

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **SNAPPER GROUPE COMMITTEE**

**Blockade Runner Beach Resort, Wrightsville Beach, North Carolina**

**December 6, 2001**

**THURSDAY MORNING SESSION**

### **Summary of Minutes**

#### **SNAPPER GROUPE COMMITTEE MEMBERS**

Wayne Lee, Chairman  
Dr Roy Crabtree  
Dr Louis Daniel  
Dr Joe Powers  
Susan Shipman

Bill Cole  
David Cupka  
Fulton Love  
Tony Iarocci

#### **COUNCIL MEMBERS**

Lt Cmdr Dave Cinalli  
Glenn Durden  
Pete Pearce

Dr John Dean  
Robert Southerland

#### **STAFF MEMBERS**

Bob Mahood  
Roger Pugliese  
Margaret Murphy  
Kerry O'Malley  
Kim Iverson  
Julie O'Dell

Gregg Waugh  
Dr Vishwanie Maharaj  
Rick DeVictor  
Dr Kathi Kitner  
Bridgett Vergara

#### **OBSERVERS/PARTICIPANTS**

Terry Gay  
Becky Shortland  
Monica Smit-Brunello  
Dr John Merriner  
Mark Gordon  
Dr Jim Weaver  
Michelle Davis  
Ronald Meyers  
John Carmichael  
Scott Rutzmoser  
Chuck Manooch  
Tom Potts

Nancy Thompson  
Kay Williams  
Columbus Brown  
Doug Rader  
Anna Stamper  
Ronald Smith  
Mike Burton  
Chris Koenig  
Reed Bohne  
Jennifer Potts  
Michelle Duval  
Fred Kinard

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Greg Barnes  
Jim Bahen

Bill Mansfield

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Blockade Runner Beach Resort, Wrightsville Beach, North Carolina, Thursday morning, December 6, 2001, and was called to order by Chairman Clarence Wayne Lee.

Mr. Lee: If we could all take our seats, we'll start our Snapper Grouper Committee meeting. Before we get into the agenda, I'd like to do a roll call. I'd like to start with Jim Weaver, please.

Dr. Weaver: Jim Weaver, National Marine Fisheries Service, Southeast Regional Office.

Dr. Powers: Joe Powers, National Marine Fisheries Service, Southeast Regional Office.

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

Dr. Crabtree: Roy Crabtree, Florida.

Dr. Daniel: Louis Daniel, North Carolina.

Mr. Cupka: David Cupka, South Carolina.

Mr. Iarocci: Tony Iarocci, Florida.

Mr. Lee: Wayne Lee, North Carolina.

Mr. Waugh: Gregg Waugh, Council staff.

Ms. Shipman: Susan Shipman, Georgia.

Mr. Cole: Bill Cole, U.S. Fish and Wildlife Service.

Mr. Love: Fulton Love, non-Committee member.

Dr. Dean: John Dean, South Carolina, non-Committee member.

Mr. Pearce: Pete Pearce, South Carolina, non-Committee member.

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Mr. Lee: I also see Robert Southerland from North Carolina. The first item is approval of the agenda. I'd like to walk through that very quickly, if we might.

The first item on there will be the approval of the Committee minutes from our meeting in October. The third item on there is red porgy. I'll briefly make a statement on that issue when we get to it.

The fourth item is Amendment 13 and our options under that amendment. Also, at that time, when we get to that particular item, we will address a letter that we received concerning maximum sustainable yield and optimum yield in that discussion.

Item number five our MPA criteria and PID, two particular documents that we need to get approved to send forward to the Council. Item six is the MPA sites to be included in Amendment 14.

Under other business, which is item seven, we have non-reporting by dealers report by Dr. Powers, and we have the status of the 2001 report to Congress on the status of fisheries by Dr. Powers. In addition to that, we will address a special handout for an MPA proposed workshop.

And the other item which I mentioned earlier is the paper on MSY and OY. Are there any additional items for other business? Any changes to the agenda? Any objection to the agenda? The agenda is approved.

That moves us forward to the minutes from the October 29-30 meeting that we had in Charleston. Are there any proposed changes?

Mr. Cole: Thank you, Wayne. Wayne, I think I got left off the list here totally. I know I was there because I find in a couple pages where I made some motions and so forth, so I think the attendance list is incorrect. We'll start with that.

Mr. Lee: Thank you, Bill, and I'm sure the staff will make that correction. Are there any other changes to the minutes? Do I have a motion?

Ms. Shipman: I move approval of the minutes.

Mr. Cole: Second.

Mr. Lee: Motion by Susan Shipman and second by Bill Cole. Any objection? The minutes are approved.

That moves us down to item number three, which is red porgy, and it was a difficult issue. And

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what has happened is that we have an agreement with the National Marine Fisheries Service that we will have a new, complete stock assessment done, and that will be presented sometime in June, either at the June Council meeting or if we decide what our course of action is, to have a special meeting to accommodate or have it in the area where the fishermen are.

But, in any regard, we will bring all the players together. We will get the stock assessment done. And then when the Council meets, we will have the best available data and make a decision on what to do about red porgy.

I want to again express my appreciation to Dr. Powers and Dr. Bill Hogarth and Nancy Thompson and particularly for Louis Daniel for all his hard work on this particular issue. So, that, in my view, covers the issue of red porgy unless someone else has a comment.

Mr. Cupka: Not so much red porgy, per se, although that is certainly a very important issue, but I think one good thing that has come out of it is that we are going to move ahead with a SAW/ SARC process which has much broader implications for all the stocks that we manage.

I think it's important to get that process in place so that we try and avoid situations like this in the future. I do see that as a very positive thing that came out of this situation.

Mr. Lee: Thank you, David, that's exactly the way I feel. And I've talked to the fishermen and I think the fishermen were disappointed that we maybe didn't take some action at this meeting, but I also think that most of them understand what has happened and how important this issue is to get the SAW/SARC process going at our Council, and how important it will be to the future fisheries.

Thank you very much for that comment. Are there any other comments on this item? Seeing none, we will move to item number four and that's the Amendment 13, and Gregg Waugh will lead us through that.

Mr. Waugh: Thank you. What we want to do here, as we move through, is make sure we have all the options included that we want evaluated. You will notice that there are some measures for which the Committee has indicated a preferred option.

And if you all feel comfortable in indicating a preferred option for other items, it would be helpful in doing the analysis and I think giving people an idea of where the Council is headed, to indicate that.

Our intent is to go through and approve the options on a sort of topic-by-topic basis; and then when we get to Full Council, we would be looking for approval by the Council on the options.

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This Snapper Grouper Amendment 13 will come under our new method of preparing amendments where we will be working much more closely with NMFS and NOAA GC.

At some point what we would do is flesh out the document some more and then get some agreement between the National Marine Fisheries Service and NOAA General Counsel that the reasonable range of options is reflected for each of these items.

Then we would expand the analysis and bring it back to the Committee and Council to go through and approve for public hearing. So it's going to take a little longer on the front end, but then that will help ensure that when we go through the DEIS review, that we don't get suggestions that we need to look at additional options and then have to go out for an additional DEIS review.

I'm not going to go through the background. The majority of this material is the same that we looked at. I've incorporated the changes recommended at our last meeting. Where the AP has recommended some additional options, I'll surface those here so that we can decide whether you want them added or not.

But in terms of the topic of permits, this is on page 11, we've got options there: no action; allowing individuals to incorporate their business without having the two-for-one permit transfer apply; allowing people to incorporate their business once the Council removes the two-for-one.

And then Option 4 on the top of 12 is the one that the Committee suggested at the last meeting, and that would allow individuals to incorporate but require that the corporation be 100 percent owned by family members.

In addition, yesterday we heard from the AP a couple of suggestions to repeal the two-for-one. What we need to do is determine what the optimum amount of effort in the snapper grouper fishery is. In order to do that, we need to have an updated socio-economic analysis of the fishery.

We've had one done prelimited entry. We need to have one done now that the limited entry program has been in a while, and then there are bio, economic and social models that we can run to model what the optimum number of permit holders are going to be.

I don't think and the indications are from some of the economic work that has been done, we still have overcapacity even though there was discussion from the AP that we don't. But we don't have the information before us at this stage to figure out whether it's time to drop the two-for-one or not. But that's the range of options and I'll turn it back over to you.

Mr. Lee: Comments, please.

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Mr. Cupka: Thank you, Mr. Chairman. I wouldn't have a problem with putting in that AP suggestion because I think it broadens the range of options, and we need to consider as broad a range as possible.

This is something that we talked about when we implemented this and we knew that eventually we were going to have to try and make a decision on when we were going to remove that provision once they got to a certain level. But we certainly at this point, I don't think, we don't know what that level is, and I think we need to do some additional work on it.

But, what I was thinking is that maybe on Option 4, if we want to move ahead with a preferred option, that would be our preferred option to take out to hearing. Like I say, I certainly don't have a problem with what the AP recommended, but I don't think we're ready to do something like that yet.

Mr. Lee: Any other comments?

Ms. Shipman: My only question would be what kind of staff workload will adding that additional option in cause? If we don't have the data to analyze it, how meaningful is it to put it in there, if it's premature for us to be able to make a decision because of the lack of information?

Mr. Cupka: Well,, my thoughts were that, obviously, we don't have the data and we're not going to be able to do it but we -- and maybe Gregg could speak to this, but the fact that we include it and point out that we don't have the data at this point to make that decision, I don't think that would preclude us from including it and just alluding to the fact that more work needs to be done on that.

Mr. Waugh: I don't think it would require a lot of work and, Vishwanie, speak up if I'm getting ourselves in trouble here, because we don't have the data to do the analysis.

It would cover the full range of options and help us from a NEPA sense, but I think the point Susan is making is something we have to keep in mind and balance. It's not a lot of work for this option, but as we keep going through action by action and adding options, we can oversatisfy NEPA and kill our document.

So I think that's something to balance, but I don't think in this one it would be a lot of analysis. It would be mainly describing why we don't have the information and talk about what information is necessary in order to do that analysis so that the Council could determine what the optimum level is.

Dr. Daniel: And it is an issue that's important to the AP. It's an issue that's important to the public. I get called about it and asked about it fairly often. And it might answer some of their questions that it's not something we haven't just forgotten about it; we're looking into it but we have to put all the

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information together before we can make that decision. I like having that option in there if it's not burdensome to the staff.

Dr. Powers: I would also mention by having it in there you're putting it out to public opinion. You might actually get some information that would be helpful in future analysis, anyway.

Mr. Cole: David, were you suggestion a motion for the preferred alternative?

**Mr. Cupka: Well, if that's appropriate, yes, and we need to, I would make that motion --**

**Mr. Cole: And I would second it.**

**Mr. Cupka: -- that Option 4 be our preferred option.**

Mr. Lee: We have a motion by David Cupka and a second by Bill Cole that we set Option 4 as the preferred option. Are there any comments, please?

Ms. Shipman: Did we ever decide what the definition of "family" is? That came up yesterday. Are we talking immediate family or do we need to clarify that? I mean, it could be your cousin twice removed, and I don't think that's what we intend.

Ms. Smit-Brunello: Well, there really isn't a definition of "immediate family" in the regulations, but there are several fishery management plans that use father, mother, brother, sister, husband, wife, son or daughter, and that seems to be what we consider "immediate family" members. So, you know, that can be defined for the fishery management plan.

Dr. Crabtree: Monica, I believe in the Snapper Grouper permitting regulations, in the two-for-one provision, it allows for transfer within the immediate family without the two-for-one kicking in, and I believe it's already defined in there.

I would guess that we could continue to use that definition. My question on this one is we're going to allow a family to incorporate without the two-for-one kicking in, but then it says any other permit transfer would trigger the two-for-one provision.

Are we then, when this family, after they incorporate, if they sell the corporation to someone else, the two-for-one would kick in, correct, that's our intent? Is our intent here that any corporate sales, the two-for-one provision would apply so that corporations that are out there now, if they sell that corporation, is the two-for-one going to apply for them or are we only applying that to people who incorporate within the family after the effective date of this amendment?

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Mr. Waugh: That's indicated towards the end of this Option 4 where if it's left the way it is here, we would be going out to public hearing asking the public to comment on whether or not it should be retroactive and apply to everyone or just to corporations that are formed from here forward. But that's something we would have to specify prior to finalization.

Mr. Lee: Okay, if I could, let's go back to the recommendation or suggestion by David concerning the option made by the AP. Do we agree to -- was there a consensus on adding that option? Oh, excuse me, I apologize.

We have a motion on the floor. Is there any further discussion on that motion? Any opposition to the motion? Seeing none, the motion carries. Now back to the consensus, we are in consensus that we will add that option. Okay, next item, Gregg.

Mr. Waugh: Just one point of clarification. So when we're presenting this to Full Council, what would be recommended on behalf of the Committee would be Option 4 as the preferred, and the other options would be included as other possible options is how we would present it. Correct, yes, with the new number five, which would be repeal the two-for-one.

The next item begins on page 13 where we get into the SFA, MSY, OY and overfishing parameters. I'm not going to go through this material in any great detail, and move right over to the options on page 19. And before we get into that, we did receive that letter and I believe we're going to have some discussion about that.

Mr. Lee: We received a letter from the Environmental Defense, Oceana, Reefkeeper International, and the Ocean Conservancy. This letter went to the General Counsel at the National Oceanic and Atmospheric Administration. It went to Dr. Powers. It went to our Executive Director, Mr. Mahood, and our Chair, Fulton Love.

The letter outlines the concerns of those particular organizations with how we define and use optimum yield in its relationship to MSY. First let me say for the record I thank the organizations for sending this letter forward. Are there any comments from members concerning this letter?

Dr. Crabtree: Well, I've read the letter and I think a lot of the problem has to do with basically how things are defined and whether you're talking about equilibrium-type estimations which are really long-term, averaged-based sorts of things, or whether you're talking about more dynamic kinds of things.

I think you have to recognize that fish populations are dynamic. They vary from year to year. In the

case of things like shrimp, in the case of annual crop-type fisheries, the fluctuations can be dramatic.

But I think I agree with the letter that in terms of an equilibrium-type calculation, which is essentially what MSY estimates really are, OY is always going to be less than MSY. I think what we've set up here, all of these OYs under any sort of equilibrium-type calculation where you're assuming long-term average type things, all of these OYs would be less than MSY.

But I think that we recognize that OY is a target and that the actual catch is going to vary around that target. Sometimes it's going to be above your target; sometimes it will be below your target.

And the dynamic OY that's in here is just an attempt to capture how the actual catch might fluctuate around the OY target as population size varies. So, I mean, I guess to me it's just a matter of being clear about what you're talking about and how you're looking at it.

And I guess I would ask for maybe some comments from NMFS, and my view would be with this letter is that probably the appropriate thing for us to do now would be to ask NMFS if they could respond to this.

But, really, I think I agree with most of what's in the letter, that it's in terms of an average-type estimate, which is what MSY is, that OY is always going to be less than MSY.

And the way these spreadsheets and everything we're looking at in here, the OY is defined in a way where it's going to be less than MSY. You have to bear in mind that these dynamic OY calculations will always converge to the static OY, and they're essentially going to be the same thing on any kind of time-averaged sort of calculation.

Mr. Lee: Dr. Crabtree, before I call on you, Joe, is it your view, then, that the options we have in our amendment are in fact in accordance with the technical guidance and does not violate the rules as we understand them now?

Dr. Crabtree: I think that's my view on how I look at it. I mean, there are different ways you could do these sorts of things and there are different ways that you can define all of these, but I think the way we've defined these optimum yields, they're going to always be essentially less than MSY.

If you calculate them under the same sets of term averages and equilibrium assumptions, they're just going to always come out that way.

My problem with at static sort of OY number is I don't believe it gives us much guidance for

overfished stocks because if you're in a 15-to-20 year rebuilding plan with a stock that's at very low levels, to have some estimate of what the OY will be after recovery 20 years in the future I don't believe is useful to the Council.

I think an OY estimate that is based on population biomass and that gives you some guidance in terms as to what -- given the stock size you have, what you might expect to take out of it if you were fishing at an appropriate fishing mortality rate, I think that does give some guidance to the Council.

But my view is that in what we're looking at, we're not deciding whether we're going to use the dynamic or the static OYs. We would use them both because they're really just two different ways of looking at the same thing.

And in my view, the critical thing we want to focus on here isn't so much the OY and the MSY; it's the status determination criteria. And the letter refers to allowing overfishing and some of those kinds of things.

In my mind, overfishing is not determined by the OY, really, or the MSY. It's determined by the fishing mortality rate. And so the determination whether you are overfishing is based on your maximum fishing mortality threshold.

And the determination of whether you're overfished or not is based on your minimum stock size threshold. And I think the way that they're defined in here is appropriate and is consistent with the guidelines.

But the way that the MSY in these sheets is defined is it's based on long-term average of catches and the proxy we're using for MSY is based on, I think it's 1986 to 1999, so that's kind of a long-term average type calculation.

So the static OY, which would also be based on a long-term equilibrium-type time series calculation, it's always less than the MSY is. So, yes, it seems to me that we are consistent with the guidelines in this.

But I'd like to have some confirmation of that from NMFS and from our attorneys because ultimately they're the ones who are going to have to make a decision as to what we submit and is it approvable or not.

What I want to avoid is having the Council go down a road of thinking we're submitting something that's consistent with the guidelines and is approvable and then find out after the fact that it's not.

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This Council has been down that path once and I sure don't think we, any of us, want to go down that again. So I think we need to be careful here and we need to really do the best we can to clarify exactly where we're going.

Dr. Powers: In reading the letter and my background in both dealing with the guidelines and the technical guidelines, clearly the goal is to establish maximum sustainable yield as a limit and optimum yield as a target and that target, because of fluctuations around it, has to be less than that limit; so, i.e., optimum yield is less than maximum sustainable yield.

Now the question is how do you implement those for particularly highly variable stocks, and we got into this discussion yesterday with rock shrimp and so on.

I believe it's not so much a question of defining optimum yield; it's how you define maximum sustainable yield in those contexts, that it isn't a fixed number that you want to have the catch at that level all the time in a maximum, you just want to have a moving environment, so to speak, where you want to make sure that your catches are less than that maximum average over time.

So I think, actually, for the Snapper Grouper Plan, it's probably less of a problem because you're talking about fish stocks that are less variable than shrimp stocks. And so I think especially in the case of this amendment, I'm less concerned about it.

For the rock shrimp or for shrimp in general, I think we have to be very careful about how you define things for that reason. And, you know, I, too, like Roy says, in terms of the principles of what's stated in the letter, it seems clear to me the way I read the law is that we're trying to keep optimum yield as the maximum sustainable yield.

And it's just how you define maximum sustainable yield in that sort of dynamic context that we have to be careful about. In terms of responding to this, it had been suggested that the National Marine Fisheries Service respond directly. It is addressed to me as one of the people, and so I'd be prepared to do that in writing.

Mr. Lee: Thank you very much, Dr. Powers. We appreciate that and we appreciate you taking action on the letter. Are there any other comments?

Mr. Love: Yes, Mr. Chairman, I'm not on this Committee but, Dr. Powers, in shrimp, for example, like this year we're having a very mild winter and it's a good possibility -- I guess what I'm trying to get at is when does a year start and when does a year end if you're going to set up optimum yield?

We're going to probably have shrimp in Georgia in January and February if this weather stays mild,

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because it could be that long before they move out. If we have a mild winter, you're going to have a crop of roe shrimp come off in the spring.

Then if you were to have a good crop next fall, actually you would be using some of this year's crop, but it's going to count -- there's a possibility it would count on next year and it would really be two years' crop that was harvested in the same year. Am I right?

Ms. Shipman: If I may respond to it, I think what you have to do is look at the cohort that's moving through. For instance, when we look at the strength of a year class, we would count those winter landings as being in that particular cohort of the fishery; or, at least that's the way the state does it. I don't know how NMFS would do it.

Dr. Powers: But it's a good point. Basically the management time period is really what you define it to be and what makes biological sense. And in that particular case if it goes over a year, that's fine.

Remember, in your Mackerel Plan you have fishing years that are not equal to calendar years because it made more sense just to kind of separate it in June-July, I think. So I think that's what I meant by flexibility is you have to define that time unit you're dealing with that makes biological sense. And, as I said before, particularly for things like shrimp where the dynamics are much more quick, you have to give that some thought.

Dr. Crabtree: I think there are probably some changes we could make in the amendment that might relieve some of the concerns by the folks who wrote the letter. And we can wait if you want to, but as you get into the specifications for OY, there was an option inserted in there to use the estimates of dynamic OY for each stock, and then there's a separate option in there to use the estimates of static OY for each stock.

And I never really intended for these to be viewed as one or the other. They're the same thing. They're not different. And so I would think we could just remove that option of using dynamic OY in lieu of static OY, because the dynamic OY would become the static OY if you were going to do it in a sense that made it comparable to the MSY.

So I think as we go through the amendment, we could be sort of responsive to some of the concerns and we maybe could redefine some terminology; maybe in the spreadsheet, instead of calling it "dynamic OY", I should have just called it "dynamic catch" or something like that.

But all it is is it's just taking a given fishing mortality rate, what would you expect to be caught given fluctuations in population or stock size, so I think as we go through it we could probably resolve some of these issues.

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Mr. Lee: Thank you. I'd like to complete the action with regards to this letter, and the National Marine Fisheries Service is going to take action and respond to the letter. And I assume that will be in coordination with our staff; is that correct or not?

Okay, then the National Marine Fisheries Service will take action on this letter and we appreciate that. Do you have a comment, Monica?

Ms. Smit-Brunello: Just that NOAA General Counsel will work with the National Marine Fisheries Service in responding to the letter.

Mr. Lee: Thank you very much. Okay, that takes care of that item. Next we'll move into the next item in our amendment, Gregg.

Mr. Waugh: Okay, we're on page 19 where we're dealing with wreckfish, and we've got the information provided now that we can specify the SFA parameters for wreckfish. Table 4 presents the entire time series of catches.

Option 1 is no action. Option 2 provides the parameters based on a proxy of 40 percent SPR. What the Council has specified as their preferred alternative thus far that was in the comprehensive amendment is to base our MSY proxy on 30 percent SPR so those values are shown as Option 3.

That would have an MSY of a little over 242,000 pounds. You should insert MFMT right before FMSY because that is the recommendation for the maximum fishing mortality threshold is to use the FMSY which is 0.34. And then the minimum stock size threshold would be 1.53 million pounds.

Options 4, 5, 6, and 7 use different estimates for MSY but the same parameters for maximum fishing mortality threshold and minimum stock size threshold as is shown in Option 3. Option 8 would use the parameters from Appendix 1.

Let me just point out here that since this is a Level I stock, I think it would be somewhat in appropriate to go back and use a methodology that is appropriate for Level V stocks. We may want to in essence delete this option although, depending on what we do with the other options, if it's helpful from a NEPA standpoint, we can leave it and just point out that it is inappropriate to use this methodology for a Level I stock.

And those are the options for wreckfish. And as I indicated, we generally bring our Wreckfish AP in to meet with us at our March meeting, and we would run all the options in this amendment that address wreckfish by them at that time.

Dr. Crabtree: Gregg, so Option 3 is based on the most recent assessment information we have. I notice in the list of SFA parameters, we don't have an OY listed there. We need that, don't we, or is that somewhere else?

**Based on what we've done in the past, I would suggest that we take these options and we include an OY in them. If 30 percent is the basis of the MSY estimation, then I would suggest that 40 percent SPR be the basis of our OY estimation.**

**That's consistent with what was submitted in the Council's SFA amendment. And then I would suggest we establish Option 3 as a preferred alternative with the modification that OY is also included in there, and that it be included in these other alternatives so that they're complete for NEPA purposes. So I'd be willing to make a motion to establish Option 3 as the preferred alternative.**

Mr. Lee: We have a motion. Is there a second?

Mr. Cole: Second.

Mr. Lee: Motion by Roy Crabtree, second by Bill Cole that we include Option 3 as modified as our preferred option.

Mr. Waugh: And the modification is to insert that OY would be 40 percent?

Dr. Crabtree: That's right, Gregg. And in Option 2 you would go in and, I guess, insert OY would be 50 percent in that case and so forth.

Mr. Lee: Is there any further discussion on the motion? Is there any objection to the motion? The motion carries.

Dr. Daniel: Yes, I've got one question. You kind of lost me on that last one. How does designating OY as 40 percent relate to the MSY times the 0.75, which we've got later on?

Dr. Crabtree: It wouldn't directly. I only suggest that -- and I don't know what Doug did in his calculations on this one, but I suspect Doug provided us with some estimates of OY; and because we used 30 and 40 percent in the past, I'm suggesting it here.

That would be another alternative that we could put in here. But how much change in fishing mortality there is between a 30 percent and a 40 percent SPR, I don't know for sure but I suspect it's

not exactly 0.75.

Dr. Daniel: I guess I'm just wondering. My question, I guess, is for consistency's sake, in moving through this and tying things in to SPRs when we have the control criteria in place.

Dr. Crabtree: And we need to be clear, Gregg, that we're not specifying an SPR for OY here, but the basis of the biomass-based calculation that comes out is predicated on assuming a fishing mortality rate that corresponds with that SPR level because we don't want to get down the same problems we had previously.

Dr. Powers: Yes, I just wanted to make sure everybody understood. This OY equals 40 percent was a shorthand floor that optimum yield is the yield associated with the fishing mortality rate equal to 40 percent in equilibrium equal to 40 percent SPR.

So it's a shorthand. But, basically, in many of the plans, we have used F 30 percent SPR as a proxy for FMSY. And so what Roy was suggesting here, then, OY could be specified as F 40 percent SPR which is consistent, at least directionally, with that way.

Mr. Waugh: Yes, if you look on page 13, we've got the existing OY indicated there towards the top of the page. And it's OY for the snapper grouper fishery is the amount of harvest that can be taken by U.S. fishermen while maintaining the spawning potential ratio at or above 40 percent static SPR for all species in the snapper grouper management unit except for the following, and then we talk about hermaphroditic groupers, the OY is higher, and then for jewfish, or goliath grouper now, nassau grouper it's even higher. So, do we need to change what we've got there or can we just carry that over?

Dr. Crabtree: You need to change it because if you just submit what you have there, then once again you're using an SPR as a proxy for a yield, and NMFS won't approve that because it's only half of the estimation.

You have to take that mortality rate and then you combine it with the estimate of recruitment and that gives you the yield. And where we've gotten in trouble in the past is mixing apples and oranges and submitting fishing mortality rates for yields and those kinds of things.

So we need to make sure that when we are submitting a yield, that it's a yield and it's in biomass. But I think the way, Gregg, that you listed it in Option 3 -- and correct me if you disagree, Joe -- but I think the way you stated it is selected as the condition for estimating a proxy for MSY and then giving the MSY in pounds, I think that's probably an okay way to state it. And I think you can state OY using the same sort of language and be fine.

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Dr. Daniel: And I hope I am interpreting what Roy and Joe have said correctly here, but I think what we need to do in this section of the amendment is to have some language in there that's very clear regarding the MFMT and the MSST as being those are the key parameters that we're looking at in terms of overfished and overfishing.

And then that leads in, I believe, to being able to discuss, perhaps, these dynamic and static OY calculations and the use of the possibility that yield that's during some port of the time series may indeed be greater than a particular number like MSY, but in the long-term time series it won't be because you're going to always have variable recruitment.

You're going to have variable stock size. It's going to fluctuate up and down. And it's like the analogy of taking a handful of marbles out of a five-gallon bucket versus a 55-gallon drum. You don't want to constrain the fishery down too much and lock yourself in to some specific criteria that allows some set amount that the stock may be able to produce more.

And so I think my analogy is with red drum where we have a real narrow slot size, and the harvest on an annual basis is very heavily dependent upon annual recruitment variable, just like shrimp, you know.

And so if we lock ourselves in too tight here, then I think we could be doing the fishery a disservice, especially when we start getting into some of these stocks where we have much less information and where MSY is equal to the current catch, you know, and you might end up putting yourself into a box where you're not allowing a reasonable harvest simply because of the way you've identified something, if that makes sense.

But I just think the MFMT, the MSST, from listening to Roy and Joe, that's kind of the key that needs to sort of be at the very top of this thing in terms of the criteria we're looking at.

Mr. Lee: Any further comments? Let's move to the next item.

Mr. Waugh: Okay, we're over on page 33. Red porgy, black sea bass and wreckfish are Level I stocks. The remaining ones, now, we're going to use the recommendations depending on where they are within this indication of level of stocks, use these various formulas.

So for MSY, Option 1 would be, unless an explicit estimate of MSY is available, the proxy for MSY will be derived from recent catch as follows. My understanding in describing it this way, as we get better data and should a species then allow us to estimate an explicit estimate of MSY, we would come in and respecify that.

Option 2 is no action. Here we only have two options if you look at it like this, but certainly within Option 1 -- and I would hope here we could explain that within this there are multiple options in Option 1, but perhaps it would be helpful to get some discussion here on that item. But we'll deal with MSY first and then go to OY.

Mr. Lee: Comments?

Dr. Crabtree: Yes, I think it's important to bear in mind that these are very data-poor stocks. We don't know what MSY is and we don't have any direct estimates of MSY for any of these stocks, so we're setting up a proxy that's based on the limited amount of information that we have.

But doing so is consistent with the National Standard Guidelines and the Technical Guidance, and I think that's exactly what we're following here.

Now, I think we need some additional alternatives here for NEPA purposes, Gregg, and I would suggest to you that you could come up with alternatives such as setting MSY as some fraction of FMSY times BMSY and those types of things.

We could set MSY levels at something below that. We could define MSY as simply the average catch over a different time period of years. I believe the MSYs used in the table were 1986 to 1999, but you could define alternatives that used some other combination of years in that.

And I think you could come up with, really, all the alternatives you wanted to for that kind of thing, and they would all have different implications. They could vary from stock to stock.

Mr. Lee: Other comments?

Mr. Waugh: Only if you all want to indicate a preferred option and from what Roy has indicated there, we will add an option. Again, the MSY used in the table is based on '86 through '99 data, so we could build in an option using those specific point values.

Hopefully, that would be a sufficient range of options, but we could build in multiple ones using some other time series of need be, and as well as looking at some fraction of MSY.

Dr. Crabtree: Well, we're limited in terms of how creative we can be in alternatives because all we have is catch, and so any viable estimates of MSY we come up with are going to have to be based on catch.

We can't very well set alternatives that would be above the recent catch, but we could select

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alternatives that would be below. If we wanted to go ahead and set Option 1 as the preferred alternative, I think we could do that because all of the other alternative are going to be setting things at levels below what the fishery is actually catching, and I don't think that's something we're going to want to do, if we wanted to do that.

Ms. Smit-Brunello: I think it might be more advisable, before you select a preferred alternative, to see the other options that you're going to come up with, just so you have those before you. I understand what Dr. Crabtree said, but it would probably be a better practice to look at the other options before you pick a preferred alternative.

Dr. Daniel: I may be missing something really big here. If we look at Level I stocks in Option 1, and if MSY is equal to the FMSY times the biomass needed to produce MSY, shouldn't it be the current biomass? Shouldn't it be the current biomass, because MSY, like we say, MSY is going to fluctuate depending upon the available biomass. And if you're saying that the fishing mortality rate for MSY -- what happens if your current biomass is much greater than the biomass needed to achieve MSY?

Dr. Crabtree: Well, the key, Lou, I think is the word "sustainable." If your current biomass is above BMSY, yes, you could take more yield out of it, but it wouldn't be sustainable because the stock size is going to come down.

And you have to keep in mind these MSYs are equilibrium, long-term kinds of calculations. So the sustainable yield that you would be looking at would be at that target biomass level because that's presumably where the population is going to come to some sort of equilibrium if you fish it at the appropriate mortality rate.

Mr. Lee: Do we have any further comments? If not, let's move to the next item.

Mr. Waugh: Okay, that's OY on the bottom of page 33. And Option 1 presents, depending on the level of stock, how OY would be calculated. And Option 2 is no action. Option 3, there was a recommendation to delete using the specific estimates of dynamic OY.

So my understanding is we would delete that option. And then Option 4 would be to use specific estimates of static OY. And so I think here we have a good range of options and perhaps could pick a preferred alternative at this stage.

Mr. Lee: Any comments? Any recommendations for a preferred option? Seeing none, let's move to the next item.

Mr. Waugh: Okay, maximum fishing mortality threshold on page 35. Option 1 would use FMSY as

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the maximum fishing mortality threshold. No action is Option 2. Option 3 would be to use fractional values of the specific estimates for each stock or stock complex from Appendix 1.

Mr. Lee: Gregg, let me interrupt you. We've got a side conversation going on over here, and I'm just wondering if that conversation needs to be on the record. Would it be something that would be informative for us?

Dr. Daniel: Well, I'm trying to resolve this issue of static and dynamic OY, and I think I might have just done that.

Mr. Lee: Would you summarize that for us, then?

Dr. Daniel: Well, just in terms of if you look at the Level I stocks for MSY, you've got MSY equals FMSY times BMSY and that's sort of a static, that's an average long-term conditions type thing. But, OY is B-current times FOY.

So if the current biomass is extraordinarily high, then you're taking a conservative F, what's more conservative than FMSY and multiplying it by B-current, and in some instances that could be a harvest that's greater than your static MSY.

So, by choosing those two options, you've sort of established a static MSY, but you may allow a dynamic OY that could, at some time, be greater than MSY.

Mr. Lee: I think that parallels what we were hearing earlier.

Dr. Crabtree: To me, the dynamic OY simply is a recognition of how or a description of how the catch is going to fluctuate as the population biomass changes.

The advantage of using that dynamic, using a calculation for OY rather than a number -- so you're specifying that OY is FOY times current biomass level -- is that as biomass declines, you're recognizing that the yield would decline.

But on the way we normally estimate these things, which is assumption of equilibrium conditions, so we assume there's some fixed equilibrium kind of biomass that doesn't change anymore; it's always going to be less than MSY because we're defining FOY at 75 percent of FMSY.

So if you assume fixed population sizes the way we're doing it, it's going to always come out that OY is less than MSY. And you can get into all kinds of games with words and how you want to define all this, and it gets confusing and I think that's part of what we're suffering from here.

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And if an option here explicitly sets the dynamic OY, that really wasn't ever an intent I had to define it that way, but I put it in the table because I felt like defining OY as a formula is more useful and makes more sense than just hanging a number out there.

And that was really where I was going with it. Then some of the comments I got back from people when they looked at the table was, well, OY is higher than MSY, how can that be? And sort of to illustrate that it's really not higher, I put a second type of OY that I called static OY in there to show that, well, under equilibrium type calculations, it wouldn't be higher.

Maybe I just confused things, overcomplicated it, I don't know, but that was what I was trying to illustrate with those things. But it was never a notion of choosing one or the other.

I mean, if you set just a static OY number, you still know your catch is going to fluctuate. It's going to be above it sometimes; it's going to be below it sometimes, and the dynamic OY just sort of captures how it's going to go.

But in reality for these stocks, we're never going to go into a year knowing what the biomass even is so we're not going to be able to say, except in terms of retrospect, we're not going to be able to set an OY for each year. It's just not going to happen because we don't have that kind of information.

Mr. Lee: Thank you, that was very helpful.

Dr. Crabtree: I'm glad to contribute.

Mr. Lee: I was serious, Roy. (Laughter) The Chairman has asked for a five-minute break.

(Whereupon, a short recess was taken.)

Mr. Lee: If we could get back to the next action item, Gregg.

Mr. Waugh: I didn't feel like we finished the maximum fishing mortality threshold. Did we want to pick a preferred option there or just leave it the way it is?

Mr. Lee: Comments?

Dr. Crabtree: I would be comfortable with setting Option 1 as the preferred alternative. I think it gives the public -- unless we're going to talk about adding some more alternatives. And I think, Gregg, what you have in Option 3, which is using fractional estimates, which would be -- I think

what you mean is you could set the fishing mortality threshold at 75 percent of FMSY or 50 percent of FMSY, so I think that gives us a wide range of alternatives that meets the NEPA thing.

**But I think we could indicate to the public that our preferred alternative is Option 1 because I think that's where we're going to go, and so I would make a motion that we establish Option 1 as the preferred alternative.**

Ms. Shipman: Second.

Mr. Lee: We have a motion by Dr. Crabtree and a second by Susan Shipman to make Option 1 the preferred option. Is there any discussion on the motion? Are there any objections to the motion? Seeing none, the motion carries.

Mr. Waugh: Top of page 36, minimum stock size threshold, Option 1 would be to use the formula presented there. Option 2 would be no action. Option 3 would be to use the lowest annual catch as a proxy for minimum stock size threshold.

Mr. Lee: Comments on these options?

Dr. Crabtree: Yes, I think some other alternatives you could consider in here, Gregg, would be to set the minimum stock size threshold at 50 percent of BMSY. Another alternative might be to set the minimum stock size threshold at 75 percent of BMSY.

Some of those types of things might have some conflicts with the guidelines in some sense, but I think they would be a range of alternatives that you would put in there to meet the NEPA requirements, because I think right now we really just have one alternative in here that is viable.

Mr. Lee: Do we have a preferred option here?

Dr. Crabtree: Well, we might want to wait because we don't really have much in terms of if Gregg wants to put some other alternatives in on this one.

Mr. Waugh: Option 1 includes 0.5 times BMSY so another option we would add would be 0.75 and then maybe even, you know, I'll pick another 90 percent BMSY or something like that.

Dr. Crabtree: I think you could just tweak the things around some and come up with other alternatives.

Mr. Lee: Okay, any further comments on this item? Okay, Gregg, next one.

Mr. Waugh: Okay, rebuilding plans, this begins on the top of page 37, and let me just deal with two things. The bottom of page 37 talks about whether or not we get an update to black sea bass, and over on page 38 we talk about updating red porgy stock assessment.

My recommendation would be to remove these out of here. Under this new process, there will be a process outlined that sets the priorities for doing stock assessments. And as I understand how it's being described now, Bob would participate in that representing the Council, and we would take our needs as we develop them through our operations plans, and they would be presented by Bob and then that group would set the priorities. So I don't think we need to address that in here and I'd remove those.

Option 1 on page 37 is no action. Option 2 on page 38 uses the recommended rebuilding plans below. And what I did here was as the current report to congress is being done, gag should no longer be overfished, so if that is indeed the case, then we'd remove gag from here, and then we would have to add the values for those remaining species at the bottom because those are currently listed as overfished species. And then Option 3 would use one generation time.

Mr. Lee: Any comments?

Dr. Crabtree: Yes, I'm not sure, Gregg, that I follow just organizationally how it's set up here because Option 2 doesn't really seem to me to capture the rebuilding plans. It just captures a time frame.

I don't think that's an approvable -- I don't think just submitting to NMFS a time period is an approvable rebuilding plan. In my mind a rebuilding plan has to specify what the target is, and that has been in the past why many rebuilding plans have been not allowed and disapproved, because the rebuilding target that was specified wasn't an approvable biomass-based rebuilding target.

And I think that as you go through further into the document with the options under four, for each of the specific species, there are for each species in many cases three or so alternatives there. Nassau grouper, though, for example has only one alternative under it.

But, as you look, for example, under D for speckled hind, there in fact are three alternatives listed under that species. I think, Gregg, you could easily go into nassau grouper or jewfish and come up with other alternatives by shortening the rebuilding period.

I mean, 20 years here is one estimate of the recover period. It could easily be shorter than that. And because there's variation in the natural mortality rate or it's an unknown thing, but you could actually estimate a longer recovery period.

It could be estimated to be 40 years if you used 30 years as the estimated of generation time. So I think it's easy to go in these and for NEPA purposes to come up with a range of alternatives in terms of the recovery time.

And also in the case of the control rules, you could probably come up with a lot of different alternatives for those. But I think it's important for everyone here, when we go through this document, to look carefully at these individual species recovery plans.

I would draw your attention on page 41 to, for example, the snowy grouper recovery plan. In each of these alternatives, it adopts a variety of different control rules, and the control rules are laid out earlier in the document starting on page 28, I believe.

And if you went to, for an example, a Level II control rule on page 28, it specifies, based on the biomass that's in the water today, what the estimate of the current stock size is. It specifies how your target fishing mortality rate is going to be reduced below the FOY rate.

In the case of snowy grouper, I believe the current biomass is around 20 percent of biomass at MSY, which puts you at the bottom of these lists of "if" statements on page 28. And so the control rule would require that you set your target fishing mortality rate at 10 percent of FOY.

Well, 10 percent of FOY is a very low fishing mortality rate, and I suspect would require you to close the fishery to achieve that. And so, we need to give a lot of consideration to these control rule alternatives because based on what we adopt, we could be setting up a recovery plan that would result in the closure of these fisheries.

And in some cases, the alternatives in these control rules aren't really consistent with alternatives that come up later in the document which have snowy grouper TAC being set at some high level. I think we've got to be careful.

I think, Gregg, you need to go through in each of these control rules and provide some sort of analysis that gives some discussion of what the consequences of adopting these control rules are. I think this is the most important thing in this amendment, and this is what's going to have a lot of significance in terms of what we're going to have to do in terms of regulations.

I think that in terms of MPAs and what we're doing with the MPA amendment, we really have got to nail down these recovery plans. We've got to know what we're looking at doing before we get too far along the way with discussions of management measures in order to achieve the recovery of these stocks.

So I don't know, Gregg, that Option 2 here really even needs to be in the document. In my mind the recovery plans are on a species-by-species basis, and I think Option 2 is redundant with these other options and I'm not sure it really needs to be there.

Mr. Waugh: Okay, this is the part, then, that I misunderstood what we were talking about at our last Committee meeting. Let me just make sure I understand what you're saying. We're not talking about rebuilding time frames.

For those species that are overfished, what we have to do is develop a rebuilding program, including a control rule that describes what management regulations are going to be instituted in order to rebuild the species that are overfished above the minimum stock size threshold.

The target as far as overfished and what triggers your rebuilding program is if the species is overfished. So, what we need to do is come up with control rules that will then get these species at least above the minimum stock size threshold.

Dr. Crabtree: Yes, I think that's the intent of the technical guidance, at least, in the National Standard Guidelines. And the rebuilding target is the BMSY level, not the MSST but the BMSY level.

Now in terms of what is the minimal amount of information you can submit for a rebuilding plan and have it approved, I'd let NMFS comment on that. But I think, really, a recovery plan ought to say more than how long it's going to take and what the target is, but to be useful to you, it ought to give some indication of how you intend to get there.

I think when these are submitted to NMFS, NMFS is going to have to review these in light of this summer flounder decision which requires that you have a 50 percent probability of achieving the rebuilding target.

Unless you give some information about how you intend to get there, then I don't know how you've provided the rationale that you can in fact get there. But, maybe NMFS could comment some on that, but that's how I understand it.

Mr. Waugh: Given that, then my suggestion would be is to let us restructure this whole section because it would be difficult to go through now given that that's the intent.

As long as there's consensus that that's the direction to staff, then we can restructure this section to then go through for each overfished species and present the alternatives for the recovery program.

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Dr. Daniel: So, Roy, as I see speckled hind, for example, or snowy grouper, either one, all of the different alternatives bringing us back to the target control rule sets this OY, this FOY at an extraordinarily -- or F-target at an extraordinarily low level if current biomass is less than 25 percent of the biomass needed to produce MSY.

And what I think we need to keep in mind, if I'm interpreting this correctly, is that this is going to put the onus on us and NMFS to do updated assessments on these things in a more timely fashion because the target Fs are going to vary as the stock rebuilds.

So we can't just put in a quota or a cap or whatever on snowy grouper, for example, and hold it for 15 years. You're going to have to continually monitor the stock's progress because through this target control rule once they get up over -- they're at 20 percent now -- once they get over 25 percent, then the target changes. And that's something I think that needs to be kept in mind.

Mr. Lee: I think, also, if I might interject here, we had some discussion before about SAFE reports and the responsibility of NMFS to provide those to the Council. And as we get into this scenario, we're going to have to start looking at how the stock is rebuilding and what the targets are. I think that kind of feedback to the Council is important to our management process.

Dr. Powers: Yes, I just wanted to reiterate, when you're getting into rebuilding plans, once something is deemed overfished, you have to have a time horizon, a time period to rebuild. You have to have a target of rebuilding -- in this case it is BMSY -- and a plan of action to get there.

And the plan of action is what the control rule is, and I agree that you have to look at that carefully because they have some big connotations. Those particular sets of control rules were originally submitted as a template basically.

But look at those, and there is a variety of different ways to skin a cat. I think there's a number of ways to deal with it, so take a look at it.

You're also going to get into the problem of something like nassau grouper that's on page 39. This is also an issue with another Council, as well, is you already have a rebuilding process in effect right now.

You basically say there's no catch for nassau grouper. And so the question is why do we have to have a rebuilding plan? In a sense, the only thing you can do is what you've done in terms of the actual regulation, but to me a rebuilding plan is also saying that you're going to look at this periodically to reevaluate; that, no, you don't really know what MSY might be for nassau grouper and you don't really know what BMSY is, but you have a plan of action and, in essence, a control rule that says keep it at zero until you learn something.

And so I would suggest, in a case like that, that all a rebuilding plan would be would be a statement, something to that effect or that it has to be looked at within "x" number of years or something like that. That, in effect, is the rebuilding plan.

So, to me, this whole issue of rebuilding plans is sort of specifying a plan of action. You don't know exactly what's going to happen in the future, but you have some sort of template that you're going to work for and a periodic review so that you can reevaluate your position periodically.

Mr. Lee: Are there any further comments?

Mr. Iarocci: Wayne, I'd just like to make a short comment on the importance of Table 5 to what we're doing and for the involvement of our constituents. When people do see this table -- and I'd like to see copies of this made on a full sheet -- when people do see the recovery time, when we're trying to do recovery of a species and then look at an example of nassau grouper and how it would take over 10 years with no fishing for recovery, I think it's pretty important. I think it's basic, and I think a lot of this needs to get out. Thank you.

Mr. Lee: Is there consensus, based on what Gregg's comment was, to allow staff to redo this whole section?

Ms. Shipman: I think that's a good idea. And in light of the comments that were made the other day, I would hope the National Marine Fisheries Service would work very closely with the staff to develop this section. To me, this is one that really is well suited for a team approach to make sure we've got this headed in the right direction.

Dr. Crabtree: And, Gregg, I would suggest that you take that original document that the Science Center prepared on control rules that had the analyses for all of these species, I think that needs to be included in this document so people can see what the basis for these determinations, what the basis for the status of the stock was and all those other types of things.

Mr. Lee: Okay, we have consensus that the staff will undergo a rewrite of this particular section. Any further comments on this item? Okay, let's move to the next item, please.

Mr. Waugh: I would suggest here in terms of deep water, that will then be folded into the section we just talked about because that will become a part of the control rule for those species.

So I'd suggest we move right over to page 52, spawning season closures. Here we didn't hear much yet from the Assessment Group and the SSC in terms of how applicable these dates and timings are

to the South Atlantic.

We will get with them and ensure that we have information that best reflects what's going on in the South Atlantic. We've got Option 1, which is no action. Option 2 would be to prohibit all possession and sale of species during a spawning season closure for that species.

Mutton snapper is the one species where sale is allowed during the spawning season. In addition, for the rest of the species, for the most part -- well, wreckfish is no harvest, but the others, there are limitations to the bag limit. So Option 2 would prohibit all possession and sale of species.

Option 3 would be to expand the spawning closure for greater amberjack from April, to include March and April. And Option 4 was in response from a suggestion from our last Committee meeting where we looked to -- is there a month that we can pick that might apply across the board to a large number of species, and what's suggested here is to look at August.

Mr. Lee: Do I have any comments?

Ms. Shipman: I think one thing we heard, really, pretty much universal support from the AP, and a number of Committee members, I believe have discussed this in the past, we need to prohibit all possession as well as sale of species during the spawning season closure.

I don't have any comment relative to Option 3 one way or another, but I think it would lend tremendous credibility to what we're trying to accomplish if we just prohibit harvest and possession of any sector during the spawning season closure.

**So, certainly, Option 2 I would suggest or recommend that be our preferred option. And I would move that Option 2 be our preferred.**

Mr. Lee: I have an option by Susan to include Option 2 as our preferred option; second by Bill Cole. Is there any discussion on the motion?

Dr. Daniel: I think it might be helpful if just some of the back-of-the-envelope stuff that I've done that shows in recent years, since we've put in particularly the gag spawning season closure for the commercial fishery, the CPUEs in the recreational fishery go way up during that period of time.

I think that maybe, I mean, if it's not too difficult to put together, it might be helpful to have some of that information in there to show that there is some reasoning behind this aside from that we ought not to be harvesting the fish during the spawning season; as well, I think, the concern that we heard down in Georgia about harvesting these fish and holding them until the season reopens and then

selling them.

So I think there's some justification in addition that we could add to that, but I support that being our preferred option, absolutely.

Dr. Crabtree: Yes, along Lou's lines, I think some rationale beyond just the kind of broad idea of protecting them while they're spawning, but I think we need some rationale in terms of analysis of the effect of these closures, what would the expected harvest reductions be, and then we would need to have some rationale as to why we need to reduce harvest of species for which -- for most of these, at least, aren't considered to be overfished right now based on what limited information we have, although there are other analyses that have been done at least in South Florida that would suggest that probably all of these species are overfished.

And we've heard some testimony with regard to amberjack, I think, the other day that a fisherman believed it is at least locally depleted in some areas. I think there needs to be a lot of discussion in there because I think we need a lot more specific rationale than just protecting them while they're spawning.

Mr. Love: Again, Mr. Chairman, I'm not on your Committee, but I think this also would be an asset to law enforcement, too, if we were to do this.

Mr. Lee: Are there any further comments on the motion? The motion is to include Option 2 as our preferred option under this action. Is there any objection to the motion? Seeing none, the motion carries.

Mr. Waugh: In terms of Option 3, we can certainly include it, but for those of you who that have been around and dealt with this greater amberjack issue in the past, I don't remember the specific SPR value, but it's something around 60 percent, 70 percent; this is certainly a species that could benefit from a SAW-SARC type of assessment process.

If we go forward with additional regulations like this, we're going to get into that argument again where based on the information we have this is not listed as an overfished species. We've got a very high SPR.

We can certainly present the other side of it as well that supports the localized overfishing, what the catch rates are. But I think it would be helpful to have some guidance that, yes, you all want this in there, but to give you a heads-up that gets us down that argument once again.

Mr. Lee: Let me ask a question, but would one of the possibilities be to take greater amberjack out of

this list of species since it is considered or --

Mr. Waugh: No, I'm not suggesting that we change Option 2 at all. I'm talking about Option 3 where we're getting into expanding the spawning closure.

Mr. Lee: Comments on what Gregg said?

**Mr. Iarocci: I guess I'll make a motion to remove Option 3 if that's called for right now, if we've got enough discussion on the floor.**

Mr. Cupka: Second.

Mr. Lee: So we have a motion to remove Option 3 by Tony Iarocci and second by David Cupka. Is there any discussion?

Mr. Mahood: I guess this is a question maybe for Monica or Joe or for us to determine at some point, but if the Council removes this option at this point in time and it won't go forward in a public hearing document or anything like that, can that still be used as a NEPA-considered option?

Do you see what I'm getting at, Monica? Remember what we got in the sargassum, we went back and tried to find things that were taken out early and really couldn't -- and that became an issue, whether or not it had to go into a document through a public hearing process.

Ms. Smit-Brunello: Well, the advice I'd give is to question why you're taking it out now. Maybe we could have more discussion on that. But, Bob is absolutely right, when you remove it, then you remove any chance for the public to comment on it, analysis and all that.

So what I was going to suggest is that maybe I could work with Council staff, as I know the National Marine Fisheries Service will be, too, and maybe there are other options and alternatives that might even be developed for this particular action or section.

Mr. Waugh: When we've done this in the past, we have an appendix where we put options that are not fully analyzed. My intent would be, as we remove any options, as we're developing this, it goes into that appendix to keep track of all options that were considered by the Council but not fully evaluated, and certainly we would put the rationale there.

I think this is going to be a good point to decide whether -- what we have to do is balance the need for options for NEPA versus going out to hearing with options that would have large impacts on fishermen that we have no intention of selecting.

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And I think that's going to be a balance because this is one that will generate a tremendous amount of concern throughout the public hearing process. And if we have no intent of doing this, yes, that's good for NEPA, but it has a high cost to us and the Council process.

Ms. Smit-Brunello: But isn't part of the idea, when you take this out and you get public concern -- I mean, NEPA really envisions, I think, a dialogue back and forth between the agency and the public and all that, somewhat of a dialogue, as to these different alternatives and action.

And I note, when I'm looking at these, you're supposed to -- one of the NEPA regs says, "rigorously explore and objectively evaluate all reasonable alternatives; and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." So, maybe there's a way to incorporate this approach in the document.

Mr. Lee: Any further comments?

Ms. Shipman: Well, my reason for supporting the removal is to get this stock assessment into a SAW-SARC process and some refinement of the stock assessment. I don't think the stock assessment is supportive or the output of that stock assessment is supportive of the expansion of that closure right now.

I'm not saying it's not necessarily appropriate but we've got to have the science to back up that. I think if we wait for that, it's going to slow this document down. It's not to say we won't do it eventually or look at it, but I think it's premature right now to consider this before we have refined science.

Mr. Mahood: And, Monica, Gregg said what I wanted to say because we do have that section, and maybe if we go into some detailed explanation of why it's being dropped out, that will be in the document when it goes to public hearing so the public would have a chance to say, "Well, where you've dropped this out, we don't think it should happen. We think you should consider that".

But if we go into the details of it's not something the Council is going to do right now; the reason the Council is not going to do it is because the stock assessment we currently have does not support it; it will have heavy economic impacts; if we explain these things, I think when we do the DEIS, that will be part of the DEIS to show that the Council did have those considerations, the public would have had a chance to bring it up at public hearing -- well, actually this will go to DEIS the same time we go to public hearing.

So I'm hoping that will work as an option that we can pull back later if somebody says we don't have

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enough options or what have you. I think if we document these well, that we will be covering NEPA.

But we need to talk about it and talk with some of the NEPA people, maybe, of how they'd like to see it structured in the document if that's not appropriate.

Ms. Smit-Brunello: Yes, I agree, and I'll just work with you all and we'll continue to explore that.

Mr. Mahood: One of the key things I think Bill said at all the meetings that we've been to where we've talked about options, he does not want us going to the public hearings with ridiculous options or options that the Council has no intention of moving forward with.

Ms. Smit-Brunello: Well, I mean, it talks about a reasonable range, and I know that those are interpretive words depending on how you look at it. So, we'll continue to discuss it, but, yes, all right, go ahead and do it that way.

Mr. Lee: Is there any further discussion on the motion?

Mr. Waugh: This issue of options for NEPA -- and this is one that certainly has been out to a number of public hearings, previous DEIS comment periods, so perhaps this is a point that Rick can explore with the other NEPA folks is as we go forward and if it is something that we have addressed before, there should be some way to reference that prior record and that prior DEIS process.

Mr. Lee: Are there any further comments on the motion? We have a motion to remove Option 3 from this section. Is there any opposition to the motion? The motion carries. Next item, please.

Dr. Daniel: Just before you go to Section 5, I know in our MPA discussions we talked about potentially linking the spawning season closures for the deep water complex with the MPAs. Now, are those options in here to be reworked with the control rule reworking or do we need to discuss that before we move on?

Mr. Waugh: My recollection is we linked the spawning site closures to those, not so much the spawning season closure.

Dr. Daniel: Because we had that Option 4 right there on the reverse page where we were talking about the one-month closure. We're going to leave that in there, but do we need to kind of maybe have an additional option that basically states that there will be spawning season closures for the deep water complex based on the available data that suggests when those spawning seasons are?

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I mean, we've got some of that information back here in Figure 2. I just want to make sure we don't miss that opportunity to get public comment on these spawning season closures for the deep water complex. As long as that's in here somewhere, I'm fine but I just don't want to miss that opportunity.

Mr. Waugh: In Option 4 there would be a one-month spawning closure, but I think we would perhaps come back and revisit this after we look at the control rule for those individual species.

Dr. Daniel: I see the point, thank you.

Mr. Waugh: Okay. That puts us to Section 5, spawning site closures. What the decision was or the recommendation at the last Committee meeting was to indicate that addressing specific spawning sites would be done during the process of citing MPAs, that that's how we would address that at this stage.

That was part of the rationale that is shown for dropping Option 2. I would suggest that we rework this item to just address the Oculina Experimental Closed Area. That would just be changing the title, deleting this Option 2 that talks about specific spawning site closures.

That's something that we can do now under our Snapper Grouper framework anyway so it's not something we need to address here.

If we did that then we would have Option 1 would be no action. What's shown is Option 3 would extend the Oculina Experimental Closed Area for an additional ten-year period. And Chris Koenig made that presentation yesterday that you all saw.

Option 4 would be to extend the Oculina Experimental Closed Area for an indefinite period. And although it's not quantitative at this stage, we are seeing some qualitative information that we are seeing rebuilding and reestablishment of species within this experimental closed area.

Mr. Lee: Gregg, do we need a motion for removal of Option 2; is that what you're saying?

Mr. Waugh: It could be handled in one motion or you could just have a motion to delete that or just give that instruction to staff. I think it would be helpful to then get a preferred option on oculina.

Mr. Lee: Okay, so we need a preferred option on this section.

**Mr. Cupka: Thank you, Mr. Chairman. I would make a motion that we delete Option 2 and that Option 3 become the preferred alternative or option.**

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Mr. Lee: I have a motion by Mr. Cupka that we remove Option 2 and that Option 3 becomes our preferred option and a second on that by Tony. Is there any discussion on the motion? Seeing none, is there any objection to the motion? The motion carries. Next item.

Ms. Smit-Brunello: Gregg, do you think it would be helpful to include, not just for NEPA purposes, but you have indefinitely you have established it for ten-years -- do you think there would be benefit to exploring whether to establish it for five years as another option or extending it for five years?

Mr. Waugh: My response would be five years would not be practical. We couldn't get results and then go through the Council process and then put regulations in place. That would be a challenge to do that within five years.

Ms. Smit-Brunello: I understand that, and I figured that was what you were going to say, but I was wondering for additional options and consideration for the public, I wondered if a five-year period might be something you might want to put in there, or a fifteen-year period, but five years is probably a little more doable.

Dr. Daniel: I wouldn't want to consider an option less than ten years. I would be happy with 20, 10, 20, indefinite, but I don't think we should even give the impression we're considering anything less than ten.

Mr. Iarocci: Yes, I feel the same way. If we do need another option, Monica, I think ten years on oculina is minimum. I mean, if we have to for another option, I'd say 15, 20 but no less than 10 years.

Ms. Shipman: I think part of that evaluation is getting that rock shrimp amendment in place, getting that VMS installed, operational, permits, so forth and so on. And, you know, we're looking at probably a two-year time frame to really get that in, and so I just think five is too short.

Mr. Waugh: So, we're adding another option for 15 or 20?

**Mr. Cupka: Mr. Chairman, I would amend my motion to include an additional option for a 20-year period if that's all right with the seconder.**

Mr. Lee: We have a friendly amendment to the motion that we just passed to have an additional option for 20 years for oculina. Is there any discussion on the motion as amended?

Mr. Love: Are you leaving the ten year in there or are you taking the ten out? Okay, that's fine.

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Dr. Koenig: I would like to make a statement here. The Oculina Banks, you've got to keep in mind that this is not just a fish issue. It is interconnected with other issues like a unique habitat that in a sense you can think of as endangered.

The small amount of existing habitat that remains, if that's destroyed, we're talking about a rebuild period of many lifetimes, maybe two or three lifetimes, over 100 years. That kind of very high relief material with all the structure underneath it that's dead coral, it will take a long time to recover.

Now our short-term recoveries we're trying to put into place with the simulated structures. But, they've taken many years to build what's left, and so in that sense you can think of it as endangered.

I can't envision any situation in which you would want to open that area to fishing and potential impacts on that remaining habitat. I can't envision that. So, strictly from the perspective of fish, I could see where you would have a 10- to 20-year period where you'd want to see if the fish population is rebuilt.

But from the perspective of habitat and fish, I can't see where you would ever want to reopen that area. That's what I wanted to say to you, give you that perspective.

Mr. Lee: Thank you. Are there any further comments on this section? Let's move to the next.

Mr. Waugh: Section 6 on page 58, queen triggerfish, the Committee's preferred option is to remove queen triggerfish from the snapper grouper management unit. No further action would be necessary if you want to leave that.

And other options, we have no action and just to remove queen triggerfish from the snapper grouper management unit in the EEZ off the state of Florida. We did have a suggestion during the discussion yesterday.

The suggestion was made to adopt Florida's regulations in the EEZ, which I believe require that they be landed live, and I'm not sure if there's a size limit associated with that.

Mr. Lee: Also, I thought during that discussion there was a recommendation to set a minimum size?

Mr. Waugh: That's correct, there was a suggestion to leave it in the management unit and look at some sort of size limit, and then we had some discussion about an upper size limit or a slot size limit.

Mr. Lee: Comments?

Ms. Shipman: Before yesterday's comments, I was quite content to sort of invoke Section 306 of the Magnuson Act and turn management of queen triggers over to Florida, but after hearing what they were saying about the harvest north of Florida, I would like to include an option to establish a minimum size, retain it in the management unit and establish a minimum size.

Now, Florida may have a preference to invoke their regulations for the EEZ adjacent to Florida so that those fish are landed live. I'm totally amenable to whatever Roy would like to do there.

Dr. Crabtree: Well, I guess my question to Monica would be is there a way that the Council could defer management of the species to Florida in the waters off of Florida. I don't know if we can move a species from the management unit, but only in a part of it's range like that. Maybe we can.

And part of what you heard yesterday in Florida, most of the landings are as ornamental fish for the aquarium trade so a minimum size limit would basically preclude the aquarium trade because what they want are the small ones. For a lot of our marine life species, we actually have maximum size limits in place.

But there is a requirement that they be landed live and there is a recreational bag limit and there are commercial limits and there is an endorsement and there is a moratorium on the endorsement so there is a variety of regulations.

I don't recall right now if there was a maximum size limit on this one or not, but in general where we've gone in this rule is a maximum size limit to prohibit anything that wouldn't be appropriate for the aquarium trade from being landed.

Ms. Shipman: And maybe I didn't clarify, Roy, that's actually what I intended for the EEZ off of Florida. I'm thinking from the Florida-Georgia line north, we would implement a minimum size because I think there it sounded like they're being landed for consumptive purposes. And I think that might be appropriate, and they would fall under that aggregate bag limit we have in place, anyway.

Mr. Lee: So, Susan, would your --

**Ms. Shipman: My motion would be to defer management of queen triggerfish in the EEZ off of Florida to the state of Florida regulations.** And that can be done, I believe -- and, Monica, correct me if I'm wrong -- in Magnuson, 306, one of those paragraphs. I think it's C, either B or C.

Ms. Smit-Brunello: Well, I'll explore this because usually when you look at Section 306, which is state jurisdiction, they're talking about a fishery in terms of the whole fishery management and those kind of issues.

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Whether you can separate out a specific fish within a fishery management plan for that kind of action, I've not heard it done, but that doesn't mean it couldn't be done so I'll explore that.

Another thing that the Council could do to probably achieve almost the same thing would be to adopt compatible regulations off the state of Florida for queen triggerfish which Florida has. Now I'll explore that as well, so I'll look at all this stuff.

Ms. Shipman: That's my intent, whether that has to be done through some 306 language or whatever. But my intent, further, in the motion is for queen triggerfish from the Florida-Georgia line north we establish a minimum size.

And I defer to your reef fish experts on what that should be. I think we heard yesterday 14 inches, 12, 16. We heard kind of a range, so I'd ask whoever has got the harvest to fill that in for me.

Mr. Lee: And you are putting in there from the Georgia-Florida line?

Ms. Shipman: Yes.

Mr. Lee: I have a motion by Susan Shipman. Is there a second to the motion?

Mr. Cole: Second.

Mr. Lee: Second by Bill Cole. Discussion on the motion?

Mr. Waugh: My suggestion as far as minimum size is let us get with some of the AP members and some of the Assessment Group and build in a range.

Ms. Shipman: That would be great.

Mr. Lee: Is there any further discussion on the motion?

Mr. Love: Susan, should you say "north of the Georgia-Florida line"?

Ms. Shipman: Yes, it's from the Georgia-Florida line north, boundary north. Thank you.

Mr. Lee: Is there any further discussion on the motion? Any objection to the motion? The motion carries.

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Mr. Waugh: And the intent would be that would be our preferred, and what is as our preferred now would just become another possible option?

Ms. Shipman: That's my intent of my motion, that would be the preferred alternative. And if I may, if we need to go back and change that language after Monica explores this to say the Council would implement regulations for the EEZ off of Florida compatible or consistent with Florida regulations, that's fine, too, whatever is the simplest way to do this is what my intent is.

Mr. Waugh: Okay, we're at Section 7, size limits and bag limit changes. We did receive a proposal to increase the recreational size limit from 28 inches to 36 inches. The Committee did indicate this as a preferred.

Other possible options are no action. We don't show other options, but in analyzing the preferred it would be an incremental range from 28 to 36. We can either handle it there -- I've had some discussions with Rick in terms of how we are going to respond to some of the EPA comments on dolphin/wahoo.

It could be that we add an option here evaluating the range of 28 inches to 35 inches, and we could include that as another option. We had a suggestion yesterday, during the meeting, to look at possibly raising the bag limit to two fish if you do raise this minimum size limit.

There was also a suggestion to look at prohibiting possession in April, but we've handled that with a prior action so I don't think we need to address that here.

Dr. Crabtree: Well, I think, one, that it would be premature to have a preferred alternative under this section at this time because I don't think the analysis is there to allow us to reach that conclusion.

We've already just gone through a discussion where we deleted a closed season because the greater amberjack stock is apparently not overfished according to the assessment we have and now we have an option to raise the minimum size limit.

There were some comments made by enforcement and an enforcement rationale was given for this the other day, but I would point out that if we do raise this minimum size limit, then in Florida we will now then have two different recreational minimum size limits in place, and so at least in our state I don't think it's an enforcement plus.

I think it's an enforcement minus and I think it will confuse the public. And I know this is just a Florida concern but one of the things I would like to do is avoid having one set of bag and size limits on the East Coast of Florida and a different set of bag limits and size limits on the West Coast of

Florida.

And so I'm reluctant at this point to go forward with it. Secondly, I think what we're really looking at here is an allocation issue. And I believe in the past, when we've put restrictions in place on greater amberjack, the goal of those restrictions has been to achieve equitable reductions in fishing mortality in both the commercial and recreational sector.

If we come in here and raise the minimum size limit, which is a substantial amount, on just the recreational sector, I think it's going to have a big effect on what they harvest and it's going to change this allocation.

I certainly don't think that we ought to set a preferred alternative until we've seen what that's going to do, is there any rationale for it, and has the allocation shifted in a way that we need to adjust it somehow to bring it back.

So, I'm okay, I guess, with having some options and discussion in here at this point, but I really don't see much rationale for this at this point. And we need a lot more staff analysis in here to evaluate those things.

Mr. Lee: Do we have a need for another option, Gregg, under that discussion?

Mr. Waugh: I think first, just to clarify, it is then the Committee's intent to not show this as a preferred? I think we need that guidance.

Mr. Iarocci: I think at this time it should just stay status quo as an option. And I also think we could add another option to this and get more information and data on the 28-inch, two fish, because I think we're lacking in data here, and I think we need to have some more on here and get some more information out to the public, too.

Ms. Shipman: Tony, you raised an issue that I needed a clarification on. I heard two different things yesterday. I heard the two fish applied to the -- if the recreational sector went up to 36, it would be two fish, 36. You just mentioned two fish, 28.

Mr. Iarocci: No, that was somebody else that said that. But, no, I was talking about 36 inch across the board for everybody.

Ms. Shipman: But, another option to be evaluated would be the two fish, 36 inch to see how that would mitigate any shift in allocation.

Mr. Lee: That's what I heard, Susan, was --

Ms. Shipman: Okay, because I heard two different things yesterday.

Mr. Lee: -- if you increase it to 36 inches for recreational, that you then offer them the two-fish bag to make up for that allocation.

Dr. Crabtree: Well, I have just one question about what Tony said when he said leave it as status quo. Status quo now is with a preferred alternative; correct?

Mr. Iarocci: Excuse me if I wasn't clear on that. No, leave this as just an option and not a preferred option, the 36 inch.

**Dr. Crabtree: Well, do we need a motion to remove? I'd like to make a motion that we have no preferred alternative in this section.**

Mr. Iarocci: Second.

Mr. Lee: Okay, we have a motion for no preferred alternative in this section by Dr. Crabtree with a second by Tony Iarocci. Is there any discussion?

Dr. Daniel: Yes, I'll support the motion, but I also think that -- I mean, I'm cognizant of the problem in Florida, but I also think that we also need to have information on there on the percentage of the catches in the recreational harvest that are of immature juvenile fish.

I'm more concerned with the biological protection issue than I am the allocation issue. So, that I think needs to be a significant part of it. Regardless of the status of the stock, regardless if it's 60 percent SPR, 84 percent SPR, 20 percent SPR, I think that we need to send that message on the size limits.

Ms. Smit-Brunello: I guess I am a little confused at this point as to exactly what's under Section 7 in terms of options. I know there's no preferred alternative, but what are the options under Section 7?

Mr. Waugh: Option 1 would be to increase the recreational size limit from 28 inches to 36 inches. Option 2 would be no action. Option 3 would be to raise the recreational size limit from 28 to 36 inches and increase the bag limit from one to two.

What we're discussing now is a motion that shows increasing the recreational size limit from 28 inches to 36. If this motion passes, we would not have a preferred. That would be an option. And

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we heard a suggestion earlier to add another option for the 36 inch and two fish bag limit.

Ms. Smit-Brunello: Just depending on how NOAA General Counsel and NMFS and the Council staff decide how to operate on some of these things, I know that some of our comments on dolphin and wahoo talked about when you had certain size limits talked about considering different increments, for example, from 28 to 36, you may consider several different increments in between, and so maybe we could think about doing that as well. And I'll work with you on that and we'll decide how that should come out, but if you would give staff latitude to do that if needed.

Mr. Waugh: And you are right, Monica, I mentioned that earlier and I forgot to include it. That would be another option that would look at changing the size limit within the range 28 inches to 35 inches, something like that.

Mr. Love: Yes, Mr. Chairman, I'm not on your Committee, but I think this Council is going in the direction of trying to have a fish spawn at least once before he's captured and brought to the hill, and I think that's what we're trying to do here with this size limit thing.

And if the Gulf of Mexico chooses to have a smaller size limit, we've got other things where we don't agree with them. And not that I don't understand the heartburn with Florida, but I think that us being conservative and trying to make sure this stock is going to be healthy, that's our main intent. That should be our goal.

Mr. Iarocci: Ditto to what Fulton just said, but also I want to reiterate what I said earlier in comments and what you heard from Louis and Dr. Crabtree. We do need more information on the catch rates of those other sized fish so we can get that out to the public, too.

Mr. Lee: Okay, we still have a motion on the board to go forward with no preferred alternative for this option. Is there any further discussion on the motion? Is there any objection to the motion? The motion carries.

Mr. Waugh: Well, we would take that as direction to staff that we would add additional options, one being 36 inches and two fish and another looking at the range of 28 to 35 inches. I think we can take that as direction from the Committee to add.

Ms. Shipman: Before you leave size limits, we had the discussion about black sea bass yesterday. And I didn't know whether, just for purposes of I guess finalizing that discussion on the record, whether there's any intent in looking at raising black sea bass minimum size to 11 inches?

Mr. Lee: I am not aware of any intent to do that.

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Ms. Shipman: Okay. Well, we asked the AP for their opinion and I actually heard kind of mixed reaction from the AP, so I just wanted to make sure if we had discussed that.

Mr. Waugh: Okay, black sea bass pot gear changes. Again, this was instituted in part because the gear manufacturer that makes the hexagonal mesh has added a line of reinforcing metal to one row of meshes, and what this does in a law enforcement sense that's the mesh that is measured, it will not meet our minimum mesh size requirement so Option 2 would modify the minimum mesh size regulations to address that issue.

Option 3 would modify the minimum mesh size regulations for black sea bass pots by increasing the minimum sizes to some as yet unspecified values. There is some experimental work ongoing now that would look at alternative mesh sizes.

Also there was some discussion about work out of the Mid-Atlantic Council that we might be able to use, and we will put this together and bring it back to you with some specific alternatives.

There was also some discussion from the AP on a one-by-two mesh. That is currently allowed. We don't just allow hexagonal mesh. There was also some discussion about dealing with the number of pots, how long they're left in the water and the need for either radar reflectors or light reflectors on the end of buoy lines or on buoy lines.

We will be addressing this issue some under the item that deals with the Section 7 consultation because we do need to gather additional data from the black sea bass pot fishery so we will have that information. Those are the options we have here.

Mr. Lee: All right, do we have any comments on this section? Seeing none, let's move to the next section, please.

Mr. Waugh: Red porgy; and we've got the full range of options there that we will come back and revisit in June. Section 10 is data collection issues. This gets to requesting that NMFS collect the value of snapper grouper permits.

This is done for wreckfish and it was inadvertent that it was not specified that it be collected for snapper grouper permits. This is needed for the economic analyses.

We would hope that what could be done would be done to start collecting this, but also we need to, while the transfers are relatively recent, try to attempt to capture that data in the past.

Mr. Lee: Any comments on the data collection section?

Dr. Powers: I think in principle I'm very supportive of this because if we are going to be monitoring the economics of this, we need to know these transactions and what they are. I'm hearing several comments about PRA considerations and things like that.

Obviously, we'll give our comments as well about how we're going to be able to achieve this, but in principle I'm very supportive of it. The other thing, I guess, while we're here is it says "require NMFS"; I'm told that it's hard for the councils to require NMFS to do things. You have to request NMFS to do so, but I know the practicalities of things.

Mr. Lee: Any further comments on this section? Hearing none, let's move to the next section.

Mr. Waugh: Collection of fees from ITQ programs. The SFA has a provision that states that the Secretary is authorized and shall collect a fee to recover the actual cost directly related to the management and enforcement of any individual fishing quota program.

We've got a range of options to address this for the wreckfish fishery ranging from no action to establishing a program to collect fees, to rescinding the entire management program or just rescinding the ITQ program.

Mr. Lee: Any comments on this section?

Ms. Shipman: I would prefer that we have Dr. Kitner's analysis, the work she's doing, before we even begin to go forward with the consideration of any of these. I don't know her timeline for getting that information.

Mr. Waugh: I believe that the timeline for doing that wreckfish project and surveying the permit holders, we would not have that information to present to the Council probably until 2003?

The response from Kathi Kitner was the preliminary estimate is in mid-2002, but nothing final until either late 2002 into 2003. I think here, then, the question is do we delete this from the program now until we get that information?

**Ms. Shipman: I think we've got enough in this document, and I would move that we remove Section 11 from this amendment.**

Mr. Lee: Is there a second to the motion? We have a motion by Susan Shipman and a second by Bill Cole that Section 11 be removed from this amendment document. Is there any discussion on the

motion? Is there any objection to the motion? Hearing none, the motion carries. That takes us to Section 12.

Mr. Waugh: Here we do request NMFS provide the data necessary to conduct the Section 7 consultation. There is a lot of information that is necessary in order to do the Section 7 consultation.

We have been advised ahead of time that we need to specifically address the potential interaction of black sea bass pots and large whale interactions, especially right whale. And as soon as Margaret is finished with the biological determinations for dolphin and wahoo, she will be working with NMFS on this. To be honest, if we're working with NMFS to get this information, I don't know that this needs to be a part of the amendment.

Ms. Smit-Brunello: Yes, I would say I don't think you need this section in the amendment because it's going to happen whether it's in the amendment or not. I think as long as you work with NMFS, that's fine.

Mr. Lee: Comments?

**Ms. Shipman: I move we remove Section 12.**

Mr. Cole: Second.

Mr. Lee: We have a motion from Susan Shipman and a second by Bill Cole to remove Section 12 from the document. Is there any discussion on the motion? Is there any objection to the motion? Hearing none, the motion carries. That brings us up to Section 13.

Mr. Waugh: Again, we have certain regulations that are tied in to the Cape Hatteras Light as a line. The preferred option is to modify the regulations to indicate the current light of the Cape Hatteras Light, no action.

We would hope that would be a reasonable range of options. Obviously, Option 2, certainly, a portion of that is somewhat tongue-in-cheek addressing the need for non-reasonable options.

Mr. Lee: Do we have any comments?

Ms. Smit-Brunello: I would think that this would fall under the terms of a technical amendment where NMFS should simply update the regulations where necessary to reflect the change in the location of the Lighthouse, so I don't think you need it here.

The Council may want to send a letter just as a reminder to the Fishery Service that we would like this changed, but I'll bring it up with them. I'll bring it up with Rod Dalton when we go back, so I think you can drop it out.

Mr. Cole: I think Monica has got a very good point. This should be just a simplistic technical amendment. But you remember the Mid-Atlantic Council has also got plans that have to do this and they may have already provided some language in the Register for a technical amendment, because the movement of the lighthouse affects all of their FMPs, also. So it very well may be that it would be appropriate for the two councils to talk to each other and just correct the problem.

Mr. Lee: Do we have a motion, then, to remove this section?

**Dr. Crabtree: Yes, I'd make a motion to remove it and request NMFS to change it through a technical amendment.**

Mr. Lee: I have a motion by Dr. Crabtree that this section be changed to a technical amendment. Is there a second?

Mr. Cupka: Second.

Mr. Lee: Second by David Cupka.

Mr. Cole: Good, the Parks Service appreciates this. They didn't think they could relocate that thing again.

Mr. Lee: Is there any discussion on the motion? Is there any objection to the motion? Hearing none, the motion carries. That brings us to the next section.

Mr. Waugh: Under Section 14 we had a suggestion to look at modifications to size limits for hog fish and gray triggerfish and to also address the issue of sale of recreationally caught fish.

Mr. Lee: Are there any comments?

Dr. Daniel: I don't know, I don't want to deal with the recreational sale of fish but I would like to see us look into at least the gray trigger issue and the size limit on the gray triggers because that is -- I mean, Mark brought that up and made some good points about that issue.

That fish has really become a mainstay in the snapper grouper fishery. I think we're going to see

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some real problems in that stock if we don't take some preemptive action. I'm not sure we know anything about them, but I think there could be a reasonable size limit implemented that may protect that group.

I don't know what that size limit should be, but I think if we could find that out and maybe have a range of options like we're going to do with the queen triggerfish, then that would be a good option for Section 14.

Mr. Lee: Are there any other comments: Louis, did I understand you to say that you would prefer not to deal with the recreational sale issue?

Dr. Daniel: I can't imagine any body wants to deal with that issue, but if they do, they can speak up. I would certainly suggest that we not deal with that issue in this amendment.

Mr. Lee: Are there any other comments?

Dr. Daniel: We can put it in the MPA amendment.

Mr. Iarocci: I know the state of Florida is going to be dealing with this issue, and it's a very important issue in our area and I've got some comments from a lot of people on it. I know it's one that's going to come to the table very shortly, and I'd just like everybody to know that.

Mr. Lee: Okay, I'd like to know is it by consensus that we not deal with recreational sale at this point in time in this amendment?

Dr. Crabtree: No, that's fine with me. but I'd just would expand on what Tony said and wanted to point out that it is an issue in Florida that we're hearing a lot about and it is one we're going to try and bring before the Commission sometime in the future.

And I'd also point out that in Florida we don't allow the sale of snapper grouper by anyone who doesn't have a snapper grouper permit. We effectively don't allow recreational sale already.

Mr. Iarocci: I think an appropriate time to maybe be dealing with this -- and I know we're going to have a lot of things on the agenda in June, but I think while we're in Key West this might be a topic that we could talk about.

Mr. Lee: Okay, by consensus, then, we will not discuss recreational sale, and we will include the option for the gray triggers.

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Mr. Love: Again, I'm not on your Committee, but I think you should mention that the AP had asked us to look at it somewhere along the line, so they do know that we do respect their wishes in looking at this.

Mr. Waugh: We will add it and we will go back and pull out some of the material when we last went to public hearings, particularly in North Carolina with the gray triggerfish size limit and got about laughed out of the room, so we have some data from the past that we can pull out as well.

Mr. Lee: It's 10:57, and you've got ten minutes to do what you need to do. Thank you.

(Whereupon, a short recess was taken.)

Mr. Lee: Okay, if we could get back to the agenda for the Snapper Grouper Committee meeting, we've finished Option Item 4 and we're going to move to Item 5. Kerry O'Malley will go over the MPA criteria document and the PID.

Ms. O'Malley: I just need a little clarification. This Committee, as you recall, in October saw the criteria document and discussed it. This document has not changed other than there was direction to change a word in the last paragraph at the last Committee meeting.

The reason it was included was for the Full Council to discuss it. But if you would like me to go into detail about it again one more time for this Committee, I'd be happy to. I'm just not sure, since you already have addressed this issue, how you want to handle it.

Mr. Lee: Are there any comments on the document? We did discuss it at our Committee meeting and said we would move it forward to the Full Council.

Mr. Cole: Thank you, Mr. Chairman. If I understand the use of the criteria that we previously took is that we have been using them in the development of the documentation thus far, and it would be our intention, once we have some semblance of agreed-to sites, is to make maximum use of that criteria documentation.

Mr. Lee: I think that's right. Any further comments on the criteria document?

Dr. Dean: I'm not a member of the Committee. Toward that end, Wayne, one of the things that does need to be worked on with the criteria, for the criteria to become an effective tool, is that there needs to be some quantification of the weighting of the criteria.

That's a necessary step, and it would be useful if the Advisory Panel were to focus in a future time

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on weighting the criteria as we go forward. Thank you.

Ms. O'Malley: Yes, John, as you remember, our advisory panels, all of them, as a matter of fact, have already done that exercise and it was presented to the Council in November of 2000.

Dr. Dean: I think we have a -- maybe we're not thinking about it in the same way in this regard, and that is that for some people, rarity has a much higher value than enforcement, as an example.

And so what I'm talking about weighting is not a vertical top to bottom but, in fact, within a criteria and an area of emphasis. And we really need some development of that and discussion of that. I think the AP would be a very good body to help us do that.

Certainly, they were critical in what should be contained in criteria. But what I'm talking about is some kind of quantitative, this is worth a 10; this is worth a 4.

Mr. Lee: Are there any further comments on the criteria document? Hearing none, we'll move to the PID.

Ms. O'Malley: This is the same situation. This is as you had seen it and amended it in October. It is included in the briefing book for its move forward to Full Council. So unless you have any discussion on it at this time, it can come up in Full Council for the whole Council to look at.

Mr. Lee: Are there any comments on this proposed PID document that we discussed in October? Seeing none, then we'll assume that's acceptable and move it to Full Council. Let's next move to Amendment 14.

Ms. O'Malley: This is where all the fun begins, and I believe Roger is getting his sites up. You all were here for the Assessment Group, Advisory Panel and SSC meeting yesterday, but I'll just briefly run through the points that they made and the recommendations that they made just to refresh everyone's memory as we go through site by site.

We'll start in North Carolina today, and I think the best way to do it would be to go through site by site. You can develop your recommendations and I think that will keep it the most clear. So we would begin in North Carolina.

The first sites in North Carolina were an alternative between a site 1A and 1B. Again, I'm still waiting for anyone to give me different terminology to call these things. I'll be happy to hear it at any time. But for now we're calling it North Carolina 1A and 1B.

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The Committee's intent from October was to choose one, to ask the different groups to give us what their choice would be. The Snapper Grouper Advisory Panel recommended that we move forward with site 1B, that the box be elongated and reoriented, which we'll show on the screen in a minute.

I believe Roger does have that site in. And the reason why they wanted that new reorientation and the elongation is because it would take in the wreck of concern which was the original reason this site was brought forward, and they believe it will encompass a lot of deep water species.

They wanted to make sure that the wreck of concern was not along the edge, the border of that box as to have ease of enforcement and to avoid poaching. They also said that it will take in three other small wrecks if it's moved.

The Assessment Group said 1A would be their choice, but they would want it rotated so that the eastern boundary would follow the 100-fathom curve. The SSC just recommended that it be rotated so that it goes along with the depth contours. The red box, Roger, I believe is the Snapper Grouper Advisory Panel's box.

Mr. Lee: Comments?

Dr. Daniel: I thought all three of them went with that red box, didn't they?

Ms. O'Malley: No, the Assessment Group went with 1A as originally drawn in the maps, but they did want 1A turned. If you recall, there's a size difference between 1A and 1B. I don't have the maps in front of me, but I believe 1A is the bigger of the two and 1B is the smaller, and that's the distinction.

Dr. Daniel: I hate to just pick one to go out to scope because I do feel like we had sort of disparate opinions between our three advisory groups. What I would like to do, if we can, Roger, is call this thing maybe the Snowy Wreck MPA so that we can Come up with -- I think we should name these things in terms of what we feel like they're providing protection for in terms of the deep water complex, if that's okay with everybody.

Then if there are other snowy wrecks or snowy sites, you can pick another name, but I got that one first. But what I'd like to do is maybe call it Snowy Wreck MPA 1 would be the AP's recommendation. That would be the red box on the map.

And then number 2 would be the Assessment Group and the SSC recommendation, which essentially reorients that box to where it takes on the shelf break. They're going to kind of overlap with the blue box maybe coming out about half the distance of the red box, but extending along the

shelf break. And those would be the two options. Is that clear?

Ms. O'Malley: Is your intent, Louis, with the Assessment Group and SSC recommendation, that remain the same size which is larger than the Advisory Panel's recommendation? We have two different sizes between 1A and 1B.

Dr. Daniel: I'd like them both to be the same size. I'd like for them to be the same size as the AP box. The difference would be the blue box would shift up on its axis to where it would have the same orientation as the red box, but it would be more in shore, still encompassing that wreck.

And let's try to keep it not to where it's right on the boundary but have it take in more of the shelf break as opposed to the red box, which is more just off the shelf break.

Mr. Lee: Louis, does your proposal move that -- after you shift the blue box, does it move the northern boundary up a little bit? Didn't I hear that the AP was concerned that the wreck was right at the boundary so people could go in and out very quickly?

Dr. Daniel: No, the AP made the recommendation to move it, and that's the red box, now the offshore red box. Well, yes, it's going to have to come out just a little bit to incorporate that wreck. Now bring it offshore like that.

The AP was concerned about the shelf break and that's lucrative fishing bottom, but it also is an area where there are juvenile snowys, red porgies, other species. It also contains more of the hard bottom, at least according to the MARMAP survey and the Seemap mapping data. I think that gives us adequate sites to scope for that one.

Ms. O'Malley: Louis, so by extending that boundary of the second box out to encompass the wreck, I believe you enlarged it, so it is not your intent that they be the same size?

Dr. Daniel: Well, if that's what happened, happened, and that's what has to happen.

Ms. O'Malley: I just want to make sure we're clear.

Dr. Rader: Mr. Chairman, I'm significantly concerned about the way the process is being described here because you're considering this as a recommendation from an AP, and the fact of the matter is that you have parallel recommendations from a set of other APs that are divergent from the Snapper Grouper AP's recommendation.

In fact, the Snapper Grouper AP was already involved in making a recommendation the first time

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around, which led to the compromises in your last discussion at the end of October. So, in fact, for the record, if you would say "Snapper Grouper AP" instead of "the AP", because all these other APs have recommendations that, in fact, consistently included the shelf break, because that's where the habitat is and that's where most of the other fishes that aren't snowys and tilefish but are in the deep water complex.

So the extend that you go forward with a recommendation that is in the mud off the shelf break, I personally am going to oppose it, period, and I can guarantee you that your other APs, besides the Snapper Grouper AP, are going to oppose it as well.

Mr. Lee: Thank you, Doug.

Dr. Daniel: And that is precisely the reason I did what I did. I mean, I think we need to have -- I'd like to go forward with the AP's recommendation to scoping. I just think that's appropriate for this.

I also believe that the SSC and the Assessment Group had valid points, too. I think we're fairly close here with the green box, site 2, encompasses the shelf break and also I think encompasses the spirit of some of the other AP recommendations. Now whichever one we choose, I'm not going to make that final conclusion right now, but I think that's the way.

And so with that, I would move that these two sites be considered along with the experimental Site 2 for North Carolina, which the intent of that motion is to exclude Site 3.

Mr. Lee: We have a motion by Louis Daniel to include the two boxes that are as described on the screen as a recommendation from the APs and also to include what is now known as "North Carolina Site 2" and to exclude what is now known as "North Carolina site 3" from our deliberations. Is that correct, Louis?

Dr. Daniel: Yes, sir.

Mr. Lee: Do we have a second to that motion? Second by Susan Shipman. Discussion?

Mr. Cupka: Yes, it's a little unclear to me just what options are going to be carried out now for, let's say, just this one site, Site 1. Would it be all three of those or two of those or one of those or what?

Dr. Daniel: I guess my intent would be that it would be one or the other, Site 1 or the Snowy Wreck site, and then maybe "experimental MPA" would be an appropriate name for North Carolina Site 2. Does that answer your question?

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Mr. Cupka: Well, Site 2 aside, let's just concentrate on this one area here. What do you intend to go out for public hearing as far as options for this site, all three of those boxes or just two of them or one of them?

Dr. Daniel: The two boxes, the green box and the red box. One encompasses the shelf break, one was the AP recommendation that does not encompass the shelf break.

Mr. Waugh: Remember for NEPA purposes and to address Doug Rader's comments, we would carry forward the original recommendations that came from that multi-AP meeting. We don't want to exclude them. They would be other possible options.

So, Doug's concern is addressed because we would carry forward that original option. What you're talking about now is giving an indication of what your preferred option or options are, but the others would not disappear. They would be carried forward as other possible options.

Mr. Cupka: Yes, that was my concern and why I asked Louis what the intent was. I think we need to move ahead with all those options because those other ones are valid options that we got from earlier groups.

Dr. Daniel: That's fine. I'm saying for right now my preferred options would be a choice of those two and the experimental MPA.

Mr. Cole: This is going to get out of hand, and I've got two choices. One, I can either ask the maker of the motion to back off on swapping sites that I can't see up on the screen. This is going to get a little complicated.

I can move to split the question, which will now split having to consider 1A and we have to go through all that voting. So, Louis, I'm going to request that you just -- let's take these one site at a time right now, and we'll take up two in a minute.

Dr. Daniel: That's fine.

Mr. Lee: Do you want to withdraw your motion?

Dr. Daniel: I'll withdraw my motion.

Mr. Lee: So consider the motion withdrawn.

Ms. O'Malley: Yes, we were moving forward sort of a little bit faster than I had anticipated. During

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the discussion, our intent was to show some data that Roger has overlaid over these boxes. If you'll just give us a minute, he'll get that up there and that may aid in this discussion as well. We have this for all of the sites. Yes, we have it so it may be appropriate to do that at this time.

Mr. Pugliese: Yes, one thing we've been working on, to anticipate trying to analyze the options that are going to be developed and brought forward to public hearing, is to get catch information relative to the various areas.

To date nothing has really been brought into GIS format so that the Council could even look at these in the past. We initiated a process to work with the National Marine Fisheries Service through the Miami Lab, working through Alex Chester, John Poffenberger, Mike Burton up at the Beaufort Lab, North Carolina, and other individuals to get the headboat data, the logbook data, the general canvass data and bring that into formats that we could begin to look at geographic presentations of the information.

In addition, other information that has been looked at is also the recreational survey. And to facilitate this, we worked cooperatively with the National Ocean Service, Coastal Services Center, and one of the key players is with us today, Scott Ritzmoser.

He is a spacial analyst with the Coastal Services Center and has worked diligently through the datasets being provided through the National Marine Fisheries Service and them actually having to go to the web site and get recreational survey data and give us a first-level cut of how some of this information is falling out in the GIS formats.

Many of the datasets have levels of value relative to GIS with probably the finest resolution at this time is the headboat data that is a ten-minute by ten-minute grid. The logbook data is one-degree, which is a 60-minute grid.

And the recreational survey, when it actually comes down to catch, ends up being by state. So given all those resolutions, we have various levels of information that has been brought into this.

What Scott has been able to do in working with some of this is to be able to get a querying capability to -- as you can see, these are the sites that are laid out right now. I have not integrated all the different types of datasets yet so this is really bringing just back the information with overlaying some of the general locations that we have for the areas.

But the ability to go into an individual area and be able to extract combined information, you can get into all the data eventually, but for, say, this exercise, we wanted to be able to get some very basic knowledge of catch information relative to these areas.

So what we have the ability to do is say, for example, starting with say North Carolina Sites 1A and 1B as they occurred before, the opportunity to go into, say, at the commercial larger scale, look at the logbook data -- of course, as I mentioned earlier, we're working with the larger one-degree or 60-minute component.

So, as you can see what's showing here is two different -- these larger areas here are the actual logbook reporting areas. And when you set it up here, this is basically Area 3376 and what you see is deep water catch, all snapper grouper catch within the area, non-snapper grouper species catch as well as all catch.

Yes, I'm just describing what is going to be presented as we go through this because this is going to be available for all the information. And, as I said, this is a first level. And in this case, for this area, the deep water grouper catch is approximately 19,234 pounds.

The snapper grouper total in that area would be about 68,274 pounds, and the non-snapper grouper species, 14,349 pounds. And the total catch of all species within the area is about 82,623 pounds.

Now, I should have made this clear from the beginning. This is only one datapoint. This is a total aggregate catch information for the year 2000, the most recent compete dataset. So what we're looking at is just one year's worth of data totally aggregated and with some basic summarization.

And as I said, the idea is that you still can go directly into the data and work with it to be able to look at individual species information within the dataset. And it provides the opportunity, say, in this case we have the Site 1A that actually covered both areas. It then would have information for both logbook area 3377 as well as the one I just identified.

You can get totals of those areas through the functions of combining the tables that create this table and get the total catch information at least for this point. This runs into a little bit of a problem.

This is the best we have in terms of the geographic information but the idea, then, this is distributed - - at least right now the catch may be focused in an individual area, but the information is getting it for the large area.

The challenge I think is to then try to see if this can be refined further and maybe work directly with our Advisory Panel members and other individuals in industry and identify how we may be able to identify areas within some of these larger grid areas that may not have any catch, something that could build even a finer determination of catch.

But this is the logbook. I'm just going to walk through some of the different components. This is going to the 2000 headboat data. And, say, for North Carolina here the blank areas are showing that there is no deep water catch.

Now it did also have, in the way they structured this, a color designation for some of these different ones, zero up through 250 pounds plus for deep water catch from the headboat. And, as you see, within these areas they're not showing any headboat catch for the year 2000 in either one of the areas.

However, we do have the data that shows the total snapper grouper catch coming out of that area being about 2,300 pounds; the total all species catch being about 2,500 pounds for Site 3377F4. For the other area outside, you can't see it but there is no catch associated with the outside from the headboat data for the year 2000.

So that gives you the headboat information for this specific area.

In addition to the headboat, as I mentioned, the least resolution is the recreational estimate, the recreational survey information. And what this does is identifies the recreational catch greater than 2,000 miles offshore and for the 2000 -- that would be a long way -- greater than three miles offshore -- jumping the numbers -- the deep water catch was 2,633 approximated for the state of North Carolina for that one component area.

Now these are, as I said, a initial review. We've got to go through and cross-check these datasets and make sure that everything is all working together, but they were provided directly through the National Marine Fisheries Service and they have been very careful about the structuring.

I know Scott has in making sure that the presentations are pulling from the right areas. And it does show the catch from the state of North Carolina is over 640,000 pounds from the recreational survey for the year 2000.

Now this, as I mentioned, is -- and I think this kind of really emphasizes the recreational survey information is really lacking relative to any type of trying to compare this with the commercial data on area, and the challenge it's going to be is to try to associate impacts relative to catch that's distributed for an entire state in federal waters. So, that will be a challenge.

However, this is at least the first step to begin to look at these all in context. So, that is kind of a brief first level for this one individual site and the presentation of catch information, and it is going to provide us the opportunity to take what is known in geographic space for at least this one point in time and build further on this dataset.

What we did is this will probably be the most appropriate for analysis of impacts for the upcoming MPA. The intent is that this process of building this structure, building this information is going to facilitate all our FMPs and activities in the future and build all those datasets, the historic datasets and logbook, headboat as well as recreational survey, so that we can in context, whenever we're looking at anything like this, be able to use the GIS capabilities on catch relative to these various areas.

So what I have is the opportunity as we go through these to, at least in this first level, identify what we know about headboat, logbook and recreational catch.

Mr. Cupka: Thank you, Mr. Chairman. Roger, have you had a chance yet to check with any of the states to see what kind of information may be available?

For example, we have a mandatory charter boat logbook reporting that may give some information in regard to where those vessels are fishing which, when you get down to some of the social impact analysis, might be useful to see in regards to these particular sites. So there may be some additional datasets out there that we eventually need to tap into if we can.

Mr. Pugliese: Yes, and that was definitely one that I had anticipated we would go to the state to see if we can bring it in. As I said, this is a beginning phase of trying to expand our GIS capabilities, expand it into catch information as well as other datasets the states may have.

And a prime example is the new information that came out of Georgia and going back and pulling out additional habitat and species utilization information. I think there's probably more.

And the intent is to use this as an initial foundation of how this material is going in and be able to add in additional information such as the other catch information as well as what we've been talking about before, things such as the MARMAP information, other fishery-independent data, and having that all in context and the ability to layer this information and be able to look at it and see what the implications are for catch, what the implications are for the habitat relative to those areas and any other information we can build over the next period of time of developing the public hearing drafts for this as well as the bigger picture.

As I said, the intent here is to do it so that we can use this for all the fishery management activities. So this is facilitating this process, but the intent is it's going to be an even bigger process that we can use, and it's going to be even more important to make sure that we get those other datasets.

Mr. Waugh: Let me take the opportunity just to indicate that this is an example of the new interagency cooperation that you're going to be seeing more of. We're very appreciative to the

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Regional Office, Nancy and the Center folks, Tom Poffenberger for providing that information, Scott and the others at NOS for their assistance in putting this information together.

As Roger just indicated, we are in the process of getting access to other data. We're going to have the MARMAP information to be included as well. The state of Georgia has provided some information.

Kathi is working with Mike Jepson on a project to look at inputting permits where permits are, where vessels are, so there's going to be a lot of information that we can show graphically and be of great help as we analyze these impacts. But I did want to thank NMFS and NOS for their assistance here.

Dr. Powers: As we go through these things and the individual sites, I don't have expertise in bottom types every place and what's happening in individual places, so in my own mind I want to put these in some sort of larger context and I don't think we can do that at this point.

But at some point I think we have to have some sort of list of statistics about what each one of these sites could do; for example, the proportion of area that each one of these sites represents of the EEZ or proportion of area in an individual site relative to all the other sites.

You could perhaps separate that by state or you could separate it by inshore and offshore and things like that, but just some key statistics that we could look at to kind of, as I said, put it in a context, a larger context and hope to build the sort of record about what overall impact these might have.

Ideally, of course, you'd like to have the relative amount of catch inside and outside and that sort of thing. And the difficulty will be the scale of the data does not actually fit the size of the units we're talking about here.

I think in time we may be able to do some interpolation about that. But I guess from the first standpoint, as we go through, not necessarily today, is to develop that kind of broad-based sort of record of what proportion the areas are and that sort of thing to help build up a context for why we're doing this.

Mr. Cole: I recognize, Mr. Chairman, that we really need to at least generally describe these sites today for purposes of public hearing. If, in fact, Roger and others can give us information as to whether an alignment of an individual site might yield more or yield less if configured in a certain way, without that information today I don't know that I know whether to lay this one on its side or stand it up sideways or exactly what.

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I'm inclined to think that maybe we would be served today by just generally agreeing, based on what we have heard today, that these general locations or sites have sufficient merit for staff to go ahead and, as Roger said, go into the databases and give us printouts of what's in there.

But I'm not sure today, as Louis was proceeding wherein he's trying to lay this one on its side, I'm not sure we can do that today. I think the best we can do is we've got a square box from one AP, we've got a leaned-over box from another AP, and ask staff to see if they can go into all of the databases and see what it tells us.

Mr. Lee: Part of that justification we heard from the AP yesterday about moving that box over on the break also had to do to help them in their fishing and the lines that they follow and that kind of thing which would help with the MPA process from an enforcement standpoint.

I don't know how to proceed on this. We've got the original box then we've got two suggested boxes here. Do we need a motion to have the staff, then, go with those three proposals up there?

Dr. Daniel: We seem to continue to add information to this whole process as we are developing this. I guess I was feeling that we were putting together an options paper to go out to the public and have specific sites to discuss with the public.

I'm not so sure I feel comfortable with that approach right now because the last meeting we had -- well, the first meeting we had we really didn't have much of any information at all. Then the next meeting we had we got all that great MARMAP data.

Now this meeting we're overlaying a new set of data that we can use to look at these sites. And as Doug pointed out, none of the APs have seen this new level of data or had an opportunity to comment on it.

I agree with Bill. I didn't really know how to proceed either, but I do know that this is a general spot that I want considered as an MPA. And whether it looks like a diamond or a star or a quadrilateral or a whatever, I don't care, but I want that area considered.

And I want there to be options available that are consistent with the AP recommendations. And, really, all three of those encompass what I believe are the reasonable AP recommendations. So, maybe what I could do or we can do is say that maybe just by consensus we can agree that this is a site that we want to use all the available data to assess.

And maybe that's all we need to do at this particular point in time. I mean, I don't really know what else we can do. What's the next level of data we're going to receive on this? So until we get

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everything, I think we're jumping the boat maybe doing what I tried to do earlier.

But, maybe if that's a reasonable way to proceed, Mr. Chairman, that would be something. Then we could come out of this Committee with the sites that we want considered for further analysis in terms of what -- and I thought Joe's idea was a really good one.

It would be really nice to have like a table with all these sites on it and its percentage of the EEZ area, percentage of the total MPA area, percentage of the total snapper grouper catch. I notice one datapoint in there said this is like 2.9 percent of the snapper grouper catch comes from this specific area or whatever the case may be. And those kind of summary statistics would be really helpful, I think, as we ultimately go forward with it.

Mr. Lee: I think Kerry has a recommendation that kind of maybe parallels and tells us how we can maybe move forward on this list.

Ms. O'Malley: Yes, Gregg and I were talking and what we think may work for what we need here is instead of going forward and trying to refine each site, if we take the list that is in existence, the recommendations that came from the Snapper Grouper AP, the SSC and the Assessment Group yesterday, and we move forward with analyzing all of those sites as options unless, of course, if you wanted to remove something.

What we want to know, sort of, are there any of those options that you don't want analyzed? Then we'll move forward with everything that you do. I don't think that we need to sit around and you need to refine every box exactly where you think you want it to be.

There's so much data that we know we need to get. And I'd also like to remind everyone that as the process stands now, when we go out to the first round of public hearing, that first round of public hearing is also intended to be another step of gathering data from the fishermen, and they can help us further refine some of those boxes and the catch.

So we're going to keep getting data throughout this whole entire process. So to think that right now we're going to have the exact lines, I think is very optimistic. So if you guys just want to tell us any sites that you don't want analyzed, if that works for you, we can work with that.

Dr. Daniel: What I think may be easier would be to tell you the ones we want analyzed because there are a lot of -- I mean, at least in North Carolina and hopefully this will continue in South Carolina and Georgia, but there is a lot of concern about this one site, and I think that we do need to look at those three for the snowy wreck MPA, those three boxes, and that encompasses the AP recommendations. Now would you like to continue or stop there?

Ms. O'Malley: Continue where?

Dr. Daniel: I mean, do you want me to go on to site 2? So the experimental MPA, I'd like to keep on the table and further analyze. And the Big Rock MPA, I'd like to exclude from further consideration. Now is that more in line with what we need? Okay.

Mr. Lee: Okay, are there any other comments on what's now called the North Carolina sites?

Mr. Cole: Mr. Chairman, let's be able to see these before we pass them by. Where's the Big Rock? Is this number three?

Mr. Lee: That's Site 3.

Mr. Cole: All right. Louis, your basis for taking Big Rock off?

Dr. Daniel: My job.

Mr. Cole: Hey, I live there, too, you know. The possibility does exist we might be able to, you know, if we played it right, to get them to close the bottom so they can fish in the rest of it. I don't know. I mean, what's the technical basis for taking it out?

Dr. Daniel: Well, I think from discussions of the AP and discussing this with other folks, I mean, that's not an area that's fished by the snapper grouper fleet. It's a de facto MPA, anyway, because of the current velocities and such in that area.

It's not an area where people fish. I mean, I think that's going to be -- and perhaps that's one of the reasons why we're not hearing a whole lot of screaming is because these areas are -- a lot of these areas are in spots that maybe aren't as protective as we may want them to be, at least off North Carolina.

So I know that shelf break edge on that one site in North Carolina is a very productive and lucrative bottom. But, I don't believe that going forward with this -- going forward with this site is going to absolutely train wreck the process in North Carolina.

And it's going to take more PR than I know how to give it to try and convince an unconvincing group of people that that's the next MPA off North Carolina. I mean, it's like the Islamorada Hump. I mean, it is an extremely -- just for practicality's sake, not technical sake, but just practicality's sake it's just not a good spot to have one of these sites.

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And I don't want it considered in any way, shape or form. Now if it's the decision of the Committee and the Council to move forward with it, then I'm one vote. But I don't want it considered.

Mr. Lee: Are there any further comments? Is there objection to the rundown that we received from Louis concerning the proposed North Carolina sites, which does include deleting what's now known as the North Carolina Site 3?

Are there any objections to that from the Committee? Hearing none, I think that takes care of the North Carolina sites. If we could move to the South Carolina sites, please.

Ms. O'Malley: Again, South Carolina Site 1A, 1B, was put in there for consideration as an either/or proposition. In light of what we're discussing, we could bring them both forward, if it's your intent, and analyze them.

The recommendation by the Snapper Grouper Advisory Panel was that their choice would be Option 1A and that the box should be oriented parallel to the coast as we've seen prior in North Carolina. The Snapper Grouper Assessment Group would choose site 1B and the SSC would also -- they liked 1B but they felt that it needed to be moved to incorporate more hard bottom.

Mr. Lee: Any comments?

Mr. Cupka: Yes, Mr. Chairman, I'd like to see all those sites considered. There's nothing that jumps out in terms of deleting anything. I'm surprised that more of them didn't go for the site 1A because I think you can turn that around and get a little more known hard bottom habitat out of it, but it might be worth looking at both of them.

Mr. Lee: Any further comments?

Ms. Shipman: Do we have any of the fish data, the logbook data or anything to look at that? Could we see that? I really think it's important that we look to see what's out there as far as catches.

Mr. Pugliese: Yes, I've got the information for each of those as long as we go slow enough to be able to get to it. So, let me jump in. Okay, South Carolina Sites 1A and 1B -- let me start and actually work backwards, South Carolina site 1B.

And these are the original sites. I wasn't able to get the reoriented other additional recommendation but as it turns out, given the way these are laid out and the catch information, they probably are going to be fairly similar in terms of the area they fall in in terms of the logbook and headboat.

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So let me start with the logbook data, and this is South Carolina site 1B. Of course, the area extends further down, but for the logbook area 3278, the deep water species catch is 184,938 pounds. The non-snapper grouper species catch is 162,087 pounds.

The total snapper grouper catch is approximately 634,000 and all species caught within this area for the year 2000 comes up to about 796,340 pounds. That's in the logbook. Now remember, again, this is -- let me grab it and then you can again see the range of this area in this entire area, because it's not just for that one location.

It's the entire shelf break, inshore and offshore, for that logbook zone. Now let me go to the headboat catch for the area. Okay, in headboat area -- this is going back to 1B -- there are two areas that show any catch information for the year 2000.

Headboat area 3278E2 shows total snapper grouper catch to be about 150 pounds and non-snapper grouper about 720 and total catch is about 870. This is for the entire year of 2000 for this box that is here.

And, of course, there's only a small portion of the designated area that is even within that. For the other area, the headboat area 3278F2, there is no deep water catch associated with that deep water snapper grouper, but a little bit over 500 pounds for total snapper grouper, and that's all the species that were identified for the area.

And that's the total information and catch information for headboats from South Carolina Site 1B. Now let me jump to 1A with regard to the logbook data. Now, again, the location for the logbook is this entire area that's being considered on here.

Again, it's not just this area right here. Log book area 3377 has a deep water catch, snapper grouper catch, about 29,675 pounds. Total snapper grouper catch out of this area for the year 2000 is about 839,879 pounds. And all catches, a little over 1,003,900 pounds for the logbook area 3377.

So that's the entire dataset that we would be looking at and putting into some type of context relative to catch, relative to the South Carolina Site 1A. And, as I indicated before, there is no headboat catch associated for the year 2000 for South Carolina Site 1A.

Let's do the recreational again. I'll qualify the recreational catches as again the base of the entire state. Okay, I didn't even write it down on my notes so I'll forego those. We will deal with those in the manner appropriate, the ones that really have any type of geographic significance out of the logbook and headboat catch at this point.

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So that's actually the logbook and headboat catch for both of the options that are on the table and would encompass the other option because it's a reorientation that would be basically just a reorientation of this area.

And it would have the same logbook catch information associated with it but would have, again, no headboat catch associated with that alternative, third alternative that's being reviewed. And that's it for South Carolina Site 1A and 1B.

Mr. Lee: Thank you, Roger. Are there any other comments on the South Carolina sites?

Ms. O'Malley: David or Roger, based on that information, do you have any suggestions for possible other things we can call these sites, especially now since we have a third alternative? Anyone want to name them?

Mr. Lee: Okay, at this point in time I want to take a lunch break. I think everyone is getting hungry and anxious. Let's do be back, though, and ready to start at 1:30. I would please ask that. Then we're going to have to work until we get through so we can go into Council business.

(Whereupon, the meeting was in recess for lunch.)

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THURSDAY AFTERNOON SESSION

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Blockade Runner Beach Resort, Wrightsville Beach, North Carolina, Thursday afternoon, December 6, 2001, and was called to order by Chairman Clarence Wayne Lee.

Mr. Lee: Okay, before the break, we had finished the North Carolina and the South Carolina sites to be considered under Amendment 14 so we'll move next to the Georgia site.

Ms. O'Malley: We finished South Carolina Site 1A and 1B. We have not yet looked at South Carolina site 2, sorry.

Mr. Lee: I'm sorry, we'll go next to South Carolina site 2.

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Mr. Cupka: Mr. Chairman, if I could ask Kerry, I think the only change was to reorient that?

Ms. O'Malley: That's correct. The Snapper Grouper AP asked to orient it along the coastline as with the others. The Assessment Group said it was fine as it was, but the SSC asked that it be realigned along the recommendations of the AP.

Mr. Cupka: Here, again, to consider both of those, I'd like to go with the original and the reoriented and get comment if we could.

Mr. Lee: Okay, is there any comment on that recommendation to go with both the original site and the reorientation suggested by the AP?

Ms. O'Malley: Did you all want to, before we moved on, look at any of the data Roger has or do you feel comfortable moving on?

Mr. Lee: Do we feel comfortable moving on? Okay, let's move next to the Georgia site that was originally slated as South Carolina Site 3 and Georgia Site 1, now the Georgia site.

Ms. O'Malley: Yes, the Snapper Grouper AP asked that the box be moved ten miles to the northeast and oriented as the previous boxes have been. The Assessment Group recommended keeping the current orientation but shift five miles to the north.

They believe that will take in more types of habitat. And the SSC, again, concurred with the AP's recommendation of moving it ten miles and reorienting it.

Ms. Shipman: Roger, can you put the overlays of the different species in there. I think it would be important for everybody to see that. I'm not sure everyone was able to see real well from where we were sitting yesterday.

What we did after the October meeting, I went back and got with our Outer Continental Shelf Program folks and asked them to look at the box. We plotted all the data we had in our database, and many of these records go back to the late 1970s when the University of Georgia was doing quite a bit of experimental work out there on the research vessel Fanny.

So we took the datapoints we had. We did a sort by species and then plotted them and worked with Roger to do a GIS overlay on that. And what we found is the box, the box as you see it, the square, is in the wrong place. It just does not take in the fish, so that one definitely needs to be moved.

Mr. Pugliese: Let me just lay out the different datasets that have been included. The first is a

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miscellaneous snapper dataset which shows an inshore distribution and catch of those species. The next was snowy grouper, golden tilefish, the further offshore component.

And there was additional information on hangs and other associated bottom habitat that was also included. The blue boxes they're identifying are also showing up in this dataset, so that is a new data that is incorporated in this.

Ms. Shipman: Mr. Chairman, if I might, Roger, so the hangs, that's the new data that --

Mr. Pugliese: No.

Ms. Shipman: Okay, the hang data still isn't in here.

Mr. Pugliese: Right, this is just the bottom habitat, and I think there was some wreck bottom habitat that was in the first four datasets that were provided. There's some additional hang data that we have that we haven't been able to bring in yet that has come from a rock shrimper that has some historic information throughout this area that we will also incorporate into the data.

But this gives us clear indication of some of the distribution and the orientation relative to the original box that was the black box that is here relative to the golden tile, snowy and then miscellaneous other snapper and grouper species.

Dr. Powers: Yes, thank you. The chart says "danger area." Why does it say danger area?

Ms. Shipman: I am told that that's a military exercise area. No I don't think it's unexploded ordnates. I think it's where they do military exercises periodically and issue the notice to mariners. I mean, they put a notice out when they're going to be working in that area.

Dr. Power: If I may follow up, then that could be already existing as a quasi-MPA. No?

Ms. Shipman: It's not. People are fishing that. And Dave Cinalli probably could answer this "danger area" better than I can, but my understanding is they just let fishermen know when they will be out there. And Dave is indicating yes, that's the case. It's not a permanent danger area, if that makes any sense. Yes, it's not a 24/7 danger area.

Mr. Cole: Susan, as I understand what you're saying, the bottom blue box that's somewhere -- it disappeared here -- is what became the middle red box and then it got realigned, right? So which one do we option?

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Ms. Shipman: Well, certainly, I think the reoriented parallelogram that takes in the snowys and the tiles, that what was we heard from Snapper Grouper AP, I'd certainly -- and I had a chance to talk with Doug and Becky and show them where the different things fall.

The question is to what degree you would want to take in some of the area that's to the west. Now my understanding is that's the vermilion area where quite a bit of vermilion fishing goes on.

Yes, where Roger -- yes, right there. But I think the box, as we drew it back at the end of October, I do not suggest we take that one out because -- I mean, I suggest we delete it from the document and not take it to the public because there's nothing out there.

Mr. Lee: Do you make that in the form of a motion, Susan?

Ms. Shipman: Yes, I would.

Mr. Lee: We don't need a motion on it, okay.

Ms. Shipman: But I'm not sure that we only want to take the parallelogram. I think we may want to take in some more bottom in another configuration to take out to public hearing.

What I would suggest is taking the old box, flipping it, totally flipping it over so that the northwest and northeast corners are now the southwest and southeast corners and just take the whole thing and flip it up. Roger looks clueless.

Mr. Lee: Do you understand that, Roger?

Ms. Shipman: Roger, it would still be the box. What I'm saying is take the old box, the old one that we just deleted, yes, you'd flip that one. Yes, that's about it, because that takes in about every habitat and every fish type that we've got out there.

Mr. Waugh: The red one that's up there now is one that was modified yesterday -- well, there are two red ones but the red -- that one, that's a new one. That's not the original one. It is moved about half way up. Is that okay?

Ms. Shipman: Yes, and I think that's what you heard the PDT suggesting. They suggested taking in some of that western hard ground to take in more of the snapper grouper species complex than just the snowy and tiles.

Mr. Lee: Yes, my note shows that the Assessment Group said keep the same block but shift it five

miles to the north.

Ms. Shipman: Yes, and that's what I'm proposing that we do, to take both of those.

Mr. Lee: Okay, are there any further comments on the Georgia sites?

Mr. Cupka: Yes, I was just going to suggest that Susan wouldn't have to come up with a name for this. We could call it an MPA Danger Area. It's already on the chart.

Ms. Shipman: Unless the South Carolinians still think this belongs to them, I firmly believe this should be the Georgia MPA, delete any reference to South Carolina.

Dr. Daniel: The "Not South Carolina MPA."

Ms. Shipman: Yes, the "Not South Carolina MPA" would be good, too.

Mr. Lee: So noted; this is now the Georgia MPA. Okay, let's move. If we have no further comments on -- Roger.

Mr. Pugliese: Yes, I didn't know, do we still want to go through catch information as we go through these? It's your prerogative.

Ms. Shipman: I don't think it's necessary given this other data we have, but I would like, at some point, to see it all superimposed on there.

Mr. Lee: Okay, let's move next to the Florida sites.

Ms. O'Malley: For Florida we did get additional information yesterday presented by Doug Rader on behalf of the Habitat Advisory Panel who met over phone, I guess, and e-mails and have a consensus on a site in North Florida.

There's two sites as you recall, two options. And the input from the Snapper Grouper AP, the Assessment Group and SSC, they didn't really have a lot of input and we should make sure that we get input from the fishermen in that area, from everyone in that area to find out how these boxes will affect them. And we can certainly do that, but that was their only recommendation.

Mr. Iarocci: Thank you, Mr. Chairman. Doug, thank you. I've been working with some of the guys up there -- and Alan, who I stated earlier couldn't be here because his wife is pregnant, has been contacting some people, and I think this is a great starting point for those guys there.

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I think from people I've talked to in reference to this area, maybe Dr. Jim Beads could get us some more information, Ricky Acott, Alan Sprouse and some of the other fishermen up there that did do some deep water fishing.

So, I recommend we move forward with this as it is in front of us here and get more information because this gives us this void up here and we fill this void with this right here. Thank you.

Mr. Lee: Okay, are there any other comments on those proposed northern sites for Florida? Okay, let's move forward to the next site, please.

Ms. O'Malley: The next site was the Sea Bass Rocks. The recommendation from the Snapper Grouper Advisory Panel was to leave it as it is. The Snapper Grouper Assessment Group stated that it doesn't contain deep water species, and I just did want to draw your attention to the description that was provided by Ben Hartig that says differently.

So there's a little bit of disagreement there. The SSC believes that there would be more habitat north of that site as far as moving the box.

Mr. Lee: Are there any comments?

Mr. Iarocci: I recommend that we leave it as is and move forward with it.

Mr. Lee: Are there any further comments on the Sea Bass Rocks site? Okay, let's move to the next site.

Ms. O'Malley: I have this listed on my paper as "Humps" because it started off as the East Hump and the Unnamed Hump, but the discussion came back around the Islamorada Hump and that's why it's being mentioned.

The Snapper Grouper Advisory Panel did not agree with each other and they came forward with two options, and one was to go back to the original Islamorada Hump proposal that came out of the Advisory Panel.

The second was to take the old Islamorada Hump site and move it south, and I was unclear whether or not they meant the whole box or just the southern boundary.

The Snapper Grouper Assessment Group also wanted to move the box back to the Islamorada Hump, and the SSC felt that they didn't see enough data for the new site, the East Hump.

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Mr. Lee: Comments?

Mr. Iarocci: Here we go again. I'd like to make reference, before I start, to the chart. Roger, I do have another chart -- it's a full nautical chart -- back here, and these are the blowups of that area.

We all know that some charts are all detailed differently, and I've got some copies of this and it does show the details of the bottom configuration, how more dramatic it is than that chart and where the bottom is configured and where the unnamed hump is located.

And I know we don't have a lot of data on this area, but last night I got on the phone and I talked to some of the people down there and some of the fishermen, and I had some faxes I got last night and between this morning, and in comparison, if I could, I'd like to put a few things into the record because of what was stated yesterday.

The proposed MPA, including the area known as the East Hump, contains a diverse population of bottom fish of critical concern to the Snapper Grouper Committee of the South Atlantic Council. The bottom relief shown on detailed nautical charts, like I just showed you, is just as dramatic as one of the most popular, Islamorada Hump.

We have collectively worked on this for many years -- this is from the fishermen down there I've been working with for a long time -- for many months and the issue of our community, charter, recreational and commercial fishermen, voluntarily delivering an area that will provide protection for numerous species of bottom fish while mitigating the economic impact and loss of fishing territory between two of the largest sport fishing fleets in the Keys.

Closing the Islamorada Hump will certainly provide protection for a number of different bottom species of fish but also wreak economic havoc on the fragile economy of the Keys. Closing the area known as the East Hump quite possibly provides even broader protection since it is an area fished most heavily by commercial and charter fishing who are much more apt at catching fish other than fishing.

Now we don't have a lot of information on that area when you look at what we've got on it. I've talked to quite a few of the fishermen down there, and you talk to people that have the experience that fish the area -- I've got people here like Captain Alex Aller on the K-licks who is renown from all over, I mean all over the world, Willy O'Connell.

There's different people -- Captain Jack Brogan. And they've got the species and I'm going to put this into the record here, everything from queen snapper, snowy grouper, yelloweyed snapper,

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greater amberjack, warsaw grouper, almico jacks, tilefish, snowy grouper. I've got everything here.

I mean, I can be really longwinded and keep going on and on about this, but I can just tell you that we've looked at all the sites in the area and we've looked at this and it's got full support. Not everybody is totally happy because nobody wants these things in their back yard.

Everybody has given up enough down there. We've got the Sanctuary. But for this to come from those people to come together and offer this, I think it's something that we should definitely push forward, and I would like to see this Committee go forward with just this site and not have to go back because I don't want to go home and talk about the Islamorada Hump anymore.

Mr. Lee: Are there any further comments about this site?

Dr. Crabtree: Yes, I could concur with what Tony said on that one. I think we ought to move forward with this site, and I wouldn't support moving it back to the Islamorada Hump either, but I would like to gain whatever information we can get on the site and take another look at it.

Ms. Shipman: Tony or Roger, do we have any detailed resolution of charter trips out there or anything like that?

Mr. Pugliese: Well, I've got the catch information from headboat logbooks and we could look at those right now. I'm not sure what the recreational survey is going to end up being the larger perspective; that's not it, but the headboat logbook.

Ms. Shipman: The recreational survey we ought to just ditch.

Mr. Pugliese: I know.

Ms. Shipman: I mean, it's not going to tell us a thing; you know, just beyond three miles, well, sure, that's the EEZ. I don't even think we should look at that. But we need enough resolution of these data, either the logbook or the charter, headboat data to really tell us whether there's effort in there.

Mr. Iarocci: Thank you, Mr. Chairman. Susan, that's a good point and to that point I've got them right now working on their logs, the commercial guys that did go out there -- and two of these charter captains used to be commercial deep-drop fishermen and fish for snowy grouper, tilefish and the deep water snapper species.

They're right now putting together -- and they've got pictures. They've got their logbooks and all that stuff that I've asked them to compile, because after hearing all that yesterday and, I mean, my

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credibility was challenged when somebody said -- and I had heard that we were pulling a fast one on the Council.

I mean, that's why this chart is important and that's why I got on the phone last night and this morning because this is my back yard, and I've dealt and built a relationship with these people and I represent them. And for an out-of-towner to come in and to start stating that fact, it didn't sit right with me. I was up most of the night over it.

Mr. Love: Tony, do you see a problem with us comparing the Islamorada Hump with the Unknown Hump, getting some data on both so maybe you could satisfy some of these other people that have got feelings that we have swapped off a dead cow for a live one or vice versa?

Mr. Iarocci: Fulton, if we do that, then, that would have to into public hearing as an option and I really don't want to go there, to be honest with you. But I don't have a problem with it. And I'll tell you what, I can get those guys to get some of that stuff that I can feed to those people, but I'd rather not have to deal with it when we go to public hearing if we can do without dealing with the Islamorada Hump.

Dr. Crabtree: Yes, I'd agree with you, Tony. I think we ought to move forward on this one, and I have to agree with Tony. I think the Islamorada Hump is like the Big Rock. I just think that we just -- that's right, I just think "don't go there" is the wisest thing to do if we're going to hope to make some progress on this.

Mr. Lee: Are there any further comments on the Florida East Hump site?

Mr. Pugliese: I'll go through the catch data real quick. This is the logbook data which is the area 2480. Deep water snapper grouper catch in that area for 2000 was 31,736 pounds. The total snapper grouper for that entire area was 590,189 pounds.

And the total catch of all species was 833,341 pounds for that entire logbook grid. Let me jump to the headboat information of which for that area under the 2000 dataset there is no headboat catch associated with the --

Mr. Iarocci: Thank you, Mr. Chairman. If I could add to that, too, there used to be a fleet of bottom fishing boats. There were bottom longliners and there were deep-drop reel fishing and they fished all those areas years back.

I mean, they'd come in with deckloads, you know, 50 big snowy grouper and deckloads of tilefish, and those guys are no longer fishing in that area. And you've got some people, and there's very few

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commercial guys fishing and the charter guys that fish it now and they will -- you know, there's only so much bottom there and they can pound it and they can pound it to death, as we all know.

It's critical to close some of those areas up there. With the pressure that we had and if we can take all that away from there and that piece of the bottom right now, I think it would really do the trick for what we're trying to do with these things.

Mr. Lee: Any further comments about this particular site? So we'll move forward with this as our proposed site for that area. Okay, are there any further comments concerning the actions for Amendment 14?

We'll move next to other business. The first item that we have under other business is a draft of a proposed workshop and I'll let Kerry give us a quick review of that.

Ms. O'Malley: Yes, thank you for the time to go over this. The impetus for this idea came from -- as some of you may know, I went to the Gulf and Caribbean Fisheries Institute meeting a couple weeks ago, and they had a two-day symposium on MPAs.

And sort of my thinking that came out of it was that there was so much good information exchanged there on the scientific side of MPAs and things we could do to make them work better and what not, things that we've all heard from the beginning, from our first MPA workshop that we had as a Council in June of 1998 and, you know, things that we've all read and heard throughout our careers and what has been published.

And, also, there was some good information about some exchange programs with fishermen, bringing in fishermen from areas who have experienced MPAs into areas where you're looking at MPAs to exchange information on the good and the bad side of MPAs.

So it got me thinking about the fact that, you know, in the three years that we've been going forward and looking at MPAs in the public meetings we've held, we've never really presented them sort of all the scientific information that we know and that we've heard of.

You know, we started off and we went out and we asked them, first, what do you think of the idea of MPAs and we kept it really simple. And then secondly we went out and said we're going to use MPAs, where would you like them to be.

But we've never really -- I don't think they've had the benefit of a lot of the scientific information that we've had. And I started thinking instead of them seeing it for the first time in a public hearing document, which are really hard to read and very cumbersome, why not provide some sort of forum

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where they could have all that information presented to them and let them sort of become educated themselves and make up their own mind about MPAs.

So that was sort of where this all came from. And I spoke with Gregg and Tony and later on Wayne and came up with this proposal of doing four one-day workshops, one in each state, bringing in scientists who have published on MPAs, concentrating on scientists that we know also can sort of break down the information in a way that we can all understand it, sort of in lay terms, but still making sure we have that good quantitative information in there.

And I also have talked to Tony about bringing in fishermen from New England who have been affected by MPAs and who have had some of the benefits of MPAs and possibly looking at some fishermen from the Caribbean, as well, to come in and talk to our fishermen and talk about how they feel about MPAs and how they have helped or not helped.

And I've also talked to Roger Griffith from NOAA and he has said that they have the money to fund this project. We don't have a dollar figure, but he said that this is something they're really interested in doing and they'll give us the money to do it.

So this is just something that I came up with and I put it on paper for you to read. And if you agreed that it was something worthwhile, we would move forward with it some time this spring and, of course, I'd be open to any suggestions on how we can make it more effective.

Mr. Cole: Thank you, Mr. Chairman. Kerry, I think it's an excellent idea and particularly if we can get some broader help from a national perspective. Regarding your second session on page 2, when you were talking about using case studies, "would focus primarily on studies that have come out of MPAs that have been established in the Southeastern Region", I would think that since we don't have any yet, we'd probably have to go look somewhere else, wouldn't we?

Ms. O'Malley: Actually what I was thinking behind that one was the Merritt Island National Wildlife Refuge, the study that Jim Boggs got published that came out of there and some of the increases in fish sizes and trophy fish sizes that they've seen was one thing I had thought of.

They're starting to get some studies that are coming out of the Florida Keys National Marine Sanctuary. The reason why I said primarily focusing in the Southeast Region -- yes, I mean, fishermen are going to say, "Well that's great, it worked for you, you know, on scallops in New England but what does that have to do with snapper grouper in the South Atlantic"?

So to the extent that we can sort of stay true to get them to be similar to what we're doing, we would like to. Obviously, no, there hasn't been in the South Atlantic an MPA established for snapper

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grouper, but we're going to try to make it relatable to what we're doing. There are some cases in the Caribbean where they've used MPAs for snapper and I'm willing to go there, sure.

Mr. Iarocci: Thank you, Mr. Chairman. When Kerry called me about this, I thought about it and any way we can get out and reach the public and let them know what we're doing and get more information on anything, especially MPAs right now, is critical.

And I got on the phone again with different people in areas and I first went up to New England because with the groundfish closures up there and the scallop fishery closures and with the way they're rebounding right now at the beginning, I mean, a lot of the fishermen up there and a lot of Council members that were on the New England Council fought those closures big time and now they're in total support and those fisheries are coming back.

I mean, the scallop fisheries, we all know what happened with the scallop fishery and what's happening in some areas with the ground fisheries and it's because of closed areas.

Now I did contact Jim O'Malley who was on the New England Council. He was the driving force behind opening up and behind the scallop closure. And Jim Kendall, there's a couple scallopers, fishermen, ground fishermen that are up there and we've got to sit down and prioritize who they can be, and Kerry has talked about the other place.

And there's also an area down in St. Thomas in the West Indies, they closed off an area there on the Hind Bank that has been in. It's got some data and some people there we can deal with. And ask Kerry, and I think Kerry will back me up on this, there's a lot of people in the audience that have background on these kind of things and maybe could help us bring in the right people to make this thing done right. But I just want to tell Kerry, I totally support this and will do everything I can to make it done right.

Mr. Lee: The staff needs some direction on moving forward with this particular proposal. Do we need a motion or do we just want to do it by consensus. Go forth and set it up.

Dr. Powers: Before we agree to move ahead on this, I have yet to figure out what this is. I don't have the piece of paper that you're talking about.

Mr. Lee: Take a few minutes to read that and then we'll see if you have any comments or concerns. Have you had an opportunity to look that over, Joe?

Dr. Powers: Yes. I just wanted to know what "this" was. That's fine. I'm supportive of it as well. I would say, though, that because these kinds of workshops are focused toward fishermen, the

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particular scientists that you get to speak to it, you might think about what other baggage that person has associated with them.

Mr. Lee: Are there any other comments on the proposal?

Dr. Dean: Thank you, Mr. Chairman. I would like for you to consider a session or imbed within a session a topic that's part of the general literature that's very important, identification and selection of MPAs.

Mr. Cole: Speaking of new papers and stuff, Kerry, I just was handed a fax from Wilson. Apparently, there's been some publications in Science just a few days ago which deal with the St. Lucie Management Area with some real nice graphs and all kinds of good stuff, so I'll leave that with you.

Mr. Lee: Are there any further comments on this particular action? Is there any other business? I'll entertain a motion to adjourn.

Mr. Iarocci: You've got it.

Dr. Daniel: Second.

Mr. Lee: I've got a motion by Tony Iarocci and a second by Louis Daniel to adjourn. Is there any objection? Consider this meeting adjourned.

(Whereupon, the meeting was adjourned on December 6, 2001.)

Tapes of Proceedings on File (2)

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**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**SNAPPER GROUPEr COMMITTEE**

**Blockade Runner Beach Resort, Wrightsville Beach, North Carolina**

**December 6, 2001**

**Draft Motions**

**List of Sites Recommended by the Snapper Grouper Committee to be Considered as Marine Protected Areas**

The Snapper Grouper Committee recommends the Council move forward with consideration of the following sites as marine protected areas:

North Carolina Site 1a: This site is larger than site NC-1b; it is an area that encompasses a portion of the 30 fathom break. Water depth is approximately 128-148 fathoms. It is recommended that this be a Type 2 MPA. The coordinates are as follows:

NW	77°5'W	NE	76°50'W
	33°30'N		33°30'N

SW	77°5'W	SE	76°50'W
	33°20'N		33°20'N

North Carolina Site 1b: This site is a smaller version of NC 1a in which the entire box has been moved to the west of the original boundary. This is an area that encompasses a portion of the 30 fathom break. Water depth is approximately 128-148 fathoms. It is recommended that this be a Type 2 MPA. The coordinates are as follows:

NW	77°0'W	NE	76°50'W
	33°30'N		33°30'N

SW	77°0'W	SE	76°50'W
	33°20'N		33°20'N

\*It is the Snapper Grouper Committee's intent we retain NC 1a and 1b for further input from the Snapper Grouper AP with the intent that we move forward with one site.

North Carolina Site 2: This site is a recommendation for an artificial refugia site in an area

approximately 12 miles south of Beaufort Inlet. This area would be about 2 square miles in approximately 10 fathoms. It is recommended this site be a Type 1 MPA.

North Carolina Site 3: Approximated from known hard/live bottom habitat distribution (based in part on MARMAP collections) & approximation of location from MARMAP maps indicating deepwater species captured or captured during spawning season. It is recommended that this be a Type 2 MPA. The coordinates are as follows:

NW	76°17'W	NE	76°8'W
	34°11'N		34°11'N

SW	76°17'W	SE	76°8'W
	34°4'N		34°4'N

South Carolina Site 1a: The center point of suggested South Carolina 1a (formerly site N-4) would lie at 33° 06.0' N; 77° 49.0' W and the 5 x 10 nautical mile box surrounding it would be oriented horizontally. It is recommended this site be a Type 2 MPA.

South Carolina Site 1b: The center point of suggested South Carolina 1b (formerly site N-3) would lie at 32° 51.0' N; 078° 11.0' W and the 5 x 10 nautical mile box surrounding it would be oriented horizontally. It is recommended this site be a Type 2 MPA.

\*It is the Snapper Grouper Committee's intent we retain SC 1a and 1b for further input from the Snapper Grouper AP with the intent that we move forward with one site.

South Carolina Site 2: The center point of suggested South Carolina site 2 (formerly C-3) would lie at 32° 21.0' N; 79° 00.0' W and the 5 x 10 nautical mile box surrounding it would be oriented horizontally. It is recommended this site be a Type 2 MPA.

South Carolina Site 3/Georgia Site 1: It is recommended that this site be a Type 2 MPA.

NW	79°41'W	NE	79°31'W
	31°33'N		31°33'N

SW	79°41'W	SE	79°31'W
	31°23'N		31°23'N

Florida/ Sea bass Rocks: The coordinates of Sea Bass Rocks are as follows: the NW corner lies at 27° 8' N latitude and 80° W longitude; the NE corner lies at 27° 8' N latitude and 79°58' W

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longitude; the SW corner lies at 27° 4' N latitude and 80° W longitude; and the SE corner lies at 27° 4' N latitude and 79° 58' W longitude. This is an Oculina based pinnacle system. It is a diverse mixture of habitats with north to south ledge systems and isolated Oculina studded pinnacles. It is also interspersed with flat hard bottom areas. It has one southeast facing ledge with 50' and greater relief. The water depth at this site is 240'-360'. The most abundant commercially and recreationally important species in this area is sea bass. It is the only area in this region where commercial quantities of sea bass occur. Snowy grouper are the second most important species. Vermilion snapper, red snapper, scamp, speckled hind, warsaw grouper, gag grouper, and red porgy are present at this site. Also the "amberjack" group is well represented by greater amberjack, almaco jack, banded rudderfish, and a few small lesser amberjack. It is recommended this site be a Type 2 MPA.

Florida/ East Hump and Unnamed Hump: The coordinates of this site are as follows:

NW	24.36.50N	NE	24.32.00N
	080.45.50W		080.36.00W

SW	24.32.50N	SE	24.27.50N
	080.48.00W		080.38.50W

Running oblique to the Florida Keys, covering a broad area of deepwater. The shallowest point is 648' deep and the deepest point is 832'. This demographic contains two humps within its boundaries – the popular East Hump, a known spawning area for greater amberjack, and an unnamed hump closer to the proposed inshore line of demarcation. Overall, the area is popular as a deep drop site for snowy grouper, tilefish, deepwater porgies, vermilion snapper, and banded rudderfish. The surface waters of the East Hump and the unnamed hump are frequently trolled for schools of blackfin tuna, bonito, wahoo, dolphin and billfish. Anglers working the deeper depths of both humps are most apt to catch greater amberjack and sharks. Warsaw grouper have also been known to inhabit these hump sites due to their deeper environs.