

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Hilton Wilmington Riverside Hotel
Wilmington, NC**

December 3-4, 2008

DRAFT MINUTES

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Snapper Grouper Committee
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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened at the Hilton Wilmington Riverside Hotel, Wilmington, North Carolina, Wednesday morning, December 3, 2008, and was called to order at 10:00 o'clock a.m. by Chairman Mac Currin.

Mr. Currin: We will convene the Snapper Grouper Committee. Good morning, everyone. I extend my welcome to you to the State of North Carolina as well and thank Rita Merritt for all the work that she put into our get-together last night at the Battleship. I think everybody had a good time and enjoyed themselves.

As usual, the Snapper Grouper Committee has a very large and aggressive agenda. We are waiting on some SSC deliberations before we can really get into discussions of the amendments and SEDAR. Our first two agenda items we will do before lunch today and Kim Iverson is going to start us out under Attachment 1 with the Oculina Outreach Update. Go ahead, Kim.

Ms. Iverson: Thank you, Mr. Chairman. There were a couple of items that I would like to go over fairly quickly this morning. The first is, as Mac referenced, under Attachment 1. There's a new film, a new DVD, available called *Fragile Forests of the Deep*. I do have copies at the back for council members and additional folks. There are a few extra copies and we do have copies in the office and so I will be distributing those to the council members.

It is an independent production from Gale Force Films. George Sibley went along on one of the Oculina research cruises I think it was about two years ago. He started the project filming with the researchers onboard, the research cruise to the Oculina Bank. It includes interviews with each of the researchers, the folks that are involved with the Liberty Star, the research vessel that he participated on, including the crew.

It's interesting. It provides an overview of the issues of the Oculina Bank. There's some good DVD footage from John Reed of the Oculina Bank in the early research stages, back in the 1970s and early 1980s, and then some of the issues as far as management and research for the Oculina Bank and deepwater corals.

There's a documentary summary there that's included. The DVD was started by Gale Force Productions and George Sibley and then the Coral Reef Conservation Program took over the funding and helped to fund and to complete the production and distribution of the DVD. We do have copies. I received copies from Liz Fairly at the Coral Reef Conservation Program. We can get additional copies into our office.

I have not advertised this particular DVD through the council's website or in our newsletter as of yet, because I will wait and get some direction on how they plan to distribute the DVD from the Coral Reef Conservation Program and then assist them in any way. I've sent an email to Liz and also to George Sibley saying that we would help and if they could provide some direction on how they want us to help distribute it. I can certainly note it in a newsletter and have it available as a notice on the Oculina portion of our website.

There again, if we have an opportunity, we may want to view this at some point during the meeting and if not, I definitely have copies for all of the council members. As I mentioned

earlier, we have the DVD *Revealing the Deep*. It's a more general DVD on deepwater corals and deepwater coral research. It continues to be well received. We've received over thirty requests in the last month or month-and-a-half, six weeks, and those include requests from the IGFA, from their headquarters down in Dania Beach. They've added it to their library and have it available now as part of their exhibits.

We've gotten it from school districts, from marine extension programs. We've gotten requests on the DVD and so it's continuing to be widely distributed and I will continue to promote that through the newsletter and also on the website.

In the attachment, there are some comments that we've received via email on the DVD. We were concerned that we had some problems with the high-definition version, but I think actually it's on the viewer's end. We've tested the DVD and made sure that we are able to view the HD version, as well as the regular version. I believe we have about 400 copies. We've received more copies and had additional copies made and we'll continue to distribute that. Mr. Chairman that concludes my report.

Mr. Currin: Thank you, Kim, very much. It's always nice to receive the kudos from folks that are looking at this DVD and enjoying it and finding usefulness in it. Are there questions for Kim on the outreach update for Oculina? Good work and thank you. Our next agenda item is Dr. George Sedberry on the Gray's Reef Research Area. As you all recall George has been a regular attendee at our meetings to keep us informed about what's going on at Gray's Reef with trying to define a research area out there and he's here to tell us where they are now. Welcome, George.

Dr. Sedberry: Thank you, Mac. I've addressed this committee a couple of times, I think, about this research area and I just wanted to give you an update about where we are, along with just make a few notes on some other items that are of interest to Gray's Reef and perhaps to the council. We're not requesting any action at this time, but we will come back at the March meeting in Jekyll Island, to request action at that time.

Again, I know most of you are familiar with this. Just to orient you a little bit, Gray's Reef is located here. Savannah is up here and office is right here, just south of Savannah, and Gray's Reef is about seventeen-and-a-half miles off the coast of Sapelo Island. We've done extensive mapping of the habitat in the sanctuary. We have multibeam and sidescan sonar maps. We've mapped high-relief, low-relief, medium-relief ledges and sand areas and we've used this GIS that we've created to add additional layers on where fishing occurs, where marine debris is found, where fish are located, and we've used this GIS to help us to designate a research area.

The purpose of the research area is to have a control area where we can conduct experiments and look at fish and invertebrate populations in the absence of fishing, to better understand how these inter-shelf live bottom areas function.

We have taken the GIS analysis to public scoping. We had a series of four public scoping meetings this spring and early summer and the result of that was a preferred option, Option Number 6. We had about 30,000 options, but we narrowed them down to six scenarios and so the Scenario Number 6 is the one that was preferred during public comment and it addresses all

the needs of researchers and minimizes the impact on fishermen. The dots you see on the map here indicate where fishing boats have been observed in the sanctuary and most of them are along the main ledge in the northern part of the sanctuary. The southern part would have minimum impact on fishermen, but yet provide enough of the kinds of habitats that scientists are interested in studying within the sanctuary.

Boundary Option 1 we also looked at. That encompassed the area of highest biodiversity and main ledges, but a lot of fishing effort occurs there and so that was not a very popular option. We looked at minimum fishing displacement, areas where the lowest fishing occurred, and we looked at areas that were kind of a compromise between those.

We looked at different quadrants of the sanctuary as a proposed closed area and they didn't pass the scientific test. There's not enough of the different kinds of habitats in those to conduct these experiments. We're moving forward with Option 6, that southern area, as the preferred option for this research area.

The terms of closure would be to prohibit all fishing at all times, to allow transit through the area with no stopping and we've got a couple of alternatives for diving, either a diving with permit only, under the auspices of NOAA, or no recreational diving at all allowed. We would also mark the boundaries of the research area as well as replace the boundary markers for the sanctuary as well.

A scientific advisory group would be established to advise the sanctuary on what kinds of research proposals should be approved. There would be no sunset written into the proposed regulations for this, but it would be evaluated and reviewed and subject to change each time the Gray's Reef management plan is subject to review, which is every five years. In addition to the five-year management plan review, we would conduct an annual assessment of how the research area is functioning and what kinds of research has been done in the research area and if it's fulfilling the needs that we set out initially to establish this.

Our timeline is, again, no action requested at this time, but we would provide the council with an opportunity to prepare draft fishing regulations at the March meeting. We can draft those and bring proposed fishing regulations to that meeting.

We're currently developing a draft environmental impact statement for the research area, including a draft proposed rule to go with the DEIS. Hence, the need for draft regulations in March. If the draft regulations are approved, then the proposed rule and Draft EIS would then go into clearance in the Office of National Marine Sanctuaries and the National Ocean Service and NOAA in late spring and summer of next year and when cleared, we'll have another round of public comments on the environmental impact statement in the fall of 2009 and then the comments would be considered and incorporated into the final environmental impact statement and proposed rule that would be released in 2010.

One of the reasons that we're looking at a research area, again, is to have an area where we can conduct experiments and research, in the absence of fishing, to determine how these reefs function and what they look like in the absence of fishing and to kind of sort out what the effects

of natural variation, like hurricanes or cold winters or low rain or high rain, might be having on fish populations.

We're also very much interested in what the affects of the lionfish invasion in the Southeast have been. We know that we've seen declines in black sea bass and we've seen declines in the past in vermilion snapper and red porgy and we've attributed these declines to overfishing, but we don't have any places that are not fished that we can use as a control to determine what else might be affecting these fish populations.

It could be that the signs of decline that we've attributed to overfishing may be due to lionfish invasion or something like that and we think that Gray's Reef would be a good area to study the impacts of the lionfish invasion. We hope to be able to have a workshop on this in the near future, perhaps at the March council meeting.

We think that lionfish can be controlled in Gray's Reef because they don't seem to stay there in the winter. It's really marginal habitat for them as far as the temperature is concerned. We saw them in the sanctuary in the summer of 2007 and they disappeared from that spot in the winter of 2007 and 2008 and they haven't come back this year, as far as we can tell. It may be possible that Gray's Reef can provide a baseline on the effects of fishing versus lionfish invasion that might be useful to apply to the entire region.

These are some kind of relatively old data on lionfish, but the black triangles indicate where we had known lionfish sites as of 2005. The gray dots indicate spawning areas for twenty-three of the species in the snapper grouper complex and then the polygons indicate the proposed MPAs as they were in 2004 and as you can see, the lionfish coincide with several of the final proposed marine protected areas and so these marine protected areas will protect lionfish as well and so this is going to be a big problem.

We know that they're spawning out there in these marine protected areas and we also know that these marine protected areas are connected to other parts of the system and so this really does need to be given some additional consideration.

When we look at the entire region, Gray's Reef National Marine Sanctuary and the proposed MPAs, the Charleston Bump and other areas, that we're very interested in, we know that they're connected hydrographically. We put out satellite track drifters, indicated by the stars, in the proposed marine protected areas, as well as known spawning sites of these fish, as determined by the MARMAP program.

We put these drifters out on the spawning sites when MARMAP has determined that those fish spawn and we've also concentrated on those marine protected areas and we see a lot of connectivity. When you look at the overall picture, it's kind of a spaghetti diagram and it looks like everything is expatriated from the South Atlantic Bight, but when you look closer at some of the individual tracks -- This is a drifter that was deployed in the Oculina Bank HAPC.

It drifted up northward through several of the proposed MPAs and then back inshore and ended up practically where it started. We were trying to look at the recruitment pattern of snowy

grouper in this that snowy grouper spawn in the Oculina Bank. You can see if there's lionfish being protected in the marine protected areas that those larvae are going to be carried inshore to other areas as well and so this is a problem.

The purple drifter here was deployed in the Edisto Marine Protected Area, the proposed marine protected area. It drifted southwest right past Gray's Reef and so we're very concerned about trying to limit recruitment of lionfish into Gray's Reef. Of course, we want the groupers that spawn out there at this same spot to be recruited, but not the lionfish. This is going to be a huge problem that we deal with in the future, but we will have this research area in Gray's Reef National Marine Sanctuary that we think can be used to address some of these problems, a small start anyway.

Gray's Reef National Marine Sanctuary, the Charleston Bump, and shelf reefs are connected, for better or worse. The Charleston Bump exists out here and deflects the Gulf Stream offshore, setting up this gyre that brings the larvae of fish that spawn out here at the shelf edge back into these inter-shelf reefs and it works very well for production of gag and scamp and a lot of other species that spawn at the shelf-edge reefs, but it's also going to probably work pretty well for lionfish. For better or worse, we have this great fish producing system.

One final thing I wanted to mention is a spearfishing update. I believe I spoke to you at the June meeting in Orlando about this. I presented the draft regulations at that time. This is a proposal to ban spearfishing within Gray's Reef National Marine Sanctuary. We have written a draft environmental assessment and proposed rule that's undergoing final internal review before formal clearance. After it's formally cleared by the Office of National Marine Sanctuaries, NOS, and NOAA, it will go, again, back to public comment for sixty days after clearance.

We'll consider the public comments for a final environmental assessment or environmental impact statement, if that's necessary, and hope to have a final rule on the spearfishing ban in Gray's Reef by the summer of 2009. That was a little more than just the research area, but I wanted to just kind of update you on some other things that we're concerned about as well and hopefully we can start thinking about addressing. Thank you.

Mr. Currin: Thank you, George, very much. Nice graphic on the tracks with the little dot going around.

Dr. Sedberry: I have a graduate student that does those kinds of things for me.

Mr. Currin: Questions or comments for George?

Mr. Wallace: You said no fishing and that includes no trolling?

Dr. Sedberry: That would include no trolling. We've had a lot of discussion about this with the public and with law enforcement and amongst ourselves and that's the preferred alternative, no trolling.

Mr. Wallace: How big is this area going to be?

Dr. Sedberry: The entire sanctuary is about seventeen-and-a-half square miles and it's a third of the sanctuary. The preferred alternative, that lower southern option, is about a third of that.

Mr. Wallace: Five square miles, basically.

Dr. Sedberry: Yes, it's relatively small, but it's very similar in size to some small Caribbean no fishing zones that have been shown to be very effective.

Mr. Wallace: Have you got enough preliminary data to think that's a big enough box to give you sufficient data?

Dr. Sedberry: Not from this region, because there are no closed areas in the South Atlantic Bight, but from the Florida Keys, which has some very tiny no fishing zones, as well as the Caribbean, that has no fishing reserves that are as small as one-by-two miles, we think -- Based on the existing data, yes, the fish populations will be restored to higher levels of abundance and biomass and diversity and have a more natural system in which we can do experiments to understand the function of the natural system better.

Mr. Iarocci: Thank you, George, for your presentation. I have a couple of questions. This did go completely through the Sanctuary Advisory Council process, with a lot of input from the user groups in the area. I think this could be a great opportunity, when you talk about going and moving forward with the research.

Have any of the local fishermen been involved or talking about getting involved in some of the research being done in this area? What an opportunity this would be to involve them firsthand on what's going on in the area, to see and be a part of that and involve them in this, because we all know at this time that anything, when we close off an area or do research or do any kind of stuff like that, it's great to involve the local user groups and I'm just curious where that's going and if a lot of people are up in arms over the closed area.

Dr. Sedberry: This idea came out of a revision of our management plan in 1999 and the Sanctuary Advisory Council, which advises us on how we should manage Gray's Reef, includes recreational and commercial fishing interests and they've been involved with this at every step.

I've given this presentation to several local CCA chapters and sportfishing clubs and they're receptive to the idea too, as long as we stay away from that main ledge that they really like, and they're interested in helping us in the research, too. We're doing some acoustic tagging of snapper and grouper species in the sanctuary right now, to look at their movements among these habitats that we've mapped and between the no fishing zone and the fish zone and between the sanctuary borders and outside the sanctuary and recreational fishermen are helping us with that effort to catch fish and tag them.

Mr. Mahood: George, I understand the need for this and I think it's admirable, but I have one personal problem with this. When Gray's Reef was being created way back when, I think Duane and I and Susan went to a number of public hearings with the NOS people and we assured folks

that it would never be closed to fishing. I guess a federal promise that lasts twenty-five years is not too bad, but that was a major item of contention when we were looking at creating Gray's Reef, was the fact that you all just want to get in there and close the fishing. Twenty-five years, that's not too bad.

Dr. Sedberry: We're aware of that and you reminded me, I think, the last time I presented this and I was involved in the first sanctuary management plan too and so I remember all that as well and, again, we've taken this to as many sportfishing clubs as will have us come talk to them and they're onboard.

Times have changed and the way we manage fisheries has changed. Fishermen have heard more and more about no fishing zones and marine protected areas and they can see the need for it a little better. When you explain it to them what we're trying to do and how this will help us better manage the sanctuary for biodiversity and sustain fisheries, they get onboard with it. Of course, there are a few that don't like it and we are addressing their concerns as well, but yes, a promise, maybe -- I'm not sure it was a promise, but an assurance was made twenty-five years ago that Gray's Reef would remain open to fishing and it's going to be open to fishing, but a third of it would not be, under this proposed plan.

Mr. Wallace: This box, how are you going to enforce the lines? Is it on a latitude/longitude grid? This is too square of a box and without looking at the chart, are you going to buoy it off and --

Dr. Sedberry: We are going to buoy it off and we looked at a lot of different sizes and shapes and orientations to follow the ledges or cut across the ledges and, of course, the rectangle or square works best and three of the borders of the preferred option are existing borders of the sanctuary and so fishermen know where those are and they're on all the charts. The only change would be a new border that would have to be updated on charts and there's mechanisms we have now with GeoPDFs and other ways to update those charts very quickly and get that file out to the fishermen, to update their charts as well.

We do have enforcement in the sanctuary. We have a joint enforcement agreement with Fisheries, Georgia DNR, Coast Guard, and we actually have made a few cases recently where we've had substantial fines imposed on people for violating sanctuary regulations and so I think people are going to be aware of where the borders are and what the rules are and we'll continue to enforce the sanctuary regulations as we have in the past. I think we'll get a lot of voluntary compliance out of it as well, because we have made a big effort to reach out to the public on all of this and we'll continue to do that.

Ms. Shipman: I can certainly validate the efforts that they have made. They really have been reaching out to the fishermen and to the agency and to everyone. One of the things that's particularly interesting, George, in your drifter data is we hear so much comment and suggestions from the public about state-specific regulations for these reef fish and all of that and that's a really wonderful representation and illustration of the regional nature of these snapper grouper species in terms of larval supply and that type of thing. It really points out how it's very difficult to compartmentalize and stovepipe these regulations

into state-specific regulations and try to accomplish what you want to accomplish for the rebuilding of these stocks. That's a really good illustration and one that I think the public could easily understand.

Dr. Sedberry: It also points out just the fragile nature of the life history of these fish. The gag has to align its spawning with moon phase, water temperature, Gulf Stream. All of these things have to line up just right to get good recruitment and when we look at the Northern South Carolina MPA, the drifters from that site, on the full moon and new moon and March and April, went into North Carolina sounds and the DNA data show the same thing, that the little juveniles in the North Carolina seagrass beds are the ones that were spawned on the Northern South Carolina MPA.

The Edisto MPA, those drifters did that sometimes, but a lot of times they went to the southwest as well and again, there's probably just some critical timing there that needs to be considered and, of course, the inshore habitats and the sounds and estuaries and the inshore live bottom areas have to be considered in all of this, too.

Mr. Boyles: I just want to follow on Susan's comment and ask maybe staff, Kim, if we could work with the Sanctuary staff and George to publicize this, because I think that would go a long way as we deal with these very, very difficult issues and compartmentalizing the ocean. I think it would be very, very helpful to put that in the update.

Mr. Wallace: Just specifically that one that you said started up at Oculina and then ended up basically at Oculina, what was the timeframe?

Dr. Sedberry: That was put out there on the full moon in August, which is the peak spawning for snowy grouper in that area. We think there's still some snowy grouper there spawning and that was the idea, is to track where snowy grouper eggs and larvae go. They're in the plankton for forty to fifty days and that entire drift track was fifty days.

It went all the way up to North Carolina and got kicked out of the Gulf Stream at the Charleston Gyre, which is caused by the Charleston Bump, and then back down to the shallow reef habitats off Florida, where snowy grouper juveniles are found. The fish figured this out millions of years ago and we're just now beginning to figure it out, but it works very well when it works.

Mr. Currin: Other questions for George?

Mr. Iarocci: George, one last question. Miss Judy Charters, I remember her from the start of all this and was involved with her through this whole national sanctuary stuff and I'm curious, is she still involved and what's her take on this research area?

Dr. Sedberry: She's very busy and she was on our Sanctuary Advisory Council for years and she resigned about a year-and-a-half ago and we haven't even been able to get her back to a meeting to give her a thank-you plaque. She's just totally slammed. She resigned from the Sanctuary Advisory Council before I came onboard as the superintendent, but I do have some recollections that she was very concerned about closed areas in general, but was friendly towards what Gray's

Reef was trying to do in general, but much of this came up after her tenure on the Sanctuary Advisory Council and I really haven't had a chance to talk to her since then. She hasn't come to any of the scoping meetings, which makes me think she's not strongly opposed to it.

Ms. Shipman: Just a quick question for George. Any observations on red snapper relative to the sanctuary that you would want to share with us? That's such a hot topic right now in terms of observations.

Dr. Sedberry: There are red snapper in the sanctuary and we have tagged one of them with acoustic tags and it's interesting. It just hung out near the receiver for quite a while and then it moved off during the full moon in June or July, which is approaching the peak of their spawning season. We think -- We don't really know, but we think it moved off to spawn somewhere and then it's back. It disappeared for a couple of weeks and then came back, or at least it disappeared from where we were listening to it. We're putting out a bigger array of receivers so we can track them longer distances and we'll know more about that in the future and hopefully be able to put some more tags in red snapper as well.

Mr. Currin: Other questions for George? Thank you, George, very much. I apologize to the committee for not beginning my agenda, as I should, by asking for your approval of the agenda, as well as the minutes. There are two items that I forgot. I jumped right into it and, again, I apologize for that.

If you would, as usual, to accommodate the goings and comings of the SSC and staff time demands elsewhere, we'll approve the agenda, allowing me some latitude to accommodate those movements. I would appreciate that. Any objection to approving the agenda? I see none. The agenda will stand approved.

Likewise, everyone should have received copies of the minutes and had an opportunity to go through those. Any corrections or additions to the minutes? I see none and without objection, then the minutes will stand approved. Rick, I don't know where we are now with the SSC reports coming into the committee. We have a couple of options. We can continue on with our agenda as stated, if that's possible. If not, Kim has offered to put on the DVD, *Fragile Forests of the Deep* that would captivate your attention until lunch.

Mr. Currin: We'll reconvene the Snapper Grouper Committee. We're delighted to see that our SSC Chairman has survived the meeting so far. I hope there are many other survivors over there as well. We know you guys have had a tough time and we feel for you, but we're delighted to have you here and Carolyn is going to bring us the report from the SSC on the vermilion snapper SEDAR assessment and then their deliberations on Amendment 17.

Dr. Belcher: Actually, I'm going to start off with the Red Snapper Addendum, because that was actually part of our agenda as well and since that pertains, obviously, to snapper groupers, we'll give that presentation to you as well. The report relative to the addendum, an addendum to the red snapper stock assessment report was generated to address two issues.

First, two values of annual recreational landings were transposed in the original assessment. The

values were corrected, with subsequent changes to landings and those in an interpolated year. Basically, there has been two years in this time series that had been transposed with one another. Secondly, the review panel requested that the F40 percent be used as a proxy for FMSY. The review panel requested this change because the estimate of steepness in the base assessment was not estimated with confidence, because it was hitting an upper bound.

With this change, it was determined that the steepness associated with projections differed from the base assessment, leading to an abrupt change in recruitment between assessment years and projection years. There's a relationship relative to your F values with the varying percentages and when you forecasted back for the steepness value, that steepness or age value correlated to a 0.68. You're looking at an estimated or an upper bound that keeps hitting at 0.95 versus a 0.68 value.

The 0.68 was then put into projections and this is where that discrepancy came in. It looked like recruitment failure and that's deviating from the report, but with this change, several alternatives to handle this inconsistency were provided to the SSC. These included changing all steepness and assessment and projections to 0.68, leaving them both at 0.95 and a hybrid where 0.95 was used for the assessment and 0.68 was used for the projections.

In accordance with previous decisions, meaning relating to other assessments, the SSC chose to keep the estimate of steepness consistent between the model and the projections. Discussions then focused on two options for the percent of SPR. One argued for following the suggestions from the CIE reviewers, which was using F of 40 percent, and cited literature and examples that showed that F40 percent is more appropriate and that F 30 percent is too high.

The other group argued that F 30 percent should be considered because it was approved by the council for other species, and these were approved by the council in such as the Comprehensive SFA Amendment, and that its corresponding H value is approximately 0.90, which was close to the estimated value in the base estimation model.

Also the CIE reviewers requested that F40 percent be used as the FMSY proxy, they did not ask that the corresponding steepness be used in projections. They pointed out that there was large uncertainty in the projections and recommended that projections only be trusted for the first few years, because the stock recruit relationship was not defined. A motion was made to use the F40 percent as the FMSY proxy and retain the steepness value of 0.95 for short-term projections. The motion was accepted by the SSC.

The assessment team provided the updated base model, using the H equals 0.95 in assessment and projections with the new recreational landings to produce new projections and Kyle was nice enough to actually run that at the end of the day on Tuesday and so with that, that's our report relative to the red snapper.

Mr. Currin: Questions for Carolyn on the red snapper addendum? No questions?

Mr. Robson: I heard some of the discussion at the SSC about all of this and I was trying to understand it and I don't know how many of the other council members really understand it, but

my impression was that there seemed to be some debate about the fact that you would go ahead and accept a certain steepness while at the same time continuing to keep a 40 percent SPR proxy, which didn't seem to match up with that in terms of the biology in the modeling. Can you explain how that discussion went or how it was resolved?

Dr. Belcher: Some of it came back to how we've looked at these in previous assessments. It's kind of a chicken and an egg argument that we were getting back to. When you do your assessment, we usually do from beginning to end, where the steepness comes out of the model and it carries forward through the end and generally that takes into projections as well.

The issues of proxies are usually discussed after the fact as what's the best estimators to put forward and so it was kind of -- We go through these steps and we have the projections and this is the proxy value we're going to use. What happened in this particular case is we decided a proxy and then the proxy, in turn, dictated what we were estimating to be this relationship within the fishery. It was actually saying that within the years that we've observed it, we had this estimated steepness or this problem with steepness, where we're hitting an upper bound, but because we're choosing a proxy, now it's okay for us to change that value.

With that, because it also caused that dramatic shift, how do you interpret that? As John pointed out with his paper, it's indicating a recruitment failure and so it's an imposed recruitment failure. It's not necessarily one that you've projected for. It's because you have a proxy and you set your steepness. It's not your steepness and then determining the values that you use. You're letting your value that you've picked for management determine what your steepness is, which affects the outcomes on the front-end. Does that make sense?

Mr. Robson: Sort of. I don't know if the other council members are way ahead of me on all this, but I think we need to understand this very clearly. There's a lot of technical details, but I think we're going to need to have some more basic understanding of what this means and even getting back as far as a council determination that we're going to allow, in place of an FMSY value, that we accept the fact that there's going to be a proxy, but where did the 40 percent -- Where in the process did that get determined to be the proxy for FMSY and how does that affect actually setting a target or a goal, which the council would be doing?

There was a lot of discussion about how consistent an F40 percent is relative to other values that had been either in the past assessment or in the Gulf of Mexico. Yet, we're still hanging on to that F40 percent and I'm just trying to understand why the SSC continued to do that.

Dr. Belcher: That was the argument that pretty much existed strongly between two members of the committee and a lot of that is independent literature. It has supported the use of 40 percent over 30 percent and the fact that our current paradigm has been to use F30 percent, the question is do you hold on to that because that's what we've used in the past or because we actually have new data or new literature and scientific process that shows that F40 percent is probably a better proxy for that? That came out of the review panel.

Seeing that there's reports relative to that as far as published papers and such that support the use of that, for us it was difficult to counter between those two arguments. Do you argue for

consistency and the current management benchmark or in light of new evidence, do you actually shift towards a more conservative benchmark? That was where we were leaning towards the F of 40 percent that came out of the review. Again, that was out of the review.

Mr. Robson: By deciding on that 40 percent, then you have the discrepancy with the FMSY 40 percent SPR with the steepness issue and so how do you reconcile that from a biological perspective?

Dr. Belcher: That came down to, again, the uncertainty around that steepness value. We kept hitting this upper bound and so it's not giving us any better indication that 68 percent is any more correct as well and yes, there is that disconnect, but even at F30 percent, I don't think you would have had that value, because 0.95 doesn't correspond to an F of 30 percent. That disconnect has been there, but -- Like I said, to me, the understanding is that as this steepness is estimated, it's estimated from data that's within the model and the model pretty much carries that forward.

I've never -- I can't recall and I don't know if anybody here with a longer institutional memory can, show where projections have actually been adjusted because there's been a change in the proxy value. Again, because there's a corresponding steepness to that proxy, you just adjust your steepness to shift the projections to a different level. It was more, again, the consistency of you estimated it within the model and you carried it forward through the model and this was more of an after adjustment. Had it been a different situation, would we have done a similar adjustment? I don't know that I've ever seen a precedent where we've done that before.

Dr. Crabtree: I think, Carolyn, what some of the council members are concerned about is was this a call made to be more conservative or less conservative or is the issue here that this is the SPR that you think is the best approximation of FMSY or the fishing mortality rate that would maximize yield?

Some of the complication of it is when you actually estimate FMSY, at that high steepness level; it's a value closer to 30 percent. I think that's what is -- I think that is what is causing the discomfort among some, is was this a decision made to be more conservative, because I think a lot of people would feel that's a policy call that the council ought to make, or is this a decision just based on the science indicates that this is the best approximation of MSY? I think that's really the issue that you probably need to address.

Dr. Belcher: Then that issue would be the latter, that it's a scientific call that that tends to be a better proxy. It's supported through literature and so we were comfortable with that decision, if that's the specific question. Yes, it's a scientific basis for that change.

Ms. Shipman: You may have said this, Carolyn. At the end of the day, when you all have finally arrived at that recommendation for the F40 percent, was that a consensus recommendation? You may have said it and I couldn't remember or was there still quite a split within the SSC?

I share your mental pain, Mark. I sat there for an hour-and-a-half and felt like I was sitting in a Greek lesson of the debate between the 30 percent, the 40 percent, the steepness, how things

adjusted and what that would do to the projections forward and the recruitment and so on and so forth.

Dr. Belcher: That's exactly what the debate was and I don't know that we ever reached -- I know we didn't reach a consensus on it, but it's the issue of just as you're asking, is this a management and policy decision or is this something that we should be looking at the science to determine?

Again, with the current literature that was out there, we were sound in what the recommendation was. It wasn't an arbitrary choice to use 40 percent. There was scientific literature to support the use of that number and so the main debate was exactly you're right. Is that our decision to make based on science or is that something that the policy should be making that call on? The argument was for either being consistent with policy, but on the other hand, in looking at best available science and wanting to hear our opinions relative to that. That's what we're giving you forward, is that proxy as well.

I guess that's the main thing, is how do you best reconcile that? That reconciliation was not between us, but we still felt that that number could be put forward as a proxy, based on the science that was in front of us.

Mr. Harris: Carolyn, tell us what steepness means.

Dr. Belcher: Steepness is from the stock recruit relationship and it's the ascending -- I'm trying to think how to verbalize it and not show it. The Beverton-Holt relationships that we use in a lot of these models basically show an asymptotic line. It's a curvilinear line and so it's a curve and you have the front branch is ascending and it flattops. As you have increasing spawners, you eventually have a cap on recruitment.

The steepness is how quick you reach that asymptote. With the steepness close to one, it's almost a straight up and down line and you hit the asymptote. When it has a lower number, it's more of a lazy curve that kind of comes up and then asymptotes further out. The lower that number is, the longer it takes to reach your asymptote.

Mr. Currin: I guess in practical sense, what that means is that when the line is very vertical, it goes straight up very quickly, that there's not a good relationship between the size of the stock and the number of recruits that you would predict. It's just all over the map. The plot looks like you shot it with a shotgun.

Dr. Belcher: Basically, what the model says is if you were to try to use a prediction level -- If you have low numbers, you get a set number. If you have high numbers, you get a set number. There's other things besides that adults and young that determine that relationship, whether it's environmentally driven or habitat availability. There's something that caps that level. You don't get this linear relationship where if you have a million adults you'll have a million offspring. That doesn't necessarily happen. There's something that truncates that over time.

Mr. Waugh: Carolyn, will you all's final report include some of these numbers, like what's the

current F ratio, the biomass ratio, what is the numerical estimate for the F40 percent proxy?

Dr. Belcher: No, we did not have that in the report. I think that was just because we had not discussed those numbers. We didn't assert any numbers forward and so --

Mr. Waugh: I'm a little concerned here of how do we progress forward from here? What do we use as the -- What are the F ratios and what are the biomass ratios for red snapper now?

Dr. Belcher: This is, unfortunately, a peep into Amendment 17. You're kind of, unfortunately, in that situation with not just red snapper at the current moment.

Mr. Currin: Other questions?

Mr. Robson: Again, I want to make sure that we all have an opportunity to try to understand this and so getting back to the steepness question, how does the higher steepness estimate affect the projection of the productivity of the stock versus a lower steepness?

Dr. Belcher: I know that the biggest difference is the perceived recruitment failure that occurs in the early part of the projection for the recruits, with the 0.68. It drops it. With 0.95, it continues on with the general trend that you've seen, again, relative to the data that were inputted into the model. It's consistent relative to what that trend is coming out of that.

That's where, again, it's how do you interpret -- It's not necessarily that you would expect a recruitment failure with your projections, but it's almost like rescaling your recruitment relative to a whole different relationship.

Mr. Robson: The follow-up then is does what we see with the red snapper stock in the water, where you appear to have some continuing level of reproductive output and recruitment in young fish and no older fish, or very few older fish, does that tend to reflect more of what you would expect with a high steepness?

Dr. Belcher: My understanding is yes. From what the arguments were, I believe that the higher steepness was more related to what you would expect with red snapper.

Mr. Robson: In terms of what we think we see in the age structure and the continued reproductive output, even at a very low biomass?

Dr. Belcher: Yes, I'm just recalling what the argument was. John, I'm trying to recall the argument about the steepness factors and related to red snapper. 0.95 was more reflective of red snapper than 0.68 and is that correct, relative to the argument that was going on? I wish I had thought to bring Luiz down, because Luiz was pretty much involved in this debate.

Mr. Carmichael: That was actually part of the debate, as to whether or not you can draw generalizations about steepness based on an individual species life history and behavior and reproductive characteristics or whether steepness often reflects a large part of the environment that the species lives in and other things that are going on as well.

That was a core area of debate between groups of the SSC and I think most likely the moderates in the middle probably believe that it's a little bit of both. There certainly is an influence of species biology affecting that steepness, but there's also a large influence of environmental conditions reflecting the steepness that you observe and ultimately end up estimating.

My take-home message from the high steepness on red snapper is that it's probably and very much largely a reflection of a species that can live to be age fifty, but most of which are well below the age of ten. It's maturing at a very low age, which a lot of people believe could simply be a reflection of the long history of exploitation that it has suffered, and that what you're seeing now is the high steepness that you observe, because it's implying that environmental conditions are having as much influence, if not more, than the number of adult fish.

You're observing that because you have this stock without a lot of old fish, without a lot of buffering capacity, and it's kind of at the whim of whatever environmental conditions happen to be out there and I think if we look at species that we've seen go from this stage to a more abundant number of adult fish and the ability to withstand a bad environmental year and still give you a certain number of fish, I think we've seen that our impression of how stock recruitment relationships really are tends to change as we see the stock with a large number of fish and I think that's where the SSC is kind of hung.

To try and draw generalizations about steepness from one fish to another from the same species in a different body of water and from a similar species in the same body of water, they tend to not really hold a lot of insight to the scientists, because every estimate tends to be a little bit different.

They really didn't want to hang their hat on saying this steepness fits in with another and another key fact in the steepness that was estimated for red snapper, and this was pointed out by people who are intimately knowledgeable about this model, is the fact that it wasn't just high. It was at a bound.

The bound in the model was 0.95 and the comment was made that in simulation studies they found that first of all when the steepness estimate in these models tends to hit a bound, it tends to hit the higher bound, for some unknown reason. Simulations showing even a model that should have a steepness that's much lower, if it draws to a bound, it tends to draw to the higher bound and the fact that you cannot infer anything from it hitting a higher bound versus a lower bound.

If it were to hit the lower bound at 0.25, you can't infer the steepness was lower, anymore than you can infer a steepness is high because it hit the higher bound. There was many, many significant points made in this discussion of steepness and I think where the SSC left it is saying we have the estimate and we need to use that for short term. By using this high steepness for the short term, you're very much getting kind of an average recruitment in your projections over the short term. That's as much as they could say and they're uncertain as to what it really means with regard to MSY and ultimate productivity of the stock. I hope that makes sense, though it was rather longwinded.

Ms. Shipman: I thought I knew my question until John just elaborated on that. One of the things

that I thought I heard in there, and correct me if I'm wrong, had to do with depending on, I guess, the percent MSY that you're going to use as a proxy or the FMSY, what that did to your rebuilding projection in terms of your years. Is that correct?

Mr. Carmichael: The 40 percent say versus another percentage?

Ms. Shipman: Yes and then overlaying that against the steepness and then what that meant in terms of what your projections were for your rebuilding time. Did I miss something there?

Mr. Carmichael: There was a lot of discussion about that and that was part of one of the reasons why when they went to the 40 percent SPR, as recommended by the review panel, the steepness was changed. By doing that, it ensures that you get the right yield out of the right number of adult fish with the right adult fish age composition occurring at the right point in time.

There's sort of this link that if you say -- If you estimate MSY and run through, you get one thing, but if you come back and say we're going to use this for MSY, you need to apply upon that population some constraints that make it produce that yield from the stock size you expect at 40 percent SPR and have that yield be taken from the right age composition of a stock that's at 40 percent SPR.

Otherwise, you end up with kind of this separation between your stock and its age composition when it's rebuilt and what you're actually removing. It's a very fine, subtle technical distinction which puts you in -- What it came down to in deciding this is are you worried about matching up there, which in the case of red snapper, what the review panel said is the rebuilding time is on the order of decades.

We're balancing being exactly precise with our age composition and our yield decades from now, versus reflecting accurately what's going to happen in recruitment two years from now. They did discuss all of that stuff. Your memory is correct.

Dr. Chevront: In these measures of steepness that come out of these models, do we ever get any kind of measure of uncertainty we are with these estimates? Related to that, do we have measures of confidence or power related to any of this? My guess is that if we don't have it, my feeling is that, just from hearing all the discussion is that the certainty level sounds pretty low. I would like to know if we have some kind of a statistical measure that tells us how good this is.

Mr. Carmichael: You have measures of uncertainty because steepness is estimated in every run. You have it in the sensitivity runs, the many of the sensitivity runs that they did. You don't necessarily have a true confidence interval around it, because of the difficulties in calculating confidence intervals and these non-linear iteratively solved weighted models that we use. Traditional methods of doing confidence intervals aren't applicable, but you do have a range of steepness estimates and I think it's the uncertainty in that steepness, coupled with the uncertainty between the steepness you observe today, given the stock status today, versus the inherent steepness of this population that it would exhibit if it were at a higher adult biomass.

It is one of the greatest uncertainties that we're having to deal with, at least for the short term. I

know the council has to deal with both short-term next year management and fill in some blanks for long term and the SSC is in that same box with you.

Dr. Chevront: I guess to refine the question a little bit, and I understand that we can't get a confidence interval, but a very crude measure of uncertainty is that range of the highest and the lowest measures of steepness, understanding that the highest level actually hit the upper bound. Compared to other kinds of assessments of this type, and realizing we can't get a true measure of the upper bound, how does the range for the steepness of this model compare to other models? I'm trying to get a feeling for how much can we trust this and how much really are we uncertain about what's going on here?

Mr. Carmichael: From what I recall, the range was fairly comparable and that's saying that in most cases the range of steepness you can create, when you start tweaking things and doing sensitivities, is typically quite great. You can easily, by changing minor things, get a model that says it's all about the number of adult fish and you can get a model that says it's something completely different going on and that's just -- Unfortunately, stock recruitment relationships are the most difficult thing to estimate and they're critical to estimating MSY and that's just a core problem that we're facing. What we're seeing over time is review panels are becoming a lot more critical and not necessarily accepting leaving that as an unknown, this long-term productivity.

Mr. Boyles: Just real quickly -- I'm lost, but is it safe to say that higher steepness estimates suggest that our efforts to protect spawners will have a smaller effect on recruits? Do I have that correct?

Mr. Carmichael: Not necessarily. I think it's safer to say that the higher steepness tends to tell you that you really don't know, because you haven't observed this population with a high number of spawners. One of the best examples of how this has played out has been in Atlantic striped bass and I see Vince nodding his head, because he knows how this played out.

When the striped bass population started recovering and had a low number of spawning fish and you thought the stock recruitment looked one way, what's happened over time is the ASMFC had the flexibility to say we'll end overfishing and we'll proceed, but we'll not pretend that we really know where MSY is and let's see where it goes and you've seen the population age structure expand and you've seen the number of recruits going up. That one seems to have this knack for every couple of years, people think it's settled down and you're seeing the asymptotic recruits and the long-term average you're going to get and that sucker comes along and hits another wall-banger year class.

What challenged it was you've got one of those greatest year classes, one of the lowest spawning stock sizes, and that's the year class that kicked that thing into fast recovery. A really small number of fish -- You guys know enough biology to know how many eggs a fish can have.

It can tell a handful of fish getting absolutely perfect conditions to give you what would be your long-term average recruitment out of a perfect year. What it really tells us is we don't know, but it's a high steepness and so that says that's going right up and we're just sort of getting this

average. If it's a low steepness, think of it being like a forty-five-degree line between stock and recruitment.

Mr. Currin: I think one thing that might help conceptualize this a little bit is if you think back to the wonderful graphics that George Sedberry showed us earlier today and what happens with those drifters? Well, that could be some good indication of what might happen to eggs and larvae.

If you remember the first plot he showed, with stuff all over the map, a few of those drifters came back and came back to the same place. In actuality, that's what happens with the eggs and larvae and every year the conditions aren't right to send them over a reef or rock or wreck or whatever that's going to increase their survival, but, fortunately, it does happen periodically.

Dr. Crabtree: This is very similar to the discussions we've had in the Gulf of Mexico about red snapper for probably ten to fifteen years. The Gulf assessments for a decade or more have all estimated very high steepness and there has been great uncertainty about what you rebuild to and what is MSY.

In this stock, there is a great deal of uncertainty about what the rebuilding target is and what MSY is and it's very sensitive, I think, to those early year landings, particularly those recreational landings, and it's going to be sensitive to the steepness value as well, but what I don't think there's much uncertainty to is that we are overfishing by a great deal and the stock is badly depleted.

Regardless of what you think the steepness is and regardless of whether you had a reference point of 30 percent SPR or 40 percent SPR, you still have a very large reduction in fishing mortality that's required and when you do that, the expectation is that the stock is going to grow and because you have a high steepness, it's probably going to go pretty rapidly, because you have high recruitment.

Once you see larger stock sizes, you should be able to start seeing some spread in the stock recruitment relationships and contrast, because one of the problems we've always had with red snapper, all of our observations are all at very low stock sizes and that's why we can't estimate it. We've never seen a big stock and we don't know what it will do and that's the same problem we've had in the Gulf.

My impression on this is there is quite a bit of uncertainty, but it's only uncertainty in where we're going to end up thirty or forty years down the road. In terms of what needs to be done right now, I think there's very little uncertainty. We need some substantial reductions in fishing mortality and we're just going to have to figure out how then do we handle a rebuilding plan when we have a great deal of uncertainty.

One thing I do think I believe the SSC discussed -- In the Gulf of Mexico assessment, the rebuilding target was a 26 percent SPR and that was chosen in the Gulf because that was the SPR that maximized yields that came out of that model configuration and I think there was discussion of that at the SSC meeting and could you give us some of your rationale as to why the

assessments are different in the Gulf and the South Atlantic? We are undoubtedly going to be asked that question along the way and I think we need to be able to give a good response.

Dr. Barbieri: First of all -- I apologize for getting here a little late, but we're still running the business upstairs. I want to explain some of the discussions and my concerns the other day during our review of the red snapper addendum. I think that part of the process that several of us view, if not all of us in the SSC, is that to give you strong, solid advice, we need to play a key role in discussing all the potential sources of uncertainty that might be embedded in an assessment and that we need to evaluate very carefully recommendations and analysis that come out of the SEDAR review workshops, to make sure that we have ample discussion.

When we accept or endorse one of the assessments, before it comes before you, it's something that we are confident in endorsing and that we have discussed most of the potential issues or problems and we can address them fully or the best way that we can, but that we have ample scientific discussion, especially when something comes out a little bit different than the way that we have handled it in the past.

I don't want my extensive discussion on the steepness the other day to detract from the fact that the SSC, through our formal process, really accepted the values as presented in the addendum and that we endorse all of the analysis that was conducted by the Center. We just wanted to make sure that we had ample discussion of the issues and evaluated all the topics as fully as possible.

Now, to your question directly, this is an issue that we wanted to be able to incorporate, the biology of red snapper throughout its entire range, and kind of be able to align some of the decisions that had been made for red snapper in the Gulf with red snapper in the South Atlantic.

Those are two different stocks and selectivities especially in these fisheries are very different and therefore, the fisheries -- There is justification for handling model parameters differently and so that's why at the end of the discussion I feel comfortable that we have an assessment that's solid and that the addendum or the results, the assessment results, and projections that came out of the addendum are reliable.

Mr. Currin: Thank you, Luiz.

Mr. Harris: I asked this question at the meeting in June and I want to get it on the record again, because I think it's an important question and the answer to it is very important. We've all received hundreds of letters from fishermen saying that they're seeing the largest populations of red snapper that they can ever remember and given what I've seen and the fishermen that I've talked to from Georgia and the picture that you received from Steve Amick, there's no doubt that's true.

The question is when the fishermen are seeing those numbers of fish and when we read the original red snapper report and we saw that we had tremendous recruitment in two years, 1998 and 1999, but yet there doesn't seem to be a lot following those years as far as recruitment is concerned, can those two years of high recruitment be responsible for the numbers of fish that

the fishermen are seeing today? I'll throw it out to any of you to answer that.

Mr. Carmichael: Yes, I think certainly if you look at the far right-hand side of the plots of red snapper, you can see a pretty steady increase in the numbers of old fish and the population abundance since you put in that size limit. What we've seen in looking closer at those fish is realizing that those fish are below the size limit and the anecdotal evidence of the fishermen and the testimony is that there's no problem with red snapper because they're just all -- They're just small fish and they just don't see that many bigger ones.

I think what that reflects in terms of the assessment is they reach the size limit and they get captured rapidly. Very many of them don't have the opportunity to reach the smaller sizes and so when I think about recruitment -- It sounds like, from what fishermen have said lately, is that there seems to be a fairly good number of smaller fish out there now and so I don't know that it's a fear that there's nothing coming behind those big year classes, but you can look at their different records.

Steve provided me a number of detailed records from his about the fish that are kept and the fish that are discarded and the ones that are above the size limit and kept and discarded versus below and you can look at those records from one individual person, who, granted, has a lot of effort in a pretty limited area, but you can see those year classes move in and show up as a lot of discards, show up as a big abundance of harvestable size fish over a number of years, and then see them go away.

You can see the discards increase in one individual's records and you can see it in the fishery as a whole, because I compared that back to what the headboat total fishery reports. You do see those year classes coming in and so the suggestions now is that there is another year class coming in there and we could probably see that later on next year, when the final data come in. You can look at those kind of things.

I think a lot of the anecdotal evidence does seem to match, if you look within a very narrow range of the recent years. Whether or not there is something good coming on again kind of seems to be something worth looking into. There may be something coming.

Mr. Harris: Isn't it also true and I believe I read this, that a certain size red snapper could be a myriad of different ages. In other words, all red snapper that are twenty inches long are not the same age. They could be a lot of different ages and is that true as well?

Mr. Carmichael: Yes and that's just exactly right. That's a common feature of a lot of these fish and it's why it makes just drawing inference from length such a difficult proposition. You need those ages and that's why I think you do occasionally see a twelve, fourteen, fifteen-year-old fish show up, because you might be seeing a slow-growing fish.

You might see a fifteen-year-old fish that's relatively short for his age and then you might see them catching very young fish that have already reached that twenty-inch size limit. It's a common thing in the snapper grouper and it just makes it more difficult to understand what's really going on and it kind of masks those year class strengths. It makes the age sample so much

more important. It also means that we've got to have age samples. We've got to have those fish coming in to track this population.

Mr. Wallace: What would be the disparity in size? Would it be a fifteen-year-old fish could be twenty-five inches on the large size and fifteen on the short side or can it be ten inches and twenty-five inches or what is the -- What would be the range of sizes that you're talking about?

Mr. Carmichael: I don't know off the top of my head. I would have to look back at it. As I recall, the way that Steve had shown stuff and broken it out, it gave a pretty good break at around age ten or twelve. I can't remember what size limit he had that matched up with the growth models showing that it was a pretty good assumption to be a ten or twelve-year-old fish. I just don't remember exact numbers without going back and looking at it.

Mr. Wallace: You said on the large side eighteen and on the short side twelve and did I --

Mr. Carmichael: No, I don't think so. I said I don't really exactly recall. I remember the way he had some fish broken out, you could sort of look at a group of fish and make a pretty good assumption that those are probably the ten-plus fish, based on the way he had presented size classifications. I don't remember the age/size numbers exactly. I would have to go and look at what they were.

Mr. Currin: John, I just asked Luiz for confirmation and there is a length/age regression, a plot, in the assessment that will show you a range of ages for the certain size. It's available, but I can't help you right now with it though.

Dr. Crabtree: Back to the Gulf/South Atlantic differences, one of the explanations that you brought up and I've asked the Center about this too, is the difference in the selectivities. As I understand it and, John, tell me if I'm right about this, but I believe in the Gulf assessment they used dome-shaped selectivity curves and in the South Atlantic assessment, they used flattop selectivity curves and am I right about that? That's how I remember it.

Mr. Carmichael: I believe you are right about that, at least in the commercial and the hook and line.

Dr. Crabtree: One of the reasons in the Gulf that that's the case is there's this idea that the larger red snapper move off as they get older into different areas and become more solitary and they move out on more mud bottom and they're not as vulnerable to the fishery. I have gotten some email traffic from folks and met with some folks about red snapper who have made the same contention, that when the fish get really big they move into different areas and they're not the areas where folks generally fish and so the vulnerability to the fishery goes down somewhat.

I wonder, were there any -- I don't think there was, but was there any discussion about doing any sorts of sensitivity runs to look at using a dome-shaped selectivity versus a flattop or was there any discussion -- I know we have a much larger size limit in the South Atlantic and so they're much larger when they become vulnerable to the fishery to begin with and so you may see less change, but was that discussed at all and is that something that we ought to ask the Center to take

a look at, in you folks' view?

Mr. Carmichael: It was discussed during the assessments and I spoke with Erik about this and my understanding is they ran sensitivities allowing that to be estimated and it estimated toward flattop selectivity and the thought is that with the preponderance of fish being, as you said, the higher size limit, there's more fish in lower ages.

They think they're maybe just not seeing it at this time, whereas as the population recovers and we see more older fish out there and the ability to encounter and capture more older fish, that may start to become a factor, but the impression I got from those who are working on the assessment was there's not enough of those old fish right now to make that call.

Mr. Robson: I had my hand up a while back and then Duane zeroed in on kind of where I was heading and that was to -- What I think I'm hearing is that the assessment and the modeling results are not inconsistent -- I'm asking the scientists, but they don't appear to be necessarily inconsistent with what fishermen anecdotally are seeing, in terms of large numbers of young, very productive year classes coming into the fishery, that that's possible, given either early maturity or some unique characteristic of their reproductive capabilities in spite of a very truncated age structure.

I guess what I'm asking is because of all the things that we're hearing from fishermen about the huge numbers of fish that they're seeing recently and in looking at the assessment, some of the recent years somewhat of an improvement in the stock biomass, does all that square up with what the model and the assessment results tell us?

Dr. Barbieri: Yes. The short answer is yes, Mark. To go beyond that, I'm happy that after having all the discussion that we had the other day and discussing management benchmarks and steepness values that we ended up with a set of steepness values for the assessment part of the model and the estimation for projections that's a bit higher. Originally, it had been in the assessment, the original assessment, and I think that better reflects this episodic nature of this fishery, with pulses. That's what we call periodic strategies that will have these pulses of episodic recruitment from time to time that will drive strong year classes through the fishery.

In that case, even though now the stock is a very small biomass and undergoing a heavy level of overfishing, especially around the center of abundance, because of these strong year classes coming through the fishery, you will see a higher number of fish, a higher abundance of fish, that's driven by these strong year classes. To me, this really reflects the model results. They show some improvement in the population over the past few years and this episodic nature of year class strength variability.

Mr. Geiger: I, like Roy, and based on conversations with Dr. Crabtree on Sunday, had a question and I felt it was fascinating and somewhat concerning when you have fish in the Gulf and fish in the South Atlantic that seemingly have the same life history and same biology that you have this disparate evaluation as a result of the stock assessment.

I asked pointed questions of Erik Williams and another very respected scientist and much like

the economic solutions that are out there, they had different opinions in regard to what it meant and how you could evaluate that. John touched on it, that they're different stocks and they're in different geographic regions and there are different environmental factors at play.

Erik Williams went on, among other things, to talk about that they occur in proximity closer to shore in the Gulf of Mexico than they do in the South Atlantic. The selectivity of the fisheries are totally different. The effects of bycatch of juveniles in the shrimp trawl fishery that have had impacts and there's a tremendous difference, possibly, in natural mortality as a result of all the oil structures, artificial rigs and artificial reefs that are in the Gulf of Mexico, that provide different habitats.

He went on and on with several others that I can't recall right off the top of my head, but it was, in fact, interesting and in talking to another scientist, he felt that the biological aspects of the fishery should be taken more in context and there is a similarity between the two stocks.

There's honest disagreement, but what I take from it is we have a recommendation from our SSC and that's a group of scientists who come to either a vote or come to a decision as a body and they make that recommendation to us and that's much more comfortable than just taking input from one individual, because obviously there are very many different opinions.

Mr. Harris: There's a table on page 15 of the red snapper addendum and I have to turn my computer sideways to read it, but I'm looking at the ages from one to twenty for red snapper from a variety of different capture methods, headboat and commercial hook and line and commercial hand line, et cetera. Age one fish, ten inches and age two, fifteen inches. Age three is nineteen inches and age four is twenty-three inches. Age five is twenty-five inches and age six is twenty-seven inches. Once you get to a seven-year-old fish up to a twenty-year-old fish, they range from thirty to thirty-five inches and so there's a fish that's that old that can be -- Those fish in that seven to twenty-year-old range can be virtually the same size.

Mr. Currin: I think it's important to keep in mind that those are average values as well and that there's uncertainty or variation around those values and within a given size range or age range, their size could vary I don't know how much, but it's estimated.

Ms. Williams: I guess my question is to Luiz. I listened to quite a bit of the conversation and I've probably got four or five pages written here and I know I've written down here that Luiz wanted to give the council both 30 and 40 percent benchmark and let them decide and then there was some talk a little later on -- I won't go through all the steepness in the Gulf, but I thought the SSC actually made a motion and I thought they said Alternative -- First, they said Alternative 2 and 5 are consistent with the past and Alternative 2 was what the SSC went with and they referred to something as a steepness value of 0.95 and I didn't hear anymore about the 30 or the 40. What did you actually in the end decide on?

Dr. Barbieri: What we decided to go with is Option 2 there, which is a steepness of 0.95, both for the assessment part, the model runs, as well as the projection part, and after all the discussion, we decided to stick with an F40 percent SPR as the benchmark value and this should be reflected in the SSC report that you received.

Ms. Williams: What I was wondering was what were the discussions that changed your mind to go with the 40 over the 30? Was it because it was more conservative or were there other reasons?

Dr. Barbieri: 40 percent SPR is definitely a more conservative benchmark, but I think the point here, at least at that level, the SSC discussion, was which one of those proxies' best reflect FMSY? The idea, in that exercise, is to really come up with a good proxy. Since we had uncertainties in estimating FMSY, which one of the proxies' best reflect FMSY and after all the discussion -- Yes, I wanted to discuss the issue of an F30 percent SPR. My main concern was the association between F40 percent fixing a steepness value that I thought was too low to reflect the productivity of that stock. That issue got handled by us choosing Option 2 and going with the 0.95 steepness. At that point, I was comfortable in accepting the F40 percent SPR.

Mr. Currin: Any other questions for Carolyn or Luiz while he's here, and we appreciate having both of them, regarding the red snapper addendum? Keep in mind we're going to have discussion of this later and so we want to make sure all your questions are asked and answers are received and everybody is as clear as they possibly can be while we've got them in here.

Mr. Robson: This may be for later discussion, but my question now is where do we go with the red snapper plan in terms of a rebuilding plan and schedule and is it -- I guess that's a discussion we can have later. I don't necessarily have a specific question for the SSC members.

Mr. Currin: That will be for later and I'm not sure I could answer it now or later, but we'll see.

Dr. Crabtree: Did you guys come up with ABCs or we're still awaiting the completed projections and those kinds of things?

Dr. Belcher: We have numbers. Given what happened with Amendment 17, we have empty boxes for everything. There is nothing filled, with the exception of snowy and warsaw, which we left at zero.

Dr. Barbieri: Just to add something to that point is that this is part of what you're doing today, this afternoon. We're beginning to develop a framework. We want to develop a tiered framework for coming up with our recommendations, sort of a decision rule, developing a decision rule on having objective criteria then for making our recommendations and we have the intent of being able to complete this at this upcoming meeting in March.

Mr. Robson: One last question that maybe the SSC members can help me with. We have been hearing from folks in Florida regarding their concern about the red snapper assessment and the issue was, and I think Luiz is familiar with this, the issue of looking at historical biomass estimations for the population and to what extent that drives our establishment of a minimum stock size goal that we want to achieve.

The concern was that you're never going to be able to get back to that biomass level that you might have had in the 1940s or 1950s or 1960s and that that really shouldn't be a factor in setting

-- You can't use that as your goal to establish a minimum biomass or a minimum spawning stock threshold. I guess I'm trying to understand what things we need to plug in when we look at a rebuilding plan and what goal we want to achieve for a rebuilt spawning stock.

Dr. Barbieri: Briefly, the bottom line is neither the rebuilding plan nor the benchmarks are actually focused on that historical level of abundance when the fishery just started in the 1940s and 1950s. What was presented there and in the model results is actually going through the initial phase of the fishery, just so you have a starting point for your projection forward model, but the benchmarks that you're actually rebuilding towards -- You're talking about FMSY and so you're using benchmarks that are determined by the council and don't really have anything to do with that original biomass in the beginning of the model runs.

Dr. Crabtree: I agree with what Luiz is saying, but just as a real world example, because I hear this quite often, that we could never rebuild back to where we were, because things have changed. Look at goliath grouper. That is a stock that is very dependent on inshore areas as nursery grounds for juveniles and so it's certainly been affected much more by habitat changes and things like that than red snapper ever would be and we have rebuilt that stock at this point to abundance levels that I think exceed what a great many of these same folks making that argument would have ever thought was possible.

I think when you look at the reality of things -- I don't buy the argument that you can't rebuild these stocks back to those very high levels of the past. From what I can see with many of these offshore species, you can rebuild them to surprisingly high levels and we've heard this with scallops and all sorts of species all over the country, that you can never rebuild them to that. Then when you do it, you find out that you can.

Mr. Iarocci: More of comment. Luiz and Carolyn and John, it's always a pleasure to hear you, because you take it down to my level. Even I can understand some of this stuff and when you talk about the pulses of red snapper and anecdotal information and some of the fishermen are in the room right now and there were a lot of them the other night and I wish -- A lot of things they're saying, you're saying the same exact thing, but how do you get that disconnect back to the table? I think Carolyn and Luiz should go to Mayport and Savannah and maybe meet with the fishermen, like Roy did the other night, and sit down and have a roundtable discussion, which would be fantastic.

That will never happen, but how do we get everybody that's telling us -- You look at pictures like this and there's people in the room that are telling me, Tony, they're all sizes. There's more fish than we've ever, ever seen or ever caught. We're trying to get people to buy into this concept of what we're doing to try to preserve this stock, but if they don't believe this -- You've got some credible issues here and I'm asking you guys, the SSC members, at this level -- How do we get your level to be understood down at the fishermen's level, where they buy into this process? How do we do that?

Dr. Barbieri: I will answer that, because to me, the answer is John Carmichael. I apologize to John, but it's really a compliment, because I think John has a really rare ability to present things in a way and synthesize things in a way that's very understandable. He's incredibly

knowledgeable and it's a major -- I'm a new member to the South Atlantic Council's SSC and I have to say it is a pleasure.

One of the pleasures of working with this SSC is having John as part of the scientific staff and being able to work with him, because he really does make things a lot easier and more understandable for everybody, including us.

Mr. Currin: In fact, Tony, the fishermen will have an opportunity. Under the new format we've got for scoping and public hearing, I believe John or someone from the SEDAR section of the council has been attending every one of those and there's opportunities for people to come in before they provide comments to the council and to sit there and have questions answered. John, I agree with Luiz. I couldn't agree with him more, that John has a unique gift of being able to translate the science to a level that's understandable by virtually anyone.

Mr. Carmichael: This is complicated and people don't pick it up in a half hour and the best way we've found for getting this to people is having them come and participate in these SEDAR workshops. We've talked about doing them faster and doing more and the expense, but the bottom line is if we can get our hands on a fisherman for a week and have him in there, then they can go out of there with a lot better understanding.

This stuff is too complicated to expect people to grasp in an hour, even an hour, much less the five or ten minutes a lot of times you get to talk to people. It takes a lot of time and getting them into these workshops and getting them to be able to come to council meetings and sit in SSC and have the time is where you really get through.

Mr. Iarocci: Luiz, I totally agree with what you said about John. It's great and not only John and Kim as a team when she puts stuff in print. It's fishermen friendly and fishermen understand it and we've had the scoping in the Keys and most of the guys did come to the scoping and they listened to some of the stuff, but they just sat out in the hall and griped through the whole thing and weren't a part of it and didn't understand and that's what I'm trying to figure out, is how do we get that? There is a disconnect even at those scopings and so hopefully we'll be able to fix that this next round.

Mr. O'Shea: We've had at the commission some workshops for our commissioners put on by our stock assessment staff, little forty-five-minute things. If you can't get a fisherman for a week to sit through the SEDAR process, one of the other options is some of these basic level stock assessment presentations for an hour or so on the shoulders of your meetings.

Mr. Currin: Thank you, Vince. Last opportunity for questions of Luiz or Carolyn on the red snapper addendum and the analysis by the SSC. I see none and we'll move on, finally.

Dr. Belcher: The next portion is our report relative to the vermilion snapper assessment. In its report, the review panel supports the estimates from the assessment workshop base model. The SSC discussed the review panel's conclusions and agreed that the base run was based on the best available science.

As a result, the stock was not overfished, but was experiencing overfishing in 2007. However,

the overfishing conclusion is highly uncertain, due to a lack of robustness to key model assumptions. The SSC noted that the review panel concluded that, and this is a direct quote from that report, “the methods used to characterize uncertainty were not considered entirely appropriate by the panel. However, some guidance on the level of uncertainty can be obtained from the confidence intervals in the assessment workshop base model, as well as the ranges of estimates from sensitivity runs.” We have citations relative to what tables to look at.

These results are likely to underestimate the true level of uncertainty. This is despite the fact the review panel states that they support the estimates from the assessment workshop base model, including -- I hate that I have to reference tables, because I don't even have them here, but from the assessment workshop, which gave a range of ABC depending on the level of risk management that the council wishes to adopt. In your ranges of 0.15 to 0.5 and Luiz can correct me on this, but those values were provided relative to -- You know your risk of overfishing under those conditions.

The majority of the SSC's discussion focused on the fit of the spawner recruit curve, in particular the estimate of steepness, no surprise, and on the appropriateness of F40 versus F30 as a proxy for FMSY. The value of the steepness parameter in the stock recruit curve was estimated at the boundary of allowable values, indicating that the parameter, and therefore the stock recruit curve, was not estimable.

The solution to this problem was to fix steepness at the value that coincides with the assumption that F40 percent equals FMSY. The SSC questioned whether this was the best solution to the problem and encouraged the assessment team to explore a range of alternative solutions to the problem in the future. In addition to the general approach of fixing steepness, concern was voiced over the assumption that F40 was the best proxy for FMSY.

The consensus of the SSC was that F40 was an appropriate proxy for FMSY, based on Williams and Shertzer 2003 and scientific literature therein. The motion that we made was we moved that the South Atlantic vermilion snapper assessment be accepted as best available science and that the SSC supports comments made by the review panel with regards to the large degree of uncertainty as to whether the stock is currently experiencing overfishing. That's the end of that report.

Mr. Currin: Questions for Carolyn on the vermilion age based assessment?

Mr. Robson: I would like to ask Carolyn or someone from the SSC, could you kind of break down for us what it means when you say that there was uncertainty due to a lack of robustness? Specifically, what does that mean?

Dr. Belcher: When we do sensitivity runs and as you tweak certain parameters within the model, the question is you want to see how much that particular variable influences your output. Robust means that as you do these sensitivity runs, you don't see large shifts from -- In this case, we're talking about the overfished or overfishing state and how stable is that classification. When it's robust, that means that each time we did these sensitivity runs we were getting the same overall qualitative result. When it's not robust, that means that it's not stable and we don't really have a

good feel for how that qualitative result is being supported.

Mr. Robson: What parameters were variables in sensitivity runs or how did you -- What did you use to modify the parameters for sensitivity runs?

Dr. Belcher: Off the top of my head, I can't remember what those sensitivity runs were. With looking at so many stock assessments, I know there's been certain ones where they've varied steepness and there's been inclusion and exclusion of data points, those recreational data points we were just talking about relative to red snapper, with their inclusion and with their exclusion. There was a lot of different things like that that were modified and to speak to this specific one, I can't.

Mr. Robson: In this case, because there was variation, there was some fairly significant variation in the sensitivity runs, and that led to the lack of robustness, which adds to the uncertainty of the conclusion of overfishing?

Dr. Belcher: Basically, the model is depending -- If you had ten sensitivity runs, what it says, when we reach a conclusion like that, is you might have half of them say that overfishing is occurring and the other half saying they're not. There's no real way for us to discern the true state of that, where if you did ten sensitivity runs and they all fell in the overfishing quadrant, you could be fairly certain that the results are going to be stable relative to that qualitative call with overfishing. Does that make sense?

It's just how those sensitivities fall out relative to that plot. The more that fall together, your confidence is fairly high. The more that they spread on other sides of the line; it shakes your confidence in how that's being established.

Mr. Robson: One last question. Does the use of an F40 percent MSY versus an F30 percent MSY have any bearing on that conclusion of overfishing or lack of overfishing?

Dr. Barbieri: Yes, it does, because it defines the FMSY benchmark that you're using to compare to your current level of fishing mortality and so in that case, yes.

Mr. Currin: Other questions?

Dr. Chevront: Carolyn, I'm sorry if this sounds ignorant, but you all mentioned that steepness was fixed and what was it fixed at?

Dr. Barbieri: Steepness was fixed, if I remember correctly, at a 0.56 value and it was -- This is explained, again, in our report more explicitly. This has to do with the choice of the F40 percent as a proxy for FMSY. There's a direct relationship between SPR values or the F at SPR values that are being used and the steepness values.

Dr. Chevront: Then to follow up with that, steepness is a measure of basically reproductive productivity, right, the capacity? Are we saying then that this capacity is less in vermilion than say in red snapper, where we had steepness at 0.68 or something? I guess I'm a little confused.

Dr. Barbieri: Steepness, yes, represents some of the reproductive capacity of a species or stock, but also the compensatory potential, the ability of the stock to still be productive or to be productive under different abundance levels. In this case, yes, for the vermilion snapper, the steepness value used represents lower compensatory potential and lower reproductive capacity as relative to red snapper in this case.

Dr. Chevront: I guess this doesn't make sense to me when we're saying that red snapper has been severely overfished for such a long period of time, but we're not saying that about the b-liners. B-liners are not overfished and I guess maybe this is an indication of my ignorance of how this works, but the numbers don't make sense to me that way.

Dr. Barbieri: One point to perhaps take into consideration here is the fact that the model cannot really come up with a good estimate of steepness. Because steepness was hitting that upper bound, it was determined that that parameter could not be well estimated. In this case, the steepness value being used is really a product of adopting the F40 percent SPR, which the committee in this case accepted as the best estimate of FMSY.

Dr. Chevront: Isn't that counterintuitive that you've got a stock like red snapper that's in real trouble and then you've got a stock of vermilion that is not in as much trouble and it just doesn't make sense to me how you could decide that F40 was more appropriate for b-liners than it was for red snapper.

Dr. Barbieri: For both species --

Dr. Chevront: I understand the F40 was used for both, but can't a case be seriously made for b-liners to have a lower F value, like F30? Jack might be able to shed some light on this. I'm not very good at framing this question. I'm just confused by these numbers.

Dr. McGovern: No, I just have another question that's kind of related, because the steepness that the SSC adopted for red snapper was 0.9, right?

Dr. Barbieri: 0.95.

Dr. McGovern: 0.95 and so we're going with a lower steepness for vermilion snapper of 0.56. In the Gulf of Mexico, we used a steepness of 0.8 and so I was just wondering if the SSC discussed the difference in these steepness values for the Gulf and South Atlantic for vermilion snapper and why they are accepting a lower steepness value for vermilion snapper than red snapper.

Dr. Barbieri: Yes, we had a lot of discussion about the steepness values and the comparisons between vermilion snapper and red snapper and vermilion snapper in the South Atlantic versus the Gulf and red snapper in the South Atlantic versus the Gulf and all of this was very well discussed, but at the end of this discussion, the committee really came to a consensus and expressed it in the form of a motion that it would accept the assessment with those values of steepness and an FMSY proxy, because they, especially in terms of the FMSY proxy, they

represent the most recent updated science indications of what are best estimators for FMSY.

Mr. Currin: Keep in mind that the steepness values were determined by the selection of the proxy.

Ms. Shipman: Do the life history differences though between the two species play into that? The longevity I would think of vermilion as versus red snapper is considerably different, is it not? Red snapper are much longer lived and so is that helping to drive that at some point in terms of recruitment and your steepness and where you get the plateau and all of that?

Dr. Belcher: Those were actually part of our discussions, which is where -- This is the hard part for us, the writing the reports. Most of this conversation was captured in the minutes. For us, it's trying to get the key points of the meeting and so as we bring it forward, that stuff isn't always reflected in the report. We did have that discussion.

That was, again, where I think a lot of the comfort with proceeding -- Where there looks like there's inconsistencies in how we proceeded with one relative to the other, it does have to do with a lot of that discussion that we have amongst ourselves in determining our settling rates around are we still comfortable with that and how they arrived at that value. Luiz had had that discussion and brought that forward to the group, about the ages at maturity and how that life history actually figures into some of those differences.

Dr. Barbieri: Just to that point, I just want to make a point that there's a lot of uncertainty in what really determines steepness and our usual level of confidence on steepness values is always relatively low compared to some other model parameters. In this case, the committee was really looking at that FMSY proxy as being something that could be better determined. In that case, it just so happened to determine the other value of steepness by corresponding, but we have a high degree of confidence in the FMSY estimate.

Mr. Robson: Bear with me a little bit, because I want to walk through this to make sure I understand it and then ask a question. We, the council, provided a recommendation on estimating FMSY and we said that we would accept what the SSC provided us in terms of an FMSY estimation and in the assessment, I guess, and that's where the F40 percent MSY comes in as a proxy for FMSY.

Yet, the result of the assessment and the SSC's deliberation and the result of that is that they accepted that F40 percent MSY as biologically the both sound and best estimate for FMSY. However, there's a lot of uncertainty in the assessment results, particularly surrounding overfishing levels, and so my question is how strongly does the SSC believe that F40 percent MSY should be used, given all that uncertainty, or does it have any bearing on all the other uncertainty and how much guidance can you give the council as to whether they should stick with that recommendation or if they have the flexibility to look at something like an F30 percent, for example?

Dr. Barbieri: As expressed in our report that Carolyn just read, we accepted some of the comments from the SEDAR review panel that there was some uncertainty with that overfishing

status for vermilion snapper. Even though we accepted the assessment model, we endorsed the assessment, there is some uncertainty and we wanted to express that to you, so you take that into account in making your decisions, but it's difficult for us really at this point to quantify how much of that uncertainty there is.

Mr. Geiger: Correct me if I'm wrong, but as I understand it, when you guys make a recommendation to us, you've already taken the uncertainty in the assessment into account and you make a recommendation to us and then we have, when we're making our management decisions, the ability then to take uncertainty into account again and either move further away from the recommendation or vice versa, as I understand it. Is that correct?

Mr. Currin: Other questions specific to the vermilion assessment?

Mr. Swatzel: I was reading the assessment report and it characterized the fishery as relatively stable and would you agree with that?

Dr. Belcher: I don't have enough experience with the fishery to comment. I don't know if Luiz does.

Dr. Barbieri: Can you repeat the question?

Mr. Swatzel: The assessment report characterizes the fishery as relatively stable and I'm just wondering if the committee is agreeing with that characterization of the fishery.

Dr. Barbieri: It's hard to make a comment like this without having the specific document in front of us and that specific -- Who made that statement? Was this from the review panel or this assessment panel and just to put that comment in context, this week we have gone through so many stock assessment and a couple or three big phonebook thick documents. It's difficult to remember all that.

Mr. Currin: Sometimes, Tom, I think it -- I appreciate Luiz's answer, because sometimes within those assessments there are comments that are attributed to an individual that might make it into those assessment reports and they may not necessarily reflect the collective opinion of the whole review panel or assessment panel.

Mr. Robson: I had a point I wanted to make in response to George's comment or a question. It may, again, be for a later discussion and so before I lose track of that, I'll bring it up and then Mac, I guess, Mr. Chairman, if we want to discuss it later, we can. My question is to George's point about us being able as a council to take into account that level of uncertainty that's provided us by the SSC and in the assessment that we could actually look at whether it's appropriate to say 40 percent MSY or 30 percent, but I guess my question is in Amendment 16, we set our -- Unless I'm getting things confused, we've already kind of accepted some level for FMSY.

We basically said we'll accept whatever the SSC and the assessment process delivers to us and so if we now have a new vermilion assessment that's got this level of uncertainty in it, what

flexibility do we have as a council to revisit that level that we've set for FMSY? We haven't given ourselves a -- We can talk about it later, I guess. Maybe I need to understand it.

Mr. Currin: That's not a question for the SSC and so let's hold that discussion until later. Are there other questions regarding the new vermilion assessment?

Dr. McGovern: I had a question about the projections themselves and I brought this up to the SSC. To determine the reduction that we need in harvest, particularly recreational harvest, what Amendment 16 says we'll do is compare the 2004 to 2006 landings to the yield at 75 percent of FMSY, the projected yield at 75 percent of FMSY, in 2009.

I noticed when I compared the 2004 to 2006 landings, and that was a time when overfishing was not occurring or fishing was occurring in the terminal year, that you needed just to get to the yield at FMSY a reduction in harvest and I guess my first question is why you would need a reduction in harvest to get to the yield at FMSY comparing landings when overfishing wasn't occurring in 2004 and 2006. Does that make sense?

Let me tell it another way. The average landings in 2004 to 2006 were about 1.6 million pounds. The yield at FMSY in 2009 is about 1.3 million pounds and so there's like a 300,000 pound reduction in harvest to get to the yield at FMSY.

Dr. Barbieri: Right and so your question is, I guess, relative to the benchmarks, the changes in the benchmarks that were adopted before this new assessment, right?

Dr. McGovern: No, it's just that -- Actually, I talked to Kyle about this some and what it is is the yield at FMSY is lower than it was in 2004 to 2006 and part of that reason is he says it's because biomass was decreasing and overfishing was occurring in the terminal year and recruits were down and that sort of thing. I'm just wondering if the SSC looked at those projections and if they feel those projections are robust or they need to be revisited. That's what we're basing our reductions on.

Dr. Barbieri: Right. Do you remember, Carolyn? I'm trying to draw from memory about looking at the projections. Actually, in this case, for this assessment that we just finished reviewing, I think the status of the stock was not overfished and so we did not receive any documents that included any projections. Only the overfishing status was determined, but the stock was not considered overfished and we did not really have any projections to look at. Is that correct?

Dr. McGovern: I think they need to be looked at, because we're going to use them in Amendment 16.

Dr. Barbieri: Right and if that's the case -- By all means, I think we would be more than glad to look at those new projections and how they relate to other projections produced by the Center.

Mr. Currin: Other questions regarding the vermilion assessment?

Dr. Chevront: Just to follow up with that, how soon can we get something like this, because I

think this is really important for the council to be able to make decisions about what are the fishing levels we're going to allow. I feel like without the answer to that question that we're stymied.

We can't figure out what levels of fishing that we are going to allow in this fishery when that 1.6 million pounds average for 2004 to 2006 was not overfishing, but suddenly we're down to 1.3 million pounds to end overfishing. That's really counterintuitive to us and I don't know how to interpret that to determine what actions we need to take as a council. I just don't know what we can do in the absence of that information.

Dr. Crabtree: Isn't the essence of this that the biomass is going down? The yields you're going to get at these lower biomasses, fishing at a given fishing mortality rate, are less than what you were getting a few years ago, because the biomass was higher. I think the issue Jack is raising is if we figure reductions based on those high biomass years then you cut more, but if you use the projected yield at the low biomass, then it's not as dramatic a reduction. Is that correct, Jack?

Dr. McGovern: That's correct and that was the other part of my question, is if it's appropriate to compare those 2004 to 2006 landings, when the biomass was higher, to the yield in 2009, when biomass levels were lower.

Dr. Crabtree: You would expect, Brian, if you compared -- Whether you're overfishing or not, if the biomass is declining because of poor recruitment, then your yields are going to come down, but you wouldn't expect that you would have to do any increasing of the regulations to get those yields, because if the Fs remain and effort remains roughly the same, the yields would come down because there just aren't as many fish out there. We do have an issue with how to apply the provisions in Amendment 16 now, I think, to specifying what the TACs are and I think that's what Jack is getting at and I don't know if that's too detailed a question to really get at here or not.

Mr. Currin: I think it probably is, Roy, because I don't think the entire SSC has pondered that. Jack did bring that up the other day while I was in the room and there wasn't much discussion or comment on it. If it's something that the committee thinks we need an answer to before we can move forward with vermilion, then I don't know what that does to the SSC. I don't want to wrap you guys around another axle somewhere, but I don't know how feasible it is to try to get at that answer today or by tomorrow.

Ms. Shipman: In Amendment 16, I think it is crucial and it goes to just what Roy said. How do you apply the table that in a sense it's a framework we have set up as the default, depending on what the outcome was of the new assessment? I don't know how you implement Amendment 16 relative to vermilion snapper without knowing that. I could be totally wrong, but I don't know how you do it.

Mr. Waugh: This is getting to Attachments 4 and 5 that are in your snapper grouper tab. Attachment 4 has the material from Snapper Grouper Amendment 16 that lays out how this value is calculated. The one decision -- It's not a decision. There's no action for the committee and council to take. The one value that we need comes from the SEDAR assessment for vermilion.

That comes from -- I'm looking at Attachment 5 now. The yield at 75 percent of FMSY comes out of the Review Workshop Table 3.26. The SSC has accepted that assessment as best available science and therefore, that estimated value of the yield at 75 percent of FMSY has been deemed to be the best available science and so that's the figure we use to calculate the management measures as laid out in Amendment 16. The resulting quotas and changes to bag limits are shown in that Snapper Grouper Attachment 5. Once the SSC has signed off on it, then there's no decision to be made.

Dr. Crabtree: I have a question and maybe Jack could answer it. I'm looking at Snapper Grouper Attachment 5. Mac, I don't know if we're going to come back to this later.

Mr. Currin: We are going to have to come back to it and so if it's just purely discussion -- If it's not something we need to get from our SSC, they've got other things to do and so let's utilize them as efficiently as we can and let them get back to their business, because they're busy as well. Any other questions that the committee might have of Luiz or Carolyn on the vermilion snapper assessment? All right. Amendment 17 is on our agenda.

(Whereupon, a brief recess was taken.)

Mr. Currin: We'll get everybody to the table and we will begin again and the next report we're going to receive from the SSC is regarding their deliberations on the amendment formerly known as 17.

Dr. Belcher: This is the last of the SSC's reports to you all and this is relative, as Mac said, to Amendment 17. After a presentation on Amendment 17 and discussion with the NMFS Regional Office staff, the SSC discussed their ability to provide ABCs with limited data. Discussion focused on whether or not we should fill in boxes for ABCs or wait for more information and guidance.

If there's not enough information to give scientifically-sound ABC values, the management might stay status quo. The worry with this approach is that status quo might lead to overfishing. The SSC decided that it would wait until a tiered system was in place for ABCs. The council provided the SSC with a list of questions and this should actually be council staff. Some of these questions were addressed specifically, while others were addressed by a series of motions that removed the ABC recommendations from the June 2008 meeting.

I apologize for you all not having a copy of the written report, but when you get a copy, it will have all motions attached as well as the list of questions as put forward to us. Question 1 focused in on speckled hind and warsaw grouper and that ABC of zero. For the first question, we provided an answer that relative to speckled hind and warsaw grouper, the SSC clarified that the value of ABC equal to zero was for directed landings only and not discards.

Question 1B had to do with whether or not discards should be included in the ABC values for other species and the SSC concluded that discards would be handled on a case-by-case basis. There's certain situations where we've had assessments run that we've had measures of discards,

either from headboats or however, and so those discards get built into the model, but yet we've had others, in the analyses that Jack McGovern has provided in the past, giving PQBM numbers, where those numbers have come in from an outside source.

At this point, we still are maintaining that it should be handled on a case-by-case basis relative to that. If there's an external estimate, then that's how it should be handled, but as far as how those discards are encountered in the ABC is going to be relative to each of the cases.

Question 2 is given that Amendment 16 will likely reduce red and black grouper landings by approximately 35 percent, we felt that these existing measures will likely provide adequate protection for black and red grouper. The SSC was concerned that the ABC values proposed in the June 2008 meeting for black and red grouper might be in conflict with the recommendations being developed under the tiered system. As such, the SSC withdraws the ABC and OFL levels for black and red grouper and for similar reasons, withdraws the ABC and OFL levels for gag grouper.

The conclusion that the SSC would wait until a tiered system was in place before providing ABC values for species with limited data influenced how the following questions were addressed, which was Questions 3 through 6. There were several motions that addressed the questions and the SSC withdraws the ABC and OFL levels for golden tilefish established at the June meeting. The SSC withdraws the ABC and OFL levels recommended at the June meeting for snowy grouper, black sea bass, and red snapper, given that those species have rebuilding plans in place.

The SSC recommends that the ABC levels for snowy grouper, black sea bass, and red snapper be set consistent with the rebuilding plans for those species until they can be further amended on better scientific information. Lastly, the SSC withdraws the ABC and OFL levels for vermilion snapper established at the June 2008 meeting. That's the end of the report.

Mr. Currin: Questions?

Ms. Smit-Brunello: Carolyn, did the SSC change their advice that they gave in June about Amendment 16 being based on the best available scientific information?

Dr. Belcher: I think -- I'm speaking from my own recollection on this. With 16, we pointed out that there were inconsistencies with black and -- I'm paraphrasing, but inconsistencies between what had come up for management in 16 relative to what we were proposing for ABC levels. Is that correct?

Dr. Crabtree: If I could, Mr. Chairman, the inconsistencies that I believe you were addressing were between the ABC recommendations you made subsequent to your endorsement of Amendment 16 that appeared to have some problems and so my interpretation of what you did was to withdraw those that were relative to Amendment 17, but you didn't revisit the issue of Amendment 16 and is that correct?

Dr. Belcher: Correct and I think some of that was we were kind of discussing this amongst ourselves and we had a table that was put in front of us that was relative to those fish that we had

to address in 17 and basically, it had the values that we had put forward and relative to what amendments were currently already there for TACs and the allocations. With each of the species that were there, we had seen where there were numbers already filled in and Rick was polite enough to provide what amendment that came from.

When we were looking at those lines relative to red and black grouper, those lines and those areas were specifically blanked out, which to us said that there was nothing proposed for those species in 16 and so our looking back to 16 at that point wasn't evident to us that that was necessary. Gag, on the other hand, that's where that came from, but because that subsequent management was a bleed-over and had that effect on black and red, that wasn't something that we had come up with scientifically as far as those numbers. Again, that was where we didn't look back to 16 to see --

Mr. Currin: Other questions regarding 17 and the SSC's actions in withdrawing their ABC recommendations for previously offered values?

Mr. Waugh: A clarification on speckled hind and warsaw. Certainly the proposed guidelines outline that you can specify an ABC in terms of landings, but you have to have accounted for discard mortality ahead of time. Did you all do that, such that we have an estimate of what you all considered to be discard mortality?

Dr. Belcher: The answer is no, but I think this kind of gets back, again, to those situations where we put directed landings forward and there's been numbers that have come through Jack's other sided estimates for that mortality rate, which has been addressed in your portion of how those numbers fall out. I think that, again, is where we came into that, assuming that that was where those numbers were going to account from.

Mr. Currin: Other questions for Carolyn or Luiz regarding Amendment 17? I see none.

Dr. Belcher: I'm not sure that this is the avenue in which to put this on the record, but I'm putting this on the record as a request from the SSC. In light of what happened with 17, first of all, I want to put forward that this was difficult for all of us. As you all remember in June, we actually revisited our decisions twice and in June, we stuck with our decisions.

I think the time lapse was where a lot of us, in recalling to answer specific questions to tighten up our record, that recall wasn't strong enough for us to really stand as firm as we had when we did that revisit in June. Just for that point, I wanted to make sure that that was understood, but what we are requesting is given the workloads that we've encompassed over the past couple meetings and really wanting the attempt to get these numbers and the procedures down, so that we can provide you with a better basis for OFLs and ABCs, we're requesting that we be allowed to meet during the March meeting for three days, the first three days, with this item and this item only, relative to working on fishing level recommendations.

We want to be able to flesh out -- When we talked about this tiered approach, Luiz and I went to the national SSC meeting and some of us have been aware of a tiered system that's been in place in the North Pacific Council that helps them determine how to set OFLs and ABCs relative to the

assessments and what type of information they have generated, whether it's fishing levels, biomass estimates. It gives them direction on how best to come up with their estimates.

This covers I think there's seven tiers and then the seventh tier, it's when you basically have nothing but catch data. There are mechanisms that they've set in place that give them solid guidance on how to come up with these estimates, in light of what data is available.

Our group in the past has talked about this idea, but we've never really I want to say forced the issue, to get together to have a meeting to actually flesh this procedure out. We tried to put together an interim strawman with the June -- That was our intent with the June meeting, was to put some sort of strawman forward that at least gave you a starting point, but by no means saying that this was the final decision on how we would do this in the future.

With the pressing nature of this particular amendment and knowing we need this, we really would like to have this focused timeline to get something so that we're not, again, leaving you in the situation where we don't know when we'll get you numbers. We just don't have that ability right now to say that with any confidence.

This three-day workshop would give us the ability to put the focus onto that without having pressing other business and addressing needs, but still meeting a crucial need that the council has.

Mr. Cupka: I just wanted to let Carolyn know that at the Executive/Finance Committee meeting that we looked at the activities schedule and a working budget for next year, which does include funding for a third SSC meeting to be held in March, because we definitely want to get all this straightened out, so that we can move ahead. I don't think that's going to be a problem.

Mr. Geiger: To that point, Bob asked that we keep that meeting in concert with the current March scheduled council meeting, but would it be beneficial for the SSC to meet beforehand or is meeting in concert with the council sufficient?

Dr. Belcher: We had kind of talked about this, too. With this particular one, if we're focused on the one item, I don't really think that separation is as necessary, because our report would be reflective of one overall agenda item, so to speak. We would have one focus point and so our report and our outcome at the end of that -- We could at least give you a progress report, if nothing else, of where we are. Again, I hate to caveat it as saying that I can't guarantee you numbers.

The hope is that we may be able -- Because we do have advanced assessments that have pieces of information that we feel we could put forward values to you -- We just, again, don't want to do this piecemeal of species by species and we'll handle it this way for this one and handle it this way for another one. We want to try to pull all of the pieces in front of us and make sure that this framework is going to be in place for everything coming down the pipe in the future. The hope is we will have numbers for you, but we can't guarantee that the whole sheet would be filled in by the end of those three days.

Ms. Shipman: I think the question would be -- I'm totally in support of you all doing this and

taking this approach. The question would be where would your output fall with regard to our committee meeting, so that we could continue moving forward? I think that's sort of the crucial thing in terms of sequencing the sessions.

Dr. Belcher: That's my point, is that I don't think even if we met earlier that -- Like I said, we can't guarantee what the output is and so meeting earlier may not get you any further than us meeting concurrently, where usually the problem is you're waiting on us to finish things to proceed. In this situation, I can't guarantee what that final piece is going to be, to say you will or won't be able to proceed, even with like a two-week or a two-day differential. That's the problem with it, is I can't guarantee the output.

Dr. Barbieri: Just to add to what Carolyn just said, is that the plan right now is that we would work on Monday, Tuesday, and Wednesday and then have a report to you on Thursday, if that's acceptable to the council.

Mr. Currin: To be of any usefulness to the Snapper Grouper Committee, that's probably going to be too late, because typically our council meeting begins on Thursday sometime. I guess we'll have to just look at the scheduling of this and try to see what we can come up with that will maximize the usefulness of you guys' deliberations. That's the best I can offer right now. Somebody else may have a different assessment, no pun intended.

Mr. Harris: Normally, the SSC has been meeting Sunday, beginning their meeting on Sunday. If they met three days and they finished up Tuesday afternoon, depending on when the Snapper Grouper Committee met, there is a possibility they could have a report to us on Wednesday morning and the Snapper Grouper Committee could consider that information as it deliberates. I don't know whether that's workable or not and I would defer to Bob and council staff as to whether we can make the room arrangements for that time or not, but that makes more sense to me. I hate to make you work on another weekend day, but we're down to kind of a critical timeframe here.

Mr. Mahood: We can work that out and I think another -- We had discussed the possibility of the SSC meeting prior to the council, but the other problem there is the turnaround is so quick that I don't think we could have all the input data to them prior to that anyway, but we may have -- I know nobody likes to meet on Sunday, but it would have to probably be Sunday, Monday, and Tuesday, but we'll pay you double time on Sunday.

Mr. Currin: I guess that's something we'll have to work out between the council staff and the information and data demands that you guys have, to ensure that you make some progress on this. I guess we can leave it up to the staff and Bob to work out the best solution on this and if it's possible to meet beforehand and supply the SSC with what they need, then that probably would be better. If not, we'll work it in as early in the week as we can to make it useful to the Snapper Grouper Committee.

Ms. Shipman: The other thing is for the council perhaps -- We can push our snapper grouper stuff as late in the week as we can and even meet as a committee of the whole toward that latter part of the week if we need to. We can meet them halfway.

Mr. Harris: Susan, we are a committee of the whole.

Ms. Shipman: I was looking at all those names and I thought is that the whole council?

Mr. Currin: John Wallace is not happy about it.

Dr. Belcher: I don't what progress is being made upstairs, obviously, because I haven't seen any of the meeting yet, but our hope was to at least have a rough outline of what we were going to need and hopefully having at least -- Obviously we kind of have a strawman to start with, with what the North Pacific is already working with. We have some talking points, but like I said, I don't know how quick our wheels were turning upstairs yet either, but we should be able to provide some additional information to staff by the end of our meeting today.

Mr. Waugh: I just mentioned to John too that we can provide you our February 2003 version of Snapper Grouper Amendment 13. It has a complete discussion of all of these levels. A lot of this has been analyzed before and so we'll have that to you that you all can use as well.

Mr. Currin: I thought I remembered seeing some of this done at some point, Gregg, and I was thinking it was in 17, but it was at some point in the past. Other questions for Carolyn or Luiz before we let them return to their business upstairs? Thank you, guys. We appreciate all your work and we're sorry that it was at times as painful as it was for everyone, but we will certainly do the best we can to make the most of it, as I'm sure you all will, too. Thank you.

I don't know where that all leaves us, but I'll rely on the staff to offer me advice as to exactly what it did to our agenda here, but we're going to try to, I guess, poke through it in the order that it's presented to us or that you have before you and we'll do the best we can to patch it together and make as many decisions as we can. We're going on to vermilion snapper actions on Amendment 16 and, Rick, are you going to handle that?

Mr. DeVactor: Actually, I think Gregg is going to lead us through that and, again, that's not an action item. It's just to go over what was -- Amendment 16 has been submitted and to go over that one action that we already talked about before.

Mr. Waugh: We talked about this and it's Attachment 4 under the snapper grouper tab. That does have the description of the actual measure and how you calculate these values. It's got a couple of examples in there and then Attachment 5 shows the actual calculations. The number you pull from the SEDAR stock assessment is 1,066,000 pounds whole weight. We converted that to gutted weight and that's shown in the Column C there. The new estimate of the yield at 75 percent of FMSY is 960,360 pounds and we've compared that to the values that are in Amendment 16.

You end up with a commercial reduction of 29 percent and a recreational reduction of 47 percent, whereas in Amendment 16 it was a 58 percent commercial and a 69 percent recreational. The management measures as they would change is the commercial quota would be 653,045 pounds. That's split into two time periods and those values are shown there and so we get what

the directed quotas would be for the two time periods and the recreational regulations, the bag limit, would be reduced from ten to five, whereas before it was projected to be ten to four. The closed season would be November through March, whereas in Amendment 16 it's shown as October through May.

Mr. Currin: Questions or comments? Everybody remember, this is where we laid it out in 16, to allow the Regional Director latitude within the table that we designed and plugged values in for the needed reduction and these are the results.

Mr. Swatzel: Little did I know that these 10 percent increments would be problematic. If you look at the 47 percent reduction for recreational, that's obviously a lot better than the 68 percent was, but it places the recreational sector 2 percent, a 2 percent increment, away from nine fish versus the five.

My issue is based on the fact that this assessment that we're making these decisions on is -- It's saying, in effect, the issue of overfishing is highly uncertain. Based on the fact that it can certainly be demonstrated that fishing effort on its own, based on the economy, is certainly decreasing, I'm just trying to figure out, is there a way that we can revisit this issue? It's at a point in time where I'm not sure whether particularly the for-hire sector can manage on five fish with that season closure.

Nine fish and the season closure, that works, but the reality is we're just this far away from qualifying for that under the chart and I guess I'm just trying to figure out, how can that be addressed? Would the council be willing to do that? Because I think it's really important.

Dr. Chevront: Also, do these -- I don't remember, but do these reductions at these different percentages, do they take into account the expected gains that we were going to get in the fishery from the increased size limit that we put in place? Those data, I believe, were not included in the stock assessment, because we really didn't have any data yet. I'm wondering if we were able to estimate the increase in stock that we were going to get from the increased size limit and were those built into these numbers.

Mr. Currin: Jack may be able to address that or not. It seems to me they were built in, but --

Mr. DeVictor: The size limit went in place, I believe, October 23, 2006, through 13C, and the vermilion snapper stock assessment, didn't that use data through 2007?

Dr. McGovern: You're talking about the increase to twelve inches, right? It was considered that that reduction hadn't been realized yet and so it factored that in and so it does take that into consideration. If you look at the lower reductions, you see that there's really no change at like less than 20 percent. That's because it factors in the increase in the size limit.

Mr. Currin: Tom, I don't know the answer to your question. Perhaps Roy or Monica can comment on that.

Ms. Smit-Brunello: In Amendment 16, the preferred alternative was to allow the Regional

Administrator to make adjustments to the management measures as specified in Table 4-79, based on the outcome of the new vermilion snapper SEDAR benchmark assessment. Then there's discussion in here that the SEDAR benchmark assessment and SSC review will result in a new numerical estimate of OY that's been specified by the council as a yield at 75 percent of FMSY.

I think what has happened is you've all taken action, final action, to submit this amendment to the Secretary and you did that with a proviso that the SEDAR assessment would be reviewed by the SSC and then they would give you their recommendation as to whether they accepted it and based on that, then you set out a table as to the management measures that the Regional Administrator could make and he's really locked into those measures, based on the percentage reduction.

You can always revisit an amendment, but as far as changing this preferred action that you've taken final action on in Amendment 16, you can't go back and change what you did. You could change it in another amendment, I believe, or if you wanted to ask for some sort of emergency measure. I don't know that that would fly, but that's certainly something we could take a look at, like an emergency rule.

I'm just trying to think of other mechanisms, by which you might be able to change the outcome of this, but as far as Amendment 16, you've already taken final action on it and now you're looking at what your SSC recommended.

Ms. Shipman: Monica or Roy, a question would be relative to the public input. It will be published -- I assume Amendment 16 will be published for public comment and that type of thing and depending on what that public comment came in, to what degree, if any, can the Regional Administrator -- His only option would be to reject that measure in response to public comment, as versus to modify it, and would that be correct?

Dr. Crabtree: Yes and I think the way we're going to do this is when we draft the proposed rule, it will be proposing based on this table. Yes, the only options I have now are to approve or disapprove the various measures in it and I couldn't disapprove this just because members of the public say we don't like it. I would have to disapprove it based on it violates the Magnuson Act somehow or other and I don't -- In my preliminary look at this, I don't see that and nobody has brought that to me.

Now, Tom asked can we revisit issues and you can always revisit things, but it's probably a little tough to come in one meeting later and decide something different than what you just decided, but if there was new information or something that came up, I suppose you could do that. The closure wouldn't go in place until November of 2009 and the amendment, by the time we go through the public comment process, I suspect there won't be a final rule on Amendment 16, assuming it is approved, until probably the summer, early summer sometime.

Ms. Smit-Brunello: Roy is right. Under the Magnuson Act, Section 304, the Secretary shall approve, disapprove, or partially approve a plan or amendment and notice of disapproval or partial approval shall specify the applicable law with which the plan or amendment is

inconsistent and then the nature of the inconsistency. To partially approve or disapprove a measure, it has to be inconsistent with some applicable law. Certainly we're going to review everything and you can be certain that my office is going to look at the whole record, as well as Roy will too, before he makes a decision. The record includes what's done at this meeting and what comes out of SEDAR and the SSC discussions and the discussions here, including the discussions that the council will have when we go into full council.

Mr. Currin: Just in thinking about this and the point that Tom brought up, because we established broad ranges into which nine different values, perhaps, ten different values could fit, there's a huge potentially economic impact associated with a very, very small percentage reduction there and I don't know whether that's adequate to consider the lawfulness under the Magnuson Act or not, as a disproportionate economic impact. Before, we didn't have the true value and now we do, or the best estimate of it. We see where plugging those ranges in has put us.

Mr. Harris: I assume all the council received Tom's email on the right whale rule and the proposed speed limits for vessels sixty-five feet and over. I don't recall how much of the vermilion snapper catch is attributed to headboats and I don't know how many of those are over sixty-five feet in length to which this rule would apply.

It's new information, I think, but it's not new information with respect to overfishing or with respect to the status of the stock, but it is information that certainly we would have taken into account, probably, had we known that was going to have come into effect. Honestly, I never thought that they would approve it, but they did and so it kind of took me by surprise and I think it probably took Tom and a few other people by surprise as well. I don't know that we really ever considered that and it certainly doesn't affect the status of the stock, but it may affect the catch levels of the headboat fishery during the coming years.

Ms. Shipman: The one thing I was going to note is in that alternative, being bumped into that 50 percent, that closure actually coincides, with the exception of one month, with the right whale closure. You would have April that would be the additional month that they would be impacted.

Dr. Chevront: To follow on though with what Duane was saying, we could, based on knowing what the speed are that headboats travel and we know the time of the average trip, we probably could come up with a mathematical calculation for the reduction in landings that could be attributable, I would think, to this new ten-knot speed limit for these vessels over sixty-five feet. If I'm not mistaken, and, Tom, correct me if I'm wrong, but most of the headboats are over sixty-five feet in length, correct?

Mr. Swatzel: At least in the Carolinas they are, yes.

Dr. Chevront: It's possible that we could come up with a number that could help us calculate what the reduction in landings potentially could be as a result of this new regulation.

Mr. Robson: If we do that, can we -- How can the Regional Administrator utilize that to make adjustments in what he does in terms of the rule?

Dr. Crabtree: I can't. That would be a separate thing that would be done and I don't know if you could do the kind of calculations you're talking about in a meaningful way or not, but I guess one option you would have would be to let Amendment 16 work through the system and be implemented and then you could potentially look at some data at that point and if it looked like the catches were lower than you thought and this was having an impact, you could look at the logbooks from the headboats and see are they really taking fewer trips than we projected?

If that was the case, you could do a framework action and adjust the bag limit and you could probably do something like that with an environmental assessment and do it pretty quickly, I would think. You're going to have to weigh though the workload issues and all of that, but I think at this point really the only -- Remember when we did this, it was built in to not allow any discretion and that was the only way we could really do it.

All I can assure you is I will look at all of this very carefully and take into account the discussion we're having, but if we get down into the summer or something like that and it looks like we're really seeing big reductions because of the right whale rule, then you could come in and try to make an adjustment. Whether you could do it prior to the November closed season, I don't know, but you could certainly come in and by the time the fishery reopened again in 2010 make some sort of adjustment to it.

Dr. Chevront: This would be an action that we would have to take very quickly, just because the way things are now, this really has very potential devastating effects on the for-hire sector especially. I don't know if that classifies as a disproportionate negative effect, but this really could potentially have devastating effects at least on headboats in the Carolinas and probably down to northern Florida, at least, as well.

That part of it concerns me and I'm putting on my socioeconomics hat here for a moment. We're talking about taking away potentially fishing opportunities for a sector of the public that doesn't have any other means to get out and do bottom fishing and that kind of goes against my grain of what I think of as being fairness in fisheries.

Dr. Crabtree: Bear in mind that what we are doing and looking at here is in fact backing off from where we started and so what we are talking about implementing here is less onerous and will have less economic impact than the preferred alternatives you selected in Amendment 16 when we took final action, because the closed season is actually shorter and the bag limit is one fish higher. I understand this will have economic impacts, but you've considered all of that and in fact selected an alternative that would have greater impact than this.

Mr. Currin: I think we all do have to keep that in mind and I think everybody was with fingers crossed hoping that these required reductions would not be as high as they are, but these are the data and comments were made by I think George, I know, and by myself that we didn't know what we could expect. They may be better and they may not and we've got what we got.

Ms. Smit-Brunello: I also want to remind everyone that Amendment 16 will be under review and it will have a sixty-day comment period on the amendment, a public comment period, and at

least a thirty or forty-five-day public comment on the rule. I don't know what that will be, but I don't want to lead anyone to believe that this is a done deal in terms of approval. The Secretary and Roy have to look at everything and take everything into account and so we shouldn't prejudge that this will in fact be approved, because the public hasn't had a chance to comment on either the amendment or the proposed rule.

Mr. Currin: We understand that, I think, Monica. We're just kind of thinking about and trying to feel out what our options as a council are and I think that's pretty clear at this point.

Ms. Shipman: I think we can certainly, at the June meeting, take a look maybe at what the April falloff in effort is as a result of that right whale speed zone and then be positioning ourselves, potentially, to look at a framework action or something, depending on what that looks like and at least continue analyzing the data, to see what that effort drop off is.

Mr. Robson: I agree and I think we really need to have a plan to try to address this. In the back of my mind, what keeps nagging at me is the fact that this assessment -- The determination of overfishing is on the border and I think as a council we owe it to the public and we owe it to ourselves to try to take that into account. Unfortunately, the way we set this up in Amendment 16, we're not able to do that.

Dr. Crabtree: Let me point out one other thing though. Should you decide to revisit this in a framework action and look at the impact of the right whale rule or whatever else, we will also look at the success we have in achieving compatible regulations with the states and if we don't have that, then that will go the other way and tend to indicate that what we did was not sufficient. There are two sides to this coin and they'll all have to be evaluated.

Mr. Geiger: I'm not going to go back over what you alluded to during our discussions before we went into this, but we had a lot of discussions about what route we were going to take if in fact the stock assessment told us what it was going to tell us and certainly we have to worry about it as a council and we've got to worry about the people, but we also have to worry about the resource.

There certainly is a school out there that believes that more uncertain data calls for more conservative approaches to management. Just because it's on the borderline I don't think is a recipe for reigning in and having at them because it's not a certainty associated with the stock assessment. That's just my counter. I don't have any problems with the plan and looking at reductions and having an opportunity to readdress it by framework action in June. I mentioned it to Robert before we ever got to that point, that it was a hot potential framework action.

Mr. Swatzel: I just have a procedural question. We just had a verbal report from the SSC and we don't have a written report, but do we not need to formally either accept or reject their recommendation? Does just the fact that we've received the report automatically mean that we're adopting the levels that are in the assessment?

Mr. Currin: We have received it. We don't have to approve it or formally accept it, I don't believe. We asked for this and it was in the context of 16 as we move that forward and in fact, in

16 that table was put together to account for any differences between this updated assessment and the one that we previously had to formulate Amendment 16, which resulted in the 69 percent reduction. Someone correct me if I'm wrong procedurally. I don't believe that the committee needs to vote to accept the report from the SSC in any way.

Ms. Shipman: I think where we run into issues is more if they do not accept it as the best available science. I think when they report out to us, which they did today, that it is based on the best available science, I think in the past I don't recall us accepting like the red snapper assessment or anything. It's reported out to us and they have deemed it to be the best available science and that's in the record and then I guess the Science Center would certify that at some point. I think procedurally we just continue along.

Mr. Currin: That was my understanding and thank you.

Mr. Robson: I just need to respond to George's comments, because I am not implying that we don't consider the resource. I think what we need to keep in mind as a council though is that we are in a very difficult period here in dealing with Magnuson-Stevens and a large number of species that we're having to suddenly change regulations on that are having a huge impact on the public and economically.

I think we need to look wherever we can to prioritize our resource actions based on the status of an individual species and I'm just suggesting that in this case, with vermilion snapper -- We're locked in. We all understand that, because we have a determination of overfishing, but it's a much different level of overfishing than let's say red snapper.

I just want us to keep that in mind. That's why we get all this input from the public and that's why we have to consider it. I just think it would be appropriate for us to have some mechanism to reexamine and I agree that if there's a lack of consistent regulations in state waters and that has a counterproductive effect on reducing harvest levels, that has to be factored in, but I think in this case, given the uncertainty of the assessment and given how close we are to making some major changes in what we recommend from a management point of view, that we have some mechanism down the road quickly to adjust for that.

Dr. Crabtree: Just to point out that's what your framework procedures under the amendment are for, to make fairly quick adjustments like that.

Mr. Currin: I think in view of that we've mentioned a couple of things that could be looked at in the future. Susan suggested trying to analyze the impacts of the right whale speed reduction, that rule anyway, and there may be others that occur to people that would be worth analyzing or taking a look at to try to assess any impacts.

Mr. Geiger: Mark, I appreciate where you're coming from, but I would submit one more time that one of the reasons we are where we are, having to make some very, very difficult decisions on a myriad of stocks, is because the history of the council is that it has not taken the actions that were necessary, in total, when they should have been taken in the past history of our amendment process.

If you look back at the history, virtually every measure has been mitigated, to some degree certainly, based on short-term economic considerations and public input. I would argue that a lot of where we are today is resultant from those actions that have been taken since the first amendment and first time this council addressed snapper grouper and we are now paying the piper.

Mr. Currin: There's nothing obviously that we can do as far as action on 16. We've received the assessment report from the SSC and everybody understands where we are on this. The amendment has been submitted and it's in the hands of the Region, if not the Secretary. Any further discussion on Amendment 16 at this point? All right. We're on to I'm not sure where, but that's all of 16.

We'll go on to Amendment 17. The report we received from our SSC Chairman and Vice Chairman obviously has changed significantly where we were headed with Amendment 17. I'm not sure where that leaves us, Gregg. Perhaps you've had some time to think about that. Certainly the agenda items that we have as far as Law Enforcement AP Report on 17 and Biological Impacts on 17 are somewhat at least partially irrelevant at this point. I'll turn it over to you and see if you can add some direction.

Mr. Waugh: I've had more time to think about it, but I don't know that I have a lot of direction to offer, other than it's different from where we were headed coming into this meeting. The document, we were all set to run through the rationale of why the document is set up the way it is, based on the need to respond to the changes in the Magnuson Act, the January 1, 2010 deadline, and then using the OFL and ABC recommendations from our SSC.

We've analyzed it and the team has worked very hard and got your analysis and sort of the rug has been pulled out from under us now, in that we have no OFL and ABC values and judging from what the SSC has said, the earliest we would likely get those would be March and probably more likely June.

I don't see any benefit in going through the document as it's structured now, because it leads to some very, very stringent management, but that is all based on the OFL and ABC recommendations that we were operating under. Perhaps rather than going through this, a general discussion of what do we do now might be more appropriate.

Mr. Currin: I think that's probably the only advice, but good advice and thank you. At our last meeting, Dr. Crabtree offered an approach to 17 that we discussed some that was essentially a means of going back and looking at some of the previously published amendments and made the argument that in fact those amendments were designed and we felt confident and our SSC had approved them as measures to end overfishing, which is basically the goal of the new Reauthorized Magnuson Act.

I guess that's potentially one approach that could be taken. The other, I presume, if time would allow and the law would allow, is to just simply wait until we get these values from the SSC. I don't know that there are other options. Some of you may have some, but what are your

thoughts on where we are and where we go from here?

Dr. Chevront: To pick up that question that you just asked a moment ago, Mac, isn't there like a large number of those Amendment 17 species that we've never done actions on before and so we couldn't, at least on many of those species, come up with anything at this point, if I'm understanding things correctly.

Mr. Currin: There are some. I don't know what the proportion would be. We did get ABC recommendations from the SSC on warsaw and speckled hind. Those were two which we had no values for. A number of those species have been addressed in 13C and 16 and in perhaps 15A. Rick may have a table up there that everyone has got in their briefing book as well that would tell us exactly the answer to that question.

Dr. Crabtree: I think the only species in here now that we have not addressed in some fashion are warsaw, speckled hind, and red snapper. We addressed red and black grouper and gag in Amendment 16 and I believe all of the other ones were addressed in either 13C or Amendment 15. We do, in fact, have ABCs for warsaw and speckled hind. I guess they stood by those and so we have red snapper that we've clearly got some more work to do on it.

Mac referred to my comments and those were really on what's the status quo and what's the starting point of some of this and one of the things -- I think there is some value in spending some time on the structure of the amendment, but I still am not satisfied with how the no action is labeled in this. For example, with annual catch limits, the Alternative 1, no action, says do not specify ACLs. I still maintain that we do have annual catch limits on the books and I would prefer to see status quo as use the existing catch limits and targets. I think, for example, accountability mechanisms; we do have accountability mechanisms in place.

The proposed rule for the guidelines clearly considers quotas with in-season adjustment to be an accountability mechanism and we have that and so we at least have commercial sector catch limits, because I have a hard time seeing a quota. It seems to me it is, by definition, an annual catch limit and so it seems to me that we do have commercial sector annual catch limits for most of these stocks and commercial sector accountability mechanisms for most of these stocks and I think in the cases where we have allocations already specified and we have a recreational allocation, which could become the catch limit on that.

Now, I'm not telling you that what we have now should not be changed in some fashion, based on what we have, and clearly the SSC may weigh in on that, but that's one of the comments that I have on it and there are a number of other things that -- When you look at this, what do we have, Rick, a hundred alternatives in here now? I think there would be a lot of value in going through here and seeing, do we really have to have all of these things in this document, because I think this is going to mushroom into a relatively huge document very quickly and some streamlining would be appropriate.

I would be interested in some discussion as to how the no action alternative is packaged in here and how it's sort of characterized, because I just don't accept to say that Alternative 1, no action, do not specify ACLs or do not specify accountability mechanisms -- That, to me, doesn't

accurately reflect the true status quo, which is we do have those things on the books.

Mr. Currin: Your suggestion is it's a matter of relabeling, I guess, the measures that are in place or values that are in place in some of these other amendments and I would agree with you and I think voice some concern about the no action alternative meaning that we didn't put in ACLs. In fact, I think my original comment was that that wasn't even an option and it should be not even considered, because we couldn't do that under the law. That's a little different than what you're suggesting now.

Dr. Crabtree: Yes and if I could just -- One of the comments we've gotten on the proposed rule, and we've gotten this from many different areas, are that many councils already have management measures in place that are consistent with the guidelines and so I think that the agency position is going to be that yes, that likely is the case and councils need to identify those things that they have that meet the requirements of the new Act and the guidelines.

I think the only way to determine whether what we have does meet that is to lay it out in here as the status quo and then take a look at it, what was the basis for it and what does it do and those kinds of things. Another thing I think we need to be very careful about -- We have Amendment 16 which is under secretarial review yet, but we and the SSC felt like that was sufficient to end overfishing of all of those grouper species and so when we're comparing, for example, status quo on the groupers under Amendment 16, it needs to be clear in the analysis that status quo still will likely prevent overfishing and accomplish all the good things we're trying to do.

Otherwise, we wouldn't have approved it and submitted it and so we need to be very careful in this, that unless we've got some new information, which, for example, with vermilion snapper we do since we took action on it, but for a lot of these stocks, we don't have any new information since we took action and so we need to be careful about how we characterize some of these things.

Mr. Currin: Other comments? What are your thoughts about Roy's suggestion here? I guess one thing that's running around in the back of my mind is we just asked the SSC to come in March and look at a tiered process for determining OFLs and ABCs, I guess, and I don't know how much headway they're going to make either in March and/or in June and what we're going to have and we had no assurances from them regarding that.

If we had that information, then we could be back in line with 17 as it's currently structured and so I think we've got a real fork in the road right here as to how we choose to move forward with trying to meet the deadline of having these ACLs in place under the Reauthorized Magnuson.

Dr. Chevront: I can't see that table and I'm not even sure where we are.

Mr. Currin: You should have that. It's Appendix F under your snapper grouper tab.

Mr. Harris: Listening to what Roy said about the no action alternative and what we've listed here may not be what is reality with respect to no action that makes sense to me. If we're got something in place and our no action means that we're just not going to change what's in place,

we're going to say that those are our numbers that are going to prevent overfishing and that's where we need to be, that makes sense to me. I don't have any problem with that.

I think we need to hear from the rest of the committee, is that acceptable? Staff needs some guidance on this. We don't need to just keep going down this road if we're on now. If that's one thing that needs to be changed and everybody agrees that it needs to be changed, then let's move on with that.

Mr. DeVactor: Just related to that point, I think we can be more explicit in what is currently in place and that would reference this table, to a large part, I think. The question is, I guess, and I think it maybe has to wait until we get those ABCs and the OFLs, is do we retain the ACL alternatives and the ACT alternatives? Is it the intent to still step down from what's currently in place and, again, maybe you just have to wait to see what recommendation of ABC you receive.

Dr. Crabtree: I don't know what the SSC is going to come up with. They may well come in and say you need to reduce some things. In that case, we'll have to adjust the document accordingly, but we'll still need to characterize, I think, the status quo along the lines of what I'm laying out, in order to do the analysis.

One thing, and, Rick, you were in there for discussions on this, but I recall there was some discussion that they didn't like the kind of rule-of-thumb approach we were taking of stepping down by the same amount across a broad suite of species and that there may be some problems with defending that scientifically. Am I remembering that right?

Mr. DeVactor: They were referencing, yes, when we were setting ACL and ACT alternatives that we were basing it on 90 percent or 80 percent and I think some were 75 percent. They didn't like that it wasn't tied to a scientific variable. The word "arbitrary" wasn't used, but that there wasn't really something hard there to use and then the question came up of is that something that the council chooses, those percentages, and perhaps they wouldn't comment on that so much, that when they approved it and said this is based upon the best available science, they would be looking at the effect analysis of that action and that they wouldn't reference is 90 percent or 80 percent better.

Ms. Smit-Brunello: I certainly don't have the final rule in front of me for the ACLs, but I do have the proposed rule and there is some discussion in here that I'll read to you: NMFS is aware that existing FMPs may use terms that are similar to, associated with, or may be equivalent to ABC, ACL, ACT, and AM in many fisheries for which annual specifications are set for different stocks or stock complexes. NMFS's preference is that as councils revise their FMPs that they use the same terms as set forth in the National Standard 1 Guidelines as finalized.

Then they go on to state but if that's too confusing, please explain all the reasons why you changing terminology would be confusing. That, coupled with -- The council necessarily has to look at status quo and so we should be looking as to what's in place now and maybe what you have in place now will be sufficient and maybe you'll find that it's not sufficient, but I think it would be good to set that out in probably Alternative 1 for many of these.

Now, it gets into a little bit different -- This is a little bit different area in terms of no action as

what we've used in the past, no action to set a quota and don't set a quota and those sorts of things. I think that as this evolves you're going to have to look at status quo and as to whether status quo is technically no action under NEPA if you rename something that's already in place to have a different name, we can discuss that as we go along and I'll be glad to look at case law, but I'm not so sure where we will fall on that.

Mr. Geiger: When I raised my hand, I was going to ask if the staff had anything to say about it, because I'm not sure I'm smart enough to wrap my mind around the whole thing and thanks to Rick. He raised his hand and volunteered the information and, Gregg, do you have any concerns that you have or can add to this discussion to help us?

Mr. Waugh: I think we had this same discussion at the last council meeting and we laid out that to us the easier way to present it to the public, if you want to adopt -- We definitely have some values that could be used as sector-specific ACLs and we do have some values that could be used as commercial accountability measures, but to us, in terms of how you present that to the public, it just seemed like it would be a lot easier and cleaner, easier for them to understand, if you want to adopt those values, that you're calling them something else and you do that as an action. The council is taking an action to do that.

I personally still think that's the easier way to explain it to the public, but if you all's decision is to meld the discussion of values that are shown here into the no action; we just need some more guidance on how to do that, because we will structure the document how you all tell us to structure the document.

For instance, looking at golden tile here, we don't -- The F levels that were used are based on FMSY. We have a commercial quota. We don't have any recreational allocation and we do track the commercial quota and close it. Your no action for golden tile would be that we have a commercial quota that we considered to be the sector-specific ACL. We have a commercial accountability which is that we track the quota and close it when it's met. Then the next paragraph would go down and describe that for each of them and we can certainly do that.

Dr. Crabtree: I think to comply with NEPA that you have to do that, but the only -- I guess you could set this up so there's an action which is to change the names of things, but I don't -- I think that the quotas may well remain in the regulations as quotas. I don't know if we would change that or not and the analysis of the alternative that renames things would be identical to the analysis of the status quo, because the impacts would all be identical. There's just the change in names.

I guess you could do that, but you're adding a whole new alternative in there that really is fundamentally no different from status quo. I don't know if Rick has a view on that or not. I don't know that there's anything wrong with doing it that way, but I don't know that it gets you anywhere.

Gregg is right about, for example, golden tile. We did set that TAC right at the FMSY level and I don't think that's going to be where we're going to wind up and so I think that's one where we're probably going to want to make some changes to it. Unless Monica has views, maybe you

could go either way on it.

To me, it seems a little more confusing to add another alternative in there that just says what we called quotas are the same thing as commercial annual catch limits and to call that an action. I just don't consider identifying a quota as equivalent to an ACL, I don't see that as what rises to an action, in my view, but I can understand how one might make the argument that it does.

Mr. DeVictor: I think things have changed since the ABC recommendations have been pulled. Before, if you recall, their ABC recommendations were set at OY and so how we set up the document, you would step that down. You would have a lower quota, because that's your sector ACT, but now we don't have those and so we're not sure where this is going to play out. The no action could be the same or not. Do you see what I'm saying?

Dr. Crabtree: No, because the no action for golden tile, it's the quota that we have. If you take no action, that's the ACL that you have for the commercial fishery and that's not going to change no matter what anyone recommends and when you do your analysis of whatever we decide to look at, you're going to analyze that in comparison to the quota equal to ACL that you currently have in place and the accountability mechanism that you currently have in place. I think you have to analyze it that way. I think if you were to analyze it to say ACL versus no ACL, that's not an accurate portrayal, because the fact is we do have limits on catches in place. I think you have to do it that way.

Mr. Harris: Roy, just a question. In your mind, does -- In a table that we're going to develop, does no action always equal status quo or are there some species where no action would not -- There's no status quo now and so it wouldn't equal status quo? I'm trying to figure out the easiest way to develop this table in the future. Is no action always status quo?

Dr. Crabtree: I recall instances where something was sunseting and so no action was something went away, which meant no action was a change, but I think in this instance that no action is the status quo things remain in place.

Ms. Shipman: This is a minor point, but will we not be better off to label the no action as status quo management? I think it just sends a better signal that we do have things in place. It's a subtlety, but I think it may convey to the public and to NOAA Fisheries in Washington that we do have some things in place. I would rather see it labeled status quo management.

Mr. Currin: That's more appealing to me intuitively. I just want to make sure that that doesn't complicate the analysis for the staff unduly. We've had general support for that around the table so far, those that have spoken.

Mr. Geiger: Dr. Crabtree answered my original question, but I do have another question in terms of a recreational allocation. I know that the recreational landings in golden tilefish are extremely small, probably 2 percent or less. Jack, correct me if I'm wrong. What do we do about that? It says it's not designated, but if we don't designate it, is that recreational component lost?

Dr. Crabtree: I had some other comments on the document once we dealt with the status quo

that addressed some of those specific issues in terms of -- For example, I want to raise do we really want to get into sector-specific ACLs and AMs for golden tile, given that the recreational catch is so small that I don't think we're going to be able to manage it in a meaningful way and so do we really want to do that?

Then I had some questions of do we really want to address allocations on some of these species where -- For example, speckled hind and warsaw, if the ABC is zero, I don't see that we need to at this time worry too much about sector-specific ACLs or any of those. It seems to me if you have an ABC of zero then the only alternative we have is the ACL is zero, because that's the only thing I think we could legally justify.

I don't know, Rick, but in the structure of this document it's hard to see how this would adapt to doing different things for different species, because of the way we've laid it out. If we decide with speckled hind and warsaw grouper that we're only going to have one alternative, period, and that's to set the ACL at zero, the way the document is structured, I don't know how we would work that into this. It would seem kind of awkward anyway.

Mr. DeVictor: How we have the document set up is we have alternatives for setting the ACL at the ABC and so we have alternatives and you can pick -- We have wording in there that you can pick multiple alternatives, depending on the species. When it was ABC equaled zero, you just choose the alternative where ACL equals ABC.

Dr. Crabtree: What do you do then, for example, for ACT? Clearly there's not going to be an ACT for speckled hind and it's not clear to me what accountability mechanism you would have either, because if the fishery is closed -- If you exceed your ACL of zero in terms of landings, I guess you either have a state compliance issue, which is beyond our ability to adjust, or you have an enforcement issue, which I think is beyond the concept of accountability measures. It's not clear to me how you would have an accountability measure of the type we contemplate in this document for a fishery with an ACL of zero.

I don't know if the way it's structured allows us to get at that very effectively and so I guess where I'm coming at is would it make sense to restructure the document so you dealt with stock by stock? You can have ten actions, one for each stock. I don't know if that's a good idea.

Mr. DeVictor: We designed it this way so we wouldn't have to repeat it for each species. We'll have to see, I think if we go species by species and we have alternatives for ACT equals ACL and so that's what you would do for that species.

Dr. Crabtree: The way the document is structured; do you choose one alternative for one species and different alternatives for other species? Is it laid out so you can do that?

Mr. DeVictor: We have wording in each action, and it's not normally how we do things, where you could choose a different alternative for a different species. Alternative 2 could be the preferred alternative for warsaw and speckled and Alternative 3 could be the preferred for other species and that's laid out in the document. It's different than how we normally have done stuff, but if we did it species by species and repeat all the same actions, it could be an extra large

document.

Dr. Crabtree: Would it be easier to just have the species, speckled hind and warsaw, where there's one thing to do and there really aren't any other alternatives to analyze to just set them as a separate action and say speckled hind and warsaw grouper ACL equals zero and that's all there is and we're done, rather than going through the way you've done it?

Mr. DeVictor: I think so. It depends how much we can pull out and not have an action item for it, but I think that that could possibly make the document shorter and have less actions. That's what it would equal.

Mr. Waugh: I would suggest that you not feel hindered by the current structure of the document. Roy has an idea of how to do this and simplify it and so wipe the slate clean and let's just put something new on the table. That's one comment. The second one is speckled hind and warsaw; I really think the SSC dodged their recommendation to us.

In specifying an ABC -- When I asked the question of Carolyn, that you can specify your ABC in terms of landings, but you have to account for bycatch mortality. The answer from the SSC is that we would calculate that when we do the management measure, but that's if you're doing some management like we've done with a quota. When a quota is met, we know there's some post-quota bycatch mortality and so what they've done is they've given us sort of half the answer.

We can prohibit all harvest and retention of speckled hind and warsaw and we're done. We've ended overfishing, but we haven't accounted for the bycatch mortality and the way we have this document structured now, if indeed your target for total mortality was zero for speckled hind and warsaw, then you couldn't allow any directed deepwater fishery at all, except perhaps for golden tile that could be done in a way that had no bycatch.

If now all we have to do is require people to throw back all the dead speckled hind and warsaw, that's going to look great at paper, but it's not going to do anything for speckled hind and warsaw. We've got to figure out how you're going to manage for these species like speckled hind and warsaw that are in such low, low biomass levels and then coming back to the structure, create a new document and tell us how you want it to look and we'll meet that directive.

Dr. Crabtree: The SSC did actually spend a fair amount of time talking about this issue and they talked about trying to monitor discards and the problems that that created and they clearly rejected the idea of a zero level of total removals. I would point out to you that even for species listed as endangered under the Endangered Species Act we typically do not have zero removals. We have incidental take allowances for leatherback turtles and loggerhead turtles and other things.

We don't allow somebody to intentionally go out and take them, but we understand that there are going to be takes. The notion somehow that we're going to apply a standard to speckled hind and warsaw grouper greater than we apply under the Endangered Species Act, I don't understand that.

Now, I agree with you that there are probably and well may be reasons to come in and try to look at are there ways we can reduce discards of speckled hind and I think we do have actions in here to look at snowy groupers and things, but I think that's a separate issue from the ACL of speckled hind and I don't think that without some sort of assessment on speckled hind and warsaw grouper that we will get it off of the list as undergoing overfishing unless we do something along those lines or we get some analysis to show where it is, but I don't understand the notion of trying to get to zero total removals, because that seems, to me, to be a standard that is far beyond anything we ever would normally apply.

Mr. Currin: Roy, a question for you. As best I understand it under ESA, takes are allowed, but there are specified numbers of takes. Are we in the position that we could specify an allowable take for warsaw and speckled hind?

Dr. Crabtree: They're not listed under the Endangered Species Act and so that doesn't apply here. Normally, under at least something that's listed as endangered, take is prohibited, but that is intentional take and it's recognized that the course of activities that humans undertake that there will be incidental takes of these.

Provided the incidental takes do not rise to the level of jeopardizing the existence of the species, those takes are allowed. Now, something that's listed as threatened under the Endangered Species Act, take is not necessarily prohibited and that's something that's usually addressed in the rulemaking, but the statute itself doesn't prohibit that. I think that's a totally separate issue from where we are with speckled hind and warsaw grouper, where we're in a situation where, one, we don't really have a lot of guidance in the science in terms of what exactly we do need to get to on the discards.

You can certainly allow some level of take or catch of speckled hind and warsaw grouper, but based on what the SSC has given us at this point, it's going to be a mortally resultant from discards, because with their ABC recommendation of zero, I don't believe you can have any directed harvest of warsaw and speckled hind allowed under your ACLs, but in terms of what you decide to do to reduce overall discards in that deepwater fishery, unless the scientists come in and give us some more precise guidelines on that, I think you have some discretion in terms of how to address that at this point.

If you think about it, if we close down those species of grouper, snowy grouper we already have regulated at a level where there's likely no directed fishery, at least commercially for snowy grouper and I'm not sure there is recreationally.

I don't know of any directed fishery for other deepwater species of grouper that's going on, because I don't think they're abundant enough to really support fisheries. It's likely that most of the take of snowies and speckled hinds is incidental things like vermilion snapper and some of these mid-shelf species and you are taking action that are going to reduce those trips, because we're looking at closures of grouper and vermilion snappers and others and I think all that has got to be played into this.

Mr. Currin: We often forget the blueline tile fishery, which in areas at least is a directed fishery,

but I don't know what the interaction is with some of those other species. I know it does occur in some areas.

Ms. Smit-Brunello: This goes back to the structure of the document and the no action alternative. I was looking at the Council on Environmental Quality's Forty-Most-Asked Questions concerning their regulations. It's commonly known as NEPA's Forty-Most-Asked Questions or the Forty Questions. They discuss no action alternative under Question 3 and they state there are two distinct interpretations of no action that must be considered, depending on the nature of the proposal being evaluated.

The first situation might involve an action such as updating a land management plan, or I would say a fishery management plan, where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases, no action is really no change from current management direction or level of management intensity.

To construct an alternative that is based on no management at all would be a useless academic exercise and therefore, the no action alternative may be thought of in terms of continuing with the present course of action until that action is changed and the projected impacts of alternative management schemes would be compared to those impacts projected for the existing plan.

That kind of leads me to believe that it's all right to, at least in the Alternative 1, to keep it as a status quo no change, in which you could change the nomenclature if you wanted to for certain things that you might consider to meet the requirements of an ACL or an accountability measure or anything along those lines.

Mr. Currin: George, I had you a while back and do you still remember what it was that you were going to ask?

Mr. Geiger: Actually, Gregg came up and said it. Why don't we wipe the slate clean and move forward? That was going to be my shot and he came up and said it.

Mr. Currin: That's a big decision. We've got a lot of work and time invested in this and if it's not going to get us ahead, I don't want to stick with it just because that's where we are, but I want to make real sure -- I think it's important that we make sure that that's the best course of action. I don't know at this point. I think we're getting general agreement that the no action alternative should be the status quo regulations that are in place. I've heard no one say that they're opposed to that.

Dr. Crabtree: To me, it depends on what you mean by wipe the slate clean. I think there's a lot of work in this that's going to carry over into whatever document we do, but if you mean give instructions to the team to go back and, in light of where we are on this, think about ways to simplify, streamline, and restructure the document, I'm in agreement with that, but I certainly think there's too much work invested in this to just say let's get rid of it. I do think, and, Rick, correct me if I'm wrong, but I think some guidance to you guys as to ways to reduce alternatives and cut back on some of this would help, wouldn't it?

Mr. DeVictor: What I'm gathering so far is that what we would do is restructure the status quo

and we would also structure the document and go possibly species by species and we wouldn't have action items where something is currently in place. We would use this table and go across and say allocations in the table we obviously wouldn't have an action that's an allocation. Is that kind of the consensus around here, is go species by species through the document?

Dr. Crabtree: I think there might be advantages to species by species and I would be agreeable if you folks looked at that and decided that might make it simpler to do it that way. If the SSC comes back to us and says, look, until you make decisions about allowable risk of overfishing and all of that we're not going to be able to provide you with anything new on it, then I think at that point we're left with do we want to make decisions about reductions and things like that.

I don't think we're going to know the outcome of that until at least the next meeting. I'm not prepared right now to say definitively I think you should structure the document this way, but I do think, in light of all of this, that going back and taking a fresh look at it and you guys sit down and try to think of what might be more straightforward ways to look at it and maybe doing it this way comes back and says this is the best way, but I think if wipe the slate clean means to go back and take a fresh look at the whole thing, then that make sense to me.

Mr. Geiger: No and a lot of discussion took place after that -- I didn't mean start from scratch, but certainly taking into consideration your comments and work from the perspective that you have talked to at the beginning.

Mr. Waugh: I'm just a little bit concerned about the amount of rope that we're being given. To go back and just think about ways to streamline the document, that -- We've got time here and to me, it seems like the Snapper Grouper Committee needs to spend a little bit more time refining at least some broad guidelines.

Roy has laid out lumping a lot of deepwater species together and certainly if you do that, that leads you down a certain way of us structuring the document. We've got time tomorrow that the committee could spend some more time. I'm real concerned that the team is not being given a whole lot of guidance.

Mr. Currin: I appreciate that concern, Gregg, and I guess I'm in a quandary because I don't know the implications of asking you guys to proceed down the road of structuring the document species by species. That may turn out to be all right, but you guys may have thought of that already and decided that that's a much more complex way to go about structuring this document.

I don't know what the implications are of changing Alternative 1 and whether that streamlines it, to some degree, and whether that changes the previous thought that you had put into the structure of the document. Obviously with the limited guidance that the committee and council have given you to date, you guys thought this was a proper way to do it. I think that was in anticipation, I know it was, of the SSC giving us those ABCs. We thought we were going to get them and we pushed hard to get them and we got them and now we don't have them anymore.

We are kind of back to square one, to some degree, and I don't know. I defer to you guys as to any ideas you might have or certainly the impacts of a particular route that we might advise you

to take, because you guys are much closer to this and live with it every day and have been for some time.

Mr. Geiger: Would it be possible for you guys to take some time this evening to formulate some issues that you would like us to provide you some specific guidance on, rather than leaving it to the committee to just try and make the determination as to what we think you need to do? If you could provide some specific topics on which you would like guidance, we could then address them item by item. You look puzzled, Rick. Does that make sense, what I just asked for?

Mr. DeVictor: That's fine. I think why I'm puzzled is I don't know what actions are in this amendment. I think that's a good place to start, what actions are in here. It was built upon having ABCs and OFLs and we don't have those now and so we're talking about structuring the document, but we don't have values to work from. I think this thing is on hold, to tell you the truth.

Dr. Crabtree: There are things in here that I think we can spend some time going through that it seems to me that we don't really need to do in this document. As an example, I really don't see any reason to have any allocations in this document. Golden tilefish, I just think there's not enough on the recreational side to effectively deal with the allocation issue and I would come at it from the point of view of just have a single ACL for golden tilefish and deal with it that way.

I really don't see a strong need to deal with black grouper or red grouper allocations at this point. We already put in place things in Amendment 16 and by the time we would even know whether we triggered an ACL or an accountability mechanism, we're going to have the stock assessment in 2010 and so it seems to me if this goes into place in 2010, whatever we do in this for red and black grouper will be immediately superseded by the stock assessment that we're going to get.

I think even if we found out in 2011 that we went over the ACL that we had put in place in 2010, we would already be putting in place new things based on the assessment, which I think would be the overriding document at that point. I really don't see that we gain much of anything from dealing with black grouper and red grouper in terms of the allocation.

Now, I guess we need to address in here what we think the catch levels that ought to result from what we did in Amendment 16 would be or if the SSC comes back in with ABCs for red and black grouper -- It's just hard for me to see why the SSC is going to spend time on ABCs for red and black grouper, because the time anything they give us is implemented, we'll already have the assessment. I don't really see a point with that.

With red snapper, everything I'm seeing is indicating that we're not going to have enough fish to really effectively allocate at that point and so it's not clear to me why we need to address some of these allocations.

For some of these fisheries, like snowy grouper and golden tile, again, I just am not sure that trying to have sector allocations -- It sounds good and all, but I'm just not sure it's a workable kind of idea, just because of the nature of the data that we have and those kinds of things. I think some decisions like that would help streamline some of this and move some things out of here.

Mr. Geiger: That was going to be my question, snowy grouper specifically. I think you just answered it in your sentence. Snowy grouper would be lumped into the -- The 523 condemned fish would just be part of a --

Dr. Crabtree: You could probably come up with an accountability mechanism that if you exceeded the ACL and if the commercial fishery was within their quota, then you reduce the bag limit on the recreational side or something like that, if you wanted to come at it -- We would have to figure that out, but I just think setting a sector-specific ACL in a case where the data doesn't support it is just going to head us towards trouble, because then we're going to have catches that are bouncing all over everywhere and people are going to come demanding we deal with it and it's going to be automatic. I just think we need to be really careful about that.

Mr. Waugh: I think what Rick was getting at is the purpose and need for this amendment is to specify the ACLs and accountability measures. If we look at the deepwater, and that's the group at the top with the bold line, the ACL for golden tilefish would be what we've got as the commercial quota and we would have accountability measures on the commercial sector and we would just have nothing on the recreational.

Then for snowy, the ACL -- Would we set up a separate ACL for recreational and commercial or would we just lump that together and have one ACL? Then the ACLs for speckled hind and warsaw would be zero and the management measures would be just prohibit all harvest and retention. Is that the approach we're looking at taking now?

Mr. Currin: That's what's been suggested so far and some of those examples that you pointed out were some that had been mentioned. However, I think Roy mentioned, regarding snowy grouper at least, and we do have a recreational allocation there, that we could implement some accountability measure if that harvest was excessive and a management measure to try to address that.

Dr. Crabtree: I think we all would need to understand if you're going to set a sector ACL for snowy grouper of 523 fish then you've got to close the recreational fishery, because any allowable level of harvest is almost certainly, just because of sampling error, going to go over it. I don't see any way to get around that.

I think with golden tile you would have to take the commercial quota and then we're going to have to look at probably -- That's one I suspect we will end up reducing it and account for it somehow on the recreational side.

Mr. Currin: Other thoughts about the direction that Gregg indicated and Roy has indicated?

Mr. Harris: I just have a question for Roy, based on what he just said. I think I heard you say that for golden tile, since there's not much of a recreational catch, we would reduce the commercial allocation to account for the recreational catch and that would be our OFL?

Dr. Crabtree: Part of it is going to depend, of course, on what the SSC tells us, which Rick is

right that we don't know, but I don't believe the SSC is going to say it's okay for you to stay at the FMSY level and so we're going to reduce, presumably, the quota down to -- In the past, it would have been 75 percent of FMSY, which would have been the optimum yield level. If you set an overall ACL somewhat above that, to account for the very small amount of recreational catch that normally occurs, then you could get an ACL out of that somewhere that was below the OFL. Do you follow what I'm saying?

Mr. Harris: Yes and I think that's a great approach and I think that should be one of the alternatives.

Mr. Currin: It seems like we're kind of moving down the path of looking at each one of these species and developing alternatives for each species and is that what I'm kind of hearing? Is that the best way for us to proceed with this if we want to make some headway? Gregg raised the issue of the purpose and need of the entire document. That may need to be addressed to some degree as well. Initially, it was to generate ACLs, produce ACLs, and ACTs and all that. That's going to be part of it, but I don't know whether that's -- It may need to be looked at as well, but does that sound to everybody like the best approach, rather than sit around here and beat around the bush and bring some things, examples here and there, if we can capture those as we go through species by species? Does that make the most sense to you, Rick?

Mr. DeVictor: Yes, it does.

Mr. Currin: All right. Let us do that and we'll start with the top of this table in Appendix F, with golden tilefish. So far, I think the suggestions are that we not try to establish sector allocations for this fishery. Dr. Crabtree has indicated that perhaps the ABC that we're operating off of now may need to be adjusted in some way. What other measures or alternatives regarding direction to the staff on golden tilefish?

Dr. Crabtree: I would suggest that one alternative would be to set the quotas and the catch levels at the FOY level. If the SSC comes in with some alternative recommendation, then we'll have to deal with that, but even if the SSC didn't get there, it seems to me we would want to come in and set the quotas and things at the OY level. Then I would take the adjusted OY commercial quota and the expected OY level recreational landings and then have a single ACL for the fishery that would be the sum of those two, something along those lines.

Mr. Currin: That makes sense. If we get ahead of you and you're not getting this direction down, just say so. That's kind of two alternatives, I guess, for golden tilefish. Are there others for golden tilefish that occur to anyone at this point?

Dr. Chevront: I'm not sure if I caught it in what Roy had said and I'm sorry if I'm being redundant here, but was one of the alternatives to reduce -- What Duane I believe had said earlier was to reduce the OFL by the amount of the recreational catch and have no recreational allocation and then just leave the rest of it commercial?

Mr. Currin: Is that what you were suggesting, Roy?

Dr. Crabtree: That wasn't what I'm saying. I wasn't adjusting the OFL at all. I was saying that

reducing what would I guess become the ACLs down to yields corresponding to fishing at FOY, rather than FMSY, and then having a single ACL that would be the commercial quota plus the expected recreational harvest level. Then the accountability measure on the commercial side would be the hard quota and we would need to put something in on the recreational side that if we exceeded the ACL and the commercial fishery was within its quota that we would need to, I guess, we could go to one per vessel at that point. We're at one per person recreationally now.

Dr. Chevront: I guess what I'm trying to say is to come up with a method that would not encourage either sector to fish more on that species and what I think could happen is that if we reduced the ACL overall, we might be reducing some of the commercial trips, but I don't know. There's the potential, I think, for that. I think we've seen something similar to this happen already in snowies and what I wouldn't want to do is to encourage an increased recreational fishery on this.

I just assumed that what we would do is if the commercial sector doesn't catch what has been set aside for them, then that fish goes back to conservation. They don't immediately become available to the other sector and I would like to try to see if we can figure out a way to include something like that in our recommendations.

I think what I'm getting from what Roy is saying is that, for example, if the commercial side doesn't catch all the fish that they normally would, that would still leave them vulnerable for being caught by the recreational sector and my thought is that maybe we need to have an alternative that does not encourage either sector to increase their trying to land a given species.

Dr. Crabtree: I don't think what I'm talking about encourages anyone to do anything. The recreational fishery is going to do what they do under the current bag limit, unless you want to reduce it. I'm just saying you set a single catch limit and as long as the combined commercial and recreational catches stay below it, you don't do anything. In that case, if the commercial fishery was under quota and the recreational catch happened to be a little high, but you were under the combined ACL, you would still be all right.

Dr. Chevront: In that scenario, I think that's okay. Could we end up then starting to encourage fishermen who said this year the commercial guys aren't catching all their fish and so next year we know there's going to be more fish left and so can we go start targeting that more? I want to avoid that kind of a problem and I guess I'm not seeing what you're saying, that it would discourage people from exploiting potentially a resource that might be in trouble. I'm assuming you don't see that as a problem.

Dr. Crabtree: I don't think its real world. I think recreational fishermen are going to go fish for what they for, based on what the bag limit is and what they want to do. I don't think they're going to look at what was the commercial catches relative to the quota and have that change things. If you're worried that the recreational catches aren't constrained enough, then you would either have to lower the bag limit to a vessel limit or a closed season or something like that, but I'm not sure they're going to make fishing decisions based on the performance of the commercial fishery. I think that's just reading too much into what people do.

Mr. Currin: I have two comments. One, it's an expensive fishery to participate in, because it's

offshore. Not so much off of Florida, but certainly north of there. The other thing is it seems to me, Roy, what you're suggesting is that there, by necessity, would have to be a recreational quota or allocation to determine when this AM needs to be put in place, if they exceed the whole quota. I'm not sure how that's all going to work without a sector-specific allocation. Maybe I just don't understand.

Dr. Crabtree: I'm just looking at you have a single ACL and you've got 2 percent of the catch is recreational. We can usually hit the quota plus or minus 5 percent. It's almost like the recreational catch isn't enough to have much impact on anything in this fishery, but if you want to set it up with separate things, okay, but I'm just not sure how it's going to be meaningful.

Mr. Currin: I'm not suggesting that's how it necessarily has to be, but if there is some expansion in the recreational fishery and it gets over 2 percent or over 5 percent -- I don't know how likely that is. I guess you're saying that you don't think that's very likely and if we're within 5 percent of managing the whole quota, then the 2 percent or 5 percent recreational catch is basically insignificant in the long run.

Dr. Crabtree: There are lots of ways you go on it, I guess, Mac that we would have to figure out. I don't have all the answers on it.

Mr. Currin: All right. Are there other ideas on management measures or approaches to golden tilefish management?

Mr. Robson: Just a question and I may have missed this earlier, but are we -- We're just going to take a look at ACLs and we're going to hold off on ACTs?

Mr. Currin: Yes, I think that's -- Rick is nodding his head and I guess that's where we're going with this. We're trying to make sure we're preventing on overfishing on all these species. Anything else on golden tilefish? You've got time to think about it. Snowy grouper, ideas on snowy grouper, approaches to managing that, that species?

Dr. Chevront: This is a case where we've seen an increasing recreational fishery and as long as we can get to a point where we're not giving up the idea that we're going to have separate commercial and recreational ACTs, if we want to set on ACL, that's fine and we can deal with the ACTs later, but I think this is particularly one fishery where the example that I brought up with golden tilefish is a real possibility.

I believe, for example, right now that the commercial sector is not catching their quota, because it's no longer a directed fishery. What would be, in my mind, probably not a good thing to do would be to allow those fish that the commercial side is not catching to become available to the recreational side. Conversely, if we decide that we can't manage a fishery for 523 fish, those fish should not be made available to the commercial side and that whatever we can't manage goes to conservation.

Mr. Currin: Keep in mind on one of the alternatives in the amendment formerly known as 17 was to close the whole deepwater fishery. There was certainly concern about managing 523 fish

for the recreational industry. Roy has made the comment that he doesn't see how we can do that. It's virtually impossible to track those landings and so that would indicate that one of the alternatives here should certainly be to close the recreational fishery for snowy grouper.

Ms. Williams: Roy, I thought you told the Gulf Council, and I could be wrong, that the SSC sets the ABC, the council comes in and sets the ACL, as well as the ACT, and the presentation that the council was given or has been given in the past said if you have a commercial ACL and that commercial industry is monitored and you can shut them down before they go over and they're under the logbook system and those sorts of things, you could actually set the ACL at the ABC and you wouldn't even need an ACT or the ACT would be the same as the ACL, because you would not need to build in a buffer.

If that's not the case, then that's where your AMs come in and that you're supposed to do the same thing on the recreational side and what I thought I heard you say is no, we're going -- You can set an ABC and you set your ACL and if one or the other goes a little bit over, it really doesn't matter, as long as no one overharvests this I guess ACL, which is your ABC, unless a council should decide to even build in more buffers. We haven't been told that. We've been told that we were supposed to set ABCs, ACL, ACTs and AMs for both sectors.

Dr. Crabtree: What's in the guidelines is that you can set sector ACLs, but they're not required. That's at the discretion of the council. I think in most cases we will set sector ACLs and in the fisheries we've dealt with in the Gulf that were undergoing overfishing, they all had substantial recreational fisheries, but what we're talking about are fisheries where the recreational share of the catch is extremely low and it's so low that MRFSS really can't effectively --

The estimates of the recreational catch for snowy grouper, even in numbers, fluctuates by 200 percent from year to year, because the CVs on the estimates are over 50 percent. When you're talking about an allocation of 500 fish, it's just beyond the ability of the data. If the council wants to set up a sector ACL and ACT and all that for snowy grouper, you can do that, but you really, I don't think, can effectively manage it.

Now, you could certainly argue that we need to be more restrictive on snowy grouper in the recreational fishery and go to one per boat or even close the fishery down, I suppose, but the guidelines have always been clear that sector ACLs are an option, but the Act just requires an ACL for the fishery and it doesn't require you to set the ACL specifically for each sector.

Ms. Williams: Thank you. I haven't heard that before.

Mr. Currin: Other measures for managing snowy grouper? The only one suggested so far was disallow recreational harvest. Do you want to look at one per boat? We've talked about that in the past. I'm seeing heads nod there and are there others? Do you think that's it? All right. The next two may be easy, speckled hind and warsaw grouper. We'll treat those the same way. We've got the recommendation of ABC equals zero from the SSC.

Mr. DeVictor: The current alternatives for speckled hind and warsaw grouper are to prohibit all harvest of speckled hind and warsaw grouper and also to prohibit all harvest of deepwater

species. Those are the two alternatives that we have there right now.

Mr. Currin: Everyone okay with those alternatives for those species? I don't see what else we can do. Black grouper, suggestions on black grouper to be included in this amendment, management measures? Ideas?

Mr. Harris: Mac, I thought Roy said this might be one of the two species that since we have a new SEDAR upcoming for it that we may not want to designate anything in this amendment. Is that what you said, Roy?

Dr. Crabtree: It seems to me since we've just approved Amendment 16 and we have assessments due the beginning of 2010, I certainly don't have any desire to readdress or put any additional restrictions on gag, black, or red grouper. Now, the SSC, I suppose, may have different views on it, but my view on all three of those at this time is we ought to identify the things we did in Amendment 16 and how that complies with all this and go with them. Now, I think we do need to address accountability measures in the recreational sector for those, but I just don't see where right now we have any analysis or record that would lead us to come back in and make any additional adjustments to the catches beyond what we did for them.

Mr. Harris: We would leave them in the amendment, but we would simply do the accountability measures for the recreational fishery?

Dr. Crabtree: I think in the status quo or somewhere in the amendment we would have to lay out how what we've done in Amendment 16 equates to what's required and then when we get the assessments, which we'll likely get before this has even been implemented -- When we get the outcomes of those assessments, at that point, I suppose, we would come in then and establish whatever is appropriate, based on the assessments.

Mr. Geiger: Could we lump vermilion snapper in that same category?

Dr. Crabtree: We are putting in place things consistent with the most recent assessment and so, again, we have a hard quota on the commercial sector. We would need to do accountability measures on the recreational sector, but I certainly don't see how we would come in and make changes to what we've done on vermilion snapper at this time. Until the SSC is able to -- Unless they come up with something that we need to react to.

Mr. Currin: Rick just noted that we do have accountability measures for a suite of alternatives. We might want to look at those to see if there are some that we might want to eliminate at some point, before we leave this document, but those accountability measure alternatives are in the document for the recreational sector.

What I'm hearing from everybody is that they're generally comfortable with black, red, and gag, the issues on those, having been addressed in 16 and George mentioned vermilion as well. I don't think we can address those as one lump and put them altogether, but we do have to have some other alternatives to consider for ways to address management of these species, I believe, just for no other reason than NEPA. Do we not?

Mr. Harris: This goes to what Roy just raised and that's the SSC may come in with some new numbers. I'm wondering if we even ask the SSC to address these four species, based on the recent actions. Maybe they just address these other species and we wait until the new assessments for the SSC to address gag, red, black, and vermilion. Why does the SSC need to give us new numbers if we have prevented overfishing in the existing actions that have been taken by the council?

Dr. Crabtree: The basis I would see is when we come to some conclusion about the acceptable risk of overfishing that we're going to allow, based, I guess, on the p star analysis and all of those kinds of things. Then if we find that what we have in place now is not sufficient to meet the allowable level of risk we have, then I think we would come in and make adjustments to it.

What I don't know at this point is when we will have analysis to allow us to come to that conclusion and all, but I certainly -- My experience with councils is you don't take actions on something and then come right back in and -- Particularly with black and red, when we're waiting on the assessments. That would be the motivation I would see for coming at that.

Mr. DeVictor: As I see it, for black grouper, red grouper, gag and vermilion snapper, we would have the status quo alternative specifying what's currently in place, what was put in place through Amendment 16. Then there would be a range of alternatives for the recreational accountability measures and that would be straight -- Looking at the alternatives we already have in the document, they've already been looked at in terms of the effects and so I think we should just keep that range in there. It's a wide range and we'll leave it at that.

Mr. Currin: Does that suit everyone? Okay. We've got black sea bass and red snapper. Rick's question was could black sea bass be put in the same place? Roy has expressed some concerns about black sea bass. Do you want to bring that to the table now or are you comfortable with --

Dr. Crabtree: I'm not prepared to really say yet. I would need to see some discussion of exactly where we think we are with respect to black sea bass. I know we're in a constant -- Maybe Jack can give us that now, but we're in a constant catch rebuilding plan for -- I don't even recall how many years exactly. The Fs are projected to be declining. We have not caught the quotas and that's somewhat of a concern, but I've talked to a lot of people about that and I can't tell you if we haven't caught the quotas because effort is down or because the two-inch panels we put in had more effect and I don't know what the answer is to that.

I don't think anyone does or will be able to figure that out without an update of the stock assessment, but I would like to look -- I think what the SSC will look at, because we asked them to look at the rebuilding plans and how this plays out, is I would like to see, based on what we have scientifically, where do we think the catches right now are relative to FMSY and some of those kinds of things.

Then we could take a look at that and see do you feel like you want to be more conservative on this or not, but I can't make that determination without going through some refreshers on the rebuilding plan and all of those kinds of things.

Mr. DeVictor: How you set up black sea bass is similar to how you set up snowy grouper, where you phased out overfishing. What you did is the first year, year one, you set it at FMSY and then you transitioned to FOY and then you're correct that you chose the constant catch and essentially, since you're holding catch steady, you may be going underneath FOY. Since you're holding catches, the stock rebuilds and more fish --

Dr. Crabtree: That's right. What I would want to see, Rick, is given -- This goes in place in 2010 and where were we projected to be on our current path in terms of the Fs in 2010, if they're well in line with what people seem to think is reasonable and we seem to be on track. Unless you just want to be more conservative at that point, I'm not sure we would have much basis to change it and I think we would have to give some real thought to if we decide to be more conservative at that point, is that a revision of the rebuilding plan or what are we doing on that? I would want to see those yield and F streams and see where we think we are with respect to black sea bass.

Mr. Currin: Then at this point at least we would lump black sea bass in with the gag and vermilion and blacks and reds, for purposes of this amendment?

Dr. Crabtree: I'm less comfortable with that until I see where I think we are, because I just -- Black sea bass is not fresh in my mind right now in terms of what we did. What Rick said I'm sure is right and it's consistent with how I remember it, but I just don't know where the Fs are. If the Fs right now are well below FOY, according to our projections, then I would probably agree at that point, unless the SSC comes up with some other recommendations, I would probably agree with that, but I would want to see that and look at that.

I guess what I would like to see is if we can come up and take a look at that. I don't know if we could pull that out and look at it tomorrow or not. I guess I would want to see that tomorrow, if we can look at that.

Mr. Currin: If we can get that tomorrow, that's great. I was going to suggest that if we can't get it tomorrow and we've got to wait until sometime between now and the next meeting then the best course of action may be to treat them as the other four species that we just suggest that until we have some information to suggest that they need to be treated differently. Is that okay with you, Roy, as an approach, and we'll see what we can get tomorrow?

Mr. DeVictor: Yes, because I think you would still want to put in accountability measures either way.

Mr. Currin: Okay, red snapper. Everybody knows where we are on this.

Dr. Crabtree: I think we've got to sit and look at the projections, which I haven't even seen the latest projections. One thing I do believe we need to clear up is for one thing -- Maybe Monica can help us, but in the current document, we changed the maximum fishing mortality threshold, but it's not done as an action, right, Rick?

I think the status quo mortality threshold is 30 percent SPR and was put in place in the SFA

Amendment. Monica, can we make that change without it being an action, since it was set as an action?

Ms. Smit-Brunello: I'm going to have to look to see how we set that up in the SFA Amendment. I'm thinking that we probably didn't address it in terms of future changes to that. If we didn't address it, for instance like we did with MSY, saying future values for MSY will come out of the SEDAR assessment; we very well might need an action to change that.

Mr. DeVactor: I think how we've been handling it is as we've been getting assessments; we've just been putting in there the MFMT is this. I think that's because we've just been using the FMSY. Here, we're making a change to the MFMT and perhaps you're leaning more towards having an action item with different alternatives.

Dr. Crabtree: I don't know. I think we need to talk to Monica about it, because we have -- Since we have a pretty hard recommendation out of the SSC, I'm not sure what alternatives, other than what they've recommended, would really be reasonable, but I worry about having something established as an action in the FMP right now and then changing it just as some discussion and I'm not sure that works. I would ask that Monica give that some thought and advise us on it.

Ms. Smit-Brunello: I will and this could be a case where there is no action and action and that's all, which would please Gregg to have that finally come true.

Mr. DeVactor: We did have that with TAC alternatives, if you notice.

Dr. Crabtree: One other thing is I think, Rick, the way it's set up now, we've got actions to reduce discards of red snapper, which are these big area closures, right? I have a couple of comments on that. One, as I saw it, the alternative encompassed that whole area, which was the North Carolina/South Carolina border to below Cape Canaveral. I sure would like to see some alternatives in there for some smaller areas. It may be when we analyze them that we decide those won't work, but I think how the analysis works out has a lot to do with whether the actions in Amendment 16 go in place and then how we think that may affect the number of trips and those kinds of things. I think we need to have more than just this whole big area, but some smaller potential areas.

Then that's one comment and then the other is we do have alternatives that exempt a couple of fisheries. I think the sea bass pot fishery is one in there that would be exempted, I assume because we believe there are very few discarded red snapper in that fishery, and then the tilefish fishery.

I also think that we need to take a look at exempting spearfishing, because it is not clear to me if we're going to close an area to reduce discards of red snapper -- It's hard for me to justify prohibiting spearfishing in that area, because I don't think spear fishermen are likely to go out and -- I'm just not sure they're going to have discards of red snapper.

I could be wrong about that, but I do know we have some commercial spear fishermen over on the east coast and I have a hard time imagining that they're going to go out and accidentally

spear red snapper. I at least think that ought to be an alternative in there that we give some consideration to. I would hate to be challenged on the basis of we prohibited spearfishing without a rationale and I think we have to consider that.

Mr. Currin: What I'm hearing then basically is the alternatives that are currently in 17 for red snapper and certainly the accountability measures, as Rick indicated, would need to be addressed. Roy has suggested a couple more, I think the exemption of black sea bass and golden tile longline were in the amendment and previously Roy suggested looking at a smaller area.

Dr. McGovern: Also, in the analysis for the different alternatives, I think there should be some consideration of changes in fishermen behavior, the effect of Amendment 16 management measures, other actions in Amendment 17, any changes in effort, the effect of venting tools. It was like it would be a complex modeling sort of thing that we might want to consider and have like a range of assumptions. It would be a difficult analysis, but I think we need to consider that.

Also, the current analysis in there considers caught fish, harvested fish, and I think it needs to consider total removals too and Rick and I talked about that and the effect of dead discards and release mortality. What's in there is I think Alternative 3 and 4.

Mr. Currin: Are you just the man, Jack, to do this very complex analysis? You provided us with some of those in the past.

Dr. McGovern: I'll help and I know Andi Stephens has done some modeling and we have another person coming onboard at the Regional Office who has done some modeling type of work and so I think between all of us we can work on this and present something to the council to look at.

Mr. Geiger: In terms of a dispensation for spear fishermen, in terms of enforceability, I think we're going to have to have some controls on fishing equipment, regular gear restrictions, either completely restricted on the vessels of divers, in terms of fishing rods and reels, or stowed in a manner that makes it difficult to get at them or something, but I know law enforcement will probably have an issue with that.

Dr. Crabtree: George, I'm not saying that we have to exempt spearfishing from all of this. All I'm saying is we need to look at it and be careful about it. I'm sure law enforcement will say it's easier to enforce if you don't allow any fishing in there, but I think we need to look at this. What we ultimately do at this point, I'm not sure.

Ms. Smit-Brunello: This is just a reminder to everybody and maybe this makes Jack's analysis even that much more trickier, but Amendment 15B and Amendment 16 have not been approved by the Secretary and so therefore, your status quo is somewhat of a movable feast, so to speak, because what's in place now may or may not be what's in place six months from now. It just depends, because those are going to go out for public comment and then the comment will be evaluated and then the Secretary will approve, disapprove, or partially approve. As long as Jack's analysis takes into account that the council may have taken final action on this, but it has not been implemented nor approved.

Mr. Currin: Thanks, Monica, for that and I'm sure he's aware. Perhaps that can be taken into consideration with some assumptions made about this being in place or something different and maybe we can make a decent guess about if 16 didn't go through how that might be changed. Maybe they can bracket it at least. That's good advice.

Mr. DeVactor: Just two comments. One, with NEPA, there's something called reasonable foreseeable future effects and so possibly that could be considered, one of those, in the status quo alternative. Two, I think we need to talk about what's the management target for red snapper to design these alternatives around.

Certainly in the past, with the old Magnuson, we've been setting yield at yield at FOY and then as we designed these alternatives in this amendment, we looked at stepping down ABC and then ACT and when formed that alternative, we made sure that landings would not be above the ACT. Are we going to look at the rebuilding F and then form alternatives around that? I think the IPT needs a little direction on this.

Dr. Crabtree: I think that is what you're going to do, is look at the rebuilding F and then look at that. Based on what I've seen to get to the rebuilding F, at least on previous projections I've looked at, even with a closed directed fishery the total removals was too high and so that's what led to looking at closed areas.

Now, I think there are a number of questions that need to be addressed in the rebuilding plan and I think Jack laid out some things we need to look at and I think the analysis he's talking about could then lead us to other alternative area closures. I think, Rick, we need to use the projections. I don't believe we can come in and say we're going to close down these vast areas without giving the public some indication as to how long. I think that's going to have to be addressed in the document, as to how long. That's going to have to come out of the projections.

Then the other thing we've got to look at is if we have to close red snapper down for a period of potentially some years, we're not going to be able to do stock assessments as we've done in the past. I think part of this rebuilding plan needs to outline how we're going to monitor the recovery of the stock and I think we're going to need to work closely with the Science Center on that, because it seems to me we're going to have to come in and come up with some sort of fishery independent program to go out and monitor CPUEs.

Then I know the SSC discussed how to monitor discards and they had a lot of problems with setting a discard quota and the reason they didn't want to do that was because most of our discard information is self-reported through logbooks or through MRFSS. You don't want to create a disincentive for people to report.

One way to set up the accountability mechanism for red snapper, because I think we will need to have something to make sure we stay on track, would be to track CPUEs or something along those lines with some sort of fishery independent monitoring program. I just can't see how we could go forward with something like this, assuming the projections aren't going to move that much and we're going to have area closures. We're going to have to come up with some way to

gauge how we're doing and I think that ought to be part of at least the discussion in the rebuilding plan. It seems to me to make sense to have that tie in with the accountability measure, potentially.

Mr. Currin: I don't disagree with you at all, Roy. We had some of these same conversations with Bonnie the other evening and in fact, it went from red snapper to other species where catches have been reduced very low and sampling opportunities are very low and our ability to gather information about the fishery has been greatly reduced.

It concerns me I guess a little bit -- I agree that we've got to write that into the plan, but it concerns me that it will get written into the plan as some other data monitoring or data gathering request or actions have been put in other plans and have not been fulfilled, because of financial constraints. We can't afford that with this. I don't know how we -- What do we do to ensure that what we write into the plan to adequately monitor red snapper and/or other species with fisheries independent indices actually gets done and that we're not just sitting around waiting for fifteen years until the money is available so that we can begin doing this?

Dr. Crabtree: I don't know for sure, Mac. Everything ultimately is dependent upon funding and appropriations, but we haven't, in my period of time at least on this council, closed a fishery of this kind of magnitude at least. I don't have answers for that, but I just wouldn't feel right about putting this in place and just saying we don't know if we're recovering or how we'll get there. I just think we've got to try and find some way to deal with this, but the best we can do is try to secure a commitment for funding in order to do it, but I can't give you a guarantee for sure sitting here tonight.

Mr. Currin: I didn't expect one. I just kind of wanted it on the record and I wanted to make sure that everyone is thinking about that as we proceed down this.

Dr. Crabtree: I agree with you though. This is too big of an issue to not have some kind of plan in place and then we do the best we can to ensure that it's funded.

Ms. Shipman: I agree and I think on some of the grant programs, MARFIN or whatever, some targeted themes directed at collecting these specific data needs. We need to encourage that as much as we can as well, identify what the research plan and need are going to be and then request NMFS or whomever to really zero and target in on those types of projects.

Mr. Currin: With the expansion, we hope, of MARMAP and down into some of that area and I think they're considering some changes in sampling approaches as well that may help us begin generating some of that information. I don't know that that's going to be adequate.

Dr. Crabtree: I have discussed this with Bonnie and I think she is in agreement with us that we will need to come up with some way to deal with this and I don't know if the best way to get at this is some expansion of MARMAP, for example. It seems to me what you need to go is down to the heart of the area where they are, which is that north Florida kind of area, and then you either come up with some MARMAP type sampling or video cameras. I don't know how you do it. That's for the scientists to figure out.

We do, as Susan said, have grant programs like MARFIN that has some in-house component and we could certainly make this a number one priority of it, but I really think it's going to have to be either NMFS or working in conjunction with the states to run the program, because I don't think it's something that we're going to be able to get universities or folks like that to do.

Mr. Iarocci: Roy, you hit the nail on the head and Susan -- That whole area -- We've heard from I can say Captain George Strait and there's been Steve Amick and people that have been in that area. There are so many people right now asking for us to get on their boats and to start doing some research. This is the perfect opportunity for some cooperative research in that area, with people that are fishing and ready to work with us.

I think it's in place, but we've just got to figure out how to do this between NMFS and the states and hopefully a cooperative research, where we could get people to buy into it and to help us get the right data.

Mr. Currin: Thank you, Tony. I had some of the same thoughts about utilizing some of the fishermen with knowledge of the areas and the like, that might be able to provide at least some age and size distribution samples. The only problem that I see with cooperative research is the long-term aspect of it. Typically, those projects are one or two years and then they go away. As Roy indicated I think earlier today, you're not likely to get a CRP that's going to last for any extended period of time, but maybe periodic snapshots throughout the period through a CRP or some other approach would help provide some data anyway. What else on red snapper? Anything you need from us on red snapper, anything else?

Mr. DeVictor: No and the data collection alternative that you guys just worked up, that's something that -- We have data collections actions on ways to improve data collection and so I can add that to that section and we can go over those, if you want, at some point.

Mr. Currin: I don't think we need to go over those today or perhaps even tomorrow, unless we need to. If we need to go through that to flesh out other aspects of the document, since we're kind of hybridizing and putting together, I don't know whether that's useful to do. We will have some time tomorrow to do that. Think about it tonight and let us know, but I just want to know about any other red snapper management measures in particular.

Mr. DeVictor: What I could work up tonight is these alternatives and then have them emailed around and people could look at them and see if they have any changes or additions to that. Tomorrow, there's some actions that fall outside the realm of ACLs and ACTs and what we talked about, data collection alternatives, like I said, extending the FMU, requiring VMS on boats. We have golden tilefish endorsements which have been added to the amendment, based upon recommendations from the LAPP Workgroup. I don't know if you all want to talk about that and also we have optimum yield alternatives. I think staff would need some direction on do we keep these in the amendment.

Dr. Crabtree: Do you want to go through them tonight or tomorrow? We're talking about changing the start of the fishing year and that's already in the amendment now, right? Then

there were a host of other things that the AP asked for.

Mr. Currin: Just one, I think. The AP asked for consideration of establishing a longline endorsement, a hook and line endorsement, for the golden tile fishery, the LAPP Workgroup.

Dr. Crabtree: I can tell you my preference is if you want to establish a longline endorsement for them, do it in a separate amendment. I really don't want to add any more things to this. I would rather have another amendment, even if it is sort of concurrent with this. I think, as Rick said, even with the way we've made changes to this, there's a lot of stuff in here and when you start talking about putting in place a limited entry program for those folks, I'm just reluctant to put much more into this document. I would rather focus on the things we have to do in this document and the things that are discretionary, run it in a separate one.

Think about the times we've put together mega-documents and what we ended up doing was splitting them up into pieces so we could get them done. I would rather split this up to some extent now, rather than do it later.

Mr. Currin: Your suggestion would be then to consider dropping out the extension of the fisheries management unit and some of these other kind of peripheral --

Dr. Crabtree: I think moving some of those things into a separate amendment might be a good idea.

Mr. Currin: Ponder that tonight and we can go through those kind of oddball or superfluous actions in here, superfluous to the ACL associated things, and begin going through those today and make a call or we can give you some time to think about it tonight and get on those tomorrow morning.

Ms. Shipman: My question I have on that would be relative to the scoping meetings scheduled for January and February, because with not having what we're going to have for 17 -- We really aren't going to be able to take 17, I don't think, in January or February. We potentially could take some other stuff and make this -- What are we on now, Amendment 18 or 19? I don't know. We could fold that into that amendment and at least get that out to scoping, potentially.

Mr. Currin: Thoughts about that?

Mr. DeVactor: That was going to be my comment. I do have a concern that I have shared that some of these items that have been added possibly haven't gone through the scoping process and you have to do a notice of intent for, such as golden tilefish, and I think you really should look at a broad range of alternatives too when you're looking at an endorsement or limiting access. I think we have to look at what hasn't been scoped.

Mr. Currin: I would argue pretty strongly that the golden tilefish fishing year, which is currently in there, be retained. That's been a problem the last two years for the hook and line fishermen. I don't know whether the dates and I forget the starting dates that we had in here, if they match with the recommendations from the LAPP group. If so, that's great and if not, then I would

suggest we add an alternative that includes that date. I thought we did. I don't see that as a huge thing. Now, whether that needs to go to scoping separately, I don't know. If we pull a handful of these other things out and get them scoped more quickly, since this has been delayed, I would be okay with that, but I don't want it to fall through the cracks.

Ms. Shipman: I agree with you and Roy is absolutely right. Every time we hang all these ornaments on and then we end up really kind of dissecting amendments into multiples and that's when we had 15A, B, and C or something or 13A, B, C. I don't know, but whatever. I think those we could move ahead on and at least get them to scoping and be moving on down the road with those. That would be my preference.

Mr. Currin: That's a good suggestion, I think.

Ms. Merritt: Were you interested in knowing what those dates were that the AP recommended on golden tilefish? It was 1986 to 2007, in case you were wondering what it was.

Mr. Currin: That's relevant if we're going to look at an endorsement, but Roy was suggesting that an endorsement -- I don't know if we want to tackle that in this kind of split-out amendment. I think that's going to be very involved, personally.

Dr. Crabtree: I wouldn't necessarily assume that if we do the endorsement in a separate amendment -- It might well get done before this one does. It's certainly a more straightforward thing to do and we've got a lot more experience with doing those kinds of things. I think we need to all recognize this red snapper thing we've gotten here is potentially a huge deal and we're going to have to be very careful with what we do on red snapper to make sure that we can defend it and everything. I suspect you're going to have council members who want to see a lot of alternatives and things that we haven't even thought of on red snapper before it's all said and done. I don't know that moving some of these things out of this amendment necessarily means they're going to happen later.

Mr. Currin: I guess the issue that I'm having is with the suggestion from the workgroup, Golden Tilefish Workgroup, about endorsements. Is that something we want to add into whatever it's going to be called, along with the extension of the fisheries management unit, changing the golden tile fishing year, and I don't know what else is in here. There's perhaps a couple of others.

Ms. Shipman: Mac, I do think that's important, because of displacement from these other fisheries as we move on down this line. We talked about this I guess during the LAPP Committee meeting the other day. We anticipate shifting of effort and I think if we can get those endorsements in that it would really help the traditional fishery. I don't think we want to see expansion into that fishery and I think -- Did we do it in the LAPP Committee, to recommend to the council on a control date? I think we need to get that in too, which we can do at this meeting. That doesn't have to go into another amendment.

Mr. DeVictor: I think the best way to proceed and maybe tomorrow is just to start from Action 1 and decide what gets put into a future amendment and what needs to be taken out to scoping and

then look at the alternatives such as for golden tilefish endorsements and see if you want to add any alternatives or not.

Mr. Currin: Let's do that. Let's do that. Want to call it a day? It's about five till six. We'll recess until eight o'clock in the morning.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened at the Hilton Wilmington Riverside Hotel, Wilmington, North Carolina, Thursday morning, December 4, 2008, and was called to order at 8:30 o'clock a.m. by Chairman Mac Currin.

Mr. Currin: We'll reconvene the Snapper Grouper Committee. You can see the staff was busy again last night with lots of the new stuff that we put on them. You should have all received a couple of emails and Rick will mention those, I'm sure, as we go through. We've got three major items left on our agenda.

We need to finish up 17 and decide what of some of the current alternatives and management measures we have in there we want to pull out and put into another amendment yet to be named and also just run through the options for the species that will remain in 17. I'm going to turn it over to Rick and he'll walk us through all of this stuff and we'll be working out of the Snapper Grouper Amendment 17 PDF document under the snapper grouper folder and the Snapper Grouper Amendment 17 folder. There's a separate folder under the snapper grouper tab that's the Snapper Grouper Amendment 17 and then at least on mine it's the last document there. It's SGAM17112408. It's the last version of Amendment 17 that we received in the second briefing book. Is everybody there? Is everybody ready to go? All right, Rick.

Mr. DeVictor: As Mac indicated, last night I did send around the alternatives that we discussed yesterday, the actions and alternatives, my interpretation of them from my notes. I wasn't going to go through them in detail now. Please let me know if you have comments on those. Let me know if I misinterpreted those and we will fold those into Amendment 17.

What we thought we would do today is go through this action by action. We probably don't need to get into the nuts and the bolts of certain alternatives, as we've been through them numerous times. What I'll do is start from the beginning and give the PDF page number and then you all can jump to them. What we need as staff is will this action stay in Amendment 17 or will it be put into Amendment 18 and thus, go out to scoping in January and February?

The first part I would like to start is -- This is on PDF 49. It's more of a housekeeping item. Staff recommends that the committee consider two additional objectives to the Snapper Grouper FMP. We went through these and it seems logical to add a Number 14, to end overfishing of stocks undergoing overfishing, and Number 2, rebuild stocks declared overfished. It seems pretty standard that we have those. Staff will add those. The first action is on page 205 of the PDF. This is the alternative to extend the FMU range and these alternatives have been analyzed, as all these actions have. Again, stick in 17 or go to 18?

Mr. Currin: I think from yesterday this is one that we wanted to pull out of this document and put in 18.

Ms. Smit-Brunello: Also, we have to consider looking at whether we need to establish additional EFH areas as well, since that's a mandatory component of a fishery management plan.

Mr. DeVactor: Monica, Gregg just told me that that's on the list to be done in the Comprehensive Ecosystem-Based Management Amendment 2, to specify EFH.

Ms. Smit-Brunello: Let's just talk a little bit about it. When you're expanding the management boundaries, I think you're going to have to look at whether in those expanded boundaries, if that's what the council does, whether you need to establish additional essential fish habitat. It's a required component of a fishery management plan and so the council, I guess -- My idea is it's better to keep these together and I'm not sure where the Comprehensive Ecosystem Plan is. Is that what you were saying, it's in that one?

Mr. DeVactor: Yes, that's in Number 2 and that's going out to scoping in January or February.

Ms. Smit-Brunello: If you keep them separate, I'm not sure which track -- You wouldn't want your EFH to get ahead of your expanded management area and so I think it's probably better to keep them together, but if they're going to go along the same track and get considered at the same time, then that's fine, too. I think it's -- Maybe the decision, even if you make it today, you can still look at which amendment to put it in, if it turns out that they take divergent paths.

Mr. DeVactor: I tend to agree with you, that it's probably best to keep them together. There are probably good chances that things will get separated along the lines. They are both going out to scoping at the same time.

Dr. Crabtree: It makes sense to me that we would put the expansion in Amendment 18 and do the EFH in Amendment 18.

Mr. Currin: That seems to make the most sense, to prevent any kind of divergence that might occur and often does. Does that make sense to everyone? Okay.

Mr. DeVactor: Just to clarify, National Marine Fisheries Service will do a notice of intent specifying these actions in Amendment 18 after this meeting and then we'll go out to scoping in January and February.

Ms. Smit-Brunello: We will need to do it for that one and has anything else changed so drastically that we ought to maybe put out an additional one for -- I don't know if we would need to do it for 17, because actually what we're doing in 17 is shrinking down. Just to make sure that it's clear to the public what the council is planning on doing.

Mr. DeVactor: The next action is the specification of OY, the respecification of OY. That's on page 213. Just a comment is there were some comments made by the SSC indicating that possibly some of the current levels are not conservative enough, the fishing levels, and so the question is -- It depends what they come out with with their ABC recommendations eventually. There may have to be an opportunity to step down OY, depending on what they come up with.

Mr. Currin: Comments?

Dr. Crabtree: I think it's a little -- I don't think we're going to know. If the SSC comes up with catch levels that change, then we may have to come back to this. I think one thing that bothers me a little the way it's laid out now is it almost reads like we're going to set OY based on whatever the ACTs wind up and I think we need to bear in mind that OY, optimum yield, is probably the single major thing in the Magnuson Act that drives all of our management.

Really, everything we do is supposed to come from optimum yield, because that's our main objective of management, is to achieve optimum yield. We need to be careful that we keep that in mind. It's not that everything else drives optimum yield, but its optimum yield drives all these other things. I think right now, Rick, it's difficult to know.

If we made changes along the lines of what we talked about yesterday, I don't know that we would need to change optimum yield, but if the SSC comes in with some reductions on the ABCs, then I think we would have to look at some modifications. To me, that's just kind of on hold for right now, until we see what they do.

Mr. Currin: Any other comments? Is everybody in agreement with Roy? It seems to make sense to me.

Mr. DeVactor: Perhaps as far as whether it's actually in the amendment, I should move it out of the amendment at this time and just put a note there, because I had that in the purpose and need statement that I passed around, that things possibly could change, depending on the recommendations we get from the SSC.

Dr. Crabtree: That would kind of be my view. For right now, the way we're going, we probably don't need it, but that could certainly change. It seems to me we'll have a pretty good idea of that in the next meeting or two.

Mr. DeVactor: The next four actions deal with ACL allocations, ACT for commercial, and ACT for recreational. I guess based on yesterday's discussion on this, what you decided yesterday will replace these current actions.

Mr. Currin: Yes, that's my understanding. I think that's the change in direction that we've begun.

Mr. DeVactor: That would also apply to the action that limits landings of speckled hind and warsaw grouper, as we've actually moved these exact alternatives into the ones I passed around last night. The next action is limit landings of snowy grouper and golden tilefish to the ACT. This is on page 264 and this is where we're getting into changing the golden tilefish fishing year. Let's start from the beginning. We have Alternative 2, which is implement a recreational limit of one snowy grouper per vessel per day. I think we moved that and that stays in the amendment, this alternative to divide the commercial quota for snowy grouper by region and state. Actually, the staff recommended that these first two get pulled out, based upon the once ABC

recommendations, because we didn't feel like that there could be a directed harvest of snowy grouper, but now, since those ABC recommendations have been pulled off the table, you may want to discuss whether this should remain in the document or not.

Dr. Chevront: I would like to consider putting something like this back in for right now and also, in discussions that I had last night with Roy, coming up with a way that we might want to discourage a directed recreational fishery in the deepwater fishery is that we could probably maybe just limit one fish out of the entire deepwater complex per vessel per day. That would protect the golden tilefish as well as the snowies and maybe try to include that as an alternative for consideration as well. I don't know where it's going to go and I don't know how feasible it is, but the idea would be to discourage any kind of directed fishery in the deepwater.

Mr. Currin: Thoughts about Brian's suggestion?

Mr. Wallace: I guess if you can only go out and catch one fish, you wouldn't go and so why not just go on and tell them it's closed?

Dr. Chevront: Bycatch.

Mr. Wallace: What are they going to be fishing for as a catch? If this is going to be the bycatch, what is their targeted catch, if they can only have one deepwater species per --

Mr. Currin: One thing, and, Roy, it may be exactly what you're going to say, but, John, juveniles of some of these species that may meet the size limits, if they exist, can be found in habitat other than the extremely deep areas. There is a certain amount of encounter of snowy grouper and perhaps kitty mitchell as well in shallower water, where people may be targeting other species.

Dr. Crabtree: I agree with you, but also, closing the fishery is still an alternative that's in the document. We're not deciding what we're going to do today. We're just making sure we have the range of alternatives that we need. We'll decide whether we close it or we go to one per vessel or leave it the way it is once we have the analyses. I wouldn't get too wrapped up about what we're going to do. It's just making sure we have the range of things we want to consider right now.

Mr. Geiger: I was going to talk about these are just alternatives. It's not something certainly we're going to do and then you in fact covered the rationale of why we did not close the fishery back when we imposed the one fish bag limit.

Mr. Currin: The intent is just to include this, as was stated, as an additional alternative in here, along with closing the fishery. Okay?

Mr. DeVictor: Perhaps we should have some discussion on -- We have to talk about the golden tilefish fishing year. It seems like the action to divide the commercial quota for snowy grouper by region and state and the changing the golden tilefish fishing year really accomplished the same purpose and need, where I think what you're trying to do is ensure that there's harvest

available to certain regions or states, looking at when the fishing year primarily begins. Perhaps those can be grouped as one action.

What we have in there for changing the golden tilefish fishing year is -- It's currently January 1 and the alternatives are September 1, August. August, I believe, is what was recommended by the LAPP Workgroup. Then May 1 and then we move to the 300-pound trip limit and then we have the endorsement alternatives too in there. Again, clarification on 17 or 18 would be good.

Mr. Currin: Again, from our discussions yesterday, I think this was one we wanted to move into 18. Is that correct, everybody? Are you okay with that, the fishing year and the endorsement, to keep those together, since they're dealing with golden tile? Does that make sense or the rationale for keeping it here?

Dr. Crabtree: I agree with that and I just think we need to make clear on the record and to the public that moving it into 18 does not mean it's going to languish. We're going to move 18 and get it done.

Mr. Currin: The question now is what about the regional divisions for snowy grouper? Brian, I think you indicated you wanted to keep those. Is that you want to keep those in 17 or do you want to move those into 18 with the golden tilefish endorsement?

Dr. Chevront: It's really hard to say, because at this point who knows which amendment is going to get done sooner, 17 or 18. Probably it is 18 that's going to get done sooner and let's move it into 18.

Dr. Crabtree: I would agree with that. It's not clear to me right now, since we're structuring this thing in a way where the idea is that no one targets these fisheries -- It makes me wonder, do we need this? I would support Brian and we can certainly look at it, but I would agree that 18 would probably be the way to go.

Mr. Currin: Everybody okay with that? All right.

Mr. DeVictor: The next action is to limit landings of red snapper to the ACT. This is on page 273. The committee had discussions on this yesterday and I think staff has the direction necessary. We'll retain some of these alternatives, but also we'll look at having smaller closures, with the purpose of that to reduce discards in the red snapper fishery.

Mr. Currin: Comments?

Dr. Crabtree: That sounds right and we're going to add another alternative with an exemption that considers the spearfishing allowance, right?

Mr. Currin: Yes and one thing we haven't talked about much and I don't know a whole lot about, other than general ranges of depths where the red snapper fishery is prosecuted and where those critters live, but there was some concern expressed about the way the alternatives are currently worded that other fisheries would be permitted out there. King fishing was one of

them, with a downrigger and a live bait. They drop down very deep and it's not uncommon to, as we have discussed in the past, to encounter groupers and/or red snappers.

Now, I don't know what we can do about that or if it's a huge consideration. I just wanted to bring it up. If there's no retention, they may be encountering them and if they can't retain them, they'll have to toss them back, but is that something that causes concern for anyone around the table, particularly with the way current alternatives are worded?

Mr. Geiger: You make a valid point about encountering these fish. We've received emails and a number of people have talked about encountering fish in shallower and shallower waters. We've received testimony and I've heard from a group in central Florida that they're catching more and bigger fish in shallower habitat than they have historically. There's all types of testimony about catching these fish in shallower water than we consider to be their normal range. I don't know. If we're trying to limit bycatch mortality, I think we just need to be cognizant of the fact that these fish appear outside of one depth range.

Mr. Currin: I guess at this point at least we've got a fairly broad set of alternatives looking at depth-restricted closures, perhaps, smaller area closures. It may be something just to keep in mind as we move forward and as we kind of narrow down or understand better where we might end up and then give it more consideration at that point, to see how big a problem it is.

Mr. Wallace: You all are going to have to forgive me. I'm on a learning curve here, being new on this committee, but if we're in shallower and shallower water, the mortality rate should be going down and so it shouldn't be as big an issue as -- The catch and release shouldn't be as big an issue as its being perceived here, to me.

Mr. Currin: That's very true and again, I don't know much about the fishery off of northern Florida and southern Georgia. I don't know whether there are other species that might be targeted, other than the snapper grouper complex out there. Kingfish, of course, but I don't know of anything else, whether there's a flounder fishery that occurs offshore, as it does in North Carolina, or some distance offshore. I just don't know.

Mr. Harris: I would avoid anything that impacts trolling for king mackerel in this, even though they do use downriggers and they do have some baits that are trolled deep and slow trolled deep and you could encounter and do encounter at least grouper. I've not heard of too many red snapper being caught on those rigs in the past, but certainly grouper. I would avoid anything that would limit that activity at this time. I think the encounter with red snapper is going to be very, very small and I think we can live with that encounter and I do think it's in all likelihood going to be in shallower waters and those fish are more likely to be able to be released alive.

Mr. Currin: All right. I just encourage everyone to look at the alternatives and give them some close scrutiny, so that if you've got any problems with them that we can early on change those or address them.

Dr. Chevront: I realize all these numbers and alternatives and things are all going to be changing, but I noticed in this document when the alternatives that were initially mentioned way

back earlier in the document, I think around pages 69 or 68, those alternatives didn't match what was shown on the map.

The numbers system was off and there was some extra alternatives that had been added since that map had been done and I think that caused some confusion, because I got a few phone calls from people before the meeting and asking me to try to help explain what did all that mean and I did my best to try to explain that to them, but I think if we can work towards some consistency between the map and the alternatives, it would be really helpful for the public when they're going to be looking at the document. That's just an editorial thing and it's not that big of a deal, but I just wanted to make sure that we were aware of that. Thanks, Rick.

Mr. Currin: Nothing else on the red snapper management measures at this point?

Dr. Crabtree: Rick, you're going to work with Jack and the Center folks and we'll put something somewhere in here about monitoring, right? I don't know if that's going to be in this part or in another part of the document. I don't really have a strong preference, but we need to work closely with the Science Center on that.

Mr. Currin: Make sure we get a very strong monitoring plan.

Mr. DeVictor: Next action is on the PDF page 295 and that's regulations to limit black grouper, black sea bass, gag, red grouper, and vermilion snapper landings to the ACTs. Again, this will change based upon what was discussed yesterday. Perhaps you would like to discuss a little bit black sea bass and I did email around the F yield streams. I don't know if you have any comments on those.

Also, there's been discussions on changing the control date. There is already a control date of 1997 for the black sea bass pot fishery and certainly as we're talking about golden tilefish and endorsements, there's some concern about people moving into the golden tilefish fishery. You may want to discuss the possibility of people moving into the black sea bass pot fishery.

Mr. Currin: Regarding that particular issue, I've had a number of people express concern about that, with the measures that are coming down on so many other species in the snapper grouper complex. I assume that anyone who wanted to could receive a black sea bass pot endorsement at this time and there's a real concern by those who regularly and by majority participate in that fishery that there will soon be perhaps a lot more movement into that fishery and they're concerned about it. The control date, as I understand it, is fairly old, stale, 1997. It's over ten-years old and so that's something I would be interested in doing, at a minimum, is establish a new control date for the black sea bass pot endorsements.

Dr. Crabtree: I would agree with that and I know -- I suppose this would be something for Amendment 18, but we have considered various trap limits over the last several years and I have at least one constituent in this fishery who feels very strongly that we need to look at trap limits. Would there be an interest in revisiting that issue in Amendment 18?

Ms. Shipman: I would and I think we had some issues that were laid out for either 13B or C and

we pulled them out. We deliberated them in North Carolina a couple of years ago, I think, and I would be interested in pulling those back up and taking a look at them.

Mr. Iarocci: Black sea bass, I know we put it on the back burner, but, Susan, I totally agree. It's time to deal with it. I talked to Red Munden from the Mid-Atlantic Council yesterday and the same thing is happening in the Mid-Atlantic. They're not reaching their quota and a lot more people are targeting sea bass and the same thing in New England.

Here, with what's coming down on regulations, you're going to see more and more people phase into sea bass as an alternative and what's already going on -- I think everybody has read the letter that's been going around and I've been talking to different people about it. I think it's definitely time that we address black sea bass, number one, and number two, look at limiting the traps and dealing with this and whether it's 18, if that's going to be the quickest way to do it, but we've got to get it on the books and we've got to start dealing with it, I think, as soon as possible.

Mr. Currin: I'm hearing interest in including the trap issue in total in 18. I guess if we wanted to address a control date that perhaps a motion to reestablish or set a new control date on that might be in order, a control date for the black sea bass pot endorsements.

Ms. Shipman: **I would move that the Snapper Grouper Committee recommend to the council the request for publication of a control date effective today.**

Mr. Iarocci: Second.

Mr. Currin: Motion by Susan and second by Tony. Discussion to establish a control date of December 4, 2008?

Mr. DeVictor: Just to clarify, that would pertain just to the commercial pot fishery? That's what the last one did.

Mr. Currin: Yes, that was my understanding.

Dr. Chevront: I would like for us to clarify what we're actually going to try to control here. There are people who have pot tags but no landings and I think that's important, because there may have been people who have been speculating with the black sea bass pot fishery with getting tags, but have no landings.

I would like to see there be some kind of a combination when we are considering this control date of actual landings along with having the pot tags. What's going to potentially happen is a lot of people might want to try to move into this fishery and we've already got -- We're pretty certain we've got a pretty depressed stock and I would hate to have people be able to get into the fishery who haven't been participating in it before just because they have pot tags.

Mr. Currin: Brian, I think what the control date does is exactly prevent that. By establishing it as today, it's just to notify people that those people who enter this fishery after today may be affected by some future undescribed, at this point, regulation affecting black sea bass. I'm not

sure how specific this needs to be.

Dr. Chevront: I guess I was seeing that as a potential problem for us to deal with in the future, of more people getting in. I just didn't want us to make the selection of who is in and who is out based on who has got pot tags and who doesn't. I think it really needs to be based on landings.

Mr. Currin: That's to be defined in the future as we implement some sort of management regulations or address that. This is just to simply notify the public that we're considering action regarding black sea bass pot endorsements, as I understand it. Somebody correct me if I'm wrong.

Ms. Shipman: That's correct and I think once you establish a control date, it doesn't even guarantee that the people that are in it right now remain in it once you establish those eligibility criteria. You're putting anybody on notice, any new entrants, that you may be excluded in the future, but we still have that option, as we develop whatever amendment we do, to exclude ones that are speculators and not really fishing.

Mr. Currin: Any further discussion on this motion to establish a control date for black sea bass pot endorsements? **Any objection to that motion? I see none.** I'm hearing general agreement that the issue of black sea bass pots is something that we want to put into 18. A number of people have suggested that that be done. It's an issue that's been around for a long time and I don't disagree with that.

As we move forward cutting things out of 17 and considering a new Amendment 18, I want to urge the committee to be very cautious that one of the reasons we're pulling things out of 17 is because it got so big and so we don't want to keep rolling and have to pull stuff out of 18 and so let's think carefully about how we design these next two amendments.

Mr. Cupka: Another thing I think when we start looking at this whole issue of black sea bass pots, you'll recall one of the things we looked at before was this practice of soaking or taking them out and leaving them out. We had talked one time about having a requirement where they not be stored offshore or left out there and be brought back in. There are some regulations now under marine mammals, because black sea bass pots are now categorized as a Category 2 fishery, and there are some requirements in there, I think, about disallowing storage offshore and all. When we start looking at that, we need to look at that issue too and see if there are some impacts from that as well.

Mr. Currin: I think that was talked about some before in the previous amendment, David. I'm not sure about the marine mammal interactions, but I seem to recall that that was a part of the discussion, but there were a number of measures that addressed control of use of black sea bass pots and certainly bringing them back to the hill was one of them. I guess the idea is to resurrect all those issues regarding black sea bass pots that we had in 13 at some point, A, B, or C. I'm not sure. We'll pull those forward into 18.

Dr. Chevront: Related to that, there's a lot of research that's going on right now in how best to -- At least off the coast of North Carolina. I know Tom Burgess is involved in some of this

research, to figure out what is the most ecologically friendly way to fish black sea bass pots and they're checking things like soak times and mesh size. There's all sorts of things that they're working on and I think it would be really helpful, because these are some of the issues that this council has been trying to deal with and trying to figure out how to regulate.

If we can get those data and the results of those studies, I think that will be a big help for us to figure out what exactly needs to be done. I think we all want the same result, but we also want to do it as responsibly as possible and I think the results of this currently ongoing research will be a really big help to us in the future, in making those kinds of decisions. I just wanted to make sure that everybody is aware that there is active research going on in this area, because the fishermen are equally concerned about what could happen.

Mr. DeVictor: Just to clarify for staff, and we can talk more about this in Amendment 18 and taking it out to scoping, but, again, since we're just scoping it and there's new research being done, that will keep it pretty broad and possibly in the notice of intent we'll state to look at different ways to limit future participation in the black sea bass fishery and the golden tilefish fishery. What I'll do when we're done with these is I'll go through a list of what's currently in Amendment 18 and perhaps we can have a motion on that, what to scope.

Ms. Smit-Brunello: Did the committee decide whether to publish a control date for the golden tilefish fishery? I know there was some discussion on that and I don't know if you all decided not to or you decided to do it.

Ms. Merritt: As I remember, we recommended it and it was -- I think it was yesterday when we were discussing it and it didn't go in, from what I recall. I think now that we are putting in a control date on the black sea bass, it might be appropriate to take that recommendation and at least put the control date in that was recommended by the golden tile fishermen for 18.

Mr. Currin: Thoughts? I don't recall the rationale the LAPP Committee -- Why they didn't move that forward as a recommendation from the AP.

Ms. Merritt: We moved it forward to the Snapper Grouper Committee and yesterday when Snapper Grouper met and it came up, it was felt that we shouldn't include it at this time, but we didn't take an action on it, to my knowledge.

Mr. Currin: Are feelings different today?

Ms. Smit-Brunello: Not including it in the amendment is kind of different than publishing a control date just announcing that at some future point, given if you chose this date or whatever date, similar to the black sea bass pot discussion that we had on control dates.

Ms. Shipman: I made the motion and in the LAPP Committee report that Mike emailed us, we moved to recommend to the council that a control date of December 1, 2008 be implemented for golden tilefish and so LAPP is moving it forward to the council.

Mr. Currin: That was my question, because I wasn't sure whether the recommendation was to

Snapper Grouper or to the council. If it's to the council, that will be dealt with at the council session.

Ms. Merritt: I did want to make sure that the Snapper Grouper Committee felt like that it would be more appropriate now that we do that, go ahead and set the control date for the golden tilefish as well as the black sea bass and move it on for the final council.

Mr. Currin: It's going to council and we'll find out how everybody feels about it there when we vote on it. I think the sense is that it shouldn't be in jeopardy, but -- Okay? Go ahead, Rick.

Mr. DeVictor: The next couple of actions start on PDF page 303 and this has to do with accountability measures for the commercial and recreational sector. I think we dealt with those yesterday and we have the new alternatives in there, which incorporate a lot of these current ones.

Dr. Crabtree: Did we move off of sea bass? Are we going to talk about the projections?

Mr. Currin: I was hoping you would bring that up. Everybody got an email, I think, from Jack regarding some black sea bass projections and I think they were established in 15A, but they're different from some projections that he sent out. I wasn't sure what the implications of those were.

Dr. Crabtree: There's a table that Jack sent out that gives the Amendment 15A landing levels and then the projected fishing mortality rates and, Jack, correct me if I say anything that's wrong, but what we did in 15A was to hold the total allowable catch constant at 847,000 pounds, right? Jack is nodding that yes, that's correct.

If you look at the final right column in the table, you see the projected fishing mortality rates and as you can see in the last line of the table legend, the FMSY value is 0.43. We are projected to stop overfishing in 2009 and by 2010; the projected fishing mortality rate is just below 75 percent of 0.43.

At least based on the projections we have, the track we're on, we would be just below our FOY level in 2010 and then the Fs would continue to go down from that. If you come at this thing that the minimum bar we're working on now is we're not going to set any of these catch limits any higher than 75 percent of FMSY, and that's our OY level, it looks, based on these projections, that we would meet that with black sea bass. Now, I would probably want to hear the SSC's comments on that, but without a new assessment, I don't have any other basis to know.

I'm a little concerned that we haven't caught the quotas, but that could be because effort is down and other sorts of things and maybe the SSC can look at that. It might be possible to get some CPUEs or something from the Center out of that that we could look at, but at least based on what we have right now, it looks that our rebuilding trajectory is consistent with keeping everything at or below that 75 percent level.

Mr. Currin: I think tracking those CPUEs and landings and participation are critical and that's

the information we get from trends reports. We can request it specifically or routinely for everything.

Dr. Crabtree: Jack thinks he could probably look at some CPUEs and we could take a look at that maybe at the next meeting.

Mr. Currin: That would be great. Done with sea bass for now? All right, Rick, back to accountability measures, page 303.

Mr. DeVactor: Again, the committee adopted some of these and now they're part of the new ones and I brought forward the recreational AMs, all of those, in their entirety, and we applied them to some species. These are included in what I sent out this morning.

Mr. Currin: Everybody okay with this range of alternatives? Is it too broad or okay at this point?

Mr. DeVactor: For the commercial sector, yesterday, the committee didn't discuss if the ACL was exceeded, do you take off that overage the following year? What I sent around, I put that in there as a question. Should that be added to the commercial sector accountability measures?

Mr. Currin: Thoughts?

Dr. Crabtree: My view is in the case of stocks that are in rebuilding plans; I think we ought to do that. I think for stocks that are not in rebuilding plans, that's a decision that you have discretion on, but it seems to me if we want to make sure that we stay on track with rebuilding, if we go over, I think you probably do need to pay that back, to stay on track.

Mr. Currin: That makes sense to me. Is everybody okay with that? Okay, Rick.

Mr. DeVactor: The next two actions deal with red snapper and rebuilding plans. That's on page 314 and rebuilding strategy and again, this is going to be largely dependent on the projections that we get from the Science Center, based upon the new information that was included in the addendum. We have alternatives, but these are going to probably change once we look at those projections as far as the rebuilding timeframe. This is on hold, possibly.

Mr. Currin: Yes, at least until we get those new projections.

Mr. Geiger: I guess the question that arises here takes us back to the closed areas that were identified that we discussed previously in this meeting and the concern is that in those closed areas, it's closed ended. It just seems like when they're in place there's no indication, in any of the descriptions, as to when those closed areas could be reopened or would be reopened. If you read the document, it sounds like we've got a closed area and it's going to last forever.

Unidentified: Twenty-six years, at least.

Mr. Geiger: Yes, but it doesn't even say that. When you get down here, it talks about a

rebuilding plan, but it doesn't link it back to whether the closed area would be open or not. It would seem to me that it would be helpful if we could at least explain in some verbiage in those closed areas, in the description of them, that they would be closed for the full period of the rebuilding and on what basis they would be opened, if they could be reopened sooner.

It would seem to me that if you had a stock assessment at some point, and it may be the next stock assessment, that indicates the stock is in better shape than we indicated, it very well may be that you can relax portions of the closed area or relax the entire closed area, dependent upon what we see, but right now, there's no description of that and I think if the public had an understanding that it's not closed ended and it's going to be forever, it might help alleviate some of the fears, I don't know.

Mr. Currin: Some of those details aren't going to be available until we get some better numbers and that's one question of timing, George, and it's a good one, as to how long into the future people might expect to see these areas closed, but another temporal question is how many months of the year are we going to have to close these to meet the rebuilding goals for red snapper? I don't think we can answer those questions at this point.

Mr. Geiger: I agree that we don't have the numbers to say how long they're going to be open or closed, but there's a methodology for opening and closing, depending upon the numbers we get at some point. That description is not in the document anywhere. It just refers to closed areas, period.

Mr. Currin: Good point and thank you.

Dr. Crabtree: George is right. That applies not just to the closed areas, but if we have to close red snapper down, you've got the same question then. I think too, Rick, it needs to sort of tie into the research monitoring plan, because if we have to close red snapper down, you're not going to get an updated stock assessment. We're going to have to turn to something else and we need to figure out a way to tie all this together, but I agree with George that we can't come in with just we're going to close something and it's open ended. We're going to have to put some things in there for the public that indicate how long this is likely to be for and how are we going to judge when to revisit this, all of those things.

Mr. Geiger: To that point and just to help maybe help me understand, if we put a closed area like this in place, are we dependent upon the next stock assessment before the council could take any action to amend it? If we get a strong monitoring program and that monitoring program provides information that indicates the stock is recovered or it's going in the right direction or something, is there any ability to relax those closed areas or amend the closed areas before we get a full stock assessment or would it be a stock assessment be the basis for making any changes?

Dr. Crabtree: I think what you're looking at is if we close this fishery down; you're not going to be able to do a stock assessment along the lines of what we've been doing. I think the monitoring program will then become your assessment of the stock. If, for example, you put in place a rebuilding plan that projects after X number of years we can open the fishery back or something like that, then what I would think you would look at in the monitoring program is are

you seeing the stock catch rates abundance increase in accordance with the projections you have?

If the answer is yes, then I would think you would move ahead and reopen the fishery or do whatever the rebuilding plan says at that time. If you see that the stock is not responding as you thought, then you're going to have to come back in and take another look, but if you see the stock respond more quickly than you thought, then I think you would have rationale to come in and move things up and reopen earlier. I think all of that is possible. It just depends on how we set this up, but until we have a more close look at these projections, it's not clear to me what the answers to any of those things are. We're going to have to figure those things out though.

Mr. Wallace: I would like to look at some rationale behind doing something other than a complete closure, which would be maybe slot limits on size, in order to protect the larger, more reproductive fish. This could help in the monitoring, in a tagging system, where a fisherman has got to purchase a tag. This would help you monitor for the monitoring system that you're talking about.

I know this is supposed to be a fishery that is highly depleted, but to come in with a complete closure on this, like I say, I just want to look at a little better rationale or discuss a little rationale about this.

Mr. Currin: We don't have a slot limit in as an alternative right now, John, but there is an alternative in there, depending upon these numbers we get, to consider a one fish bag limit for the recreational side. I guess that could be considered for the commercial side as well if the numbers indicate that the stock can tolerate that under the current fishing pressure for other species. I got a feeling, and Jack or Roy could jump in on this, but I've got a feeling that looking at slot limits is going to do nothing but increase the discard mortality, which is one of the biggest problems we've got right now with that fishery. I'm not sure whether that's going to gain you anything or not.

Dr. Crabtree: I think based on the release mortality rates that they've come up with in the assessment that a slot limit probably isn't going to be productive. We've talked about closing the fishery and that's an alternative we're looking at, but I don't know that that's going to be necessary or not, until we look at the projections. It could be that a one fish bag limit and some sort of closed season is sufficient. I just don't know. We're going to have to look at that and evaluate it.

Mr. Wallace: To that, with the one fish bag limit, you're not going to get as much protection as you would by issuing these tags. If you have a tagged fish, you -- I'm looking something similar to the deer tags that's in Georgia and I think other states, where the fish has got to be tagged. There's a certain number of tags that will be issued. If you set a number, it's going to be better protection than just the one fish bag limit. The tag is got to be on the fish. They do this in the oyster industry. The tag has got to be on the bag of oysters and it follows the oysters all the way through, until the consumer buys it. This would be better protection than the one fish bag limit and it would give you some monitoring in there and you've got control of how many tags you issue within a year, which would protect your closure.

Mr. Robson: I think I like what I'm hearing a little bit. I'm trying to think back to the situation

we have with goliath grouper, where we have no data upon which to base assessments and we're struggling to figure out how to collect some of that data and there have been similar proposals to have something in place where you would be able to have a limited harvest or a tag harvest or something that you could use to collect information on the stock. I kind of like tying it into some form of a monitoring option for us as we get down the road on rebuilding.

Ms. Shipman: When we talked about it before and this was Rita's lottery system, and we were interested in it. I don't know -- We didn't talk about it in the context of red snapper and certainly looking at like snowy grouper and 563 fish, I think it would be more practical to do it for a fishery like that, where you've got a very limited number of fish, but I recall, and I don't recall the specifics, National Marine Fisheries Service had some issues in trying to run a lottery and that type of thing.

We've entertained the idea before. We've not gone forward with it, but we have discussed it and it may well merit discussing it, but I don't know whether this is the fishery it would best fit or whether those 563 snowy grouper. I'm thinking it may be better suited for something like that, but I just wanted to note we have had some discussion of it.

Mr. Currin: There's some intuitive appeal, but it's not without problems.

Dr. Crabtree: If in the discussions with the Science Center and I guess the SSC -- If a viable approach to monitoring this fishery and collecting information was to, for example, have some headboats or someone else go out and catch fish and bring them in, that's something we could certainly look at down the road and there are different ways to do that. You could do it through some sort of exempted fishing permit or I guess you could do it through some sort of a lottery, but I would want to hear the Center's and the science side comments on whether that would be an effective way to do it and how long would you want to wait before you did that.

Of course, doing that also is assuming we're going to close the fishery down, which we don't know that yet. I think the things you're talking about, John, are viable sorts of things, potentially. We just are going to have to have more information on what we need to do to figure it out.

Mr. Currin: Was there interest in including that as an option then for management? I'm hearing some people say yes and there are certain problems. At this stage of the game and perhaps we can get some assessment from the Science Center and others as to how that might fit into a monitoring program, if that would become necessary.

The approach Roy outlined as far as collecting data I think is certainly something we need to consider if a monitoring program is required, due to a closure. We need to be innovative about that. I'm hearing general agreement to include that in 17, I presume? A tag system such as we had talked about for snowy grouper before as an option for red snapper. Everybody okay with that? All right.

Mr. DeVactor: The next action is improvements to data reporting for the commercial, for-hire, and private recreational sector. That's on page 320. This would require -- We have a range of

options here. Some options deal with requiring observers on a certain percentage of trips and some require an electronic camera monitoring program to get a better handle on bycatch and discards. Electronic logbook is a part of this and electronic dealer reporting. We just need clarification here as would this stay in Amendment 17 or go to Amendment 18?

Mr. Currin: Thoughts?

Dr. Crabtree: I guess the way I'm coming at this is Amendment 17 addresses the statutory requirements for ACLs and the rest of these things I would move over to Amendment 18. There are a lot of these types of issues. Don't we have a similar list for recreational fisheries as well, Rick? I think some of that we ought to look at and decide whether there's any realistic way that could happen, but I would probably look at those things in Amendment 18.

Mr. Currin: Other thoughts about the monitoring and data improvement alternatives?

Dr. Chevront: Just the one question I have about it. It's kind of looking like we're going to finish probably 18 before 17. If we move this into 18, will we have time to fully analyze all of this? I think the purpose of doing 18 is we want to get some things through that we think are not going to be that difficult. I'm just wondering if this is something that's going to require more time. I don't want something to slow down 18, if at all possible. I don't disagree with Roy. I just want to consider the ramifications in terms of timing and getting it all done and I just don't really know about this.

Dr. Crabtree: One thing I think we need to do is go through this and pare this down. Some of these, in my view, simply are completely unrealistic. For example, require all vessels with a state recreational fishing license to have an electronic camera monitoring system onboard the vessel. I don't know why we have these, because clearly that's not going to happen. I don't know that we could even do that.

I would think going through some of these and I don't know if the council wants to do it or if we just want the staff to do it, but I think a lot of these simply aren't things we're going to do right now and we ought to take them out.

Mr. Currin: Let's go through them then and see if we can kind of pare these down, if people have opinions. Let's go back to 320 and look at the commercial ones first, page 320. Any here that look unreasonable for the commercial data reporting?

Mr. Wallace: The same Alternative 5 with the camera monitoring system. 5 and 6 I guess would be the --

Mr. Currin: 6 would require camera monitoring on a select group of vessels. What are your thoughts?

Dr. Crabtree: I certainly think requiring camera monitoring systems on all vessels is probably not realistic. On a subset of vessels, maybe so. At some point, we need to get with Bonnie and the Science Center and look at costs of some of these things, because what you want to

remember is if you want to put funding into doing these things, then that means we're not going to do other data programs.

If you want observers, for example, on golden tilefish vessels, then that means you're going to not have observers on other vessels. I can't tell you how all those things play off at this point, but barring some large increase of funding, which I don't really see happening, it is a zero sum game at this point, but I think we would have to get with Bonnie and talk about it. I don't think - One, I don't think it's necessary to have video logbooks on all vessels and two; it would just be cost prohibitive. I think most of these things ought to be on vessels if selected, rather than on everything. We just have to work with the Center to talk about levels.

Ms. Shipman: I think Roy's suggestion is good and we may want to move some of these to the rejected alternatives or whatever and go with if selected. That gives us the option, depending on resources, to select what your universe is going to be. I say us, but National Marine Fisheries Service.

In some regards, I think electronic camera on a commercial vessel if selected may be cheaper than an observer. I don't know that, but I suspect that. I'm intrigued in continuing with those two concepts of electronic camera and observer, but I like Roy's suggestion of just narrowing it down on vessels if selected.

Mr. Currin: I think there's been some initial cost estimates that are in the document for some of these, aren't there, Rick?

Mr. DeVictor: Yes, these alternatives have been looked at for their effects and so within the document there are some preliminary economic impacts. It's in there, I believe.

Mr. Currin: I think the other issue is depending on where this goes, I'm hearing general consensus to move it into 18. I'm not sure we've got to move alternatives at this point to the considered but rejected, because we're really just starting out on 18. We're just talking about whether to include them or not in that document.

Dr. McGovern: I was just going to make the point that in Amendment 15B we have a similar action for video monitoring and the wording is if selected that the vessel would have to do that and the same thing for observers. I think the difference here is that it's requiring it on like 10 percent or something like that.

Dr. Chevront: I appreciate all the other conversation that we've had on this. I'm really kind of wondering though whether it is possible just to go ahead and drop Alternative 5 as we have on there now. It sounds like that one specifically might not be feasible and is it worth putting any more effort into it? If we're moving it into Amendment 18 -- If we could just do something to reduce some of the burden on Rick and company there, that would be great, even if it's something small like this, because I don't think anybody is going to consider this. I know this isn't the same as considered but rejected, but I don't know when the right time is to pull that out. I just don't think Alternative 5 is feasible at this point.

Mr. Currin: Everybody okay with pulling that one out, video monitoring for all vessels? It

seems reasonable to remove that. Are there others that we at least want to change? There's been one suggestion, based on the way it's presented in 15B, to just include alternatives for either observers or video monitoring, rather than specified percentages, just if selected.

Mr. Cupka: I was going to suggest that, too. If you look at Number 6 here, it says represents 10 percent of all trips and so we're kind of getting ahead of ourselves there until we talk with Bonnie. That may be too high or too low. We don't want to get locked in on something.

Mr. Currin: If we included two alternatives, one for video monitoring if selected and one for observer if selected, that would eliminate 5, 6, 7, and 8. Everyone okay with that approach then? All right, I'm seeing general consensus on that. Recreational data reporting, page 328. It begins there, with for-hire sector. Alternative 3 requires all dealers handling snapper grouper species. There presumably wouldn't be any sale from for-hire. I guess not anyway.

Mr. Geiger: At the last meeting -- I guess maybe it wasn't a good idea and I can't remember whether we shot it down or not, but an alternative to implement a mandatory logbook program for paying passengers on headboats and charterboats. Susan looks puzzled and I can go on and explain that.

It would be like a catch chart of species that could be encountered and the for-hire passenger would complete that at the end of the trip and submit it signed to the vessel captain or the vessel owner, who would be responsible for mailing that in for data collection purposes. It could be used potentially to match the vessel's logbook with the catch of the recreational people. It could be used for recreational data collection.

It would give the people who participate in the process a sense of participation and we hear it all the time that they want to help and they want to participate and they're willing to do anything, submit logbooks and that type of thing. That's something you could do for the for-hire sector and carry that same type of a reporting card process into the recreational sector, for them to complete either online or somehow, in an effort to report their catch, including discards.

Mr. Currin: I would be leery of that, the capability of some of the passengers to know what they had in hand.

Dr. Crabtree: I just wondered -- It seems to me, George, a logbook filled out by the captain would be much more reliable. Having once been a guide myself, half of my customers wouldn't have known one fish from the next.

Mr. Geiger: Being a guide myself, I take pride in educating my customers and they really know at the end of the trip what they've caught, but this is --

Dr. Crabtree: I guess when you're not catching fish you need to do that.

Mr. Geiger: Point well taken and it's true, but the opportunity here is for the people to become involved and we hear from the public all the time that we do not use them in data collection and they've expressed a willingness to participate. We heard the MRFSS data characterized and

we've heard all types of characterization of the data and there seems to be methodologies for groundtruthing that and making it somewhat valid. I just throw it out for consideration if it's not a good idea, I accept that, but it's an opportunity for the public to become involved.

Mr. Currin: I've been involved in educating people about fishing and I remember one example of a guy who went through two fish identification lectures and I pulled a red drum out of his cooler that he thought was a spotted sea trout that he had just caught in an area where there probably weren't any spotted sea trout. It's scary to me.

Mr. Swatzel: It just places a headboat operator in an awkward position. Are we in enforcement at that point in having to force people to complete the forms? It is difficult for passengers sometimes to always know exactly what they caught. I do think that electronic reporting, whether it's web-based or whatever, on a daily basis or monthly basis should be required. I do agree fully that we need more data quicker to be able to come up with accurate decisions on these management decisions.

Dr. Crabtree: Not on the merits of any of this, because this might be a good idea and I don't really know, but one thing I would suggest to you -- I believe that the for-hire workgroup that's part of the MRIP program, the changing the recreational data, is due to report out this month. I would suggest that if we want to take a look at these kinds of things that we contact the Office of Science and Technology and ask them to give us an update on where they're going and what they're doing.

The one thing I don't think we want to do is get too far afield from the things they're doing. They've spent an awful lot of time looking at how to improve data collection in this program, and a lot more time than we're going to be able to spend, with a broad array of folks. I think if we go off one way and MRIP is going in a different way, that's not going to be -- It's going to confuse everybody and in the end, it's not going to help us.

I think if we want to look at this that it would be a good idea to get an update from those folks as to where they're going, so that we coordinate all these things and keep them together. I don't want to put some requirement in here that's not compatible with what the national program is going to do.

Mr. Currin: Thank you, Roy. That makes a lot of sense to me.

Ms. Merritt: I think Items 4 and 5 are unrealistic, for the same reasons they were unrealistic on the commercial side, and Alternative 6 and 7 for the same reasons that David brought up, that we need to get more information before we can lock in on percentages.

Mr. Currin: All right. Is everybody okay with removing those then and ask the team to try to get a preliminary report from the MRIP for-hire group and see kind of where they're heading and if they suggest some alternatives that seem reasonable here, then give you guys the latitude to incorporate what you think might be workable from their recommendations? Is that okay? All right.

Mr. Wallace: Can I have a little discussion on 8? Are we going to do a voluntary logbook? If

it's voluntary, why is someone going to do it? Just explain the voluntary part of this I guess is what I'm asking. If we're going to implement a logbook for discards on vessels if selected, I could understand it, but if you just say voluntary across the board, you're probably not going to get a whole lot of compliance.

Mr. Currin: Yes, that's probably true. I don't recall the rationale behind that one. Does anybody?

Ms. Shipman: John, I know there's been a lot of work exploring, particularly with the charter industry, catch records and there may be some of that going on now. I would have to check with our people. We run the charter survey in Georgia for MRFSS and it seems like we may have some folks doing that just because of their interest in participating in better data collection, but I would have to check into that.

Mr. Currin: I think in North Carolina -- We've got a charterboat survey as well and I'm not sure exactly what data they're collecting, but it's kind of an if-asked thing. We try to target 10 percent of them at all times and kind of rotate through them, so that one individual captain is not always doing the reporting. It seems to work pretty well, from what I understand. Perhaps then if -- I don't know how to redo that 8, unless you just include it as an if selected. Would that be okay, at this point at least? All right. All right, Rick.

Mr. DeVictor: Again, of course, we're just going out to scoping with this and so we'll come back in March and look at the specifics of these alternatives and get the right data and get MRIP to come in, so we can discuss it then, but for scoping purposes, I believe we'll keep it pretty broad while we take it out to the public. Next is improvements to data reporting on private recreational, which is on page 334.

Mr. Currin: Certainly Alternative 3 runs into the same problems, in spades, for the smaller recreational boats that we had with the commercial boats.

Mr. Wallace: On 2, Susan, our state recreational license is tied to freshwater and saltwater and all of it. That would be an unreasonable request, to put a logbook to every little johnboat in the state. To that, if you wanted to have something that was in that, similar to that, just put the same thing, if selected. That would give you an opportunity to do some of those things.

Mr. Geiger: Based on Roy's previous comments, MRIP is the recreational reporting methodology and why is it incumbent upon us to identify any additional methodologies? MRIP is --

Mr. Currin: Roy mentioned that the for-hire workgroup was going to be reporting out and is there a similar group then, Roy that will be reporting out at about the same time regarding private vessels?

Dr. Crabtree: I'm not sure about that. I know about the for-hire reporting out because of some specific issues that have come up in the Gulf with respect to a lot of the charterboats are asking to go to electronic logbooks and things. We did look at that, but we would have to ask the MRIP

folks.

It's quite possible, getting to George's comment, that we decide we have a specific need that's not addressed in MRIP and so we want to do something in addition and I don't see any problem with doing that. We just want to coordinate all of this and make sure that they know what we're doing and we know what they're doing and it all meshes together and makes sense.

Mr. Currin: In this particular sector, I think this is one where a voluntary logbook might provide us with some useful information, if we have the ability to catalog it and enter it and analyze it, but just because of the sheer numbers, I think the participation would be large enough that it might be useful. I would argue that at least at this point that Alternative 6 might remain as an alternative here and then try to incorporate from the MRIP folk's kind of where they're going as well. Other thoughts?

Mr. Wallace: I'm trying to look ahead on this voluntary logbook. Does that mean that the state is going to have to give a logbook to every person that is licensed when they buy their license and then they decide whether or not they want to use it? You're saying implement a voluntary logbook, but that means someone is going to have to request it. What is the methodology there?

Mr. Currin: I don't know how it would ultimately shake out, but your first suggestion would not be the way I would do it if I were trying to gather information from a group that might be interested in helping out. Again, I don't know the details of how it would work and who would be printing the logbooks and who the logbooks would be sent to or whether it's web-based or a paper-based thing. There's a lot of evolving technology that might make this feasible and then I'm sure there are lots of problems.

Dr. Crabtree: There are and there are costs with it. If you have literally hundreds of thousands of people submitting paper logbooks to you, there's going to be a considerable cost to put that in and even if they submit via the internet, then you've got to come up with the interface and the capabilities to have them do that.

I think that at least my view, and everything I've heard and seen is consistent with this, the core estimates and the central estimates of the recreational catches is likely to continue to be based on a survey of some sorts and the real thrust of MRIP is not to not do a survey anymore, but it is to redefine the sampling universe to license holders or folks who have federal registrations. They're working on that, but anytime you go to voluntary reporting, there's, of course, an inherent bias in that, because people who volunteer are quite likely to have different fishing habits and different catch rates than everybody else, because people who volunteer are going to be people who pay attention and who are really into it and so you introduce potential biases in that.

If you go back to some of the major criticisms of the review of MRFSS, one was its inefficient because of the sampling, but the other criticism was it has potential unknown biases. You've got to be careful that when you change it that you don't change it in a way that just introduces a lot of other potential unknown biases.

I think that some sort of voluntary thing like that might be a good way to go and if it was

internet-based and quick, it might give us a preview shot of what's going on that could be much more real time than a sampling is, but I think a lot of these things where we're trying to require vessels to do things based on their state license --It's not clear to me how that even works, because we obviously have no authority to sanction their state license or revoke it or any of those kinds of things. I think all of us see the inherent logistical problems of who is going to pay for all these types of things, aside from you know somebody is going to come out and say it's an invasion of privacy and all that kind of stuff.

Mr. Swatzel: You may have already covered this, but this section keeps referring to licensing vessels and most states are simply licensing people recreationally. You might want to consider that, too.

Mr. Currin: Yes, that was a point I had in my notes. It's very, very critical for us to understand. Some states perhaps license vessels or at least offer that as an option, but most states license individuals and not vessels.

Ms. Shipman: I just think this is an area we're going to have to scope with the states recreational licensing people, as well as the Science Center. Both of those groups are going to be essential and crucial to coming up with something that would work.

Mr. Currin: This would be one where we would be scoping asking for input and recommendations from folks as to how best to do this and we can just give them a couple of examples, perhaps, of what we're thinking about.

Mr. Wallace: This right here, to me, just screams the importance of a federal recreational permit.

Mr. DeVictor: As we had actions to improve the data collection, there's also actions here to improve law enforcement capabilities, especially when we were talking these larger area closures, looking at different ways of possibly helping law enforcement improve their efforts. We brought this up with the Law Enforcement AP and I haven't gone through these in detail, but we have them projected on the screen if you want to review those, but these are the recommendations that came from the Law Enforcement AP concerning this action.

Mr. Mahood: When the Law Enforcement Advisory Panel met the other day, they did look -- Rick did brief them on Amendment 17 and one of the things that they looked at was the vessel monitoring system requirements. I think off the top, although it's not a recommendation, they made it clear that this is not a solve-all-problems requirement, but it certainly will help.

It does help enforcement pinpoint where there may be problems, violations, where they may need to provide resources, be it by air or vessel, to go out and determine -- There was a lot of discussion about can you make cases based on somebody's VMS showing them in an area that they shouldn't be in or this type of thing and there was a lot of debate about that and it's going to depend on circumstances. It's going to depend on follow-up and both Otha and Karen talked a little bit about that.

One of the things that was recommended is that the VMS be on at all times and if you don't have

that requirement, it's going to be very difficult to monitor what the vessels are doing and again, it will not solve all the enforcement problems. If you talk about adding a significantly large amount of vessels to what's already being monitored, the resources just don't exist at this time.

Currently, the Office of Law Enforcement monitors roughly 12,000 vessels, with about 250 of them in the South Atlantic, which is actually more than I thought that they were keeping track of at this point, but it would be almost impossible to monitor a recreational VMS program under the resource level we have at this point in time.

Mr. Geiger: Bob, 12,000 or 1,200? It says 1,200 up there.

Mr. Mahood: What's that?

Mr. Geiger: 12,000 vessels or 1,200 vessels?

Mr. Mahood: Did I say 12,000? It's 1,200. If there's any questions, I'll be glad to try to answer them or Otha or I think Karen is still here.

Mr. Currin: Thank you, Bob. What are thoughts on this whole issue of VMS and Amendment 17 or Amendment 18?

Dr. Crabtree: I think any idea of requiring VMS on private recreational vessels is just clearly unrealistic and it doesn't warrant any more -- I don't know if anyone disagrees, but law enforcement certainly couldn't handle, I don't think, another 100,000 vessels. I would drop that out.

The other thing is I think when we were doing Amendment 14 that we spent quite a bit of time discussing VMS and in the end; we decided not to go forward with a VMS requirement at that time. It seems to me a part of our discussions about the VMS requirements had to do with -- It seems like at some point we talked about latent permits and things like that and we felt like we needed to resolve those issues if we were going to reduce the number of permits in the fishery before we required VMS on it. Am I remembering correctly?

Mr. Currin: I think you are, in fact. I made some comments along those lines and I still feel pretty much the same way about it at this point.

Dr. Crabtree: I think VMS and commercial vessels and potentially for-hire vessels is a legitimate thing to look at. I can tell you it's a difficult -- Having just gone through it in the Gulf of Mexico, it's a more complicated and more difficult thing than you think at the outset with it, but that's kind of up to you folks. Maybe we've already talked about this, but are we talking of this still in 17 or did we decide 18w with this?

Mr. Currin: We haven't decided anything, whether to include it or whether to move it forward or where to move it forward.

Dr. Crabtree: I think if you as a council want to look at VMS on for-hire and commercial vessels

that that's fine, but I would -- My preference would be to do that as a part of Amendment 18 rather than this one, because I don't see this as directly connected to annual catch limits.

Mr. Currin: The first question is if we want to look at this at all. If we do want to move it forward, then I think Roy's suggestion to move it into 18 is certainly most appropriate. I have concerns about the ability to pull this off, the money to pull it off, the enforcement capability to monitor any and all of those that we might include, as well as -- It's kind of two schools of thought, from what I understand on the commercial side of things.

I've heard some folks in that industry say that it would be a good means to winnow out some of those who are not serious about fishing by requiring VMS and they would be all in favor of that. There are others that are concerned about having to buy and maintain and pay for monthly fees associated with VMS on their boats.

I, additionally, have concerns about the stability in the fishery and where that's ultimately going to end up and I hate to see us require VMS for people that aren't going to be in the fishery for far into the future. I don't know. What are other thoughts?

Mr. Iarocci: To that point, when you look at these areas on the chart, and we've already addressed -- If you remember we were talking about the golden crab and looking at pingers and stuff with that. If you look at some of the fisheries involved, I think we've addressed the deepwater shrimp fishery and also now to get into the other side of the coin, which would be the charter recreational.

There's a blossoming or I should say now booming sport recreational fishery for swordfish out in that deepwater and that's going to -- People are going to fish out there, but it's minute the amount of boats that are going to be going that far offshore and fishing that area. Maybe we should address the fisheries individually out there that are going to be out there instead of looking at the whole charter fishery or the whole commercial fishery and just whittle it down like we've done at the AP and say okay, royal reds have VMS and we're looking at other things for that.

If there is that deepwater charter fishery out there, address that specifically other than the whole charter/headboat, because there's no way we're going to bring that whole fleet into VMS compliance.

Mr. Harris: I just don't see us requiring VMS in either 17 or 18 at this point in time. I think we're -- I just don't think we're there yet and we could keep it in for 18 for consideration, but I suspect we're not going to do it and so I would rather -- 18 is getting pretty big now by itself and if we're not serious about VMS right now in this fishery, I think we ought to drop it out of both of these amendment considerations.

Mr. Boyles: I concur with what Duane said.

Mr. Currin: Anybody argue strongly to keep this in or move it into 18 and move forward with VMS? I don't see any. Let's drop this one out.

Mr. DeVictor: The last action is an action to establish an ABC control rule. This is on page 340 and this is something that was brought up by Carolyn yesterday. I think this is something that they're going to be working on in their next couple of meetings. Certainly they discussed this tiered system and so perhaps this is something you want to retain in Amendment 17, because it is directly related to the ACL proposed rule.

Dr. Crabtree: I think if the SSC can come up with a recommendation than we ought to take a look at it and include it and if within the scheme of this amendment if they can't work that out, then I think it's something we revisit I would guess in the Comprehensive ACL Amendment and look at applying it then. If they can get it in a timeframe that works for us here, I would think we would want to do that. It would certainly solve a lot of the problems we've run into with accounting for uncertainty if we could do that.

Mr. Currin: Everyone okay for that? It makes sense to me. All right. Is that it for 17 and 18 now?

Mr. DeVictor: Yes and here's a list that I made for items for Amendment 18 scoping and perhaps a motion to take these out to scoping would be appropriate.

Mr. Currin: Everybody take a look at those and make sure that that captures our intent and everything that we have shifted and moved today.

Mr. Harris: Just a question. Item 1 would include both the consideration for endorsements and a limited access program, correct?

Mr. Currin: We didn't have a whole lot of discussion on that. I think you mentioned it and I didn't see any disagreement around the table.

Ms. Shipman: I'm wondering also under Number 2 if we need to expand that. It's not only limiting participation, but potentially effort limitations, through gear limitations and so on and so forth. We talked about bringing back for review all of the issues with trap limitations.

Mr. Currin: That's a good point. That's probably best regarding golden tile as well. Does that capture it all?

Mr. Wallace: Just for wordsmithing, it's probably endorsements or limited access, to where you don't come back and think that we want both.

Mr. Currin: Everybody okay with that? I would entertain a motion to take those six items to scoping.

Mr. Iarocci: **So moved.**

Mr. Currin: Motion by Tony.

Mr. Harris: Second.

Mr. Currin: **The motion by Tony is to take the following items to scoping to be included in Amendment 18: 1) limit participation and effort in the golden tile fishery (possibly endorsements or a limited access program; 2) limit participation and effort in the black sea bass fishery; 3) extend fisheries management unit range and designate EFH in the new areas; 4) separate snowy grouper quota into regions/states; 5) change the golden tile fishing year; and 6) improvements to data reporting.** The second was by Duane. Is there further discussion?

Mr. Robson: Just clarify again what is the schedule for going out to scoping on this in relation to where we are with 17.

Mr. Currin: I think those scoping and public hearings are set for January and February.

Mr. DeVictor: Yes, that's correct, late January and early February.

Mr. Robson: For 17 and 18? Just 18 now we're talking about?

Mr. Currin: Yes, 18 right now. Other discussion? **Any objection to the motion? I see none and that motion is approved.** Do you all want to take a short break?

Mr. Geiger: If I could go back for just a second to I think it's the research at the very end, research needs. For example, gag, there are a number of issues in the gag research need that I think could be carried over into the red snapper research needs in terms of intrageographic region, because of the genetic makeup of the stocks. Could we look at maybe asking Jack to review those and ensure that those types of issues that are identified in gag that have applicability to red snapper get listed under red snapper as well?

Mr. Currin: I don't think anybody would have a problem with that. I saw Jack nodding his head and I'm sure he will make a note and look at that. I've got about ten after. Let's be back here at twenty after and see if we can finish by eleven o'clock.

Mr. Currin: We've got a couple other agenda items and as well a couple of things under Other Business, but the next agenda item is the Red Snapper Interim Rule. To refresh everyone's memory, red snapper was considered early on, in the same interim rule that we approved to address gag and black and red grouper. That was sent forward and it's at the Regional Office or at headquarters or somewhere. We asked for some further analysis on red snapper before we considered that. That has come back before us at this meeting, to consider whether to ask for an interim rule on red snapper.

Ms. Shipman: Mr. Chairman, I don't see that we've gotten a great deal of additional information since the last meeting. The SSC is still deliberating, not only with this species, but with others. My concern is were we to move forward with an interim rule, I think because of 17 slowing down, we would still be in the same situation we would have been the last time.

We would have a measure in place and it would sunset and even if we extended it by another 180

days, I'm still concerned there would be no measure to come in and backstop it. I just don't see any continuity. I think whatever measure we ultimately put in that we need to have continuity and a long-term approach and I just don't think that an interim rule is feasible at this time.

Mr. Robson: I would concur with what Susan says and I would be willing to make a motion that we not forward a request for an interim action on red snapper to National Marine Fisheries Service.

Mr. Currin: Motion by Mark to not forward an interim rule request to NMFS on red snapper and second by Duane. Discussion?

Dr. Chevront: I concur with that, but what I would like for us to do is to at least revisit the issue at our March meeting and figure out where we are then. I just want to make sure that we're not saying we don't want to consider this for the future. I think what we want to do -- I think Susan's point about being able to have this interim rule roll over into something that could be more permanent is really very important, but the issue should not die.

Let's make sure we bring it up at each and every meeting, if necessary, until we can make sure that we can be consistent throughout. It may turn out in March we may not be able to do a rule then either.

Ms. Shipman: I totally agree with Brian. The science is consistent that we have a severely overfished fishery and I think we should not lose sight of that and I don't think anybody around this table has lost sight of that. It's just a very vexing issue of how do you address it with something that's meaningful and that does have continuity. I think we need the additional feedback from the SSC that they would be giving us for some of the Amendment 17 benchmarks and measures as well.

Mr. Currin: Rick added a couple of words at the end of that that might help clarify that, if that's acceptable to the motioner and the seconder.

Mr. Robson: Yes, that's acceptable.

Mr. Currin: Does that indicate the intent, what I'm hearing from Brian and others around the table? Is there further discussion on this motion? **The motion reads: Do not forward an interim rule request for red snapper to National Marine Fisheries Service at this time.**

Mr. Boyles: Mr. Chairman, I agree with everything that's been said. However, I guess I would just like to have some kind of assurances of some kind of timeframe within which we're going to address this. The folks back home in my state are expecting this and I would like to give them some sense of when we might see some action and can anybody help me out?

Ms. Shipman: From listening to the SSC, I think either March or June. I'm hoping we're going to have more feedback from them, in terms of some projections and things like that. We just don't have -- In my mind, and this is just me, speaking for myself, I don't have enough information from them to move forward at this time, but they have certainly reaffirmed, even

through the addendum, that the fishery is severely overfished.

We have, I think, reconciled some of the observations that fishermen are seeing in the fishery with regard to the status of the stocks, but, again, I see it as a stable collapsed fishery. That's my terminology, only mine.

Mr. Robson: I don't think I can add anything. I'll just concur and I think the timing is what we've heard, that the SSC will look at it in March. From my understanding, that's when the meeting is scheduled and that we certainly need to take action in either March or June, but it's going to be coincident with what we do with Amendment 17, I guess.

Dr. Crabtree: Even for an interim rule, we have to have a NEPA document and so we're working on a NEPA document now. We would either need to complete the EIS we're working on now and then that would be the NEPA document or a permanent rule, as well as whatever temporary rule, or if you decide you want to move an interim rule earlier, then we would have to do a separate NEPA document for the interim rule, which depending on what you did and the significance of it, could mean an EIS or an EA. Under any circumstance, even if we requested an interim rule today, we would have to go back and complete the NEPA process before we could publish anything.

Mr. Currin: Roy, if you can, just for the benefit of the listening public and concerned public, can we lay out some what-ifs, so if the council came back in March and received some information from the SSC that indicated to us that we had an identified course of action and we requested an interim rule in March, how far into the future might you guess that that interim rule could take place, the shortest timeframe? Likewise in June or if we can just define -- I know it depends on the state of the NEPA document at that time and all that and maybe you can't estimate it.

Dr. Crabtree: It does depend on that, but really, the first issue that you would have to address is what is the action you would be requesting in the interim rule and then we would have to determine whether it is significant or not. If it was determined that it was going to have a significant impact, then we would have to prepare an EIS and that has mandatory comment periods and things.

If we reached a finding of no significant impact, a FONSI, then we could do it as an environmental assessment and that can be done more quickly, because it doesn't have the same prescribed comment period.

You would have to decide what is the action that you want to take and then we would have to make a determination, working with NOAA GC, as to the significance of it and then once we reach that conclusion, we could come up with a timeline, but it's hard to say how long it would take without reaching that. Then the other logistic part of this is if we had to do a second separate NEPA document. Of course, it's the same folks who would be working on this NEPA document that would then have to work on that. We would have to look at all that.

It's difficult to say. If you could prepare an environmental assessment, then you could potentially get a rule together in a matter of a few months, but if it was an EIS, with the comment

periods and all, Rick, you would be looking at five months anyway, I would guess.

Mr. Currin: That helps. I'm just trying to get at -- It's the same thing that Robert asked earlier. It's a huge bag of sand or a large deadfall hanging over a lot of people's heads and it's an uncomfortable situation for many people to be in and I'm trying to at least give folks an idea of how long it's going to be there.

Ms. Shipman: It sounds like from that timing and the various documentation that would have to be prepared that even on a best-case scenario of considering it in March, you're looking at nothing going into place until fall of 2009 at the earliest, I would think, in order to try to give the constituency a projection. I think fishing would continue through the summer.

Mr. Currin: That would probably be my best guess as well. Further discussion on the motion?
Any objection to that motion? I see none and the motion is approved.

Our next agenda item is Comprehensive ACL Amendment. I think every committee so far has looked at this as far as items, broad-brush items, to be included in this amendment, approaches to take, broad measures to be considered. I certainly have nothing to add to the list that's outlined here. I'll open it up for discussion and have anyone else that would like to offer some suggestions for changes or modifications for management approaches in the ACL Comprehensive Amendment. That's Attachment 13 under your snapper grouper tab. Is everybody okay with this?

Mr. Boyles: Just a question about Number 4 that's projected there, the allocations. Just refresh my memory where we are on allocations, because I know the Allocation Committee has made some recommendations and yet, I believe we are stood down for the year. Is this allocations that will be conducted by the Snapper Grouper Committee or analyzed and recommendations from the Snapper Grouper Committee?

Mr. DeVictor: How it's typically been done is when the Snapper Grouper Committee has set the specific allocations for the species -- The Allocation Committee did recommend or decide to actually set it between the three sectors.

Mr. Currin: We talked about that with regard to 17, Robert, and we just felt at the time, with where we were, that it would be best to allow Snapper Grouper to deal with that. In that case, we decided not to allocate but to two sectors for 17. That's kind of where we are, the best I remember. Anything else on the ACL Comprehensive Amendment as far as broad issues and management approaches? I see none.

We've addressed -- Under Other Business, the one item that I had was the control date for black sea bass pot endorsements. We have addressed that. There's one other issue, perhaps another one. There's a letter from Pat Harris, who is a member of our SSC, regarding a research project that he has in cooperation with I believe a commercial fisherman who is concerned about -- Specifically, I think they're tagging. Correct me if I'm wrong, but they're tagging some groupers.

This guy is going to help Pat go out and catch some fish that he normally would take back to the

dock and sell, but he's going to, for some recompense, I presume, put these fish back in the water with tags in them. He's concerned that this might affect his catch history and how that might become important in the future as considerations for other management programs such as LAPPs might be. I guess they're asking for a consideration there and what can be done to help not affect his catch history. Rita, did I capture that correctly, more or less?

Ms. Merritt: When I read the letter, I really felt like we needed to address it because it would be such a deterrent to people to want to take on any kind of research if they were in fear of losing some catch history. I really think that we should allow them to do just this, develop a theoretical catch, as Dr. Harris suggested in his letter.

I'm not sure how to do that, other than perhaps to either have the scientists involved in it to come up with what that means, because I don't think that you can take the catch that's involved in the research as being a realistic catch, unless perhaps you just use maybe an average of what they normally do catch during that period of time. I would be interested in knowing if anybody else knows of other research programs where they have developed something along these lines. I would definitely be in favor of doing something.

Dr. Crabtree: I'm not aware of any instance like this, but right now there is no LAPP program and so I think where you would have to accommodate this sort of thing would be in the fishery management plan that established the LAPP program. Then when you went in there and looked at the initial allocation of shares, you would have to develop something that accommodates this kind of situation. How you would do that, I don't know, but I think that's when you would have to do it.

I think with this letter the best you could do would be to write this gentleman back and say that the council has discussed the situation and that you will take this into consideration when and if you develop a LAPP program, but I don't see how you could make a decision on this that binds you outside of the development of the actual program.

Mr. Currin: Roy, just for consideration, could that be implemented or addressed in a future amendment in some way, such that it could apply retrospectively to records that were maintained by respected scientists and researchers? Do you see where I'm getting at?

Dr. Crabtree: I guess you could do an amendment that said you're going to count these kinds of landings equally to logbooks or something, but you've got to remember that you can't really take an action that would bind a future council and so you could have a different group of people on this council six years from now who at that point develop a LAPP program. They could come in there and come to a different decision. Do you see what I'm saying?

Mr. Currin: I understand that. I'm not talking about doing something now that's going to try to bind anybody. I'm just talking about in the future when it's done, the council, whoever is sitting there; could they conceivably implement a measure that would retrospectively capture these documented landings to be included in the establishment of a LAPP program, for example?

Dr. Crabtree: Absolutely. You could come in and say we're going to base the initial allocation

of shares on logbooks. You could say we're going to base it on trip tickets. You could say -- In some cases, we've based them on you choose your best four out of five years and you could certainly say and we're also going to include documented landings caught as part of a research program in addition to logbook landings.

The key thing I think to get back to these folks who are in this situation is they're going to have to have documentation of some sort in terms of what they actually caught and what they did with it, but I assume since this is a research project that there will be verifiable records of all those kinds of things.

Mr. Currin: They certainly would be documented in any research reports and/or scientific publications, or could be at least, that might come out of it.

Dr. Crabtree: I think you have wide discretion in terms of what sorts of records you would consider.

Mr. Cupka: I agree with Roy and I think there's somewhat of a precedent here, Roy, in when we were looking at the snapper grouper permits, that we not only went by logbook data or NMFS figures, but we allowed them to use state landings, as long as they could be certified. I would look on this as sort of a similar situation and not quite exactly the same, but as long as it was certified somehow, it seems like the decision could be made to include those.

Dr. Chevront: To follow up with some of the things that Roy was saying, I agree with that, but I think the concern of the letter writers and not just Pat Harris, but he is writing on behalf of the fishermen who are concerned, and I think we need to make sure that we address the issue of the fishermen. Whoever is going to write the letter in response, we need to state explicitly that it is not the intent of the council to penalize the landings of fishermen because they participate in a research project.

I'm not sure what the exact wording ought to be, but without committing ourselves to how we're going to deal with those things, we need to let them know that we are going to -- We want to encourage them to do this and we're not going to let them lose landings because of that. Now, somebody else can work out the language, but I think we need to answer this fisherman's concern, which is he's afraid he's going to get penalized for participating in this research project.

Mr. Wallace: Probably in that letter we should say that it would behoove the fishermen to keep a record of this as a theoretical catch in his files, in order to have documentation of these catches.

Mr. Harris: If the council will give myself and staff editorial license to compose such a letter and run it by Monica before we send it out, we'll do that.

Mr. Currin: Can we do that without a motion? Do we need a motion from the committee to do that or just direction to the staff and certainly the latitude, from my perspective, is fine. We will give you that and trust you to bounce it off the council. Is everybody okay with that? All right. Thank you. Is there anything else, Rick that you have under Other Business? I have no other business to come before the committee.

Mr. Robson: Other business related to the ACL Amendment? I had some questions and some comments I wanted to make, if this is the appropriate time.

Mr. Currin: If you want to make them to the Snapper Grouper Committee, you had better hurry, because I'm going to adjourn. That's my next order of business.

Mr. Robson: I have a procedural question regarding getting an issue on the agenda. We had the discussion about vermilion snapper and the possibility of changes in landings or effort. What would be the appropriate procedure, Mr. Chairman, to make sure that we have something on the agenda for March or June to at least look at whatever information is available on any changes in vermilion effort?

Mr. Currin: We talked about some issues with reductions in effort and we were going to ask for some reports, I think, to be provided by the Science center, perhaps, some analysis of effort in the for-hire sector and perhaps in the recreational sector as well. I've got no problem with requesting that that information be provided. That's what we asked for and so we could ask for a report at our next committee meeting on the results of those analyses.

Mr. Robson: Would that be sufficient to -- If there were some indication that we might consider a framework change, say to the bag limit, would that allow us to consider that, if it's on the agenda as you're describing?

Mr. Harris: I would defer to legal counsel on a question like that. I don't know the answer to it.

Mr. Currin: I don't know either.

Ms. Smit-Brunello: If I understand what you're asking, and here's what I think you're asking, and let's talk about that, is at a future meeting, March or June, you would want some information put before the council which then could lead to a change in vermilion bag or size limit or something along that lines. Is that correct?

Mr. Robson: That's correct.

Ms. Smit-Brunello: That would be while Amendment 16, which addresses vermilion matters, is probably out for public comment and all those sorts of things. That's fine if that's what the council wants to do. I think that you would need to look at the record at that time for any action you might want to take, but at this time you couldn't prejudge any information and I think if you want to bring it forward or want the council or committee to look at it at the next meeting, that's fine. It's going to be a little awkward perhaps because you have an amendment moving through the system, but we can discuss the information and how it relates to the amendment at that time.

Mr. Currin: I guess what Mark is asking is whether that framework could be initiated at our next meeting, based on the report, if we get it, regarding effort changes. Is that correct, Mark?

Mr. Robson: That's correct and I don't know how that would -- It would be something different

from what's being implemented under Amendment 16, if we make a change.

Ms. Smit-Brunello: I think that sure you could put that forward and we would have to discuss it at that time, based on the information that you put forward.

Mr. Currin: Does that answer your question?

Mr. Robson: Yes, it does. I also wanted to at least make a comment or ask a question regarding the interim rule that we have requested be implemented by NMFS for Amendment 16 and I think we're approaching a January 1 timeframe for getting something implemented, but my understanding was that the Department of Commerce was going to be waiting until after this council meeting to take any action and yet, there's -- Again, and I understand the process, we didn't have anything on the agenda to discuss or reconsider that interim action.

The council made its vote in the September meeting and I understand that, but I guess I'm trying to also figure out if there is something that we need to do in the March meeting, depending on what comes out of the National Marine Fisheries Service as far as Amendment 16 as an interim rule, to reexamine the red and black grouper issue, because we weren't able to really discuss it at this meeting.

Mr. Currin: I'm not sure I can answer that. Again, I would probably have to look to either the chairman or to Monica or Roy for advice on how that might be handled. I'm not real clear exactly what you're asking, to be honest.

Mr. Robson: I'm asking if there's a mechanism that I need to request now for the possible reconsideration of the inclusion of red and black grouper, particularly in the four-month closed season, that's in Amendment 16. Again, neither the amendment nor the interim rule has been finalized by the National Marine Fisheries Service.

Mr. Harris: Just for the council's information, Mark called me a month or so ago and asked if I would be willing to put a reconsideration of the interim rule under Amendment 16 on the agenda. I was not, simply because I had not received any information, any new science, that suggested that the status of red and black grouper was any different than we had received and that was the basis for the council's decision at our last meeting to ask for an interim rule, nor had I received any information about any council member wanting to change their vote on that issue and so I was unwilling to put that on the agenda.

I still think that was the right decision. I still have not seen any new science with respect to those two species and I think those are the two main species that are of concern here. Absent that -- That would be my position on any issue that the council has already taken action on and forwarded to the Secretary for the Secretary's consideration.

If you've got new science, obviously we'll take up the new science and put it on the agenda, but we did not have any new science. I still do not know of any new science with respect to those species and so that's what Mark is asking and I just wanted the full council to understand why I was unwilling to put that on the agenda for this meeting.

Mr. Robson: To that point, thank you, Mr. Chairman. I respect that decision completely. I'm responding to the amount of public input that we did receive, particularly from Florida, south Florida, regarding red and black grouper and the impact that that was going to have. Of course, I think everybody on the council understands the commission's position on the closed season. It's one of concern about the impact that that's going to have in Florida and particularly with red and black.

That's why I wanted to make sure that I brought that up and that I hope that the council will continue to look at that. My understanding is that the inclusion of red and black grouper in the interim rule is based on the fact that they are considered overfishing from the previous assessments. Of course, we did receive public input that those were older assessments.

They're using older techniques and we are looking at -- We took the action to move up the new assessment for red and black grouper, to be able to look at that next year. I was just concerned that if there was a mechanism to reexamine that, in the light of the fact that we're going to have that new assessment, that that somehow could be reconsidered by the council. Apparently that's not possible and I understand that.

Mr. Geiger: I guess he just summed it up in his last statement, that reconsideration is not possible. I think it's appropriate for Monica, possibly, to comment, because reconsideration has been used in some of that public input that we got from the public and I think there's a false -- If we continue to allow people to communicate back and forth like this, using these terms, it gives the public some type of a false hope or possible hope that may not be able to occur.

It's my impression that once the council takes a final action on something and we move on to the next meeting that we could comment, but I think we just comment as part of the public process as a council and could possibly comment in regard to specific species or specific parts of something we have approved. I guess I would ask Monica to comment on that and make sure that we're thinking straight and I have the correct --

Ms. Smit-Brunello: The Magnuson Act is clear that the published agenda of the meeting, council meeting, may not be modified to include additional matters for council action without public notice or within fourteen days prior to the meeting, unless such modification is to address an emergency action under Section 305(C) of the Magnuson Act.

In this case, I think everyone has said it on the record already that the interim rule is not on the agenda at this meeting. I don't think you can take council action on the interim rule. If you wanted to consider that at a future meeting, I'm not going to tell you that you can't not reconsider it, but it would have to be based on what the record is that you bring forward at that meeting and the rationale to reconsider.

Then you would all have to decide whether that was adequate rationale to reconsider new information or whatever you want to call it. Then I would advise you as to whether I thought that you had a sufficient record built to change your mind, reconsider, whatever you want to say. I can't tell you that you cannot reconsider something. I can tell you that if it's not on the agenda

you shouldn't take council action on it, because that's not appropriate according to the Magnuson Act. If you want to put it on the agenda for a future meeting, I guess you should have some discussion as to whether you think that's appropriate or not.

Mr. Cupka: I just wanted to point out that Duane and myself and Bob talked about this whole issue of public notice and getting things on the agenda for consideration and all and so all that was considered, I think, in Duane's decision. We were cognizant of that and did discuss that.

Mr. Robson: I guess I just want to leave the option open to look at this. Depending on what comes out of the National Marine Fisheries Service -- We're assuming that they will implement the interim rule as is, but if -- Depending on what happens, in light of the continued public concern about that, either in March or in June, I may request that we examine it.

Mr. Currin: From my perspective, and certainly Monica and Duane will advise you of exactly what needs to be done on that, but what I've just heard is that you better be very mindful, if that's your intent, to the fourteen-day requirement and the deadlines for briefing books and that sort of thing. I'm sure you will.

Mr. Robson: Certainly I will, Mr. Chairman, and I'll make sure that I communicate with you and the council chair.

Mr. Harris: I appreciate that, Mark. As I said, if there's new information regarding the status of red or black grouper stocks with respect to overfishing, I will be delighted to put it on the agenda for discussion and consideration. Simply a lot of fishermen saying that this is going to adversely affect them, we knew that when we forwarded the interim rule to the Secretary of Commerce for consideration. That's not new information, as far as I'm concerned.

Monica, I think it is true, in reading the Magnuson Act, with respect to an interim rule, if the vote of the council had been unanimous, then the Secretary doesn't have any choice but to implement an interim rule. In this case, the vote was not a unanimous vote of the council and so it gives the Secretary some flexibility here and I don't know what the Secretary is going to do, Mark.

Obviously there's been -- He's had conference calls about this matter and so I don't know whether the interim rule as has been forwarded by the council is going to be approved or not, but in any event, I really think this council needs new science with respect to the status of the stocks before I think the council would be willing to change its position on this issue.

I may be wrong, but if there is new science to be brought forth to the council, I'll certainly allow that to be done. I would never hold back new science from this council. I would want it to go through our SSC first, to make sure that it is new and relevant science and it has been appropriately peer reviewed, because I don't -- Just because someone writes a paper that says they don't believe that red or black grouper are overfishing at this time, that's not new science. We really need to make sure it's peer-reviewed science and run it by our SSC and if there is something out there, please let us know and we'll consider it.

Mr. Currin: Monica, do you have a response?

Ms. Smit-Brunello: No, that's fine. Duane covered it.

Mr. Iarocci: At this time, I want to personally thank both Mac as chairman of the Snapper Grouper Committee and Duane as current chairman of the council for the quick response to the correspondence to a lot of the participants in this fishery, especially in south Florida, that I deal with daily. Last night, I can't tell you how many calls and my phone started ringing this morning at quarter of seven on this issue.

I know the process and I think they understand it at this time, what's going through the Secretary of Commerce and how this thing is going to move forward. Personally, everybody on the council I want to thank, because this is a very contentious issue, as Mark has stated, in south Florida and that whole area. Bill Kelly passes on his regards. He wished he could be here, but he couldn't at this time, but he thanked everybody too for the work being done and he's looking forward to working with the council in the future on this issue.

Mr. Currin: Thank you, Tony. Is there any other business to come before the Snapper Grouper Committee? Mark, did that handle everything or have you covered everything you wanted to bring up?

Mr. Robson: Just to reiterate, again, at this point the State of Florida doesn't anticipate taking any action in state waters or even looking at it until permanent rules are in place for Amendment 16 and we will be looking at it at that time and I will be approaching it from the point of view of seeing how much we can provide some form of consistency, particularly with the shallow-water grouper closed season in state waters, that provides some consistency both in the Gulf and the Atlantic.

As you may know, the Gulf of Mexico Fishery Management Council has also implemented regulations for the shallow-water grouper fishery and we're looking at consistent regulations in that side as well.

Mr. Geiger: Seeing as how you brought that point up, Mark, Dr. Crabtree, in the event that a state were not to implement consistent rulemaking, in terms of the interim rule or the amendment, either or, what is the procedure then that we would look for from NOAA Fisheries in terms of trying to keep or achieve the reductions that were the intent of the amendment and the interim rule?

Dr. Crabtree: There's no specified immediate procedure and this has been an issue we've struggled with most recently with red snapper in the Gulf of Mexico. In the case of the commercial fishery, it probably isn't that much of an issue in terms of the overfishing, because the fishery would be closed when the quota was caught. It could result in some inequities in where the quota is fished, but remember that in your regulations you had a requirement in there that the federally-permitted vessels have to comply with the federal regulations regardless of where they're fishing.

The commercial vessels would all have to comply with the seasonal closure even in state waters,

whether the state changed their rulings or not, and the same would apply to charterboats and for-hire vessels. Now, if there were significant harvests of grouper by private recreational vessels, so that the overfishing didn't end, that would be a concern. We probably wouldn't know about that though for some time and there's no specified action laid out in the amendment that would occur at that time.

Now, as we get into annual catch limits and accountability mechanisms, it's quite possible that if we don't get compatible regulations from a state that we could exceed the annual catch limits and that could require closures or some other consequence in the EEZ to compensate for that. That is what has happened in red snapper in the Gulf of Mexico, was that the EEZ was closed early in order to compensate for unanticipated catches in Florida and Texas state waters.

That is a possibility down the road, but that doesn't automatically occur until we put in place annual catch limits and things. In the case of the Gulf red snapper, it happened because there was a hard quota on the recreational fishery and so we have an obligation to manage the fishery in a way that doesn't exceed the quota.

I guess my answer is in the short term, we would just have to wait and see, but with catch limits, this becomes more of a problem where there are laid out things that are going to happen if the catches are too high.

Mr. Geiger: In your description of actions, you said close the EEZ and is there the ability to close the EEZ off of individual states or would it be mandatory that the entire EEZ be affected by whatever -- I didn't mean closed, but whatever action you took to either extend or reduce a regulation, would that -- Could that be applied off of the individual states that did not enact concurrent rules or would it have to be for the entire range of the council jurisdiction?

Dr. Crabtree: That would depend on how you set up the accountability measure, I think. If you came in, for example, in Amendment 17 and set up a regional quota or state-by-state quotas and then had specific accountability measures set up in that way, I suppose it would be possible to close the EEZ off of a particular state.

In the case of the Gulf of Mexico with red snapper, there is just a single recreational quota and the only authority I have is to close the fishery when the quota is reached. That really depends on how you set things up and obviously it becomes much more complicated if you go down that path, but that's something I think you would have to decide as a council.

Just one other quick point. This is one of the benefits though of managing to the target levels and having that buffer between the overfishing level and the target level is to account for some of these kinds of things. That gives you a little better position than you would be if we were still doing what we've done in the past, which is manage to the limit.

This is just all the more reason to take into account these buffers, because what you're really talking about here is, in effect, management uncertainty, of a form. It may be if you believe there's a lot of management uncertainty because you think you may not get state regulations, that would be a rationale for coming in on the recreational fishery and saying we're going to increase

the buffer.

Mr. Currin: Thank you, I think. I'm not sure that's the way I would want to approach the management uncertainty if I was counting on a single entity causing that target to be greatly reduced. Anyway, that's down the road. Other business to come before the Snapper Grouper Committee? Seeing none, then we will adjourn. Thank you all very much.

(Whereupon, the meeting adjourned at 11:10 o'clock a.m. December 4, 2008.)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPEr COMMITTEE

**Hilton Wilmington Riverside Hotel
Wilmington, NC**

December 3-4, 2008

TABLE OF MOTIONS

PAGE 83: Motion that the Snapper Grouper Committee recommend to the council the request for publication of a control date effective December 4, 2008. The motion carried on page 84.

PAGE 100: Motion to take the following items to scoping to be included in Amendment 18: 1) limit participation and effort in the golden tile fishery (possibly endorsements or a limited access program; 2) limit participation and effort in the black sea bass fishery; 3) extend fisheries management unit range and designate EFH in the new areas; 4) separate snowy grouper quota into regions/states; 5) change the golden tile fishing year; and 6) improvements to data reporting. The motion carried on page 101.

PAGE 102: Motion to not forward an interim rule request for red snapper to National Marine Fisheries Service at this time. The motion carried on page 104.