

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **FULL COUNCIL**

**The Westin,  
Hilton Head, SC**

**September 20, 2006**

### **SUMMARY MINUTES**

#### **Council Members:**

Dr. Louis Daniel, Chairman  
Robert H. Boyles, Jr.  
Dr. Roy Crabtree  
Benjamin "Mac" Currin  
Charles "Duane" Harris  
Rita Merritt  
Mark Robson  
John Wallace

George Geiger, Vice Chairman  
Columbus Brown  
David Cupka  
Frank E. Gibson, III  
Anthony Iarocci  
Lt. Chad Brick  
Susan Shipman

#### **Council Staff:**

Bob Mahood  
Mike Collins  
Kerry O'Malley  
Kim Iverson  
Rachael Lindsay

Gregg Waugh  
Rick DeVictor  
Kate Quigley  
Julie O'Dell

#### **Observers/Participants:**

Monica Smit-Brunello  
Elizabeth Featherston  
Dr. Jim Berkson  
Hal Robbins  
Caroline Keicher  
Dick Brame  
Kelly Schoolcraft  
Dr. George Sedberry  
Dr. Tom Jamir

Dr. Joe Kimmel  
Tracy Dunn  
Dr. Jack McGovern  
Andy Herndon  
Dr. Steve Bransetter  
Andy High  
Mel Bell  
Megan Mueller

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The South Atlantic Fishery Management Council convened in the Drayton Room of the Westin Hotel, Hilton Head, South Carolina, Wednesday afternoon, September 20, 2006, and was called to order at 1:30 o'clock p.m. by Chairman Louis Daniel.

Dr. Daniel: Good afternoon, everybody. Welcome to the South Atlantic Fishery Management Council. I'll take this time to call us to order. What I would like to do first, real quickly, is run around the table, starting with Tracy, and do a roll call for voice recognition.

Mr. Dunn: NOAA National Marine Fisheries Office for Enforcement, Tracy Dunn.

Mr. Robbins: Hal Robbins, Office for Law Enforcement.

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

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

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

Mr. Gibson: Frank Gibson, South Carolina.

Mr. Cupka: David Cupka, South Carolina.

Ms. Merritt: Rita Merritt, North Carolina.

Mr. Currin: Mac Currin, North Carolina.

Mr. Mahood: Bob Mahood, council staff.

Dr. Daniel: Louis Daniel, North Carolina.

Mr. Geiger: George Geiger, Florida.

Mr. Robson: Mark Robson, Florida.

Mr. Iarocci: Tony Iarocci, Florida.

Mr. Harris: Duane Harris, Georgia.

Ms. Shipman: Susan Shipman, Georgia.

Mr. Wallace: John Wallace, Georgia.

Mr. Brown: Columbus Brown, Fish and Wildlife, Atlanta.

Lt. Brick: Chad Brick, U.S. Coast Guard, District VII.

Dr. Daniel: Welcome, everybody. Before we take any action, I would like to call on Roy Crabtree to take care of some administrative duties that he needs to take care of. For the record, we're going to swear in our reappointed council members. They are John Wallace, Mac Currin, Tony Iarocci, and Duane Harris.

(Whereupon, reappointed members are sworn in.)

Mr. Robson: Excuse me for being a little late, but for the record, for the roll call, I am here now.

Dr. Daniel: Behind Tab 6 is our meeting agenda and as usual, I would ask that you give us the latitude to move things around as need be to facilitate our timing and also, you have attached our June 15, 2006 minutes. Are there any changes or corrections to either the agenda or the minutes? Seeing none, they will stand approved. The next item of business is our council elections and I would open the floor for nominations for the chairman.

Mr. Robson: I would like to nominate Mr. George Geiger for chairman.

Dr. Daniel: I have a motion by Mr. Robson and a second by Mr. Iarocci.

Mr. Cupka: I would like to move that nominations be closed and that George be elected by acclamation.

Dr. Daniel: So ordered. Any objection? Seeing none, congratulations, George.

Mr. Geiger: Thank you, all. I will do my very best to represent the council and follow the tradition that Louis has set. Before we finish with Louis, I need to make a couple of -- It truly has been an honor to serve under Louis. I think he's been a great chairman and he has helped me tremendously and he's kept me involved in the loop, to the extent I've become his strap hanger. For those of you who don't know what a strap hanger is, I'll explain it during the course of the thing, but we need to conduct some other business and we would like to open the nominations for vice chairman.

Ms. Shipman: I would like to nominate my colleague and former boss and mentor, Duane Harris, for vice chairman for the council. Duane has served on the council this second go around and he's now, as you just saw earlier, he's just been installed for his second term and during his first term of service, since 2003, he has chaired our AP panel, he has chaired the SOPPs Committee, and he has also chaired the Habitat and Environment Committee and most importantly, I think he's really started us down the road on a good path to ecosystem management chairing that committee.

His leadership capabilities are shown not only in his current service on the council, but previously, when he was the agency representative to the council, Duane served as chair and vice chair and our representative to ICCAT. I think he has proven leadership capabilities for this council and will do a fine job and with that, I would like to nominate Duane Harris.

Mr. Geiger: There's a second by Tony Iarocci. By consent? By consent. No objections? Thank you.

Mr. Harris: If I may, Mr. Chairman, I think it's about twenty years since I was elected vice chairman of the council the first time. It's something like that and so I appreciate it very much. I'll do my best to serve the council and the chairman in this capacity.

Mr. Geiger: I enthusiastically welcome you as vice chair. I'm going to depend on you to help me, Duane. Now, to get on with our current past chairman, this is not going to be a sad ceremony. It's not like a funeral. In the current vogue today, it's going to be a celebration of our past chairman.

As they always do, what we're going to do is we're going to put a picture of our past chairman up there and we're going to celebrate some of his past accomplishments. One of the great things about Louis is the guidance he has provided. Some of it he has held to the last and I don't know if you've always seen Louis walk around, but today he told me if you use one of these things you get smart. I can't figure out how to use the thing.

Louis is a great guy and he's very competitive and one of the neat things that you learn about people on the council is you're with them a short period of time and it's amazing how much you can learn about folks. Getting up with Louis, you find out all kinds of things.

He's an avid hunter and an avid fisherman and he's a collector and a trader. He works on eBay on old fishing lures and collects old furniture and antique flags and antique decoys, working duck decoys, and just all manner of things, guns. Of course, he does it all for profit and he's very successful at it, but it is very interesting to see all this at work.

Of course, I think one of Louis's great loves, based on my personal experience, however, is his love of fishing. Louis had an opportunity -- I had an opportunity to take Louis fishing and he fished with me when he was down at the Florida meeting when we took this picture and you might want to pass that around to give everybody an opportunity to have a good look at that picture.

Louis always wanted to catch a big sea trout, over five pounds, on an artificial lure and so we went out there and Louis is a good fisherman and he had an opportunity -- He caught this fish and it was a big trout and as soon as he saw the tail come up -- I can't tell you how it warmed my heart as a guide, because you get a lot of jaded people who don't show the enthusiasm that you would hope they would show for something that's really significant occurring.

Louis started screaming at the top of his lungs for the net. This fish hadn't even moved yet and he was already screaming for the net to the point where almost seventy-five yards in the distance -- If John Dean were here, he could testify to the fact that boats stopped to see if we were in trouble, screaming for the net.

Here he is a fish biologist and I don't have a net. I didn't have a net on the boat and he's screaming and he became so agitated over the fact that I didn't have a net that when I turned around after we successfully landed the fish, John Dean was on the very bow of the boat huddled up in the fetal

position afraid to move. Louis, I bought that -- Because you're so insistent on the need to have a net, I wanted to give you something that you could take with you on council meetings so that if you ever get in a situation, you have at your disposal a tool that you find absolutely indispensable.

Dr. Daniel: I love it. The chairman's net.

Mr. Geiger: It's the chairman's net.

Dr. Daniel: This is used.

Mr. Geiger: Of course it is. You don't think I would buy something new.

Dr. Daniel: This isn't even new.

Mr. Geiger: You have an appreciation for old things.

Dr. Daniel: Is this a flounder net?

Mr. Geiger: We'll figure that out, Louis, but it does work. I also have here a net for you to take back to put on your boat in North Carolina, because I've had an opportunity to --

Dr. Daniel: I'm not going to open this one. I'll open this when I get home.

Mr. Geiger: No, open that one. I fished with Louis in North Carolina and I want him to have an emergency net for all the fish he lands up in North Carolina. Of course, the great part about being vice chair for Louis is being a strap hanger. That's a military term for in the cavalry days the military used to wear boots with two big u-handles to pull your boots on.

People who were of lower rank who wished to impress the boss were called strap hangers, because they would hang on the boss's boot straps. Louis thought that was an appropriate task for the vice chairman and I would have to pick places to go to dinner and, of course, they had to be close and you couldn't walk, because the chairman had pains in his feet, and it couldn't be hot, because the chairman would sweat profusely very quickly.

Of course, the food had to be good or it was your fault. It was a huge responsibility. By the way, if he saw something he liked in the restaurant, being a collector, he would always say do you see that ashtray? I don't care if the food is any good, but man, look at this plate. I would like to have that.

At our meeting down in Coconut Grove, we walked to a restaurant and, of course, we weren't even out of the parking lot of the hotel and Louis is saying how far is this place and did you pick the furthest place and my feet are hurting. Then he starts sweating and then he started complaining and here's a restaurant and then we'll go wherever you want, just so he could continue to complain the entire way. Then we got in the restaurant and he said, I like that. There again, Louis, I had to pick it up for you and --

Dr. Daniel: George, you didn't! You stole that plate?

Mr. Geiger: I didn't steal it. It's been a real experience. In all seriousness, Louis has been a tremendous aid to me as a new council member and certainly a non-biologist. He's provided a tremendous amount of on-the-job training and he's kept me involved in all of the actions and some of the actions I didn't really want to be involved in.

He's been a great guy and I think he's been a great chairman. One of the things I admired also with David and now with Louis is the fact that as state people your plates are so very full and for him to take on the responsibilities as the chair and watching what he has done and what he's had to do while he's been chairman in addition to state responsibilities, I think we all owe him a tremendous round of applause and our appreciation for a job extremely well done.

Dr. Daniel: Thank you. You all think I exaggerate. I was going to say a lot of stuff, but I'm not going to. You all know how much this meant to me to have this opportunity. You all do. It has been a tremendous opportunity. The first year was tough. The second year has been much tougher.

It does put you in sometimes difficult situations. I've done my very best to try to do what I thought was the right thing and that's the best I can do. I certainly do appreciate all your help. Every time we have this situation occur at our council meetings, everybody talks about the staff and I can't go without doing that.

They really are great and you don't get that opportunity to have that interaction and really understand -- I've been a council member for ten years almost now and you don't get the appreciation for the work they do until you have a chance to work as closely with them as I did and so to Bob and to Gregg, certainly many, many thanks and Kathi and Vishwanie and Rick, everybody that I've worked with.

One of the people that is sort of our eyes and ears on the ground and the person that doesn't get quite enough praise, I think, for the job they do and one of the most dedicated people that we have that spends a lot of time dealing with the fishermen and stuff and answering their questions is Kim and I want to particularly thank her. She's kept me in the loop on everything.

I get more stuff from her than anybody and I certainly do appreciate her help and counsel and guidance and then my vice chairman, who did an excellent job. He's going to be a great chair and I'll be here to help me if you need me.

Mr. Geiger: Thank you.

Dr. Daniel: All right, guys, thanks.

Mr. Iarocci: Louis, if I may, personally, as a dumb commercial fisherman, still after six years of serving on the council and trying to figure out some of the science, I want to personally thank you for all your help since day one educating me to the process. Number two, on behalf of the commercial industry, from North Carolina all the way to the Keys, everybody I've talked to sends a heartfelt

thanks for all the hard work you've done, the time you've put in, the beatings you've taken on both sides of the issues.

Like you said, you've done the right thing in your heart. Industry appreciates that and I think everybody that I know that represents and works with the industry and on all sides -- Also, I can speak, I think, on the side of recreational, charter, and the NGO groups. You've done a bang-up job and I want to personally thank you for all the hard work you've done. Great job.

Dr. Daniel: That means a lot, Tony. Thank you.

Mr. Geiger: The first order of business is the Mackerel Committee Report. I'll turn it over to our new mackerel chairman, Dr. Daniel.

Dr. Daniel: That was cold, man.

Mr. Geiger: I believe all the council members were here. On Monday, we had a joint meeting with the Gulf and our South Atlantic Mackerel Committee and I think it was a very productive meeting. It was very amiable and we got a lot done. Of course, this meeting came as a result of a recommendation made at the SEDAR Steering Committee to have the two council committees meet, in an effort to try and resolve specifically the 100 percent versus 50/50 mixing issue.

The first order of business we discussed was the boundary mixing for king mackerel and there was a motion made to scope three alternatives: no action, Dade/Monroe County north of the line -- What I'm going to do is just step through these. Most of the people were here for the committee meeting and also for the committee meeting today.

The bottom line was that as a result of framework action, which we were going to take to the public, we discovered that there was an issue with Spanish mackerel that actually made us -- The best course of action, we decided, was to step back and not proceed with the framework action, in an effort to try and do a plan amendment which will correct the framework and bring it up to date with some of those framework actions dating back to 1985.

It was the consensus of the committee and there was a motion made, I believe, to -- **The Mackerel Committee motion today was to cease moving forward on the regulatory amendment and develop a plan amendment to bring the framework up to date.** That was approved by the committee. **On behalf of the committee, I so move.** Is there any discussion? **Is there any objection to the motion? Seeing none, so moved.**

I didn't mean to just scroll through all those previous motions, but they were overcome by events with this following motion. If anybody would like to go through them -- I don't believe there's any need to, is there? If nobody has the desire to do that -- Rick, would you scroll down? There was also a motion made that we do need to address in regard to moving forward with a single FMP that was a result of the joint committee.

Mr. Waugh: George, it might be helpful if we went through each one and approved each motion that

came from the committee, just like we've done with the other motion that came from the committee, and then the final one would be to approve that for scoping.

Mr. Geiger: Okay. **The first issue is the boundary mixing for king mackerel and the motion was to scope three alternatives: no action; 2) the Dade/Monroe County geographic north of the line 100 percent Atlantic and south of the line 100 percent Gulf and so we've got a geographic line; and the Monroe County 100 percent Gulf Volusia County line to the Dade County line is 50/50.** On behalf of the committee, I so move. Is there any discussion? **Is there any opposition? Seeing none, it's approved.**

The second issue was the boundary for other species. **In previous meetings, we had developed the language that you see here: Develop separate FMPs and establish a fixed boundary at the Dade/Monroe County line. The boundary line would apply to cero, cobia, king mackerel, Spanish mackerel, and little tunny. As new species are added, they would be included with this fixed boundary. That motion was made on behalf of the Mackerel Committee and on behalf of the committee, I so move.** Is there any discussion? **Is there any objection? Seeing none, it's approved.**

While we were in committee jointly with the Gulf, they came up with a motion that it would keep the same language that we had for all the species, but they would just remove king mackerel as a species, because it was already included in our motion.

Issue 3 was permits. **The motion was to include in scoping for permits to have three options: no action, one permit both council areas; Number 2, separate permit for the Gulf and separate permit for the Atlantic; and Number 3, for king mackerel, grandfather in all existing permit holders who have historically landed in both areas to get a dual permit. When transferred to another individual, it becomes either a Gulf or Atlantic permit. That was approved by the South Atlantic Mackerel Committee and on behalf of the committee, I so move.** Any discussion? **Any objection to that motion? Seeing none, it's approved.**

**The prime motion that came as a result is to scope a joint amendment to create two separate coastal migratory pelagic FMPs based on the three actions with the alternatives outlined above. It was approved by the South Atlantic Committee and on behalf of the committee, I so move.** Is there any discussion? **Is there any opposition to that motion? Seeing none, it's approved.** Gregg, does that satisfy your desires? This has been an extremely --

Ms. Smit-Brunello: Just so the record is clear, when you spoke about -- Prior to this joint committee motion when you spoke about the former regulatory amendment for mackerel becoming now a plan amendment that will be developed to update the framework process, it will also contain, I believe, the changes to TAC for Spanish and king as well as I think there was a potential reallocation issue in there too. Is that correct?

Mr. Geiger: We did not specifically address the reallocation issue, but we moved forward with the plan amendment. We came to no discussion as to whether we were going to have a reallocation

percentage or not. It was decided to just move forward with framework and by the time we got through the framework action, it was going to be very, very close to having a SEDAR completed on Spanish mackerel. We could take the new Spanish mackerel SEDAR data and apply it to that plan amendment.

Ms. Smit-Brunello: Will that amendment that's going to update the framework -- That will not contain changes to TAC for Spanish and king or it will?

Mr. Geiger: It will.

Ms. Smit-Brunello: But it will not change -- Remember there was a discussion on changing the allocation 10 percent?

Mr. Geiger: Yes. The discussion Monica is alluding to was when we were trying to solve the problem associated with the TAC and adjusting the TAC on Spanish mackerel that we had presented to us last night or we saw last night in the public hearing document. We thought there was a possible way of increasing the TAC by reallocating from the current allocation of 55/45 to 60/40.

When we caucused and met, we didn't think it was a good idea to take piecemeal measures like bag limits and reallocation and other piecemeal efforts and to just do a complete plan amendment and correct all the issues that need correcting in the framework at one time and bring it up to date and then move forward. By that time, we'll have a SEDAR on Spanish mackerel and we can move forward. Anybody else have any questions concerning a very complicated and confounding issue? Okay. We'll start with our partner briefings and NOAA GC.

Ms. Smit-Brunello: I don't have a report at this time and so I pass.

Mr. Geiger: Duane, are you ready with your Advisory Panel Selection Committee Report?

Mr. Harris: Yes, Mr. Chairman. The AP Selection Committee met Tuesday and took up several items for AP appointments. The first was a new member representing Georgia on the King and Spanish Mackerel AP, a recreational representative. **On behalf of the committee, I recommend the appointment of Bob Dunnigan to the King and Spanish Mackerel Advisory Panel.** Is there discussion on the motion? **Is there opposition to the motion? That motion is adopted.**

**The second motion was to appoint Craig Whitfield to the Law Enforcement Advisory Panel and on behalf of the committee, I so move.** Craig is from South Carolina, Charleston. You'll see him again tonight. Is there discussion on the motion? **Is there objection to the motion? Seeing none, that motion is adopted without objection.**

**There's a recommendation to appoint Charles Adams from Greenville, North Carolina as a recreational representative on the Snapper Grouper Advisory Panel and on behalf of the committee, I so move.** Is there discussion on the motion? **Is there objection to the motion? That motion carries without objection.**

We also decided to re-advertise the Shrimp Advisory Panel seat as an at-large commercial seat. We had a number of applicants for the Shrimp Advisory Panel seat and decided that we really want to make that kind of a full-time commercial shrimp fisherman seat. We decided to do that.

We also decided to re-advertise two commercial seats on the Snapper Grouper AP. One was a Florida seat and one was a Wreckfish Sub-Panel seat. There was another item that we discussed that was not taken up as a motion and Bob suggested that we need to do that and that's to add a North Carolina charter/headboat seat to the Snapper Grouper Advisory Panel.

That seat was filled by a North Carolina recreational fisherman and Louis really wants a headboat charter captain in one of those seats and so we need to create a new seat specifically for that segment of the fishing industry. **I would make a motion to add a North Carolina charter/headboat seat to the Snapper Grouper Advisory Panel.** Is there a second to the motion? Seconded by Mr. Iarocci. Is there discussion on that motion? **Is there objection to that motion? That motion carries without objection.**

We also had some informational only discussion. Chris Combs has resigned from the Coral AP, as he is no longer with Florida Sea Grant. Staff has recommended this position be designated as an NGO position and advertised. Julie Nygard has been replaced by Jessie Thomas as the ASMFC Habitat AP member. Mr. Chairman, that concludes my report.

Mr. Geiger: Thank you, Duane.

Mr. Wallace: Duane, back to the Shrimp Panel and trying to get a full-time shrimper to come sit on the advisory panel, it's tough, to say the least. I've talked to several of them and it being non-paying and while they do pay your expenses, it means time off the water. Just a little clarification. If none does apply, do we go back to these original panel members or do they all need to reapply?

Mr. Harris: John, that's a good point. No, the folks that have already applied -- I think we made it pretty clear at the AP Selection Committee meeting that if we don't get any applicants this time around from the commercial fishing industry, the shrimp fishing industry, then we will go back and appoint -- The committee decided we will go back and rethink that appointment and take those applications that are on file and make a decision.

Dr. Daniel: We just got all excited and we're changing stuff around and I get to do one more thing before I'm done completely and that is to acknowledge -- I have a plaque for you, George. It says: Proudly presented by the South Atlantic Fishery Management Council to George J. Geiger for outstanding service as Vice Chairman, September 2004 to September 2006. Excellent job, buddy. It's been a pleasure.

Mr. Geiger: The next order of business would be -- I have no right to whine about mackerel, because I think Mac has got the toughest job going and, Mac, are you ready with your Snapper Grouper Report?

Mr. Currin: I'm as ready as I'll ever be, as I ever am, I guess I should say. Congratulations to you and thanks to you, Louis. You've been a great help to me as I've progressed through my tenure with the council and I'm glad you're going to be here and I look forward to working with George and Duane.

We had probably, at least during my time with the South Atlantic, the shortest Snapper Grouper meeting that we've ever had, although we covered a lot of ground, a lot of areas. I think it's a reflection of the tremendous amount of work that the staff has done over the years and how ready we were to deal with these issues and thanks to them.

Kerry O'Malley gave us an update on the Oculina Evaluation and a status report on that. If you recall, we established an Oculina Evaluation Team to help develop those plans to evaluate the effects in Oculina. That process seemed to work very, very well. People were very excited about it and so it may serve well as a model for other similar sorts of efforts.

We received a report from Larry Perruso on the Delphi technique, which is an iterative sort of process with a panel of experts to get at socioeconomic impacts associated with Amendment 14, especially the MPA amendment. That seems to be going very well. We all heard some comments last night from some of those involved that this was a good process and so we'll look forward to receiving the final report in December.

We also received a status report on Amendment 14. There were about five issues that the team brought forward to us, one dealing with VMS and how any sort of preferred alternatives -- There were a number outlined there. I'll deal with all the motions as a result of our committee meeting at the end. We do have a motion on VMS.

We went through all the preferred sites to see if anybody had any changes to be offered there or suggested there. There were none, with the exception of the deepwater site off of South Carolina and there's a motion that will follow on that as well, selection of a preferred.

There was a lot of discussion on the research and monitoring section of Amendment 14 and also a motion offered there to develop a list of research needs to replace the research plan that's currently in the document and this is something our new chairman brought forward and I think is a good idea and has good rationale behind it.

Then we looked at the timing of the whole document and when we could realistically expect to see that again and have it ready and we were all, as many were, hoping to have that at our December meeting, but it looks like in reality that it's probably going to get pushed back to March on that time frame. We received an update on the gag SEDAR review workshop and had some discussion of terms of reference and we have developed a list of terms of reference to provide to our SSC when they evaluate the results of the review workshop.

We had a very good discussion, I think, and it's not the first time the discussion has occurred and it probably won't be the last, but on just data issues in general and when data aren't quite good enough and how we can proceed with that and alternatives and different ways that we can look at and analyze

situations like that and, again, no real revelations there, but a very good discussion.

Amendment 15, we received an update there. Andy Herndon brought some tools or equipment that may be required under Amendment 15 to effectively release turtles from both commercial and recreational boats. There's an economic impacts model from Beaufort that's being worked on now that probably will be available by December.

We talked a fair amount about deepwater species groupings and the staff has put together some alternatives to look at grouping these things to deal with the issue of discards on quotas and, as I said, we've got a nice set of alternatives there and I think the committee was happy with that.

We touched on permit transferability, again, and the committee selected a preferred alternative. I think that will be reflected in a motion that will follow. The alternative we selected essentially allows the permit to be renewed -- It may not be renewed unless a new shareholder is an immediate family member of the original individual permit holder and that may be accomplished on a one-to-one basis. Remember, this is the corporation issue thing.

In addition, we had a motion and some discussion on 13C and how to deal with some of the problems that have arisen over the last few months, the report from NMFS that 13C had been approved and is going to be filed, I think, tomorrow. It's going to be published tomorrow.

Through a lot of discussion and thought on the part of a number of people, we decided that a good way to proceed on this would be to bring all of the snowy grouper section from 13C back into Amendment 15 so that the analysis could be redone, and the socioeconomic analysis is of particular concern, could be redone and presented to the SSC and the Socioeconomic Subcommittee for their approval and then come back to the council within Amendment 15.

We had some updates on landings from the National Marine Fisheries Service for those species contained within 13C. As I indicated, there are a number of motions and we'll run through those right now.

**There was a motion from the committee to move the VMS action from Amendment 14 into the rejected alternatives appendix and on behalf of the committee, I so move. Is there any discussion? Is there any objection? Seeing none, that motion is approved.**

**There was a motion to select Alternative 1 as the preferred for the deepwater artificial reef MPA off South Carolina and on behalf of the committee, I so move. Any discussion of that motion? Any objection? Seeing none, that motion is approved.**

**There was also a motion to incorporate a list of research needs into Amendment 14 as opposed to a research plan. However, to retain the outreach and enforcement aspects pending a review by the Law Enforcement AP and on behalf of the committee, I so move. Is there any discussion? Is there any objection? Seeing none, that motion is approved.**

**Another motion to select Alternative 2E as the preferred for the permit transferability action and on behalf of the committee, I so move. Any discussion? Any objection to the motion? Seeing none, that motion is approved.**

**Finally, the motion to add Snowy Grouper 13C section into Amendment 15 for reanalysis and on behalf of the committee, I so move. Any discussion? Any objection to the motion? Seeing none, that motion is approved.** Mr. Chairman, unless Rick or Gregg tell me otherwise, I think that concludes my report.

Dr. Crabtree: Mac, I believe as a committee we asked staff to start developing options for ending the overfishing of gag that we go over, along with the SSC, at the December meeting. Is that correct?

Mr. Currin: That is correct, Roy. I'm sorry, but I omitted that.

Mr. Geiger: Thank you, Mac. That was a good job, as usual. Next is Joint Executive/Finance Committee.

Dr. Daniel: Thank you, Mr. Chairman. We met and went over the budget and the 2007, what's to come and the various House and Senate marks. We didn't have any action items. We did discuss the draft council/NMFS regional operating agreement. There's still more to come on that issue and we'll have that come back under the guidance of Chairman Geiger at the next meeting. Unless there are any questions for Bob on the budget, that concludes my report, Mr. Chairman.

Mr. Geiger: Any questions or comments? Bob, do you have anything to add? Thank you. The next order of business is the Report on the SEDAR Steering Committee and you'll find a copy of that SEDAR Steering Committee summary minutes at Tab 6, Attachment 1. If you guys are going to read anything when you leave here, I would appreciate it if you would read this document, these minutes.

I would like to see our council members get more involved in SEDAR. It's a multifaceted program and one of facets is to help us as council members do our job. The SEDAR Steering Committee is the vehicle by which we make changes and improvements and changes to that process.

I'm sure there are a lot of people who have great ideas and I'm going to rely on you folks to help me through our SEDAR Committee to get input into the SEDAR Steering Committee so that we can make this program even stronger than it is now. This is a very active committee and you can see by the minutes -- There are ten pages of minutes and there was a lot of information covered.

I'm not going to read it to you, but some of the highlights were it was discussed and it was the consensus of the committee members that the SSCs are responsible for certifying for the councils that SEDAR assessments are based on the best available science and appropriate for management. I think that's extremely important.

SSCs are neither obligated nor expected to duplicate the charge of the review panel by providing an additional and complete peer review of that assessment data and methods. The council SSCs are responsible for providing specific management advice based on the SEDAR assessment and the SSCs

are responsible for presenting to their council their evaluation of the adequacy of the assessment, their interpretation and summary of the assessment methods and findings. We're getting that, but it's extremely important that we understand all the responsibilities that we say the SSC -- What the SSC doesn't do is basically contained in this document as guidance.

Under research and monitoring needs, the committee agreed that the next step in this process is to address data gaps and significant research needs. Research and monitoring programs should be directed towards those needs that will lead to tangible improvements in stock assessments and, again, we can't talk enough about our data requirements and the data needs.

Again, this is an opportunity for you committee guys to bring your needs forward and make sure that we get them addressed at this steering committee. We spent time talking about the headboat index and the MARMAP programs and it was an agreement that MARMAP should undergo some form of a peer review.

We had a little side meeting with Robert and Frank Gibson spent a week on a MARMAP cruise and participated in that cruise and gave us his observations based on the five days he spent at sea and I would encourage you, after the meeting, to talk with Frank and get a picture of what he observed when he was out on that cruise.

MARMAP, we've had discussions about MARMAP and how we can improve it and we're now talking about a vehicle to see about getting those data collection improvements to better satisfy the holes, the gaps, in the data that we have and make MARMAP more beneficial to our data collection effort.

The headboat program, the headboat index, Dr. Thompson addressed specifically and said that it was part of the MRFSS program actually and that it was going to be considered as part of the MRFSS update. The committee also suggested that the South Atlantic and Caribbean Councils develop Data Collection Committees at the council level to help coordinate and prioritize research and monitoring programs.

The Gulf Council currently has such a committee and Bob and I haven't talked about this yet, but it's kind of my opinion that I think our SEDAR Committee would be that vehicle, without creating another body, to take those data needs forward. I would certainly entertain any comments that anybody would have in regard to the need to create another committee or satisfying that with our SEDAR Committee. Are there questions?

In regard to SAFE reports, we've had exchanges in the past at the council level here in regard to SAFE reports and the need for SAFE reports. That was addressed at the SEDAR Steering Committee and it was agreed that SAFE reports could provide useful information to the councils. We talked about the general content should include landings, status of regulations, values for important status indicators, and progress on research and monitoring.

It may not be necessary to prepare a complete annual SAFE report for every species in the region, however. The committee instructed that John Carmichael should prepare a proposed SAFE report

framework for the next meeting, which will be taken up at the next SEDAR Steering Committee.

Workshop procedures -- For those of you who don't know, the old procedure was that when we had a review workshop at the end of the SEDAR, which is the last review that the stock assessment undergoes, that at one point it was chaired by one of the three Center for Independent Expert participants.

Based on comments that were received from those guys, being chairman distracted from their ability to participate in the process and we now have a process in place where an independent chair is selected from, it has been outside the region, to chair the committee and facilitate the meeting, allowing the CIE experts to focus their entire attention on the SEDAR process.

I attended the workshop where I first saw this implemented and it was the gag workshop and I think it worked tremendously well. We had an excellent chair who facilitated the meeting and kept everybody on track and had them focused on completing the terms of reference. I think that's a tremendous improvement.

Presentation of final SEDAR assessments to the council, I think this was also important. As we started this process, we discussed it and we'll be seeing this in the future, that SEDAR assessments are a group effort and not the work of any one individual or agency and we're going to be seeing the presentation of that final SEDAR review process given by a member of our SSC as opposed to having a representative from the Science Center come up and give it.

There will be a representative of the Science Center present to answer questions, but it's a participative process and it was believed to get the SSC to make the presentation you would get better buy-in into the program.

Mr. Mahood: One other possibility with that presentation was we've talked to Nancy about obtaining a population dynamics scientist to work with John on SEDAR. One of the things that came up is there's a lot of follow-up functions that a lot of times the people involved in SEDAR or the SSC just don't have time to do that deal with the population dynamics issues, writing the reports, giving the reports to different groups.

We've talked to Nancy about that and pending the availability of funding in the program, the line item we get that program out of, she's told me we could at least try to get another staff member and so that will help a lot there, too. We have been getting quite a few not complaints, but not a lot of volunteers, let's put it that way, to do some of the follow-up work.

Mr. Geiger: Thank you, Bob. On page 9 of 10 is the summary of assigned tasks for the Steering Committee and so if you read that chart, you'll see what's on the agenda for the Steering Committee in the future and as I said, our SEDAR Committee will be the vehicle to get additional work items on that agenda.

Of course, the last page is the schedule of SEDARs that stretches out to 2010 and I really believe that

SEDAR is the heart and soul of this whole process. It's extremely important. For any council member who has not participated in SEDAR, I would encourage you to go to the review process and observe.

You don't have to be a statistician to see a good process and people who are diligent in what they're doing at work and I think it's important to build confidence in the program. Are there any questions or any comments?

Mr. Boyles: Thank you, Mr. Chairman, and thank you for that excellent report. I wanted to comment specifically on our data collection needs and changing dynamics in fisheries management and decreasing budgets and the pressures that we all face. I want to draw on the comment that I heard from a commercial fisherman at the Charleston public hearing on Amendment 14.

Frank Blount presented his case to council and asked the question of what's the big picture and I believe I made some comments and I may have made a fool of myself yesterday in expressing some of my frustrations in how we make decisions and how we move forward down the road. I want to just at some point participate in some discussions and I don't know that this is the time or the place, but really ask ourselves as a full council how do we take a good process and make it better and what are the information needs that we have as we move into ecosystem management?

I guess specifically I want to respond to the discussion at the SEDAR Committee. It almost strikes me that when I think of peer review, of the MARMAP Program, for instance, it almost strikes me as too limited for the kinds of dynamics we're dealing with as a council now.

I was reminded by our staff, who work on MARMAP, that MARMAP does undergo periodic reviews, but those reviews are more along the lines of questioning data collection methods, replicability of sample designs, methodology, those kinds of things. I think the real question for us as a council is what are our needs as we move to ecosystem management? What is the kind of information we need to have and how do we deal with obtaining that information in these changing dynamic times?

At some point, I think it behooves us as a council to really take a really good hard look at not only MARMAP, but at every information we need have and have a really good assessment of what do we need, what do we need to do to make good decisions and to move down the road.

Mr. Geiger: I would envision that as being part of the responsibility of a committee chairman, a species committee chairman, to really kind of hone in and focus and develop data needs. In regard to MARMAP, part of the discussions we had -- At the next meeting, we're going to have a presentation on MARMAP.

I would ask that you think about data and what we need and how we can make MARMAP a better program that helps us get the data we need to make better stock assessments and so we're going to have that presentation in North Carolina and we're going to have an open and free discussion about data needs.

We've already begun that dialogue informally and so I look forward to that. Again, I would encourage everybody to read the minutes and understand that SEDAR is an extremely important process. Any other comments? In lieu of Dr. John Graves, I'm going to take the opportunity -- He's not going to make his presentation at the meeting.

I'm going to report on a meeting I attended in Denver two weeks ago. Dr. Crabtree was also there for part of the meeting. It was the Recreational Fishing Statistics Requirement Management Framework Workshop. As I said, it was held in Denver. Rachel is passing out a copy of the agenda and included in that is also the requirements or the objectives that they had stated as requirements for the workshop and there's also a complete list of attendees who attended the workshop.

As it was stated in the beginning at the kickoff, Dr. Thompson basically started this action, this meeting, and it follows on some informal regional meetings that NOAA Fisheries had in preparation for developing an agenda for this big workshop.

In the keynote address given by Nancy, it was stressed that the people who attended were handpicked to attend this based on their ability to provide input into the process and I can assure you that I was not one of the handpicked people to attend. Bob was supposed to go and had a scheduling conflict and he asked me if I would attend.

When you look at the attendees, I was, again, pretty intimidated by the knowledge and the minds who were at this conference and the one thing that I took away from the conference and that I tried to leave with them was that I believed that they missed a golden opportunity for inclusion.

Early on in the discussion, they talked about how they were going to sell the new MRFSS program to the public and, of course, it's a concept that's alien and should be alien to all of us, because we know -- We've heard from Tony -- From day one when I came on the council, I heard it from Tony that you build this stuff from the ground up based on inclusion and getting people involved in the process.

The good thing, I can tell you, is that for two-and-a-half days these people worked extremely hard in trying to resolve the objectives that they had outlined in the meeting. The reason I say they missed an opportunity was because I believe if they had representatives of the recreational community there purely to observe that they would have been impressed by the due diligence that was applied in the effort to resolve the objectives and move forward with improving this MRFSS program.

The second thing they could have done, they could have used the recreational community to carry that message out immediately, plus they could have used the recreational community to develop the information and education outreach program of how to best get it out to the public, rather than having the experts sitting around devising a plan that may or may not work, they could have got input from folks on the ground.

I was assured that NOAA Fisheries wanted to have their arms wrapped around the program better to not look so disjointed and disorganized, but I think that's a valuable thing to see, especially watching them start off with a ball and get it down to the size of a basketball before the end of the program and

working down and hopefully getting it golf ball-sized at the end.

I think they took my comments constructively and they're now going to branch off and have regional development meetings. There was also a plea made by Gordon Colvin, who was there from the Atlantic States Marine Fisheries Commission, to get state inclusion and it was Pres Pate who was there from North Carolina and I'm pleased to report that Mark Robson was also there with a contingent from Florida who almost equaled the NOAA Fisheries contingent.

They had a slate of things that they wanted done and they got them included in every single working panel. It was amazing and that's the way the process works, but the other states were not very well represented and it's important to get the states involved and for state involvement in this.

I can't tell you specifically what the outcome is. They haven't provided the printout of the final results of the meeting yet, but we'll ensure that we include it in a future mail-out and council book. Are there any questions? If anybody asks you if they're working on MRFSS, you can take it from me that they are and they're working on it seriously.

They're addressing the issues that were identified in the report, the Academy of Sciences Report, and I'm telling you it's moving forward. My caution to the recreational community has always been to be careful what you ask for, because when they wrap their arms around this problem, the data that they get might shock everybody, those of us in the recreational community in regard to effort. We're moving that way.

Mr. Iarocci: This is great. When I look at the who's who on the list of invitees and then I mean from Kitty Simmons -- I know a lot of these people nationally, but I'm very curious about the invited people from some of our other states within our jurisdiction that weren't there. Was this open to every state where they could send representatives or was it just like a few people picked?

I know Florida does have a lot of recreational capabilities with their management issues and also, when you look at the Recreational Fisheries Statistics Requirements Workshop objectives, when you look at those four right there, that says a lot right there and you've been hearing this since day one from a lot of the commercial guys in the audience and a lot of the people on the input that we need better data and I think this is a great start. I also agree with you. This regional concept to go forward with this would be dynamite and number two, let's try to bring in a contingency like we had from Florida from our states so we can better adapt to what's going on with this thing.

Mr. Geiger: I think that message was conveyed loud and clear at the meeting. Would you agree, Mark? Do you have anything to add to that?

Mr. Robson: I would agree to that and I don't know the process of how people were asked to attend the meeting necessarily, but I know the interstate commissions were both involved in that, from the Gulf and the Atlantic, and I think they got that message as well, that the individual states need to be very well represented in this process.

The issue of reaching out was also a topic of big discussion towards the end of the meeting and one of

the tools that was discussed was trying to use the various states and various agency partners' internet and website capabilities to link up to provide a source of information for fishermen and the public to see what's going on with the whole reevaluation and realigning of MRFSS.

I think at the council level, to the extent we can support that effort through our website and linkages back to what's going on with MRFSS, I know at the state of Florida level we're very interested in participating in that.

Mr. Geiger: Any other questions? Thank you, Mark. Bob, did you have any comment as to how the people were selected? Do you know?

Mr. Mahood: I was contacted by Vince O'Shea and at least on the east coast, he was responsible for looking at various folks to participate. I'm not sure about the rest of the country, how that was done. An interesting comment, I had several friends there and afterward they contacted me or I happened to be talking to them and they said you weren't there and I said no, but we had a representative, George Geiger. I said was he shy and they said no, no, no, he spoke up.

I heard that George did a good job and really, unfortunately, I think, George was really the only one there with a recreational perspective on the whole issue and we're talking about recreational data collection and it was kind of interesting that it took that course. I think it was mainly bureaucrats there. I don't know if that was the intent, but I hope at some point they will hold more workshops and get more people involved.

Mr. Geiger: I truly believe they will. I think they took my comments very sincere. I not only gave them publicly as part of the process, but I spoke to Nancy and Steve and John, who is the new S&T Director, Dr. Boreman. I conveyed all that to them personally as well and I think they received it very well.

Mr. Boyles: Just to clarify, my understanding after attending the August Atlantic States Marine Fisheries Commission meeting was in fact that it was the interstate fishery management commissions who were kind of responsible for pulling together the delegations, as it were. We did have that discussion at the ASMFC meeting and so just for whatever that's worth.

Mr. Geiger: We have one other committee report. Susan, we have a Personnel action? The Personnel Committee met in closed session.

Ms. Shipman: I think most of the council members were there and so I'll be brief. We had three items that we discussed. One has to do with advisory panels and the conduct of those meetings in terms of trying to make it easier for the chairs of advisory panels to be able to conduct a meeting efficiently and was there a way that we the council could lend assistance to them either through facilitation or somehow make it easier on those chairs, knowing that they need to have the opportunity to provide their input while still conducting those meetings.

Where we ended up on that -- We're also very sensitive, let me say, to the fact the council does not want to be perceived as trying to influence a discussion or the outcome of the AP. We merely want to

provide assistance in terms of operational efficiency to the degree we can.

What we decided that we will do is we'll have a conference call of the advisory panel chairs and confer with them and see what might work best for them. Would they like to have a council staff helping to facilitate those meetings or would they like to have a council member and we were sensitive to even calling this a, quote, co-chair. We look at it more as a facilitation role.

Staff will be convening the AP chairs and will be reporting back to the council what they think would work best for them and we also recognize that each AP is unique and has its own character and its own unique issues and abilities and some may be just fine chairing their own meeting, while others may want to have some assistance and so we want to lend assistance to them in however they feel we can best assist them. That's what we're working on.

Also, we discussed policies pertaining to the SSC and the appropriate -- In particular, issues with regard to chairing and vice chairing the overall SSC and the appropriateness of NOAA Fisheries employees chairing that. **We had a motion from the Personnel Committee that I would like to bring to the council on behalf of the committee and that is that Scientific and Statistical Committee members that are employed by National Marine Fisheries Service, i.e. NOAA Fisheries, cannot serve as chairman or vice chairman of the SSC.**

Again, that's the overall SSC and there was intent by the committee that we make clear that we did not view this policy as applying to sub-groups or work panels or that type of thing. **On behalf of the committee, I would move that motion that you see on the board there.** Is there any discussion on this motion? Is Dr. Berkson here? I believe he had wanted to make a comment. **Is there any objection to approval of the motion? Seeing none, the motion carries.**

The final item that we had was really informational briefing only on pay banding and the council will be moving to pay banding, which is a process that is already underway in NOAA Fisheries and it is -- I guess they've been calling it a demonstration project thus far. It's really an alternative pay schedule and it provides for more flexibility for salaries, merit increases, performance cash awards, and that type of thing. The council will be moving toward that. Any questions on any of those items? Seeing none, that concludes our report.

Mr. Geiger: Thank you, Madam Chairman. Next are Status Reports and Dr. Crabtree.

Dr. Crabtree: As I think everybody is aware, the final rule for Amendment 13C will publish in the Federal Register tomorrow and we will send a bulletin out notifying folks of the new regulations. They will become effective thirty days from tomorrow and as we discussed earlier, it's expected that the golden tilefish quota will have been caught at that point and the snowy grouper quota will have been exceeded at that point and so those fisheries are expected to close on the effective date of that rule.

I think, as we went over, the black sea bass fishing year will change to June and so we're very early in that fishing year and at least at this point, the vermilion snapper catch rates are way down and it looks that that fishery will likely stay open all year. In your briefing book or at least handed out to

you I believe is the report on the status of our other quotas, but I don't think there's really anything very noteworthy to go over in the rest of that.

We are working on getting back to the red drum rule for transfer over to the Atlantic States Commission. I apologize, but we haven't made that much progress on that because of the other issues, but we are going through comments on the environmental assessment. The proposed rule has been drafted and we're going to get that to Monica I hope soon after we get back.

Ms. Smit-Brunello: It's with Monica now up in my room.

Dr. Crabtree: We are going to work to get that done. I hope we can try and get that done by the end of the year. I think that's everything for my report, Mr. Chairman.

Mr. Geiger: Next is the Southeast Fisheries Science Center Report. I would like to welcome Dr. Tom Jamir. Tom, welcome to the council. You have some big Crocs to fill.

Dr. Jamir: Thank you very much. Regarding the status of stock assessment improvement plan, as of May 2006, the National Marine Fisheries Service hired a port sampler for the sampler program to cover primarily North Carolina ports, but also parts of South Carolina. This was as a result of the arrangements between the previous chair and the director of the Southeast Fisheries Science Center. Similar arrangements are in the works and we will update you if there are developments that are complete enough to present to the council.

Regarding the status of data collection programs to address the aging and the productive samples of red porgy, black sea bass and vermilion snapper for the U.S. South Atlantic fishery, the NMFS Beaufort Lab received otolith and spine samples from several sources throughout the U.S. Atlantic.

Red porgy samples have been processed and aged for all years through 2004 and provided for an update assessment conducted in May of 2006. Gut and tissue samples from Florida headboats from the 1980s charterboat fishery collected by NMFS TIP agents in 2002 to 2004 were sampled at South Carolina DNR for analysis. North Carolina DMF are aging the 2004 and 2005 black sea bass collected from North Carolina commercial fisheries and fishery independent surveys.

Regarding the status of data collection, aging and reproductive samples for Atlantic king mackerel, Dr. Doug Devries and the CRP Project Coordinator, Dr. Will Patterson, continue the estimation of temporal and spatial variability in stock mixing rates off of eastern south Florida using otolith shape and chemistry analysis, as well as stock and sex specific von Bertalanffy growth parameters using fishery independent samples.

Histological prioritizing of batch fecundity analyses has begun for fifty-five hydrated ovaries collected in 2005 off east Florida and collection of more samples was begun also last spring. Fish from the 2004 and 2005 fishing year have been aged and aging of those from the 2005 and 2006 fishing year will begin soon and that completes my report.

Mr. Geiger: Thank you, Dr. Jamir. Any questions?

Dr. Crabtree: Unless there were questions for Tom, I had one more item I need to go over.

Dr. Daniel: I just wanted to thank you for that report, but also to thank Nancy for -- She and I worked together closely to try to get these port agents in North Carolina and we were successful in doing that. I think we've made some great strides in improving the data collection programs, particularly in the northern portion of the range, but I would also like to take the opportunity to thank Roy as well for his support of the CRP program and the MARFIN program to address many of the data and research needs that are in these stock assessments from the SEDAR.

Mr. Geiger: Dr. Jamir, the status of stock assessment improvement plan, is that on a website anywhere? Is there some way we can access that and look at it?

Dr. Jamir: The status of stock assessment improvement plan I think is on the website, because I got a lot of the information from there, but the updates are done on a Science Center basis and basically, it's budget constraints and so there's very little progress in terms of hiring and the best alternative that has been worked up was the one that Dr. Daniel has basically arranged with Dr. Thompson and that's why similar arrangements are also in the works for South Carolina and hopefully we'll get that to move forward. Incidentally, there's one Beaufort Lab staff that will be retiring I think this year and so they're also thinking of replacing him so that we don't have --

Mr. Geiger: Who is retiring?

Dr. Jamir: I don't know the exact name of the person, but someone is retiring and to make sure that we don't have a gap, we're looking at filling that gap as much as possible.

Dr. Crabtree: I also wanted to mention, and forgot, a couple of proposed changes that are being looked at in the 2007 -- This is under the Marine Mammal Protection Act List of Fisheries. We're required to list fisheries as Category 1, 2, or 3, which corresponds to the risk of encounter with marine mammals, Category 3 being the lowest and Category 1 being the highest.

Two fisheries have been recommended for consideration to change from Category 3 to Category 2 fisheries. One is the Mid-Atlantic flynet fishery and the other is the Mid-Atlantic shark gillnet fisheries and the changes are being proposed really based on analogy to how other similar fisheries are being treated and categorized in this.

Flynets would be the same category as most of the other large trawl fisheries and moving the Mid-Atlantic shark gillnet fishery to Category 2 would be in the same category as most of the other similar gillnet fisheries. We do have observer programs going in both of these fisheries now and have not observed marine mammal interactions with them yet and I just wanted to make the council aware of that.

Dr. Daniel: Kind of to this point, at the last council chairs and executive director meeting, I had an opportunity to meet with Bill and Alan Risenhoover and I think Margot was on a train trying to make it to the meeting, but we had a discussion about the HMS and bringing up the shark gillnets is what

prompted me to say this.

We are going to have, after the HMS Advisory Panel meeting, which Rita represents the council -- I'll be representing the council at a meeting with Alan and Margot to discuss the council's interactions on the east coast with the HMS group to try to address many of the issues and concerns that this council has raised over the years.

I wanted you to be aware of that so that you could contact me or contact Rita if there are any specific outstanding issues that you would like for me to address or bring up at that meeting. I know we have some similar shark issues that we would like to discuss. I was particularly interested in the issue that Oculina -- We can't get the bottom longlines out of Oculina and maybe discussing some of the issues with the request we have in 14 for the MPAs. Just be thinking of issues that we may want to bring up or you may want me to bring up at that meeting in October.

Mr. Currin: Roy, as a matter of course, do the observers in let's say these fisheries, for example, that are interested in determining marine mammal interactions also record data or information on other species or do they characterize the catch in these fisheries?

For example, the flynet fishery targets a relatively small number of fish, but they encounter or have the chance to encounter other species that may be restricted and let's say red drum, for example. Do the observers tabulate other aspects of the catch other than marine mammals?

Dr. Crabtree: Andy, can you respond to that?

Mr. Herndon: Yes, Mac, they do, but it's primarily other protected species. They will note other sea turtles and that sort of thing, but in terms of other fish species, they're primarily looking at just protected species interactions.

Mr. Currin: Has any thought been given to the value of bycatch data in fisheries like that? I would imagine that protected species are relatively rare occurrences, especially in Category 3 and Category 2 fisheries, and I don't know what these folks are doing other than just making sure there's not a turtle or a dolphin in there. It would seem like they might have some time to be able to characterize catches in some qualitative way to get at potential problems with bycatch for other species, just from an efficiency standpoint.

Dr. Crabtree: I think it's a reasonable point. Andy, let's check on that and why the protocol is the way it is when we get back.

Ms. Smit-Brunello: Just prior to the EFP, I think there's been a misconception about what's prohibited in Oculina Bank HAPC. It says right now that no person may use a bottom longline, bottom trawl, dredge, pot, or trap. It has other prohibitions on other things, like fish for rock shrimp and you can't anchor there and that sort of thing, but shark bottom longline fishing would be prohibited now.

Dr. Daniel: I completely misunderstood the discussion yesterday then.

Ms. Smit-Brunello: I think that came up and I should have jumped in and corrected it then.

Dr. Daniel: Thank you for that clarification.

Ms. Shipman: Back to Mac's point, you can go on the website for the Southeast Center and at least out of Panama City, the observer work that's going on out of there on the shark drift gillnets, that does have -- That and the strikenets. Those data do include the fish as well in terms of what is being observed. I can't speak to obviously the flynets or any of the other fisheries, but I do know for the drift gillnet fishery it is being recorded.

Dr. Crabtree: That's true, because I've worked with that data. I'm going to look into -- Andy will check out why it's different on the other fisheries. I've never looked at the other data.

Mr. Geiger: Anybody else? Thank you. Dr. Kimmel, are you ready with the experimental fishing permits?

Dr. Kimmel: Yes. Thank you, Mr. Chairman. We have three experimental fishing permit requests and if you like, I can go over all three of them and then you guys can take action on them in total, if you like. If you look at Tab 6, Attachment 3, two of the experimental fishing permit requests are located there. We brought another one with us, because we just received it last week and didn't have time to include it for the briefing book.

The first experimental fishing permit that I'll review for you is one from the North Carolina Sea Grant. This is from Dr. Scott Baker and the purpose is to provide an indication of the number and range and size class of black sea bass at sample locations and they're using this different mesh sizes and traps to see the retention of fish for that particular study. The public comment period ended on this particular request on Monday, the 18<sup>th</sup> of this month. We'll take action to approve or disapprove that one.

The second experimental fishing permit was from the University of West Florida and this is one submitted by Will Patterson for Ben Hartig and this one is to look at temporal and spatial validity between migrating mackerel groups in the winter mixing zone.

I want to mention too that all these are cooperative research projects and with cooperative research projects, I guess we'll be going with experimental fishing permit approval or that way to allow the people to go beyond the regulations and so I might want to request, while we're here, that you have something at your agenda at all meetings to review experimental fishing permits as they might come in, because I expect that we might have more of those throughout time.

The third one is one from the Gulf and South Atlantic Fisheries Foundation and this for observers to look at information on snapper grouper boats in the South Atlantic to help them in verification of logbooks and also the data will be used for stock assessments. Mr. Chairman, those are three different experimental fishing permits that we have in the process and you need to take action on those. I would be glad to try to answer any questions.

Mr. Geiger: Thank you, Joe.

Dr. Daniel: **I'll go ahead and make a motion that we approve all three.** I think they all have great merit and will help us out in our management approach, but I also have another question after we dispense of that motion, but I'll make that motion to approve all three.

Mr. Geiger: Tony Iarocci seconds. We have a motion on the floor to approve all three exempted fishing permits as presented at the full council session. It was seconded by Tony Iarocci. Is there any discussion?

Mr. Cupka: I think technically we can't approve them. We can recommend to the Regional Administrator that they be given out, but I don't know that we actually approve them.

Dr. Daniel: **How about I change the word "approve" to "recommend?"**

Mr. Geiger: We've got a substitute motion to recommend to the Regional Administrator approval of all three exempted fishing permits as presented at the full council session. Is that okay with the seconder? Is there any other discussion?

Mr. Iarocci: I can't stress the importance enough of these kind of permits and this kind of research, this cooperative research being done by people like Ben Hartig, people like the Gulf and South Atlantic, Judy Jamison, and the fishermen we've been talking about. We've been talking about doing this stuff and here it is. It's a start and, please, I hope we can move forward with this and get a few others done as soon as possible. This is the kind of stuff we need to get the data and we need to make the right decisions.

Dr. Daniel: I agree with you, Tony, 100 percent. It has caused though some minor glitches, having to wait for the council to approve and endorse these EFPs. I'm just wondering if there's some way that we can say that through these CRPs that -- You're going to be requesting a lot of EFPs from us and it's going to delay their start dates or such things. Is there any way that the council could give authority to the Executive Committee through some kind of a fax notice or some way to move this process on a little faster without having to wait until it comes to the council?

Dr. Crabtree: You could just give me your undying trust on everything.

Ms. Smit-Brunello: Recognizing the need to move on from that quickly, the regulations discussing scientific research and exempted fishing permits and those sorts of things set up this process where it's to be sent to the council. Actually, the applicant has an opportunity to appear even if they need to and so I think under the way this is set up now, you have to take it up at your council meeting, but I'll be glad to poll my other NOAA attorneys in the country and see if they handle this any differently or they interpret it any differently. Maybe there's a way to get this through quicker.

Mr. Cupka: Let me ask Bob. In our SOPPs, isn't it set up where the Executive Committee can act on behalf of the council if there's not a council meeting? At one time, it seems like it was.

Mr. Mahood: Back in the good old days, the Executive Committee could act on behalf of the council, but no more.

Ms. Merritt: I have a question and a comment. The comment is I'm really glad to see more of the cooperative research programs going on as well and I would like to clarify the dates on the black sea bass EFP request. I couldn't hear you, Joe, because you're so far down this bowling alley. Was the six-month period going to start the first of next month or is there some other time period in mind?

If you go back to the Sea Grant black sea bass EFP request, it was originally for a six-month period August 1 through January 31 of 2007 and since we have this delay in the process, is that planned to just start with the first of next month or some other time period?

Dr. Kimmel: We've talked to Will Patterson about this, because we have kind of pushed him back a little bit, and he's willing to start -- I think October 13<sup>th</sup> is the date we decided on, because everything would be done at that time.

Mr. Currin: Monica, I encourage you to look far and wide to see if there's some solution to this. There should be a very simple and straightforward process with adequate protection to prevent delays. Louis's point is the exact same thing that occurred to me when I read through these and saw that the project had been delayed.

For some of them, it may not make a lot of difference, but some with fisheries in seasonality in particular areas, like this black sea bass fishery, it could push the project back as far as twelve months if they're not approved in a timely manner. I hope we can find some process. If we can't under current law or regulation, I hope we can find some process to make this work in a more timely fashion.

Ms. Smit-Brunello: I will pass that along. If it's determined that this is the way it is and we would have to change it in order to change that process, I'll pass that along, too. It is opportunistic, because the Foundation's request came in last week and so we could zip it in under this council meeting and so it would be good, Bob, if you had a generic EFP slot for evaluating those kinds of requests on the agenda at every council meeting.

Mr. Geiger: Any other discussion? **We have a motion on the floor with a second by Tony Iarocci. The motion is to recommend to the Regional Administrator approval of all three exempted fishing permits as presented at the full council session. Any opposition to the motion? Seeing none, it's approved.** Next is Agency and Liaison Reports. Tracy, are you ready?

Mr. Dunn: Things are going by so fast that I didn't get a chance to even hand out the report this time and so I'll just send it on down that way. We really only have one written report this time. We have that new law enforcement database and we're having a little trouble getting some information out of it that we can put in an acceptable format and so I'll make those up as time goes on.

I think Hal has some things he wanted to say, but I just wanted to bring up some of the work we've

been doing. Of course, everybody knows about the catfish case. That is continuing on its way. There are a lot of spiny lobster import cases and shark fin cases, but we had a couple of interesting things happen out in the Gulf that I thought you would find acceptable here.

That is that we've had a couple of criminal misdemeanor cases dealing with charterboat captains shooting at dolphins. One has pled guilty and the sentencing will be on October 10<sup>th</sup> and another case is pending, but we expect it to also continue. You wouldn't think that wouldn't happen in today's age, but -- Those are difficult cases to follow up on, but the agent out there did an excellent job of interviewing and was able to put those cases together and that's it for me.

Mr. Robbins: Some time ago now, I informed you that we had a case that initiated in Charleston involving catfish and I'm pleased to tell you that we have had one plea agreement. Danny Nguyen faces up to twenty-five years in prison, fines totaling \$750,000 and he also has forfeited the fish involved that was seized. That was about 300,000 pounds in that specific case. That's a tractor trailer full, by the way.

He also has forfeited the Panhandle Seafood Company in Panama City, Florida. The corporation now faces fines of \$1 million and they've also agreed to forfeit the premises of Panhandle Seafood. This is just one of many defendants that we will be proceeding on. Another was arrested through Interpol in Brussels, Belgium. We're awaiting a hearing to determine whether or not he will be sent back to the United States for charges.

What we're talking about here is in excess of a million pounds of catfish that was initially imported into the United States as wild-caught grouper and a couple other categories as well simply to evade the catfish anti-dumping tax that was initiated in 2003.

Subsequent to that, they found that since it was in a box labeled grouper, it was frozen filets, that they could sell it for grouper as well and so -- At my very first council meeting, I remember Tony was asking me about all the fish that was being served as grouper sandwiches that was suspected to be mislabeled product and I can tell you that much of this was going into restaurants as well.

One company in Panama City distributed to over two-hundred different places just in Florida alone. Much of this product was sold to the consumer for something. It was misrepresented. It was sold as grouper, but it was not grouper.

We think that this is going to have a tremendous chilling effect on the industry to make sure that they sell product that is properly labeled and it will protect the consumer, but also it should stabilize grouper prices now that this product won't be there to take its place when it's in short supply.

Also, the other thing I need to tell you is that the grouper that we seized, or actually the catfish that was seized in Panama City and that subsequent load that was seized in Oakland, California, we have two other divisions working with us on this case as well. They did contain malachite green. Malachite green is an industrial dye. It's used to kill algae. They use it in aquariums and so forth.

Unfortunately, it also is a carcinogen and there's zero tolerance for it in the United States. It causes

cancer and so their product had this throughout it. We did DNA testing and chemical testing and found that this catfish contained malachite green. Anyway, I just wanted to let you know that we're advancing on many of these.

This involved a lot of hours by our agents and a lot of forensics and computers. We've seized countless boxes of records. In one search warrant alone, we seized over 45,000 documents and so there's been a lot of work involved and I'm very proud of the people that have worked on this case and I just wanted to share that with you today.

Mr. Geiger: Thank you, Hal and Tracy.

Mr. Mahood: Hal, do you all still have a forensic facility in Charleston or has that moved?

Mr. Robbins: Yes.

Mr. Iarocci: Hal, thank you for that and you know industry really appreciates all the work you've done. I got a call from one of your good buddies and old school chums, Bob Spaeth, from Madeira Beach Seafood and the Southern Offshore Fishing Association last week and they're doing tests still over there.

He had made a statement to me about 70 percent of the grouper tested in the restaurants there have showed to be either catfish or tilapia and he said one of the most high dollar, nicest restaurants had both in their restaurant. Is this current testing going on or is this testing that had been done in the past?

Mr. Robbins: Tony, I think you're referring to some tests that were initiated by the St. Petersburg Times for an article that was in there about a month and a half ago and they tested, I think, ten or eleven restaurants. I don't know specifically which restaurants you're referring to, but there were a number of restaurants that had indicated that the catch was fresh grouper and it was not.

Mr. Geiger: The day to get a grouper sandwich would have been after that report came out.

Mr. Mahood: Hal, one of the most interesting things, to me, about that set of articles was that when they approached the restaurant people, they said we buy from our distributor and we trust them and then the distributor buys from his seller and they trust him. How far back do you go with your cases? How far back along the chain can you actually make cases?

Mr. Robbins: We've targeted six corporations that bring it in from Vietnam and China and we can tell you that it amounts to about twenty metric tons a year.

Mr. Wallace: Is it mislabeled in the original country or is it being done by the distributor over here?

Mr. Robbins: The answer to that question is both. Much of the fish was mislabeled in Vietnam and shipped here. The initial scheme was to bypass the anti-dumping fee, which is pretty substantial. It runs from around 22 to 64 percent, as I recall. However, there also was some fish that was shipped

as chana and the product, once it got to Florida, was re-boxed in grouper boxes and sold as grouper.

Mr. Geiger: Thank you, Hal. We appreciate your work. Sticking with the law enforcement theme, Chad, are you ready?

Lt. Brick: I saw you looking at me this whole time thinking about what our law enforcement is and I plan on creating a report beyond what we have. We do the Oculina Banks and we work with Rich Chesler with providing our information, but we have a lot of good cases that I'm going to bring up during our December meeting and I'll provide you a nice little report.

We have a lot of cases with the Lacey Act in the last few months and our boardings have gone up a little bit. We're still squeezing to get as much as we can and we have new goals that we just met with every sector, including all the way up the Gulf and down south, Puerto Rico, and up to Charleston, which raises the bar for what we want them to do and what we want to actually see come from them and it's all coming from what I hear from you as what the priority was and everything. Hopefully we get some good numbers and then we'll bring that to you in December.

Mr. Geiger: Great. Thanks very much, Chad. We appreciate it.

Mr. Mahood: I think something of interest -- I'm not sure everybody is aware, but after the reception the Coast Guard put on down there in Miami, it was so great and we got to visit Commander Cinalli's vessel, the President was there and I believe he hosted the President on the Valiant. I think Dave has now gone on to command school or something like that. Where is he headed now?

Mr. Geiger: I believe he told me that he was going to the war college. It's Carlisle Barracks, Pennsylvania, actually. Any other questions for our Coast Guard? Thank you. Now we'll do some state liaison reports. Robert, do you have anything?

Mr. Boyles: Just briefly, one of the things I just wanted to let the council know about is that we have been working with a group of constituents in South Carolina who have approached us about looking at a number of species size and bag limit changes and we've got a little bit more flexibility at the state level to respond to some policy initiatives.

I just wanted to let you know that we're in discussions with CCA looking specifically at some council managed species, namely cobia, sheepshead, and spadefish, and something that you'll likely hear from us in the future is looking at how we can play a more active role in managing those fisheries in South Carolina.

We've got to work through some legislative and regulatory vagaries, but those three species particularly and particularly sheepshead, which, as you all know, is part of the snapper grouper complex, but a number of those fish are landed in state waters and so we'll probably be looking at that from South Carolina's perspective and so just as an FYI.

Mr. Gibson: Just to add to that, I serve on the marine advisory panel from zero to three miles, the group that was working with staff about the different species. We have a phenomenon in Beaufort,

South Carolina. If you look straight out and to the left, that's St. Helena Sound and in April, May, and June, we are covered in cobia.

They're a little late this year. They didn't arrive until May. Large cobia, not in the numbers we saw last year, but we have problems with some of our charterboats whereby they would put four to five people aboard and that's two times four or five and then make two trips a day. We're trying to talk our DNR board to add to the two to put a bag limit of three per day and it's kind of like a slippery balloon.

I would hope the South Atlantic would just take this as information and maybe work with us trying to get the offshore and inshore regulations the same, but this is the only known place, I believe, where cobia will come inside the three miles in great numbers. This is just for information that we would like to discuss in the future. Are there any questions on that? Did I confuse anybody?

It's the only place on the eastern seaboard and they're starting to do testing to see if they are spawning there. They have a high belief that they are spawning and then with the South Carolina DNR Waddell, the center that you're going to tonight, they've been raising cobia there. Robert, do you want to add just a little bit about the cobia?

Mr. Boyles: Sure, Frank. I was going to point out to you all at some point that you will see and have an opportunity tonight to get a little bit of a briefing on some of the work that we're doing. Cobia is something that is of high state interest and particularly, now that you're in Frank's backyard here, in Beaufort County. It's a real special area and we've got a lot of folks who are very interested in that fishery. We'll talk a little bit more about the life history work that we're doing, some tagging and some of the data that we're getting back from it.

Mr. Geiger: Thanks, Frank and Robert. Louis, North Carolina.

Dr. Daniel: There's nothing going on in North Carolina. Well, 13C has been an issue in North Carolina, a little one. Weakfish is going to be a big issue in North Carolina. We have a marine fisheries commission meeting next week to discuss a lot of these issues and one of the big issues that probably is of interest to you all is a request from some of the commissioners to look at upping the bycatch allowance for red drum. We are going to be discussing that issue and suggesting that we deal with that in the revision of the red drum fishery management plan that's getting underway as we speak.

There's a lot of stuff that's going on in North Carolina. I'm not going to get into all of it, but the Atlantic States Marine Fisheries Commission is going to be meeting in North Carolina in a couple of weeks to address some pretty hot topics and then we'll be in Atlantic Beach in December.

I have a lot of things planned for us up there. I'll let you know about the new aquarium. It's incredible. It's not the Georgia Aquarium, but it's a nice aquarium. I keep forgetting that I'm talking to Georgia when I brag about my aquarium. We will have a little to-do at the Dunes Club again. That's set up and we'll try to take some fishing trips and that kind of thing, if we can sneak away. Since I won't be the chairman, I can sneak away and so we'll go fishing, maybe. That's my report,

Mr. Chairman.

Mr. Geiger: Thank you, Louis. Next is Florida and Mark.

Mr. Currin: Let me just add one more thing, just for your information. The legislature in North Carolina last year created a coastal access or waterfront access commission that will meet for the first time Tuesday, the day before our marine fisheries commission meets, on Wednesday.

It was spawned by concerns that occur well outside of North Carolina about the changing landscape and development patterns in coastal areas and the commission is hopefully going to try to wade our way through some of these things and develop some way to respond and perhaps some way to act to address some of these issues of closing fish houses, which we've talked about, access to dock space for the commercial industry, access to the water for recreational folks. Just to keep you apprised of that or let you know that it's happening and you can track it or contact me.

Mr. Robson: I have a couple of things. The commission is still in the process of reviewing its regulations for spiny lobster and we have a workgroup that's been struggling with this and we just recently asked the commission to extend the time period for them to evaluate all of the various management aspects for spiny lobster, which means that we currently have a freeze on the trap reduction program that was in place in Florida for a number of years.

We hope to have all of our final recommendations done and restart essentially the lobster management program in Florida by July of 2008 and so it's been extended about a year. We lost about six months working with the industry and recreational and environmental workgroup last year from two straight hurricane problems and so that set us back quite a bit.

Publicly noticed meetings, it takes quite a while to get these things re-cranked. We are working on that. The workgroup is discussing things like allocation among the various sectors. Trap reduction, what form or how that should continue when it's restarted, if it's restarted, and dealing with things like the increasing pressure during sport season. It's very controversial and we'll see what comes out of it in the end.

Also, we have a workgroup that we put together in Florida to take a look at red drum management statewide in response to the most recent assessment and as of this date, after a couple of meetings, there's still no real strong inclination to change red drum management strategies for the state of Florida.

We still have a very conservative approach with a high escapement rate and low bag limits. There's no commercial fishery and I expect that we'll continue along those lines. They're continuing to work through that process and we're going to have a bunch of public workshops around the state over the next six months to a year to get more public input on what we should be doing with red drum, but it's a good fishery and there's strong interest in the recreational angling community to keep it a very high quality and high abundance fishery.

Also, just in passing, we've had a lot of discussion about MPAs. This is just a side note, but the Fish and Wildlife Commission has been working pretty closely with Dry Tortugas National Park on development of their research natural area, which essentially is a no fishing zone, and it's forty-six square miles. It's about half of the Dry Tortugas National Park.

The commission has signed off on that in concept. The Park Service is in the process of finalizing their regulations to implement that no fishing zone and with the state governor and cabinet approval - - If that happens, then the no fishing zone would be put into place and along the same lines of the discussion we've been having, there's also a lot of talk about how to develop a rigorous research or monitoring program to go along with the implementation of that research natural area or closed area. There's a lot of work to be done to get that thing underway and to get the data we need to assess how well it's working.

Mr. Geiger: Thank you, Mark. Are there any questions for Mark?

Mr. Iarocci: Also, I like to give kudos when I can, and especially to the state of Florida. They've come up with a new regulatory brochure on commercial fishing. It's excellent, I think. There's a few little minor mistakes in it, but that's not a big deal, but I hope by December, maybe, Mark, that we can get a copy of that out to the council members, because for reference, it's a perfect setup.

Mr. Robson: Tony reminded me that I forgot. I should have brought those. It's a commercial fishing regulations brochure that's very similar to what we publish for our recreational anglers and it's being well received and we hope to update it at least once a year.

Mr. Geiger: Thank you. Are there any questions for Mark? Next is Ms. Shipman and Georgia.

Ms. Shipman: We have several things going on. Tonight at the hatchery, you'll be able to see the results, or the tail-end, I should say, of a joint venture between us, South Carolina, and CCA and that's some red drum fingerlings that they have reared for us and Robert actually knows a lot more about this than I do in terms of what they've harvested and what they've released in Wassaw Sound, but I think it's up around 350,000 fingerlings. It's a bunch of fish.

You'll get to see 30,000 of them tonight and they look forward to meeting you. They're not on the menu. They are not part of the hors d'oeuvres and no, they're not blackened. We appreciate the collaboration with South Carolina and they work that they've done to help us. This is a joint venture, as I said, but it's also a pilot project and so we're looking forward to seeing how this turns out.

We have a release next week of the 30,000 they're still holding. Of course, it will be a PR event with a number of legislators who are serving on a study committee in terms of studying water quality in the Savannah area and we think this will be a good connect the dots between the fish, the water quality, that sort of thing. Anyway, we've got that going on.

I'm really pleased to hear that 13C is publishing tomorrow. I've had it on a side burner now twice in terms of rulemaking for the state of Georgia and now I can pull it back forward and move it to the

board and we will be proposing to track the bag and size limits on vermilion, black sea bass, and red porgy.

The commercial fishery, the way the statute is written, is you cannot exceed the bag limit unless the quota is open. In a sense, we de facto tracked the open quota, because it's all offshore fishery, and so we don't have to worry about setting quotas in our statute, but we do on the bag and size limits and so we'll be moving forward to do that. My guess is we'll take that to our board in December.

We have a listening session tomorrow. Some of you may have heard about the various listening sessions that are going on around the country that are being hosted by the Department of Interior, Agriculture, Commerce, Defense, and the Environmental Protection Agency.

These are actually being conducted by the cabinet-level secretaries of these agencies and tomorrow, Dale Hall, Secretary of the Interior, will be in Brunswick at 1:00 and Admiral Lautenbacher will be there as well. Our law enforcement captain will be speaking to the joint enforcement agreements and the merits of those and what a great thing we think those are in terms of conservation partnerships and so --

Mr. Boyles: Susan just reminded me of something. It's to the vagaries of state law and the good work of people who came before me, like David. We have this great gift in the legislature that allows us to track size and bag limits that are promulgated under Magnuson-Stevens and so it prevents us from having to go to the General Assembly every time there is a change. However, you all know that there was a law in South Carolina that was passed several years ago establishing minimum size on black sea bass at ten inches and so we will be working this year to repeal that law as well and so thank you, Susan, for reminding me of that.

Ms. Shipman: Tomorrow is the listening station and depending on how today goes, I probably will not be here tomorrow and will go back for that session. I didn't think that I was going to be able to make it and I'm glad that I am.

The other thing we have going on is a new sort of outreach public information and education campaign to raise the awareness of ecosystem functions, management, connections. It's called Know the Connection and we have a tagline that's real catchy and all and we'll be providing you some of those things probably at the March meeting when you all come to Georgia.

We've kicked off a website and so I would urge you to go online. You can pull down all kinds of educational information for science projects and some really good information pieces geared really towards children, teachers, that type of thing. We're just trying to let everybody understand not only the natural heritage of our coast, but also the sociocultural heritage and trying to make everyone understand the connections between watersheds and water use in Atlanta and South Carolina and Georgia and how all that plays together.

There's also a water meeting I believe next week in -- Is it tomorrow? Their governor and our governor both have water committees and I believe they're getting together. We're trying to avoid the long litigation that's been ongoing between Florida, Georgia, and Alabama. We and South

Carolina are trying to work together very closely, potentially towards a compact or something, to avoid more litigation over water allocation and water use in the state. That's about it.

Mr. Geiger: Thank you, Susan. Any comments or questions for Susan? Thank you.

Mr. Mahood: If it would be okay, I would like to ask Mark a question. I was way in the back and I couldn't get up here in time, but, Mark, I heard you mention the word "lobster" and for our planning next year, what is your schedule in the commission relative to moving forward with some proposed lobster changes?

Mr. Robson: We would have any changes ready to go for the start of the 2008 season, which means that nothing is going to change until sometime prior to July 1 of 2008 now. We've had to put it off a year.

Mr. Geiger: Last but not least, Columbus.

Mr. Brown: As a follow up to what Susan said on the cooperative conservation listening sessions, there is also going to be one in Miami next week. I can't give you the date and time specifics. The Southeast United States Waterbird Conservation Plan will soon be made available online at [www.waterbirdconservation.org](http://www.waterbirdconservation.org), information on coastal and pelagic waterbirds.

It's important to ecosystems management planning. The information contained in this plan should be useful to the council in its endeavor. One of the conservation priorities is to determine the role of bird bycatch with fishing gear and oceanic pollution and prohibiting achievement of population goals, including species of loons, gannets, petrels, and sheerwater. Another priority is to increase populations for additional regionally important species, such as the magnificent frigate bird. The plan expresses the concern that the lack of information regarding the impact of commercial fishing activities on pelagic seabirds is a priority research need.

Second, the 2006 National Hunting and Fishing and Wildlife Related Recreational Survey is underway. The survey quantifies the number of anglers nationally and the expenditures that they make and it's one of the top ten economic surveys done in the nation and goes a long way towards defining economic trends in recreational fishing, as well as rates of participation in states by gender and ethnicity.

Data from this survey is used to determine the freshwater/saltwater split in funding through the Sport Fish Restoration Program. The Sport Fish Restoration Program provides about \$300 million annually to the states for restoring sport fish populations, aquatic education, and boating access. Mr. Chairman, that ends my report.

Mr. Geiger: Thank you, Columbus. Bob, do you want to cover upcoming meetings?

Mr. Mahood: Our next meeting will be in North Carolina at Atlantic Beach. I understand we're going to have quite a good program there and I will guarantee you that you won't squeeze the seven days I'm going to schedule into three. We have a lot to do in December. We really have a lot to do.

We have our Snapper Grouper Advisory Panel coming in and our Law Enforcement Advisory Panel will be meeting with us. Our SSC will be meeting with us and so we will have a -- I'll guarantee you that we may be burning some midnight oil at that meeting. Don't you think that you're going to get away with three days for meetings here in the future. You guys are moving too fast.

Mr. Geiger: It's a lot like playing the accordion, Bob. It's a lot easier to go out than it is to play in. The next meeting is going to be a play in.

Mr. Mahood: One of the things that threw us off right off the bat, we discussed at the staff level whether or not we had even scheduled enough time for the Joint Mackerel Committee and how involved that would get and how -- Everybody was so simpatico that we breezed right on through it. It kind of got us off to a saved-time start right there.

Mr. Geiger: Thank you. Is there any Other Business?

Mr. Cupka: I had one issue I wanted to bring up and to do it, I want to lay just a little background, since we have some new members and all. For those of you who were around then, you'll recall that Amendment 5 to our shrimp FMP that we set up a limited access program with a requirement for a limited access endorsement for that portion of the rock shrimp fishery operating off of Georgia and Florida.

One of the provisions of that particular amendment dealt with inactive endorsements and this says essentially if you have an endorsement and you were inactive for a period of four consecutive calendar years, that your endorsement would not be renewed and inactive was defined as landing 15,000 pounds of rock shrimp within a calendar year period.

There was also a provision in there that if anyone lost their permit or their permit wasn't renewed, that it would be made available to people who had rock shrimp landings prior to 1996, but didn't qualify for a limited access endorsement. If anyone lost their endorsement, we were going to make that available to other individuals. That went into effect in 2003 and so next year is going to be the fourth year and all of a sudden, I guess some of the fishermen are starting to realize that they need to do something or they're going to lose their endorsement and consequently, Roy called me about a week ago as the current chairman of the Shrimp Committee to let me know that he had been getting some calls from some rock shrimp fishermen who were concerned over losing that.

You will also recall that we were concerned at the time that the industry was overcapitalized and we worked very closely with the industry to set up the provisions of this limited access program. Nevertheless, Roy has been getting some calls and I would like to ask Roy maybe to elucidate us further on these calls he has been receiving and some of the concerns and then see if the council wants to consider taking any action on this particular issue. Roy, if you don't mind filling in.

Dr. Crabtree: Thanks, David. I've had a couple of calls, particularly from the Executive Director of the Southern Shrimp Alliance, and I guess the gist of it is there really haven't been rock shrimp very

much for the last four years. There are a lot of people who don't have landings and they're concerned that a lot of permits are going to be lost.

They've asked us -- I think some of them at least would like us to reconsider that provision on the amendment and so I don't know if you all want to review that, but we've got a little over a year, I believe, before any of it would actually happen and so we probably do have time to revisit it if we don't make it very complicated, but we would have to get on it fairly quickly.

Ms. Shipman: I would be interested in hearing from the AP on this and seeing how widespread it is and the magnitude of the issue and all of that. That would be my interest.

Mr. Robson: This is new to me and so is it a possibility that there could be some big push to get the - - They only need one year out of the four years of the landings? Are the shrimp just not there or is it an economic issue that they're not fishing or do we know?

Mr. Cupka: From what Roy indicated and what they indicated to Roy, I think it was the fact that there aren't a lot of shrimp there. I don't know and whether they've been fishing other things or whether it's a shortage of the resource or what.

Dr. Crabtree: That's my impression, and maybe John would know better, that the shrimp haven't been there. I suspect some of these guys just aren't fishing at all, because they can't make any money at it, and now they're faced with losing their permits.

Mr. Wallace: To that, it is a combination. There has been low production in rock shrimp and there's been the economics of it all. A lot of the guys have stayed a little closer to home that were coming from the Gulf in order to fish on rock shrimp and also a lot of the guys have gone to the Mid-Atlantic to do the 400-pound scallop that hold the rock shrimp.

They do not want to leave a profitable fishery just to make this 15,000 pound limit, because they know it's going to take them a while to do it, because of the low production or low availability of rock shrimp. There was a little bit of production this year for a few boats that could make it, but it would have taken all -- I think there's like eighty boats that have a permit, according to what Steve Branstetter said today. If all eighty would have come in to get that production, it probably would have divided the pie to the point that nobody would have made it.

Mr. Iarocci: John pretty much touched on everything I was going to say, other than a rock shrimp permit right now might not seem important to some people, because they are catching the 400 pounds of scallops and they're catching a few shrimp in Georgia. There's a few shrimp on the beach and guys are doing okay, but guys are going to need that permit eventually.

I think we should look at any way possible to keep that open access for those guys that do have those permits and, David, I totally agree that we should be able to look at that and, Susan, I agree with you. I think we should start with the AP.

Mr. Cupka: That was going to be my comment. I think Susan's suggestion is a good one, to start

with the AP and see just how big of a problem this is. Also, because of the fact that, and I think Susan was chairman at the time, we worked very closely with the industry to set this program up and, again, I don't think we ought to move ahead without getting a lot of input from these people, because they were very involved in developing the whole process.

Mr. Robson: That sounds like a very good approach. I guess the other question that I would like to hear more about is where are all those fishermen that did not qualify for the original program? Are they still around? Is there any interest out there in possibly taking over those permits if this big batch do expire? There may be people waiting or there may not be for those permits to open up and so that's something we need to answer.

Mr. Mahood: I told George to let the council members go for it first and I also will yield to Monica.

Ms. Smit-Brunello: Mark, remember that we set up a pool. It says a permit that is not renewed under the previous paragraph -- The previous paragraph is when it discusses for four consecutive years you at least had to land 15,000 pounds in one year -- shall be made available to a vessel owner randomly selected from a list of owners who had documented landings of rock shrimp from the South Atlantic prior to 1996, but who did not qualify for an initial limited access endorsement.

To be placed on that list, an owner had to submit a written request to the RA postmarked or hand delivered not later than January 16, 2004. Then it goes on to talk about the requirements that you had to put in your request to be put on that list. I think we should also find out whether anyone went ahead and applied, if there's a pool of applicants from that section to choose from. You may want to modify that as well.

Mr. Wallace: To that, my understanding is there was only eighty-some-odd permits that is out there now and you had an option of 150 and is that right? If there was a pool of applicants out there that did not receive the initial permit, why didn't they get included up until it reached its limit of 150?

Ms. Smit-Brunello: That's not the way the amendment was set up. You ask a good question. We should see how many, if you're interested in that, how many endorsement holders there are now, if there were any other people who got put into this pool, and that sort of thing. Then you can have all the pieces before you.

Mr. Mahood: I don't know if I have a complete answer, John. I know initially when we set up the VMS program requirement -- We actually reimbursed the fishermen and we were given a certain amount of money for a certain number of vessels to reimburse and it was set up at about 160 vessels, but it turned out -- I don't know the exact number, but I think it was less than a hundred that actually got the VMS on their vessel.

I would assume those folks are probably not even -- They wouldn't legally be able to fish for rock shrimp unless they had the VMS on their vessel and so I'm not sure what the number is. Was Steve talking at the table about the number of permits or were you talking with him?

Mr. Wallace: I was talking to him on the side last night.

Mr. Mahood: I'm not sure how many permits there are now, but one of the things we may want to do -- I'm not sure how many calls Roy has had, but we may want to have Kim or somebody on our staff go ahead and send out a notice to people, just to make them aware of it. What usually happens with something like this is we get there a month before they're going to lose their permit and all of a sudden they realize that they have a month.

I don't know how many calls you're getting, Roy, or how many people are in that position, but we may, number one, want to send out a notice. My second question to David, since you seem to have the regulations in front of you there, is what is the timing? Do we even have any time to do anything about it before the four years runs out?

Mr. Cupka: The Federal Register notice was January of 2003, but I don't know. That might not have been the effective date, but I do know it's next year and the fishermen are aware of that, because they mentioned that to Roy in their phone calls, that next year is the year and if they don't get any landings that they're going to lose this thing.

I did go back and look and when we first started talking about this, there was something like 400 vessels potentially operating in this fishery and the limited access did cut it down to 160. I don't know that all those are operating. I hear Steve said there's eighty and you said we only bought VMS units for a hundred and so it may not be, I don't know. We should be able to check and see if there is anybody in that pool and pull all this information together and hopefully at our next meeting maybe see if we do want to take some action on this.

Mr. Geiger: I think, Bob, you took that as an action for staff, to pull that together for discussion at the next meeting?

Mr. Mahood: I would have to check with Roy and Monica, but we might even send them a notice and ask the question of have you met your qualification criteria to get your permit renewed and maybe get some idea of -- I don't think we would get all the cards back, but we might get some idea of how big of a problem it really is or is not.

Mr. Wallace: Also, in talking to some of them, I think there's a misunderstanding because of that 2003 being the four years. They were afraid they were going to lose them in 2007 and according to Steve, it would be January of 2008 when the implementation date or final date would be. It would be January of 2008. In your notice, you may inform them that unless we do something that they have to get those landings before January of 2008.

Mr. Cupka: I'm not sure that is right. Maybe Monica could check on that, as to when it went into effect, but if it was anywhere close to the beginning of 2003, I don't think they would have until January of 2008.

Ms. Smit-Brunello: I'm checking on that right now.

Mr. Geiger: Staff has the action to pull the information together and we'll address it at the next

meeting. Is that satisfactory with everybody? Any other business? I have one final piece of business and I made Louis wait intentionally. Louis, stand up. For the record, just so you know, I get to see a lot of people on my boat and Louis is an excellent fisherman.

He can cast under docks and he can do it without landing on the dock and get hung up. He is a good caster and he will catch your fish and so I just want to go on record saying I enjoyed fishing with you and on behalf of the South Atlantic Council, Louis, I would like to present you with the traditional chairman's plaque. It's proudly presented by the South Atlantic Fishery Management Council to Dr. Louis B. Daniel and I hope this resides over the top of that big trout. Any other business to come before the council? We have a public comment scheduled at 4:30. We're adjourned.

(Whereupon, the meeting adjourned at 4:00 o'clock p.m., September 20, 2006.)

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

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October 2, 2006

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**FULL COUNCIL**

**The Westin,  
Hilton Head, SC**

**September 20, 2006**

**TABLE OF MOTIONS**

PAGE 8: Motion to cease moving forward on the regulatory amendment and develop a plan amendment to bring the framework up to date. The motion carried on page 8.

PAGE 9: Motion to scope three alternatives for the boundary mixing for king mackerel: no action; 2)the Dade/Monroe County geographic north of the line 100 percent Atlantic and south of the line 100 percent Gulf; and the Monroe County 100 percent Gulf Volusia County line to the Dade County line is 50/50. The motion carried on page 9.

PAGE 9: Motion to develop separate FMPs and establish a fixed boundary at the Dade/Monroe County line. The boundary line would apply to cero, cobia, king mackerel, Spanish mackerel, and little tunny. As new species are added, they would be included with this fixed boundary. The motion carried on page 9.

PAGE 9: Motion to include in scoping for permits to have three options: no action, one permit both council areas; Number 2, separate permit for the Gulf and separate permit for the Atlantic; and Number 3, for king mackerel, grandfather in all existing permit holders who have historically landed in both areas to get a dual permit. When transferred to another individual, it becomes either a Gulf or Atlantic permit. The motion carried on page 9.

PAGE 9: Motion to scope a joint amendment to create two separate coastal migratory pelagic FMPs based on the three actions with the alternatives outlined above. The motion carried on page 9.

PAGE 10: Motion to appoint Bob Dunnigan to the King and Spanish Mackerel Advisory Panel. The motion carried on page 10.

PAGE 10: Motion to appoint Craig Whitfield to the Law Enforcement Advisory Panel. The motion carried on page 10.

PAGE 10: Motion to appoint Charles Adams from Greenville, North Carolina as a recreational representative on the Snapper Grouper Advisory Panel. The motion carried on page 10.

PAGE 11: Motion to add a North Carolina charter/headboat seat to the Snapper Grouper Advisory Panel. The motion carried on page 11.

PAGE 13: Motion to move the VMS action from Amendment 14 into the rejected alternatives appendix. The motion carried on page 13.

PAGE 13: Motion to select Alternative 1 as the preferred for the deepwater artificial reef MPA off South Carolina. The motion carried on page 13.

PAGE 13: Motion to incorporate a list of research needs into Amendment 14 as opposed to a research plan. However, to retain the outreach and enforcement aspects pending a review by the Law Enforcement AP. The motion carried on page 13.

PAGE 14: Motion to select Alternative 2E as the preferred for the permit transferability action. The motion carried on page 14.

PAGE 14: Motion to add Snowy Grouper 13C section into Amendment 15 for reanalysis. The motion carried on page 14.

PAGE 21: Motion that Scientific and Statistical Committee members that are employed by National Marine Fisheries Service, i.e. NOAA Fisheries, cannot serve as chairman or vice chairman of the SSC. The motion carried on page 21.

PAGE 26: Motion to recommend to the Regional Administrator approval of all three exempted fishing permits as presented at the full council session. The motion carried on page 27.