



MAGNUSON – STEVENS ACT/NEPA SCOPING DOCUMENT

AMENDMENT 18 TO THE SNAPPER GROUPER FISHERY MANAGEMENT PLAN

JANUARY 2009

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Scoping meetings are less formal than public hearings and occur prior to the Council taking any position on a management issue. When the Council is considering the need for management, scoping meetings provide an opportunity for members of the public to make suggestions BEFORE the Council has made any decisions.

The South Atlantic Fishery Management Council is soliciting public input on possible options under consideration by the Council. The Council is considering:

- 1) Limiting participation and effort in the golden tilefish fishery (possibly endorsements or limited access program);
- 2) Limiting participation and effort in the black sea bass pot fishery (possibly endorsements or limited access program);
- 3) Extending the range of the Snapper Grouper fishery Management Plan north through the Mid-Atlantic and New England Council areas;
- 4) Separating the snowy grouper quota into regions/states;
- 5) Separating the gag recreational Annual Catch Limit (ACL) into region or state Annual Catch Targets (ACTs);
- 6) Changing the golden tilefish fishing year;
- 7) Improving data reporting;
- 8) Changing the wreckfish fishery Individual Transferable Quota (ITQ) program; and
- 9) Designating Essential Fish Habitat (EFH) in new areas in the Mid-Atlantic and New England as part of a possible extension of the Snapper Grouper fishery Management Plan (FMP) north.

Note: Some of the possible actions outlined in this document have been moved from Snapper Grouper Amendment 17, while others are new based on recent discussions by the Council.

NEED FOR ACTION

Commercial Golden Tilefish and Black Sea Bass Participation and Effort Shifts

Golden Tilefish

Snapper Grouper Amendment 16 proposes regulations on gag grouper and vermilion snapper that substantially restrict harvest of these species. One of the regulations would prohibit commercial and recreational harvest of gag and other shallow water groupers harvest from January 1st through April 30th starting in 2010 (pending approval of

Amendment 16). In an effort to find other species to target, fishermen may increase participation in the golden tilefish fishery and/or the black sea bass fisheries. An increase in participation in the golden tilefish fishery would intensify the “race to fish” that already exists in that fishery and result in a shortened season. The fishing seasons in recent years have already been shortened to such a degree that North Carolina and South Carolina longline fishermen, who are typically unable to fish until April or May due to weather conditions, and hook and line fishermen, who in some areas typically do not fish until the fall, are increasingly unable to participate in the fishery. Current regulations for golden tilefish establish a 4,000 pound trip limit until 75% of the quota is caught, after which, a 300 pound trip limit is imposed. The Council is concerned that an increase in participation will deteriorate profits for current golden tilefish fishermen and shift the ability to participate further away from North Carolina and South Carolina longline and hook and line golden tilefish fishermen. In addition, more participants will make it more difficult to track the commercial quota and prevent overages.

In September 2008, the Council appointed a Golden Tilefish Limited Access Privilege (LAP) Program Exploratory Workgroup. The Workgroup held a public meeting in October 2008 to discuss management of the commercial sector of the fishery. The fishermen developed two fairly detailed draft management programs they wanted to see implemented under various circumstances. Under status quo management, the Workgroup members would like to see a gear-specific golden tilefish endorsement program implemented that would exclude fishermen that do not have historical and substantial landings in the fishery. The longline gear sector representatives would like to include fishermen that have harvested at least 2,000 pounds of golden tilefish 2005 through 2007. The hook and line sector created two eligibility options for the purposes of analysis. The hook and line representative suggested including fishermen with at least 500 or 1,000 pounds of golden tilefish landings on average 2001 through 2005 using the three best of each individual’s five years. The endorsement program would also specify a change in the fishery start date from January 1st to August 1st. The change in the start date would allow South Carolina fishermen to start fishing at the same time as the Florida fishermen and for hook and line fishermen to participate in the fishery.

The Workgroup suggested that under both the endorsement and limited Access Privilege (LAP) program the commercial quota would be allocated 10% to those holding golden tilefish hook and line endorsements and 90% to those holding golden tilefish longline endorsements.

The second program developed by the Golden Tilefish Limited Access Privilege Program Exploratory Workgroup was a Limited Access Privilege (LAP) program. According to some Workgroup members, the second program the Golden Tilefish Limited Access Privilege Program Exploratory Workgroup developed was only considered to have potential for success if the golden tilefish commercial quota was about 480,000 pounds or greater. Others felt Limited Access Privileges (LAPs) would be successful at a lower commercial quota. However, they did not feel that a Limited Access Privilege (LAP) program was a viable option at the currently projected commercial Annual Catch Target (ACT) levels specified in the December 2008 Draft Snapper Grouper Amendment 17 materials (between 196,455 and 276,265 pounds whole weight). The current commercial quota is 331,000 pounds whole weight. The Limited Access Privilege (LAP) program discussed included separate gear sector quotas for longline and hook and line. The program would have different eligibility requirements for initial allocation for longline and hook and line quota. All other details developed for the Limited Access Privilege (LAP) program were applicable to both gear users. (See the Golden Tilefish Limited Access Privilege Exploratory Workgroup Report available from the South Atlantic Fishery Management Council Office for details.) This report was delivered to the Council in December 2008.

Black Sea Bass

The Council is concerned increased restrictions imposed through Snapper Grouper Amendments 13C and 16 including a commercial quota for black sea bass, could increase the incentive to fish more pots. Currently, there is no limit on the number of tags issued to fishermen who target black sea bass or the number of pots that can be fished. An increase in participation in the black sea bass fishery would also deteriorate profits for current participants in that fishery. In December, the Council requested that NMFS issue a control date of December 4, 2008. The control date sets a date in time that the Council could use to limit participation; anyone entering the black sea bass pot fishery after that date may not be guaranteed continued participation. The Council is further concerned about the possibility of fishermen leaving large numbers of traps fishing for multiple days due to vessel or weather problems, which could unnecessarily kill many black sea bass. Fishing large numbers of traps also increases the chance that traps could be lost and “ghost fishing” could occur. Furthermore, fishing large numbers of traps increases the chance of entanglement of pot lines with right whales and other protected species.

For these reasons, the Council is considering limiting participation and effort in the golden tilefish fishery and the black sea bass pot fishery (possibly endorsements or limited access program).

The Council has discussed the following options:

- Limit the black sea bass pot tags distributed to each permit holder annually with a possible decrease in the number of traps held. For example, one option discussed by the Council was to limit the black sea bass pot tags annually to 100 per holder of Federal Snapper Grouper vessel permits in year 1, 50 in year 2, and 25 in year 3 and onwards until modified. Consider historical harvest in the number of pots distributed to each individual;
- Require pots to be brought back to shore at the conclusion of each trip; and
- Implement a Limited Access Privilege (LAP) type program whereby each individual is allocated a certain percentage of the Total Allowable Catch (TAC) or a certain number of pots to fish.

Extend the Range of the Snapper Grouper Fishery Management Plan North

The Council is concerned about a northward expansion of a fishery for snapper and grouper species resulting in large catches of tilefish and groupers. The Council's Snapper Grouper Advisory Panel (AP) presented information documenting increasing catches of blue-line tilefish and snowy grouper off the coast of Virginia. In addition, Virginia reported state records of recreationally-caught blue-line tilefish and snowy grouper in recent years. In response, the Virginia Marine Resources Commission has since established commercial and recreational limits on the harvest and landing of tilefish and grouper off the coast of Virginia.

The Council is considering extending the range of the Snapper Grouper fishery Management Plan for some species northward through the Mid-Atlantic and New England Council areas in order to conserve and manage these species. The current boundaries would not be changed for black sea bass, golden tilefish, and scup since they are currently considered separate stocks north and south of Cape Hatteras, North Carolina. These three species are covered by Mid-Atlantic Council fishery management plans. In addition, it has been suggested snapper grouper species are becoming more

common in the northern part of their range in response to increases in average water temperature due to global warming.

Separate Snowy Grouper into Regions/States

The reduction in commercial quota amounts for snowy grouper in Snapper Grouper Amendment 13C increased the probability that the quotas would be met before the start of the fishing season in some areas of the South Atlantic. In addition, harvest restrictions in other fisheries may amplify this effect by resulting in increased fishing effort in the deepwater fishery. **As a result, the Council believes that regulations should be modified for the snowy grouper fishery to minimize differences in regional impacts to the extent practicable.**

Separate the Gag Recreational Annual Catch Limit (ACL) into Region or State Annual Catch Targets (ACTs)

The reduction in recreational quota amounts for gag grouper proposed in Snapper Grouper Amendment 16 increased the probability that the quotas would be met before the start of the fishing season in some areas of the South Atlantic. **As a result, the Council believes that regulations should be modified for the gag grouper fishery to minimize differences in regional impacts to the extent practicable.**

Changes to the Golden Tilefish Fishing Year

Current regulations for golden tilefish establish a 4,000 pound trip limit until 75% of the quota is caught, after which, a 300 pound trip limit is imposed. Longline vessels typically fish for golden tilefish at the start of the year when the trip limit is 4,000 pounds. The larger vessels need the larger trip limit to make a profitable trip. In years past, the quota would not be met until late in the year giving both Florida fishermen, who begin fishing in January or February, and North Carolina and South Carolina fishermen, who typically are unable to fish until April or May due to weather conditions, the opportunity to make several trips before the trip limit drops to 300 pounds. However, in recent years, effort has increased such that the quota has been reached in late summer and the trip limit has dropped even sooner. As a result, fishing opportunities for South Carolina longline fishermen have been significantly reduced. At the same time hook and

line fishermen in Florida have been unable to participate since the season closes before they enter in September. **For these reasons, the Council is considering changing the golden tilefish fishing year from January 1- December 31st to a later point in the year.**

The Council has discussed several alternatives for this type of action including

- Change the start of the golden tilefish fishing year from Jan. 1st to Sept. 1st.
- Change the start of the golden tilefish fishing year from Jan. 1st to Aug. 1st.
- Change the start of the golden tilefish fishing year from Jan. 1st to May 1st.
- Remove the 300 lb. trip limit when 75% of the quota has been met.

Data Reporting

Section 303(a)(8) of the Reauthorized Magnuson-Stevens Act requires that “in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan”. In addition, the Comprehensive Annual Catch Limit (ACL) Proposed Rule (73FR111:32526-32547) provides the following guidance on fisheries data: “In their FMPs, Councils should describe general data collection methods, as well as any specific data collection methods used for all stocks, stock complexes, and ecosystem component species. FMPs should: (1) List sources of fishing mortality (both landed and discarded), including commercial and recreational catch and bycatch in other fisheries; (2) Describe the data collection and estimation methods used to quantify total catch mortality in each fishery, including information on the management tools used (i.e., logbooks, vessel monitoring systems, observer programs, landings reports, fish tickets, processor reports, dealer reports, recreational angler surveys, or other methods); the frequency with which data are collected and updated; and the scope of sampling coverage for each fishery; and (3) Describe the methods used to compile catch data from various catch data collection methods and how those data are used to determine the relationship between total catch at a given point in time and the ACL for stocks and stock complexes that are part of a fishery.”

The goal of this action is to improve the accuracy, timing, and quantity of fisheries statistics collected by the current data collection programs for fisheries managed by the Council. **To accomplish this goal, the Council believes that modifications should be**

made to the current data collection programs. Data elements improved by the action may include, but are not limited to: landings, discards, effort, biological sampling of landings and discards, fishery independent information, and economic and social characterization of the fisheries.

Wreckfish Individual Transferable Quota (ITQ) Program

The South Atlantic wreckfish fishery has been managed under an Individual Transferable Quota (ITQ) program since March 1992 (Snapper Grouper Amendment 5). The Individual Transferable Quota (ITQ) program was implemented to address dropping prices due to market gluts and a “race to fish” that resulted in gear conflicts. Since 1992, landings have declined from just under 2 million pounds to about 200,000 pounds in 2000/01. Since 2001, landings have been confidential due to the small number of active participants. Annual landings 2001-08 have been less than 20% of the Total Allowable Catch (TAC) of 2 million pounds. Ninety-one vessels (51 shareholders) held permits in 1991-92 and nine vessels (25 shareholders) currently hold permits.

The Reauthorized Magnuson-Stevens Act details several requirements for limited access privilege (LAP) programs. The wreckfish Individual Transferable Quota (ITQ) program is a type of limited access privilege (LAP) program and therefore must adhere to the requirements set out in the reauthorized Magnuson-Stevens Act. For example, the Reauthorized Magnuson-Stevens Act requires that Councils develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the Individual Transferable Quota (ITQ) program and provide a fee paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities. The wreckfish Individual Transferable Quota (ITQ) program does not have a cost recovery program and does not currently adhere to the requirements laid out in the Reauthorized Magnuson-Stevens Act. The Council is therefore considering changes to the wreckfish Individual Transferable Quota (ITQ) program that will bring the program in adherence with the new requirements of the Reauthorized Magnuson-Stevens Act.

When and if the Comprehensive Annual Catch Limits (ACL) Amendment, currently being scoped for, is implemented, an Annual Catch Limits (ACL) will be identified for wreckfish. If this number is lower than the current 2 million pound Total Allowable Catch (TAC), the annual coupons (pounds) that shareholders receive will be decreased.

As a result, current fishermen would need to purchase additional shares or coupons (pounds) to harvest the same amount they currently harvest. Council meeting discussions have mentioned the possibility of modifying how shares are allocated to current shareholders given implementation of Annual Catch Limits (ACLs) in the Comprehensive Annual Catch Limits (ACL) Amendment. Council discussions have also included the possibility of eliminating the wreckfish Individual Transferable Quota (ITQ) program given the small number of participants and the lack of transfers of coupons and quota share occurring over the past decade. For example, no coupons have been transferred since 1994 while no shares have been transferred since 1996. However, the investments that people have made in quota shares in years past will need to be considered.

For these reasons, the Council is considering changes to the wreckfish Individual Transferable Quota (ITQ) program.

Designate Essential Fish Habitat (EFH) in new areas in the Mid-Atlantic and New England

The Council is concerned that with extension of the Snapper Grouper Fishery Management Plan (FMP) to areas north, new Essential Fish Habitat (EFH) areas and Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs) will need to be identified and designated in order to protect these important habitat areas for the species within the management plan. **Therefore, the Council is considering designating Essential Fish Habitat (EFH) and Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs) in new areas in the Mid-Atlantic and New England as part of a possible extension of the Snapper Grouper Fishery Management Plan (FMP) north.**

The species included in the Snapper Grouper Fishery Management Plan are shown in Appendix B.

**SNAPPER GROUPER AMENDMENT 18
PUBLIC SCOPING MEETING SITES AND DATES**

Scoping meetings will be held from 3:00 P.M – 7:00 P.M. at the following locations. Written comments must be received by 5 P.M on February 6, 2009. The Council accepts comments sent by mail, fax, or E-mail (SGAm18Scoping@safmc.net).

<p><u>January 26, 2009</u> Hilton Garden Inn 5265 International Blvd. N. Charleston, South Carolina 29418 Phone: 843-308-9331</p>	<p><u>January 27, 2009</u> Bridge Pointe Hotel 101 Howell Road New Bern, North Carolina 28562 Phone: 252-636-3637</p>
<p><u>February 3, 2009</u> Key Largo Grande 97000 South Overseas Highway Key Largo, Florida 33037 Phone: 305-852-5553</p>	<p><u>February 4, 2009</u> Doubletree Hotel 2080 N. Atlantic Avenue Cocoa Beach, Florida 32931 Phone: 321-783-9222</p>
<p><u>February 5, 2009</u> Mighty Eighth Air Force Museum 175 Bourne Ave. Pooler, Georgia 31322 Phone: 912-748-8888</p>	

Council staff and local Council representatives (see Appendix A for Council members and responsible staff members) will be on hand to answer questions concerning Snapper Grouper Amendment 18 and other topics covered during this series of scoping meetings. Members of the public will have the opportunity to provide comments on the record at any time during the hours posted above.

Other topics being covered during these meetings include scoping for the Council’s Comprehensive Annual Catch Limit (ACL) Amendment and Comprehensive Ecosystem-Based Amendment 2. In addition, public hearings are being held for the Fishery Ecosystem Plan and Comprehensive Ecosystem-Based Amendment 1. Copies of the documents for these topics can be accessed at www.safmc.net or by contacting the Council office.

What Next?

Written comments must be provided to the Council by 5 P.M. on February 6, 2009 (SGAm18Scoping@safmc.net). All comments will be considered by the Council in drafting Amendment 18 to the Snapper Grouper Fishery Management Plan. There will be a number of opportunities to provide public input if the Council moves forward to develop an amendment. A simplified schematic of the Council process is presented in Appendix C.

Timing for Snapper Grouper Amendment 18:

- Scoping through February 6, 2009.
- Council reviews scoping comments & provides direction to Staff/Team – March 2-6, 2009 meeting in Jekyll Island, GA.
- Council reviews Options Paper & provides direction to Staff/Team – June 8-10, 2009 meeting in Stuart, FL.
- Council approves Amendment/Draft Environmental Impact Statement for public hearings – September 14-18, 2009 meeting in Charleston, SC.
- Public hearings – November (1st and 2nd weeks) 2009.
- Review informal & public hearing comments and DEIS comments and approve all actions – December 6-11, 2009 meeting in Atlantic Beach, NC or March 1-5, 2010 meeting in Jekyll Island, GA.
- Review complete document and approve for formal review by the Secretary of Commerce – March 1-5, 2010 meeting in Jekyll Island, GA or June 6-11, 2010 meeting in Orlando, FL.

**Appendix A. South Atlantic Fishery Management Council 2008-2009 Membership.
The names of the Council Members who serve on the Snapper Grouper Committee
appear in bold.**

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Appendix B: Species in the Snapper Grouper Fishery Management Unit.

Almaco jack, *Seriola rivoliana*
Atlantic spadefish, *Chaetodipterus faber*
Banded rudderfish, *Seriola zonata*
Bank sea bass, *Centropristis ocyurus*
Bar jack, *Caranx ruber*
Black grouper, *Mycteroperca bonaci*
Black margate, *Anisotremus surinamensis*
Black sea bass, *Centropristis striata*
Black snapper, *Apsilus dentatus*
Blackfin snapper, *Lutjanus buccanella*
Blue runner, *Caranx crysos*
Blueline tilefish, *Caulolatilus microps*
Bluestriped grunt, *Haemulon sciurus*
Coney, *Cephalopholis fulva*
Cottonwick, *Haemulon melanurum*
Crevalle jack, *Caranx hippos*
Cubera snapper, *Lutjanus cyanopterus*
Dog snapper, *Lutjanus jocu*
French grunt, *Haemulon flavolineatum*
Gag, *Mycteroperca microlepis*
Golden tilefish, *Lopholatilus chamaeleonticeps*
Goliath grouper, *Epinephelus itajara*
Grass porgy, *Calamus arctifrons*
Gray (mangrove) snapper, *Lutjanus griseus*
Gray triggerfish, *Balistes capriscus*
Graysby, *Cephalopholis cruentata*
Greater amberjack, *Seriola dumerili*
Hogfish, *Lachnolaimus maximus*
Jolthead porgy, *Calamus bajonado*
Knobbed porgy, *Calamus nodosus*
Lane snapper, *Lutjanus synagris*
Lesser amberjack, *Seriola fasciata*
Longspine porgy, *Stenotomus caprinus*
Mahogany snapper, *Lutjanus mahogoni*
Margate, *Haemulon album*
Misty grouper, *Epinephelus mystacinus*
Mutton snapper, *Lutjanus analis*

Nassau grouper, *Epinephelus striatus*
Ocean triggerfish, *Canthidermis sufflamen*

Porkfish, *Anisotremus virginicus*
Puddingwife, *Halichoeres radiatus*
Queen snapper, *Etelis oculatus*
Queen triggerfish, *Balistes vetula*
Red grouper, *Epinephelus morio*
Red hind, *Epinephelus guttatus*
Red porgy, *Pagrus pagrus*
Red snapper, *Lutjanus campechanus*
Rock hind, *Epinephelus adscensionis*
Rock Sea Bass, *Centropristis philadelphica*
Sailors choice, *Haemulon parra*
Sand tilefish, *Malacanthus plumieri*
Saucereye porgy, *Calamus calamus*
Scamp, *Mycteroperca phenax*
Schoolmaster, *Lutjanus apodus*
Scup, *Stenotomus chrysops*
Sheepshead, *Archosargus probatocephalus*
Silk snapper, *Lutjanus vivanus*
Smallmouth grunt, *Haemulon chrysargyreum*
Snowy grouper, *Epinephelus niveatus*
Spanish grunt, *Haemulon macrostomum*
Speckled hind, *Epinephelus drummondhayi*
Tiger grouper, *Mycteroperca tigris*
Tomtate, *Haemulon aurolineatum*
Yellow jack, *Caranx bartholomaei*
Yellowedge grouper, *Epinephelus flavolimbatus*
Yellowfin grouper, *Mycteroperca venenosa*
Yellowmouth grouper, *Mycteroperca interstitialis*
Yellowtail snapper, *Ocyurus chrysurus*
Vermilion snapper, *Rhomboplites aurorubens*
Warsaw grouper, *Epinephelus nigritus*
White grunt, *Haemulon plumieri*
Whitebone porgy, *Calamus leucosteus*
Wreckfish, *Polyprion americanus*

Appendix C. A Simplified Schematic of the Council Process

