

**SUMMARY REPORT
FROM THE SNAPPER GROUPEr COMMITTEE
Charleston, SC
September 14-15, 2011**

The SAFMC Snapper Grouper Committee met on September 14-15, 2011 at the Charleston Marriott Hotel in Charleston, SC. The Committee discussed the following items:

Status of Commercial and Recreational Landings for Snapper Grouper Species

The SEFSC presented an overview of the current status of recreational landings while the SERO provided the status of commercial landings.

Comprehensive Annual Catch Limit (ACL) Amendment

The Committee received an overview of changes to the amendment since the August 9th, 2011 Council meeting. Several issues affecting sector allocations arose as the amendment was being finalized for submission to NMFS and Council staff presented an overview of such changes. The Committee made the following motions:

MOTION: ADOPT ALTERNATIVE 4 FOR SECTOR ALLOCATIONS FOR BLUELINE TILEFISH:

Specify allocations for species that do not currently have allocations between two sectors, commercial and recreational using data from 1986-2008. The commercial and recreational ACLs specified for 2011 would remain in effect beyond 2011 until modified.

MOTION FAILS (6/4)

**MOTION: RECOMMEND SUBMISSION OF THE COMPREHENSIVE ACL AMENDMENT TO THE SECRETARY OF COMMERCE
APPROVED BY COMMITTEE**

Regulatory Amendment 11

SERO staff provided an update on the status of Regulatory Amendment 11. The latter was approved for submission to the Secretary of Commerce at the August 2011 meeting. The amendment underwent a series of reviews and editorial changes and will be submitted to NMFS after the September meeting.

Amendment 24 (red grouper rebuilding)

Council staff updated the Committee on the public hearings that were held and the comments received on Amendment 24. Staff also presented suggested changes and recommendations to actions and alternatives in Amendment 24.

The Committee made the following motions:

Action 5. Specify Sector Allocations

MOTION: MODIFY OUR PREFERRED SUBALTERNATIVE 2E TO USE BOYLES LAW FOR 1986-2008 TIME SERIES

Subalternative 2e (Preferred). Commercial = 45% and recreational = 55% (Established by using 50% of average landings from 1986-2008 + 50% of average landings from 2006-2008).

APPROVED BY COMMITTEE

MOTION: MOVE ALTERNATIVE 3 TO CONSIDERED BUT ELIMINATED FROM DETAILED CONSIDERATION APPENDIX

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).

APPROVED BY COMMITTEE

Action 6. Specify Annual Catch Limits and Optimum Yield

MOTION: THE INCREASES IN 2013 AND 2014 WILL NOT AUTOMATICALLY OCCUR IF THE TOTAL ACL FOR THE PRECEDING YEAR IS EXCEEDED

GUIDANCE TO INSERT THE WORD "TOTAL" IN THE LAST SENTENCE OF ALTERNATIVES 2-4 AS FOLLOWS: ACLs will not increase in a subsequent year if present year projected catch has exceeded the total ACL.

APPROVED BY COMMITTEE

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

MOTION: ACCEPT SUGGESTED WORDING FOR ACTION 7.

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).

APPROVED BY COMMITTEE

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

MOTION: ACCEPT SUGGESTED WORDING FOR ACTION 8.

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 $ACL \cdot (1 - PSE)$ or $ACL \cdot 0.5$, 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)

APPROVED BY COMMITTEE

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

MOTION: ACCEPT SUGGESTED WORDING FOR ACTION 9.

Alternative 1 (No Action). Do not specify new commercial and recreational 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.

APPROVED BY COMMITTEE

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

MOTION: ACCEPT SUGGESTED WORDING FOR ACTION 10.

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 an 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 an 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.¹

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.

APPROVED BY COMMITTEE

Amendment 18B (Golden Tilefish)

The Committee initiated discussion of amendment 18B and made the motions below. However, the Committee recommended that further consideration of this amendment be delayed until the December 2011 Council meeting.

Action 1. Limit Participation in the Golden Tilefish Fishery

MOTION: SELECT SUBALTERNATIVE 2A AS THE PREFERRED

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

APPROVED BY COMMITTEE

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

APPROVED BY COMMITTEE

MOTION: MOVE SUBALTERNATIVES 2C AND 2D TO THE 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.

APPROVED BY COMMITTEE

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

MOTION: MOVE SUBALTERNATIVES 2D AND 2E TO THE APPENDIX

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"****

APPROVED BY COMMITTEE

MOTION: DESELECT ALTERNATIVE 2A AS PREFERRED

Subalternative 2a (Preferred). 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.)

APPROVED BY COMMITTEE

MOTION: SELECT ALTERNATIVE 1 (NO ACTION) 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

APPROVED BY COMMITTEE

MOTION: MOVE SUBALTERNATIVES 2B, 2C, 2F, 2H, 2J AND 2K TO THE 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.

APPROVED BY COMMITTEE

Amendment 18A (Black Sea Bass)

The Committee made the following motions:

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

MOTION: MOVE ALTERNATIVE 4 AND ALTERNATIVE 3, OPTIONS 1, 3 & 4 TO THE CONSIDERED BUT REJECTED APPENDIX AND MAKE ALTERNATIVE 3 OPTION 5 OUR PREFERRED.

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. $F = 65\% \text{ FMSY}$
- Option 2. $F = 75\% \text{ FMSY}$
- Option 3. $F = 85\% \text{ FMSY}$
- Option 4. $F = \text{FMSY}$
- Option 5. $F = \text{Frebuild (by 2016)}$

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 F_{OY} *****
APPROVED BY COMMITTEE

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

MOTION: SELECT ALTERNATIVE 2 AS OUR PREFERRED

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

APPROVED BY COMMITTEE

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

MOTION: SELECT ALTERNATIVE 1 AS OUR PREFERRED FOR ACTION 1C

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

APPROVED BY COMMITTEE

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

**MOTION: SELECT ALTERNATIVE 4 AS OUR PREFERRED AND ADD
"RECREATIONAL" IN FRONT OF ACL**

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

APPROVED BY COMMITTEE

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

**MOTION: SELECT EFFECTIVE DATE OF FINAL RULE APPLICANTS MUST
HAVE A VALID OR RENEWABLE SG UNLIMITED PERMIT**

APPROVED BY COMMITTEE

**MOTION: COUNCIL'S INTENT THAT NMFS ADMINISTRATIVELY
PROHIBIT TRANSFERS OF UNLIMITED SG PERMITS FOR THE
NECESSARY AMOUNT OF TIME, NOT TO EXCEED 45 DAYS, UNTIL THE
NEW ENDORSEMENTS ARE REQUIRED**

APPROVED BY COMMITTEE

MOTION: SELECT ALTERNATIVE 2D AS OUR PREFERRED

SUBMOTION: SELECT ALTERNATIVE 2C AS OUR PREFERRED

SUBMOTION: SELECT A NEW ALTERNATIVE 2F AS OUR

PREFERRED: 3,500 LB WW, EXCLUDE FISHERMEN WITH NO

**REPORTED COMMERCIAL BSB POT LANDINGS BETWEEN JAN 1,
2008 AND DEC 31, 2010
SUBMOTION APPROVED, BECOMES MAIN MOTION
MAIN MOTION APPROVED**

**MOTION: ADD A NEW ALTERNATIVE 2G: 2,500 LB WW, EXCLUDE
FISHERMEN WITH NO REPORTED COMMERCIAL BSB POT LANDINGS
BETWEEN JAN 1, 2008 AND DEC 31, 2010
APPROVED BY COMMITTEE**

**MOTION: MOVE ALTERNATIVE 3 TO THE CONSIDERED BUT REJECTED
APPENDIX**

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.

APPROVED BY COMMITTEE

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

**MOTION: ACCEPT STAFF RECOMMENDATION FOR WORDING CHANGES
AND THAT ALTERNATIVE 2 REMAIN OUR PREFERRED**

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.

Preferred Alternative 2. 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.

APPROVED BY COMMITTEE

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

MOTION: ACCEPT THE RECOMMENDED LANGUAGE CHANGES AND NOT SELECT A PREFERRED

APPROVED BY COMMITTEE

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

MOTION: CHANGE OUR PREFERRED TO ALTERNATIVE 9

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.

APPROVED BY COMMITTEE

**MOTION: MOVE ALTERNATIVES 5-8 TO 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.

APPROVED BY COMMITTEE

Action 7. Modify Accountability Measures for Black Sea Bass

MOTION: SIMPLIFY ACTION 7 TO ELIMINATE THE USE OF MULTI-YEAR AVERAGES IN THE RECREATIONAL ACCOUNTABILITY MEASURES
APPROVED BY COMMITTEE

MOTION: ACCEPT ALTERNATIVE 2 AS OUR PREFERRED

Alternative 2. Implement a March 1-April 30th spawning season closure for black sea bass, would apply to commercial and recreational sectors.

DISAPPROVED BY COMMITTEE

MOTION: MOVE ACTION 8 TO CONSIDERED BUT REJECTED APPENDIX

Action 8. Establish a Spawning Season Closure for Black Sea Bass

DISAPPROVED BY COMMITTEE

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

MOTION: SELECT ALTERNATIVE 5 AS PREFERRED

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

APPROVED BY COMMITTEE

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

MOTION: MOVE ALTERNATIVE 3 TO THE CONSIDERED BUT REJECTED APPENDIX AND MAKE ALT 1 OUR PREFERRED

SUBMOTION: MOVE ACTION 10 TO CONSIDERED BUT REJECTED

APPROVED BY COMMITTEE

SUB BECOMES MAIN

MAIN MOTION APPROVED BY COMMITTEE

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

MOTION: ACCEPT THE PROPOSED WORDING CHANGES IN ACTION 11

SUBMOTION: TO ACCEPT THE PROPOSED WORDING CHANGES IN

ACTION 11 AND MOVE ALT 2B TO CONSIDERED BUT REJECTED

APPROVED BY COMMITTEE

BECOME MAIN

Sub-Alternative 2b. Decrease the recreational size limit from 12" TL to 11" TL.
MAIN MOTION APPROVED BY COMMITTEE

MOTION: ADD ACTION 12 TO AMENDMENT 18A

Action 12. Allocate the Black Sea Bass Commercial ACL to Pot and Hook-and-Line Sectors

DISAPPROVED BY COMMITTEE

**MOTION: APPROVE SG AMENDMENT 18A FOR PUBLIC HEARINGS
APPROVED BY COMMITTEE**

Amendment 20 (Wreckfish ITQ)

Action 1. Define and revert inactive wreckfish shares.

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

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

APPROVED BY COMMITTEE

Action 2. Redistribute reverted shares to remaining shareholders.

**MOTION: MOVE ALTERNATIVE 5 TO CONSIDERED BUT REJECTED
(ACTION 2).**

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

APPROVED BY COMMITTEE

MOTION: SELECT ALTERNATIVE 3, OPTION B AS THE PREFERRED.

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

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

APPROVED BY COMMITTEE

**MOTION: REDISTRIBUTE ANY AMOUNT IN EXCESS OF THE SHARE CAP
AMONG THE OTHER SHAREHOLDERS ACCORDING TO THE METHOD
SELECTED IN ACTION 2 (ALTERNATIVE 3B)**

APPROVED BY COMMITTEE

Action 3. Establish a share cap.

MOTION: SELECT ALTERNATIVE 4 AS A PREFERRED (ACTION 3)

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

APPROVED BY COMMITTEE

MOTION: 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.

APPROVED BY COMMITTEE.

Action 4. Establish an appeals process.

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

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.

APPROVED BY COMMITTEE

MOTION: APPROVE SG AMENDMENT 20A FOR PUBLIC HEARINGS.

APPROVED BY COMMITTEE

**SUMMARY REPORT
FROM THE SAFMC MACKEREL COMMITTEE MEETING
Charleston, SC
September 13, 2011**

The Mackerel Committee met on September 13, 2011 in Charleston, SC. The committee received status reports on (1) commercial and recreational catches versus quotas for king and Spanish mackerel, (2) Mackerel Amendment 18/EA , (3) Terms of Reference and Appointments for SEDAR 28, and (4) items pending for future mackerel amendments.

The Committee directed staff to move forward with updating the data in Amendment 18, particularly the data in Table 2.16.4.1; the issue of alternative allocations for cobia will be evaluated in the future after MRIP numbers are available. The Committee expressed their intent to have the document submitted for formal review and implementation as soon as feasible.

The Committee discussed the TOR and Appointments but did not provide any specific recommendations. In evaluating items pending for future mackerel amendments, the Committee was provided a list of suggestions from Ben Hartig who could not attend the meeting; these suggestions come from the Decision Document (Attachment 5).

The committee approved the following motions:

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

APPROVED BY COMMITTEE

MOTION #2: DO NOT CONTINUE WITH 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

APPROVED BY COMMITTEE

[Note: The list from Ben Hartig is shown below. In addition, the issue of undersized Spanish mackerel in the NC pound net fishery will be evaluated to determine whether a regional and/or seasonal exemption may prevent discards.]

List of options from Ben Hartig for items that have been removed from other amendments; they track the same order as they come occur in the decision document (Attachment 5).

1. AP Motion #8: Change the king mackerel size limit.

- A) 23 inches
- B) 22 inches
- C) Status Quo (24 inches)

Rationale: In the late winter and early spring we catch predominately smaller kings, a number of which are under size. 23 inches will solve most of the discard problem. 22 inches will virtually eliminate all discards. Lowering the size limit substantially reduces discard mortality as the smaller kings are more susceptible to hook mortality.

2. AP motion: Retention of 1 king mackerel greater than 50 inches.

Rationale: This was a motion from a recreational fisherman. My concern is how does the average recreational fisherman get a large king in the boat and measured without significantly reducing its chance of survival?

[4.2) 60 Spanish mackerel recreational boat limit. Was discussed in Amendment 18.]

3. Commercial Trip limits; Spanish Mackerel:

1) April 1st- March 31st, Monday-Friday, 3500 pounds; Weekends 1500 pounds Reduce trip limit to 1500 pounds when 75% of quota is landed. 500 pound trip limit after quota is caught. This is an adjusted allocation which compensates for estimated catches of 500 pounds per vessel per day to end of season. Based on previous 3 year average landings?

Option 2) April 1st- September 30, 3500 pounds. October 1st-November 30, 5000 pounds (Monday-Friday, 1500 pounds weekend) Dec 1-March 31 1500 pounds. 500 pound set aside.

Option 3) April 1-November 30, 3000 pounds, December 1, 2000 pounds until 80% of quota is landed. 500 pounds until quota is caught.

Rationale: The unlimited season is no longer needed. Most fish houses have limited their gillnet vessels to 3500-5000 pounds due to quality and marketing concerns. The above options are designed to generate discussion at the scoping level. The seasonal fall gillnet fishery in FI is usually over by mid-November.

4. King Mackerel Trip Limit:

Increase trip limit for the shark driftnet fishery. This option was designed to coincide with a limited access plan for the shark fishery. This option is not appropriate until the number of vessels in the shark driftnet fishery are limited.

4.1.1.5 State King and Spanish Mackerel Commercial Allocations:

- 1) Allocations by individual states.
- 2) Split the king and spanish mackerel commercial allocations into a combined NC/SC and GA/FI State commercial quotas.

5. Spanish Mackerel Gillnet Endorsement:

Qualifying Poundages For a Commercial Gillnet Endorsement Based on the New Control Date (? 2010)

- 1) 30,000 pounds,
- 2) 20,000 pounds
- 3) 10,000 pounds

Rationale: The fishing power of gillnets is substantially higher than cast net and hook and line gears. In the past there was an equitable ballance among the gears. In recent years there have been additional vessels entering the gillnet fishery and this will negatively impact hook and line and cast net fishermen as the gillnets catch occurs earlier in the season, than the other gears.

6. Permits:

Should be separated by council jurisdictions for cobia, king and Spanish mackerel. May want to have some limited landings qualifications to obtain the different permits as there are a number of fishermen from the SE coast that have had significant landings of Gulf king mackerel in the Gulf for a number of years. This effort is unidirectional. Very few Gulf vessels fish on the SE coast.

7. Future Participation for King and Spanish:

- 1) No catch shares.
- 2) Use the 2010 control date.
- 3) Include a two for one permit option definitely for kings. For Spanish you will have to wait for the permit to be mandatory before the permit numbers are known.
- 4) Address Latent Permits in the king mackerel fishery with landings qualifer options based on the 2010 control date.
- 5) Require the Federal Spanish mackerel permit to harvest Spanish mackerel in state waters. Rationale: Consistent with legal requirements for king mackerel and S/G. 2012 quota was exceeded in 8 of the past 10 years.
- 6) To qualify for a king or Spanish mackerel permit the applicant must prove that 75% of their current income comes from commercial fishing in one of three years. Same for renewals.
- 7) Spanish mackerel permit qualifiers based on level of landings using 2010 control date. In one of past 3 years. 30,000 lbs, 20,000 lbs, 10,000 lbs.
- 8) Allow a bycatch of 50, 100, 200 pounds of Spanish mackerel for commercial vessels that do not qualify for a permit.