

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**FULL COUNCIL SESSION**

**Hilton Wilmington Riverside Hotel  
Wilmington, SC**

**December 4, 2008**

**DRAFT MINUTES**

**Council Members:**

Duane Harris, Chairman  
Robert Boyles  
Mark Robson  
George Geiger  
Anthony Iarocci  
Lt. Brian Sullivan  
John Wallace  
Vince O'Shea

David Cupka, Vice Chair  
Dr. Brian Chevront  
Dr. Roy Crabtree  
Mac Currin  
Rita Merritt  
Susan Shipman  
Tom Swatzel

**Council Staff:**

Bob Mahood  
Mike Collins  
Rick DeVactor  
Kim Iverson  
Julie O'Dell  
Kate Quigley

Gregg Waugh  
John Carmichael  
Dr. Andi Stephens  
Dr. Julie Neer  
Roger Pugliese

**Observers/Participants:**

Phil Steele  
Lt. Charlie Gris  
Otha Easley  
Tom Miller  
Eddie Cameron  
Chris Rilling  
Craig Cockeril  
David Heil  
Eileen Dougherty  
Holly Binns

Dr. Jack McGovern  
Kay Williams  
Dr. Tom Jamir  
John Adair  
Libby Fetherston  
Peter Cooper  
John Barber  
Ben Dewar  
Sera Drevenak  
Leda Dunmire

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The Council Session of the South Atlantic Fishery Management Council convened in the Cape Fear A Room of the Hilton Wilmington Riverside Hotel, Wilmington, North Carolina, Thursday morning, December 4, 2008, and was called to order at 11:30 o'clock a.m. by Chairman Duane Harris.

Mr. Harris: I'm going to call to order the December 4, 2008, meeting of the South Atlantic Fishery Management Council. Welcome; I'm glad everyone is here; especially a welcome to Kay Williams, representative from the Gulf of Mexico Council. Welcome, Kay, glad you're here, always good to see you. I don't know that there is anybody else that I need to introduce at this time. We will now have roll call.

Mr. Iarocci: Tony Iarocci, council member, Florida.

Ms. Williams: Kay Williams, Gulf Council.

Lt. Sullivan: Brian Sullivan, Coast Guard, District VII.

Mr. Swatzel: Tom Swatzel, council member, South Carolina.

Mr. O'Shea: Vince O'Shea, council member, Atlantic States Marine Fisheries Commission.

Mr. Boyles: Robert Boyles, council member, South Carolina.

Mr. Geiger: George Geiger, council member, Florida.

Mr. Wallace: John Wallace, council member, Georgia.

Mr. Chevront: Brian Chevront, council member, North Carolina.

Mr. Cupka: David Cupka, council member, South Carolina.

Mr. Mahood: Bob Mahood, council staff.

Mr. Currin: Mac Currin, council member, North Carolina.

Ms. Shipman: Susan Shipman, council member, Georgia.

Dr. Jamir: Tom Jamir, Southeast Fisheries Science Center.

Ms. Merritt: Rita Merritt, North Carolina council member.

Mr. Robson: Mark Robson, council member, Florida.

Dr. Crabtree: Roy Crabtree, National Marine Fisheries Service.

Ms. Smit-Brunello: Monica Smit-Brunello, NOAA General Counsel.

Mr. Steele: Phil Steele, National Marine Fisheries Service.

Mr. Harris: Thank you very much, everyone. You have the agenda in front of you. Without objection, we will approve the agenda if you will allow me to make some minor modifications in the order of the agenda. Is there any objection to that? Seeing none, the agenda is approved with some minor modifications.

The first item is the approval of the September 2008 meeting minutes. Are there any additions or corrections to those minutes? Seeing none, is there an objection to approval of those meeting minutes? Seeing none, those minutes are approved without objection.

We're going to skip over snapper grouper right now since that committee just ended and move on to the next item. The next item is supposed to be a presentation by the folks from FishSmart, but they had a meeting at 11:30 so we will entertain their presentation right after lunch.

At this time we will go into the committee reports, and the first committee report I will give, and that's the SOPPs Committee. The SOPPs Committee met the morning of December 2, 2008, in Wilmington, North Carolina. The minutes from the September 2008 committee meeting were approved.

Bob Mahood informed the committee that the proposed rule addressing regional councils' SOPPs has not been finalized, and consequently there were no actions for the council to take during this meeting. Therefore, no action was taken. That concludes my report. The next committee report is the AP Selection Committee. Mark, are you ready?

Mr. Robson: The AP Panel Selection Committee looked at some applications and reviewed applications for openings on its Coral, Deepwater Shrimp, Habitat and Environmental Protection, King and Spanish Mackerel, Shrimp and the Snapper Grouper Advisory Panels. All of those advisory panels, we had openings.

The committee reviewed a request by Joanna Walczak for a transfer from the Habitat AP to the Coral AP and recommended the request be denied. The committee recommended other applicants for seats on those various committees and approved the following motions:

**Motion Number 1 was to reappoint Clark Alexander, Sandra Brooke, Henry Feddern, David Gilliam, and Ken Nedimyer to the Coral AP and to advertise an open seat on the Coral AP for a scientist with experience or expertise in live bottom or hard bottom communities outside of coral. That seat will be readvertised. On behalf of the committee, I so move.** Is there any objection to the motion? Seeing none, the motion is approved.

**Motion Number 2 is to appoint Michael Merrifield to the Deepwater Shrimp AP, and on behalf of the AP Committee I so move.** Any objection to the motion? Seeing none, the motion is approved.

**Motion Number 3 is to appoint Zach Bowen to the King and Spanish Mackerel AP, and on behalf of the committee I so move.** Without objection, that motion is approved.

**Motion Number 4 to reappoint Scott Baker, Fred Dennis and Bob Jones to the Shrimp AP – these are current seats – and appoint Henry Skipper, Marilyn Solorzano and Janie Thomas. We would readvertise three remaining seats on the Shrimp AP, looking for some folks from North Carolina and South Carolina. On behalf of the committee, I so move.**

Mr. Cupka: Mr. Chairman, I think we have been in contact with Micah LaRoche since our AP Selection Committee and Micah has indicated a willingness to continue to serve and wants to do that so I would like to amend the motion, perhaps to add Micah LaRoche on there as a South Carolina representative on the Shrimp AP.

Mr. Robson: There is a motion to add Mr. LaRoche; is there a second? Seconded by Robert Boyles. Any discussion of that motion? John.

Mr. Wallace: Now, does that mean that we're going to have to readvertise for two remaining seats instead of three or is there a limit on the seats? Where does that go?

Mr. Robson: Yes, we would advertise two vacant seats now. Is there any discussion on the motion to include Mr. LaRoche? Seeing no discussion; seeing no opposition to the motion it passes. We will need to, I guess, **modify Motion 4 to readvertise two remaining seats specific to North Carolina and South Carolina, and on behalf of the committee, I would so move that amended motion.**

Mr. Boyles: David, wasn't that an amended motion, so do we need to move on the new motion now?

Mr. Cupka: Okay, I guess as the parliamentarian and as vice-chair, I need to get involved in here. Actually, my motion was to add Micah to that, but I did not amend it to reduce from three to two the number of seats that was discussed, but it wasn't part of the motion. I guess since we've already approved adding Micah, we could have another motion to advertise for two seats rather than three; and if you want me to, I would make that motion.

Mr. Robson: I certainly would entertain that motion; seconded by Robert Boyles. Any discussion on the motion? Seeing none, that motion is approved. **Motion Number 5, reappoint Tom Burgess to the Snapper Grouper AP, and on behalf of the committee I so move.** Any discussion? Any objection to the motion? If not, it passes.

**Motion Number 6 is to appoint Terry Gibson to the Habitat AP, and on behalf of the committee I so move.** Any discussion? The motion passes. **Motion Number 7 to appoint Kenny Fex, Paul Forsberg, Chris Decker, Blain Dickenson, Alan Leary and Rodney Smith to the Snapper Grouper AP, and on behalf of the AP Committee I so move.** Any discussion of the motion? Any objection to the motion? Seeing none, it passes.

**Motion Number 8 is to remove Robert Preston from the Golden Tilefish LAPP Workgroup, and on behalf of the committee I so move.** Any discussion of the motion? Any objection to the motion? It passes. Mr. Chairman, on behalf of the AP Committee that's my report.

Mr. Harris: Thank you, Mark, a lot of work went into that committee at this meeting and we appreciate it. The next committee report will be the Ecosystem-Based Management. Brian, are you ready?

Mr. Chevront: I'm ready. The Ecosystem-Based Management Committee met on December 2, 2008, in Wilmington, North Carolina. Roger Pugliese presented an overview of the Fishery Ecosystem Plan and indicated the document is ready for approval to go to public hearings. The committee approved the FEP for public hearings. We will get to that motion in a little bit.

The SSC did not provide any review comments on the FEP or the CE-BA due to a large number of assessments and the snapper grouper issues on their agenda. They will have the opportunity to review these documents during the public hearing phase. Gregg Waugh reviewed the CE-BA. He also reviewed the Coral and Habitat AP recommendations.

Those recommendations were the Habitat and Coral APs recommended that all the proposed Coral HAPCs be chosen at the preferred alternative. The AP supported establishment of the shrimp and golden crab allowable fishing areas. The APs did provide some additional recommendations on monitoring the Golden Crab Fishery. The APs recommended no action on the VMS requirement but supported opportunities to develop technologies to ensure compliance and adopt these through the Golden Crab FMP.

Bob Mahood reviewed the Law Enforcement AP comments. Concerns were expressed about the ability to enforce the proposed large closed harvest areas with the limited resources available. Closed areas are more enforceable if they are rectangular in shape as opposed to irregular shapes. The AP supported the use of lat/long boundary lines to delineate the closed area as opposed to bottom contour lines. It is expected that there will be a shift in fishing effort north and south of the closed area that will create other problems.

The committee took action on the Comprehensive Ecosystem-Based Amendment and approved the amendment for public hearing, and we've got the motion below. Roger then provided a status report on ecosystem coordination in the region through his involvement and participation in the following activities and programs: the Southeast Coastal Ocean Observing Regional Association (SECOORA); the Southeast Aquatic Resource Partnership (SARP); the Southeast Area Monitoring and Assessment Program (SEAMAP); the South Atlantic Habitat and Ecosystem Internet Map Server; and the South Atlantic Governors' Alliance.

Gregg Waugh then reviewed the draft list of items for scoping and the timeline, and the committee approved the list and timing. The committee approved the following motions:

**Motion Number 1: Approve the FEP for public hearing, and on behalf of the committee I so move. Any discussion on the motion? Any opposition to the motion? Seeing none, the motion carries.**

**Motion Number 2: Recommend approving Alternative 2 and all sub-alternatives as our preferred alternative, and on behalf of the committee I so move. Now, note that**

**Alternative 2 would establish five Coral Habitat Areas of Particular Concern. Is there any discussion on the motion? Any opposition to the motion? Seeing none, the motion carries.**

**Motion Number 3 is to amend our preferred alternative for Action 3 to create allowable golden crab fishing areas in Sub-Alternatives 2A-2C, and on behalf of the committee I so move. Is there any discussion on the motion? John.**

Mr. Wallace: Yes, I mean, I've just got the concern over we're creating these boxes with no way to enforce anything. I mean, I have a thing against creating laws that can't be enforced. I don't understand the rationale behind these boxes when it's going to be potentially open access, anyway.

Mr. Chevront: Any other comments? Otha.

Mr. Easley: I can agree with John whatsoever. In other words, I sympathize – I know we originally had VMS on there, and that is not going to work, but that is Motion 4. At this point John is right; we don't have much to enforce this motion with.

Mr. Chevront: Any other comments? Well, we have a motion on the floor, so is there opposition to the motion? Okay, I see one vote against; all the rest are for, so the motion carries.

**The fourth motion was to adopt no action at this time for Action 4, which is the VMS, but clearly indicate the council's intent to revisit technology for tracking placement of the gear. On behalf of the committee I so move. Is there any discussion on the motion? Any opposition to the motion? Seeing none, the motion carries.**

**Motion 5: Approve the CE-BA for public hearing, and on behalf of the committee I so move. Is there any discussion on the motion? Any opposition to the motion? There was one vote against, so motion carries as approved by the council.**

Ms. Smit-Brunello: I'm sorry to interrupt your report. My comments can wait until the end or we can discuss it now. I just want you to be aware that I would like you to give staff editorial license to get the document in shape for public hearing and put in the preferred alternatives as the council has chosen them. I also, in reviewing the document, think that we should be real clear that we're amending various FMPs to update the EFH mapping requirements and those sorts of things.

The document will be a little bit different when it goes to public hearing and hopefully by the next council meeting it will have been finalized for a DEIS, too, so if you will allow staff the latitude to put that information in there and make sure it's all up to proper standards.

Mr. Chevront: I would go ahead and entertain a motion to that effect at this time.

Mr. Harris: So moved.

Mr. Chevront: And seconded by Mr. Boyles. Motion made by Chairman Harris. The motion, as it is now, is to give the staff editorial license on the CE-BA in terms of preparing the document for public hearing, but I think it also includes, doesn't it, information about modifying the other plans.

Ms. Smit-Brunello: Actually, I think preparing the document for public hearings and DEIS will be fine.

**Mr. Chevront: And DEIS, okay. Just to make it clear, I'll read it now as it stands: give the staff editorial license on the CE-BA in terms of preparing the document for public hearings and DEIS filing. I just want to check with the maker of the motion and the seconder to make sure they agree with that. Both are nodding their heads yes. Is there any discussion on the motion? Any objection to the motion? Seeing none, the motion carries.**

**The last motion that was made by the committee was to take the items identified by the Coral and Habitat APs out to scoping. On behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Seeing none, the motion carries.**

In addition, the committee provided the following direction to staff: that the Gulf of Mexico FMC will have to approve the spiny lobster and coastal migratory pelagics (mackerel) portions of the CE-BA given that the EFH items amend those two joint fishery management plans. The committee directed staff to work with the Gulf Council and get this on the agenda for their next meeting.

The following items are being considered for the Comprehensive Ecosystem-Based Amendment. Scoping meetings will be held during the public hearings for the FEP, CE-BA and – well, it said Snapper Grouper Amendment 17, but I guess that also means 18 or whatever we have ready at that time – as scheduled for January or February 2009.

One is update EHF and EFH-HAPC designations as required by the final rule; potential modifications to the limit the take of octocorals; potential modifications to the limited take of *Sargassum*; potential modifications to octocoral reporting; potential for a lease program for octocoral culture; potential for allowing the take of the erect forms of *Briareum species* and *Erythropodium species*; potential for a permit system to harvest the invasive scleractinian coral species *Tubestrea coccinea*.

The public hearings are scheduled for January 26, 2009, in Charleston; January 27, 2009, in New Bern; February 3, 2009, in Key Largo; February 4, 2009, Cape Canaveral; and February 5, 2009, in Pooler, Georgia. Mr. Chairman that ends the committee's report.

Mr. Harris: Thank you, Brian, and congratulations. You accomplished what I could not during my term as chairman of that committee. I want to thank, once again, staff for the council and staff for the Southeast Region, and in particular our staff person, Karla Gore, for all the effort that went into preparing these two documents to get them to this point. Okay, Roy.

Dr. Crabtree: I just want to introduce Karla Gore because I haven't done that, and this is her first South Atlantic meeting. Karla comes to us from the Pacific Islands Regional Office where she has experience working on ecosystem-type plans and all. She has done a great job on helping us get this ready.

Mr. Harris: Thank you, Roy, and she was trained by Kitty Simons; is that correct?

Dr. Crabtree: The best.

Mr. Harris: Okay, thank you, Brian. Joint Executive/Finance Committee Report is next, and Dave Cupka, our vice-chair, is going to give that report.

Mr. Cupka: The Executive and Finance Committees met in joint session the morning of December 2, 2008, in Wilmington, North Carolina. The minutes from the September 15, 2008, joint Executive/Finance Committee were approved. The committee received presentations on the following agenda items:

First was in regard to our calendar year 2008 council budget. Bob referred the council to Attachments 1A and 1B. He reminded everyone how we had to develop our initial budget for FY-2008 prior to knowing exactly what our funding level would be and what has transpired subsequent to establishing that budget.

We did not receive the level of funding anticipated and have had to watch our expenditures very closely. He indicated that we will make it through the year with a surplus greater than had been reported at our September 2008 committee meetings. Based on what we have expended to date and known obligations for the rest of this year and the actual amount of funding the council received for this year, we should end the year with a balance of approximately \$104,000.

However, a significant portion of these funds, about \$59,000, are for two SEDAR procedural workshops that will not be held during 2008. The second agenda was in regards to the Presidential and Congressional FY-2009 budgets for the Department of Commerce. Congress did not pass the Department of Commerce Budget prior to the beginning of the October 1, 2008, fiscal year.

They are currently operating under a continuing resolution at FY-2008 budget levels. It is doubtful that next year's budget will be approved before the change of administrations and the continuing resolution will carry forward into next year. There are two potential FY-2009 budget scenarios being discussed.

These include, one, maintaining the current continuing resolution for the remainder of FY-2009; or, two, developing an omnibus spending bill for the FY-2009 budget. However, since we do not know what will happen or when, we are planning our activities based on Calendar Year 2008 funding levels.

The third agenda item was in regard to the Calendar Year 2009 and 2010 FMP, amendment, and framework timelines. The committee reviewed the Calendar Year 2009 to 2010 FMP,

amendment and framework timelines. No changes were made to the current timelines. However, changes made in regard to Snapper Grouper Amendment 17 and 18 subsequent to our committee meeting will require changes to the timeline. These will be incorporated by staff and we will receive the revised timeline at our March council meeting.

Fourth was the Calendar Year 2009 Activities Schedule. Bob provided the proposed Calendar Year 2009 Activities Schedule indicating the associated cost of the planned meetings. There was some discussion about the status of developing a Calico Scallop FMP, and Bob indicated funds and staff resources were not available at this time to proceed.

Also, development of the next Mackerel Amendment was discussed, along with the potential need for budgeted funds to meet jointly with the Gulf Council. Consideration of this funding will be addressed later in 2009 or in 2010 when it is expected the next council amendment will be developed.

Bob briefed the committee on SEDAR activities and the associated cost, indicating staff had prepared two SEDAR activity levels; the first with full funding and the second with a reduced cost funding. These have been provided to Bonnie Ponwith, Southeast Fisheries Science Center Director.

It was agreed that the Calendar Year 2009 Activities Schedule would be considered an interim schedule until it is determined how much funding the council will receive in FY-2009. The last agenda item we discussed was the Calendar Year 2009 Budget. Bob provided the committee with the proposed budget for next year, along with the anticipated funding sources. There was discussion about how the cost savings in the FY-2009 Budget were achieved, and Bob explained these to the committee and answered other specific questions relative to various budget line items.

It was pointed out that the Scientific and Statistical Committee Budget line had been increased to allow for a third SSC meeting during 2009. Bob requested the council consider this an interim working budget and not approve it at this time. The council agreed that the budget presented will be a placeholder working budget until such time as it is determined what the council's actual funding will be in FY-2009. There were no motions made by the committee, Mr. Chairman; so unless there are questions, that concludes my report.

Mr. Harris: Any questions for David? The next item on the agenda is the Spiny Lobster Committee.

Mr. Iarocci: We met on Tuesday. At the start of the meeting Phil Steele from the National Marine Fisheries Service reported on the status of the Import Amendment. Mark Robson also gave a state review on what the state of Florida was doing. There is a commission meeting going on this week and are addressing a lot of issues within the Spiny Lobster Fishery.

I reported on what was going on with the Lobster Trap Damage Study and the cleanup that the fishermen were taking upon themselves in the local waters and on top of the reef. The committee discussed the ACL Amendment. Kay Williams, the Gulf Council Liaison, reported

that the Gulf Council was addressing this in a generic ACL and AM Amendment. They will discuss this in January of '09 and conduct scoping in April of '09. We also discussed items for scoping that we will be taking out in the future.

The committee approved the following motion. On behalf of the committee I so move to proceed with scoping the above items for spiny lobster according to the time identified. Any discussion of this motion? Any objection to this motion? Seeing none, this motion is approved. I do want to say one of the items that was added to this was Number 6, the impacts from traps on elkhorn and staghorn coral.

It was discussed at the committee, so that we are now moving forward, I think there will be a lot of discussion. I have talked to people in this room. We're looking at ways to eliminate that damage as soon as possible. A lot of this will come up at scoping. With that, I conclude my report, Mr. Chairman.

Mr. Harris: Thank you, Tony. Rita, are you ready with the LAPP Committee Report?

Ms. Merritt: Yes, thank you, Mr. Chairman. The Limited Access Privilege Program Committee met on December 1, 2008, in Wilmington, North Carolina. The committee received a presentation from Kate Quigley, council staff, summarizing the results of the Golden Tilefish LAPP Workgroup meeting, which was held in late October in Charleston, South Carolina.

This presentation was followed by comments from Steve Shelley and Matt Ruby, Golden Tilefish LAPP Workgroup members, and Robert Cardin, who attended the meeting. The LAPP Committee also considered scoping for a Golden Tilefish LAPP. The committee received a request related by council staff made by three golden crab fishermen for a LAPP Workshop to consider a LAP Program for the Golden Crab Fishery. The LAPP Committee also considered scoping for a Golden Crab LAPP.

We received comments and questions from Paul Reiss, an active wreckfish fisherman, regarding possible changes considered for the Wreckfish IFQ, as well as we considered scoping for changes to the Wreckfish IFQ. We reviewed a letter from Dr. Pat Harris concerning the contribution of fish caught for research purposes by individual fishermen to fishermen's catch history when being considered for a LAP Program.

The committee made the following the motions: **Motion 1; we recommend to the council that a control date of December 1, 2008, be implemented for golden tilefish. On behalf of the committee I so move.** Susan.

Ms. Shipman: I just have a question for the National Marine Fisheries Service. Would it be better for us to amend the motion to modify the date until today, given that this is the date of the council meeting and we have the other motion in the snapper grouper that uses today's date? Would that be easier for publication purposes?

Ms. Smit-Brunello: I'll answer for the National Marine Fisheries Service. I don't know that it makes much difference. If you would like both of them to be on today's date, that's fine, but the committee met as of December 1, so I don't think that makes a great deal of difference.

**Ms. Shipman: Well, Madam Chairman, I would like to offer an amendment to the motion to change that date to December 4<sup>th</sup>.**

Mr. Boyles: Second.

Ms. Merritt: Are there any objections to the amendment? Seeing none, the motion is amended. Now, the motion, as amended, would read "we recommend to the council that a control of date of December 4, 2008, be implemented for golden fish. Are there any objections to that motion? Seeing none, that motion carries.

**Secondly, we made a motion that we recommend the Snapper Grouper Committee consider the average of 1986 to 2007 as an option for the commercial golden tilefish allocation in Amendment 17.**

Ms. Shipman: Madam Chairman, my question now is since that is moving over to Amendment 18, do we now need to amend the motion to reflect that change in the Snapper Grouper Committee's actions?

Mr. DeVactor: Actually, the golden tilefish allocation alternatives as all the allocation alternatives were not moved into 18 and it was just moved to the side and not being considered at this time. One of the concerns was due to the low level of recreational harvest that would be allowed.

Mr. Harris: There was no formal amendment to the motion.

Ms. Shipman: No, I just questioned whether we needed to do that.

Mr. Harris: So it's still a committee motion; it does not require a second. You can move it on behalf of the committee without a second.

Ms. Merritt: On behalf of the committee I so move. Are there objections to the motion? Seeing none, the motion carries. **The third motion was that the committee recommends the council scope for changes to the Wreckfish IFQ. On behalf of the committee I so move. Are there any objections? Seeing none, that motion is carried.** Mr. Chairman that concludes the report of the Limited Access Privilege Program Committee.

Mr. Harris: Thank you, Rita, good report. I appreciate all the efforts that you all have made in that regard. At this time we're going to break for lunch.

The Council Session of the South Atlantic Fishery Management Council convened in the Cape Fear A Room of the Hilton Wilmington Riverside Hotel, Wilmington, North Carolina, Thursday

afternoon, December 4, 2008, and was called to order at 1:30 o'clock p.m. by Chairman Duane Harris.

Mr. Harris: Before I call on Tom Miller to make a presentation about FishSmart, I forgot to do this at the beginning of the meeting, but I just want to officially thank the North Carolina delegation for their hospitality at this meeting. The reception and dinner aboard the Battleship North Carolina was phenomenal. It was a great experience so thank you all for that and thank you for the reception last night. (Applause) Rita, please thank Mike for all of his hard on our behalf.

Okay, at this time Tom Miller, John Adair and Eddie Cameron are going to make a presentation about FishSmart. Tom is going to come up here and then I think the guys that are with him are going to maybe sit at the mike and chime in at the appropriate time. Thank you for being here. Welcome.

Mr. Miller: Thank you, Mr. Chairman, and good afternoon, ladies and gentlemen. My name is Thomas Miller. I am a professor at the University of Maryland's Chesapeake Biological Lab. It's my honor today to present the results of a program we've called FishSmart, which has spent the last year working with stakeholders from up and down the coast from North Carolina to Florida to try and evaluate management options for the king mackerel.

The material on which this presentation is based was provided to the SSC. If you don't have access to it, there is the executive summary coming around on both sides of the table. I really don't need to tell you about the issues that fisheries managers face regarding conflicts among different stakeholders in trying to meet the goal of sustainable fisheries.

We tried a new process that was funded by the Gordon and Becky Moore Foundation. The central aims of this was to be as an inclusive a process as possible, to include stakeholders' views and stakeholders' vision for what an ideal fishery would look like and provide those stakeholders with the tools to make or to come up with options for management and to then ultimately rank those options as recommendations.

We had two broad goals; the first to promote and enhance conservation and recreational fisheries, and the second, as I said, to provide a process for as broad an inclusion of stakeholder views as possible. When I say "broad view", this is a partial list of the stakeholder groupings that we had on our workgroup, together with the organizations they represented.

We sought out, in fact, views of council staff, the views of a national steering committee that oversees our work, and views from the stakeholders themselves, leaders in the field of each one of these areas who would provide a broad view of the dynamics of the fishery and the desires of the individual stakeholders. We met four times over the course of a year, developed, as I said, a vision for the fishery.

The details of that were presented to the SSC on Monday. I know many of you were able to hear those presentations. What I want to concentrate on today and what I want to allow time for at the end is to look at the recommendations themselves, the six core recommendations that came out of this workgroup by consensus.

These were in fact unanimous recommendations by a group of eighteen stakeholders representing organizations as diverse as angling organizations, environmental NGOs, and tackle shops. The stakeholders used a numerical model that we as a scientific team developed for them to weigh alternative management options that they suggested. We did not provide them any of the options. We did not give them a list of possible pathways they could go down.

This is all generated by the stakeholders themselves. They initially described a vision for what an ideal king mackerel fishery could look like. They suggested a vision and they also recognized the constraints that they wanted to work under, and the principal constraint was minimize season closures.

To the largest extent possible we used parameters drawn from the recent SEDAR process and included new data from stakeholders such as the tournament groups that had not previously been used or available for analysis. As I said, all phases of the process were discussed widely, and we reached consensus with the input of a professional facilitation team from Florida State University.

The stakeholders wanted to consider options in two categories, what they called management regulations, including things like size and bag limits, and then voluntary behaviors that they could change. They were also astute enough to recognize that they could not come to the table today with voluntary recommendations as it were to promise to do something down the road. They were astute enough to recognize that they needed to come up with concrete and definite recommendations.

Here are their recommendations in terms of management recommendations. They believe, based on the work that they invested, that the current status quo will not be sustainable in a ten-to-fifteen year timeframe; that in fact that will lead to declining catches and the declining quality of fisheries.

Their consensus recommendations are before you, and all of these were equally preferred. There is no ranking in them: An 8 million pound quota with a two-fish bag limit coastwide and a 28-inch size limit; an 8 million pound quota and a two-fish bag limit coastwide; or an 8 million pound quota with a status quo bag limit and a 32-inch size limit.

Mr. Geiger: Tom, in regard to the 8 million pound quota; is that an 8 million pound quota for the recreational sector or is that an 8 million pound quota for king mackerel including the commercial and the recreational sector?

Mr. Miller: It's an 8 million pound total quota. Just to give you an idea of why they chose those particular recommendations, here are three charts. On the extreme left is spawning stock biomass for the three different recommendations and the status quo condition. The Y-axis of this graph is the projected SSB compared to the management reference point. Obviously, we want values to be greater than one in that case.

We want more spawning stock biomass than the reference point. We want them to be out of the pink zone. You will see, first of all, that the status quo condition, the 10 million pound quota and current size limits, leave us, according to the workgroup's findings, below the reference point in 15 years' time. Those three options they recommend all leave us above that reference point.

In the middle is the comparison to the F reference point. Under this condition we want to be below the F reference point. We want to be, again, out of the pink. Again, the status quo condition leaves us exceeding that threshold where the three recommended options are all below the critical value. And just to ensure that we were meeting their criteria of avoiding season closures, very few of the recommended options lead to the possibility of any season closure during the year.

They also felt that they wanted to comment on what they called management principles, and you'll see the three main recommendations on the screen in front of you. They recognized clearly that this is a stock that has dynamics that include both the Atlantic and the Gulf stocks, and it really cannot be considered in isolation on the Atlantic without considering what is going on in the Gulf.

They also felt very strongly that the catches in Mexican waters need to be included into future management advice. As you'll hear from the stakeholders in a minute, they have really valued the opportunity to provide input into management in a proactive sense rather than reacting to recommendations that result from the assessment or from the advisory panel themselves. I'm going to leave it there. I'll be happy to answer questions at the end, but I'm going to pass it over to two of our stakeholders who are on the end of the table, John Adair who is a charterboat captain from Florida and Eddie Cameron who is a tournament organizer from North Carolina.

Mr. Adair: My name is Captain John Adair. I'm an active charterboat captain and headboat operator out of Port Canaveral, Florida. I've been in the industry since I moved to Florida at the age of six. I've had a restricted species endorsement at one time in my life, so I'm very familiar with the king mackerel fishery. I felt it was an honor to be selected and to be able to participate in the FishSmart process.

Mr. Cameron: My name is Eddie Cameron. I am a tournament organizer in Morehead City, North Carolina.

Mr. Adair: Getting back, the first and foremost thing when we were selected to participate in Project FishSmart is it was our opportunity as stakeholders to participate in a proactive process that was not only educational for me but also rewarding and genuine. Everybody participated on an equal basis. We had professional meeting facilitators, and I can't tell you the value that they added to that meeting in keeping us on track and ensuring that we achieved consensus on what I consider to be very critical issues.

What we all agreed upon initially is that the fishery as it was to be for our kids and their kids beyond them, that's what we wanted to do in the FishSmart process is end up with a result that would end up in a fishery that was sustainable at a level that would support not only the recreational and tournament people but the commercial folks as well.

Mr. Cameron: I don't have a whole lot to add to that other than we had some pretty lengthy discussions and our lengthy discussions went full circle. All of these people were very professional in the way that they handled it. We started from Point A and went all the way around and back to Point A trying to discuss options from the ecosystem to the bait that these fish were chasing to what other options do we have. As Tom said, we wanted to take a proactive stance rather than a reactive stance to save this resource for the future.

Mr. Adair: Ben Hartig was one of our panel members, and I can't tell you how valuable a resource he was to us on behalf of the commercial fishing industry. Ben and I both suffered through the collapse of the fishery during the run-around gill net years. We understand what a very stressed resource is, and we know that the king mackerel fishery is on its way back.

I can tell you from just the day before yesterday fishing off a partyboat we had trouble getting iron to the bottom to catch snapper because the kingfish were eating the iron on the way down and back up. We've got a very robust fishery now and we want to maintain it that way. That's why we would hope that you would consider our recommendations on behalf of all the members of the committee.

Mr. Harris: Are there questions for these folks? Susan.

Ms. Shipman: The one I had pertains to the recreational fishery. Did you have any discussion of a slot limit in terms of size for king mackerel because of the mercury issue since the fish consumption guidelines set are associated with the larger fish?

Mr. Adair: Yes, ma'am, we did. In fact slot limits were discussed for a period of hours at one point, I think. Because the kingfish is pelagic and very hard to handle and at times dangerous to handle because of the teeth, getting them out of the water and measuring them for the slot would be difficult at best if the fish didn't fit within the slot to get them returned to the water alive.

Ms. Williams: I noticed up on the board that you had commercial fishermen on this panel. This 8 million pound TAC that I assume is supposed to include both commercial and recreational, but I haven't seen anything in any of your suggestions for commercial. What happens to the commercial fishermen?

Mr. Miller: We were charged or we took as a charge to come up with recommendations for the recreational fishery. We had a commercial fisherman on the workgroup representing those views, but we did not seek to try and develop recommendations for the commercial fishery itself. This was an effort to try and develop both a vision for what the recreational fishery could be and options to achieve that vision, thinking that the commercial fishermen would also go through a similar process.

Ms. Williams: One other question to both John and Eddie. It would be helpful for me to know how you feel the council process, with all of the various stages that they have for your participation, differs from FishSmart.

Mr. Adair: Okay, first of all, I'd like to go back to the commercial question that you asked. We considered the commercial industry very carefully. We also considered the harvesting methods that the commercial industry uses and realized that changing their size limit would be ludicrous because of the harvesting methods causing damage to the gill arches and stuff of fish that they actually did harvest, so their size limit would remain at 24 inches so that there would be no dead loss.

It also protected the commercial quota that they've been able to achieve in recent years out of that 8 million pound TAC, so it really wouldn't change their business, per se, and their business model or their ability to harvest what they've done would be protected not only at the size limit but at the levels of harvest that they've been able to maintain over recent years.

Mr. Chevront: I know a similar presentation was made to the SSC, and I'm assuming that any discussion that the SSC had about that will appear in their minutes or something. I remember I was there for part of that presentation; I just didn't recall what the SSC's comments were about that afterwards.

Mr. Harris: Yes, I didn't stay for the entire presentation either, Brian, so I don't know whether the SSC had discussion following the presentation or not. I think the presentation was made by someone else, Tom, and I don't know whether any of the three of you were here for that.

Mr. Miller: I wasn't here for the presentation. I talked extensively to my colleague Mike Wilberg, who gave the presentation, and I had his, albeit one-sided view of how the presentation went, but I would assume the SSC would provide their summary of it.

Mr. Cupka: Could you tell me a little bit more about how they arrived at the 8 million pound quota; is that based in part on opinion?

Mr. Miller: It was based on a desire to meet the management reference points, and so they looked at as wide a range of alternative ways of achieving those reference points as possible. They looked at a much wider range of size limits than we've shown you, a much wider range of bag limits. They considered, even they viewed it as unpalatable, season closures.

Those final recommendations represent a consensus of options that would achieve their goal. They also considered lower quotas as well, down as low as 4 million pounds, to look at the effect of those rules on both the abundance of king mackerel, the size structure of king mackerel and anticipated catch rates, so there was a much broader range of options considered than the three I have presented here.

In the spirit of the process we only brought forward those recommendations that reached a consensus, so 75 percent of all of the participants had to agree that this was the best option. In fact, all of the participants agreed that those three were the best options to bring forward. They were opinion but they very considered opinion. They were guided by the results of the model, and they compared them back to rigorous performance measures.

Mr. Cameron: I wanted to add to that. We also wanted to make sure that we did not have a closure. I mean, that was one of the things. We took a status quo and we said, "Okay, what is it going to take to not have closure", and this is what we came up with. Can I go back one more. We didn't answer one of her questions and I wanted to try to hit it. I won't be able to hit it very well, but I wanted to answer it before we left it.

She asked how does FishSmart Program compare with what they do now, and, unfortunately, as a tournament organizer I have never been asked to be involved in this process. I am very close to some others who are involved, and so I know a little bit but probably enough to get me in trouble.

I will say that the FishSmart Process started by asking what the stakeholders' goals, and we started out with those goals and worked backwards instead of trying to put a regulation on something that has gone astray. Again, what I think FishSmart is versus what some of – I know you are trying to make a proactive stance, but we tried to be very conservative in our numbers and make sure that it was a proactive stance instead of a reactive stance. Do you want to add to that?

Mr. Adair: Yes, I'd like to add to that. What we did very up front – and quotas, poundage, bag limits, creel limits, whatever you want to call it never even came up until towards the end of our process. The first two meetings that we went to basically was where do we want to get and how do we want to get there, and these facilitators helped us in that process.

We all agreed – and I'm talking commercial, environmentalists, tournament people, charterboat/headboat and recreational people agreed that we wanted a fishery to pass on to our heirs that would be much like what we had when we were children. That's why we took such a conservative approach. It wasn't about how much could we safely take from the resource; it's how much could we safely take from the resource and then add a little bit of cushion there as well for the inherent variabilities in the fishery.

I mean, every year there are variabilities in the fishery that cannot be accounted for in the current science as we see it. Not only that, we understand that the data collection process and the assessment; it's not flawed. It's just lacking because you just can't count every fish in the ocean. So we took a very conservative approach in looking at what we could sustain over time, a long period of time and account for those annual variabilities.

Ms. Merritt: I'm going to address my question to Eddie because Eddie is our tournament guy. I was sitting in on one of the SSCs where they did mention some difficulty in getting data. As you know, any data you can get helps. They did express difficulties getting data from tournaments. I'd kind of like to hear what your take is on what those difficulties might be and what might be improved in order to improve that.

Mr. Cameron: Okay, I am in charge of the Atlantic Beach King Mackerel Tournament, which at one time was the biggest on the east coast, second only to Florida. Randy Gregory is a biologist up in our area and Randy has done an extreme amount of work on the king mackerel

assessments. Randy did a lot of work in years past trying to get information from that, so I think it's just a matter of asking the tournaments to be involved.

I'm not sure how it came to be that it's hard to get it from tournaments because it's pretty easy to get it. All we have to do is dangle a little carrot out there in front of them and they will give us information, as much as we want. We generated list after list and we can – Jack Holmes from FKA has tournaments from Hatteras to Texas, and we certainly have all of his information. He is on this FishSmart Group and he certainly will be glad to help any informational process that we need. We can get that information, and I think it would be good to get it in the process.

Mr. Robson: Well, I guess my question is, is there anything that we need to do with this presentation and the recommendations as a council or should we fold it into considerations for the ACL Amendment at least in terms of looking at their recommendations? I mean, I don't know what we want to do as the council at this point.

Mr. Harris: Okay, George can have the last word. I guess I would say this; had I known that there would be management recommendations, we would have had this report given in the Mackerel Committee and we didn't do that.

Mr. Geiger: To Mark's point, we're going to go out with the ACL and we included as part of our Mackerel Committee a list of things to be included for scoping in the ACL, and certainly those suggestions and recommendations made by this group I think would constitute or be concluded as part of those recommendations. Gregg is indicating a thumb's up. You know, they did have Ben Hartig, but it was kind of a – these are more recreational recommendations and I think it is more appropriate to have them as part of the scoping as we move forward.

Mr. Mahood: I guess, Eddie, this question is for you. One of the issues that we've had – I mean, I can remember going way back on king mackerel because I actually did a study on king mackerel tournaments back I think maybe when I worked in Georgia. There is always this question of where do tournaments fall in the recreational and commercial realm; should tournaments be allowed to sell fish? Were these types of discussions held at the stakeholders' meetings?

Mr. Cameron: Yes, we went into those. We pretty much had – they are considered in the commercial realm right now, as I understand it, and that's where we left it. The tournaments wanted to be included in the discussions, and, again, we didn't go much further than to say, yes, they're qualified, but we were after how we're going to sustain this, whether it's tournaments or commercial or recreational. I mean, we were after the recreational sustainability. Does that answer your question somewhat?

Mr. Mahood: Well, I think it will be a question that will be debated on down the road, because I know it has been a question that the council has looked into several times; and I think, especially if we start looking at reduced quotas on the commercial side, there has to be some determination of where the tournaments fall; are the fish going to be recreational fish taken out of the recreational allocations or are they going to be commercial fish taken out of the commercial ACLs.

Mr. Cameron: One quick comment. Like I said, we do feel like that recreational has taken less out of the – we feel like that they are taking less out of the overall numbers, so we feel like that the commercial sector pull more, and we want to make sure that we realized that as a group.

Mr. Robson: I just wanted to say that I really appreciate the two gentlemen here and probably all the other folks that participated in this process. I think it's a good example of our stakeholders getting involved in the process, and I appreciate your efforts and your willingness to come and work through a process like this, I really do. I appreciate it and hopefully I'm speaking for everybody on the council.

Mr. Harris: Thank you, Mark. I do, too, I think it was a great process. I'm glad to see somebody taking the initiative to take an issue like this through this kind of a process. Eddie and John and Tom, we appreciate you being here. Since its Tom's presentation, I am going to give him the last word, and then we'll move on to the next subject on the agenda.

Mr. Miller: I'd best not say anything exciting, had I, so I don't get anymore questions. What we presented to you today are the six core recommendations that came out of the process. I'll emphasize that there are another eleven in the full package that you have in the material we provided, including comments on how the tournaments should be dealt with, including comments on mandatory reporting for tournaments, on how recreational fish should be dealt with in terms of their sale and other things. We did consider very thoroughly.

In closing, I'll just echo what was just said, that as a stock assessment scientist, I'm used to dealing with the data in a very dry, objective fashion, and it was a phenomenal experience to get the input of this diverse group of stakeholders throughout the process, the benefit from their knowledge in making recommendations that would change not only just the precision of an individual number in an assessment but would change the way we think about the assessment in general. It really did work remarkably well because of the effort these gentlemen invested.

Mr. Harris: Thanks very much. The next item on our agenda is the Mackerel Committee Report. Mr. Geiger, are you ready.

Mr. Geiger: Yes, sir, Mr. Chairman, I am, and I would like to thank you for entrusting me with the Mackerel Committee once again, and I hope we can do great things. Before I get into my report, I would also like to say that I spoke to a number of people who participated in this FishSmart Project, and everybody who participated had glowing reports of the process itself. It would be nice to see this move on possibly to other species.

The Mackerel Committee met on Tuesday, December 2<sup>nd</sup> in Wilmington, North Carolina. Unfortunately, in our excitement to get underway we had difficulty in linking our minutes from the "Read Me First Page", and the mackerel minutes were in fact located in the mackerel folder independently, and I wasn't able to catch that right off the bat. But they are there and certainly if there are any changes or corrections, we can accept those and make those changes on behalf of the committee.

We received a report from the SSC on two stock assessments; the first one being SEDAR 16, king mackerel. The SSC approved the recent SEDAR 16 King Mackerel Assessment as based on the best available science and advised us that management measures be formulated in accordance with the base assessment model run.

The SSC supports the conclusions of the review panel that the South Atlantic King Mackerel Stocks are not overfished. It is uncertain, however, whether overfishing is actually occurring, but if it is it is occurring at a low level. Discussions leading to this conclusion centered on three major topics.

First, the SSC focused on the review panel comments where they concluded that the base model run was a plausible representation of the king mackerel population. However, during that review they requested alternative model runs. They thought they were necessary to understand more fully the underlying uncertainty of the assessment. The SSC, however, in the end believed that the base model run provided more realistic results with respect to overfishing probabilities and recommends that it be used as the basis for management.

The second point, the review panel recommended that decision tables be prepared to capture the uncertainty, if possible, under various model scenarios. Unfortunately, the review panel was unable or did not provide any guidance as to how to compare the alternate approaches that were developed in that decision table.

Certainly, the SSC discussed the failure of the Stock Synthesis 3 Model to provide management benchmarks under the special constraints of the terms of reference. It was concluded that the model was not converging and really couldn't be used. Hence, the assessment proceeded using VPAs to independently model Gulf and South Atlantic Migratory Groups under a 50/50 mixing scenario.

The SSC suggests that in the future if the two stocks are to be modeled separately, the SS3 Model or another statistical model be used. Certainly, research recommendations were discussed at length, and a motion was made by the SSC to accept the King Mackerel Assessment as based on best available science and that the base model be used for management.

In regard to SEDAR 17, the Spanish Mackerel SEDAR, there was significant discussion about the review of Spanish mackerel. The two sources of uncertainty in the assessment were the historical recreational catches and the amount of mackerel bycatch in the Shrimp Fishery. The model could not determine whether or not the stock was overfished, and there was some discussion as to the overall robustness of the ratios. The SSC consensus was to agree with the findings of the review panel.

The committee also discussed the stock assessments amongst ourselves and the results for both king and Spanish mackerel; and given there is no overfishing, decided to address any changes through the Comprehensive ACL as opposed to using a framework methodology for making any changes at this time. In addition, the committee discussed items for scoping and approved the following motions:

**Motion Number 1: Move to address king mackerel changes in the Comprehensive ACL Amendment. Approved by the committee, and on behalf of the committee I so move. Any discussion on the motion? Seeing none, any objection to the motion? Seeing none, the motion carries.**

**Motion Number 2 was to address the Spanish mackerel changes in the Comprehensive Annual Catch Limit Amendment. It was approved by the committee and on behalf of the committee I so move. Any discussion? Any objection to the motion? Seeing none, that motion is approved.**

**Motion Number 3 was to approve the list of the items and timelines for scoping. That was approved by the committee and on behalf of the committee I so move. There is a list on Page 3 of minutes, so I'm not going to go through and read each of those particular items. Again, based on the presentation that we just received, I would accept or make a friendly amendment that the items that were identified by the FishSmart Group in their final report be added to the scoping items. We have a second to make that friendly amendment. On behalf of the committee I so move. Is there any discussion? Any objection? Ms. Merritt.**

Ms. Merritt: I think that when we do add those, we might want to perhaps parenthetically note that those recommendations did come from the FishSmart Workgroup.

Mr. Geiger: Excellent suggestion. Again, in so doing, I think the benefits of this; hopefully, this FishSmart Project will get publicized to the public and help facilitate that scoping process and get quicker buy-in from our king mackerel fishermen in the South Atlantic.

Ms. Shipman: Along those lines, can Kim include that in the next Newsletter. I think a story about that study would be a good feature.

Mr. Geiger: Another excellent suggestion and Kim is raising her hand and shaking her head that she will, in fact, do that. Any other discussion? Any objection to the motion? Seeing no objections, that motion carries. Mr. Chairman that completes my Mackerel Committee Report.

Mr. Harris: Thank you, George, good report. The next item on the agenda is the SEDAR Committee Report, and I will give that report. The SEDAR Committee met December 3, 2008, in Wilmington. The committee discussed the following items.

The first item was SEDAR 19, which is the South Atlantic Red Grouper and Gulf and South Atlantic Black Grouper. The committee was provided planning documents for SEDAR 19, including terms of reference, a project schedule and a list of suggested participants. The committee approved the schedule and terms of reference as presented.

Discussion regarding participant appointments centered around representation by fishermen and council members. It was agreed that AP and other fishermen appointments would be made following a closed session to review new applicants to the SEDAR pool. The committee discussed the need for representation by a council member from Florida given the importance of these species to that state.

The Florida representatives agreed to work with council staff to ensure adequate coverage. There were several other adjustments among technical representatives based on changes in state positions and recommendations of the SSC. The committee accepted these changes and gave staff leeway to work with the appropriate state representatives to finalize several appointments.

The committee was advised that no candidate is identified for the council-appointed member of the review panel. The SSC was asked to consider qualified individuals and provide suggestions to staff, which the committee will take up at a later meeting. The committee approved participants as modified.

Item 2 is the SEDAR Planning Schedule. The committee was provided the latest SEDAR Planning Schedule for review. Attention was drawn to the “to-be-determined slot” listed with black sea bass for SEDAR 24 in 2011. The committee was advised that the SSC suggested conducting black sea bass as an update and assessing several new species in SEDAR 24. Suggested candidates included white grunt, gray triggerfish, scamp and cobia.

The committee noted concern regarding landings’ trends in the Black Sea Bass Fishery and progress on the rebuilding plan and commented that conducting a benchmark of black sea bass provided an opportunity to go through the desired cycle of benchmark, then update, then benchmark within an approximately ten-year period.

Concern was expressed regarding cobia by several states. Therefore, the committee agreed for SEDAR 24 to maintain the black sea bass benchmark and add a benchmark for cobia. The committee was advised that Florida is interested in conducting a benchmark of yellowtail snapper in 2010 or 2011 rather than an update in 2009.

Florida technical staff agreed to lead the black grouper assessment and will participate in several Gulf of Mexico updates in 2009 and therefore is concerned with also accommodating yellowtail snapper in 2009. Also, conducting a benchmark will allow consideration of more advanced models that may resolve some issues identified in the original assessment. The committee directed staff to work with Florida in identifying an appropriate SEDAR slot to review a yellowtail benchmark such as SEDAR 20 or 26.

Item 3 is a report on SEDAR Methods Workshops. The committee received reports on the three SEDAR Methods Workshops organized to date. These addressed catchability, the Data Workshop Indices Group and the Caribbean data; also known as pot fish. Most of the discussion concerned the Catchability Workshop and the importance of this parameter in stock assessments.

Item 4, SEDAR 17 Report: The committee received a progress report on SEDAR 17 assessments of Spanish mackerel and vermilion snapper. Despite a contracted schedule and early concerns regarding the feasibility of conducting aging work in time for the data workshop, the assessments were completed successfully and approved by the review panel and the SSC.

SEDAR 16 research and data needs, Item 5: The committee received a report on the numerous research and data needs related to SEDAR 16, king mackerel. Many of these carry over from

previous mackerel assessments and are similar to recommendations from other stocks. The committee discussed the possibility of increasing sampling of mackerel tournaments and suggested providing the recreational data needs to the MRIP Program in a letter.

Item 6, recommendations for the next SEDAR Steering Committee: The committee suggested that the SEDAR Steering Committee consider meeting prior to the scheduled meeting in May 2009 to address procedural recommendations noted through SEDAR 16 and 17; to consider proposed scheduled changes for SEDAR 24 and yellowtail snapper; to consider means of increasing assessment production; to discuss SAFE reports; and to evaluate the goal of evaluating a species at least every five years.

Item 7, consideration of SEDAR pool applicants: The committee entered a closed session to consider applicants to the SEDAR pool. Richard Stiglitz and John Adair were added to the pool. The committee also appointed these individuals to the SEDAR 19 Data Workshop. Three AP members, Mark Marhefka, Don DeMaria and Bill Kelly, were appointed to all three SEDAR 19 workshops.

The committee recommended that future applicants for the SEDAR pool be handled through the AP Selection Committee and that they submit the same application as advisory panel applicants. I have several motions. **The first motion is to approve SEDAR 19 participants as modified and consider additional SEDAR pool applicants during closed session. That was approved by the committee and on behalf of the committee I so move. Is there discussion on the motion? Is there objection to the motion? Without objection, that motion is approved.**

**Motion Number 2: To approve SEDAR 19 terms of reference. On behalf of the committee I so move. Is there discussion on the motion? Is there objection to the motion? Without objection, that motion is approved.**

**Motion Number 3: Approve the SEDAR 19 schedule, and on behalf of the committee I so move. Is there discussion on the motion? Is there objection to the motion? Without objection, that motion is approved.**

**Motion Number 4: To address benchmark assessments for black sea bass and cobia in SEDAR 24 and on behalf of the committee I so move. Discussion on that motion? Is there objection to the motion? Seeing none, that motion is approved without objection.**

**Motion Number 5: To approve the SEDAR schedule with the identified changes, and on behalf of the committee I so move. Is there discussion on the motion? Is there objection to the motion? Without objection, that motion is approved.**

**Motion Number 6: Add Richard Stiglitz and John Adair to the SEDAR pool and on behalf of the committee I so move. Is there discussion on the motion? Any objection to the motion? Without objection, that motion is approved.**

**Motion Number 7: Appoint Mark Marhefka, Don DeMaria and Bill Kelly for all three SEDAR 19 workshops and appoint Richard Stiglitz and John Adair for the SEDAR 19**

**Data Workshop, and on behalf of the committee I so move. Is there discussion on the motion? Is there objection to the motion? Without objection, that motion is approved.**

That completes the SEDAR Committee Report. The next item we will have is a presentation by Chris Rilling on NOAA Fisheries EFH. Chris, come forward and introduce your other two folks that are with you, too, please.

Mr. Rilling: Thank you, Mr. Chairman. I would like to thank the council for giving us time on your agenda today. I would like to introduce my colleagues in the back, Peter Cooper and Craig Cockrell, who are here with me and have been instrumental in helping us with our Essential Fish Habitat Amendment as well as other rulemakings that we are working on.

As the chairman mentioned, we are here to present our Draft Amendment 1 to the Consolidated Highly Migratory Species Fishery Management Plan, which is an update of our Essential Fish Habitat Provisions. In the Highly Migratory Species Division we manage Atlantic tunas, swordfish, billfish and sharks. It comes to about 45 species, and we have a number of life stages essential fish habitat has to be identified for.

The EFH regulations specified this in 2002. The Magnuson Act actually first identified the requirement for EFH back in 1996, but these regulations came out in 2002 and further required fishery management councils as well as NMFS in the case of secretarial authority for certain highly migratory species to identify EFH for all life stages; to identify Habitat Areas of Particular Concern, or HAPCs; to identify fishing and non-fishing activities that might adversely affect essential fish habitat; to minimize those fishing impacts that are having more than a minimal and not temporary effect on EFH; and then, finally, to review all EFH information at least once every five years.

In terms of our timeline we published a Notice of Intent in November of 2006, and we held several scoping meetings in 2007, followed by a pre-draft which we published also in 2007, and then most recently we published a Notice of Availability for our Draft Environmental Impact Statement September 19<sup>th</sup> of this year. You will notice it doesn't say "proposed rule"; that's because we're not proposing any management measures. This isn't a regulatory action.

We're simply updating our essential fish habitat boundaries; and since we're not taking any measures to minimize fishing impacts, we didn't publish a proposed rule but rather a Notice of Availability. We had a 60-day comment period that was extended through December 12<sup>th</sup>, actually to accommodate this council since we have addressed all the other councils at this point. We're anticipating the final EIS to come next summer.

To give you a little bit of background on the history of EFH for highly migratory species, we first identified EFH in our 1999 FMP for Atlantic Tuna, Swordfish and Sharks, for those three species' groups. The original EFH descriptions and maps for each of the species were published using a geographic information system and hard copy maps in the FMP. We described several areas for HAPCs for sandbar sharks.

We updated EFH for five shark species in 2003 in Amendment 1 to Highly Migratory Species Fishery Management plan. Those species were sandbar, blacktip, dusky, nurse and finetooth.

We didn't update EFH for all species because we, at that point, didn't have sufficient information, but we did have information for these five species.

In 2006 we published our Consolidated Atlantic HMS FMP. In that document we compiled all the new information that had become available to us since 1999 when we first published those EFH boundaries. We produced hard copy maps of all the data with the points and did not, however, propose any changes to our EFH boundaries at that time.

What we were trying to do is just make all the information available and determine whether changes to any of those EFH boundaries might be warranted. In addition, in that 2006 FMP we described all the different fishing gears, both HMS gears and other gears that could potentially affect EFH. We also did a thorough analysis of all the non-fishing impacts on HMS EFH in that 2006 FMP.

That brings us to the current Draft Amendment 1 to the Consolidated Atlantic HMS FMP. In this FMP EFH for all Atlantic HMS species are proposed to be updated using a GIS or Geographic Information System to map each species and life stage. We're proposing a Habitat Area of Particular Concern for bluefin tuna spawning areas in the Gulf of Mexico, which I'll show you in a figure here shortly. In addition, we have analyzed fishing impacts primarily focused on bottom longline gear in the current amendment.

We considered a number of alternatives for updating essential fish habitat, a requirement through NEPA that we consider alternatives. Alternative 1, no action alternative, would have maintained the current boundaries, but as I mentioned in the Consolidated FMP we made a determination that some changes to our boundaries were warranted, primarily on the new information that has become available since 1999.

Alternative 2 would establish new EFH boundaries based on the highest concentration of a particular species by selecting high-count cells. In this approach and all of the following approaches we used GIS. We also used all of the data for each of the different alternatives. The data, I should mention, came from a number of sources, primarily the Pelagic Observer Program Data.

We also relied heavily on both fishery-independent longline surveys from the Northeast and Southeast Longline Surveys that occur every year. We relied on Cooperative Shark Tagging Program Data run out of the Northeast Apex Predators' Program for a lot of our shark species, particularly the pelagic sharks.

There has been an effort in the last few years to document shark nursery habitat areas along the Atlantic and Gulf coast. That resulted in a publication at the end of 2007, also directed by the Northeast Fishery Science Center, Dr. McCandless and Nancy Kohler. They did a very thorough analysis of all coastal pupping and nursery areas for all of the Atlantic and Gulf Coast Shark Species.

We relied very heavily on both that document and the data that was integral to developing that document. In Alternative 2 we merged points with a 10 by 10 grid and a scale was created to

reflect the number of points within each grid. We then selected the high-count cells to delineate new EFH boundaries. I won't go into a lot of detail on the maps that were produced in that approach primarily because that was not the preferred approach.

We felt that it was, in many ways, too subjective and relied on the individual person doing the delineations to create the resulting boundaries. Instead we opted for this Alternative 3, our preferred alternative, to establish our EFH boundaries based on what we referred to as a 95 percent probability boundary. This is done using Geographic Information System Spatial Analyst, which is an extension to GIS, as well as a tool referred to as Pott's Analysis Tools.

In this case and in this approach the individual data points are mapped and a probability boundary is generated based on those data points. In short, the 95 percent probability boundary includes on average 95 percent of the data points, and it provides a standardized reproducible and predictable method for establishing EFH boundaries.

There are a number of ways you can access the resulting boundaries. You can look at our hard copy DEIS. We also have links to all of our electronic maps on HMS Webpage, which is the second link there; and then third link, we have developed an interactive mapping site which allows you to actually go in and review individual boundaries for each of our highly migratory species. Here is the actual internet mapping site.

This was put together for us by our colleagues also at NOAA Fisheries with the Office of Habitat Conservation, so we're really indebted to them because they have put a tremendous amount of work and time and effort into developing this mapping program, which we then populated with our data.

The way this works is – as I mentioned, we have 45 species that we manage – if you click on the link on the left you can see all of the species, and you can select whatever species you're interested in looking at. Bluefin tuna always seems to be one in which there is a lot of interest. You can select the particular life stage that you're interested in looking at the proposed boundaries for.

In this case I'll select adult, but you also see that there is juvenile, eggs and larvae for which we haven't proposed any changes in the boundary, which is why it says "1999 only". Then we also have the HAPC alternatives for bluefin tuna, but I'll just look at the adult life stage. You will notice when I click on "adult", all the layers become active and you can see the actual species name, life stage and the size range that we're talking about when we're looking at these data points, as well as the resulting boundaries.

To use this, it's very simple. To see the preferred alternative boundary, simply click on the green. If you want to look at the points which were used for the basis of generating those probability boundaries, you can turn on the points. We also considered a number of different probability boundaries, which you can also look at. Those are not preferred, but we wanted to have those because they provide additional information on those core most important areas where the species tend to be most aggregated.

Again, in many ways I know this is a proxy for habitat. We're not specifically identifying habitat with this mapping program. We're using distribution data, but the underlying descriptions and the habitat profiles that are provided in our DEIS include the specific habitat requirements in terms of temperature ranges, locations, salinities, and sometimes depths.

For some of our shark species we do have specific habitat types that are described for some of our small coastal sharks, for instance, in the Gulf of Mexico that are dependent on submerged aquatic vegetation areas or sandy or mud bottom substrate, and then we did actually describe and characterize and map those specific habitat areas.

If you want to compare the boundaries with what is currently in existence, the blue areas, you simply turn on the 1999 EFH designation, which is below. One thing I should point out, for a lot of our highly migratory species we have data points that extend well out beyond the U.S. EEZ. As you can see here, a lot of bluefin tuna are caught out in the North Atlantic.

When we generated our 95 percent probability boundaries, we took those points into account; so if I turn on the 95 percent probability boundary, in yellow, you'll see that it includes those areas out in the Atlantic that potentially are important habitat areas, but we, through regulations, cannot identify as EFH. The Magnuson Act and the subsequent EFH regulations limit us to identifying EFH within the EEZ.

The preferred alternative boundary results from clipping the 95 percent probability boundary along the border of the EEZ. For some of our shark species, as I mentioned we relied really heavily on both some of the documents that have been published and our scientists in the northeast and southeast to help us determine areas for different species.

We actually looked at specific bays and estuaries where we know research had been done, and in many cases either included or excluded certain areas along the coast, depending on the scientific advice we were getting from our specialists regarding those particular species. That is the Internet Mapping Site. I think I have touched on everything here.

If you're interested, you can also look at various isobaths that you can load, and this is actually a very important tool for us because for some of our species we use these isobaths to delineate, say, the shoreward boundary line where we know certain species aren't found, say, within a hundred meters of shore or closer to shore than the hundred meter depth profile.

In some cases we would use these boundary markers to delineate our EFH boundaries. You can turn those on and off as you're reviewing some of these EFH boundaries to help you kind of get a sense of where you are along the coastline. All of the species are there and all of the maps can be reviewed, and we would appreciate any comments you might have on those.

Ms. Shipman: Mr. Chairman, my question has to do with going back to like on your juveniles, because I'm assuming your EFH boundaries are into the state waters and the estuaries. I was interested how you handled that.

Mr. Rilling: Well, EFH can be designated in state waters.

Ms. Shipman: Right, but in terms of I was just interested in an illustration of you did that.

Mr. Rilling: We used a NOAA-generated shoreline boundary that includes estuarine waters and coastal embayments. We used that as a tool to clip our EFH boundaries, so we generate the 95 percent probability boundary. Then where those EFH boundaries overlap with some of those bays and estuaries, we then clipped along the shoreline of those bays and estuaries using a NOAA-generated shoreline dataset. Does that make sense?

Ms. Shipman: Yes.

Mr. Rilling: So it follows the contour of a NOAA shoreline that has been generated for mapping purposes.

Ms. Shipman: And have you groundtruthed that with the state studies they may be doing on the shark nursery areas? For instance, we've got a pretty good-sized study going through Dr. Belcher, who heads up our SSC –

Mr. Rilling: We do.

Ms. Shipman: -- and other states. I guess some of that is being done in coordination with the Narragansett Lab or something.

Mr. Rilling: That is correct. The Shark Synthesis Document that was published at the end of 2007 was that cooperative effort you're talking about that is funded through CASPAN, Cooperative Atlantic States Shark Popping and Nursery Areas. They have been a part of our technical review team, not all of those scientists, but a number of those scientists, and they have been helping us to figure us which of those particular bays and estuaries should or should not be included in the EFH boundaries. Then the ones that they thought should be included, if they haven't already been included through our 95 percent probability boundary, then went in and manually added those particular areas.

Because we also have Habitat Areas of Particular Concern that we considered, these are normally based on a number of criteria. You have to meet at least one of these criteria in order to designate an HAPC. They're listed here. We looked at a number of different alternatives for HAPCs, and our preferred alternative, as I mentioned, is a HAPC for bluefin tuna spawning areas in the Gulf of Mexico.

This is the boundary in light blue overlaid on the current EFH boundary for bluefin tuna eggs, larval and spawning areas, so you can see the current '99 boundary for larval, spawning and eggs for bluefin tuna encompasses the entire Gulf of Mexico. We're trying to refine that area and acknowledge the importance of the central and western portions of the Gulf of Mexico in terms of bluefin tuna spawning.

We've used a number of datasets from a number of different researchers to try and figure out where those most important or most focused areas of spawning activity might be. What we tend

to find is that the data are very diffuse. The Gulf of Mexico is a very large area. Here we have a number of different datasets included. Larval surveys in the large green bubble are done along a grid.

The smaller dark green circles are adult bluefin tuna measuring greater than 231 centimeters collected through pelagic observer program data. Some of the smaller red circles are from the University of Southern Mississippi, Dr. Jim Franks and his colleagues who have done bluefin tuna larval sampling in the Gulf for several years now.

Then the large bull's-eye figure in the lower left is a recent publication by Dr. Steven Keogh and his colleagues. They were looking at a number of different characteristics of bluefin tuna spawning in the Gulf of Mexico and came up with that area which tends to indicate that the primary spawning area may be outside of the EEZ, so we couldn't designate an HAPC outside the EEZ in any regard.

The Gulf of Mexico is a very busy place. It's a difficult area to narrow down what specifically should be considered in an HAPC, so we went fairly broad. We looked at a number of other alternatives and for a number of reasons those were not further considered largely because they resulted in even greater or larger areas.

In terms of fishing activities and impacts on EFH we were required to evaluate potential adverse effects. If fishing impacts are determined to be having a negative effect that are more than minimal and not temporary, then we're required to minimize those adverse effects by proposing management measures. As I said at the outset, we haven't found that to be the case for any of the HMS-managed gears.

We did, in the Consolidated FMP, in 2006 determine that bottom longline gear is probably the most likely of all the HMS gears to have an effect on EFH, not necessarily HMS EFH, but we're also required to analyze the effects of our gears on other federally managed species EFH. In the case of the Gulf of Mexico Council they have designed some areas in the Florida Keys, coral reef areas as EFH.

We wanted to take a closer look at the potential overlap because that's what we're required to do in terms of the temporal and spatial overlap of our fishing effort on some of those coral reef areas. The first slide showed all of the sets that we have observed over many, many years in our Shark Bottom Longline Fishery; the blue dot indicating the beginning of the set and the red dot the end of the set, and a line connecting the two to get a sense of the spatial coverage.

This graph has eliminated all those set that didn't intersect coral reef habitat, and that narrows us down to approximately 17 sets over more than ten years. The observer program data ran from 1994 through 2006, and we found only 16 sets that intersected any known and geographically referenced coral reef areas when we extrapolate that based on prior fishing effort.

As you all know Amendment 2 to the FMP severely reduced the shark quota, the shark fishing effort, and now we're essentially down to a research fishery only for sandbar sharks in the

Atlantic Shark Fishery. There are some other non-sandbar LCS that are allowed to be retained, but the quotas have essentially been cut in half from what they were just a year ago.

Based on current fishing effort and fishing rates, we did not believe that bottom longline gear was going to have an effect on those coral reef areas that would be more than minimal and not temporary. That was our conclusion in this FMP, which is why we didn't propose any measures to limit bottom longline fishing impact.

As I mentioned, we had to look at a number non-fishing impacts. The two big ones that to me at least seemed to be on the horizon are renewable energy projects. There was an FR Notice published in November of last year detailing some fairly large-scale projects that could potentially occur along the Atlantic coast, off of Delaware, Maryland, New Jersey and even here in the Florida Straits.

This FR Notice for renewable energy projects is only looking at the technological feasibility and then in a data collection mode, but they are proposing some areas. If you aren't aware of those, it would be good to look at that. We have maps in our DEIS that show those different proposed site areas for renewable energy projects. Oil and gas exploration, as you all know, with the ban on OCS oil drilling having been lifted, has the potential to become a very big factor in sustainable fisheries and fish habitat, particularly in the Gulf of Mexico.

Here you see all the oil drilling platforms in relation to our bluefin tuna proposed HAPC. I believe a majority of the production is now coming from deep wells greater than 300 meters. Those are in red. There is clearly an effort to expand the oil production further out into the Gulf. Here you see the Mineral Management Service map of active lease sites in green, and you can see they're planning to extend themselves all the way to the EEZ, so a lot of effort going on in terms of oil development.

One of the big strengths of the EFH provision is that it gives us that oversight role to require a consultation on any federally managed, funded or undertaken projects that have the potential to affect EFH, and that would include oil and gas development off our coast. That concludes my EFH presentation. If you have any comments, here are some ways that you can send us some comments either electronically or via fax or you can always call us.

I also wanted to give, if you don't mind, Mr. Chairman, a brief update on the pelagic longline research that has been going on. As you all know, we have been underway with our research since February of this year in the Florida East Coast Closed Area and Charleston Bump Area conducting some research sets. We have tried to periodically provide you with some of that data.

It hasn't been moving along as quickly as we had hoped initially in part because there were some difficulties early on getting the observer coverage that we needed. Some of the research staff had to actually go through the training so that we could have NMFS-certified observers on board these vessels.

To date they have only conducted 53 sets. Thirteen of those have been inside closed areas, the Charleston Bump and Florida east coast. Here you see the number of different species, and we

have included everything here. Everything that has been caught, kept and retained or discarded either alive or dead is shown here. We also have recently published a Federal Register Notice of Intent that includes all of these numbers as well.

Inside the closed areas actually very few of non-targeted species have been captured; only one blue marlin; one white marlin; one sailfish released alive, three discarded dead; and two leatherback sea turtles that have been released alive. More of the fishing effort has occurred outside the closed areas, a total of 40 sets.

There you can see the number of species kept and released, quite a few bigeye tuna actually being kept outside the closed areas; and continuing on outside the closed areas some other species of note perhaps are 14 blue marlin released alive, 5 discarded dead; 4 white marlin released alive and 3 discarded dead; 1 loggerhead sea turtle released alive.

That is our update. I did want to mention to you that we published a Notice of Intent to issue exempted fishing permits for the coming year. That would be for 2009. It published on November 14<sup>th</sup>. The comment period on this ends December 12<sup>th</sup>. We received a request from our primary investigator conducting the research in the Florida East Coast to extend the boundary of the Florida East Coast Closed Area ten nautical miles to the west.

Here you see in dark pink the currently authorized area for them to conduct their research, and then in the lighter area to the left, that strip, that ten nautical mile-wide strip is the area that our primary investigator has asked us to extend the closed area research into. The reason for this is that in the southern portion of the area currently authorized to conduct pelagic longline research, they simply don't have enough room to set the gear, which many times is in lengths of 15 to 20 miles long, without it drifting or having the potential to drift into the Bahamian EEZ.

They're asking for that additional area on the western side of the currently authorized area to anchor those sets in slower moving water on the western side of the Gulf Stream; thereby giving them better control over the sets that they're doing. That is laid out in detail in the FR Notice. I have copies here that I can send around so that everybody can look at this in more detail. At this time, based on an analysis of the historical data from the Pelagic Longline Logbook and Observer Program Data from 1995 to 2000, you can see the sets in green that occurred during that time period in that expanded area, we determined that the catch of target and non-target species in this proposed area would be minimal.

Specifically, there were no reported interactions of sea turtles or marine mammals in the expanded area from 1995 to 2000; and on average one white marlin, four blue marlin and five sailfish were reported caught annually. There was an average of 90 swordfish kept and 45 discarded annually in this area.

NMFS is considering authorizing this request for the closed area boundary extension after conducting any necessary additional environmental analyses. With that, that concludes my presentation, Mr. Chairman. I would like to thank you again for giving us time on your agenda.

Mr. Harris: Thank you for being here once again. Kay and then George.

Ms. Williams: Chris, have you looked at or has the agency looked at what impact perhaps an aquaculture facility would have in that proposed EFH in the Gulf of Mexico?

Mr. Rilling: We have looked at some broad characteristics of aquaculture projects in terms of impacts on benthic habitat, potential decline in water quality and that sort of thing. We haven't analyzed that specifically in relation to that HAPC, no.

Ms. Williams: In hearing that, it may be something that you want to look at, especially if the Gulf approves their Aquaculture Amendment in January because there has been some interest in looking at that particular area or part of it.

Mr. Geiger: Chris, thank you for your report on that project. I guess you characterized the reason for the request of the extension to the west was because there was not enough room in the south to make a set. Why would they request an extension for the full area; why not just request it for the southern area to allow them to make a set; or, why not compress the area instead of including an area where you can't make a set and compressing the area to a physical geographic area where the sets can be made?

Is that the only basis on which the request for an extension to the west is being made? It doesn't sound like its scientific where there is a need to access more sampling. It's just you can't set to the south because it's geographically impossible because of the contraction or the constriction of the area.

Mr. Rilling: I think two things; one, they're trying to marry historical fishing effort and apparently they're trying to do it the way it has been done in the past, which is anchoring the sets in the west and then setting to the east. They are unable to do that currently with the Gulf Stream and the current boundary of the authorized research area.

The reason we had extended that boundary northward like that is simply for ease of locating where they're allowed to fish and where they aren't allowed fish. That's a thought to just extend it in the southern part of that area. But on the other hand we have also been encouraging our principal investigator and his vessels to fish throughout the area. We don't want them to focus all that fishing effort in the south, and they have assured us that there wouldn't be any increase in fishing effort.

There would be no additional vessels. They would simply continue to conduct the research the way they had planned throughout that area, the entire East Coast Closed Area and not just that southern portion. That's another reason that we thought it might be best to just extend that ten nautical mile boundary all the way north.

Mr. Geiger: Let me make sure I understand, then. The comment period covers two areas. One is the extension of the EFP for another year, and the second one is to extend the experimental area ten miles to the west?

Mr. Rilling: That is correct.

Mr. Geiger: So there are two actions?

Mr. Rilling: Yes.

Mr. Currin: Chris, I think you answered my question when you answered George's, but I just want to be sure. The primary reason to move that area ten miles to the left is to remove the anchored end of those sets from the current so that is moving back up closer to the shelf or somewhere – it's to enable them to anchor more effectively out of the current associated with the Gulf Stream, so that's why it is extended all the way to the north as opposed to creating an additional area to the south; is that correct?

Mr. Rilling: Well, not entirely. I think the current issue with the strong currents is primarily an issue in the southern portion of the research area, because I think the current sort of mirrors this bathymetry line that you see here. It is compressed right in here so the strongest current runs right through here; and if they're trying to anchor their set here and a set to the east, their set is just collapsing because this current is pushing that set to the north and the east.

The main area that is a concern is down here, but as you can also see from all the historical longline set locations, most of that effort has occurred in this area, so obviously they are trying to focus a larger proportion of their research effort down in this area and just have found that to not be feasible given the current boundary.

I don't necessarily think that we would need to have this ten nautical mile extension all the way north. I hadn't really thought of your comment, Mr. Geiger, about just cutting it off, say, down here and only allowing them that ten nautical mile extension in here. That is a possibility, but I don't think they would necessarily need it all the way up here if the Gulf Stream current is further to the west.

Mr. Currin: Thank you; that does answer my question.

Mr. Harris: Other questions for Chris? Tony.

Mr. Iarocci: Chris, is that area – and it looks like it could be – is that a conflict area with that new swordfish sportfishery; is that one of the main areas in that southern district there where a lot of those charterboats and pleasure boats are targeting swordfish day and night?

Mr. Rilling: My sense is that it hasn't been; that most of the fishing effort has occurred far to the west of the Gulf Stream; that they're not trying to get out near or beyond the Gulf Stream or the access where the currents are strongest, so I would say the potential for gear conflicts there is minimal.

Mr. Geiger: Again, thanks, Chris, for that presentation. The council has taken the position in the past opposing this experimental fishing permit. Again, I guess this is an extension of that EFP and it's up to us to decide and discuss I think whether or not we are still opposed or not, number one.

If based on the activity that we have seen and the mortality of other species we don't consider it critical and we don't have a problem with extending it a year, I would suggest that the extension to the west – you know, having no opposition to extending the permit for another year, I would certainly make a comment in regard to extending it ten miles to the west and constrain that ten-mile extension west to the lower quadrant in the experimental fishing area at the least.

Mr. Cupka: That was going to be my comment, George, that if, indeed, we don't want to continue objecting to it, we ought to at least suggest that westward extension be terminated further south and not carry all the way up.

Mr. Harris: Well, our objection was not I guess acted on affirmatively the last time, so I don't know whether you want to continue to object and have them ignore that perhaps now, but, George.

Mr. Geiger: Yes, to that point, Mr. Chairman, I think that it probably wasn't acted upon because we were commenting in supposition about things that we thought may occur, and now we have evidence of things that have occurred in terms of bycatch. I guess we could now comment in the affirmative that based on the bycatch and associated mortality associated with this project that we could be opposed based on fact now instead of supposition.

Mr. Harris: That is true. Does anybody care to make a motion to that effect? George.

**Mr. Geiger: I'll make a motion that we again express – based on the bycatch mortality associated with the EFP activities, that the council object to extending this program for another year.** If I can get some discussion, I'll ask another question.

Mr. Harris: Is there a second to the motion? Seconded by Dave Cupka. Discussion on the motion? Roy.

Dr. Crabtree: Well, just a question. I mean, are you saying, George, that the bycatch mortality that was just reported is higher than what you anticipated would happen?

Mr. Geiger: Well, we didn't know what was going to happen and now we do and it's high. It may not be to you but it could be to others. It's all relative.

Dr. Crabtree: And, Chris, isn't it the case that most of that fishing activity would have taken place just outside of that area, anyway? I didn't see that the bycatch numbers inside the area were any higher than those outside the area; is that correct?

Mr. Rilling: No, I think they're lower inside the closed area right now. The only one that might be higher is swordfish, actually, in the Charleston Bump area. The swordfish CPUEs there have been fairly high compared to some of the areas outside. But we've also only conducted approximately 20 percent of the research sets that were authorized.

We authorized 289 sets and we've only done 53 in part because, as I mentioned, it took a while to get up to speed with the hundred percent observer coverage requirement. I don't know that we

have enough information right now to really come to any solid conclusions and to me that would not be I think the best way to go.

Ms. Merritt: I think Roy's question was pretty much my feelings on it, what did we expect, and I think the whole purpose of getting the experimental fishing permit to begin with was to find out what the effects would be. That also the reason for why you have part of it on the inside and part of it on the outside is to find out what is working or not working. I think we need to give it a chance.

Mr. Currin: I did pay attention to the billfish interactions inside that area, Chris, and it was roughly one every two sets, if I calculated correctly. I think there were a total of I think six billfish encountered, some live and some dead that were encountered in thirteen sets. I don't recall the average encounter rate outside of the area although you put those numbers up. But that would be one way to look at the relative impact in that area.

Mr. Geiger: And in terms of discussion and a question, Chris, you say there were 289 sets, I believe you said, planned. Is that going to be the end of it, then, or what is going to happen then? There is going to be an evaluation and you're going to come back and open the area; and what is the determination I guess – again, what is the criteria?

We asked this question when we went into it; what is the criteria that's going to shut the fishery down Dr. Hogarth at the time, when he talked to the public, said that you had the ability to shut the project down within 24 hours if bycatch mortality was excessive, but nobody could identify what that number was.

That was part of the objection that we had originally was there were no scientific parameters that outlined what was excessive in the minds of HMS at Silver Spring and how that mechanism would in fact occur if we achieved the maximum number. Do you understand what I'm saying? We still don't know what is the maximum amount of bycatch for each of the species that you've encountered thus far within this EFP.

Mr. Rilling: Well, in terms of protected species it has only been three sea turtles. There have been no marine mammal interactions, no bluefin tuna interactions. In the environmental assessment that we did analyzing the potential impacts, we looked at what the catch rates of different species were prior to closure and they were, as you know, fairly high.

So that is sort of our benchmark. We certainly wouldn't want to exceed that number in terms of sea turtle bycatch or any other non-target species bycatch. We're nowhere near approaching what had actually occurred in that area prior to the closure. We just simply haven't had much fishing effort in there. And of the 289 sets only half of those are authorized within the closed area, so 145 sets, yes.

Mr. Geiger: And to that point, Mr. Chairman, I guess it would be interesting to see the numbers extrapolated out to the number of boats that actually fished it and how many sets they were making that produced what you just characterized as higher than what we have experienced in the EFP. If you take what is experienced in the EFP and apply those numbers to the fleet that was operating, what is the relative –

Mr. Rilling: I think that's exactly what we want to get it. We just got these numbers. This update came in as an interim report in October, at the end of October. That's the type of information and a report we're hoping to see from the principal investigator at the conclusion of this study, comparing the different rates, overall catches and that sort of thing, both historic and current.

Mr. Geiger: And not to be argumentative, but I'm going to be argumentative in that we were told that you could shut this down in 24 hours; and if it takes this long to get your final data, thank God this is the only interactions we've had because we wouldn't know it until this late in the process.

Mr. Robson: The Florida Fish and Wildlife Commission had previously provided written comments objecting to the issuance of the research permit, but my question is the motion currently is – I may have zoned out a little bit, but are we talking about needing to extend the project for another year to complete the initial estimated number of sets, and this motion doesn't address the issue of extending the area, so is that a different issue?

Mr. Harris: This motion does not address the extension of that ten-mile area. That would need to be captured in another motion.

Ms. Merritt: Chris, correct me if I'm wrong, but didn't we see some figures presented at HMS about the amount of discards in billfish tournaments and didn't they appear to be – the dead discards or I guess bycatch in the billfish tournaments was higher than what we're already seeing as a result of this number of sets in one billfish tournament?

Mr. Rilling: I'm not sure which numbers you're referring to, but just on the basis of how low the numbers are, I mean, one blue marlin and one white marlin caught inside the closed area, you know, that to me, yes, that would clearly be exceeded in many tournaments.

Mr. Boyles: Chris, thanks for the presentation on this; a couple of questions. The notice indicates that longline sets in Bahamian waters are prohibited. Can you help me understand; is this just Bahamian Fisheries Policy by which longline, that gear is prohibited?

Mr. Rilling: Yes, I think they have – I'm not sure exactly of the terminology – jurisdiction similar to what we have in our EEZ.

Mr. Boyles: Okay, and the second question; it just suggests to me that they could make gear modifications rather than seek the ten-mile westward extension; is that not feasible?

Mr. Rilling: That's something that I'm sure they considered. What they're trying to do, though, is keep it consistent, 500 hooks per set, and to mirror what has historically and actually what some of the current fishing practices are.

Mr. Chevront: Chris, again, thanks for the presentation. I realize the data that you showed us on 13 tows, that's still a relatively small number, but there are a couple of the discard issues or

the bycatch issues that are a little bit disturbing. If I recall correctly, there were two sea turtle interactions in 13 tows.

That comes out to about 15 percent of the tows are going to have a sea turtle interaction. Frankly, in most fisheries that is way above what would be acceptable. I realize that this is just a small number of tows right now, but I have to admit I'm a little bit disturbed – well, actually I'm pretty disturbed by that.

Mr. Geiger: Chris, could you put up the slide again on – I believe one of the slides said there were 175 swordfish landed and 56 were I think released dead. I don't think you release anything dead; I think they were thrown back dead or discarded dead.

Mr. Rilling: Is this slide you're referring to?

Mr. Geiger: Yes, 62 discarded dead, so 178 swordfish kept inside the closed areas. And, of course, one of the pretext under which this area was closed off was that it was a juvenile area and the preponderance of the swordfish in this area were all juveniles, and here we have 178 swordfish kept and 62 discarded dead. Now I would have to assume that they were discarded dead because – can you help us by filling in that blank?

Mr. Rilling: Well, yes, there is always a percentage of fish that come back to the vessel that are already dead at the side of the vessel.

Mr. Geiger: But you would be able to characterize those as being undersized?

Mr. Rilling: Yes.

Mr. Geiger: Is there a math major in the room; give me a percentage as to what the discarded dead undersized swordfish represents of 178 fish; about 33 percent. My real statistician says 40 percent. Thank you, Brian.

Mr. Harris: Is there further discussion of the motion? Is there objection to the motion? There are three objections. Let's vote. All in favor raise your hand; all opposed, same sign. Okay, there are four in opposition. The motion carries.

Mr. Crabtree: And one abstention.

Mr. Harris: And one abstention by Dr. Crabtree, I assume. George.

**Mr. Geiger: Mr. Chairman, I would like to make another motion. I would like to make a motion that if, in fact – how do we say this – our opposition is once again not acted on by the National Marine Fisheries Service HMS, that at least the ten-mile extension to the west be curtailed at the southern most – what would you call that, Chris – experimental block.**

**Mr. Rilling: Yes, I would say in the southern most portion of the currently authorized research area.**

Mr. Harris: Seconded by Mr. Cupka. Discussion on the motion? Rita.

Ms. Merritt: I would like to go back to my earlier statement. When we have closed areas, it seems to me it doesn't make sense if we don't go in and do studies and research to determine whether or not that was the right thing to do and what we need to do to go forth, if anything, if we should continue it or if we should make modifications to these closed areas.

That's why I think it's very important to have the research going on. If they are limited and find that this ten-mile extension is going to help them to get the data – you know, we're always looking for good data – we ought to be able to give them what they need in order to conduct it. It's a temporary point in time in order to get this data, and I think that they should get the tools that they need to accomplish the information.

If it's a mistake or if it winds up taking this big turn, then, you know, I hate that there is such a time delay in getting things shut down versus what Bill Hogarth said in getting this information, but nonetheless I still feel strongly that we should give them that support.

Mr. Geiger: Mr. Chairman, I understand Ms. Merritt's concerns and I acknowledge them. However, it was characterized by Mr. Rilling from HMS that this western extension was primarily to provide a sufficient anchoring point to allow the operators to operate outside of the current which is impacting their ability to make a set. When we talked about it, it was characterized that problem occurred in the southern most portion of the EFP. This motion, all it does is authorize them to do that in the area where they're having a problem and not in the area where they didn't characterize there to be a problem.

Mr. Cupka: That was the point I was going to ask about. It wasn't clear to me whether they had asked for that entire ten-mile extension throughout the whole range north to south or whether they had really just asked for the southern portion and you just extended it. I mean, I understand that what they really wanted was that southern area extension, but did they request the entire thing or did you just extend it?

Mr. Rilling: No, I think it's mainly an issue in the southern portion. We did it, again, for enforcement reasons, for transparency, ease of knowing where a vessel should or shouldn't be as opposed to having a little jog to the left in the southern – not to say that we can't do that, but I think we were looking at it just from a practical standpoint of what might be the simplest solution.

Mr. Cupka: If I may, Mr. Chairman, to that point, I was going to say, Rita that we are allowing them to do what they want to do. At least that was my understanding at the time that we really weren't taking anything away that they had asked for. This does give them the opportunity as I understand it.

Mr. Boyles: Chris, could you put your presentation back up. I'd like to see latitude grid again, if you would, please, and I'm just wondering if the council feels that we need to put some further specification on the motion that is on the table.

Mr. Rilling: It's in the Federal Register Notice. It would be extending it from 79/40 to 79/50.

Mr. Boyles: I'm looking at what I imagine is Ponce Inlet, the indentation, the line of latitude that is just south of there.

Mr. Rilling: Right, the line of latitude further south here is – the southern portion is right along 28; the next one up is 28/30, so this is 28/30.

Mr. Boyles: I wonder if we might specify “no further north than 29 degrees north latitude”; is that necessary? Chris, in your estimation and staff's estimation, would that provide the room?

Mr. Rilling: I would need to check with the principal investigator; I would think so.

Mr. Harris: Do you want to make that a perfection of the motion or a friendly amendment?

Mr. Boyles: I would offer it as such if it's necessary, just so the Service is clear on what the council's interests are.

Mr. Harris: Is that okay with the maker of the motion and okay with the seconder?

Mr. Geiger: Yes, sir.

Mr. Harris: Okay, further discussion on the motion as perfected? Brian.

Mr. Chevront: Chris, I understand that you want the ten-mile extension to the west for being able to anchor the gear. What is the bottom type like right there, especially during that southern area?

Mr. Rilling: I didn't mean to indicate bottom as in benthic anchor, but rather a pelagic anchor, you know, afloat in slower water.

Mr. Harris: Are there further comments on the motion? Yes, Mac.

Mr. Currin: Just for clarification, I thought that the primary request from the PI was for that southern most block; that 30 minutes in the southern most block, is that correct, or was it for the two most southern blocks, Chris?

Mr. Rilling: Without talking to the principal investigator, I know it's in the southern portion, but what I'm not sure about is how far north that's an issue. My sense is from the discussions that we've had with him that it is primarily focused in the southern most portion but, again, I'm not sure exactly how far north they might encounter that issue.

Mr. Harris: Is there any further discussion on the motion? Mac, did that address your question or do you need further clarification?

Mr. Currin: Well, Duane, I guess what I'm getting at is by stipulating 29 degrees we have included the two latitude blocks to the south; and if it's not necessary or it's not advantageous to the guys, then I would suggest that we not suggest that allowance. That's fine, I'm okay with 29 degrees, I guess.

Dr. Jamir: Just a point of clarification. Do you mean no further than 29 degrees north or south; no further north than 29 degrees north or no further south than 29 degrees north?

Ms. Shipman: North.

Mr. Rilling: That's 29 degrees north latitude.

Dr. Jamie: No further north or no further south than 29 degrees north?

Mr. Harris: I think that's the block. The block goes up. What we're trying to do is limit them to no further north than that particular block. Am I correct?

Ms. Shipman: Right.

Mr. Boyles: Just to Mac's point, we don't have to specify. I just thought it would be helpful for us to be clear about it, but I certainly see Mac's point, too. They may not need 29 degrees north.

Mr. Currin: Not to belabor it, but my suggestion would have been 28/30 because that would encompass just the southern most latitude block. Now, of course, that doesn't relate to anything, and as Chris said they may actually have a problem to the north of that, and nice round number would probably constrain it and allow them to deal with the problems that they have in the southern section.

Mr. Harris: Are you ready to vote on the motion? **The motion is if the experimental fishing permit is approved, then restrict fishing activities to the ten-mile extension to the west of the southern portion of the authorized research area (no further north than 29 degrees north latitude).** Is there objection to the motion? One objection; the motion is approved with one objection.

Dr. Crabtree: And one abstention.

Mr. Harris: And another abstention. Okay, Chris, thanks, again. They may not have been what you expected, but we appreciate you being here and giving us this presentation and keeping us apprised as to what is going on with this experimental fishing permit. John.

Mr. Wallace: One more question, Chris. Based on our new ecosystem with the Coral Habitat HAPC, does this have any bottom-tending gear involved in it?

Mr. Rilling: No, it doesn't; it's all pelagic longline gear.

Mr. Harris: Once again, thanks, Chris. Let's take a ten-minute break.

Mr. Harris: The next item we're going to take up is the Snapper Grouper Committee Report.

Mr. Currin: Thank you, Duane. The Snapper Grouper Committee met yesterday and earlier today as a committee of the whole, essentially. I'll try to keep my report as brief as possible. We received a couple of presentations; one from Kim on the Oculina Outreach update efforts there, and another from George Sedberry of Grays Reef about continuing efforts to identify a scientific research area at Grays Reef. They expect to come back in March and ask the council for action on that.

The SSC came in to report to us on three items, the Vermilion Snapper SEDAR Assessment; the Red Snapper Addendum, the reanalysis there; and their deliberations regarding Snapper Grouper Amendment 17. The SEDAR for vermilion snapper, the Southeast Fisheries Science Center had completed an addendum to the red snapper assessment because a couple of years of data were transposed in the original analysis.

The review panel was concerned about a poor stock/recruitment relationship that existed as well. The Science Center completed the new projections based on a 40 percent SPR proxy for FMSY and a fixed steepness of 0.68. Some concerns were raised by the council staff about how that impacted recruitment. There was an initial drop the first year quite different from an estimated recruitment in the previous year or two.

The SSC recommended that new short-term projections be produced based on a steepness of 0.95 and a 40 percent SPR proxy for FMSY. The SCC adopted the base runs of the vermilion snapper assessment which uses a fixed steepness of 0.56 associated with an F of 40 percent SPR. I think our entire committee got a good lesson in assessment modeling and steepness values and what those indicate.

There is not a lot of agreement on exactly how that relates to life history patterns or productivity patterns in various species. Some seem to think that there is a relationship or could be, and others think that at least one has not been identified so far. The current MFMT proxy for vermilion snapper is an F 30 percent SPR, and there was considerable, as I indicated, discussion of steepness values for both of those species. The SSC determined that the vermilion snapper assessment and the red snapper addendum were based on the best available science.

Regarding Amendment 17, the SSC withdrew all their previously presented ABC recommendations from their June meetings and kind of reset us on Amendment 17, and I'll speak more about that shortly. Regarding the vermilion snapper actions in Amendment 16, Gregg Waugh kind of brought us up to date on where we were.

We reviewed the actions in Amendment 16 that institutes the measures that allows the Regional Administrator to determine the actual vermilion snapper regulations based on the results of this new assessment which we received. We got into Amendment 17 and were kind of spinning around for a while trying to figure out how to proceed based on the actions of our SSC.

We didn't start totally over, but more or less did and certainly rearranged that document significantly and provided directions to the staff in terms of that amendment. The committee felt that the no action alternative should be expanded to include annual catch limits and accountability measures, essentially the status quo, those measure that are already in place in previous amendments.

Certain items were moved into a newly formed Amendment 18, and those list of items will be mentioned in a motion below. Actions in Amendment 18 will be taken to scoping in late January and early February. We also received from the LAPP Committee a motion regarding one that we previously talked about in council today.

Regarding the golden tilefish allocation alternative, their suggestion was to move it into 17. The Snapper Grouper Committee's recommendation was since 17 has changed significantly, that we would move that into 18 or consider those allocations as needed in the future. The allocations will not be in 18, but they will be considered as we consider allocations in the future.

We then talked about the Red Snapper Interim Rule, and the committee decided not to move forward to submit a Red Snapper Interim Rule request to NMFS at this time. The committee asked, however, that the council revisit this item at the next council meeting. For those in the public that aren't aware, we will not be holding a public comment period on the interim rule since it's not going forward at this time.

We also looked at the Comprehensive ACL Amendment. We have talked about that in some of the other committee meetings before. The Snapper Grouper Committee did not have any advice other than the measures that were outlined by the staff. The committee also reviewed a letter from Dr. Pat Harris.

His concerns were outlined in that letter concerning research projects and the inclusion of catch in the consideration of future catch shares, a concern on the part of the fishermen involved in that project. The committee directed staff to develop a letter to Dr. Harris to explain that any number of records may be used in the consideration of a LAPP in the future and that it is not the council's intent to discourage future cooperative research projects. We have three motions, I believe, perhaps a record for the Snapper Grouper Committee, on the small side, to this point.

**Motion 1 was to recommend the council establish or set a black sea bass control date of December 4, 2008, for the commercial pot fishery, and on behalf of the committee I so move. Discussion of that motion? Objection to that motion? Seeing none, that motion is approved.**

**Another motion to take the following items to scoping to be included in Amendment 18 to the Snapper Grouper Plan: One, to limit participation and effort in the Golden Tilefish Fishery, including endorsements and/or a limited access program in that fishery; two, limit the participation and effort in the Black Sea Bass Fishery; three, to extend the fisheries management unit range and designate EFH in that new area; four, to separate the snowy grouper quota into regions or states; five, to change the golden tilefish fishing year –**

**several options associated with that – and, six, improvements to data reporting.** On behalf of the committee I so move. Is there discussion of that motion. Brian.

Mr. Chevront: Mac, I thought of this later after the committee met. Is there any advantage at this point for gag to consider having the quota broken into regions or states like we have considered for snowy grouper? I think that might be something that might be worthwhile considering.

Mr. Currin: You mean as a part of Amendment 18 –

Mr. Chevront: Yes.

Mr. Currin: -- would be that suggestion? It was not discussed, as you well know, in the Snapper Grouper Committee. If that's something that the council would like to add as a measure to be scoped in Amendment 18, I presume that could be done.

Mr. Chevront: Can I offer an amendment to this motion, then?

Mr. Currin: I'll tell you what, it may be cleaner if we go ahead and approve this motion and –

Mr. Chevront: And then do a separate motion.

Mr. Currin: -- and then have another motion that we can discuss and not tie up these, if that would suit everybody.

Mr. Chevront: Okay, that's fine.

Mr. Currin: Further discussion on the motion that has been read and offered? Any objection to that motion? I see none; that motion is approved. Brian.

**Mr. Chevront: I would like to make a motion that we take to scoping to be included in Amendment 18 to separate out the gag quota into regions and states.**

Mr. Currin: Motion by Brian to scope the idea of breaking the gag quota into perhaps region or state quotas. Is there a second? Seconded by Rita. Discussion? Duane.

Mr. Harris: Mr. Chairman, I would speak against the motion. I'm not a fan of separating something like gag out into state-by-state quotas. I think that is the wrong thing to do. Now if you want to take it out scoping, that's one thing, but I'm going to argument against it when it ever comes up before the committee for a decision.

Mr. Currin: Yes, Duane, and for everyone's benefit, if you don't recall, it was an option that was considered in Amendment 16 and was sent to the considered but rejected appendix there.

Ms. Merritt: We've heard this in several e-mails and we've heard it in some public comments, and I just felt like we needed to recognize the fact that there is such a disparate method of fishing

between the north and the south of the South Atlantic. At least bringing it out in scoping will help us to have more time to think about it and think of that as an option.

Mr. Wallace: Aren't we doing something similar to what Brian requested or this motion requests on red snapper? We're fixing to do a regional closure on the red snapper or some of the alternatives is suggesting a regional closure on red snapper. What is the difference?

Dr. Crabtree: It just seems that we just went through this. If you recall, when you looked at – assuming there is a four-month closure, as I recall, the catches were pretty even amongst the months and there didn't seem to be any real disparity. I don't know; you can do this if you want, but it seems like we just went through – at least we have the analysis all done and up to date.

Mr. Currin: Yes, the analysis will be easy. Brian.

Mr. Chevront: Maybe it might help if I clarify as to why I've brought this up again. Frankly, I am concerned about the status of the recreational catch for North Carolina when we've got some indication that perhaps Florida may not go along and implement everything that the council is requesting on this.

What I'm trying to do is to make sure that there is going to be fish to be caught in the northern states where the fishery doesn't start until probably about May. The reason why we dropped it out of the previous amendment was exactly what Roy had said; assuming that everybody went along with the four-month closure, then there was no need for a state-by-state or regional quota, but I think we have some indication that Florida may not go along with this. Frankly, I'm trying to protect the interest of my state.

Mr. Currin: Thank, Brian, and I assume that since you only indicated, but that would carry forward with associated species as it did in 16 for reds in particular for North Carolina.

Dr. Crabtree: But this is the commercial fishery, this motion. There is no recreational gag quota. This motion would only apply to the commercial fishery, right?

Mr. Chevront: I intended this really to apply to the recreational fishery and not the commercial fishery.

Dr. Crabtree: Well, there is no recreational gag quota. I mean, we will have I guess a recreational ACL in Amendment 17, but at least in Amendment 16 there wasn't a recreational gag quota.

Mr. Chevront: Well, if I should be saying "gag recreational ACL" to clarify that, then that's what – I would like to modify my motion. I mean, you understand where I'm trying to head with this, right, Roy?

Dr. Crabtree: Well, I do, but I think that would need to be in Amendment 17 because that would be relevant to setting up the gag ACL, which is going to be – I mean, that was the amendment

where we were trying to deal with that, but what we had decided was we are going to stand by – all right, I guess you could do it in either one of these if you wanted to.

Mr. Chevront: If it's more appropriate to put it in 17, that's fine, but –

Dr. Crabtree: I don't know.

Mr. Currin: Susan, did you have something?

Ms. Shipman: Yes, Roy covered that. The word "quota" implies commercial. The only reservation I have is the gag clearly are migrating. Those fish that are being targeted off of Florida during a spawning aggregation are fish that are coming back to the north, so you're really getting a regional – I mean, truly regional management in my mind is the way to go with gag. I don't mind scoping it, but I think it's going to be difficult. We need everybody to be going along with the same measures.

Mr. Chevront: Right. You know, should everybody go along with the measures, then this becomes irrelevant; I agree.

Mr. Currin: George, did you have a point to make on this?

Mr. Geiger: No, it was just a technicality. I think it would be the ACT, the catch target instead of the ACL, right? If we're going to have an ACL, it's going to be for the whole fishery, and then you're going to have a commercial ACT and a recreational ACT.

Dr. Crabtree: Well, if you do sector, you would have a sector ACL and a sector ACT, so I think if you're going to subdivide one you would subdivide the others. The ACL would kick the accountability measures in. I think what Brian is trying to get at is that if one region goes over, then the accountability mechanism would affect that region.

Mr. Chevront: That's correct, so if we need to put this into Amendment 17 as opposed to Amendment 18 I don't really care which amendment it goes into. I just want this to be considered.

Dr. Crabtree: I think it would make sense – if Amendment 18 follows Amendment 17, I don't know how that will time out, but if the intent is if we don't get consistent regulations from the states then we would do this, we won't know if we're going to get consistent regulations from the states until we finish Amendment 17, and so it seems like this would be need to be something that would come after Amendment 17 where we know where we stand.

It wouldn't work to be in Amendment 17 because obviously we won't know, and I'm not sure if Amendment 18 will be – it could happen before Amendment 17, so this might be something that you could scope it, I guess, but it might be something that would need to come –

Mr. Chevront: I understand what you're saying, Roy, and that's fine, but –

Dr. Crabtree: And I have a question for Gregg or Rick. Our framework would allow us to establish regional quotas, but I guess we would have to modify the framework. There is nothing in there about ACTs or ACLs.

Mr. Currin: Yes, it is unclear to me right now where this should go or might go. I think perhaps my advice would be to go ahead and let's scope it; and then if we decide where it needs to go or needs to be removed from this, then we can do it. At least we can start gathering some input from the public on how they feel about it or we may just confuse them even further, but, anyway, I'm okay with it where it is for now, I guess, unless somebody objects.

Further discussion on the motion? **Okay, the motion is to add a measure separating the gag recreational ACL into region or state ACTs; add that to the list of items for scoping in Amendment 18. Further discussion? Is there objection to the motion? Seeing none, that motion is approved.**

**The last motion from the Snapper Grouper Committee was to not forward an interim rule request for red snapper to the National Marine Fisheries Service at this time. On behalf of the committee I so move. Is there discussion? Is there objection to that motion? Seeing none, that motion is approved.** Mr. Chairman, unless there are questions, that concludes my report.

Mr. Harris: Thank you, Mac. That's, I believe, the Snapper Grouper Report we've had in several years. Thank you very much, great job. The next item on your agenda was to review and develop recommendations on experimental fishing permits as necessary. I don't think we have any experimental fishing permits to come before the council, so we will move on to the next one, and that's the status report. Dr. Crabtree, are you ready to give us your status reports?

Dr. Crabtree: Sure. In your briefing book you have a copy of the status of the various quotas that was sent out to you. I'll just point out a few things on that. One I believe we probably talked about at the last council meeting, but with golden tilefish – and that fishery closed on August the 17<sup>th</sup> – you may recall there was controversy about we had closed early, but based on I think probably all of the landings in now, 97.48 percent of the quota was caught, so we actually hit that about as close as you could.

The only other one I would mention is we are watching the black sea bass landings. It looks like that in 2008 – remember the fishing year for sea bass is June 1 to the end of May, and remember in 13C we staggered the size limit increase, so it looks like in the first year of the rebuilding plan that the catches are going to be in line with the catch levels, but pretty close on it, so that's one we I think are going to want to keep a look on. The dolphin commercial catches appear to still be in line with the others.

A few other things I'll point out to you: The Gulf Council I think most of you are aware also had a gag stock assessment at the same time as the South Atlantic. Their stock was undergoing overfishing. They had requested an interim rule to reduce bag limits and establish a quota for gag and also to require that federally permitted vessels, including charter vessels, comply with federal regulations as a condition of the permit regardless of where they're fishing.

That interim rule published I think early this week or late last week – I don't have the exact date – and the Florida Fish and Wildlife Commission, at their meeting this week, went along with compatible state water regulations to that interim rule, so we appreciate that, Mark, and are pleased at that.

In the Spiny Lobster Committee we talked a little bit about the coral rules, the 4D rule which puts the restrictions on takes of elkhorn and staghorn coral, which, of course, are threatened under the Endangered Species Act, that final rule published on August the 29<sup>th</sup> and the critical habitat rule published on November the 26<sup>th</sup>.

We also had another critical habitat rule. This is a proposed rule for sawfish, which is endangered, that published on November the 20<sup>th</sup>, and the comment period on that runs through January the 20<sup>th</sup>. All of that critical habitat is in the Gulf, but there is some in the Florida Bay area of the Keys, so it does run right up to the edge of the South Atlantic Jurisdiction but doesn't go into it.

Amendment 14, the final rule is still under review by the agency, but I expect that the final rule on Amendment 14 will publish in the very near future. Then, finally, since our last meeting the final rule to withdraw red drum from the South Atlantic's Plan and turn it over to the Atlantic States published in October, and that rule became effective on November the 1<sup>st</sup>, so we finally got that done. That's all I have to report right now, Mr. Chairman.

Mr. Harris: Thank you, Roy. Questions for Roy? Rita.

Ms. Merritt: I don't have a question, but I have a comment for Roy. Thank you for your informal round table. I heard a lot of comments; and among those comments were some kudos for your bravery, for your ability to relief some the tension that would occur as is expected when you have contentious issues and all.

There was a lot of appreciation for educating some of the attendees, all of us, for that matter. I think we always learn something when we have those kinds of forums, and I encourage more of them. I am not sure there are too many other people who could do it quite as well as you did.

Dr. Crabtree: Well, I appreciate that, Rita, but I don't ever intend to do that again. (Laughter) No, if the council thinks that was a productive exercise, I'm willing to do that at future meetings. We just need to put it on the agenda if you all want to do it. I would suggest that when we have public testimony we schedule it the day before public testimony so fishermen can come in, but if you all want to keep doing it, put it on the agenda and I'm willing to do it.

Mr. Chevront: But, Roy, I have to say I admire your stamina.

Dr. Crabtree: It's running a little thin lately.

Mr. Chevront: Yes, but, you know, we started with probably 50 or 60 people in the room; and I think by the time we got to the end, there were only five or six commercial fishermen left.

Mr. Wallace: Can we rename it General Custer's Circle?

Dr. Crabtree: Well, I'd like to just call it something to the effect of a "Council Round Table" or something like that. I'd like to encourage council members to participate in it a little bit, especially I'd like a couple of them standing behind me.

Mr. Geiger: Certainly, Roy, you do have a unique capacity to be able to generally disarm a group of people with facts and statistics, but that was overwhelming the other night. Perhaps it would be beneficial in the beginning of the presentation or in the beginning of the little group to at least establish some ground rules and let people know that we want to have only one person talk at a time and be respectful of other people and just establish the ground rules to let them know there are ground rules. That just kind of started off as, well, has anybody got anything to say, and somebody started and it just went on from there. It's just a suggestion.

Mr. Boyles: I hate to be the lone dissenter. Roy, again, I echo everyone's kudos. You handled things very, very well. I'm struck by the fact that the new public hearing and scoping format is completely opposite to what we saw transpire here on Monday evening. As a relatively new council member, I have found the new scoping procedures to be much more helpful in getting substantive comments, and what I saw was a lot of venting of frustration on Monday. I suppose to the degree that's an integral part of the council process, I'll continue to support that.

I just don't know how helpful it is at the very end of the day. It just seemed to be going opposite the way the new public scoping and public hearings are going. I recognize the purpose is somewhat different, but, again, my congratulations and thanks and gratitude for a job well done on Monday.

Mr. Robson: I saw that on our agenda that forum was listed as "a conversation with the Regional Administrator and Council". If we go down this path again – and I'm not suggesting we do or don't, but if we do – because I wasn't really fully aware of what my role as a council member should have been or was expected to be at that workshop. I would have been more than happy to sit around next to Roy, not too close to him, but it wasn't clear to me what the council's role was in that.

I think if we do look at that again, I'd like to make sure that it's clear what the expectation is of us. If it was part of the council meeting, it's dealing with council issues and if we are going to have that kind of an interaction even informally, then we probably should consider at least some of us being more directly in the bulls-eye.

Mr. Mahood: Mark, we kind of had the same thing happen to us. When Roy proposed it, we just thought it was Roy's way to have fun. He iterated that they do it down in the Gulf Council, so when we went to put it on the agenda and advertise it we got hold of the Gulf Council and they said, "Oh, no, it's Roy and the council members".

We were unaware until we heard that and then we went ahead and advertised it and put it on the agenda like they do down in the Gulf. The one thing about having a bunch of people, certainly

different people can answer the questions, but I think a lot of the questions seemed to be aimed more at the procedure as it gets beyond the council what happens and what can they do. It would have been difficult for a council member to jump in.

A lot of it is aimed more at the final decision-maker as opposed to the council; it seemed like, anyway. The one thing it points out, when you sit through something like that, is there is so much lack of knowledge of the process, of the councils themselves, what happens after the councils, and that is one of the things we've tried to cure at the scoping sessions.

The way it's set up at a session, if you haven't been there, people come in and they talk to the appropriate staff and/or council member relative to a particular issue. They then go into another room and comment, so they have been prepared and they have a little bit better understanding when they go and can make better comments relative to the issue at hand. Like I think Robert said, this is a totally different format. I think it's set up primarily to let a lot of people vent and certainly they were doing that.

Dr. Crabtree: Yes, it was, and I've probably done a dozen of these, I guess, now. Most of the time you don't have that many people come out. I mean, that was really a larger crowd than you want for these. Generally, when I've done it, it has been half of that or so, and it is more manageable when you get in that situation. I don't know how many people – I didn't them, but we probably had 50 people there the other night, and that does get to be a little bit of venting, but sometimes people need a chance to vent.

Mr. Currin: To that point, Roy, anytime in the state of North Carolina you offer fishermen a chance to comment or provide input, especially if there are some contentious issues involved, you can pretty well expect a lot of comment and a lot of people.

Ms. Williams: I was just going to say the way it started out at the Gulf Council, as I recall, during public testimony different individuals would want to talk about things that really were not on the agenda. We were not taking final action. That's when we came up with having this little session at some point in time to talk about anything that is on your mind that you want to talk with us about.

Roy really is the primary one that answers all the questions, and actually Roy has had an audience as large as he had last night at the Gulf Council. It is just that the room was larger, so maybe it seemed like a smaller group. We have found that it has helped with people staying on track during our public testimony period rather than bringing up items that they shouldn't be discussing, so it has worked well. Thank you.

Dr. Crabtree: Where this idea really came from is when all the grouper stuff was so contentious over in the Gulf, we did a grouper forum in St. Petersburg. Part of the grouper forum is we asked people for suggestions how to do things better, and one of the suggestions was that we do some kind of informal question-and-answer session periodically, so that is where it came from.

It has kind of evolved over time. I know in the Gulf Council, I think Kay is right when we were in Alabama, I think we had a pretty big crowd, and probably if this room was bigger it wouldn't

have seemed like there were as many. But, a lot of times now it has become an expected thing at the Gulf Council and a lot of the fishermen who come regularly to the meetings, they really like this and come do it with issues they want to talk about.

But how we do it and all has kind of evolved. I agree with George, I should have laid down some ground rules the first thing the other night, but I didn't. But how we do it evolved over time. Kay is right, in the Gulf I answered – most of the questions are directed to me and I respond to most of them, but council members, particularly when something about a state comes up, do interject things into it. Law enforcement does sometimes and NOAA General Counsel and all those folks.

Ms. Merritt: I will just echo Robert. I totally agree; I love our new scoping process. I do see this as a nice addition because I noticed an awful lot of new faces. I think we may get to the point where we won't need that in addition to our scoping process, but it is a great introduction to being able to express themselves and I think more opportunities for that are always helpful.

Mr. Robson: My comment on this would be that I think what was clear is I think there were things we could learn from that the other day. One of them is just how critical the understanding of the constraints that the councils are working under with the reauthorization of Magnuson-Stevens is to the process. There was clearly no understanding or lack of understanding of that, and that's understandable.

The councils are a public body and we deliberate and we have workshops and we have these kinds of forums, but there are very tight constraints now on what the council really can do or cannot do because of the timeframes in Magnuson-Stevens and other requirements to end overfishing. I think somehow we need to keep that in mind and figure out how to get that message across to the fishermen, because that was a big hangup.

I think it is going to be a hangup when they look to this council to come to and air their issues and their grievances and try to work out a process for coming up with regulations but not really understanding the constraints that we're under to address some of those things because of Magnuson-Stevens.

Mr. Chevront: I know we have talked about several things that we would like to have been improved in this type of a scenario, but there were also some very good things that came out of what was said on Monday night. I think we saw a good example of how the process did kind of work, and it is a two-sided thing.

I mean, we need to listen to the fishermen and the fishermen need to take the time to understand what is happening with the councils. Actually there was – I hope you don't mind, Becky, I'm going to use you as an example. I was at the scoping in August in Jacksonville, Florida, and Becky was there and she got very upset about some of the things that were going on, but she has taken the time to learn as much as she can about the process.

Monday night I was just thrilled to see her ask very pointed questions of Roy about things that were very important to her that showed she had an understanding of how we do what we do and

the constraints that we're under, but she was getting her questions across in terms that we could understand.

I really appreciated that so I think that perhaps what we need as a council – and this goes back to some of the things Mark was saying – is somehow figure out a way to educate our constituents a little more and to help them along in this process. I know there are lots of opportunities out there and I don't know the answer on how to educate them more.

But if we could get more people like Becky coming to these meetings and asking the kinds of questions that she does, it is a lot easier for us to interact with our publics because we understand each other better. I publicly want to thank you, Becky, for your participation on Monday because I think it was a model example of the way these things should go. I, for one, was very impressed by the way you handled yourself and the questions that you asked, clearly not agreeing with us as a council and the things that we're doing, but you were the prime example of how it ought to run, and I appreciate that. Thank you very much.

Mr. Harris: And I will echo what Brian said, Becky, thank you for attending and being prepared and asking the kinds of questions that really need to be asked as opposed to some of the other questions that Roy received. Susan.

Ms. Shipman: I agree and that was more of a dialogue, and I think that is what we had in mind. We had in mind a constructive dialogue and Becky very much I think set that tone as versus just the rant. Roy and Kim Amendola and Dr. McGovern came up to Georgia. I think we had a very good session. It was a dialogue, too.

We had fishermen across the range, some that are very familiar with our process and participate in it; others that did not. But part of it is the demeanor when you come in with the commitment you're going to have a dialogue, and maybe that is what you set up with the ground rules or something, but I want to thank Roy and Kim and Jack for coming up. I think it was early November or whenever it was, October. We had a very good session. It was smaller, maybe 20 people, and so maybe the size made it more conducive as well to a constructive dialogue, but I thought that was a very good session.

Mr. Harris: Well, I did, too. Robert.

Mr. Boyles: Again, not to beat a dead horse, but the only thing I can't square on these things is I've had people at these scoping sessions tell me something and have admitted to me "that you would not hear this from me in a public session". So in terms of the quality of the feedback – and I agree that dialogue is important.

We have talked about it for years of how to improve the accessibility of our process to our constituents. I just can't square somebody who says, "Well, I'd never say this publicly, but –" and so, again, that is why I continue to believe that our scoping, that that is an appropriate forum, and I will do what the council wishes in terms of how we move forward with the round table discussions.

Mr. Harris: Okay, I'm going to take the opportunity to make the last comment on this subject and, first of all, thank Roy. I apologize to the council that I wasn't better prepared and was not up there sitting with him. I should have done that. We will do that in the future, but as I said at our last council meeting, at the end, there is going to be some decorum established for these meetings.

Even though they're more informal, we are going to have some ground rules; and whether Roy states the ground rules or whether I state the ground rules, there are going to be ground rules because I'm not going to put up with people that have been in the bar drinking for a couple of hours sitting in the back making these snide remarks and interrupting other people that have really, really good comments and questions.

That's just not fair to Roy and it's not fair to the other people that are there. I think this is a good format. I think it should be well received by the fishing public, but there have got to be ground rules even in these informal sessions. With that –

Mr. Mahood: So you want me to keep it on the agenda?

Mr. Harris: I want you to keep it on the agenda only if Roy wants for you to keep on the agenda. Okay, Tom, are you ready for your report?

Dr. Jamir: Regarding the status of the data collection and stock assessments, Bonnie said to hold on until the next meeting. She is currently in Washington, D.C., discussing things with the transition team, so she will most probably make a report at the next meeting. The progress of vermilion snapper and Spanish mackerel aging, they were all completed and they were incorporated as part of the SEDAR assessments.

Regarding the headboat, I was told by our headboat coordinator, Ken Brannon that the Headboat Logbook Reporting Compliance continues to show improvement. However, South Florida remains a problem area with several boats either refusing to report or sporadically reporting. These will be flagged as delinquent and permitting will also be put on hold until these deficiencies are corrected.

The headboard survey staff was currently assembling, processing and conducting quality control and quality assurance checks on the 2008 data from the South Atlantic and Gulf of Mexico for use in the annual summaries. A headboat survey representative will also participate in the rescheduled Catchability Workshop in Atlanta this coming February.

The headboat survey continues to pursue funding possibilities for an electronic reporting pilot study. Electronic reporting would basically streamline data collection and facilitate by increasing for a timely data analysis and results which during this council meeting I have heard a lot about the need for such improvements.

Regarding the status of the recreational catches, again, this is the time of the year when the headboat surveys are being received and currently in the way of being processed. The same with the MRFSS data, they will be coming in by next month and they will be processed by then, but I

was promised by both the headboat group as well as our statistics group they will have all of those updates at the next council meeting. That concludes my report. Thank you, Mr. Chairman.

Mr. Harris: Thanks, Tom. Are there questions for Dr. Jamir? Seeing none we will move on to Agency and Liaison Reports. I will tell you that Wilson Laney had to leave early. His father is not doing well. He has been in the hospital. He got a call today that said his dad had taken a turn for the worse.

He simply asked that I mention that he was going to bring up this Asian oyster issue for the Chesapeake Bay and just make you all aware that it is out on an EIS, I guess, and they are receiving public comment on that. I don't think that is something that the council is prepared to comment on at this time unless there is a strong desire for the council to do that. That is sort of a state issue that is fairly, from what I understand dicey, if you will, so in any event that's what Wilson wanted to bring up to you. Monica, did you have anything, NOAA General Counsel.

Ms. Smit-Brunello: The only thing I'll mention, I think you are all aware we had oral argument on November 12<sup>th</sup> in the North Carolina Fisheries Association Case. That was before a three-judge panel in the appellate court in the District of Columbia. I've even checked today. I keep checking everyday to see if the judges have issued a decision and they have not, but as soon as they do I'll forward that to you all. That's the only thing I have.

Mr. Harris: Thank you. Bob, do you have a question?

Mr. Mahood: That was pretty narrow in scope, isn't it, what they're working on now?

Ms. Smit-Brunello: Well, I sent out the brief to you all. It was based on the brief. However, the court, on its own motion, narrowed down certain issues and just wanted the question of jurisdiction especially addressed at the oral argument. In fact, I was told – we didn't have the money for me to go up there, so one of my counterparts attended the argument. I talked with our Justice attorney, and they talked with our Justice attorney for about maybe five minutes or so and then focused the rest to Sean Geahan, who gave the argument for the Fisheries Association. They told him they were well aware of the facts and all that and so he didn't need to discuss that with them. They wanted to hone in on jurisdictional issues for the most part. At least that is what I was told. I haven't seen a transcript yet. As soon as I get a decision, I will be glad to forward it around.

Mr. Harris: Thank you, Monica. Otha, NMFS Law Enforcement, do you have a report.

Mr. Easley: Just a few things to add to the report I already gave at the Law Enforcement Advisory Panel. While I was at the LE AP I mentioned some of the activities that we have conducted since the last council meeting. I also gave hard copies to Kim to add to the website. Also, I'm giving part of the record to the Law Enforcement Quarterly Activity Report which includes all of our enforcement activities in the South Atlantic as well as the Gulf of Mexico.

But then to add to that, I wanted to say that as far as VMS is concerned, the only VMS – a little VMS Compliance Report to keep you apprised of – the only VMS, of course, fishery that we

deal with here, other than HMS, is the rock shrimp industry. Right now we have 112 active rock shrimp endorsements, and 95 of those 112 have VMS units on them and operating.

Seventeen of that 112 do not, and it is believed that 7 of those 17 are operating in the Gulf of Mexico and just kind of holding onto the permits, so they're not on because they're only required up here in the South Atlantic. The other ten are state-registered vessels that are pretty small. They are too small for VMS or actually not big enough to actually fish rock shrimp, put it that way.

One last thing and that is our progress with our Joint Enforcement Agreement with North Carolina, since the last council meeting the North Carolina Marine Fisheries Commission met and voted, at least at that meeting, to move forward with the JEA. The next step there – and, Mac, correct me if I'm wrong – is to go through the Seafood and Aquaculture Committee, right, and they meet in January. So fingers are crossed and hopefully it will pass there and then the laws can be changed and they can get on board and help us enforce our requirements out there past three miles. That ends the report.

Mr. Harris: Thank you, Otha, that's very good news. Mac.

Mr. Currin: I just wanted to take an opportunity to personally thank Otha again and Mike from the headquarters office, I guess, for coming down and spending some time with our commission. They have been working very closely with Rex Lanier and our marine patrol. I guess we all have our fingers crossed that this will proceed successfully forward. There are always stumbling blocks and no doubt several will be thrown, but we look forward to the day that we can sign that agreement with the National Marine Fisheries Service Law Enforcement and move North Carolina forward in that area.

Mr. Harris: Thank you, Mac. Are there questions of Otha? Next we will go to the coast guard, Lt. Sullivan.

Lt. Sullivan: The first thing is the boarding ladder regulations have come out and it has been approved. It is going to start on January 1, 2009. I sent everybody a powerpoint on the issue; so if you have any questions, let me know. John has already called and some of the information in it, I don't know where they got it from. I didn't put the powerpoint together, but how much they cost, that is going to be an issue for the fishermen, I understand. Also, your local coast guard sectors in the near future should start getting out and doing some outreach on the right whale speed zone regulations that have come out.

They will be getting guidance from me to get out and do outreach to the local fishermen and local community, so look for that, also. My last thing, as I always do, I'd like to reassure George that we're using every effort in the Oculina Bank and Grays Reef. We've actually stepped it up one more step where we now have observers from the South Atlantic Fisheries Training Center on board the helicopter so all they have to do is worry about looking at the boats. We're still having very minimal fishing vessel sighting especially in the Oculina Bank. I throw out that we are definitely doing everything we can out there. That's all I have.

Mr. Geiger: Thank you for that, Brian, and there is no doubt in my military mind that you are in fact doing everything possible. Thank you, sir.

Mr. Iarocci: In all seriousness, Brian, it is a pleasure having you at the table, finally. But if you could, to get into the boarding ladder issue – and I did see when I looked through the document, did you say it is \$115 a foot for that one ladder? I'm just curious about the criteria for the size boat; if you could just put a little bit of that stuff on the record, the timing and all that on that ladder.

Lt. Sullivan: Yes, I can. Basically, first of all, NOAA clarifies what freeboard is, and it is the working distance between the top of the rail and the gunnel wale where the boarding officers climb into the vessel and the water surface. So, basically, if you have a railing the freeboard starts at the railing; and if you have a cutout, it starts at the cutout at the gunnel. That's how they define that.

Also, it is for authorized officers for boarding domestic fishing vessels, but also other industries also have to use it, but, I mean, that's neither here nor there for us. It is four foot and above that the ladders are required for freeboarding, that is. In the powerpoint it has got all different kinds of rigs that the boarding officers have encountered over the past years. The powerpoint that our headquarters came up with said that the ladders were approximately \$64 a foot to get customized. John, what was it, \$150, when you called, a foot?

Mr. Wallace: Yes, I talked to one of the places that you had e-mailed me with a recommended place, and it was over \$900 for a five-foot ladder. To that, I guess my question is since this is a really compact, foldable – you know, you could keep in a small bag, I would assume. Isn't it easier for you to bring your own? (Laughter)

Lt. Sullivan: Actually, some of the boats that board the fishing vessels aren't that large. I mean, to answer your question, probably not. No, it would be easier for the industry to have it on board their vessel. It is not only for the coast guard; it's for any authorized officer to board your vessel. If a customs boat comes by and wants to board you for a custom violation, they wouldn't have it on there. Basically, it's for any authorized officer and his or her boarding team to board. It's going to have to be paid for by – I mean, I can't answer your question, John.

Mr. Harris: Thank you, Brian. Any other questions for Brian? Susan.

Ms. Shipman: I haven't had a chance to look at it, but does that also apply to research vessels; do you know.

Lt. Sullivan: It says it is any vessel.

Mr. Wallace: To that, where did the \$64 that you have in these slides per foot come from? Maybe if there are other people around, I would love to know.

Lt. Sullivan: I'll look into that, John. I didn't put the powerpoint together, so I don't know where they came up with the dollar amount on that. I can't answer that, but I can do a little

research and see if I can find if they have a vendor in mind that had that price. I don't know where they got that price from.

Mr. Wallace: To that, I need to get a newsletter out to my members and probably to the Southern Shrimp Alliance, to their members that we're all going to have to have these by January 1. If I tell these boys they're fixing to have to fork out a thousand dollars here at Christmas, I'm going to get hung.

Ms. Harris: Kay Williams, Gulf of Mexico Council; Kay, welcome again, glad you're here.

Ms. Williams: Thank you and I have enjoyed being here. I'll say Merry Christmas to all of you since it is December and I probably will not be seeing you for a while. Would you like me to give you a little brief of what we have done at the Gulf Council? Okay, our Ad Hoc Allocation Panel met in October, and we adopted our principle and guidelines for allocations.

We also adopted the principle and guidelines for allocation as a council policy document. Budget and Personnel met and they approved the 2009 budget. Under Joint Reef Fish, Mackerel and Red Drum we looked at our Gulf Aquaculture Plan again. The new one in January will reflect changes and improvements in the plan. We have asked that general counsel, prior to the meeting, approve it as far as if there are any changes or anything that they wanted to see in the document.

Our Outreach and Education Advisory Panel will be meeting in the near future. We decided, after quite a bit of public testimony that we will not go forward with operator permits. In our reef fish, a couple of things you might be interested in – we are preparing a scoping document to address turtle and longline interaction and consideration is going to include time area closures, gear modifications, alternative baits, observer programs and effort limitation in that.

We've also requested staff develop a white paper regarding the pros and cons of a plan amendment to improve data collection, enforcement and accountability for red snapper harvested and discarded in the for-hire charter/headboat red snapper fishery. The white paper would include VMSs on for-hire vessels, electronic logbooks to record red snapper effort, catch and discard for each trip, for-hire sector separation for red snapper annual catch limits, for-hire sector red snapper accountability measures and regional management in the for-hire sector.

We were given some of those suggestions through both public testimony and also a Recreational Ad Hoc AP that we had put together on ways to perhaps better manage our recreational fisheries. That pretty much covers it.

Mr. Harris: Thank you, Kay. Any questions of Kay? Vince O'Shea, welcome.

Mr. O'Shea: Thank you, Mr. Chairman. Our commission had our annual meeting back in October, and I want to thank Bob and Mike Collins for putting a summary of that meeting on your CD. There were two items that I'm happy to comment on. One is that the commission extended or renewed our five-year strategic plan that takes us now from 2009 through 2013.

Within that, for the first time our commissioners adopted a set of commissioner values. We've had state values and we've had staff values, and this time our plan has included commissioner values including courage to make difficult decisions, which I think is reflecting the reality that a lot of us are seeing and you're wrestling with your Amendment 16 of what fishery management is evolving to, particularly under MSRA and other expectations of the public.

But I am pleased with our plan. We actually shortened it from what the other one was, and the goal is to get a document that is going to be used as a compass for our activities the next five years. The second thing in that report I'd call your attention to is the commission gave an Award of Excellence to John Carmichael, recognizing his 15 years of contribution and participation to the ASMFC process.

I note that he had during his formative years of his career was a commission employee, so we're just delighted to see that, and, John, thanks again and congratulations for being such strong supporter of our process. Two other things, Mr. Chairman, is our next meeting will be in February in Alexandria, Virginia, the first week of February, and as always our meetings are open to the public.

And a comment on the North Carolina JEA situation, you're absolutely right that this is an important thing. What you didn't mention is the big chunk of federal money that is available to the states that do have the JEA Agreement. Without that agreement, North Carolina enforcement officers and programs can't access those federal funds, so it is a good deal for the state.

I understand the reasons why they haven't done it, but I was glad to get that report. Finally, I was thinking the last time you saw me was in North Carolina, Atlantic Beach, last year. I had a good time then and I had a good time this week. Thanks for your hospitality.

Mr. Harris: Thanks, Vince, good to have you. Any questions for Vince? Okay, we will go to the states starting with North Carolina, Brian.

Mr. Chevront: Mr. Chairman, I'd like to thank Otha and Mac and Vince for all their comments about the JEA. I can scratch that off my list of things. Actually, one of the things that probably, in my estimation, might actually make this thing happen is the fact that we've had a 5 percent budget cut, so anyplace somebody is offering us money – we're about ready to look under the sofa now.

But, we've had to turn back 5 percent of our operating budget out of state appropriations. I know among the other states that's a pretty low amount. Right now the word is, at least the last I've heard was that this should hold us at least until July 1<sup>st</sup>, but I believe that we're supposed to expect these as permanent cuts. It is going to be difficult for us because we were running pretty thin as it was.

But just to let you know some of the things that we do have going on, our Marine Fisheries Commission adopted our Red Drum Management Plan, and it was a very well-received plan. I am very pleased to announce that our lead for that plan, Lee Paramore, is also going to be working on SEDAR 18, and so I think he'll be a really good addition to that process as that goes forward.

We were seeking some spiny dogfish quota, and we're very happy that we actually got some designed for us because that has been a contentious issue for us in North Carolina for quite a while. Our recreational fishing license sales are a little bit off this year compared to where they were last year in our first year.

We didn't really expect that to happen, but we're figuring it is probably because so many of our license sales are actually from people from out of state, particularly in the Outer Banks, and in this economy fewer people are traveling and things, so we think that is part of the reason. However, our license receipts have been earmarked to go back into projects and things that are geared towards enhancing the recreational fishing experience.

This coming Monday we will be having a meeting with members of our Marine Fisheries Commission and the Wildlife Resources Commission together to help decide how they want to spend the money from the first year. We have 19 proposals that will be considered, and we have several million dollars that potentially could be doled out. I have seen the proposals and there are some very good things in there.

In 2007 our General Assembly gave us \$20 million for waterfront access. That was administered to the Division of Marine Fisheries. This Friday is the last date for the people that we have tried to negotiate with to come up with counter-offers and all this. We have a few that we probably are going to give extensions to.

We have closed on a couple of properties that we've purchased, and we're hoping in the next couple of months, perhaps between now and the March meeting, to close on several other properties. We're keying them in on areas where development is really strong within the state, trying to buy up those last bits of properties that are available.

I can tell you right around here in this area and a little further south it is real expensive. It gets real, real expensive, but we're making progress on that and we're very excited about it. We're also working on the state's Artificial Reef Master Plan and updating that, which is very important. We have a very good artificial reef program in North Carolina, very, very active with sportfishing clubs working with the Division and getting donated materials. It's a great program and we're in the process of updating that. Mr. Chairman, I think that ends my report.

Mr. Harris: Thank you, Brian, great report. Questions for Brian? Otha.

Mr. Easley: If North Carolina can join the JEA, maybe we can work on some boarding ladders.

Mr. Harris: South Carolina, Robert.

Mr. Boyles: Mr. Chairman, a couple of things. I'll echo Brian's comments; we're getting geared up for the Red Drum SEDAR. That is something that has gotten a lot of angler interest as well as a lot of political interest among members of the General Assembly, so we're working on that. Speaking of our General Assembly, we've got three bills that we are working on and looking to introduce to the General Assembly when they convene in January.

Perhaps the most important one at this point is making some changes to our recreational fishing license program that will enable our South Carolina licensed anglers to become exempt from the Federal Recreational Register requirements. That certainly is something that we're working very hard on. We do expect that to be a little bit of an uphill battle, but we think that the conditions are right, that we will see that through.

A couple of other things – we're making some changes to our shark regulations to become compliant with the Coastal Shark Fishery Management Plan of the ASMFC. That will entail a change of the possession limit on sharpnose sharks. Finally, we have been concerned about effort displacement in the commercial Blue Crab Fishery.

We have had a draft bill to develop a limited entry fishery for the Blue Crab Commercial Fishery for some time, but with changes in the management of the Chesapeake Fishery we are seeing effort displaced to South Carolina as we do have an open access commercial fishery, and we're hoping that the General Assembly will see fit to approve the plan that we have developed to create a limited entry fishery in the commercial Blue Crab Fishery.

Brian also mentioned recreational fishing license sales. We have seen about a 3.5 percent reduction in recreational fishing license sales this year. Given the state of things, it could be much worse than that. What I'm about to tell you I have said before. That does not look good in the face of a 30 percent reduction that we took in October, so I'll reiterate what I mentioned earlier in the week.

It is a struggle; it is a very real struggle. We have had to suspend things like artificial reef construction, the public tagging program, shell recycling efforts, inshore fisheries monitoring. We even managed to suspend a lot of things that David Cupka began in his career. It gives me no pleasure to report this, but things are bleak, very bleak, but our job is do the best job with the resources that we have and we will do that.

A couple of other things, if I could, just one other item – our board has expressed interest and concern over the apparent absence of yellowfin tuna. We have not seen any or heard of any reports of many yellowfin tuna landed, and so we have transmitted that concern to the folks at the Fishery Service, looking at the stock assessments in the Atlantic. So, lots of stuff to keep us busy, but the resources just aren't there. That concludes my report, Mr. Chairman.

Mr. Harris: Thank you, Robert; are there questions for Robert? Georgia, Susan.

Ms. Shipman: Well, I'll pick up where Robert left off. Things for us are grim but not as bleak as South Carolina. As I have reported, we're looking at cuts in our current budget of anywhere from 10 to 14 percent. They will go back in – during the legislative session, the very first thing they will do is adjust the budget, so we're expecting – right now the numbers they're showing us are 14 percent, and those are being manifest primarily in our artificial program. Luckily we had some contracts we had entered into that are just now being executed, so we're able to keep the program going really on last year's money.

Some of you, if you tuned into NBC News you may have seen Spud Woodward on their. I think it was about a week ago, both on the Today Show as well as NBC Nightly News on Sunday in an artificial reef project where the New York City subway cars were being placed off of our coast. So, we have been fortunate in that we have been able to have that particular project going on.

We are working very closely with our sportfishing clubs to continue the program using private money as the match we would need for the federal money to continue some of those efforts. We will be continuing at a very reduced level, probably in more of a private club, sportfish restoration, federal money partnership.

Shark regulations, we are working through our Board of Natural Resources to track the Interstate Fishery Management Plan for Coastal Sharks. We will be taking that for final action to our board in January. We had hoped to do it this week but some issues got in the way of that, so we will be doing that. I shared with many of you a news release from our department office yesterday.

Our board confirmed the incoming commissioner who will succeed Commissioner Noel Holcombe, who will be retiring April 1<sup>st</sup>. Chris Clark is coming to us from the Georgia Environmental Facility Authority. He is very eager to learn a lot about natural resources and fisheries. We will be briefing him in early January. I'm hoping to invite him maybe to come down for part of our March session on Jekyll, so that we can familiarize him with the council.

The only other thing I would add is shrimping effort is way off, and John can fill in this even more than I. In the aerial overflights that we do weekly for both sea turtle carcass strandings and sea turtle sightings, as well as right whale sightings, we're really seeing reduced effort all up and down our coast. One week was as low as 18 vessels fishing the entire coast. A couple of weeks ago I think it was about 44 vessels, so it is considerably reduced from what it has been. That's about it, Mr. Chairman. I'm glad to answer any questions.

Mr. Harris: Thank you, Susan. Vince.

Mr. O'Shea: It's not a question but on the Coastal Shark Plan, when the states approved that plan, Mr. Chairman, to implementation, I think they all voted yes for the 1 January implementation without thinking a whole lot about what it was going to take to do that. That came up during the annual meeting and I think they purposely nobody really asked when the states were going to do it, so they will be asking that question for the first time in February. I know, Susan, you try very hard to do these things and just to put you at ease, there are a number of states in the same thing. I think the board is going to finesse all that. In fact, you'll end up still being ahead of most of the states with your schedule. Thanks, Mr. Chairman.

Mr. Harris: Thank you. Other questions or comments for Susan? Florida, Mark.

Mr. Robson: As all the other states, we're facing budget cuts as well and I don't know where it will end. We took a 4 percent reduction last year; we're looking at anywhere from 10 to 14 percent for this year, so it's not looking good anywhere. Roy had mentioned our commission

met today and was taking up a number of marine fisheries issues. They did implement consistent state regulations for the Gulf of Mexico for the gag grouper interim actions.

We will be looking at permanent consistent regulations for the Gulf and then also later on for whatever comes out of the Atlantic here in terms of Amendment 16. Also, I had mentioned in the Lobster Committee meeting the trap reduction program. That was approved to restart that trap reduction program, and so we're hopefully to get back on track with getting the total number of traps off the water down.

In addition to that, we are continuing to work on the issue that Roy had mentioned regarding the aquapora and Section 10 Consultation for dealing with any potential impacts of lobster traps on those two forms of coral. The commission also approved today a draft rule to have a consistent closed season for red snapper in the Gulf of Mexico.

They did not do that last year and have opted to reexamine that, and we expect to have a final result of that or final public hearing in February at the Destin meeting. They are considering going back and at least having a consistent red snapper closed season in the Gulf of Mexico. Also, I know there is a lot of interest throughout the southeast in red drum, and we're in the process of wrapping up our state red drum stock assessment, which should have been out in the fall of this year, but it's going to be coming out.

I think there is a little bit of delay from our staff, but hopefully we'll see that soon and we will be looking at whether or not we need to do any tweaking of our state regulations for red drum. Also, we had prepared and developed a format for a workshop with our commission and federal managers, including the National Marine Fisheries Service and both the Gulf Council and the South Atlantic Council.

We had to postpone that workshop because of one those hurricanes last year – I don't remember which one – and we had not been able to reschedule it, but we are very interested in rescheduling that. I'm hoping that we can get something set up some time after the first of the year. I certainly hope that a representative from the South Atlantic Council as well as the Gulf Council will be able to participate in that workshop.

The intent was to have a more informal setting with our commission to give them a pretty thorough briefing on the federal process and the implications of Magnuson-Stevens and some of the constraints that the councils are working under. We're hopeful that we can get that rescheduled.

Last but not least, I know at the last couple of council meetings a number of you had an opportunity to meet one of my colleagues, Bill Sharp, who was kind of here as an alternate and as a stand-in. As a result of attending those last two council meetings, he has resigned his position. (Laughter) He is going back to research; he has had enough management.

No, he is going back to his old career as a researcher with our Institute staff, and I think he is looking forward to getting back to that world that is maybe a little less gray than what he saw here in our management world. At any rate, that's the end of my report.

Mr. Harris: Thank you, Mark, our condolences to Bill and our condolences to you for losing Bill. That concludes the agency reports. Are there any questions for Mark? Then we are moving into other business. Is there other business to come before the council? Brian.

Mr. Chevront: Mr. Chairman, after we had the meeting about the Swordfish EFP, some of us were talking and a couple of other issues came up that we'd like to bring up to the council. I only had a chance to speak very briefly with Chris and a couple of his compatriots about this. One of the concerns that we had was are they collecting all the data that they can from their landings?

For example, in the charts we saw that there were a lot of discards of undersized swordfish, and approximately half of those discards were dead. If nothing else, I would like to see this council recommend that they keep at least the hard parts or something – I believe they have observers on all those trips – that they measure and keep the hard parts of those fish for analysis, at least the dead ones.

It didn't look to me like they were doing that. I don't know if they need them for age-length structures or what, but I think it would probably be a good recommendation for this council, considering that this is a research project.

Mr. Harris: Did you want to make that in the form of a motion?

**Mr. Chevront: I'd like to make a motion, Mr. Chairman, that the council recommend that in the Swordfish EFP, that the hard parts from the dead undersized swordfish be retained for research purposes and that they release the live undersized swordfish back, as they are doing now.**

Mr. Harris: There is a motion; is there a second to the motion? Seconded by Rita. Discussion on the motion? Mac.

Mr. Currin: I just want to make sure that the parts are needed. If we could phrase this such that – I'm not sure whether they're doing that or not or whether they need the parts from these little fish or whether there is somebody around that is going to analyze them or whether we're just asking that somebody go through some motions to stick some parts away in case they are every needed. That's my only reservation about this. I feel like we're going at it without really knowing whether it is needed or what is needed.

Mr. Chevront: Well, perhaps, Mac, maybe what we can do is make the motion a little more general in that they keep whatever – recommend that they keep whatever is necessary for future research needs, because I don't know what they are either. It may turn out that they don't need them. I don't know how good the age-length keys and all that stuff are for this species. I just don't know; this is something that is way out of my realm of knowledge. But I see here we have an opportunity to get some data if we need it and I don't want to let that opportunity go by without us recommending it. That was the reasoning behind my motion.

Ms. Shipman: I think what you're intending is that they retain the fish or parts of what would otherwise be discards for either ongoing or anticipated research needs. It is only a recommendation. I mean, certainly we can't impose a requirement on them.

Mr. Harris: Are you accepting that as a perfection of the motion, Brian? Okay, Robert.

Mr. Boyles: It strikes me that maybe this is cognitive dissonance because we've already gone on record as saying that we don't think the project should go forth. While I understand the spirit and the intent of trying to make lemonade out of lemons from our perspective, I'm not comfortable with this.

Ms. Shipman: Perhaps if we're still in the mode for friendly amendments that we say "if continue the EFP", because we have that other motion that is saying if you're going to continue this, limit it; and this could be a companion motion, "and if continued, we recommend" – in essence, you make the most out of the fish that are being caught.

Mr. Harris: Is that acceptable to the maker of the motion and the seconder of the motion?

Mr. Chevront: Yes, it is.

Mr. Harris: Rita? Okay. Any further discussion on the motion? **Okay, the motion is the council recommends that if continued, the EFP Research Project be required to retain the fish or parts that are necessary for ongoing or anticipated research needs.** Roy.

Dr. Crabtree: It is my understanding that there is a single observer on board these vessels. If you have ever tried to take otoliths out of a lot of fish, just understand this may not be at all a practical request for them.

Mr. Chevront: I did say in my original motion for the dead fish and to release the undersized fish that were still alive.

Mr. Harris: Well, keep in mind that not every set is going to have 40 dead discards. There were dead discards from a fairly large number of sets. Let's just leave it at that if it's okay with the council. They're going to have to decide what is necessary and what they can do, anyway. It is just kind of a recommended guidance. Further discussion of the motion? Is there objection to the motion? That motion carries without objection. Other business to come before the council? George.

Mr. Geiger: Mr. Chairman, there is one other opportunity for the council to comment on a Federal Notice, and that is in regard to National Standard 2. Unfortunately, the closing date is December 17<sup>th</sup>. National Standard 2 deals with best available science and SAFE reports. Perhaps we can get Gregg to give us a briefing on this and determine whether or not we would like to comment or make comment, if it is necessary to comment. Gregg, can you do that?

Mr. Harris: Bob is raising his hand while Gregg is on his way up.

Mr. Mahood: We had discussed it. I brought this up early on. I think this notice is the intent to – it is an intent notice to publish. What this notice would do is give us an opportunity to say what we would like to see in the proposed rule. Is this still the intent to publish, Roy? I don't have it in front of me.

Dr. Crabtree: Yes, this is an advanced notice of proposed rulemaking. It's not a proposed rule, so this is just looking for any – you know, saying the agency is considering this sort of a rulemaking; do you have any – it is kind of like scoping. It is looking for thoughts and ideas and then there will be a proposed rule.

Mr. Harris: Gregg, did you have a comment?

Mr. Waugh: It does give us, as Roy has indicated just like scoping, the opportunity to put in a plug for what we would like to see. If the council wishes we can draft a letter and have the Chair review it and send it in.

Mr. Geiger: Well, we always gripe about how our constituents never participate in the scoping process and come into the process too late after the rule is already formulated. I think this is an important topic. It is something that we have kicked around a number of times before.

Mr. Harris: Do you have a motion to bring before the council?

**Mr. Geiger: I'd like to make a motion that we give direction to staff to prepare comments and editorial license to develop a letter consistent with past positions expressed within the council and for your review.**

Mr. Harris: There is a motion; is there a second to the motion? Seconded by Robert. Discussion on the motion? Is there objection to the motion? That motion carries without objection. Other business? Tom.

Mr. Swatzel: At this meeting we appointed Alan Leary to the Snapper Grouper Advisory Panel. Some of you may recall Alan has been a pretty active participant in the council process. He is a headboat operator out of Mount Pleasant near Charleston. He called me this afternoon to let me know that he would have to withdraw from participating on the panel.

He is no longer in the headboat business, having taken his vessel to the Gulf of Mexico to operate in the crew boat industry. I wanted to make you aware of that occurrence so that the council might want to consider how to proceed from this point. I just wanted to make you aware of it.

Mr. Harris: Thank you, Tom. Robert.

Mr. Boyles: Those of you may recall the discussion about this during the AP selection; and if you recall we were very, very deliberate about how we made the recommendations to appoint those members to the Snapper Grouper AP. **As such, what I would like to do is make a**

**motion that we direct staff to readvertise an opening on the Snapper Grouper Advisory Panel for a for-hire representative.**

Mr. Harris: You have heard the motion and seconded by Mr. Cupka. Is there discussion of the motion? Brian.

Mr. Chevront: I just wanted to get clarification that we're asking – I think we now have three openings for snapper grouper; was that not correct, or am I confused on which committee we're talking about?

Mr. Harris: You may be but I can't answer that; I am not sure. Kim, is that three openings now on snapper grouper?

Ms. Iverson: Just that one.

Mr. Harris: Just that one.

Mr. Chevront: Okay, what was the committee that we still had two openings on?

Mr. Boyles: Shrimp.

Mr. Iarocci: And just to clear this for the record, this would be a for-hire open seat and not a North Carolina seat.

Mr. Harris: For-hire open seat. Okay, further discussion on the motion? Is there objection to the motion? That motion carries without objection. Other business to come before the council? Seeing none, we're into upcoming meetings.

Mr. Mahood: As far as upcoming meetings, they are behind the Council Tab, Attachments 5A and 5B. Our next meeting is at Jekyll Island, Georgia, the week of March 2<sup>nd</sup> through the 6<sup>th</sup>. I think we have determined that the SSC will meet Monday, Tuesday and Wednesday, so there will be no Sunday meeting.

A couple of notes relative to meetings; because of the tight budgets we're asking that as soon as you know you're approved to go to a particular meeting, go ahead and make your travel arrangements. Don't wait for the TO; because if you make it well in advance, you can save a lot of money.

Also, this coming year, with our American Express Card, we have a buildup of some miles so you may be traveling on a frequent flyer ticket or something like that. The other thing is that Cindy has requested that you get your travel order reimbursement request in as soon as possible. We've got to close out this year.

We got slapped on the wrist a couple of times by our auditors for waiting too late to close out our year at the end of the year, so please get those in as soon as possible. If not, you may not get reimbursed.

Ms. Shipman: To that end, what about the council liaison reports in terms of the year-end reimbursement; when do you know those?

Mr. Mahood: Well, I think in the contract you've got to have them within 30 days and the sooner the better.

Mr. Harris: Questions of Bob on upcoming meetings, travel arrangements, et cetera? David just reminded me. I don't know whether everybody has designated a vice-chairman – every committee chairman has found and designated a vice-chairman. If you have not, please do so; and if you do not, David will designate one on your behalf.

Is there other business to come before the council? Well, if not, thanks again to the North Carolina delegation for great hospitality. On behalf of myself and Carol and everybody else, thank you to the staff for a great job once again, to the regional office for all the work and the great job you've done, to the members of the public that sat through this lengthy meeting.

I wish you all a very Merry Christmas, Happy Hanukah, Happy Holidays and a Happy New Year. We will see you in March if not before. We are adjourned.

(Whereupon, the meeting was adjourned at 5:10 o'clock p.m., December 4, 2008.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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December 16, 2008

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**FULL COUNCIL SESSION**

**Hilton Wilmington Riverside Hotel  
Wilmington, SC**

**December 4, 2008**

**TABLE OF MOTIONS**

PAGE 2: Reappoint Clark Alexander, Sandra Brooke, Henry Feddern, David Gilliam, and Ken Nedimyer to the Coral AP and to advertise an open seat on the Coral AP for a scientist with experience or expertise in live bottom or hard bottom communities outside of coral. Motion carried on Page 2.

PAGE 3: Appoint Michael Merrifield to the Deepwater Shrimp AP. Motion carried on Page 3.

PAGE 3: Appoint Zach Bowen to the King and Spanish Mackerel AP. Motion carried on Page 3.

PAGE 3: To reappoint Scott Baker, Fred Dennis and Bob Jones to the Shrimp AP – these are current seats – and appoint Henry Skipper, Marilyn Solorzano and Janie Thomas and readvertise three remaining seats on the Shrimp AP, looking for some folks from North Carolina and South Carolina. **Motion not voted on.**

PAGE 3: Amend the motion to add Micah LaRoche on there as a South Carolina representative on the Shrimp AP. Motion carried on Page 3.

PAGE 3: Motion to advertise for two seats rather than three for the Shrimp AP specific to North Carolina and South Carolina. Motion carried on Page 3.

PAGE 3: Reappoint Tom Burgess to the Snapper Grouper AP. Motion carried on Page 3.

PAGE 3: To appoint Terry Gibson to the Habitat AP. Motion carried on Page 3.

PAGE 3: To appoint Kenny Fex, Paul Forsberg, Chris Decker, Blain Dickenson, Alan Leary and Rodney Smith to the Snapper Grouper AP. Motion carried on Page 4.

PAGE 4: To remove Robert Preston from the Golden Tilefish LAPP Workgroup. Motion carried on Page 4.

PAGE 5: Approve the FEP for public hearing, and on behalf. Motion carried on Page 5.

PAGE 5: Recommend approving Alternative 2 and all sub-alternatives as our preferred alternative. Motion carried on Page 5.

PAGE 5: To amend our preferred alternative for Action 3 to create allowable golden crab fishing areas in Sub-Alternatives 2A-2C. Motion carried on Page 5.

PAGE 5: To adopt no action at this time for Action 4, which is the VMS, but clearly indicate the council's intent to revisit technology for tracking placement of the gear. Motion carried on Page 5

PAGE 5: Approve the CE-BA for public hearing. Motion carried on Page 5.

PAGE 6: Give the staff editorial license on the CE-BA in terms of preparing the document for public hearings and DEIS filing. Motion carried on Page 6.

PAGE 6: To take the items identified by the Coral and Habitat APs out to scoping. Motion carried on Page 6.

PAGE 9: Move to proceed with scoping the above items for spiny lobster according to the time identified. Motion carried on Page 9.

PAGE 9: Recommend to the council that a control date of December 1, 2008, be implemented for golden tilefish. Motion carried as amended on Page 10.

PAGE 9: Offer an amendment to the motion to change that date to December 4th. Motion carried on Page 10.

PAGE 10: Recommend the Snapper Grouper Committee consider the average of 1986 to 2007 as an option for the commercial golden tilefish allocation in Amendment 17. Motion carried on Page 10.

PAGE 10: Committee recommends the council scope for changes to the Wreckfish IFQ. Motion carried on Page 10.

PAGE 19: Move to address king mackerel changes in the Comprehensive ACL Amendment. Motion carried on Page 19.

PAGE 19: Motion to address the Spanish mackerel changes in the Comprehensive Annual Catch Limit Amendment. Motion carried on Page 19.

PAGE 19: Motion to approve the list of the items and timelines for scoping and a friendly amendment that the items that were identified by the FishSmart Group in their final report be added to the scoping items. Motion carried on Page 20.

PAGE 22: Motion to approve SEDAR 19 participants as modified and consider additional SEDAR pool applicants during closed session. Motion carried on Page 22.

PAGE 22: To approve SEDAR 19 terms of reference. Motion carried on Page 22.

PAGE 22: Approve the SEDAR 19 schedule. Motion carried on Page 22.

PAGE 22: To address benchmark assessments for black sea bass and cobia in SEDAR 24. Motion carried on Page 22

PAGE 22: To approve the SEDAR schedule with the identified changes. Motion carried on Page 22

PAGE 22: Add Richard Stiglitz and John Adair to the SEDAR pool. Motion carried on Page 22

PAGE 22: Appoint Mark Marhefka, Don DeMaria and Bill Kelly for all three SEDAR 19 workshops and appoint Richard Stiglitz and John Adair for the SEDAR 19 Data Workshop. Motion carried on Page 22.

PAGE 32: Motion that based on the bycatch mortality associated with the EFP activities that the council object to extending this program for another year. Motion carried on Page 35.

PAGE 35: Motion that if, in fact, our opposition is once again not acted on by the National Marine Fisheries Service HMS, that at least the ten-mile extension to the west be curtailed at the southern most portion of the currently authorized research area.

PAGE 38; ABOVE MOTION REWORDED: The motion is if the experimental fishing permit is approved, then restrict fishing activities to the ten-mile extension to the west of the southern portion of the authorized research area (no further north than 29 degrees north latitude). Motion carried on Page 38.

PAGE 40: Motion to recommend the council establish or set a black sea bass control date of December 4, 2008, for the commercial pot fishery. Motion carried on Page 40.

PAGE 40: Motion to take the following items to scoping to be included in Amendment 18 to the Snapper Grouper Plan: One, to limit participation and effort in the Golden Tilefish Fishery, including endorsements and/or a limited access program in that fishery; two, limit the participation and effort in the Black Sea Bass Fishery; three, to extend the fisheries management unit range and designate EFH in that new area; four, to separate the snowy grouper quota into regions or states; five, to change the golden tilefish fishing year – several options associated with that – and, six, improvements to data reporting. Motion carried on Page 41.

PAGE 41: Motion that we take to scoping to be included in Amendment 18 to separate out the gag quota into regions and states. MOTION REWORDED ON PAGE 43: Motion is to add a measure separating the gag recreational ACL into region or state ACTs; add that to the list of items for scoping in Amendment 18. Motion carried on Page 43.

PAGE 43: Motion from the Snapper Grouper Committee to not forward an interim rule request for red snapper to the National Marine Fisheries Service at this time. Motion carried on Page 43.

PAGE 59: Motion that the council recommend that in the Swordfish EFP, that the hard parts from the dead undersized swordfish be retained for research purposes and that they release the live undersized swordfish back, as they are doing now. MOTION REWORDED ON PAGE 60: Motion is the council recommends that if continued, the EFP Research Project be required to retain the fish or parts that are necessary for ongoing or anticipated research needs. Motion carried on Page 60.

PAGE 61: Motion to give direction to staff to prepare comments and editorial license to develop a letter consistent with past positions expressed within the council and for your review. Motion carried on Page 61.

PAGE 61: Motion to direct staff to readvertise an opening on the Snapper Grouper Advisory Panel for a for-hire representative. Motion carried on Page 62.