overworking staff on this and turning it into just way too much. I mean, I'm not trying to put enforcement or Duane or anybody on the spot here, but I almost just like -- Because I want to do the best thing we can for enforceability, but I would almost like to just -- If what I've just brought up makes any difference to them or something, or if they feel that, no, it's still just as easily enforceable that way and they're not worried about the little sort of gray areas that will never appear on the nautical chart, but I don't know if we've got anybody that can weigh-in on that at this point, but that -- Again, I'm sensitive to abusing our own staff as well.

MS. MCCAWLEY: I agree with that, and, yes, I would love to make the decision here, and pardon the pun, but we would have come full circle on this argument, but I'm going to go to Anna, to see if she has something else to offer here.

MS. BECKWITH: After having listened to this for the past many hours, I think I remember, when we first brought up this amendment, that this was going to be one of those quick, simple ones, and I am inclined to agree with Mel and Spud. I'm a little bit concerned that the juice is not worth the squeeze, and, while I am always sensitive to concerns from law enforcement, my inclination, at this moment, would be to stay with what we've got. Thank you.

MS. MCCAWLEY: Okay. I am going to look to I don't know, Duane or Roy or somebody, to see what they think about this, and I'm sorry to put you on the spot, but, if we make a decision now, we could prevent this possibly unnecessary work from staff and the IPT, and so Roy or Duane.

DR. CRABTREE: I'm here, and I'm not sure if Duane is still on, but I have just gone with what we heard from law enforcement, and I get Mel and Spud's points, and, unless Duane is still on and comment on that, I'm not sure what to make of it.

MS. MCCAWLEY: I see Duane has his hand up.

MR. SMITH: I've had it up for a while, but I guess it wasn't flashing on your screen. I think Mel's point is well taken, in terms of being plotted on the chart, and, frankly, we hadn't thought about that when we were having discussions, or at least I hadn't thought about that when I was having discussions with OLE and the Coast Guard.

It doesn't change anything, in the sense that, although the position may be charted, the wreck may be charted, it's not going to say anything about you can't fish here, and so, whether we create a square that people can't fish in or the charted circle that people can't fish in, none of that is ever going to be on a NOAA chart, and so what I would love to do is be able to talk about it with my OLE counterparts, just to take Mel's point in and see if it makes a difference in our position or not. Is there any way that we can sort of kick the can down the road for a couple of hours or a day, so I can at least talk to my clients? I do think it's a good point that the circles are on the chart, and I hadn't thought about that yet, and so kudos to Mel for raising that issue.

MS. MCCAWLEY: Duane, thank you for all those points. We can probably buy you some time, and we can hopefully resolve this, maybe in Full Council, but I want to go to Chester and Shep.

MR. BREWER: You just dealt with what I was thinking, and I agree with Anna. I don't want to staff to have to go through a lot of work that's unnecessary, and so I will go on the record right now and say I favor going with the amendment as it's currently written, with the exception of some of these small changes that we made to -- I have forgotten what it was now, but where we were talking about bangsticks and stuff, and so I really don't want the staff to have to go through extra work.

We're going to come right back to the issue that, if it's not shown on the chart, you're going to have a really rough time enforcing a violation where somebody is outside of the circle, but they're inside the square, and there is going to be areas like that, and so I just -- I think we go with what we've got.

MS. MCCAWLEY: Thank you, Chester.

MR. GRIMES: Thank you. Actually, before Duane spoke, I was just going to say that I think -- You were asking for additional input, and I think you guys just have a decision to make, and do you -- If you don't think you're going to go with the current recommendation from enforcement and go with squares, then that's just a decision that you would have to make and move forward with that, and I think it sounds like the best thing to do right now is wait until Full Council and see what feedback you get on the new issues and make your ultimate decision there. Thank you.

MS. MCCAWLEY: Thank you.

MR. BELL: I was just going to say, to something that Duane said, and so, right now, the way this will work, is, if we stick with what we were going to do, the SMZ boundaries will always match what is on the NOAA nautical chart, and so you're either in the little blue circle or you're not, or you're in the blue polygon or you're not, and so, right now, they will match perfectly.

If we try to enhance enforceability by drawing something else around them, that will never appear on the NOAA nautical chart, and so I'm just thinking in terms of the argument that might need to be made in court, or someone might make against us, is that I am in this no-man's land, and I wasn't in the box, or I wasn't in the circle, and so I just -- That's why I see it more as a detraction to enforceability than an enhancement to enforceability, but, your earlier point about straight lines, I totally get that, but, in this case, I think your enforceability would be enhanced by matching exactly what will appear on the NOAA nautical charts, and, as I mentioned, when this came up

with an MPA, and an MPA is not on the NOAA nautical chart, I think folks were able to argue that, well, you know, how are they to know that it wasn't on the chart, and I know that's not a good excuse, ignorance of the law, but, still, you just don't want to give them that opportunity, perhaps, and so it's cleaner if it matches, and that's my point.

MS. MCCAWLEY: All good points.

MR. POLAND: I just wanted to say that I'm comfortable waiting until Full Council, especially if Duane can come back with some input, not only his input, but input from some of the law enforcement community on this, because I think Mel does raise a good point, and the addition of Spud's perspective really kind of hit home for me, as far as this might not win us any brownie points, or it might even seem dubious, and so I'm fine waiting.

DR. CRABTREE: I think that's the best thing to do, and, on the positive side, if you elect to not follow the law enforcement comments and stay with the circular ones, I think you've had an excellent discussion, and the record will be very clear that you thought it through and you have good reasons for what you're doing.

MR. SMITH: There's a guy who knows how to make lemons out of lemonade. I just wanted to address sort of the enforceability piece. If you're enforcing it in state court, and you're doing a criminal case, it's beyond a reasonable doubt, and I don't know how your state courts adjudicate these things in the case of a North Carolina statute, where they're enforcing a state law, even though the area happens to be in federal waters.

For my purposes, when I try these cases, I just have to show that we had a box created, or we had an area created, whatever its shape, and that they were inside it, and so my challenge is the same, in terms of proving it in court, and the issue tends to be -- I don't want to beat a dead horse, but the issue tends to be from an enforcement perspective, and it's just easier for the public to understand those straight lines and north/south and east/west oriented places, and so, again, I can see both sides of the argument. Give me a chance to talk to my clients and see if we can agree to come back to circles.

As a general matter, we hate them. We hate them to death, and so we're happy to -- I really appreciate the fact that you all have listened to that, and I appreciate the fact that you've supported that, but Mel's points are well taken, and so give us a chance to think about it and adjust it and then get back to you.

MS. MCCAWLEY: Thank you, Duane. This has been a good discussion, and I would love to wrap this up. Go ahead, Shep, and then I've got to wrap it up.

MR. GRIMES: I was just going to suggest, when we convene in Full Council, that Roy can start it off by singing *Will the Circle Be Unbroken*, please.

MS. MCCAWLEY: I love it. Myra, can you please add to the direction to staff there some kind of note that we want to reconsider this or discuss this again at Full Council, something so that we know we're coming back to this?

MS. BROUWER: Is that good?

MS. MCCAWLEY: Yes. Wonderful. Myra, I think we can move on to the red porgy stock assessment, if you're good with that.

MS. BROUWER: I am good with that, and so give me just a second here to find Nikolai on my list. He's going to be walking you through the presentation.

DR. KLIBANSKY: I'm Nikolai Klibansky, and I'm a stock assessment scientist in Beaufort, North Carolina, coming to you today from my house in Morehead City, and I was the lead analyst on SEDAR 60, the South Atlantic red porgy assessment. We have a good chunk of time today to talk about red porgy, but I'm just got a brief presentation, kind of going over the summary of the report and the results of the assessment.

Red porgy has been assessed in the SEDAR process four times now, beginning in the first SEDAR in 2002, which was the benchmark assessment, and it was updated in 2006 and updated again in 2012, and this most recent assessment was just concluded with a standard assessment, SEDAR 60, and so I'm sure you're probably familiar that updates are just kind of minor changes, and a benchmark is kind of everything is on the table, and a standard is somewhere in between, and so, in that spectrum, we didn't deviate too much from the updated assessments, although it had been quite a while from the first benchmark assessment in 2002, and so we had a number of model updates to implement. If you have this presentation in front of you, all of these assessment reports are hyperlinked to this text, if you choose to look at those and you want to get to those reports very quickly.

A rebuilding plan was actually put into effect for red porgy, as we recall, prior to SEDAR 1 back in 1992, and a rebuilding timeframe of ten years, beginning in 1991, and so, when SEDAR 1 came about, that rebuilt status for the assessment -- It was found not to be rebuilt, but not undergoing overfishing, and so we'll look at a number of these values, this rebuilt status or overfishing status, and, as I'm sure many of you are familiar, the values for rebuilt status -- Below one will say that the stock is not rebuilt, and values of the F status above one will say that the stock is undergoing overfishing, and so, in this case, at 0.45, it's not undergoing overfishing.

The update assessments also found that the stock was not rebuilt, but overfishing was not occurring, and, in this most recent assessment we just completed, unfortunately, the stock is still not found to be rebuilt, but it is found to be undergoing overfishing, with this SSB over SSB MSY of 27 percent and the F over FMSY of 1.73.

This assessment has been going on for a couple of years now, beginning with the data scoping webinar in June of 2018, and we basically take stock of what data are available and try to figure out what data we need for the assessment, who is going to be responsible for those datasets, and, after that data scoping webinar, data providers go back and process data and work on working papers and prepare for the assessment. In that period, they would be working on the assessment models.

We got back together in 2019 for a data/assessment scoping webinar, to kind of look at the data that were available at that point and talk about some initial model issues and provide guidance for me, the analyst and the team, and another important event in the timeline of this assessment was the SSC MRIP workshop, which I was not a part of, but it was important to the assessment, in

terms of reviewing changes to the MRIP data, the revised data, for the recreational fleet, which is important for many of the assessments, including red porgy.

We had a data webinar in 2019, in November, to iron out some more data issues, and then we had an in-person workshop for two-and-a-half days in December of 2019, back when we could all get together in the same room together, where we had panelists and members of the council and data providers that looked at some final data issues and showed initial model runs, and we worked pretty hard to try to get as close as we could to the base model during that workshop, and we continued working on it in assessment webinars in January and February of 2020, ironing out remaining issues to get the base model, looking at model diagnostics, uncertainty analysis, and projections, and then, after that, we worked on the report, and we gave a presentation for the SSC review in April of this year.

There were a lot of people involved in this process, fifty-five participants listed on the report, including four of us on the analytical team, fifteen panelists, including four SSC reps, four appointed observers, one appointed council member, six staff, thirteen other observers, and twelve non-panel data providers, and so we had a variety of people from diverse backgrounds, which is important to make this assessment possible.

When we embark on any of these assessments, we're always looking at the terms of reference that are laid out for us to provide direction to the assessment and make sure that hit all the milestones that we need to, and there are seven terms of reference for this assessment, but I'm just going to put out a couple of the most important ones here, and the first is to prepare a standard assessment based on the approved 2012 SEDAR 1 South Atlantic red porgy update assessment with data through 2017, and so basing what we're doing on a previous update and extend data out to a terminal year of 2017 and report on it, and that report is hyperlinked here, and there's very extensive documentation in that report.

Term of Reference 2 is evaluate and document the following specific changes in input data or deviations from the update model. That included considering the SERFS video index, incorporating the latest BAM model configurations and updates to data calculation methodologies and detailing the changes that were made and the impact of those changes between the 2012 update and the current model. Then we considered the use of age and length composition data, and so is often in the TORs that we're tasked with, and the really unique things are listed here, and, in this case, there wasn't too much deviation from what we've been asked to do in the previous update, but I will show you a slide with a little more detail about the SERFS video index.

Many of you are probably familiar with the chevron trap survey that's been operated for decades, and it's used in a lot of assessments to characterize relative abundance in the population, and, in more recent years, video cameras have been added to the chevron traps and that fishery-independent survey, and so, in a lot of the assessments, we're considering including that video data, in some cases separate from the chevron trap and, in some cases, like with red porgy, the two make a combined index from the video data and the chevron trap data, and so that is shown here in red, that chevron trap/video index, showing various ups and downs and relative abundance from 1990 to 2017, including video data since 2011, and the other index that's included in the assessment model is the headboat fishery-dependent index that is based on the headboat.

Now I'm going to jump into results of the assessment. We're looking at a couple of plots of some of the most important results in the model, which is looking at numbers at-age and biomass at-age over time, and so these different colored bars indicate different age classes and fish in the population, and red indicates age-one, and orange age-two, and so on, through the rainbow to this kind of pinkish-purple color showing age-fourteen fish, and, if you kind of just draw a line at the top of these bars, it's showing us the trend in the total fish, the total numbers, the total biomass over time.

What we see is predictions of, early on in the time series, pretty high values of numbers and biomass, and there's a large decline in 1980 and the 1990s that has stabilized, and, as you get to the late 1990s, there's a lower value, and, in 2000, there's a gradual increase, from 2000 to 2011, but then there's a recent decline again from 2012 to 2017.

When you think of the changes in the age structure in the population over time, and it's a little bit tricky to see in this graphic, but we actually see, concurrent with this decrease in total numbers and total biomass at-age over that period, the age structure eroded, particularly for older fish, during that period, and so there were fewer older age classes during that period.

It kind of stabilized around 1991 and gradually expanded over time, through the end of the assessment, to 2017, and those are the older age classes, but one important thing is noting that recruitment, the numbers of age-one fish over time, exhibited a pretty consistent decline over the entire time series. Part of this is due to declines in biomass and spawning stock biomass and lower spawning stock biomass, resulting in low recruitment, but what we see in this graphic on the right is actually looking at deviations from these average predicted recruitments. The values above this zero line are indicating higher than expected recruitment, and below is indicating lower than expected recruitment. The last several years, the last six years here, the end of the assessment, is showing some pretty low predicted recruitment values.

Here we are just looking at the spawning stock biomass, the total mass of mature female fish in the population over time, which is showing a pretty similar trend to what we looked at with total biomass, biomass of all fish in the population.

Over this same time period, we looked at landings, and, here, we're looking at landings by fleet broken down by -- The purple is the general recreational MRIP landings, and the blue is headboat landings, and the green is commercial trawl, which you'll see just in this earlier period, and then commercial handline, which is mostly hook-and-line, but it also includes some landings where the mode is unreported, and some spearfishing is in that, and traps as well, but it's predominately handline, and so you get a sense that most of the landings over time have been attributed to that commercial handline fleet, with an increase from the earliest years, from 1972 up to a peak in 1982, and it declines after that, with one smaller peak here in 1990, and then it decreased to 2000 or so, with low landings since then.

Discards are more irregular, with an increase in discards after regulations began in 1999, with some variable peaks, and it's important to note that the Y-axis on the plots are very different, with the maximum value here being two-million pounds, and then, on the right, you're looking at 200,000 pounds is this highest value, and so discards are making up a larger proportion of total removals in more recent years, but still a small proportion of the landings compared to removals overall.

Now we're looking at the fishing mortality rate over time, again by fleet, and the colors are a little bit different, but all the same fleets are represented, and the "D" is just indicating discards rather than these other ones are landings, and so, here again, total F is mostly attributed to commercial handline over time, and there's a similar trend to what we saw with the actual landings. There's an increase to a peak in 1990, and it decreased to a low in 2000, and then it's kind of variable, but lower through 2017. This peak here in 2016, we did discuss it, and it was largely attributed to a large value in the recreational landings from the MRIP data.

Now we look at the status time series. On the left, we're looking at a relationship between the ratio of spawning stock biomass over spawning stock biomass reference point at maximum sustainable yield, and this line at one is indicating kind of the boundary between being rebuilt and not being rebuilt, and you will see that, early on in the time series, the SSB exceeds SSB MSY in the early 1980s -- It was below that value, and then it declines through the 1990s, and it stays at low levels through the end of the time series, with more recent declines. The gray bands are indicating uncertainty around those values, showing that there is relatively little uncertainty, and those bands, in most years, are not crossing that one line, and so the status is really clear.

Looking at the plot on the right, you're looking at an estimate of total F over FMSY, which is below one, and so it's not undergoing overfishing in the early years, but, around 1980, it exceeds that value, and so the model is suggesting that it has been undergoing overfishing for many years, and there is a quick decline below that one line again in 2000, and it's kind of variable in the period after that, but values above one are indicating overfishing in the most recent years.

This is a plot from the assessment report characterizing uncertainty in the stock and fisheries status, where we run the model with modified inputs that have some amount of uncertainty, and so things like landings and discards, discard mortality, and some of the life history parameters that go into the model, and we modify those inputs, and then we re-run the model thousands of times, and so each one of these points is indicating one of those model runs. What this graphic shows overall is that about 98 percent of these runs are showing kind of the same status, that overfished and overfishing status, and so, unfortunately, there's very little uncertainty in that overfished/overfishing status.

I am going to move on and talk about projections for a couple of slides, and the projections were constructed as specified in Term of Reference Number 5, and they were made from 2026 up to 2032, with projected fishing level changes beginning in 2021, and so basically expecting that that's the first year that management actions could be implemented to affect the fishing level.

Fishing mortality for 2018 to 2020 was set at an F current value, and so kind of a mean of recent years in the assessment, at 0.31, and the projections were made at a fixed F for this whole time period, 2018 to 2032 for proposed different levels, either F current or these different values indicated below, and so we were asked to make projections for determining an overfishing limit, with that F-based P* of 50 percent, where F equals FMSY is basically coming up to the same, and then to evaluate the existing rebuilding plan with an F of 75 percent FMSY, and, unfortunately, with the poor status of the stock, we added an additional projection of F of zero, which is no fishing after 2020.

For all of those projections, we produced projection tables like this, and it's Tables 31 to 34 in the assessment report, and this is just the one for the projection at F equals zero, and I'm not going to go through all of the different columns of this table right now, but the most important part of it is looking at this last column's probability of being rebuilt, and it's showing that it's not until 2032 that the probability of being rebuilt exceeds 50 percent, indicating kind of a long haul for rebuilding the stock, even if the fishery completely ceased. On that happy note, I will take any questions and comments from the group.

MS. MCCAWLEY: Great. Thank you for that PowerPoint. It was a great PowerPoint, even though it wasn't great news, and so are there questions on the PowerPoint? Brian, do we have any hands?

DR. CHEUVRONT: I am not seeing any yet. I am still looking, to see if any come up. No, I don't see any.

MS. MCCAWLEY: All right. Thank you, Brian. Thank you, Nikolai, for this PowerPoint.

DR. CRABTREE: I have a question about the projections that you've done. Are you assuming equal proportional reductions in the F s for both landed catch and for discards?

DR. KLIBANSKY: The reductions in discards are similar to the F .

DR. CRABTREE: Okay. Thanks.

DR. CHEUVRONT: There's nobody else, Jessica.

MS. MCCAWLEY: Nobody? Okay. All right. Thank you, Nikolai. Next up, I believe we have the SSC presentation. Genny, are you ready?

DR. NESSLAGE: I am. The SSC had the opportunity to review the red porgy assessment at our April meeting, and our overall conclusions were that the assessment did appropriately address the TORs, and it is the best scientific information available, and, thus, it provides an adequate basis for determining stock status and fishing level recommendations and that the uncertainty characterization was consistent with our expectations and the available information.

We were asked to comment on the factors that affect the reliability of stock status and fishing level recommendations. Throughout my presentation, I will come back to this issue, that the recruitment pattern for red porgy has a large effect on the projected catches and the rebuilding status, and I will elaborate on that more in a few slides, but we also wanted to point out that both fishery-dependent and independent data show fluctuations in age and size at maturity and growth rate for this fish, which could constrain the ability of the stock to rebuild, but, all that being said, the assessment was quite robust to all the uncertainties that were explored in the various sensitivity analyses that Nikolai ran.

We were also asked to comment on the risks and consequences of assessment uncertainties, especially with regard to stock status and fishing level recommendations. There were numerous uncertainties explored in the assessment, and, unfortunately, all of them were robust to the terminal recruitment estimates, and they were the lowest on record, and the terminal spawning stock

biomass estimate is also the lowest on record, and the current estimate of fishing mortality, which is above FMSY. We felt that, as I mentioned before, the uncertainty characterization was adequate for assessing the stock status and providing fishing level recommendations.

With regard to the factors that we thought most contribute to risk and that might impact stock status determinations and future yield predictions, we felt that the greatest contributor to risk is the recruitment pattern that red porgy are exhibiting, and may continue to exhibit, and uncertainty surrounding what that future recruitment might look like.

All that being said, this current stock status determination, overfished and overfishing, is unlikely to be affected by this recruitment uncertainty, and so the stock status, despite that uncertainty, is unlikely to be much different, but the future yield would be impacted by the recruitment time series, and so, if it continues to be low, obviously yields would be low, and, if that changes, obviously, the future of the status of the stock could be impacted.

We were asked to comment on if adequate rebuilding progress was being made and what reasons there might be for progress, or lack of progress, and how that might differ from the projections, and so we noted, as I'm sure you all noticed in Nikolai's presentation, that rebuilding progress for red porgy has been stifled by this steady decline in recruitment that's been observed since the 1990s.

Given that, we asked Nikolai to do an alternate projection using not the average recruitment across the time series, but the average recruitment in the last few years of the assessment model, and so 2015 to 2017, just to see what would happen if you had no fishing mortality and continued low current recruitment, and, unfortunately, that projection indicated that the stock could not be rebuilt to the current rebuilding target, and so that's again, even if there was no fishing pressure.

The SSC noted though that, despite that fact, we just wanted to point out that, although reducing directed fishing and minimizing discards for this fish may not guarantee rebuilding, it would allow the stock maximum rebuilding potential if the conditions that are limiting its recruitment right now were to change and improve.

Continuing on our comments on rebuilding progress, the SSC, as I will show you in a moment, is recommending an ABC based on 75 percent of FMSY in order to end overfishing, but we just wanted to point out that the projections, these projections, indicate that this ABC we're recommending will have only a very minor impact on stock rebuilding, and so it should help end overfishing, but it may not address the lack of rebuilding progress, and, if recruitment continues to be low, we may need to reevaluate how productive this stock is and what an appropriate set of benchmark reference points for rebuilding might be.

As you might imagine, we had some difficulties in applying the control rule, and red porgy is under a rebuilding plan, as you are all well aware, and, unfortunately, there's been little to no progress, largely given this low recruitment trend that we've seen, this decline in recruitment since the 1990s, and so the SSC recommends an alternative approach where we would use the projections that Nikolai ran with the average current recruitment from 2015 to 2017 and use those projections with an FMSY to set the OFL and 75 percent of FMSY to set the ABC, which, if you go to the next slide, in Table 5 in our report, which can be found on page 25, it contains the details of what that OFL and ABC recommendations would be.

We were also asked what indicators, or metric, we should be monitoring to keep an eye on the stock, and we recommend that the SERFS video trap survey index be closely monitored for any changes in age composition every year and that, if there's any indication of a recruitment pulse coming through, that might be a trigger for a new assessment, but, in general, overall, the SSC recommended an operational assessment be done within the next five years.

With regard to research recommendations, we were supportive of those found in the assessment report, but we were asked to highlight any that we thought would likely, most likely, reduce risk and uncertainty in the next assessment, and we recommend that priority be given to investigating and temporal trends in growth, sex at-age, and female maturity at-age.

Then we added a few research recommendations of our own for folks to consider, and they centered around investigating what the potential factors may be that are contributing to this low recruitment for red porgy, and so any studies that could be conducted that would look at egg production and quality, fertilization rate, juvenile survival, sex ratio, and/or age of -- Sorry. The size and/or age of sex transition for this species would be really helpful.

We also suggested that studies be conducted to see if males are establishing and maintaining territories as part of their spawning behavior, and then, finally, we thought it would be informative to investigate if there's any evidence for potential impacts of increased abundance of perhaps red lionfish or red snapper or any of the other piscivorous species that have shown recent increases in abundance and how that might be related to trends in red porgy.

We suggest that studies be done to try and quantify the extent to which there might be predation of juvenile red porgy by red lionfish and red snapper and what the potential impact on red porgy recruitment might be from that predation. Also, if it's possible to identify the extent to which competition for prey may be going on between red porgy and red snapper, and, in particular examining the diet composition of these two species and if there's any size overlaps for those prey items.

Then, finally, it would be good to explore to what extent the resurgence in red snapper might be co-occurring with the decline in red porgy and whether that's coincidental or whether there's a cause and effect going on there, and so those are our research recommendations, and that concludes my report, but I would be happy to answer any questions you might have.

MS. MCCAWLEY: Thank you, Genny.

MR. GRIMES: I just had a question, and I didn't see the presentation in the briefing materials, and I wondered if we could get a copy, please. Thank you.

MS. BROUWER: Shep, are you taking about Genny's presentation?

MR. GRIMES: Yes.

MS. BROUWER: That one is available under late materials.

MR. GRIMES: Okay. Then I missed it.

DR. CRABTREE: Genny, thanks for being with us virtually, and so, just so I understand, the ABC is assuming recruitment is based on the last three years or something like that?

DR. NESSLAGE: Yes, 2015 to 2017.

DR. CRABTREE: Okay. When we do projections to look at the rebuilding time and all of that, we would then use the spawner-recruit relationship, and did you all talk about that?

DR. NESSLAGE: I suppose it depends on how I guess confident you are that there will be a turnaround in this recruitment trend, and so, if you're pessimistic, you could use the recent recruitment, and, if you are optimistic, you can use the ones that are in the report, which would be using the average across the time series.

DR. NESSLAGE: The trouble is I think, if you use the recent recruitment, the stock will never rebuild, no matter how long you give it, and so, if we do -- It seems to me, if that's what you believe, then you have to redefine the reference points, because the productivity of the stock has been changed, and so I think what we've done in the past is set the catch levels based on the recent recruitment, and then, when we did the projections for the rebuilding time and all of that, we used the spawner-recruit to do that, but then we respond to the catch levels based on the recruitments we're actually observing, and then, I guess if we see these low recruitments persist for I don't know how long, but a few more years anyway, at some point we would have to look at if there's been a regime change and the productivity of the stock is just not going to go back to where it was. I guess that's something we'll have to think through with the Science Center, and then I'm sure you guys will be able to look at whatever we end up doing, to look at rebuilding times and things.

MS. MCCAWLEY: All right. Thank you, Genny. Myra, can you talk a little bit about what all the committee needs to do today so that we can give you guys direction for something to come back with at the September meeting? Do you mind starting that discussion, Myra?

MS. BROUWER: Not at all. Thank you, Jessica. Here, we would have to get into the same kind of discussion as for greater amberjack, if the committee would like us to start putting together an options paper to bring back to you in September with the recommended catch levels and anything else that you all might want to include, and we would want direction to get started on that.

MS. MCCAWLEY: Is there any way that you can scroll up and we can see what we did for amberjack? Committee members, thoughts or questions or comments?

DR. CRABTREE: Well, I think what we're going to need to do -- I mean, clearly, we're going to have to put in place new catch levels and modify the ACLs, and we could do that even through a framework or a plan amendment, and then it seems to me that we're also going to have to set up a new rebuilding plan, and so we're going to have to request some projections that look at time to rebuild and what is T min and T max and go through that exercise.

Then, because we have the FES involved in this, we've got the allocation issue here again, and so one approach would be to do a framework action, or an interim rule even, to reduce overfishing or end the overfishing that's going on, and then do a plan amendment to put in place a new rebuilding

plan and make whatever adjustments to the allocation that you think are appropriate, and I believe, Myra, that's kind of what we did with red grouper, wasn't it?

MS. BROUWER: Correct. That's exactly what you did.

DR. CRABTREE: So it seems to me that's our best plan.

MS. BROUWER: For red grouper though, there was no request for an interim rule. You did do that for golden tilefish, most recently, I believe, to go ahead and reduce the ACL to end overfishing, and then we started working on a framework amendment to implement the long-term catch levels.

DR. CRABTREE: I'm not married to an interim rule, and we could do a framework to do that, but it's just that -- I don't know if Monica or Shep, or which attorney we're working with here, but I know we can't do the allocation in a framework, and I'm not sure if we can do rebuilding plans in a framework or not, and I don't remember.

MS. BROUWER: I believe you can, since we recently did that for red grouper, and that was done through Regulatory Amendment 30, the adjustments to the rebuilding.

DR. CRABTREE: Okay, and so it's just the allocation that would need a plan amendment.

MS. MCCAWLEY: Thanks, Roy. I like that direction, and I guess let's first go to Shep, and then we'll go to Tim and then Mel.

MR. GRIMES: Thank you. Well, Myra, I think, covered it all, and so it's sort of up to the council as to whether you want to request an interim rule, and it seems to me to be quite a bit different than red grouper, in that you're in year-twenty-eight of a ten-year rebuilding plan already, and you're still overfished and undergoing overfishing, and so maybe there's more urgency. Thank you.

MS. MCCAWLEY: Thank you.

MR. BELL: My question was kind of about the interim rule approach, and that seemed to be, perhaps, appealing, if we wanted to try to get the ball rolling. As Shep pointed out, I guess the ball, some ball, has been rolling for a while, but would that be helpful in taking some action towards reducing the overfishing, and then that's just -- This is the piece I don't -- Is that good for 180 days, and that gives us time to start moving towards a framework or whatever, but how does that work, exactly?

MS. MCCAWLEY: I had that same question.

MS. BROUWER: I can address that, if you would like. The interim rule would be effective for 180 days, and then with the option for the council to request that it be extended for an additional 186 days, and so that gives you a full year during which to work on an amendment to put in permanent changes.

MR. CARMICHAEL: I was just going to ask Roy, I guess, if they envision that NMFS will give us a finding of inadequate rebuilding progress, because my understanding of Magnuson is, when you're not reaching your rebuilding goal, you either maintain at 75 percent FMSY, or, if it's

determined that we're making inadequate progress, then we redo the rebuilding plan, which I presume would start a two-year clock, and I think that was the case with red grouper, and, as I recall, it pretty much took us until near the end of that timeframe to get that amendment in, and so I guess, thinking of other things that are on the table and the conditions we're under now, I feel like we might be a little pressed to get an amendment done within the next 365 days to start with an emergency action and then get it all wrapped up in time. Again, I'm reflecting back on the red grouper situation, in particular.

MS. MCCAWLEY: Good point.

DR. CRABTREE: I think that's a good argument for perhaps doing a framework action to set the catch levels at a level that would end overfishing, and then that would give us more time to work on the plan amendment, and, because it's allocation and all, I suspect that we will need more time, and so that would seem to be a reasonable way to go.

The other thing about this is -- I mean, Shep is right that we've been in rebuilding plans for a long time and they haven't worked for red porgy, but the issue is not so much that the council didn't do its job, but the problem is that we've got these low recruitments that have been going on for I don't know how long, and I think it's at least fifteen years of low recruitment, ten years, and the reality is that, unless recruitment goes back up, the stock is not ever going to rebuild to where it was, and so we all need to bear in mind that we can do all we can, but things don't rebuild unless Mother Nature cooperates, and, if there's something that has changed about the environment that has reduced the productivity of red porgy, then it just may never rebuild back to what it was, and, at some point, we would have to redefine the reference points, but I think, for now, John, probably a framework to set catch levels and then an amendment to deal with the rebuilding and the allocation, and that might be a good plan.

MS. MCCAWLEY: Myra, do you mind capturing this on this document here? It sounds like what we're talking about is direction to start a framework to set catch level, and I guess I like how you said that, and I guess we don't need an options paper, and we can work on a framework.

MS. BROUWER: This should get us started.

MS. MCCAWLEY: Yes, that looks good, and thank you for starting us there. Are there other folks that want to comment on what Myra has here, or do we think that this captures the discussion adequately?

MR. CONKLIN: I think it captures the discussion. Unfortunately, this is going to be a tough situation, once again, and I agree with what Roy said about that, unless Mother Nature cooperates, we're not going to get any rebuilding done, and so we'll do what we can on our end, but that's all we can do.

MS. MCCAWLEY: Thank you, Chris.

MR. POLAND: I was basically going to say the same thing. I think this is fine, and we can move it on to September and hack away at it.

MS. MCCAWLEY: Would you like to make that in the form of a motion?

MR. CONKLIN: Yes, ma'am. **I move to direct staff to begin work on a framework amendment to end overfishing of red porgy and begin work on a plan amendment to address rebuilding and allocations, et cetera.**

MR. BELL: Second.

MS. MCCAWLEY: It's seconded by Mel.

DR. CHRISTIANSEN: I am going to call out the elephant in the room here probably for the recreational side, as usual, and are we just ignoring the fact that we have protected, unequivocally, the most aggressive predator on the ocean? Well, not the most aggressive, but on the ocean floor for ten years now, and, all of a sudden, we're reaping what we sow. The red snapper are eating everything on the bottom right now, everything, and, I mean, is that just going to be ignored, that we may have caused this problem and that it's not fishing?

MS. MCCAWLEY: I don't know how to respond to that, because I don't know --

DR. CHRISTIANSEN: It's more of a statement than a real response, but I just feel like I'm getting beat up left and right about this and seeing videos, and now we're talking about another reef fish that we have to rebuild, but I don't see the ability to rebuild this without taking care of what part of the potential problem is in addressing that.

MS. MCCAWLEY: Well, I appreciate those comments, Kyle.

DR. CHRISTIANSEN: I mean, part of our job, to me, is to relay what the fishermen are telling us, and I just think that we just -- We miss this part of the discussion part of the time, and I'm not trying to stir up anything, but, when you get the number of phone calls that I've gotten in the past two weeks, it's hard not to at least say something.

MS. MCCAWLEY: I appreciate you bringing it up, Kyle. We've got some others in the queue here. Roy, you're up.

DR. CRABTREE: Just, to Kyle's comment, I mean, that is something that we have talked about, Kyle, and it's not unique to the situation in the South Atlantic either, and we've had similar concerns raised about the grouper stock in the Gulf, particularly off the west coast of South Florida, where we've had a big resurgence of red snapper and we've had declines in grouper, and I don't think anybody can rule out that red snapper are having interactions with either species and that all this plays in, and it may in fact be that, as you rebuild red snapper, some other stocks decline, because there is only so much carbon out there.

The problem is that I don't think that anybody really fully understands what's going on, and the other thing that we've seen happen is a big increase in lionfish abundance over the last decade or so, and it's hard to say what the impact of that is on these other species. My memory, when I looked at the red porgy recruitment, is that the decline in their recruitment started before we were seeing the big surge in red snapper rebuilding, but there's really nothing in the Magnuson Act that would say that we can stop rebuilding red snapper because we don't like the way it has impacted red porgy, and, if there is a connection between the two stocks, we're returning things back to a

more -- What it was more like before we started fishing on all of these, but I don't dismiss that comment, and I think it's possible that there's something to that, and I just don't know what we can do with it or how we would figure that out at this point.

MS. MCCAWLEY: Thanks, Roy.

MR. BELL: To Kyle's point, well taken, and I sat in on the whole SSC meeting, and there was a lot of discussion about exactly what you're talking about, Kyle. It was like what else is going on out there, maybe, that might be from a standpoint of natural mortality or competition from other species, and so it's not something that was overlooked by any means. In fact, there was a good bit of email discussion and kind of stuff going back and forth with the SSC members afterwards about some of this, whether it was perhaps competition with red snapper, because they kind of tend to - - Part of their diet can overlap, and so maybe it's actually both of them feeding on the same prey items, or food, basically, and so competition for food source.

Roy mentioned the lionfish, and that was discussed, and perhaps preying on young, and so there's all sorts of things that could be going on in the ecosystem out there that are attributing to, well, we would just throw it as natural mortality, and we deal with fishing mortality, and that's the thing that we can kind of touch and regulate, but certainly that's not something that we're overlooking or the SSC overlooked, but it's a pretty tough nut to crack, and it requires a lot of additional data and looking at things, but certainly it's not something that we're ignoring.

MS. MCCAWLEY: Thanks, Mel.

MR. BREWER: I was thinking the exact same thing as Kyle, and I'm hearing the same things, and not from around here, because we don't really have red snapper off of Palm Beach County, but, as you go north, people are talking about the fact that they cannot get a bait down to the grouper, because of the red snapper and how aggressive they are, but, to me, this is another reason that would -- It just seems like we've gone too far with red snapper and that now we've got this huge resurgence in the biomass, and we're seeing -- It may not be related, but I will bet it is.

We're seeing the biomass of other species going down, because we have allowed a very aggressive predator to proliferate, and, to me, it's another reason that we really need to take a look at taking a few more of these red snapper out of the water. We're trying to save them, but I think there's a good argument that can be made that some of these fish need to be removed.

MS. MCCAWLEY: Thank you, Chester.

DR. CRABTREE: Well, I mean, I hear what you're saying, and I would just point out a couple of things. Yes, there is overlap between red snapper and red pogy, for sure, but I think, in general, red pogy are centered much more off of the Carolinas, particularly North Carolina, whereas red snapper are more centered off of north Florida and south Georgia, and so I don't know.

I have heard all these same arguments in the Gulf of Mexico, with grouper and all of this, but, if you look at what all of our scientists are telling us, red snapper is not rebuilt yet, and so we have a ways to go in terms of rebuilding, and so then you're getting at issues that are just inherent in the Magnuson Act and in terms of how all of these rebuilding plans interact in a multispecies fishery,

and I don't know how you get at those without getting into the statute and making changes, which is well beyond our scope.

MS. MCCAWLEY: Thanks, Roy.

DR. PORCH: I mean, I agree with Roy that there are a number of things that are worth looking into, including these inter-specific competitions, and even predation, and it hasn't gone unnoticed by the Center. In fact, we're making some plans to look into many of these very things, both in the Gulf of Mexico and the South Atlantic. However, I would remind folks that red snapper are unlikely to have been built to anywhere near the level that existed say back in the 1800s and 1900s, and so I wouldn't jump to the conclusion that the problem is all red snapper increases, because, again, red snapper are probably nowhere near the level that they were if you go back a hundred years or so, and so I wouldn't just assume that they are depressing the abundance of everything else.

MS. MCCAWLEY: Thanks, Clay.

MR. SAPP: I reached out to one of my headboat buddies down here, real quick, to see if he's still seeing the red porgies in the manner in which he used to, because where they catch them here is inside of where we see the few red snapper that we catch, which is just inside 200 foot of water, and he says that, yes, they are still seeing plenty when they can get around the gray triggers. When the gray triggers are biting bad, they don't catch any at all, and so that might support the thought that red snappers, if nothing else, are pushing them out of areas where guys usually catch those red porgies.

MS. MCCAWLEY: Thank you.

DR. CHRISTIANSEN: I don't want to go back and forth with Roy and Clay, but I do feel like I need to say at least one or two more little things, because this is what I'm hearing, and this is -- You know, we're the ones who get the phone calls from everybody, and, Clay, you mentioned back in the 1800s or the 1900s or a hundred years ago, and is that actually your goal? From that point, you guys have no clue what was there, nothing, and we could only go as far as we held our breath.

As far as Roy mentioned the scientists, and the science doesn't say this, and I'm going to use an example in my profession, and this is equivalent to the veterinarian who is looking at the paperwork, and all the dog's bloodwork is normal, but the patient is next to him taking his last breath. At some point, sometimes your paperwork is wrong. Sometimes you've got to turn and look at your actual patient and stop looking at your numbers, and this is a situation where somebody needs to stand up and say your numbers might be wrong.

I mean, I have video of recently three free divers, and they chum for ten minutes, and then they dive in the water, and they're in 150 feet of water, and they dive fifty feet down, and they swing around with the GoPro, and you can't count the number of red snapper that are over fifteen pounds, and I'm talking hundreds in a 360-degree view of fish that are coming up from the bottom, because they are that hungry, and I know you guys are going to tell me about your science and your paperwork and all that, and the real world is different, and sometimes we might want to listen to actual crowd science, and you guys are traditionally trained scientists here, traditionally trained

numbers people, and you're going to look at your numbers, but sometimes you might want to listen to the people that are out there every day.

MS. MCCAWLEY: Thank you, Kyle. We do have a motion on the board here, and it's been seconded, and we've had some good discussion. I think that we're ready to vote on this motion. **Is there any objection to this motion? This motion carries.**

This has been a good discussion on red porgy. Myra, I think that we have what we need on red porgy, and I'm going to suggest us taking a ten-minute break. When we come back, I believe that we'll be in Other Business, and we will be talking about the exempted fishing permit, and so a ten-minute break, and so remember, committee members, when you come back, to raise your hand to let us know that you're back.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: I think we're good to go ahead. Myra, I see you have your hand raised.

MS. BROUWER: Yes, and, if you don't mind, I wanted to see if we could just quickly go back to the directions to staff, and I know that you could potentially talk about the timing of these things during Executive Finance, but, the more guidance we can get, the better. My question is do you want both of these documents to come to you in September, or should we focus on the framework amendment, which could potentially be done as an abbreviated framework? We could bring that to you in September, and then the plan amendment, if we're going to do allocations and all of that, it's going to take a little bit longer, and so just some direction on what you expect from us to put together for the September meeting would be great. Thank you.

MS. MCCAWLEY: Thank you, Myra. Great questions, and so I was thinking the framework coming back to September and the plan amendment coming at a later date, but I'm also going to ask the committee if they were thinking the same thing, and so does anyone have any input on the timing here?

MR. BREWER: I don't think we ought to be doing two of these options papers at the same meeting, and so bringing the potential framework back in September and maybe the other one in December might work well.

MS. MCCAWLEY: Thank you, Chester. Are there any other hands raised?

MR. POLAND: I was just -- So what Chester just said, and so I guess bring this one back in September and amberjack back at a later date, and is that correct? Then, also, I've got a question, and I know we're working up against the timing with this one, and I guess that timing starts now, as far as end overfishing and rebuilding plans and that kind of stuff, and is that correct?

MS. MCCAWLEY: Let me clarify what I think Chester was saying, and so we were just talking about the two items for red porgy, and so, right now, we have two requests here, and one is a framework, and the other is a plan amendment, and so Myra was asking if we wanted to see both of those, and those are both for red porgy, back at the September meeting, and Chester was suggesting, as was I, that we bring the framework back to September, because it's more time

sensitive, and then a plan amendment maybe in December, and so we weren't talking about this relative to amberjack, but it was just the two items relative to red porgy.

MR. POLAND: Then, yes, I'm clear with that, and I'm fine with that. Thank you.

MS. MCCAWLEY: Thank you.

DR. CRABTREE: That makes sense to me, plus we'll need more projections and things for the plan amendment.

MS. MCCAWLEY: Thank you, Roy.

MR. BELL: I was just going to pile on and agree with you and Roy, and so that's a good way to go.

MS. MCCAWLEY: All right. Myra, do you think you have what you need here?

MS. BROUWER: Yes. Thank you very much.

MS. MCCAWLEY: All right. Next up on our list is the exempted fishing permit, which I believe are those -- It's Attachment 5a and 5b, and so what we're doing right now is we're going to receive a presentation on the exempted fishing permit, and you can ask questions, and we'll ultimately make a recommendation on the exempted fishing permit during Full Council, and so right now is just learning about this exempted fishing permit and getting questions answered. Myra, I'm not sure who is going to present this.

MS. BROUWER: We've got Brian Fluech and Kim Sawicki on the line, and I believe they're going to tag-team.

MR. FLUECH: Thanks, Myra. I appreciate it, and thank you for allowing us to get on the schedule. My name is Brian Fluech, and I'm the Associate Marine Extension Director with the University of Georgia's Marine Extension Sea Grant Program. I'm going to provide a broad overview of our proposed EFP related to ASBRS, or Acoustic Subsea Buoy Retrieval Systems, and Kim Sawicki -- Just to give you an idea, Kim Sawicki is our gear specialist, and she's a Fulbright Scholar who actually, for the past year, has been working over in the UK and Scotland and working on ropeless fishing gear systems.

I'm working with her, and then many of you know Captain Charlie Phillips, and he's a commercial fisherman and seafood dealer who does have some black sea bass endorsements, and so he's also been providing us with technical assistance related to the fishery.

Just so you know, just for reference, when I say ASBRS, usually people hear ropeless systems, but Acoustic Subsea Buoy Retrieval Systems, and this gear -- Basically, there's lots of different types of rope management systems, but, basically, in a nutshell, what they do is this gear stores buoys and retrieval devices at depth, and what they all have in common is the fact that they're activated via acoustic releases when the fishermen are present.

These devices actually aren't new, and the technology has actually been out there for several decades, both here in the United States, particularly up in the Northeast, where there has been a lot of testing of the gear related to lobster pots, but particularly in other places, the UK and Australia as well, and, really, the idea here is trying to -- Where you've got fisheries with time/area closures, trying to reduce that entanglement issue with protected species. Particularly, for us, it's going to be our right whales that come down and calve down in this region in the winter months.

Then, especially with black sea bass pots, where you do have vertical line, one of the things that we're looking at is the opportunity to try and continue minimizing that risk to potential whales, but also allow fishing opportunities, and, of course, the adaptation of this gear would help minimize that risk, but we also recognize that there's going to need to be an actual testing of that, and it's certainly not just whales, but it's bottlenose dolphins and sea turtles, and even manatees, potentially.

For the sake of this presentation, and we don't have time to go through each one of these, but you should have the reference material in the EFP, but there are a number of systems that are already currently out there that have actually either been on the market for a while or have been tested or are currently in the prototype stages, and you will see that each of these have their own websites that provide assistance, and this is where Kim also can provide some details, but, where it says gear type, really, what we're talking about there is the different types of rope management systems, because some of them do use lines, and some of them do not, but they do, again, have that shared characteristic of the acoustic signaling, and so I would recommend, if you haven't had a chance to look through this, to go over this a little bit more in depth.

Then, of course, with our current situation, but really in the context of this is to try to continue protecting right whales that do come down to the region, but, because of those concerns, obviously, there are time/area restrictions for black sea bass pots for the protection of the species, but the other reason we're looking at this too is just input we've gotten from fishermen on safety concerns, fishing in the winter months, as well as just the economics, when it comes to the prices of black sea bass, and so this is something that we're hoping ultimately could lead to a potential win/win situation for the conservation goals and for fishery management ones as well.

Again, we recognize that, as a starting point, there needs to be some type of performance analysis that examines both refining the gear and really trying to make it successful for fishermen and for managers and for conservation groups as well.

In a nutshell, what we're looking at is trying to examine the potential usefulness of ASBRS with the black sea bass pot fishery in a small geographic scale, recognizing there are going to be nuances between how people fish, how black sea bass is fished up in North Carolina versus down in our area, but we wanted to start at a small level, to be able just to get the gear out in the water and start testing it, and these broader research questions are ones that obviously we would be looking at beyond the scope of just this EFP, but making sure that deployments -- You know, are they successful in retrieval rates and time, and we realize that time is an important factor, and this is something that Kim has been doing with other fishermen around the world, because everybody's boat is different, even things from someone being left-handed to right-handed.

Really, her goal is trying to figure out how to maximize its use, and then, also, even from things of, once you get the gear onboard, about repacking and how that compares to standard singles that

we see here, and then, of course, just from a management aspect, what we're proposing in this EFP is a modified pot design, which I will show here in a few slides, and how that compares to traditional pots, but looking at bycatch that might come into that. I will say, for the catch, legal catch, it will be sold, which is outlined in the EFP.

Really, what we're looking at, there is two main testing cycles, and, really, you can see here is May and June, and what we're already starting to do is really just familiarizing our partners, and this is something that is, from day-one with Kim and I and Charlie, is trying to make this a collaborative effort, not only between the manufacturers, but the industry, as well as these other stakeholders, related to right whales and the fishery, but, again, what Kim has been doing is actually been doing a test off the dock and familiarizing fishermen with the gear, using mock-up traps that are right now currently allowable by law.

Some of the main reasons we're doing that is just easing the adaptation of the experimental design, just basically playing with the success rates of the deployments and retrievals with the acoustic signals and then just gaining additional information on the accuracy of the virtual marking which will be used, obviously, to retrieve that, and then, of course, the second part of this, and this would be if the EFP is issued, is actually testing the ASBRS with the modified gear and being able to compare it. Of course, something that we continue to do, and have been doing, is consulting with management, to make sure that any of their concerns were addressed, and so that was something that, even for the EFP, that we've continued to get feedback on.

Just a little bit of an idea of, once we had gotten the approval, the idea would be to fish both pots as singles, in the traditional configuration, as a comparison, both in inshore and offshore areas, and the map that you have here -- In the EFP, we actually have the coordinates listed, just to give you a better reference, but the plan then would also be to test out the experimental configurations, obviously without the vertical line, and so this is where we would be testing the different ASBRS system, and another key part of this is that virtual marking, to be able to evaluate that, and particularly with the analysis of the interoperability of the systems. That's one thing where working with the different industries, or the different manufacturers, is also playing an important role.

The next slide is just another area of what we're talking about, where we would be doing this, and, again, we've got, in the EFP, the specific coordinates, but I do want to mention the offshore component of the pentagon that was mentioned in there is outside the time/area closure, but within the outlined pentagon, and then, as well, we would not be fishing in any of the specialized management zones or, equally importantly, the North Atlantic Right Whale Critical Habitat Area, and so that is something that the EFP does outline in a little bit more detail.

Then the next slide -- Just, again, for the sake of time, these are the requested exemptions that we're looking at and that relate really, in a nutshell, to pot line markings, identification of pot gear, the gear marking requirements, and then the configuration restrictions as well as the buoy lines, and so, in the EFP, we have outlined how we're responding to those and how we would address it, but, particularly with the configuration, we have shown a model that we have put together, with input that we've gotten from industry members, and not just with Charlie, but with fishermen from North Carolina and Florida as well, and we want to make sure there's a design that would be practical, but using one ASBRS per trap might not be as efficient, and so we're trying to look at a

modification as ways to reduce procurement and implementation costs associated with using these and also making sure that we stay underneath the thirty-five-pot limit.

In this case, what it is is a mockup of four traps that would actually be connected, with wire connecting clips, and the second image, on the right, is actually showing a mockup of one of the ASBRS devices on top of it, and that is one of the things that we would actually be testing out for the EFP.

Then the last thing I want to -- This is where I'm going to let Kim answer, if there's questions, but there are six manufacturers that Kim has been talking with, and, even a couple of weeks ago, we did some demonstrations from some of our stakeholders at Charlie's dock, and, within the EFP, it actually provides an overview of just how each of these systems work, and, just for the sake of time, and I know it's the end of the day, and we can go into these, and that's why I know that Kim is on standby to answer any particular specific questions.

The last thing I was going to point out is this is what Kim has spent her time doing over the past year, testing the various gears, and so the next several slides actually show infographics, and we have descriptions of that, but we thought that we would stop here, just to see what types of questions we have, and this is where I would like to bring Kim on, if the group has questions, of course, but, otherwise, we figured that we would stop here and take questions.

MS. MCCAWLEY: Thank you, Brian. Committee, do you have questions?

MR. FLUECH: Kim just sent me a message that she's muted by the organizer.

MS. BROUWER: I will take care of it.

MR. FLUECH: Thank you.

MS. SAWICKI: Hi, everyone. This is Kim.

MR. BELL: Great presentation, and thanks. This is exciting stuff. I mean, this is, ultimately -- It's potentially a technology that could come into play in a fishery that, for those of us who were around for the black sea bass pot amendment, that was all, of course, about vertical lines at a time of year when dealing with right whale migrations and things, and so I can see how something like this would be a really useful thing in the future, and so a real quick question. I mean, it's already, obviously, commercially produced, and it's compatible with the standard sea bass trap designs, I guess, or approved, and, pricewise, is this something -- What do these things go for a unit?

MS. SAWICKI: The prices vary, and, actually, I've got a paper out right now that kind of gets into the different costs, because I have engaged all of the different manufacturers, and the prices are changing on a daily basis, due to orders and the economy of scale, and I can't give you an exact number, but I will tell you that costs of these devices has always been, and will always be, my number-one concern, just behind do they actually work, for fishermen, and so there are a bunch of different gears that are in the \$1,000-plus range, but there are some that are actually being shipped this week that were specially designed for the black sea bass fishery by some of the manufacturers to be low cost and to work specifically with the traps and the configurations we're looking at, and so I know that's not a cut-and-dried answer, but, again, we're working with this project and

manufacturers, to make sure that the price point for these is someplace reasonable and that it is something that could actually be realized in the black sea bass pot fishery.

MR. FLUECH: Just to build on that, that's one thing for our economist on staff, because he was pointing out that, right now, and that's part of the reason we're trying to start somewhere with this, but that's one thing that we're working with our economist to look at those price points that, based off the feedback we continue to get from the industry, to be able to take that information and some of the economic analysis to go back and say, look, this is going to be something that's practical, because, as Kim said, right now, who is going to be able to pay \$1,000 per trap, or per system, and so I think that's obviously work still being continued.

MR. WOODWARD: A couple of questions. When the trigger is deployed and the float or whatever is buoyant ascends to the surface, does the amount of line going to the surface stop, or does it deploy some predetermined length of line, and I'm just trying to just get an idea in my mind of how much play would there be between the pot and the float and the surface.

MS. SAWICKI: That actual length of line, in the designs that utilize that vertical line, can be adjusted by the fisher, and so, in an area say where you've got a lot more tide, and you might need to put a little extra line, it can be -- It's adjustable to whatever you need it to be, but, in a place that's got less tide, you obviously won't need as much line for that diagonal reach, if you're in some pretty ripping current.

MR. WOODWARD: My second question is is there, I guess, any way that the acoustic trigger could be accidentally deployed by some other input other than the fisherman's device, and I'm thinking about we've got all these fish swimming around out there with acoustic transmitters on them, and I'm sure that's going to happen, but I was just curious.

MS. SAWICKI: That's an awesome question, actually, Spud, and I get it a lot, and so the answer to the question is no. Nothing for any of the devices that I have worked with previous to this -- Those all have a very specific coded signal that they not only listen for, but, if they don't hear that, they won't deploy, and so, for example, let's say we had three of these, all in a close proximity to each other, and we signaled one of them. Only the one that is specific to that code would come up, and so you can't accidentally trigger it at all.

MR. WOODWARD: Thanks, Kim. Thanks, Brian.

MS. SAWICKI: Sure. No problem.

MR. BREWER: Since you're -- By the way, thank you for the presentation. Since you are experimenting with these things, to see the success rate, I'm assuming that you anticipate that some of these things aren't going to work, and you're going to lose traps, and do you have any provision in the traps for degradable panels or whatever, so that, if these things are sitting down there on the bottom, they don't continue to ghost fish indefinitely, and I will mute myself on that.

MS. SAWICKI: Great. Thanks so much for the question, Chester. Actually, all of the black sea bass pots themselves that are either going to be traditionally fished as the control traps or the modified traps all have every requirement that the federal requirements require for black sea bass

pots, and so they will have escape vents and those degradable panels, but, also, all of the systems that we'll be experimenting with also have what's called a time-gate release.

For example, in the past, and this happened on more than one occasion, when I was teaching a new fisher, someone who is new to the gear, how to set it, inevitably, he might make a mistake with exactly how it should go, and so there have been times when, due to human error, we haven't been able to get the gear back up with the acoustic signal, and so they all have what's called this time/date function, and so we will set that trap, the device actually itself, to come up at a specified time, and so, even if the acoustic fails, we'll still be able to get that device back to the surface, and, at least in the beginning phases of the testing, we'll be using a safety line, and so we will have some vertical line and buoys in the water on one of the traps, to make sure that, during that learning curve, that we're not leaving any marine debris behind or anything that might ghost fish, and so that is part of the research design, and I hope that answers your question.

MR. BREWER: It does. Thank you very much.

MS. SAWICKI: Great. Thanks.

MS. BECKWITH: Thank you for the presentation, and I had looked over this in the briefing book, and I was really interested, and I've learned quite a bit from the discussion. I don't have a question, but I would simply state that I would be in support of this EFP, and I think this is really interesting research with some great opportunities in the future, and so thank you for your presentation.

MR. FLUECH: Thank you, and one thing that Kim and I have said from day-one with this is, again, starting small, and we do want the inclusion of all stakeholders in this, because, if you've been following it up in the Northeast, the last thing -- We want this to be a win/win for the fishery and different groups, and so that's something else, just from the outreach perspective.

I am learning from Kim still on this, as we continue to move forward, but we invite you -- That's why we did the dock demonstration the other week, for people to actually see this and get their hands on it, because, I mean, that's one of the best ways to continue fine-tuning this, and particularly getting it in fishermen's hands, to really take out any steps that maybe aren't as necessary.

MS. MCCAWLEY: Before I go to Chris, I had a question, and so is there some type of camera, like a GoPro, on the trap, and I guess I was curious that what if you say didn't get any black sea bass in the trap, and I was wondering if you're just going to conclude that they aren't in the area or if you had a camera down there, and maybe they're not getting in the trap because it's partially obstructed by the system that is bringing it to the surface, and I just was curious what you were going to do and what you were thinking relative to having some type of camera on the pot, so you could see what's happening on the bottom and kind of how it was working.

MS. SAWICKI: Sure, and that's a great question, also. What we're doing right now is this is truly a self-funded pilot. Charlie has been supporting this, and so have some of my past research, and we are looking to borrow some devices to do that at some of the deeper depths, and we do have cameras that will make it to about eighty feet right now, and that should cover most of this area that we need to be working in in that pentagon, but this is a completely new and different way to fish a configuration of black sea bass pots, and so it's not just about -- I have a fairly great idea

that these gears, the ropeless gears, will be fine, and we haven't had any issues with them up until now, and I'm really almost more excited to work with changing this gear configuration, to see if we can sort of shorten that time that guys have to maybe be out there servicing thirty-five traps, as opposed to maybe eight groups of four, and so it's definitely on my mind, and hopefully we can borrow some decent cameras to go a little bit deeper, but that's definitely something that we're looking for in the future, should we be successful with this phase.

MS. MCCAWLEY: Thank you.

MR. CONKLIN: I like the idea, and I'm in full support of trying this out, and I think it could be real beneficial to several of the pot endorsement holders that need to fish back inshore, where the fish actually are, during the right whale migration, and so thanks a lot, Charlie, if you're on here, for putting this together, and Georgia Sea Grant as well. Thank you.

MR. FLUECH: Thanks for listening.

MR. GRINER: I think it's a great idea too, and I'm very interested to see how it works, and a couple of things that I wasn't clear about, especially when you just mentioned eighty feet, and so you're still going to deploy these in the areas that are outside of the pot prohibition for those dates, correct?

MS. SAWICKI: If you actually -- Myra, can you go to the map real quick, so I can show him? If you see, here in this pentagon, these two areas that are sort of straddling this one line, where it says offshore area, and I know it's kind of small, that's the area that is outside of the time/area closure, and so this is where guys, particularly Charlie, would have to travel in the winter to be able to get a place that he basically knows there aren't a lot of black sea bass in the winter anyway, but we're fishing that area with traditional gears, just to sort of have that control for this is, at least at this time of year, this is how much it costs to motor out there, and this is how much it takes in time, and these are the conditions in that area, while we're using not only the ropeless gears, but that four-by trap configuration.

Then, if you look just a smidge more inshore, that entire area that's to the left of that line is considered closed during a time/area closure, and so we'll be doing trials on both sides of that line, and does that make sense?

MR. GRINER: I think it does, but so that puts you inside the prohibited area is why you're doing your test, and is that correct?

MS. SAWICKI: Yes, but it's during a time when it's not prohibited, and so we would be doing it in September.

MR. GRINER: Okay. I understand now.

MR. FLUECH: It wouldn't be during the calving season for this.

MS. SAWICKI: That was a big thing with Protected Resources, who has been helping us put this together for the last two years, and they really wanted us to do a pilot, obviously, when there aren't

any whales present. Does anybody else have any other questions? These have been really, really good.

MR. GRINER: I did have one more. Will you be dropping these pots and then coming back to shore and then going back to pick them up, or are they going to be coming at the end of your trip?

MS. SAWICKI: We're going to fish them just like guys would have to fish them every day, and so we'll be soaking them, and we're going to be using between ninety minutes and a 120 minutes of soak time, and I know that's not traditionally what's done, but we're going to be staying right in the vicinity of all the traps, one to make sure that there is no interaction with any vessels, but also to make sure we don't miss anything, and so we'll be there on site with the traps and then bringing them back at the end of our trip, just like you guys normally have to.

MR. GRINER: Thank you.

MS. MCCAWLEY: Any more questions?

MR. FLUECH: I will say, at the end of the presentation, just past the infographics, there is Kim and I's contact information, and, again, Kim is the specialist of the gear, but, please, if there's additional questions, let us know.

MS. SAWICKI: I would be happy to talk about black bass pot fishing all day long, if anybody wants to talk.

MS. MCCAWLEY: Thank you both for the presentation.

MS. SAWICKI: Thanks for having us.

MS. MCCAWLEY: Thank you. All right, and so that was under Other Business for the Snapper Grouper Committee. Is there any other business to come before the Snapper Grouper Committee?

MR. BELL: Not necessarily other business, but we got the presentation, and were we supposed to comment on it or make a recommendation or a suggestion on it?

MS. MCCAWLEY: No, and that happens in Full Council.

MR. BELL: Gotcha.

MS. MCCAWLEY: So we now have a new procedure for EFPs, where we get the presentation on it earlier in the week, so that the public could talk about it during the public comment period, and then we make a recommendation during Full Council, after we've heard public comment.

MR. BELL: Right. I remember now. Thanks.

MS. MCCAWLEY: You're welcome. Any other Other Business? If there isn't any other snapper grouper business, I mentioned earlier that we wanted to go back to Dolphin Wahoo, to the discussion about the makeup of the AP.

(Whereupon, the meeting adjourned on June 9, 2020.)

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July 6, 2020

SAFMC June Council Meeting

Attendee Report: (6/8/20 - 6/11/20)

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