

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**GOLDEN CRAB COMMITTEE**

**Sea Palms Resort and Conference Center  
St. Simons Island, GA**

**March 8, 2011**

**SUMMARY MINUTES**

**SOPPs Committee**

Duane Harris, Chair  
Dr. Brian Chevront  
Doug Haymans

David Cupka, Vice-Chair  
George Geiger

**Council Members**

Robert Boyles  
Dr. Roy Crabtree  
Ben Hartig  
Dr. Wilson Laney  
Charlie Phillips  
Tom Swatzel

Tom Burgess  
Mac Currin  
LTJG Matthew Lam  
Vince O'Shea  
Mark Robson

**Council Staff:**

Bob Mahood  
John Carmichael  
Dr. Mike Errigo  
Anna Martin  
Andrea Grabman  
Julie O'Dell

Gregg Waugh  
Mike Collins  
Dr. Kari MacLauchlin  
Kate Quigley  
Kim Iverson

**Observers/Participants:**

Dr. Bonnie Ponwith  
Jessica McCawley  
Lt. Brandon Fisher

Monica Smit-Brunello  
Bob Gill  
Dr. Jack McGovern

Other Participants Attached

The SOPPs Committee of the South Atlantic Fishery Management Council convened in the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, March 8, 2011, and was called to order at 1:00 o'clock p.m. by Chairman Duane Harris.

MR. HARRIS: The first item on the SOPPs Committee agenda is approval of the agenda. Is there any objection to approving the agenda as it's written? Seeing none, the agenda is approved. The second item is approval of the minutes of the December 2010 SOPPs Committee meeting.

That was about the longest SOPPs Committee meeting we've had in a long time; 7 minutes long. Are there any additions or deletions or changes to those minutes? Seeing none, those minutes are approved. I'm going to call on Bob and Mike to lead us through what we have before us today. It's approval of new SOPPs for the South Atlantic Fishery Management Council; the first time in how many years, Bob?

MR. MAHOOD: I think it was in '96 the last time we actually got anything through the system.

MR. HARRIS: So this is an exciting day for us, so I just want you to keep that in mind as we go through these.

MR. MAHOOD: The first attachments are the background material, which consists of the final rule, the model SOPPs, and the model SOPPs is actually the North Pacific Fishery Management Council SOPPs. Also for background, there is a copy of our SOPPs that is approved by the council for 2004 with additional pieces here and there that we've added on.

And then the last item is the major document that Mike worked on, and that is the Draft SOPPs that we would be sending to the Secretary of Commerce. Now, the intent here today is to go through that and make any changes you'd like to make, any modifications. We'll tell you what input we've had into it. Then the next step is at the CCC meeting in May all of the councils are going to bring their approved SOPPs by their council and go through and make sure we're on the same page.

Then after that what we would like to do, since we reference our Administrative Handbook, our SSC Policy and our AP Policy as part of the SOPPs but we reference it, we would then plan on going over those three documents in June to kind of finalize the total package. If that's okay, Mr. Chairman, that's the plan.

MR. HARRIS: Whatever you want to do.

MR. MAHOOD: And then also in June if we come back and some of the councils decided, no, we don't want to include this or we need to put this or type of thing, we can make those additions. This won't be an approval for submission I guess is what I'm saying.

MR. HARRIS: This is just a preliminary approval.

MR. MAHOOD: Right. And with that I guess if you look at Attachment 3B, that's the document we'll be going through. We had these on the agenda the last time, the model SOPPs and the final rule. Unless somebody wanted to talk about those, Mr. Chairman, we'll go right to what Mike and I have been working on.

MR. HARRIS: Is that okay with the committee; I think it probably is. Proceed.

MR. COLLINS: Basically, the philosophy I used when I started working with this was to take the model SOPPs we got from Bill Chapel's office, pull out the things that were unique to the North Pacific, make sure that everything that was in the final rule was implemented into the draft; and anything that I added that wasn't final rule oriented, I put in the color of blue.

I had a bunch of questions for Bob. We went through those. They were in red; there are still a few things in red, particularly one that a council member has brought up for discussion. That's basically how I put it together.

MR. MAHOOD: One additional thing, most of the working between the model SOPPs and our SOPPs was exactly the same because initially they had all come from the same documents or the same guidance. Where we have varied from the model SOPPs, we went ahead and included our language we liked better than what was in the model SOPPs. Although it talks about the same things, some things are a little bit different. When we get to that, we'll tell you what that is.

MR. HARRIS: Do you just want to go through it one page at a time and see if there are any comments or questions?

MR. MAHOOD: I don't know; I suspect with all the material that is dumped on everybody, I don't think they probably had the time to go in detail through the SOPPs. Most of it nothing changes. There wasn't a whole lot in the final rule that changed our SOPPs whatsoever, but the model SOPPs had a little more detail, which is fine. It doesn't infringe on our ability to make changes to our Administrative Handbook.

One thing, as we go through, you'll see we reference the Administrative Handbook a lot. The thought is that I think we'll be fortunate if the SOPPs ever really get approved just from past history. Now, I'm not being down on NOAA General Council; I'm not being down on NMFS, it just turns out there is never time. There are so much more pressing issues.

The timeline now – when you ask when they'd like to get them, they say sometime between now and the end of the year; the sooner, whatever. We certainly will get ours well before the end of the year, but we don't want to put things in the SOPPs, that if they do go through approval process, that would then necessarily have to be changed relative to our day-to-day operations. That is where we have those types of things in the Administrative Handbook.

The thought is amongst the councils is that is where we will be able to alter things as a council as opposed to going through the whole process, because the process that is outlined in the rule is pretty convoluted and pretty time-consuming. Anyway, with that, Mike, do want to go ahead and start.

MR. COLLINS: On Page 4 of the PDF, basically it just covered specific information as to our identity, how to get in touch with us, that type of thing. Again, the items that are in the black came from the model. The next page, again I added some things that were specific to the South Atlantic under Paragraph 2.0. The next page, again just filling in blanks specifying specifics as the southeast director, that type of thing.

DR. LANEY: Excuse me, Mr. Chairman, I'm not on your committee, but, Mike, it would clarify things a tiny bit if under Item 1 under non-voting members, if you just add the word "regional" in between "southeast" and "director" there.

MR. MAHOOD: That's the other thing as we go through this, I don't think we need to vote on anything if people reach consensus. If they don't reach consensus, then you might, at your discretion, Mr. Chairman, have a vote. We'll be glad to include any changes.

MR. HARRIS: No, if somebody makes a suggestion and there is no objection to it, we'll just accept it as if it were by consensus.

MR. COLLINS: Okay, I've added that, Wilson, thank you. The next page, there is a question here in red dealing with if we wanted to specify the maximum number of terms.

MR. HARRIS: What is the pleasure of the committee?

MR. MAHOOD: Historically, as you recall, we've never really had a term limit. Anyway, it used to be one term as the chairmanship. Then once we got into the CCC operation where we were interacting with the other councils, very often I came back and recommended that the chairman at least serve two years.

I was taking a chairman every year to a meeting where he didn't have any concept of what had been going on. The way we have it now is informal and there is nothing in black and white about it, but we informally moved to where our vice-chairman serves two years, the chairman serves two years, and then assuming the vice-chairman is reappointed he then – let's put it this way, I don't remember the last time.

The software that I had my ballot on probably wouldn't even open on my computer, it has been that long. That's pretty much how we've operated. I don't know that we need – there is no requirement to have a set number.

MR. HARRIS: I'm satisfied with it as it is, but I'll entertain any other comments with respect to this issue. Seeing none, let's on.

MR. MAHOOD: We can strike that, Mike.

MR. COLLINS: Okay, moving on, again we have in the green the specific wording that was in the final rule, and we refer at the end of that specific details directing people to the Administrative Handbook so that we have some flexibility to make quick changes. At the top of the page, again language in the rule.

MR. HAYMANS: I have a question regarding advisory panels. Is it in code or it states the period with which advisory panels are selected? Regarding advisory panels, it is code that stipulates the period that they are selected? Currently we go in June right. It's not here in SOPPs?

MR. MAHOOD: Yes, it's in our Advisory Panel Policy that you don't have in here right now. We'll work on that at the June meeting.

MR. COLLINS: I think that's where we refer in Paragraph 2.6.1 to the Advisory Panel Handbook. Again, this is just going down the line, either formal rule language or in the blue what we've put in here. Okay, we've got Page 11 of the PDF – and I don't remember exactly what the question was on that, Bob, procedure for proposed regulations.

MR. CUPKA: I can wait or we can go back now, but I had question on Page 9.

MR. HARRIS: Let's go back.

MR. CUPKA: This deals with the Council Coordination Committee. The second sentence there, it says, "The chairs, vice-chairs and executive director shall be voting members." Last year the CCC – as you recall, it was formally organized when the Magnuson was reauthorized this last time, but at our last CCC meeting we adopted operating procedures which said that we would normally operate by consensus, but if someone wanted to make a motion or required a vote, that we would vote, but each council would have one vote, and that would be the council chairman.

Now, obviously, all three of us would get together before just like they do at ASMFC and see how we wanted to vote; but I guess depending on how you read this, it may or may not be consistent with what the CCC has adopted as its operating procedures. I've asked Monica about that, but I don't know if it's worth worrying about or not.

You could read it – if you just read it that way, you might get the impression each council has got three votes, which according to our procedures we don't. I guess you could consider that any one of those three individuals could vote. For example, if the chairman wasn't there or stepped out or something, the vice-chair could vote on behalf of the council. It's a little bit unclear I think, a little bit of discrepancy there.

MR. COLLINS: Okay, I've highlighted that and we can clean up some of the language.

MS. SMIT-BRUNELLO: Well, David, I think you'd have to read it in conjunction with the way that the CCC runs itself; so I think that when you read those two provisions together, three of those people from the council can vote, but it is going to be one who does the vote. I guess we could clean it up a little bit and make it a little more specific to that.

MR. MAHOOD: Yes, I think maybe it will have to be cleaned up at the CCC end because this is language right out of the rule, I believe, wasn't it?

MR. COLLINS: This is language that we put in.

MR. HARRIS: Yes, it seems to me, Bob, that sentence can just be rewritten to make it consistent with what the CCC has already adopted, and then I think we're okay. Does that suit you, David?

MR. CUPKA: Yes, that's fine; I just think it would be better to clarify it, but again I don't think this came from the Act. I think this was recommended, this model wording, but we can clean that up.

MR. MAHOOD: Yes, and we can just put a sentence to say something like "as per CCC operational procedures there may be a quorum, one vote from a" – well, whatever it is, we need to get together – caucus.

MR. HARRIS: Let Mike figure it out.

MS. SMIT-BRUNELLO: And that's probably a good idea, David. I'm glad you caught that because these will eventually be put on the website; so if the members of the public see them, it should be real clear as to how that voting works.

MR. MAHOOD: Okay, I looked at that in red and the reason I have that as a question is I had put together a number of pieces to meet the mandate of the rule, and this has to do with deeming process. We say our proposed regulations are developed either by a contractor or by the Southeast Regional Office staff working in conjunction with the council staff" and that is unique to some of the operations although we don't have a person right at this point in time.

But then the part I had a question about, it says, "In the event this is not possible or if additional minor modifications must be made to the proposed rule, the council has given the chairman authority to deem the proposed regulations as necessary and appropriate." That gives the authority to the chairman right here as opposed to we were doing it on kind of a piece-by-piece basis and actually voting to do that. This gives him that authority in the SOPPs to do that. I just wanted to make sure that was okay with everybody.

MR. HARRIS: It's okay with me; I defer to Monica as to whether it will satisfy – whether we're still going to have to deem it on each and every plan or plan amendment. Monica.

MS. SMIT-BRUNELLO: Well, sure, you're going to have to deem the regulations as they come up along with the amendment. The only thing that has me a little concerned is in the event this is not possible, and that refers to the council approving the regulation at the time they approve the plan or amendment.

I have no problems with if additional minor modifications must be made to the proposed rule, the council has given the chairman the authority, but I'm not sure that the council can delegate to the chairman approval of the regulations if the council has never voted on them. That said, let's leave it like it is and I'll try to get you my final recommendation by the time the council meets this week.

MR. MAHOOD: Yes, before it hasn't been a problem because we've always had the rule with the final document; but now that we don't have Perry Allen, I'm not sure if we'll be working with the region. They have a number of councils that they have to administer to with writing the rule. Hopefully, we'll be able to still coordinate that and get it worked out.

MR. CUPKA: And that's what we did here recently I think with our regulatory amendment.

MR. MAHOOD: Yes, the most recent one – the difference is we've been voting at each meeting to give the chairman that authority, and this just gives him – it says this is the authority he has. It just saves one action at each meeting.

MR. HARRIS: Well, I'm not so sure because that was the question I just asked Monica and she said we would have to do that for each action. Monica.

MS. SMIT-BRUNELLO: Well, what I meant – and I have been more clear – you're going to vote on the proposed regulations. The council is going to have to deem them at each meeting, and that's what I meant. But this language, if this gets approved, then this would take care of the whole delegation business, so you would not have to say at each council meeting, when you vote on the regulations, that we give the chairman the authority. This would take care of that.

MR. HARRIS: Okay, thank you, I needed that clarification.

MR. COLLINS: Okay, as we continue you'll see language in blue on the next page that came from the model SOPPs and then below that you'll see Tom Swatzel's request as to some substitute language. I'll open this up to Tom.

MR. SWATZEL: I think the language in blue is actually from our existing SOPPs.

MR. MAHOOD: Correct.

MR. SWATZEL: Okay, I was just simply – and I'm not a member of the committee, but just simply asking the council and this committee to consider adopting the language from the model SOPPs and deleting the language from our current SOPPs. I think that language is unduly burdensome in terms of requiring a minority report to be declared within three days and then having to follow that up with a report within 30 days, particularly if the submission to the secretary you may take much longer than that. So just out of fairness, just asking that we adopt the language from the model SOPPs concerning minority reports.

MR. CUPKA: Mr. Chairman, I don't have a problem with the three-day thing or the thirty days. I think the key, though, was that the minority report has to be ready to be submitted when the council documents go in. What I don't want to see happen is – if that's everyone's understanding, but maybe it needs to be spelled out – I don't want to see a situation where action is held hostage to waiting for a minority report to be completed; as long as we understand that the amount of time that they have available to do a minority report depends on when the paperwork is going to be submitted from the council, but they both should be submitted at the same time, I believe.

MR. HARRIS: David, I agree. That was my concern when I first read this is that I could envision a situation where a minority would use this to hold a plan or a plan amendment hostage and keep it from being submitted in a timely fashion. As long as that's not the case, I'm fine with going with the model SOPPs.

MR. MAHOOD: Okay, the model SOPPs language is the first paragraph under Tom's name, and we will remove your name from it. Is that what everybody wants to leave in, that first paragraph and delete what we have in the blue? Okay.

MR. COLLINS: Okay, continuing on basically you will find specific rule language in green and then filling in certain things that were unique to the South Atlantic.

MS. SMIT-BRUNELLO: If we could just real quick go back to Tom Swatzel's request, that language, how did you all decide you were going to handle the submission of the minority report? What was the consensus? If the minority report is not ready at the time the majority report, if you will, is going to be submitted, the majority report gets submitted anyway? I just kind of wondered because of the whole hold hostage idea. I know right now with all these council members you have an idea of how that is going to be handled, but new council members can come along, and so I'm just kind of curious as to what you finally decided on that.

MR. MAHOOD: This came out of the North Pacific's Model SOPPs, and I called Chris Oliver and asked that specific question, who sets the timeframe for the minority report being done. He said it has got to be done at the same time the action is going in or it doesn't get submitted. They have to meet the deadlines for the major action being submitted to the secretary.

MS. SMIT-BRUNELLO: So you, though, as the executive director need to know – if you're not going to know within three days that there is a minority report – and that's fine. I agree, that's a pretty quick time period. But, you're going to have to know that there is a minority report that is being developed out there so that you know that it should be included, and you can communicate with that council member saying, "I'm giving you a yellow flag here that you've got one week to finish this because we think we're going to submit it in a week." There has got to be that kind of back and forth, I would imagine.

MR. MAHOOD: Right, and I think the last case of a minority report, it was actually more than three days had gone by when it was decided, and that certainly doesn't preclude people from doing it. But, you're right, we need to know. What we try and do is you recall at each meeting as we take the final vote, we try to give the council some idea when that will be submitted. Again, that has to be the driving force. You can't hold it hostage by holding off on your minority report.

MR. HARRIS: Well, let me ask another question. Monica, think about this situation; if, for example, a minority does not inform the council that it is going to submit a minority report and the council is preparing and moving forward and submits the plan or plan amendment, there is nothing that precludes a minority from submitting a minority report following that time. It's just not going in with the plan or plan amendment, right?

MS. SMIT-BRUNELLO: That's right.

MR. CUPKA: Yes, but the people up the line that review this, they have to have a complete record. I mean, if they make a decision on something and then a minority report comes in, it just seems to me it's not fair to the people in the NOAA who are reviewing these things for approval.

MS. SMIT-BRUNELLO: Well, I think you'd almost treat it like a comment, like how you publish the proposed rule and the amendment, you almost have to treat it along the same lines as if this is a comment. It carries some weight because it's from council members, of course, but I'm not sure how you would deal with it any other way. You're right, the decision-maker needs to have all the information in front of him. I would argue you treat it like a comment.

MR. HARRIS: Okay, any further comments on that issue? Let's move along.

MR. MAHOOD: The question I had, Mike, was on 3.2.7, consideration of information. That came out of our SOPPs, right? Okay.

MR. COLLINS: That's correct; 3.2.7 came from our original SOPPs. I sent out a new Page 14 to you last week. I missed a line when we did this.

MR. MAHOOD: What about 3.4, closed meetings, anybody have any questions about those? That's language straight out of the final rule.

MR. BOYLES: Mr. Chairman, I'm not on your committee. At the top of Page 13, "Without the notice required above, the council, SSC, AP or other committees may briefly close a portion of a meeting to discuss employment," which I understand, "or other internal administrative matters." Bob, can you clarify what an "other internal administrative matter" is?

MR. MAHOOD: Appointment of AP members, SSC members; that's two examples; if had a personnel file a grievance or something like that.

MR. HARRIS: And that's straight out of the model SOPPs.

MR. COLLINS: Actually the green is straight out of the rule.

MR. HARRIS: I mean the rule.

MR. COLLINS: Okay, just keep rolling through; again, when we get down into this part, we're talking a lot about administrative personnel decisions and procedures so we refer to the Administrative Handbook again so that we have the flexibility to make quick changes. We did notice something in the final rule that was a bit strange, but it's there, is SSC applications; they have to fill out a financial disclosure 45 days before being appointed now. I got with John and we're just going to include a financial disclosure in the package for SSC applications and fix it that way. That's on Page 19 of the document.

MS. SMIT-BRUNELLO: Mike, I think it's a good idea when you do that – I think it's a great idea to include that financial disclosure form, but you might want to put on there that is not like the – somehow that it's not like the council's financial disclosure in that it doesn't go on the

council's website and it's kept NMFS, I guess, the Fishery Service, but it's not distributed to the public necessarily. I don't want that to dissuade them from applying to be on the SSC.

MR. COLLINS: Okay. Basically, again it's just kind of internal procedures, of course, dictated by the government on accounting procedures and that type of thing as we finish up audits and financial reporting. We add at the end – we weren't sure where to put it other than at the end about habitat concerns and how the council can weigh in on actions from other agencies that they have a concern about.

MR. MAHOOD: And that was included in our original SOPPs.

MR. HARRIS: Yes, and it has been standard operating procedure for years.

MS. SMIT-BRUNELLO: Way back on 5.0, standards of conduct for council members, staff and SSC members, I will give you the website, if you don't have it, that links to the Department of Commerce Ethics Division and they have those right online that you can look at online. If you want to put that link in here, I'll make sure you get it.

MR. HARRIS: This is under 5.0?

MR. HARRIS: Yes.

MR. COLLINS: Page 18 of the PDF.

MR. HARRIS: Yes, I think it would be helpful to do.

MR. MAHOOD: What was the website reference?

MS. SMIT-BRUNELLO: The Standards of Conduct for council members, staff and members; it says please see rules of conduct under both of those, either for employees or for council members, but it doesn't say where you can get those rules of conduct. You could put the link in that links right to the Department of Commerce Ethics – David Maggi's shop. He has got an ethics division there where they have those right online. Council members can view them online, the public can view them via the internet. It might be handy to have a citation to where you can find those.

MR. HARRIS: I think that's a good suggestion and we'll do that.

MR. MAHOOD: Yes, that is a good idea, but what we were thinking of is the booklet that comes out annually, but the public wouldn't really know that, I guess.

MS. SMIT-BRUNELLO: Right, and that booklet is also online; it's the same thing.

MR. HARRIS: Okay, we're at the end; are there any other comments or questions with respect to these new SOPPs? Bob or Mike, anything else we need to do today? Ben.

MR. HARTIG: I've got a question about where in the council/committees would we discuss how we do our business at public hearings? I'd like to see the council at some future meeting sit down and discuss the way public hearings are being conducted. Myself, personally, I have some problems with the way we're doing business and I've talked it over with some other people. Where we would do that, Bob, where we could possibly do that?

MR. MAHOOD: Well, we'll be talking about the Administrative Handbook which tends to get into more detail. At the June meeting we certainly can make that one of the items that we look at. Are you talking about having the three o'clock to seven o'clock, five rooms with fourteen different actions, that type of thing, or are you talking about just in an individual hearing and calling on people?

MR. HARTIG: Yes, exactly, the way we deal with the public at a hearing and also to change the hours of the hearing, possibly, where council members could interact with the public in those rooms prior to when we take public comment. I think that would go a long way. I've seen that as a real problem. Possibly we could get some of the questions that they ask at the podium answered in those meeting rooms.

MR. MAHOOD: They are answered in the meeting rooms, Ben.

MR. HARTIG: No, I know, but I mean as a council member coming into that thing, immediately I have to go into the room just taking comment. I would like to be more involved, talking with staff, one on one on fishermen and fishermen's groups about the different things we're trying to do and why we're doing them. Different people have different viewpoints and I think it would be constructive.

MR. MAHOOD: I got an earful from Chairman Cupka about that. It never occurred to me because I was going from room to room and heard what was going on. I get done with the meeting and all David has heard are the people that are actually doing the standard, you know, we can't talk to you, testify type meeting, and he missed out on a lot of the stuff that was going on and talking to the fishermen.

We've talked about that and we're going to look at several different options in that process. We may not start the actual testimony two hours after we start the four-hour session. Maybe that would also encourage people to go talk to somebody in a room that could maybe explain what is going before they get in there to testify. But in many cases, as you well know, that doesn't make a bit of difference.

MR. PHILLIPS: Mr. Chairman, I'm not on your committee but I remember going to NEPA training down in St. Pete I guess a year ago or something, and they had somebody come in and she brought in and showed some methodology of bringing a lot of people in that had different issues and ideas, and they moved in between groups and they gave them items, and they said come up with answers; don't just, you know – and mingle and talk.

I thought it was very interesting and very constructive of how you could get people that came from all these different stakeholder views to work together and try to get them to work together

instead of what we normally get is just getting blasted. And when we can get these different stakeholders and maybe work out some methodology where we can do some workshops somehow, I think it might be very helpful to us and the public.

MR. MAHOOD: You're talking about like a facilitated meeting where you try to reach consensus. The problem we have, as you know, Charlie, is nobody is going to want to do what we have to do, and so that makes it hard to reach any kind of consensus at a facilitated meeting.

MR. HARRIS: I think one of the best ideas I've heard is that we don't start the public testimony for a couple hours following the initiation of the meeting. Charlie and I both went up to the testimony room, but the people were just kind of coming in along and along and we just ended up if nobody was ready to testify, we just engaged in a question-and-answer session, and it worked really, really well, but it's not the way we would normally do it.

MR. BOYLES: Mr. Chairman, again I'm not on your committee. I'm all for finding ways to perfect the way we do interaction with the public. However, I hope just for the record we're not talking about going back to the old grandstanding days where we got a room full of folks and people were not so much commenting to the council as playing to the crowd. I want to be clear on that, that I'm not interested in going back that way.

MR. COLLINS: Each venue is different, also. What happened to Georgia, that's normal how it happens at Pooler, but certain venues where there is going to be four hours of solid, no-break testimony; so if you postpone the council member taking testimony until five, then you're going to be out of there at nine or later. Each one is different.

DR. CHEUVRONT: Thanks for mentioning that, Mike, because when we were at, for example, the New Bern one in late January, there was pretty much several hours of people talking; and it was, as Robert was saying, the crowd kept getting larger and larger and at one point there was well over a hundred people in the room and not all of them were there to speak.

The people who did speak were there to speak to the other people in the room and it was kind of grandstanding, rabble-rousing at times. There was still the feeling that it didn't matter what was said in the other room, they came and said what thought they were going to say, and at some point there was some – it wasn't clear to me that they understood necessarily what was said in some of the meeting rooms because of the way I think they twisted some of the language when they actually got up and made their testimony.

When I said twisted, I didn't mean that it was a willful thing; it was just a matter of – it was clear to me from the point of view that they were speaking from, they didn't understand the issue as the council was presenting it. I think anything we can do to help fix that kind of a problem would be really helpful.

MR. MAHOOD: I was going to give a suggestion to that, and that would be to ask Roy Crabtree not to close a major fishery the day before our hearing starts.

MR. HARRIS: Okay, any other comments. These are good comments and this is an important issue. It's one we've struggled with ever since I've been associated with the council, how to do public hearings and how to make them more effective. I think the way we've got it right now is pretty effective because it does – the people that take advantage of the opportunity do go into those other rooms, do get their questions answered. I think when they come in and give testimony, if they have done that, their testimony is usually more well thought out and thought through and it's more valuable to the council.

MR. WAUGH: I wouldn't read a lot into the reaction we got this time. I think Bob has touched on one item. The black sea bass closing in the middle of the hearings was certainly a big factor. That threw us off our presentations. We had to regroup and have one whole room set up just to deal with the fallout from that. Needless to say, people were a livid over that.

The other is it's just as we are having difficulty dealing with and comprehending the multitude of amendments we're dealing with, you can't expect the public – there is no structure you can provide them to get their minds around what is going on right now. It's too much to grasp. I think this was an aberration. Hopefully when we go out to scoping at the – well, we'll even know sooner because in April we're going out with two amendments, so we'll have a better read then. It doesn't seem like there are too many other fisheries that could close after this week, so maybe we won't have that as an issue.

MR. MAHOOD: Even though we had some people who were very upset, we had a lot of people who were very upset, the fishermen in general and overall, they make much better presentations than they used to in the past. They thought things out, they're trying to come up with solutions as opposed to just pointing at Duane Harris and saying, "You know, I bet you've never been out in a boat before in your life." I'm encouraged by that.

It's just what the council is having to do right now is there is just no leeway that you could even take what might be a good proposal if you had a little bit more wiggle room relative to the fishing mortalities. I felt really bad at these hearings and I talked to a lot of individual people who are very sincere. We're going to have major impacts on their lives. What can you say to them? I'd be mad if I was them. You can't blame people when you're impacting their lives that much. It was very depressing in parts.

MR. HARRIS: Any other business to come before the SOPPs Committee? Seeing none, we stand adjourned.

(Whereupon, the meeting was adjourned at 1:42 o'clock p.m., March 8, 2011.)

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

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# PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

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March 8, 2011

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