

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
CHARLESTON, SOUTH CAROLINA**

SEPTEMBER 15-16, 2011

SUMMARY OF APPROVED COUNCIL MOTIONS

SNAPPER GROUPE

The Council approved the following motions relative to Snapper Grouper:

Comprehensive Annual Catch Limit (ACL) Amendment

MOTION #1: SUBMIT THE COMPREHENSIVE ANNUAL CATCH LIMIT AMENDMENT TO THE SECRETARY OF COMMERCE FOR FORMAL REVIEW.

MOTION #2: DEEM THE REGULATIONS FOR THE COMPREHENSIVE ACL AMENDMENT AS NECESSARY AND APPROPRIATE AND GIVE STAFF AND COUNCIL CHAIR EDITORIAL LICENSE TO MAKE CHANGES AS APPROPRIATE.

****Guidance to provide staff and the Council Chairman with editorial license to make editorial changes as appropriate*****

Amendment 24 (red grouper rebuilding)

MOTION #3: MODIFY THE COUNCIL'S PREFERRED SUBALTERNATIVE 2E IN ACTION 5 TO USE BOYLES LAW FOR THE 1986-2008 TIME SERIES.

Action 5. Specify Sector Allocations.

Subalternative 2e (Preferred). Commercial = 44% and recreational = 56% (Established by using 50% of average landings from 1986-2008 + 50% of average landings from 2006-2008).

MOTION #4: MOVE ALTERNATIVE 3 UNDER ACTION 5 TO THE CONSIDERED BUT ELIMINATED FROM DETAILED CONSIDERATION APPENDIX.

Action 5. Specify Sector Allocations

Alternative 3. Specify allocations for the commercial, for-hire, and recreational sectors based on criteria as outlined in one of the following options:

Subalternative 3a. Commercial = 60%, for-hire = 28%, and recreational = 12% (Established by using catch history from 1986-2008).

Subalternative 3b. Commercial = 67%, for-hire = 20%, and recreational = 13% (Established by using catch history from 1986-1998).

Subalternative 3c. Commercial = 55%, for-hire = 34%, and recreational = 11% (Established by using catch history from 1999-2008).

Subalternative 3d. Commercial = 43%, for-hire = 49%, and recreational = 8% (Established by using catch history from 2006-2008).

Subalternative 3e. Commercial = 45%, for-hire = 28%, and recreational = 27% (Established by using 50% of catch history from 1991-2008 + 50% of catch history from 2006-2008).

MOTION #5: SPECIFY THAT THE INCREASES IN 2013 AND 2014 UNDER ACTION 6 WILL NOT AUTOMATICALLY OCCUR IF THE TOTAL ACL FOR THE PRECEDING YEAR IS EXCEEDED.

Action 6. Specify Annual Catch Limits and Optimum Yield.

****Council guidance is to insert the word "total" in the last sentence of Alternatives 2-4 under Action 6 as follows: ACLs will not increase in a subsequent year if present year projected catch has exceeded the total ACL.****

MOTION #6: ACCEPT SUGGESTED WORDING FOR ACTION 7.

Action 7. Specify a Commercial Annual Catch Target (ACT) for red grouper.

Alternative 1 (No Action)(Preferred). Currently there is no commercial ACT for red grouper (proposed commercial ACL would equal 284,680 pounds ww in 2012 but would change in 2013 and 2014 as long as the total ACL is not exceeded).

Alternative 2. The commercial ACT equals 90% of the commercial ACL (proposed commercial ACT would equal 256,212 pounds ww in 2012 but would change in 2013 and 2014 as long as the total ACL is not exceeded).

Alternative 3. The commercial ACT equals 80% of the commercial ACL (proposed commercial ACT would equal 227,744 pounds ww in 2012 but would change in 2013 and 2014 as long as the total ACL is not exceeded).

MOTION #7: ACCEPT SUGGESTED WORDING FOR ACTION 8.

Action 8. Specify a Recreational Annual Catch Target (ACT) for red grouper.

Alternative 1 (No Action). Currently there is no recreational ACT for red grouper (proposed recreational ACL would equal 362,320 pounds ww in 2012 but would change in 2013 and 2014 as long as the total ACL is not exceeded)

Alternative 2. The recreational ACT equals 85% of the recreational ACL (proposed recreational ACT would equal 307,972 pounds ww in 2012 but would change in 2013 and 2014 as long as the total ACL is not exceeded)

Alternative 3. The recreational ACT equals 75% of the recreational ACL (proposed recreational ACT would equal 271,740 pounds ww in 2012 but would change in 2013 and 2014 as long as the total ACL is not exceeded)

Alternative 4 (Preferred). The recreational ACT equals the recreational ACL(1-PSE) or ACL*0.5, whichever is greater*

(proposed recreational ACT would equal 271,740 pounds ww in 2012 but would change in 2013 and 2014 as long as the total ACL is not exceeded)

MOTION #8: ACCEPT SUGGESTED WORDING FOR ACTION 9.

Action 9. Specify Commercial Accountability Measures (AMs) for Red Grouper

Alternative 1 (No Action). Do not specify new commercial AMs for red grouper.

Alternative 2 (Preferred). If the commercial ACL is met or is projected to be met, all subsequent purchase and sale of red grouper is prohibited and harvest and/or possession is limited to the bag limit.

Alternative 3 (Preferred). If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following season by the amount of the overage.

MOTION #9: ACCEPT SUGGESTED WORDING FOR ACTION 10.

Action 10. Specify Recreational Accountability Measures (AMs) for Red Grouper.

Alternative 1 (No Action). Do not specify new recreational AMs for red grouper.

Alternative 2. Specify the recreational AM trigger.

Subalternative 2a. Do not specify a recreational AM trigger.

Subalternative 2b (Preferred). If the current year recreational landings exceed the recreational ACL in a given year.

Subalternative 2c. If the mean recreational landings for the past three years exceed the recreational ACL.

Subalternative 2d. If the modified mean recreational landings exceeds the recreational ACL. The modified mean is the most recent 5 years of available recreational landings data with highest and lowest landings estimates from consideration removed.

Subalternative 2e. If the lower bound of the 90% confidence interval estimate of the MRFSS landings' population mean plus headboat landings is greater than the recreational ACL.

Alternative 3. Specify the recreational in-season AM.

Subalternative 3a. Do not specify a recreational in-season AM.

Subalternative 3b (Preferred). The Regional Administrator shall publish a notice to close the recreational sector when the recreational ACL is projected to be met.

Alternative 4. Specify the recreational post-season AM.

Subalternative 4a. Do not specify a recreational post-season AM.

Subalternative 4b. For recreational post-season accountability measures, compare the recreational ACL with recreational landings over a range of years. For 2011, use only 2011 landings. For 2012, use the mean landings of 2011 and 2012. For 2013 and beyond, use the most recent three-year running mean.

Subalternative 4c. Monitor following year. If the recreational ACL is exceeded, the following year's landings would be monitored for persistence in increased landings. The Regional Administrator would take action as necessary.

Subalternative 4d. Monitor following year and shorten season as necessary. If the recreational ACL is exceeded, the following year's landings would be monitored in-season for persistence in increased landings. The Regional Administrator will publish a notice to reduce the length of the recreational fishing season as necessary.

Subalternative 4e. Monitor following year and reduce bag limit as necessary. If the recreational ACL is exceeded, the following year's landings would be monitored for persistence in increased landings. The Regional Administrator will publish a notice to reduce the recreational bag limit as necessary.

Subalternative 4f. Shorten following season. If the recreational ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following

recreational fishing year by the amount necessary to ensure landings do not exceed the recreational ACL for the following fishing season.

Subalternative 4g (Preferred). Payback. If the recreational ACL is exceeded, the Regional Administrator shall publish a notice to reduce the recreational ACL in the following season by the amount of the overage.

Amendment 18B (Golden Tilefish)

MOTION #10: SELECT SUBALTERNATIVE 2A UNDER ACTION 1 AS THE PREFERRED.

Action 1. Limit Participation in the Golden Tilefish Fishery.

Subalternative 2a. Individuals that meet the qualifying criteria for both hook and line and longline endorsements may receive both endorsements.

MOTION #11: ADD AN ALTERNATIVE UNDER ACTION 1 THAT ONLY ESTABLISHES AN ENDORSEMENT FOR THE LONGLINE SECTOR AND SELECT IT AS THE PREFERRED ALTERNATIVE.

MOTION #12: MOVE SUBALTERNATIVES 2C AND 2D UNDER ACTION 1 TO THE CONSIDERED BUT REJECTED APPENDIX.

Subalternative 2c. Individuals that meet the qualifying criteria for both hook and line and longline endorsements only receive a hook and line endorsement.

Subalternative 2d. Individuals that meet the qualifying criteria for both hook and line and longline endorsements only receive a longline endorsement.

MOTION #13: MOVE SUBALTERNATIVES 2D AND 2E UNDER ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 2. Establish Initial Eligibility Requirements for a Golden Tilefish Hook and Line Endorsement.

Subalternative 2d. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 500 pounds gw (with hook and line gear) when the individual's landings from 1999-2008 are averaged.

Subalternative 2e. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 1,000 pounds gw (with hook and line gear) when the individual's landings from 1999-2008 are averaged.

****Guidance to replace the word "individual" within the subalternatives under Alternative 2 with "permit"****

MOTION #14: DESELECT SUBALTERNATIVE 2A UNDER ACTION 2 AS PREFERRED ALTERNATIVE.

Subalternative 2a. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 1,000 pounds gutted weight (gw) (with hook and line gear) when the individual's best three of five years from 2001-2005 are aggregated. (Sub-alternative devised by the GT LAP WG.)

MOTION #15: SELECT ALTERNATIVE 1 (NO ACTION) UNDER ACTION 2 AS THE PREFERRED ALTERNATIVE (DO NOT ESTABLISH A HOOK-AND LINE ENDORSEMENT).

Alternative 1 (No Action). Do not establish initial eligibility requirements for a golden tilefish hook and line endorsement

MOTION #16: MOVE SUBALTERNATIVES 2B, 2C, 2F, 2H, 2J AND 2K UNDER ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

Subalternative 2b. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 500 pounds gw (with hook and line gear) when the individual's best three of five years from 2001-2005 are aggregated. (Sub-alternative devised by the GT LAP WG)

Subalternative 2c. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 500 pounds gw (with hook and line gear) when the individual's landings from 2001-2005 are averaged.

Subalternative 2f. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 1,000 pounds gw (with hook and line gear) when the best 3 of 5 yrs 2001-05 are aggregated and at least 1 lb was landed in 2008.

Subalternative 2h. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 500 pounds gw (with hook and line gear) when the best 3 of 5 yrs 2001-05 are aggregated and at least 1 lb was landed in 2008.

Subalternative 2j. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 500 pounds gw (with hook and line gear) when the best 3 of 5 yrs 2001-05 are averaged and at least 1 lb was landed in 2008.

Subalternative 2k. To receive a golden tilefish hook and line endorsement, the individual must have a harvest level of 500 pounds gw (with hook and line gear) when the best 3 of 5 yrs 2001-05 are averaged and at least 1 lb was landed in 2007 or 2008.

MOTION #17: ADD AN ALTERNATIVE TO LOOK AT TIME SERIES FROM 2007-2010 AS THE QUALIFYING PERIOD AND INCLUDE SUBALTERNATIVES FOR THE LEVEL OF LANDINGS OF 10K, 20K, AND 30K POUNDS TO ACTION 3 (ELIGIBILITY REQUIREMENTS)

Amendment 18A (Black Sea Bass)

MOTION #18: MOVE ALTERNATIVE 4 AND ALTERNATIVE 3, OPTIONS 1, 3 & 4 UNDER ACTION 1A TO THE CONSIDERED BUT REJECTED APPENDIX AND MAKE ALTERNATIVE 3, OPTION 5 THE PREFERRED ALTERNATIVE.

Action 1a. Modify Rebuilding Strategy and Set ABC for Black Sea Bass.

Alternative 3. Define a rebuilding strategy for black sea bass that maintains a constant fishing mortality rate throughout the remaining years of the rebuilding timeframe.

Option 1. $F = 65\% FMSY$

Option 2. $F = 75\% FMSY$

Option 3. $F = 85\% FMSY$

Option 4. $F = FMSY$

Option 5. F = Frebuild (by 2016)

Alternative 4. Define a rebuilding strategy for black sea bass that modifies the fishing mortality rate throughout the remaining fishing seasons of the rebuilding timeframe. After the 2015/2016 fishing season the fishing mortality rate would be held constant until modified.

*****Intent that during rebuilding $OY = F$ rate to rebuild and then after stock is rebuilt, go to FOY*****

MOTION #19: SELECT ALTERNATIVE 2 UNDER ACTION 1B AS THE PREFERRED ALTERNATIVE.

Action 1b. Set an ACL for Black Sea Bass Fishery

Alternative 2. Set $ACL=ABC=OY$. This results in sector ACLs based on the existing allocations.

MOTION #20: SELECT ALTERNATIVE 1 AS THE PREFERRED ALTERNATIVE FOR ACTION 1C.

Action 1c. Set Annual Catch Targets (ACTs) for the Commercial Black Sea Bass Fishery.

Alternative 1 (No Action). Do not set an ACT for the commercial black sea bass fishery.

MOTION #21: SELECT ALTERNATIVE 4 UNDER ACTION 1D AS THE PREFERRED ALTERNATIVE AND ADD "RECREATIONAL" IN FRONT OF ACL.

Action 1d. Set Annual Catch Targets (ACTs) for the Recreational Black Sea Bass Fishery.

Alternative 4. The ACT equals $ACL*(1-PSE)$ or $RECREATIONAL\ ACL*0.5$, whichever is greater.

MOTION #22: UNDER ACTION 2, SELECT THE EFFECTIVE DATE OF THE FINAL RULE AS WHEN APPLICANTS MUST HAVE A VALID OR RENEWABLE SNAPPER GROUPER UNLIMITED PERMIT.

Action 2. Limit Participation in the Black Sea Bass Pot Fishery Through an Endorsement Program.

MOTION #23: DETERMINES THAT IT IS THE COUNCIL'S INTENT THAT NMFS ADMINISTRATIVELY PROHIBIT TRANSFERS OF UNLIMITED SNAPPER GROUPER PERMITS FOR THE NECESSARY AMOUNT OF TIME, NOT TO EXCEED 45 DAYS, UNTIL THE NEW ENDORSEMENTS ARE REQUIRED.

MOTION #24: SELECT A NEW ALTERNATIVE 2F AS THE PREFERRED ALTERNATIVE UNDER ACTION 2: 3,500 LB WW, EXCLUDE FISHERMEN WITH NO REPORTED COMMERCIAL BLACK SEA BASS POT LANDINGS BETWEEN JAN 1, 2008 AND DEC 31, 2010.

MOTION #25: ADD AN ALTERNATIVE TO ACTION 2 THAT STATES THAT NO STATE SHALL HAVE LESS THAN 2 PERMITS THAT QUALIFY, PROVIDED THAT NO PERMIT QUALIFIES WHERE THE MINIMUM AVERAGE LANDINGS ARE 1K POUNDS, 2K

POUNDS, OR SOME OTHER ALTERNATIVE(S) TO BE PROPOSED BY STAFF AND EVALUATED BY THE COUNCIL.

MOTION #26: ADD A NEW ALTERNATIVE 2G TO ACTION 2: 2,500 LB WW, EXCLUDE FISHERMEN WITH NO REPORTED COMMERCIAL BLACK SEA BASS POT LANDINGS BETWEEN JAN 1, 2008 AND DEC 31, 2010.

MOTION #27: MOVE ALTERNATIVE 3 UNDER ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 2. Limit Participation in the Black Sea Bass Pot Fishery through an Endorsement Program.

Alternative 3. Limit endorsement and tag distribution to black sea bass pot fishermen with valid or renewable (Council needs to decide when the permit would need to be valid i.e., upon implementation of this amendment or publication of the final rule?) commercial snapper grouper permits whose total black sea bass landings, using black sea bass pot gear, between 12/8/98 and 12/31/10 were at least:

Sub-Alternative 3a - 500 lbs whole weight. Exclude fishermen who had no reported commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010.

Sub-Alternative 3b - 1,000 lbs whole weight. Exclude fishermen who had no reported commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010.

Sub-Alternative 3c - 2,000 lbs whole weight. Exclude fishermen who had no reported commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010.

Sub-Alternative 3d - 5,000 lbs whole weight. Exclude fishermen who had no reported commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010.

Preferred Sub-Alternative 3e - 10,000 lbs whole weight. Exclude fishermen who had no reported commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010.

MOTION #28: ACCEPT STAFF RECOMMENDATION FOR WORDING CHANGES AND THAT ALTERNATIVE 2 UNDER ACTION 3 REMAIN THE PREFERRED ALTERNATIVE.

Action 3. Establishment of an Appeals Process for Fishermen Excluded From the Black Sea Bass Pot Endorsement Program

Alternative 1 (No action). Do not establish an appeals process for fishermen who believe they were incorrectly omitted from the black sea bass pot endorsement program based on eligibility criteria.

Alternative 2 (Preferred). The Regional Administrator would review, evaluate, and render final decision on appeals. Filing of an appeal based on landings data must be completed within 90 days of the effective date of the final regulations implementing the black sea bass endorsement program. Hardship arguments will not be considered. The Regional Administrator will determine the outcome of appeals based on NOAA Fisheries Service

logbooks. If logbooks are not available; the Regional Administrator may use state landings records. Appellants must submit NOAA Fisheries Service logbooks to support their appeal.

MOTION #29: ACCEPT THE RECOMMENDED LANGUAGE CHANGES AND NOT SELECT A PREFERRED ALTERNATIVE UNDER ACTION 4.

Action 4. Allow for Transferability of Black Sea Bass Pot Endorsements.

MOTION #30: CHANGE THE PREFERRED ALTERNATIVE TO ALTERNATIVE 9 UNDER ACTION 5.

Action 5. Limit Effort in the Black Sea Bass Pot Fishery Each Permit Year.

Alternative 9. Require that each black sea bass pot in the water or at sea on a vessel in the South Atlantic EEZ have an attached valid identification tag issued by NOAA Fisheries Service. Limit the black sea bass pot tags to 35 per vessel annually each permit year. NOAA Fisheries Service will issue new identification tags each fishing year that will replace the tags from the previous fishing year.

MOTION #31: MOVE ALTERNATIVES 5-8 UNDER ACTION 5 TO THE CONSIDERED BUT REJECTED APPENDIX.

Alternative 5. Limit the black sea bass pot tags to 100 per vessel in year 2011, 50 in year 2012, and 25 in year 2013. NOAA Fisheries Service will issue new identification tags each fishing year that will replace the tags from the previous fishing year.

Alternative 6. Require that each black sea bass pot in the water or at sea on a vessel in the South Atlantic EEZ have an attached valid identification tag issued by NOAA Fisheries Service. Limit the black sea bass pot tags to 100 per vessel in year 2011 and 50 in year 2012. NOAA Fisheries Service will issue new identification tags each fishing year that will replace the tags from the previous fishing year.

Alternative 7. Each permit year issue tags to individuals based on a 10% reduction in the number of tags issued as of 12/04/08.

Alternative 8. Each permit year issue tags to individuals based on a 25% reduction in the number of tags issued as of 12/04/08.

MOTION #32: SIMPLIFY ACTION 7 TO ELIMINATE THE USE OF MULTI-YEAR AVERAGES IN THE RECREATIONAL ACCOUNTABILITY MEASURES.

Action 7. Modify Accountability Measures for Black Sea Bass.

Guidance to specify that ACL increases are contingent on not exceeding the total ACL

MOTION #33: SELECT ALTERNATIVE 5 UNDER ACTION 9 AS THE PREFERRED ALTERNATIVE.

Action 9. Establish a Commercial Trip Limit for Black Sea bass (for all gear types).

Alternative 5. Establish a 1,250 pounds gw (1,475 pounds ww) trip limit.

MOTION #34: MOVE ACTION 10 TO THE CONSIDERED BUT REJECTED APPENDEX.

Action 10. Modify the Recreational Bag Limit for Black Sea bass.

MOTION #35: TO ACCEPT THE PROPOSED WORDING CHANGES IN ACTION 11 AND MOVE ALTERNATIVE 2B TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 11. Modify Commercial and/or Recreational Black Sea Bass Size Limits.

Alternative 2B. Decrease the recreational size limit from 12" TL to 11" TL.

MOTION #36: APPROVE SNAPPER GROUPER AMENDMENT 18A FOR PUBLIC HEARINGS.

Amendment 20 (Wreckfish ITQ)

MOTION #37: ACCEPT STAFF RECOMMENDATIONS FOR THE MINOR CHANGES IN THE LANGUAGE AND ACCEPT ALTERNATIVE 3 AS THE PREFERRED ALTERNATIVE IN ACTION 1.

Action 1. Define and revert inactive wreckfish shares.

Alternative 3. Define inactive shares as shares belonging to any ITQ shareholder who has not reported wreckfish landings in 2006-07 through 2010-11, and revert for redistribution.

MOTION #38: MOVE ALTERNATIVE 5 UNDER ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 2. Redistribute reverted shares to remaining shareholders.

Alternative 5. Redistribute reverted shares equally among all remaining shareholders.

MOTION #39: SELECT ALTERNATIVE 3, OPTION B AS THE PREFERRED ALTERNATIVE UNDER ACTION 2.

Alternative 3. Redistribute reverted shares to remaining shareholders based landings history.

Option b: landings history in fishing years 2006-07 through 2010-11

MOTION #40: REDISTRIBUTE ANY AMOUNT IN EXCESS OF THE SHARE CAP AMONG THE OTHER SHAREHOLDERS ACCORDING TO THE METHOD SELECTED IN ACTION 2, ALTERNATIVE 3B.

MOTION #41: SELECT ALTERNATIVE 4 UNDER ACTION 3 AS A PREFERRED ALTERNATIVE.

Action 3. Establish a share cap.

Alternative 4. Establish share cap as 49% of the total shares.

MOTION #42: SPECIFIES THAT IT IS THE COUNCIL'S INTENT THAT NMFS ADMINISTRATIVELY PROHIBIT TRANSFERS OF WRECKFISH SHARES FOR THE NECESSARY AMOUNT OF TIME, NOT TO EXCEED 45 DAYS, UNTIL THE REVERTED SHARES ARE REDISTRIBUTED.

MOTION #43: SELECT ALTERNATIVE 2, SUB-ALTERNATIVE 2B AS THE PREFERRED ALTERNATIVE IN ACTION 4, WITH THE REVISED ALTERNATIVES AS SUGGESTED BY THE IPT.

Action 4. Establish an appeals process.

Alternative 2. A percentage of the wreckfish shares for fishing year 2012/2013 will be set-aside to resolve appeals for a period of 90-days starting on the effective date of the final rule. The (RA) will review, evaluate, and render final decisions on appeals. Hardship arguments will not be considered. The RA will determine the outcome of appeals based on NMFS' logbooks. If NMFS' logbooks are not available, the RA may use state landings records. Appellants must submit NMFS' logbooks or state landings records to support their appeal. After the appeals process has been terminated, any amount remaining from the set-aside will be distributed back to remaining ITQ shareholders according to the redistribution method selected under Action 2.

Sub-Alternative 2B: Five percent of wreckfish shares will be set aside for appeals.

MOTION #44: APPROVE SNAPPER GROUPER AMENDMENT 20A FOR PUBLIC HEARINGS.

MACKEREL

The Council approved the following motions relative to Mackerel:

MOTION #1: DIRECT STAFF TO CONTINUE DEVELOPMENT OF AMENDMENT 19 TO EVALUATE A PROHIBITION ON SALE OF COASTAL MIGRATORY PELAGICS AND PERMIT ISSUES.

MOTION #2: DO NOT CONTINUE WITH A LAPP IN AMENDMENT 20 AND DIRECT STAFF TO WORK WITH COUNCIL TO EVALUATE ALLOCATING THE COMMERCIAL KING MACKEREL QUOTA AND OTHER ISSUES IN THE LIST PROVIDED.

SHRIMP

The Council approved the following motions relative to Shrimp:

MOTION #1: INCLUDE AN OPTION FOR SHRIMP AMENDMENT 9 WHICH WOULD AUTHORIZE THE RA, AT STATE REQUEST, TO CLOSE THE EEZ OFF THE STATE OR STATES REQUESTING TO THE SOUTH ATLANTIC SHRIMP FISHERY. STAFF SHOULD CONSIDER USING THE FOLLOWING CRITERIA AS POSSIBLE TRIGGERS: 1) WATER TEMPERATURES INSHORE, 2) DURATION OF WATER TEMPERATURES INSHORE, 3) DURING THE MONTHS OF DECEMBER, JANUARY OR FEBRUARY, AND 4) STATE SAMPLES REFLECT HIGH MORTALITY OF THE STOCK.

MOTION #2: DIRECT STAFF TO EXAMINE OPTIONS TO IMPROVE THE METHOD TO DETERMINE THE MSSST FOR PINK SHRIMP.

GOLDEN CRAB

The Council approved the following motions relative to Golden Crab:

MOTION #1: MOVE ACTION 1 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 1. Implement a catch share program for the golden crab fishery.

MOTION #2: MOVE ALTERNATIVES 5, 6 & 7 UNDER ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 2. Establish eligibility criteria for a golden crab catch share program.

Alternative 5. Restrict eligibility to valid commercial golden crab permit holders and golden crab captains and crew.

Alternative 6. Restrict eligibility to valid commercial golden crab permit holders and federally permitted golden crab dealers.

Alternative 7. Restrict eligibility to valid commercial golden crab permit holders, federally permitted golden crab dealers, and golden crab captains and crew.

MOTION #3: CHANGE 2009 TO 2010 IN ALTERNATIVES 2 AND 3 (UNDER ACTION 2).

Alternative 2. Restrict eligibility to current participants who have made landings of 1 pound or greater between 2001 and 2009/2010.

Alternative 3. Restrict eligibility to current participants who have made landings of 1 pound or greater between 2005 and 2009/2010.

MOTION #4: SELECT ALTERNATIVE 4 (UNDER ACTION 2) AS THE PREFERRED ALTERNATIVE.

Alternative 4. Restrict eligibility to valid commercial golden crab permit holders.

MOTION #5: USE THE CONTROL DATE (12/7/2010) PLUS 6 MONTHS TO RENEW AS A CUT-OFF FOR ALTERNATIVE 4 (UNDER ACTION 2).

MOTION #6: ESTABLISH THE TIMEFRAMES AS 1997 THROUGH 2010 IN ALL ALTERNATIVES AND SUBALTERNATIVES (UNDER ACTION 3).

Action 3. Establish vessel catch history initial allocation.

MOTION #7: MOVE TO CONSIDERED BUT REJECTED ALTERNATIVES 4, 5, 6, 7 & 10 (UNDER ACTION 3).

Alternative 4. Use 1998-2008 aggregate catch history for each vessel to allocate initial allocation to each vessel owner. Vessels with below 5% initial allocation receive an extra 2% per vessel excluding those receiving greater than 30% initial allocation on all vessels owned combined. The extra 2% comes out of highest share holder portion. Must have 25,000 pounds aggregate catch history from 1998-2008 to receive bonus.

Alternative 5. Use 1998-2008 aggregate catch history for each vessel only if vessel has catch history in 1998. Vessels with below 5% initial allocation receive an extra 5% per vessel excluding those receiving greater than 30% initial allocation on vessels owned

combined. The extra 5% comes out of highest share holder portion. Must have 25,000 pounds aggregate catch history from 1998-2008 to receive bonus.

Alternative 6. Use 2006-08 aggregate catch history for each vessel to allocate initial allocation to each vessel owner. Vessels fishing between 2007 and 2009 that get less than 10% initial allocation receive an additional 7% per vessel excluding those that receive greater than 20% initial allocation on vessels owned combined. The extra 7% comes out of highest share holder. Must have 50,000 pounds aggregate catch history from 2006-08 to receive bonus.

Alternative 7. Use 2006-08 aggregate catch history for each vessel to allocate initial allocation to each vessel owner. If vessels fished in the last 5 years and received less than 20% initial allocation, each vessel owner receives an additional 5% excluding those that receive greater than 20% initial allocation on vessels owned combined. The extra 5% comes out of highest share holder. Must have 50,000 pounds aggregate catch history from 2006-08 to receive bonus.

Alternative 10: Allocate through equal allocation of the total quota (ACL)

Sub-alternative 10a. 11 vessel owners

Sub-alternative 10b. 4 active vessels

MOTION#8: MOVE SUBALTERNATIVES C, D, E & F UNDER ALTERNATIVES 8, 9 & 11 (ACTION 3) TO THE CONSIDERED BUT REJECTED APPENDIX.

Sub-alternative 8c. Vessel catch history for 2005-2008. Must have 25,000 pounds aggregate to receive allocation portion.

Sub-alternative 8d. Vessel catch history for 2005-2008. Must have 50,000 pounds aggregate to receive allocation portion.

Sub-alternative 8e. Vessel catch history for 2002-2008. Must have 25,000 pounds aggregate to receive allocation portion.

Sub-alternative 8f. Vessel catch history for 2002-2008. Must have 50,000 pounds aggregate to receive allocation portion.

Sub-alternative 9c. Vessel catch history for 2005-2008. Must have 25,000 pounds aggregate to receive allocation portion.

Sub-alternative 9d. Vessel catch history for 2005-2008. Must have 50,000 pounds aggregate to receive allocation portion.

Sub-alternative 9e. Vessel catch history for 2002-2008. Must have 25,000 pounds aggregate to receive allocation portion.

Sub-alternative 9f. Vessel catch history for 2002-2008. Must have 50,000 pounds aggregate to receive allocation portion.

Sub-alternative 11c. Vessel catch history for 2005-2008. Must have 25,000 pounds aggregate to receive allocation portion.

Sub-alternative 11d. Vessel catch history for 2005-2008. Must have 50,000 pounds aggregate to receive allocation portion.

Sub-alternative 11e. Vessel catch history for 2002-2008. Must have 25,000 pounds aggregate to receive allocation portion.

Sub-alternative 11f. Vessel catch history for 2002-2008. Must have 50,000 pounds aggregate to receive allocation portion.

MOTION #9: MOVE ACTION 4 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 4. Establish eligibility for harvest [IPT recommends change language to “Establish eligibility to own shares”]

MOTION #10: ACCEPT THE STAFF RECOMMENDATIONS ON ALTERNATIVE 1 AND ALTERNATIVE 2 AND NOT INCLUDE ALTERNATIVE 3 (UNDER ACTION 5).

Action 5. Establish criteria and structure of an appeals process.

Alternative 1: No Action. Do not specify provisions for an appeals process associated with the catch shares program.

Alternative 2: A percentage of the golden crab shares for the initial fishing year under the program will be set-aside to resolve appeals for a period of 90-days starting on the effective date of the final rule. The (RA) will review, evaluate, and render final decisions on appeals. Hardship arguments will not be considered. The Regional Administrator will determine the outcome of appeals based on NMFS’ logbooks. If NMFS’ logbooks are not available, the RA may use state landings records. Appellants must submit NMFS’ logbooks or state landings records to support their appeal. After the appeals process has been terminated, any amount remaining from the set-aside will be distributed back to remaining catch shares shareholders according to the redistribution method selected under Action 2.

Sub-alternative a: Three percent of golden crab shares will be set aside for appeals.

Sub-alternative b: Five percent of golden crab shares will be set aside for appeals.

Sub-alternative c: Ten percent of golden crab shares will be set aside for appeals.

Alternative 3: A percentage of the golden crab shares for fishing year 2012/2013 will be set-aside to resolve appeals for a period of 90-days starting on the effective date of the final rule. The (RA) will review, evaluate, and render final decisions on appeals. Hardship arguments will not be considered. A special board composed of state directors/designees will review, evaluate, and make individual recommendations to RA on appeals. Hardship arguments will not be considered. The special board and the RA will determine the outcome of appeals based on NMFS’ logbooks. If NMFS’ logbooks are not available, the RA may use state landings records. Appellants must submit NMFS’ logbooks or state landings records to support their appeal. After the appeals process has been terminated, any amount remaining from the set aside will be distributed back to remaining ITQ shareholders according to the redistribution method selected under Action 2.

Sub-alternative a: Three percent of golden crab shares will be set aside for appeals.

Sub-alternative b: Five percent of golden crab shares will be set aside for appeals.

Sub-alternative c: Ten percent of golden crab shares will be set aside for appeals.

MOTION #11: SELECT ALTERNATIVE 2, SUBALTERNATIVE A (UNDER ACTION 5) AS THE PREFERRED ALTERNATIVE.

Alternative 2: A percentage of the golden crab shares for the initial fishing year under the program will be set-aside to resolve appeals for a period of 90-days starting on the effective date of the final rule. The (RA) will review, evaluate, and render final decisions on appeals. Hardship arguments will not be considered. The RA will determine the outcome of appeals based on NMFS’ logbooks. If NMFS’ logbooks are not available, the RA may use state

landings records. Appellants must submit NMFS' logbooks or state landings records to support their appeal. After the appeals process has been terminated, any amount remaining from the set-aside will be distributed back to remaining catch shares shareholders according to the redistribution method selected under Action 2.

Sub-alternative a: Three percent of golden crab shares will be set aside for appeals.

MOTION #12: MOVE ALTERNATIVE 2 (UNDER ACTION 7) TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 7. Define quota share ownership caps.

Alternative 2. Cap on ownership of quota share where the maximum percentage (quota share) initially allocated would serve as the ownership cap.

MOTION #13: MOVE ALTERNATIVES 6, 7 AND 8 (UNDER ACTION 7) TO THE CONSIDERED BUT REJECTED APPENDIX AND MODIFY ALTERNATIVE 5 TO INDICATE A MAXIMUM OF 49%.

Alternative 5. A maximum of 49% of the quota can be owned as shares by any one entity.

Alternative 6. A maximum of 55% of the quota can be owned as shares by any one entity.

Alternative 7. A maximum of 65% of the quota can be owned as shares by any one entity.

Alternative 8. A maximum of 75% of the quota can be owned as shares by any one entity.

MOTION #14: MOVE ACTION 8 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 8. Define annual pounds ownership caps.

MOTION #15: ADD REVISED ALTERNATIVES 1, 2 AND 3 BUT NOT 4 (UNDER ACTION 9).

Action 9. Use it or Lose it policy.

Alternative 1. Do not specify a minimum landings requirement for retaining shares.

Alternative 2. Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. "Inactive" is defined as less than 10% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period".

Sub-alternative 2a. Landed crabs only.

Sub-alternative 2b Landed crabs and/or transfer of annual pounds.

Alternative 3. Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. "Inactive" is defined as less than 30% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period"

Sub-alternative 3a. Landed crabs only.

Sub-alternative 3b. Landed crabs and/or transfer of annual pounds.

Alternative 4. Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. "Inactive" is defined as less than 50% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period".

Sub-alternative 4a. Landed crabs only.

Sub-alternative 4b. Landed crabs and/or transfer of annual pounds.

MOTION #16: ACCEPT THE REVISED WORDING AND SPECIFY THE FOLLOWING PREFERRED: SUB-ALT 2B, SUB-ALT 3B, AND SUB-ALT 4A (UNDER ACTION 10).

Action 10. Cost recovery plan.

Alternative 2. Cost recovery fees would be calculated at time of sale at a registered dealer.

Sub-alternative 2a: Cost recovery fees would be based on actual ex-vessel value of landings.

Sub-alternative 2b: Cost recovery fees would be based on standard ex-vessel value of landings, as calculated by NMFS.

Alternative 3: Fee collection and submission.

Sub-alternative 3a: shareholder.

Sub-alternative 3B: Dealer.

Alternative 4: Fees submitted to NMFS.

Sub-alternative 4a: quarterly.

Sub-alternative 4b: monthly.

MOTION #17: MOVE ACTION 16 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 16. Establish provisions for banking and borrowing.

MOTION #18: MOVE ACTION 17 TO THE CONSIDERED BUT REJECTED APPENDIX.

Action 17. Collection of royalties from resource use.

MOTION #19: CHANGE ALTERNATIVES 2 AND 3 (UNDER ACTION 18) TO 10% AND 20% RESPECTIVELY AND ADD LANGUAGE FOR A PAYBACK REQUIREMENT.

Action 18. Annual pounds overage.

Alternative 2. A person on board a vessel with the shareholder's only remaining golden crab allocation may exceed, by up to 10%, the shareholder's annual pounds remaining on the last fishing trip of the year.

Alternative 3. A person on board a vessel with the shareholder's only remaining golden crab allocation may exceed, by up to 20%, the shareholder's annual pounds remaining on the last fishing trip of the year.

MOTION #20: DIRECT STAFF TO ADD "IN CONSULTATION WITH STATE LE" TO BOTH SUBALTERNATIVES 2A & 2B AND SELECT SUBALTERNATIVE 2A (UNDER ACTION 19) AS THE PREFERRED ALTERNATIVE.

Action 19. Approved landing sites.

Alternative 2. Establish approved landing sites for the golden crab catch share program. All participants must land at one of these sites to participate in the program.

Sub-alternative 2a (perferred). Approved landing sites will be selected by fishermen but must be approved by NMFS Office of Law Enforcement (OLE) in consultation with State Law Enforcement prior to use.

Sub-alternative 2b. Approved landings sites will be selected by the Council and NMFS, in consultation with State Law Enforcement based on industry recommendations and resource availability.

MOTION #21: MOVE ACTION 20 TO THE CONSIDERED BUT REJECTED APPENDIX.
Action 20. Adjustments in Annual Allocations of Commercial ACL.

SEDAR

The Council approved the following motions relative to SEDAR:

MOTION #1: ACCEPT THE RECOMMENDED PROCESS FOR INCORPORATING SAFMC APPOINTED OBSTERVER COMMENTS.

MOTION #2: APPOINT THE FOLLOWING LISTED STATE AND ACCSP REPRESENTATIVES TO THE SEDAR 28 DW:

SC DNR: MARCEL REICHERT, JEANNIE BOYLAN, PIERCE WEBSTER, MIKE DENSON, JUSTIN YOST, KARL BRENKERT, MATT PERKINSON, DR. TANYA DARDEN, AMY DUKES AND JULIA BYRD

NC DMF: RANDY GREGORY, CHIP COLLIER, STEPHANIE MCINERNY OR ALAN BIANCHI AND DOUG MUMFORD

GA DNR: CHRIS KALINOWSKI AND JULIE CALIFF

FL FWCC: STEVE BROWN AND BEVERLY SAULS

VA MRC: JOE CIMINO

ACCSP: JULIE DEFILLIPPI

MOTION #3: APPOINT TOM OGLE, BOB PELOSI, RUSTY HUDSON AND ROBERT JOHNSON TO THE SEDAR 28 DATA WORKSHOP.

MOTION #4: APPOINT ANNE LANGE, MIKE DENSON, AND BOB MULLER TO THE ASSESSMENT WORKSHOP PANEL.

MOTION #5: APPOINT TOM OGLE AND RUSTY HUDSON AS OBSERVERS TO THE SEDAR 28 ASSESSMENT WORKSHOP.

MOTION #6: APPOINT LUIZ BARBIERI TO CHAIR THE SEDAR 28 REVIEW WORKSHOP AND STEVE CADRIN AS AN SCIENTIFIC AND STATISTICAL COMMITTEE REVIEWER.

MOTION #7: APPOINT BEN HARTIG AS THE COUNCIL OBSERVER TO SEDAR 28.

LAW ENFORCEMENT

The Council approved the following motions relative to Law Enforcement:

MOTION #1: CHANGE THE PROCESS FOR SELECTION OF LAW ENFORCEMENT OFFICER OF THE YEAR TO OBTAIN THREE NOMINEES FROM THE LAW ENFORCEMENT ADVISORY PANEL AND REQUEST THE ADVISORY PANEL PROVIDE THEIR TOP CHOICE.

MOTION #2: ASK THE LAW ENFORCEMENT ADVISORY PANEL TO SUBMIT THEIR NOMINEES TO THE COUNCIL AND THAT THE COUNCIL MEET VIA CONFERENCE CALL/WEBINAR TO SELECT A LAW ENFORCEMENT OFFICER OF THE YEAR AND PRESENT THE AWARD AT THE DECEMBER MEETING.

OTHER COUNCIL MOTIONS

MOTION #1: RECOMMEND TO THE REGIONAL ADMINISTRATOR THAT THE EXPERIMENTAL FISHING PERMIT FOR THE NORTH CAROLINA AQUARIUM BE APPROVED.