

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT SNAPPER GROUPER COMMITTEE AND WRECKFISH ADVISORY PANEL

MEETING

Hilton Savannah DeSoto, Savannah, Georgia

March 5, 2002

Summary of Minutes

SNAPPER GROUPER COMMITTEE

Wayne Lee, Chairman
Dr. Roy Crabtree
Dr. Louis Daniel
Ebbie LeMaster
Susan Shipman

Bill Cole
David Cupka
Tony Iarocci
Dr. Joe Powers

WRECKFISH ADVISORY PANEL

Micah LaRoche

Samuel Ray

COUNCIL MEMBERS

Fulton Love
Dr. John Dean

LCDR. Dave Cinalli
Robert Southerland

STAFF MEMBERS

Bob Mahood
Roger Pugliese
Dr. Vishwanie Maharaj
Kerry O'Malley
Kim Iverson
Shannon Moore
Ana Pitchon

Gregg Waugh
Margaret Murphy
Rick DeVictor
Dr. Kathi Kitner
Julie O'Dell
Megan Peabody

OBSERVERS/PARTICIPANTS

Tony Lavoie
Reed Bohne
Michelle Duval
Lt. Mark Gordon
Reinhard Thaler
Dr. Joe Kimmel
Alexander Stone
Ronal Smith

Scott Rutzmoser
Pete Herber
Dieter Busch
Mike Orbach
Kay Williams
Monica Smit-Brunello

The Joint Snapper Grouper Committee and Wreckfish Advisory Panel of the South Atlantic Fishery Management Council convened in the Central/South Ballroom of the Hilton Savannah DeSoto, Savannah, Georgia, Tuesday afternoon, March 5, 2002, and was called to order at 1:45 o'clock p.m. by Chairman Wayne Lee.

Mr. Lee: If we could, I'd like to convene the Snapper Grouper Committee. The first thing I'd like to do is go through the agenda. On the agenda, the second item there is a scoping meeting for Amendments 13 and 14.

We'll have approval of minutes for our December 5 and 6 meeting. We're going to have the status of the wreckfish stock by Gregg. We're going to have the status of wreckfish research by Kathi Kitner.

We're going to discuss the wreckfish options in Amendment 13.

We're going to discuss the status of the red porgy assessment and the peer review process. That will be handled by Gregg Waugh and John Merriner.

We'll have comments by Joe Powers concerning a letter that we received on MSY and optimum yield. We'll review the draft amendments for Amendment 13 and provide any addition direction to the staff.

We'll review the sites for the Draft Amendment 14 and provide additional direction to the staff. Under other business I have two items currently. One is the status of vermilion snapper, gag and black sea bass, and Gregg will handle that issue.

And then we have an issue that Louis Daniel will handle concerning an additional snapper grouper proposal for Amendment 13. Are there any other items that we have for the agenda? Do we have a motion to approve the agenda?

Mr. Iarocci: So moved.

Mr. Lee: Second by Louis Daniel. Any objection? The agenda is approved.

The next thing I would like to do is a roll call, and I'd like to start down at the left with Ebbie LeMaster, please.

Mr. LeMaster: Ebbie LeMaster, Florida.

Dr. Kimmel: Joe Kimmel, National Marine Fisheries Service, St. Petersburg.

Dr. Powers: Joe Powers, National Marine Fisheries Service, St. Petersburg.

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

Dr. Crabtree: Roy Crabtree, Florida.

Dr. Dean: John Dean, South Carolina.

Mr. Cole: Bill Cole, Fish and Wildlife.

Ms. O'Malley: Kerry O'Malley, council staff.

Mr. Waugh: Gregg Waugh, council staff.

Mr. Lee: Wayne Lee, North Carolina.

Mr. Iarocci: Tony Iarocci, Florida.

Mr. Cupka: David Cupka, South Carolina.

Mr. Southerland: Robert Southerland, North Carolina.

Dr. Daniel: Louis Daniel, North Carolina.

Mr. LaRoche: Micah LaRoche, South Carolina.

Mr. Ray: Sammy Ray, Wreckfish AP.

Ms. Shipman: Susan Shipman, Georgia.

Mr. Lee: Thank you. The next item on the agenda is a scoping meeting on Amendments 13 and 14. Ladies and gentlemen, I'm Wayne Lee, Chairman of the Snapper Grouper Committee, and today I am acting as the chairperson on behalf of the South Atlantic Fishery Management Council.

Other members of the scoping meeting board include all the council members that are at the table as well as those in the audience.

We would like to thank you all for taking the time to attend today. The purpose of this scoping meeting is to give you the opportunity to comment before the council develops a position on an issue.

Scoping meetings are required by the National Environmental Policy Act and are also now a part of the pre-management plan and amendment process. Scoping meetings are different from public hearings in that the council does not have a position on a particular issue prior to scoping meetings.

Public hearings occur after scoping meetings. This scoping meeting is to allow you to comment on the Snapper Grouper Amendment 13 options as well as the options under Amendment 14, which is our amendment for our marine protected areas.

The council in discussing these issues will consider your comments. The scoping meeting will be conducted in the following manner. Gregg Waugh will present the options for Amendment 13, at which time we will then take public comments on those options.

Following that, Kerry O'Malley will discuss the options under Amendment 14 and we will then take public comment on those options.

All comments will be recorded by staff and shall become part of the permanent record.

Your comments will be supplied to the council for their consideration. We will start first with Gregg to present the options on Amendment 13.

Mr. Waugh: Thank you, Mr. Chairman. This is included in the pink overview material. It's the second sheet in that material. There are additional copies in the material, the extra copies on the table.

This is a NEPA/Magnuson public scoping meeting on potential options for Snapper Grouper Amendment 13. The third paragraph on that sheet indicates what we are doing as far as the overfishing issues. Currently static spawning potential ratio proxies are used to define MSY, OY and maximum fishing mortality threshold.

In Amendment 13 the council sets forth to establish values for MSY, maximum sustainable yield, the optimum yield, the maximum fishing mortality threshold and the minimum stock size threshold for each species in the snapper grouper management unit.

We're doing this based on the information that's available for these data-poor species. This will bring us into full compliance with SFA, the Sustainable Fisheries Act.

In addition to those parameters, the council is considering a number of other management measures in Amendment 13. These have to do with commercial permit transfers, harvest and possession limits for the deep water grouper, tilefish fishery, issues addressing spawning season closures, the Oculina Experimental Closed Area, and so forth.

Those options that are under consideration are at the bottom of the first page and continue on over the top of the second page. We did hold one previous scoping meeting in conjunction with our March 2001 council meeting.

We are holding this additional scoping meeting to receive any comments on these options or any additional items that should be included in Snapper Grouper Amendment 13. Thank you.

Mr. Lee: We'll start out first with those that have a card and indicated that they would like to speak. The first person I have is Alexander Stone.

Mr. Stone: Thank you, Mr. Chairman. I'm Alexander Stone with Reefkeeper International. I appreciate the opportunity to comment on Snapper Grouper Amendment 13. We have a few comments, some on the question of setting status determination criteria and some on actual management measures to be implemented.

With regards to stock status criteria definitions, we really, really emphasize that the council ought to be precautionary in the setting of those definitions, and do so in order to make as much as you can sure that further decline of the stocks will be prevented, especially with regard to data-poor stocks.

Now particularly for data-poor stocks, the status may not be known but we maintain that it certainly can be suspected or inferred in questions like are landings in decline? Is there a trend of declining landings in so-called data-poor stocks evident? Is catch per unit effort declining?

These questions need to be addressed when you go to establish status determination criteria for these stocks. Now what do we know and what can we infer from what we do know? You know, we're not operating in a vacuum here.

We know the status for 33 of the stocks, 33 of the species in the snapper grouper management unit. Of the 33, 15 are overfished and 18 are not. Forty-five percent of the known status stocks in this management unit are in trouble.

Therefore, it is not reasonable to act on the assumption that data-poor stocks in the same management unit are not in some sort of trouble, also. The prudent thing to do would be to operate on the premise that probably 40 to 50 percent of those stocks are in trouble.

We just don't know which of them they are. If there is a declining landing trend for any stock that is supposed to be tagged as a data-poor stock, that should be a red flag to indicate that this is a stock that needs to be looked at in a precautionary manner when establishing status determination criteria.

We can't let those stocks decline further. Now why am I making a big deal out of this? Why is Reefkeepers so concerned? Because, if the council follows NMFS guidance and the NMFS

formulas and the NMFS assumptions to establish status determination criteria for data-poor stocks, I'll bet all the money in my 401(k) that those stocks will decline further.

These are not precautionary. It's not precautionary guidance that you will be operating on. If you look at page 25 of your options paper for Amendment 13, you will find the guidance that you're being asked to follow tells you to arbitrarily assume, arbitrarily assume for a data-poor stock that current biomass out in the water is equal to biomass at maximum sustainable yield.

It is telling you to assume arbitrarily that current fishing mortality is equal to fishing mortality at maximum sustainable yield. This sets up a tautological situation when you plug these factors into the formula.

You always end up with maximum sustainable yield being equal to current catch, however you define current catch. That's bad enough, but what's going to happen is then you're going to have to take the next step and pick a number for your minimum stock size thresholds for each of those stocks.

And that same guidance tells you to take that at 50 percent of your biomass at MSY, which these previous assumptions have forced you to establish biomass at current catch levels. This is a guaranteed situation for all those stocks to be depressed further before any remedial action can be taken to rebuild them.

And, basically Reefkeeper is asking you to consider to don't go along, don't go along, consider other alternatives. Instead of having current catch be equal to MSY, just as good case can be made for having current catch may be made equal to minimum stock size threshold.

If you don't like that one, there's no reason why you have to use a ratio of one for fishing mortality over natural mortality. Use a different ratio and take into account the fact you know that 45 percent of the stocks, where you know their status are overfished.

You know current fishing activity is putting excessive pressure on the stocks that you are managing in this unit. We cannot act as if we didn't know. And you can count on Reefkeeper to back you up in court on this, because this is something we feel is crucial to the future of stocks, not just in the South Atlantic but throughout the federal fisheries management regime.

And for data-poor stocks we, again, urge you not to buckle under to that NMFS guidance that forces you to prescribe minimum stock size thresholds for all your data-poor stocks that are half of what is supposed to be out on the water now.

Having said that about overfishing criteria, we also want to make sure that we don't get so bogged down in discussing them that we don't ensure that a good suite or menu of management measures is

considered in Snapper Grouper 13.

Snapper Grouper Amendment 14 is not going to do anything for shallow water stocks in the management unit, and a lot of these stocks need help now. You know that the rebuilding of a lot of the overfished stocks is not progressing as expected.

We know that Number 13 won't be finalized until sometime in 2003. So if we don't get some additional management units in this amendment, then it may not be until 2005 that additional management is put into effect to help rebuild and maintain the stocks in this management unit.

And, therefore, we're urging you to include a full suite of additional management actions in 13, at least for discussion purposes. Don't knock anything out of the box before you take these things to public hearing.

And in addition to all the things that Mr. Waugh recited for us, let's get some grouper spawning season closures per our request letter that we recently sent to you for consideration in Amendment 13 -- staggered spawning season closures for deep water and shallow water groupers so that each one of those species gets a break while it's spawning and yet, at the same time, fishers will always be able to target some grouper species year round to be able to land some grouper.

Let's consider getting some bycatch reduction measures for overfished species such as goliath and nassau. They're not recovering like they're supposed to be, particularly nassau, and yet direct catch is zero.

Something else has to be tried. Something else has to be looked at. I don't see in the options paper - - and I think it ought to at least be put up for discussion -- TAC reduction; TAC reduction measures for the shallow water complex, in particular, TAC reduction measures for the deep water complex; and as an alternative to that, effort reduction: trip limits, reduction of days at sea.

I mean, put it all up on the wall and let's take a look at it. Let's hear what the science has to say about these things. Let's hear what the public has to say about these things. And after the public hearings are over, then you can knock out some of those things.

But, let's give ourselves as much room as possible to maneuver during the development of Amendment 13 so that at the end of the day, you've retained the option to put some management measures in place with this amendment that will help rebuild and maintain the snapper grouper stocks.

I appreciate all the time that you've given me, Mr. Chairman, to make these comments and I hope that they will be considered. Thank you.

Mr. Lee: Thank you, Mr. Stone. I have one question and then I'll take other questions. You said that we should have additional management measures for goliath groupers and nassaus. Do you have any recommendations there?

Mr. Stone: The two species that you just mentioned are under zero direct take. So the question really is, is bycatch of those species significant enough to be affecting the recovery of those species.

I have heard, perhaps not at this council but certainly at the Gulf Council, anecdotally, I have heard council members and other people comment repeatedly on the abundant number of goliath groupers that they find inside lobster traps, to which I immediately say, "Gosh, how much of a baby does a goliath grouper have to be in order to wriggle into a lobster trap? And are these things being released live and can they even be taken out of the trap?"

So I know that for goliath grouper, lobster traps may be a source of bycatch. I don't know about nassau over here in the South Atlantic, what may be a source of bycatch for nassau, but I think it's something that needs to be looked at because we know that certainly for nassau grouper the rebuilding plan isn't working like it's supposed to.

So, something has to be holding back those stocks. If these stocks are part of a mixed-stock fishery, have we looked closely enough at the question of whether these two species are being caught as bycatch while the fishers are directing their attention to other fish species that are found in combination with them and what can be done about that.

Mr. Lee: Okay, I didn't mean to put you on the spot --

Mr. Stone: You didn't; that's fine.

Mr. Lee: -- to have solutions today but I would ask you to think about that issue; and if you have additional recommendations for the council, get us a letter in here. Are there other questions?

Mr. Iarocci: Thank you, Mr. Chairman. Alex, once again, that was very informative. I agree with a lot of the things you said there. I don't have a problem with leaving a lot of this stuff on the table.

To start with, I'd like to address the goliath -- I'm still going to call them jewfish -- the jewfish bycatch issue that you're talking about, because not only are we talking about there are a few more showing up in both stone crab traps and crawfish traps, but a lot of the charterboat people that I know and a lot of the people that are fishing on both coasts right now are targeting them hook and release.

But the people that I'm talking to -- and I'm seeing articles in lots of sport-fishing magazines, too, that are saying, "Be careful, don't use the gaffs, don't take them out of the water, make sure a lot of

them are using circle hooks."

There is a lot of information out there and the general public, both commercial and recreational anglers are taking the time to release these things properly. Now the directed fishery for spiny lobster and stone crab, we are seeing more in our traps.

And you know just by the size limits of the funnels how big these fish are going to get in. And when these fish are seen, especially now that we do know what has happened with them and they are coming back, most of the guys when they do have one -- and I know myself because I've had them in my traps -- I gingerly take them out and most of the people do the same thing or redump the trap if there's other stuff in there with or without the lid on the trap, and they do get out.

In no way can I say that I know of anyone that I've dealt with or talked to in any way are harming these fish or there is a bycatch or a by kill element to the goliath grouper fishery that's being there now.

If there is some other reason, it might be habitat-related or water-quality related, but in nothing that I've seen -- and I know Don DeMaria and a couple other people that are doing a lot of research right now dealing with these things, and they're seeing more and more of them.

I'm hearing that there are more and more, and, I mean, nothing against the data we've got out there, but if there are as many jewfish -- and, I mean, some people are saying right now that they'd like to see us open up the fishery because there are so many out there because there's a problem.

There are wrecks out in the Gulf of Mexico right now where friends of mine target snapper grouper on. And other fish, they get out there and drop a bait overboard, they can't get a fish to the boat because the jewfish are eating the fish. So, you know, there are two sides to this. But, in no way there is a bycatch issue that I can tell you about it.

Mr. Stone: I'm just raising the question, Tony. And, just to add to this notion that there's lots and lots of jewfish out there, I'd like to know just what age classes these animals are. I mean, because, as you all know, these are late bloomers as far as reproduction is concerned. Just because there's a lot of babies out there, it doesn't mean that the spawning potential of the stock is recovered.

Mr. Iarocci: Thank you, Mr. Chairman. And, Alex, like I said earlier, they're all from the sizes that will fit in both the crawfish trap and a lobster trap to some of the big fish they're catching.

Some of those fish out on the wrecks have shown back and some of the data, and I think you can get a lot of that stuff from Don DeMaria and the people that he's working with on this issue that there are a lot of big, big fish coming back in different places.

Mr. Lee: Okay, thank you, Tony. Are there any other comments for Mr. Stone?

Dr. Crabtree: Thanks for coming out, Alex, and I appreciate your comments. With regard to the overfishing definitions that are in here -- and I assume you've looked at Appendix 1, at the spreadsheets that basically allow you to estimate these sort of things?

Mr. Stone: I'm going to be honest with you, Roy, as far as the ones in your paper, your paper was only made available to me today so, no, but I've looked at the ones that were used for the Caribbean Council.

Dr. Crabtree: Okay. Well, it's somewhat of a similar approach to it because all we have on a lot of these stocks is catch data. I don't believe that NMFS has given us guidance to set those F ratios or biomass ratios at one. I don't believe NMFS has given us guidance to set MSY equal to recent catch.

Mr. Stone: That's what is being done, though.

Dr. Crabtree: No, the way these tables are set up is in a way that allows the councils to come in and change those ratios of biomass and ratios of fishing mortality. There are stocks in here where ones have been put in and that are basically assumed.

But the council could easily come in and decide, just as you suggested, taking a more precautionary approach and changing those. If the feeling is the recent catch has been too high, then the response to that would be to go in and adjust those F ratios and say, well, recent fishing mortality has probably been higher than FMSY.

And you can do that, and I think what NMFS has done is given the council a template to go in and change those kinds of numbers and have it reestimate all these things. And at the same time you could say that the stock has been badly overfished recently and the stock size has been lower than it was, and so the MSY level would actually be greater than that.

But I think both of these, the tables and the way this is set up is to allow the council to deal with those kind of things, and I would say in the way that you're suggesting, because they're also set up in a way that allows us to take a better-known indicator species and then assume the status of all of the other stocks reflects that. And that's, in fact, what is done with some of these.

Mr. Stone: I'm glad that basically you're agreeing with me, because you are. You're saying that the council is not hog-tied to having to adopt stock status criteria based on assumptions that fishing mortality, current fishing mortality is equal to natural mortality or that current biomass is equal to biomass at MSY.

The bottom line of what I was trying to say is you don't have to do this. You can be more precautionary.

Dr. Crabtree: I just want to clarify, Alex, I don't think that's the guidance that NMFS has given us, not to my knowledge.

Mr. Stone: Well, good. That's good. I hope everybody heard that.

Mr. Lee: Okay, are there any other comments for Mr. Stone? Thank you very much. Okay, I have no more cards for speakers who have requested to speak, but I would like to open the comment period to anyone in the public.

Is there anyone in the public who would like to make comments on Amendment 13? Okay, seeing none, then we'll close the comment period for Amendment 13, and at this time Kerry O'Malley will go over the items for Amendment 14.

Ms. O'Malley: Thank you, Mr. Chairman. As you all are aware, we have already held eight scoping meetings for marine protected areas, the first round of which was held in May of 2000 and the second round -- or spring of 2000 and the second round in the spring of 2001.

However, recently the DEIS, the notice of intent to prepare the DEIS was published on January 31 in the Federal Register. And so we felt the need to give the public one further opportunity to comment.

A lot of this stuff will be very old hat and you have it memorized, but I'm going to go through briefly the definition of marine protected areas for the sake of the audience and where we are.

So, the purpose of this scoping meeting is to seek input on possible areas the council should examine in their consideration of marine protected areas. Of course, we're now emphasizing the habitat and the species associated with the deep-water snapper grouper complex.

To be clear, the council defines marine protected areas as a network of specific areas of marine environment reserved and managed for the primary purpose of aiding in the recovery of overfished stocks and to ensure the persistence of healthy fish stocks, fisheries and habitats.

With that being said, the council has given four types of marine protected areas, four possible types of actions that can be taken during this round of marine protected areas development. I'll briefly go through those.

The first one is a Type 1, which is a permanent closure with no take allowed. The second type is a Type 2, which is a permanent closure with some take allowed.

The third one would be a limited duration closure with no take, and the specific example of that would be a spawning season closure with no take during that time and in that area.

And, finally, a limited duration closure with some takes allowed. Again, an example would be a spawning area closure where certain species were prohibited from possession but others were allowed to be taken. And that's all; you guys know the rest.

Mr. Lee: Okay, the first person that has asked to speak is Mr. Stone. If I understood your question, you asked if there was anyone else to make comments. The only card I have is yours, Alex.

Mr. Stone: Well, my name is Alexander Stone with Reefkeeper International. I appreciate the opportunity to speak on Snapper Grouper Amendment 14 that is targeting the possible establishment of marine protected areas for the snapper grouper complex.

First of all, we'd like to reiterate, as the council knows, that Reefkeeper believes that marine protected areas are a necessary management tool that the South Atlantic Council needs to have in its tool bag to be able to address management in the future for these stocks.

Forty-five percent of the stocks in the snapper grouper management unit for which status is known are overfished. The rebuilding plans for several of these overfished species are not progressing as expected.

Seventy-five percent of the grouper stocks managed under this plan have been found by the American Fishery Society to be at risk of endangerment to some degree or other.

And we have the situation with data-poor stocks where we don't know where they are at, but based on the conditions of the stocks whose status we know, we have to assume that data-poor stocks have to be in some kind of trouble.

We commend the council for continuing to move forward with Amendment 14 and the establishment of marine protected areas, and we particularly commend you for having what is, in our view, quite a generous menu of deep water marine protected area candidate sites in Amendment 14.

From this point forward, we really recommend that you take the widest range possible of those sites to public hearing and then do whatever cutting needs to be done, but don't cut the list down any more before you take it to public hearing.

And following that same train of thought, think about reinstating into the list any deep water sites that you may have knocked out that have been recommended to you by the Marine Protected Areas

Advisory Panel, because at this point, basically, it's all still under consideration.

And if the public gets the chance to see the whole universe of sites that can be considered, nothing can be lost from that. The council can still always cut those sites out of the picture when it makes a final decision on Amendment 14.

But still, we think that this is a good move in the right direction for deep-water stocks. Unfortunately, as you know, the same is not true for shallow water stocks. Amendment 14 does not propose any considerable number of sites that would benefit shallow water stocks.

Shallow water stocks need as much help now as deep-water stocks do. So, even though we are well into the process, we still would like to call the council's attention, again, to the possibility of getting back into the draft amendment at least some of the shallow water sites that were knocked out from consideration, even though they were recommended to you by several advisory panels, and let the public talk about them.

By the time that you're actually sitting around the table to make a final decision on Snapper Grouper Amendment 14, it's going to be mid-2003. And in mid-2003 there may be a whole host of reasons why you wish that you had on the table the option to establish some marine protected area sites for shallow water stocks.

You're depriving yourselves of that option by not taking in the draft amendment to public hearing a suite of those sites. And then the last thing we want to say is this, as much as you're moving forward on getting marine protected areas into your tool kit as a viable alternative for management, we don't want to see that process cause you to go backwards in any way in other areas of management.

We're a little nervous about what is happening with regards to the council's options for action to protect spawning aggregations. It has been our understanding for the last two, three, four years, since we've really worked on this with the council, that this council had in its pocket already the ability to act, through framework action, to protect newly discovered spawning aggregations; and barring that, you also had the option to move by regulatory amendment to protect spawning aggregations.

This is something that you already can do. We're a little bit nervous that having a considerable amount of talk about spawning aggregations and temporal closures bundled into Amendment 14, that basically the council is, like, reopening the question of should spawning aggregations be protected; under what conditions, you know, should they be protected?

What mechanism should be followed to protect them? And our most catastrophic expectation is that the council may take a mindset that between now and the time that Amendment 14 gets

finalized, the question of protecting spawning grouper aggregations may become moot.

If one is discovered and documented, you may feel constrained as far as being able to move forward to protect it because you're waiting for this amendment to get finalized. Now, we may be completely wrong about that, but it's something that we see as a worry.

In our view the council already has in its purview effective mechanisms to move expeditiously to protect spawning aggregations. We want at least the council to keep its eye out for not short-circuiting those processes by bundling in the protection of spawning aggregations in with marine protected areas. And that's all we have to say, but we commend you for what you're doing, and that's just one little nervous thing we have.

Mr. Lee: Thank you, Mr. Stone. Are there any -- Susan.

Ms. Shipman: Thank you, Alex. You have provided us the very excellent document that you had put together. It was a literature review, a citation list of known spawning aggregations. We did use that and it was very helpful.

Many of those sites were in the Gulf of Mexico. Now there wasn't a whole lot for the South Atlantic, although certainly we keyed in on the ones that there were. Do you have additional new information?

I got the latest letter you sent us, but are you continuing to receive information that you can bring forward to us? I mean, obviously, we are very interested in focusing on spawning aggregations.

Mr. Stone: No, we don't have any new information. Researchers are understandably being careful about prematurely disclosing where a spawning aggregation is that they're studying because their catastrophic expectation is that as soon as somebody finds out that it's there, it will get hit.

That's why two years ago we tried to work so actively with the council to empower the council to be able to move quickly to verify that a suspected spawning aggregation is there and then move to protect it, before it gets banged.

And, again, I go back to the notion that we thought, and we were told that basically the council had positioned itself to be able to pursue those actions through framework.

Well, your question brings up the point, as you know, that when a spawning grouper aggregation is discovered, you cannot go through a two-year full plan amendment process to talk about protecting it because, you know, forget it, and you know you can forget it. You have got to be able to move to protect it on a very much quicker time frame.

Mr. Lee: Okay, are there any other questions for Mr. Stone?

Mr. Iarocci: Once again, Alex, thank you for your input, very valuable. I know a lot of the council members get a lot of knowledge out of your stuff.

This letter we got dated January 7th, request for staggered spawning season closures for shallow and deep water groupers under Snapper Grouper Amendment 13, I got that a while back and you made some good points in there.

I'm just curious -- and I've talked to a bunch of different people on both sides of the spawning closures because I think it's a very important part of fisheries management -- did you circulate this to some of the other environmental groups and some of the other recreational and commercial fishing organizations to see what their take was or any input? I'm just curious about that.

Mr. Stone: We have circulated it to council members and to our collaborative partners in the South Atlantic. We haven't really circulated it outside that. We've been working this same concept in the Gulf of Mexico for about a year.

So, in that venue, it has been circulated, you know, outside that limited circle. And if you want me to tell you kind of the bottom line on what the take is, the question becomes the length of the closures. That's what becomes the question.

People say, yes, it sounds like a good idea, good work. On the one side, people say a one-month closure is too short. You can fish around it; it won't have any effect. And other people say, well, a two-month closure, my business can't handle that.

And I've even been approached on the idea -- and I haven't really looked at it -- of they would call "pulse," pulse spawning closure; in other words, open for a month, closed for a month; open for a month, closed for a month kind of a thing during the spawning season.

There's nothing that we haven't really looked at. But that has been the reaction so far from fishers on the Gulf side. The question becomes how long can they stand it.

Now that's the reason why we keep pointing out the fact that our proposal is staggered deep water and shallow water spawning closures; because by doing looking at it that way, you always have one of the complexes open.

So maybe not for a particular fisher but for the fish processor and the restaurant, at least, there is always a source of grouper. Even if one complex is closed the other one is open.

Mr. Lee: Okay, any other questions for Mr. Stone? Thank you very much. That is the only person I

have that has signed up to speak, but I'd like to open the floor to any of the public that would like to make comments on our Amendment 14. Is there anyone in the audience? Okay, if not, then we'll close the scoping meeting on Amendment 14.

The next item on the agenda is approval of our minutes for our meeting on December 5th, which is located at attachment one. Any comments on those minutes?

Dr. Daniel: Just one quick correction on page 6, second paragraph, it's Von Bertalanffy. It says "Von Bertalamphy. I'd ask Dr. Dean to spell Von Bertalanffy for the record.

Mr. Lee: Thank you, Mr. Daniel. Are there any other comments or changes?

Dr. Dean: Wayne, I think it's not very clear, but on page 73 I had asked that a particular document be included with the minutes and distributed to everyone, and I don't think that was accomplished. I would like to revisit that and have that included in the next distribution.

Mr. Lee: Okay, thank you. Any other comments? Do we have a motion to approve those?

Mr. Iarocci: So move, Mr. Chairman.

Mr. Cupka: Second.

Mr. Lee: Second by David. Any objection? Consider them approved. Now we have a set of minutes for our December 6th meeting. That's at Attachment 2. Are there any comments on those minutes? Do I have a motion to approve those?

Ms. Shipman: So moved.

Mr. Lee: Second by Dr. Daniel. Any objection? Those are considered approved. Okay, the next item on the agenda is the status of the wreckfish stock, and that is going to be handled by Gregg.

Mr. Waugh: Thank you, Mr. Chairman. If you would turn to the material behind Attachment 3 -- and, again, I just urge some caution in discussing this. The 2001 annual landings are confidential, as are the average size and average weight and any other mathematical combination that would allow one to derive the annual catch.

The report that is included in the regular briefing book has certain numbers blacked out, and that is the reason. The council members were provided named copies of confidential data that is for your use.

And, again, let's just try and be careful not to mention what those numbers are as we discuss the

material. I think the easiest way to talk about the status of wreckfish as far as the information we have is to look at pages 18 and 19 of the Amendment 13 document.

This includes a table that is based on the latest stock assessment information. That is table 3 on page 18. Table 4 on page 19 has the catch history; again, indicating that 2001 data are confidential.

Our preferred option, thus far, is based on using the 30 percent SPR proxy as a condition for estimating MSY. If we do that, then that shows that the maximum fishing mortality threshold would be 0.34. The minimum stock size threshold would be 1.53.

The current fishing mortality rate is 0.2, which is less than the maximum fishing mortality threshold of 0.34; therefore, wreckfish are not experiencing overfishing.

The current stock size, the biomass is estimated to be 2.5 million pounds -- this is out of table 3 -- which is greater than the minimum stock size threshold of 1.53 million pounds so wreckfish are not overfished.

We don't have to deal with overfishing or overfished for wreckfish. Obviously, we have had discussions in the past about why the landings are as low as they are, and we've certainly got two of our advisory panel members here to discuss that more today.

But, also, Kathi will cover a research project that is ongoing that will discuss with current permit holders that are active as well as those that are inactive as to why we're not having greater usage of the quotas and more harvest.

But, as far as the current status, you see it. There is little change over recent time up through 2000 in terms of average weight. Catch per day has varied a little more but wreckfish are not overfished, nor are they experiencing overfishing. I'd be glad to answer any specific questions you might have.

Mr. Lee: Questions for Gregg?

Ms. Shipman: Have we talked with the harvesters to see about getting a waiver from the confidentiality of these data?

Mr. Waugh: Not yet because this just was provided to us, but that's something that we will pursue so that we can use that information.

Ms. Shipman: Because, you know, we run into this in Georgia all the time because basically we have one dock. Charlie has been gracious enough to basically waive confidentiality so that the Georgia data can be discussed because that is our only dock that's landing snapper grouper.

So at least we've been able to show the Georgia landings that way. I would hope that they would be receptive and perhaps work with us to perhaps waive confidentiality.

Mr. Waugh: We will pursue this with NMFS because, as I understand it, we would need to pursue that written release from the fishermen involved as well as the fish houses involved, but we will pursue that.

Mr. Lee: Are there any further questions for Gregg? Gregg, I don't think mentioned it, but if you look in the last paragraph there where we have the MSY estimate of 242,300 pounds, that's not a problem today, possibly, but if you look at the catch history under that option, I guess it could be a problem. I just make a note of that. Okay, if no further questions for Gregg, we'll move to Kathi.

Dr. Kitner: This will be a quick report. The research is still --the questionnaire part of the research - and I'm not sure how many of you are familiar with it.

Just a little bit of a background. Jim Waters called me a while ago and asked if I could help conduct a research project, ethnographic research project on past shareholders in the wreckfish ITQ fishery.

And he approached me saying, "Well, I've heard you're good at talking to fishermen. What we want is somebody to go out there and actually talk to them face-to-face and find out what they're doing now, why do we only have two people actively landing fish, what's happening, what are the problems that are occurring in the fishery, what fisheries have they maybe migrated into, why did they never stay, why did we have 91 permits and only 2 active permits right now?"

So, I, enjoying this part of my work very much, accepted the proposition and so we're working on developing right now the "questionnaire." I just went out to lunch today with Mr. Samuel Ray and had a very enlightening discussion with him.

And so that will form part of developing this questionnaire. That, then needs to be submitted to OMB for approval and then the research will begin. I estimate that we will or I will conduct 30 to 40 interviews, if everything goes well.

Then those will be transcribed by Joe, who we've just talked about that. They will be entered into the data analysis program that I have that maybe some of you are familiar with from past work that I've done with the council, Atlas TI and SPSS, which is a statistical package for social science.

And then the analysis will be done. I'll talk again to the fishermen to see if I've got it right, back and forth. And then the final product will be presented here at the council and given to NMFS and gotten out to the public. Then I imagine people will take the results of that and hopefully it will help in making future policy decisions.

But right now I don't have anything to report to you other than that because that's where everything is right now. So if you have any questions, I'd be happy to answer them.

Mr. Waugh: Just to mention the background for this work is included in Attachment 4 in the briefing book.

Ms. Shipman: Yes, this is a question actually for our advisors, for Sam and Micah. Being the impatient person that I am and not wanting to wait for Kathi's results, I'd like to ask them what the other four of the six permitted boats that are not fishing, what are they doing right now? Are they in other fisheries? Are they in the Gulf? What are they up to? Do you know?

Mr. LaRoche: I think it would be pretty much safe to say that they are in other fisheries. Their permits were granted at a time when the fishery was very profitable. They came into it when they could longline the fish and they were making large profits. And when that stopped, their interest in the fishery and their participation in it went with it.

Ms. Shipman: What fisheries are they in, Micah? Are they in snapper grouper or --

Mr. LaRoche: Some of them, and the shrimping business. Others have actually left the country. I don't think there were very many that in full-time wreckfish fishing. Some of them were longliners out of the Gulf. Yes, some have died, right, Dixon Harper being one in case.

Dix used to switch back and forth from the Gulf, the red snapper fishery there and the red grouper, and he moved back and forth in and out of it.

Ms. Shipman: But I'm particularly interested in the four that still hold permits that aren't fishing. Are they still in the South Atlantic, because it indicates we've got six permitted vessels and two are fishing, basically.

Mr. Ray: I know one or two vessels that are into longlining swordfish.

Dr. Dean: Yes, I would like to have our AP -- to look at the numbers, that's one thing, but Gregg gave a summary and it says the fishery meets the criteria of not being overfished but, once again, we see somebody that's on the water and they're coming across your dock, what's your personal perception of the state of the stock?

Mr. LaRoche: I don't think there has been any change in the stock. I think the catch-per-unit effort is pretty constant. The folks that are still in it were high liners, in that fishery. I think that the competition from imports and other fisheries have kept the prices down on the fish.

And, quite frankly, a man can make a better living in other fisheries for the time invested and the

money invested in other fisheries. It has pretty much kept people out of this fishery.

It's an expensive fishery to be in; and when it became seasonal, it became more difficult for these people to take a break in the middle of their year and to regear and to go into another fishery. Bubba, you could address that a little bit.

Mr. Ray: Really, I don't have a whole lot to add to it. I know this fishing year was real topsy-turvy for the 44-foot vessel. And as far as, like Micah says, having to stop in the middle of the season and regear and then go into something else, that's a little bit much for most people.

And, I know my vessel in particular, the wear and tear on it is just unbelievable, working in the middle of the Gulf Stream, and it takes a lot of money to keep it up. I think a lot of people realized that early on and made a personal adjustment to it. I didn't.

Mr. LaRoche: One thing, too, that I might add that has kept the price down on the fish is the marketing aspect of it. It's really difficult to pull a fish off of the market, keep it off for two months and put it back on, to reintroduce it. It becomes a menu item.

Basically we have about two customers, I think, that are buying wreckfish and right now they're, like, restaurant chains. When we were getting more fish in, when we had more boats in it, we were freezing fish and we were keeping them on the market a little better.

That worked pretty well for us, but with only two boats in the fishery, it has been a difficult task to keep chefs interested in wreckfish.

Mr. Ray: I'd like to add that at the beginning of the fishing year, it was very difficult for me. Weatherwise, I was pretty limited to the amount of time I had in the ocean. Once the weather did turn around, the fish were there.

The fish were there apparently all along. And once the weather did turn around, I had lost a good bit of market for the season and never regained that ground. And as a result, there were many, many trips this year that I took where I was told not to catch over 3,000 pounds of fish. I'd leave fish biting hand-over-fist but there was no market.

Mr. Lee: Any other comments?

Mr. LeMaster: Thank you, Mr. Chairman. Back when the wreckfish fishery first started -- I can't remember how many years ago that was, ten years ago probably or more -- and Roy Williams brought it to the attention of this council that boats were bringing in thousands upon thousands of pounds of wreckfish, at least in Mayport where I saw them. I saw 35,000 pounds in one day.

And people were going out to catch wreckfish in any kind of boat they could get out there in. My question is this: that the marketing of wreckfish, at least in Florida, that a wreckfish is a little bit difficult to cook, and nobody had ever heard of a wreckfish up to that point so far as the wholesale and retail market, and you couldn't sell them.

So they marketed the fish as a grouper. Of course, they don't taste like grouper. You can't cook them like a grouper. My question is this, if all restrictions were taken off wreckfish, would that fishery re-emerge, if there are just as many fish out there?

A fisherman from Fort Pierce came up to me on the docks at Mayport and said, "Unless you put some restrictions on this very quickly, we'll kill all those fish, kill every one of them." And the South Atlantic Council -- I wasn't on it at the time -- acted very quickly.

Well, it took about a year but they did put restrictions on it.

That's my question; if all restrictions were taken off of wreckfish, would we have a gold rush again on it like we had ten years ago?

Mr. Ray: I'd have to answer no, I don't believe that we would. I think the fish community that's involved in wreckfish is well aware of what it takes to wreckfish. Those are the reasons why they're not there and not necessarily for a lack of product.

Like I say, I didn't have a lack of product this past year. I had a lack of marketability, which was greatly influenced by what comes out of the Gulf of Mexico.

Mr. LeMaster: I see. It's an interesting phenomena, though, Mr. Chairman, of what's occurred there of a fishery that none of us really knew existed and they found it by chance, really, as I understand it, and that we worked very quickly to put regulations on it to restrict the fishery, and now ten or twelve years later the fishery is back healthy, as far as we know, but there's no market.

I don't know what the answer to that is if these fellows tell me if you took the restrictions off, I don't think the fishery would re-emerge.

Mr. LaRoche: A lot of those very high catches were made with boats using ground longlines. The population density of these fish is such that it would be a far more effective way of catching these fish than it does on the type of gear that you use now, which is strictly up and down lines with hooks.

And it requires very exact placement, the types of gear used now, whereas with bottom longline it's like shooting a shotgun, you know, you just throw hooks and bait everywhere.

We were the ones that asked Roy Williams to come in there and stop that when we saw we were selling a two-dollar fish for fifty cents a pound. That was an action taken by the industry. I just wanted to add that in. Thank you.

Mr. Love: I was just curious about the size. Has the size of the fish gotten smaller since they're staying pretty -- that's a pretty good size that the population is still in good shape because usually when you start overfishing the stock, the fish get smaller, too. If they're staying pretty constant in size, that's a pretty good size that they're still healthy.

Ms. Shipman: I didn't know whether they wanted to answer that or not.

Mr. Ray: The size of the fish seems to be pretty much stable statistically across the board. We do see some smaller fish and some larger fish, but it all statistically seems to average out about the same that it has the last few years.

Mr. LeMaster: Not to belabor this, Mr. Chairman, but does anyone know why those fish happen to congregate there? I that some years ago that some of the fishermen found some odd-shaped hooks in them, which they gave me some and I think I gave them to Gregg, that we sent a few of those hooks to Woods Hole and they identified them as having come from Menorken fishermen in the Mediterranean that use that particular type of hook. But does anybody know why those fish have congregated in that particular area?

Mr. LaRoche: Most likely food.

Mr. LeMaster: You don't think they're coming there to spawn? They're apparently crossing the ocean.

Mr. LaRoche: They do spawn there but during that time period, the fishery is shut down in that time period.

Mr. Ray: I'd like to add I don't think the entire stock of wreckfish in the North Atlantic shows up at the Charleston Bump to spawn at one time. They may come there several times over the period of their life. We haven't yet determined that.

I certainly don't think that the entire mass of wreckfish stock comes there. I think they spawn -- of course, we haven't found any other large spawning aggregations but that really doesn't mean anything.

These fish were right off of this coast for all this amount of time and we didn't even know they were there. So there may be other areas that they spawn heavily. But, yes, they do come here and they do spawn while they're here.

Ms. Shipman: Sam and Micah, what do the two boats that are in the fishery, yours, Sam, and the other one, what do you all do during that closure? Do you all just haul out and do repairs on your boat? Do you convert over to another fishery?

Mr. Ray: I really need to run the boat. I'm also harvesting shellfish about five months out of the year, November through March, for instance, and that's primarily what I do. I wind up neglecting my vessel as a result. It takes quite a bit to get it going again in April.

Dr. Dean: Thank you, Mr. Chairman. I want to just corroborate Sammy's remarks about the distribution of the fish. Wreckfish are a significant recreational fishery in the Mediterranean, and they get all sizes and therefore assumed ages, including juveniles in the Mediterranean, so there are other spawning stocks somewhere.

Mr. Lee: Are there any other questions?

Mr. Iarocci: Just a comment. Thank you both, Micah and Sammy, for making these comments to the general public and us. I'd also like to add to what Ebbie was saying, too.

I can remember back 25 years when there was an open snowy grouper fishery from Key West on up through Northern Florida. There was also a lot of wreckfish caught in those areas, too, back then.

Every now and then you do hear of somebody catching one and releasing it or whatever, but if you look at -- and there's very few people targeting snowys down there, both recreational and commercial -- if you look at what we've got for the closure and the time frame and all that other stuff, we've basically got a marine protected area, spawning closure, the whole nine yards on the wreck fishery other than a small fishery we've got going.

So I think it is a very healthy fishery. I compliment the industry to come ahead and to initiate this and the council to back it up.

Mr. Lee: Okay, are there any other questions for Kathi regarding the survey? Okay, if not, if you would, turn to Item Number 6 on the agenda, which is the wreckfish options in Amendment 13, and that will be handled by Gregg.

Before we go into that, though, I was remiss in not thanking our advisors for coming today. I want you all to know that we really appreciate your taking the time out from your schedule and to be here today and to talk to us.

I think all the council members feel that the most vital input that we get is from our advisors, and we really do appreciate that. I just want to acknowledge that. Thank you for being here. Okay, Gregg.

Mr. Waugh: Thank you, Mr. Chairman. Again, if you would turn back the options paper, pages 18 and 19, the wreckfish information background starts on 16, but really it's on page 18 and 19 where we start.

And there are two areas of specific measures with respect to wreckfish that we'd like to get the advisory panel's input on.

One is setting these Sustainable Fisheries Act parameters, the MSY, the fishing mortality threshold, the minimum stock biomass and the optimum yield.

Then the other is something that we put in the appendix that we have to pull back from the appendix, and it has to do with collection of fees from individual fishing quota programs.

Certainly, any other aspects of this amendment that you all want to comment on, that's fine, but those are the two specific items addressing wreckfish.

On page 19 the council's preferred option right now would set MSY at 242,300 pounds. I gave you the figures for the maximum fishing mortality threshold, the minimum stock size threshold, and then optimum yield would be the amount of harvest that can be taken by U.S. fishermen with a fishing mortality rate equal to F 40 percent.

And we can come up with a numeric estimate of what that would be.

The concern with that option is that if you set an MSY of 242,300 pounds, you can look at that catch history laid out in table 4, and there is certainly quite a number of years where the catch exceeds that.

Continuing on page 20, the other possible options that we're looking at for this issue are no action, which really isn't an option if we want to be compliant with the Sustainable Fisheries Act.

Option 2 would be more conservative. It would be using a 40 percent SPR as a condition for estimating the proxy for MSY, and then the MSY is a little lower 220,300 pounds. The corresponding values also are slightly different.

Option 4, which really should be option 3 -- I misnumbered the remaining options -- Option 3 would have MSY equal to the mean catch from '95 through '97, which is 430,527 pounds. The remaining parameters would be the same as in the preferred option.

Continuing on, I've got several other options there where it just modifies what the MSY would be. Renumbered Option 4 would be the MSY is the entire time series of data up through 2000, not

including 2001 data. That figure is 1,090,427 pounds.

Under Option 5 the MSY would be the mean catch from '88 to '95, which is 1.6 million pounds. Option 6 is to use the mean catch '89 through '94, which would be 1.9 million pounds. Option 7 would be to use parameters from Appendix 1, and those figures are shown there.

So that's the range of options that we're considering for these parameters. I think the one that gives us some concern and in particular would like to hear from the advisory panel is the estimate of MSY.

I know this puts you guys in kind of an awkward position to be talking about MSY, but where it impacts you is if we set MSY at that level, 242,300 pounds, we then couldn't allow the catches to exceed that.

So in essence the MSY would then be a cap whereby the catches would not be allowed to exceed 242,300 pounds. The question then becomes whether we would have to modify our TAC within this amendment because the TAC right now is 2 million pounds.

I don't foresee how we would be allowed to leave the TAC at 2 million pounds with an MSY at about 10 percent of that. Not being a lawyer, though, I would not venture an opinion on that.

Mr. Ray: You know, we're dealing with a fishery here that we assume is stable. Why do we need an option with a stable fishery? What do you want us to do with it?

Mr. Waugh: The box the council finds itself in is the Magnuson Act was modified in '96 and we have to specify an MSY. That's a legal requirement now. Regardless of whether you structure your management program to be very conservative, without a quota management aspect to it, it's just a legal requirement that you have a numeric estimate of MSY.

Mr. Ray: What is it set at now?

Mr. Waugh: Right now we don't have an MSY, and that's one of the things we have to do is specify an MSY.

Dr. Daniel: How confident are we in that estimate of MSY, number one; and, number two, there's a statement in the discussion, the last sentence of the first paragraph on page 21, Option 8.

It says, "However, MSST is greater than MSY which needs to be resolved." Has that been resolved and will that be resolved before we make a decision on this?

Mr. Waugh: Where are you reading that from, what page?

Dr. Daniel: Page 21 under Option 8, it gives the option of 1.94 million pounds, but then the discussion under there indicates, "However MSST is greater than MSY, which needs to be resolved."

So, I mean, I feel a little bit uncomfortable in a fishery that we've knocked down to two boats with minimal landings now saying that we need to come back in and potentially stop these guys from fishing at a level of under 240,000 pounds, if we really go in with the guidelines and set OY less than MSY, if we're not absolutely convinced that MSY estimate is, number one, any good, and, secondly, if that problem hasn't been resolved.

Mr. Waugh: I think in answer to your question about has that issue been resolved, it hasn't. But the last sentence on that page says that this methodology is appropriate for a Level V stock but not for a Level I stock like wreckfish.

The figures in that option from Appendix 1 are using a methodology that's applicable for a data-poor species. Now we have sufficient information for wreckfish to do a VPA-based assessment and develop the biomass-based parameters using that methodology.

Dr. Dean: I think I'm roughly on the same path as Louis on this. What I've heard and -- I need some clarification -- reading this and the answers to the discussion, if we look back at this fishery and recognizing that my understanding is that we've had bad weather for fishing, really difficult summer weather the last couple years for fishing, we have boats out of the fishery, we have enough permits out there that if they came back in they could readily, then, under this plan take those fish and close the season very early.

We also know that there is a market issue and in fact availability of fish to supply the market is constraining the people that are in the fishery.

The history of this shows that the fishery, if average weight or criteria that we would look at, average weight and catch-per-unit effort, that right at and exceeding a million pounds per year we saw no significant impact during that period of time; if we were a little more conservative than that, we could come back to half that level, which would leave room for more boats to come back into the fishery, the permitted ones if they so desire, make it economically feasible and I don't think we are at risk with the fish itself.

So, I would entertain and be interested in choosing some option like four which gives us some flexibility and we still would have room to react if in fact we got to that level and saw some changes in the stock characteristics. Does that make sense, Gregg?

Mr. Waugh: By Option 4 you're talking about MSY equal the mean catch from '95 through '97?

Dr. Dean: The 400,000-plus.

Mr. Waugh: I think the bottom line is -- and it goes back to the question that was asked earlier -- how comfortable are we about these figures. If I was to answer that with my personal opinion, I'm not very comfortable with that MSY being that low.

That gives me some concern. I don't really have a good feeling to argue where the point value should be, and perhaps we could look at a range of MSY like we have for other species; perhaps the low end and high end coming from some of these options.

Doug Vaughan isn't here. I don't know if John Merriner would be in a position to give any feeling about the Center's views on their level of confidence associated with these numbers.

Dr. Daniel: Yes, and I don't want to start that ball rolling again but I'm just -- I mean, I'm looking here at table 4 and I see a fishery that was landing 2-4 million pounds during the period.

We're talking about setting an MSY or we're talking about an MSY that has been calculated to be less than the catches over the last four years, while we're not overfishing with a very limited number of boats fishing, and this year two boats fishing, I mean, to where we can't even see what the landings were.

I can't remember what they were. I saw it at one point, but two boats can exceed MSY with the market constraints and the level of fishing that these guys are doing, the seasonal nature of the fishery, that they can overfish it with two boats like that.

I don't want to base my decision on something that just doesn't seem like that's a reasonable number to me. I can't justify why, but I certainly can't justify telling these guys to quit fishing at 230,000 pounds.

Mr. Lee: Louis, also, if you look at that, if you look at optimum yield up there, if we're fishing at F 40 percent SPR, that drops your yield down to 211,000, too.

Dr. Powers: Let me warn John that he may get a question. He was out of the room, so listen to what I'm saying and you may get a question.

If I look at page 18, essentially the way I would interpret that is the assessment felt that they didn't have enough information to do a stock recruitment relationship so what they said was, all right, given the average recruitment over the time period that you've got here, which was 1988 through '98 at the time they did it, that would be the average production in terms of -- no, excuse me, the average recruitment over that time period.

And that's used to kind of scale the whole assessment to get it to maximum sustainable yield. So, by saying that, you're saying that present recruitment is about the same as recruitment at maximum sustainable yield.

I suppose one could make an argument that in some prior period for which we don't have data, it might have been higher, in which case maximum sustainable yield would have been higher than that, as well.

But conversely, though, in terms of table 4, it is basically saying that the catch-per-unit effort, the catch per day, is more or less stable over that entire time period whereas the catches went down, and so the way the assessment interprets that is that the fishing mortality rates have gone up and current fishing mortality rates, according to table 3, are about F 30 percent SPR.

So, all those things, in my mind, are consistent. The key question, though, is over this limited time frame of data is, are present levels of recruitment indicative of what might have happened in the past? Could it have been higher?

So that's really the question that we're talking about. And so really what I'm asking John, I think, is knowing some of the details of the assessment, which I don't have, can he kind of comment on this.

Dr. Merriner: Not in great detail, Joe. As you indicated, the levels of recruitment were based upon a recent period. There may have been higher levels of recruitment in years past, outside the period of history that we have on the fishery.

If my recollection serves me right, there was even an up-tick in recruitment recently. The last analyses that Doug did saw that recruitment was ticking up, the last analyses. So where that gets us within the best estimate for MSY, I'm not sure.

Dr. Powers: All I'm trying to do is couch people's concerns here and what that means in terms of the logical argument. And basically, I think if people are saying that -- can I say the word? No, I guess I can't.

If people are saying the MSY that's being suggested in some of these options is too low, and that's similar to what the current catches are right now, then ultimately what you're saying, I think, is that you believe that recruitment in prior years is higher; therefore, recruitment can be higher again in the future.

And using that argument, then you might still accept some of these options here, perhaps just as a lower bound of maximum sustainable yield. That's one way to address the problem.

Mr. Lee: It looks like to me, also, Joe, with regards to when I look at table 4 -- and this is certainly not coming from one that understands this fishery that well, but you could have a drop in landings because of a recruitment problem or a lack of fish, but you also can have a drop in landings because other fishermen went out of the fishery and so you just don't have boats out there targeting, so that's because of market considerations, boat considerations.

The fishery may still be the same as it was in those earlier years, but because of changes in who is fishing and landings, it has decreased. That would also make a difference. If that were the reason, it would certainly make a difference in how you established MSY, which would address that concern that Louis has.

Mr. Love: I've been on the council going on my eighth year. And I don't know anything about wreckfish, but from what I understand, it takes a pretty salty fisherman to chase this fish.

And with the price being depressed, if you catch any amount of them, every time they ever came to the table and talked to us, it wasn't that the fish weren't there.

It was that they could make more money chasing some other species because this species was a hard critter to stay out there and fish on. And if that's so, we need to set a level higher than what this lowest level is. The fish are not being overfished; it's because overfishing is not occurring is what has happened.

Dr. Daniel: And just going back to something that Joe said and looking at the catch per day being relatively stable and seeing the catches drop, and the models tend to look at that in a particular way.

But that may not reflect reality if there's a reason for that drop in the landings, and that drop being numbers of people, people getting out of the fishery and going on to something else, people dying, it being a very difficult market condition, et cetera.

And the other point and then I'll shut up. But the other part of that calculation I think has to be predicated somewhat on the fact or concerns need to be predicated on the fact that we're only looking at a small portion of this stock, both in geography and range.

You know, they're not always in our waters. We don't have any idea what the total population and size looks like. We're getting fish with hooks from Portugal and stuff in them.

We really don't have any good handle on any of the absolute population parameters that we may have with something that remains in our jurisdiction and that we know goes from point A to point B and back and forth over time.

Once they leave that area, for the most part we really don't know a whole lot about where they go or

what they do. But the assessment we're having to assume that we know those things or they don't matter.

But I point those points out and just the unreasonableness in my mind of having an OY set less than what's reasonably caught by two boats in a success story fishery.

Mr. Lee: Yes, and not to cast any dispersions upon the study that's done, but it's unfortunate that maybe all that kind of information is not available to John Merriner or the people doing the work and they can only deal with what they have in front of them, and that's what drives these findings.

Mr. Ray: This fellow touched on some of what I was going to mention, but you were talking about recruitment. We're looking at the two vessels in the U.S. fishery and, my God, there's people fishing this fish all over the gyre of the North Atlantic. Our recruitment from year-to-year could vary substantially based on what landings are elsewhere in the system.

Mr. Lee: Are there any further comments?

Mr. Waugh: The other item that we wanted to get some specific input on is towards the end of this options paper. It's in the appendix section and it's on page 6-1. It has to do with collection of fees from individual fishing quota programs.

We received legal advice from Monica that the council has to establish such a program. It's not optional. So these options we need to look at again and bring them back into the body of the document and figure out which one or what action we would take.

The actions that are laid out there is Option 1, no action. Option 2 would be to establish a program to collect fees for the wreckfish fishery.

Section 3042 of the Magnuson Act has the verbiage there and I would just point out that it says, "The fee shall not exceed 3 percent of the X vessel value." So that's an upper end and we asked the question, "Well, is there a lower end?"

And we were told no, so perhaps we could look at a dollar per permit as an option. We've got Option 3 and 4, rescind the management program for wreckfish, and just rescind the ITQ program for wreckfish and any other options we want to consider.

I think what would be important to hear from the advisory panel. Given the marginal economic situation that the wreckfish fishery is in trying to compete price-wise and so forth, what would it do to your ability to continue if we tacked on a 3 percent fee to recover management costs, 3 percent of the value?

Mr. Ray: I think trying to recoup that out of two vessels is a little scary to me.

Mr. Lee: Any other comment from the advisors?

Mr. Ray: We're operating this fishery absolutely just bare bones. I mean, I don't even have a bottom machine on my boat. I haven't looked at the bottom of the ocean since 2000. The profit margin is so tight.

I mean, you look at it and a lot of pounds are going back and forth and a lot of money is going back and forth, but what stays in your pocket is almost nil. It's almost insane, really.

Mr. LaRoche: Over the years we've tried to get prices up. My business has been pretty active in the market on these fish and we've tried to gradually push the prices up a little bit to offset my operating expenses, the cost it takes for me to make a block of ice and my increase in fuel costs and what have you.

But these guys in the fishery, we're so beat down by imports that it's very difficult. We think we gain a nickel here and there and then all of a sudden we get whacked back a dime or whatever. It is a very, very marginal fishery.

If this pie was very appealing, there would be a lot more people in it, and that's a fact. I really believe the people that we harvest these fish for could include that in the price of what they pay for them at the restaurant level.

I think the good old U.S. citizen, the person that we catch these fish for, could more easily pay a penny right now than the people that are involved in the fishery.

Mr. Ray: I'd just like to comment. I know it has been talked about before and you probably don't want to hear it again, but realistically I operate my vessel, an American vessel in an American industry, at foreign wages, at Mexico's wages. That's what I run my vessel off of.

That's why I don't have a bottom machine right now. The cost to sustain yourself in this fishery is tremendous. And with our marketing that's currently going on with U.S. fishes, you're trying to steal the grease out of a biscuit when you talk about charging us an additional fee.

Mr. LaRoche: I would disagree with that in that we don't get Third World prices because they have the option. Their bycatch goes into fuel and ice and their operating costs, so we don't have the advantage of marketing species with the lack of restrictions that they do.

Mr. Lee: Are there any further comments for the advisors?

Dr. Dean: I'd like some clarification on the criteria that say we shall charge a fee because it's the Secretary in Magnuson. This is Monica's bill. Maybe, Monica, you could explain that to us, please.

Ms. Smit-Brunello: Section 304D2(A) 1 says, "The Secretary is authorized and shall collect a fee to recover the actual costs directly related to the management and enforcement of any individual fishing quota program." So you're correct, it does say that the Secretary is authorized and shall collect a fee. I would think that if the council has any feeling on this matter, this is a good time to weigh in.

Dr. Crabtree: Well, it also says, "It shall not exceed 3 percent of the X vessel value at MSY." It doesn't say it is 3 percent of the value. Do we have an estimate of what the cost of this management program, because that's what it is authorizing the Secretary to recover is the cost of the management program? So, I don't know if that's less or more or I don't know what that number is.

Mr. Waugh: If you were to estimate the cost to manage this program now and compare it to the catches from the last three years, I would suspect you'd be greatly above that.

Mr. Cole: Thank you, Mr. Chairman. Monica, is it your interpretation that if a fee were charged, that the two or three boats that are now fishing would be the only ones that are paying that fee or would all participants in the permit program or in the quota program be assessed some percentage portion of the total charge?

Ms. Smit-Brunello: It looks to me that all IFQ-ITQ holders would be charged a fee, not just the two who are harvesting. And it's right, it does say that such fee shall not exceed 3 percent of the X vessel value of fish harvested under such a program. It doesn't say what the minimum threshold of such a fee would be.

Mr. Waugh: Yes, again, it's hard to tell exactly what this means because the way I read that is the ones that go out and harvest, when they harvest the X vessel value, so whatever they harvest, when they harvest it and land it, they would be assessed that percentage fee. That's not a legal interpretation but that's how I read it; and if it's legally another way, we need to know.

Ms. Smit-Brunello: It could be read that way. You know, the other part of this, it states in here that the Secretary is authorized and shall collect a fee not just from the IFQ program, but also for the community development quota program that allocates a percentage of the total allowable catch of a fishery to such program, which is an Alaska program.

I'm guessing that's what this was aimed at in the first place. I think they also have ITQs up there. I will tell you that there is an IFQ fishery in the Northeast region -- I forget which one it is, but I know that I've just checked with the NOAA attorney who advises them up there, and they currently are not charging a fee, either.

We're a little surprised to realize this provision was in there, and I don't know that there has been much discussion up there as to whether to charge a fee or not, in all honesty.

Mr. Waugh: Are they getting similar guidance from the attorneys to the New England Council that they have to begin examining a program to collect those fees?

Ms. Smit-Brunello: I guess I misspoke. I think it's the Mid-Atlantic Council as opposed to the New England Council, and I don't know what advice they're being given. At Full Council I can give them a call and talk with them, if you would like. I'm sure I'd be able to reach them.

Dr. Daniel: Well, just reading the language in here, it says, "It shall not exceed 3 percent", so it could be a nickel, right? I mean, it could be one-one thousandths of 1 percent. It just can't exceed three percent. So, I mean, we're not locked into 3 percent.

The stamp could cost more than the fee. But I'm just wondering, I was just curious as to what other fees are being instituted in these other plans. I think it says surf clams, and there's a couple of others; and of all the other IFQ programs or ITQ programs, what are the fees, what do their fees look like in other fisheries or do they exist, or would this be the only one we're doing it on?

Ms. Smit-Brunello: I believe one exists in Alaska. As I said, one exists in the Mid-Atlantic. At this time I do not believe they are collecting a fee, and no fee is being collected in the wreckfish fishery.

Ms. Shipman: Louis, to your suggestion, it sounded the way it was read, it says you'll collect the equivalent of what it costs to run the program but not to exceed 3 percent. I don't know that you can arbitrarily select something.

It occurs to me, though, in the process of doing that, because it's tied to X vessel value, because we have less than three vessels operating in the fishery, we're going to divulge confidential information by calculating it and showing it to the public what the fee would be, which is an ultimate catch-22.

Mr. Iarocci: Thank you, Mr. Chairman, back to Monica's comment. It is the Mid-Atlantic and it is the surf clam ocean quahog fishery, and we do have Ron from the Mid-Atlantic. And, Mr. Chairman, if it would be okay, I would like him to address what's going on with the Mid-Atlantic on that and the price added for the quota.

Mr. Lee: Okay, Ron, do you want to come forward?

Mr. Smith: To my knowledge, this is the first time I've heard that NMFS is suggesting that a fee be collected. To my knowledge, it's not collected in the Mid-Atlantic and it has not been recommended that it be collected. But, Monica might find out something different.

I mean, this directive might be coming from headquarters in D.C., I don't know. But, in the past nothing has been collected or it wasn't discussed about being collected.

Dr. Powers: At the risk of being a jailhouse lawyer, to me it says, "Shall collect a fee to recover the actual costs directly related to the management enforcement."

It doesn't say it has to be directly equal to the management enforcement costs; it says "related". And so I think there are all kinds of flexibility to deal with this, and my attitude is don't make it a problem.

Dr. Crabtree: It seems to me we're getting to the point where we're talking rescinding the program about a fee that we don't even know what it is. I could tell you at the NMFS permit office you assess administrative fees for every permit we issue.

There is a formula you use to do it and they come out about \$50 a permit. I don't think this fee would include research programs, stock assessments. We have to do those, anyway, whether we have an ITQ permit or not.

I would say it doesn't include the enforcement activities that are going on. We're going to have to do that, anyway, whether we have an ITQ program or not.

It could just end up being the cost of printing the ITQ coupons. Which I think we charge the fishermen for already. I just think we're getting way spun off on something.

I'm not sure what the council needs to do here anyway. The Act says the Secretary shall do it, so it's NMFS problem to do this.

I guess that we might want to consider if it's an overbearing cost, that we want to rescind the program or not, but until we have some idea of what the cost would even be, it seems we're just getting all worked up over something without having any information.

Mr. Waugh: Am I then understanding that it's the committee's recommendation to leave it in the appendix as an option considered but eliminated from detailed consideration?

Dr. Crabtree: Well, I'm not sure, what is the option we're considering, whether we should collect the fee or not?

Mr. Waugh: Yes, that was the legal advice given to us that we had to do this.

Dr. Crabtree: Well, my reading of the Act is it says the Secretary will do it and not that the council

is going to do it.

Mr. LaRoche: Could it not be worded in some way as the fee is included in the purchase price of the coupon or something like that to get them off our back?

Mr. Waugh: Yes, I'm hearing lots of flexibility. I guess we could suggest anything we wanted to. But, I mean, I don't want to be misinterpreted that I'm trying to get this drug back into the document. I mean, if we can leave it in the appendix, I think that's the appropriate place, even if it's in the document.

Mr. LaRoche: It would seem like the amount of money that would be collected would be so small that it would not even begin to cover the cost of collection and the paperwork involved in it, that it would be very regressive and stupid to begin with.

Ms. Shipman: My only question is of NOAA counsel. I mean, it's a new era. We're going to sit here and develop this document and they are going to tell us their best advice of what needs to be in there.

And I agree with Roy, it may be as simple as just what the permit cost is plus the cost of the coupon. And I would ask them, do we need to have this in here? I would hate to go all the way down the road, send the document in and then it get kicked back to us.

So, I think we need to get some good legal guidance here and then if we do need to include it, put in an option similar to what Roy has suggested. Find out what those costs are, plug them in and then have some other options there.

Ms. Smit-Brunello: And what I'll do, because I'm not even sure if you need to include it in the document. Roy is right; it does say the Secretary will.

I know at some point about a year ago I brought this section up to Gregg because it had been brought to my attention from some attorneys on the West Coast. So by Full Council, I will tell you whether you have to have this in here or not.

And I agree with Dr. Powers that there's a great deal of flexibility. It could even be included in the cost of the coupons or whatever. I wouldn't spend any more time on this issue right now if I were you.

Mr. Lee: We're going to have to discuss this when we go through the options with the committee. But I think in view of what Susan said, I think we're probably going to be better off to put it back in the main document and then develop the options on what the costs are.

Then at least we've covered that issue as opposed to putting it back. But, anyway, we'll let the committee make that decision.

Are there any other comments on this issue from our two advisors?

Mr. Waugh: That's all in Amendment 13 we're trying to do to you two guys. I'll turn it over to Kerry to talk about Amendment 14.

Mr. Lee: Kerry, before you start, it's 3:35. Why don't we take a ten-minute break and refresh ourselves.

(Whereupon, a short recess was taken.)

Mr. Lee: If everyone could take their seats, please, we're ready to go. Okay, Kerry, you're up next.

Ms. O'Malley: This will be very brief. This is just for Sammy and Micah. Behind Tab 7 of the briefing material that we sent you are the list of the current sites being proposed for MPAs.

Basically the input we're looking for is do you have any input as far as your fishery, the wreckfish fishery on these sites? And I believe we've handled most of the concerns that you had during the mega AP meeting, and it's our understanding that these sites don't encompass any of the wreckfish grounds.

We sort of wanted you to look over it and make sure that is correct, and any other input you would like to add about the sites that are behind Attachment 7.

Mr. Ray: Did everything stay the same as it did in that last meeting that we had, the big meeting?

Ms. O'Malley: No, they've changed a lot. Your concerns as far as places like the Charleston Bump which encompassed your wreckfish grounds, that being removed from consideration, that stayed the same. That's still not on the table for consideration at this time.

Mr. Ray: Then based on that, I can't see where there's anything that's intersecting with us.

Mr. Lee: Is that it? Are there any comments from the committee to the advisors?

Mr. LaRoche: There was one thing of concern that I had. I went to that major council meeting we had a good while back. One of the concerns that came up by some of the folks that I talked to afterwards was that fishing for mahi and swordfish, if those areas were not -- it's very difficult to keep 20 miles of gear from drifting across. You know, you don't know where the end of it is.

And those areas would really be extensive for those guys to be able to keep their gear out of it. In other words, they would have to set down tide of it every time or really be particular where they put their gear. It was just something that wasn't talked about and wasn't considered, and I just throw that out there for consideration.

Ms. O'Malley: Yes, Micah, these sites that are on the table right now currently are being proposed as Type II MPAs, which doesn't allow bottom fishing. So in this instance it wouldn't affect the gear you're speaking of at this time.

Mr. Lee: Any further comments from the advisors?

Mr. Waugh: Well, just in terms of our wreckfish discussions, a part of this meeting is to look at any changes that we would implement via the framework, changes in TAC and other issues. I'm not hearing any interest in pursuing any changes now, just to make sure that's correct.

Mr. Lee: Advisors, is that satisfactory?

Mr. LaRoche: No changes now.

Mr. Ray: No changes.

Mr. Lee: Okay that, then, completes our action on Agenda Item Number 6. Again, I want to thank our wreckfish advisors for being here, for taking the time and for your input. We really do appreciate that.

And if at any time at all, as this document is going through the process if you have comments or concerns, well, bring those in to us so we can address them. Thank you.

Jt. Snapper Grouper Committee and Wreckfish AP
Hilton Savannah DeSoto, Savannah, GA
March 5, 2002

Tapes of Proceedings on File (1)

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Hilton Savannah DeSoto, Savannah, GA
March 5, 2002

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT SNAPPER GROUPE COMMITTEE AND WRECKFISH ADVISORY PANEL

MEETING

Hilton Savannah DeSoto, Savannah, Georgia

March 5, 2002

Draft Motions

MOTION #1: THE COUNCIL VOTED TO MOVE FORWARD WITH THE MPA SITES THAT WERE RECOMMENDED BY THE S/G COMMITTEE AS THE COUNCIL'S PRELIMINARY MPA CANDIDATE SITES TO BE QUALITATIVELY AND QUANTITATIVELY EVALUATED AND DEVELOPED IN DRAFT AMENDMENT 14 TO THE SNAPPER GROUPE FMP. THESE SITES WERE INCLUDED IN THE MARCH BRIEFING BOOK, WITH THE EXECPTION OF THE NORTH FLORIDA MPA SITE (OPTION 2), WHICH WAS MOVED OFFSHORE.