

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

AD HOC DATA COLLECTION COMMITTEE

**Savannah Hilton DeSoto Hotel
Savannah, Georgia**

MARCH 5-6, 2012

SUMMARY MINUTES

Committee Members:

Dr. Michelle Duval, Chairman
Jessica McCawley
Tom Swatzel

David Cupka
Charlie Phillips

Council Members:

Ben Hartig
Tom Burgess
Mac Currin
Doug Haymans

Robert Boyles
Dr. Roy Crabtree
Duane Harris
Dr. Wilson Laney

Council Staff:

Bob Mahood
Kim Iverson
Roger Pugliese
Dr. Mike Errigo
Dr. Brian Chevront
Mike Collins

Gregg Waugh
Andrea Grabman
Anna Martin
Dr. Kari MacLauchlin
John Carmichael

Observers/Participants:

Dr. Jack McGovern
Martha Bademan
Monica Smit-Brunello
Don Hesselman
Scott Sandorf

Steve Turner (via phone)
Anna Beckwith
Mike Cahill
Dr. Bonnie Ponwith

Other observers attached at end of document

MARCH 5, 2012

MONDAY AFTERNOON SESSION

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The Ad Hoc Data Collection Committee of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, Savannah, Georgia, Monday afternoon, March 5, 2012, and was called to order at 1:30 o'clock p.m. by Chairman Michelle Duval.

DR. DUVAL: Welcome to the inaugural meeting of the Ad Hoc Data Collection Committee. My name is Michelle Duval and I'm chair of the committee. The first thing we're going to do is review if there are any changes or modifications to the agenda. Does anyone have any other items that they would like to add under other business? Gregg.

MR. WAUGH: We are adding a presentation by Steve Turner from the Center. That will be added as Item D under Presentations.

DR. DUVAL: Thanks for that, Gregg. That was a request of Bonnie. Any other modifications to the agenda that have to do with the business before us today? Seeing none, the agenda stands approved. The first thing we're going to do is roll into the first of several presentations. To my right is Don Hesselman. He is the License and Statistics Chief for the North Carolina Division of Marine Fisheries. He is going to go ahead and give a presentation on sort of our quota monitoring processes and procedures.

MR. HESSELMAN: Good afternoon, everybody. When Gregg first asked me to give this presentation, he actually assigned me two presentations; one on our quota monitoring processes and procedures and one on our experience with state-by-state quotas. As I was putting these two presentations together, it got really fuzzy so I just combined them into one.

If you're coming tomorrow, it's going to be like a bad summer rerun, but I'll try to focus on the specific topics at hand for this meeting and do the same for tomorrow. Because of North Carolina's unique geographical position, we have the luck of having species under both the South Atlantic Council and the Mid-Atlantic Council, and we get to be governed by both the NMFS Northeast Region and the NMFS Southeast Region as well as HMS.

We do have some experience with monitoring state-by-state quotas. With that, I'll go ahead and get started. As just a quick bit of background, we've had a trip ticket program since 1994. We have the authority to require monthly reporting from our dealers. We probably have about seven or eight hundred dealers in any given year. We have both electronic reporting and paper reporting.

In resources, I put this up here just to show you that we are really blessed by having adequate resources to monitor quotas as well as run our trip ticket program. There are about 14 staff and

they're ranging from data clerks to biologists and analysts and administrative staff and so forth – and \$800,000 budget from various state and federal sources. We also have assorted other staff that manages transfers like my colleague here on my right who also assists with quota monitoring.

When I started about ten years ago, we had a DOS-based software package that seafood dealers could use to report their landings to us. We greatly expanded this in 2004 with a \$45,000 grant from the ACCSP to develop a PC-based interface with what is now known as Bluefin Tuna; Claude Peterson, you guys are probably familiar with him.

This expansion corresponded with the National Marine Fisheries Service Northeast Region to mandate weekly reporting for all their federally permitted dealers. We do not use SAFIS. We have found the software to be very cost-effective. The dealers like it for its ease of use and flexibility and some of the other things that the software does for the dealers.

To date we've spent less than \$75,000 on this software. That's including an annual maintenance fee of between three and six thousand dollars, so it has worked very well for us. Like I said, we have about 700 total licensed dealers in North Carolina. More than a hundred of them have the software and have been trained to use the software, but not all of them report each month. Those numbers change every month.

Our Marine Fisheries Commission recently voted to expand electronic reporting and require all dealers that land 50,000 pounds or more of finfish, and finfish only, to report to us electronically, and that is going to result in 95 percent of our finfish landings in North Carolina will be reported electronically. You're familiar with the advantages of that, just faster turnaround time.

All northeast and southeast federally permitted dealers in North Carolina have been provided the software and we've trained them and we are the front-line technical assistance for that. We have about 27 northeast regional dealer permits, 45 southeast and 40 HMS. That total is actually 66 total federal dealers considering some of the overlapping permits.

I believe we monitor about 92 dealers daily during a fairly short season from November through about April. These are federal and state dealers because as we go through here you'll see that we also have internal state quotas for some striped bass. I believe, if I'm not mistaken, there are about 200 southeast permitted dealers. I just threw that up there for your information.

This briefly shows the flow of the data from the North Carolina dealer. We do have some daily quota monitoring reports that go to Morehead City. The northeast permitted dealers submit weekly reports to the Northeast Fisheries Science Center. The southeast permitted dealers submit bimonthly reports. That goes down to Claude Peterson's Bluefin data down in Louisiana and is then transferred to the Science Center in Miami.

We also have, of course, our monthly trip ticket reports. Eventually all our trip ticket data gets submitted to the ACCSP Data Warehouse. Quota monitoring began I think around 1994. It may have actually been earlier than that. It was enhanced in 2000 with dealer permits and procedures, so we have specific quota monitoring dealer permits in rule that lays out what the requirements

are, and that is to report daily to us by phone, fax or e-mail the previous day's landings. This applies to summer flounder, black sea bass north of Hatteras, spiny dogfish and striped bass.

We're actively monitoring six quotas, and I know just said four but those striped bass are actually broken up into three separate quotas. I'm sorry this might be a little hard to read. These are the quotas or caps that we have. You can see those that are colored on the left – those are actually in yellow, but those are the ones that we monitor daily and they are primarily Mid-Atlantic or Mid-Atlantic and Atlantic States Joint FMPs that allocate those quotas to us.

Black sea bass is probably the lowest one, 200,000 pounds or so and it gets up to summer flounder where we're dealing with three to four million pounds a year. The other one is river herring. That's a funny little season. We basically have a moratorium on that, but some folks with the River Herring Festival were successful in lobbying the commission for a short little four-day season. We do have the dealers report to us daily purchases of that product.

Bluefish, we just monitor that kind of loosely each month to keep an eye out. We haven't had too many problems with that. Red drum, that's an internal 250,000 pound per year cap, which we have now split into two seasons; and horseshoe crabs, 25,000 crabs. We have daily reporting of summer flounder. Again, like I said, the quota is about three to four million pounds a year.

It's a joint Mid-Atlantic/ASMFC FMP. NMFS issues a quota and we get about 27.5 percent of the coastal share and we fight for that, but that share is based on historical landings from our summer flounder trawl fleet. We have daily reporting whenever the season is open, and it usually opens some time in November/December and it may stretch into April.

We have state dealer permits and we have a limited entry license to land flounder in North Carolina. This was developed back in the early nineties based on late eighties landings. Our statutory authority says that if a species is managed under a federal quota that our commission can establish some control years. It has got to be three years, but they can establish exactly what three years that is.

As long as the person applying for this limited entry license has a minimal amount of landings in those three years, they can get this limited entry license. I think we've got about 140 of them now. The National Marine Fisheries Service also monitors harvest of summer flounder by dealer reports and vessel logbooks.

Another species we monitor daily is black sea bass, and this I want to clarify is north of Hatteras; about 188,000 pounds each year – we get 11 percent of the coastal share – state dealer permits but there is no limited entry license or a permit for this species. Spiny dogfish; for a long time there was a coastal quota, a coast-wide quota on spiny dogfish.

Recently we were successful in getting a state allocation and I'll talk a little bit more about that later, but we get about 16 percent. I think this year it trickled down to 14 percent of the coastal share. North of Connecticut there is a regional allocation. From Connecticut down to Virginia there is a state-specific allocation, and, of course, we have our own allocation.

Our season happens to run about the same. It's a winter fishery, also. We have state dealer permits. NMFS also monitors and there is a stipulation in there that there is a 5 percent rollover. We also set aside – and even I get confused about what our state allocation means. Is that just from Hatteras north or what, and that varies by species, but at least for spiny dogfish we reserve a certain amount of fish – what was it, 40,000 pounds this year – for a biological supply company that operates south of Hatteras and actually Brown's Inlet.

Striped bass; we've got a 480,480 pound quota for the ocean and then there are those two estuarine quotas I spoke of early; the Albemarle Sound, 275,000 pounds; and the Central Southern Area, which is Tar/Pamlico River and south is 25,000 pounds. We have daily reporting for this November through April; state dealer permits.

A couple of years ago we implemented a state fisherman permit, also, so we could get a better handle on how many people were going to be involved in this fishery, which it hasn't really worked out very well because the fish just haven't been coming down and swimming in our waters, so it really hasn't been an issue. What used to be a derby fishery is now almost a non-existent fishery at least for this year.

And then like I said a couple of other miscellaneous state quotas, river herring, bluefish, red drum, horseshoe crabs; I kind of spoke about those earlier. We have some tools that really help us in monitoring quotas. The limited entry license for southern flounder really helps us get a handle on exactly how many boats are going to be out there fishing at any given time.

We have the trip ticket program; so if we don't have a limited entry license like for black sea bass or spiny dogfish, we still have the trip ticket program which we can tap into to find out historically how many vessels have been fishing in this fishery. We have the director's proclamation authority, and this is probably one of our strongest tools.

It allows our director, Dr. Daniel, with 48-hour notice to issue a proclamation to control fishing, essentially. When it comes to quotas, we don't even have that 48-hour limitation; so as the quota is getting approached he can close the fishery immediately. Staff resources, as I said earlier we have at least 14 people in the trip ticket program and they can all kick in.

Primarily it's done by two people – excuse me, all the quota monitoring is done by two people but we can tap into others when people are on vacation or sick or something like that. We often use split seasons to help manage our quotas. The summer flounder quota, for instance, 80 percent of that we allocate for the winter/spring fishery, and we reserve 20 percent for the fall fishery. If the spring fishery goes over, we can take it off the fall fishery.

We do the same thing for black sea bass. The black sea bass trawl fishery pretty much coincides with the summer flounder trawl fishery, but we have a small hook-and-line and pot fishery north of Hatteras in the summertime. We'll allocate probably about 90 percent of the quota to the trawl fishery and reserve 10 percent of that quota for that hook-and-line fishery.

We have a marine patrol that we rely on heavily. I feel strongly that adequate authorities and compliance is essential to monitoring any kind of quotas, especially when you're doing it on a

daily basis. We have got very tightly established violation procedures as well, which we call the NOV process or notice of violations. We've got a standard operating procedure for that. I think I've got a slide further down and we'll talk a little bit more about that.

One other tool in our toolbag is the ability to transfer quotas to other states if we have an overage or if we have an underage. We might want to swap something, for instance. I titled this slide "Control and Forecasting" because I didn't know what else to call this. This is a very important aspect of what we do and something that I think is important for you folks to think about when it comes to assisting you in how to monitor quotas.

We use this process for summer flounder and we use it for black sea bass and it works very, very well. In pretty much three steps you establish a window of opportunity. These things have been from two weeks to a month and actually historically have been ten days; very flexible. No number of vessels; we've got that limited entry license for summer flounder so we know exactly how many boats – we know the maximum number of boats that can fish at any given time.

Our trip ticket records will help us define what has generally occurred in the last couple of years, how many vessels. And then, of course, we set trip limits, too. For example, we've got 80 boats, 10,000 pounds per window. We know that there will be no more than 800,000 pounds maximum for that window.

Generally what we do is we'll open up January 1 for ten days, January 11th for ten days and keep moving through that process through the season and it has been very effective. We also rely heavily on industry input; do they want the season to get over with shorter; do they want to extend it; do they want to get done by the end of February so that they can go scalloping March 1st? We get industry input there. It's never unanimous but it certainly helps. Yes.

MS. SMIT-BRUNELLO: Is it okay to ask questions now?

DR. DUVAL: I was going to suggest that we just wait until the end of the presentation and then let Don answer any questions, if that's okay with you.

MS. SMIT-BRUNELLO: That's fine.

MR. HESSELMAN: I took the liberty of doing an example of that process used on the black sea bass pot fishery. We know what the commercial quota is, 309,000 pounds gutted weight. We know the number of vessels if the endorsement program is effected; 31. Trip limit, I believe that was set in Amendment 2, a thousand pounds, is that right, or 1,200 pounds?

DR. DUVAL: A thousand pounds.

MR. HESSELMAN: Okay, I got that part right. The trips per week, the part in the yellow there is what is variable, and you can either do pounds per week and you could do trips per week, it really doesn't matter. That tells you what are the maximum pounds per week that you're going to harvest, and then you can determine how long the season is going to last based on those inputs.

I don't know if the industry would accept a 500 pound trip limit; but if so, it would extend the season about 20 weeks. Generally, boats don't catch right at the maximum trip limit, so we can assume this is the minimum length of the season. That's basically what we do for summer flounder and black sea bass.

Daily monitoring; we conduct daily monitoring pretty much from November through April, but we only do it Monday through Friday and we exclude holidays because we're government employees. There are about 92 dealers. They are required to report landings of the previous day by noon the following day. We have two staff with backups that tabulate those landings, enter them into sequel data base. A non-reporters' list is run in the early afternoon and then we start following our compliance procedures, which begins with a courtesy call.

After a courtesy call, then we start the suspension process, which generally begins with a ten-day suspension with the first occurrence after the courtesy call. The marine patrol go by and pick up the permit, hold on it for ten days, and then they can come get it back. The second time is 30 days. I say those are in the procedures. In reality we're much kinder than that. We'll probably have multiple courtesy calls before we ever initiate those procedures. However, that's what is required and we're supposed to do.

Is daily monitoring necessary? Daily monitoring is a significant burden for everybody involved whether it's the technical staff, the monitoring staff, the clerical staff, the dealers, everybody. It's a significant burden so you really need to weigh it out heavily. I don't think personally it's required for summer flounder and sea bass because we have large quotas.

Knowing the number of vessels, windows and trip limits and using that forecasting tool that I went over earlier, we can forecast pretty accurately where we're going to be with the quota at any given time, so I don't think daily is necessary. In fact if it was up to me I would probably have them report at the last day of however long the window is. That should be adequate and vary.

It's probably not necessary for spiny dogfish because of the large quota, but unfortunately we have an inexact number of vessels because we don't have a limited entry vessel permit for spiny dogfish. Daily monitoring, at least according to our biologist, is necessary and continues to be necessary for striped bass because of low quotas and until recently we had definite derby-style fisheries there.

Those quotas could be filled in a day or two, so we had to have daily monitoring there, and we continue it. A lot of that is just out of habit. I will admit that, a lot of it is just out of habit, and our feelings of one-stop reporting are really pretty critical to reduce the burden upon the dealer. Some of the dealers have striped bass permits along with summer flounder or black sea bass; so if you just get them used to sending in something every single day, Monday through Friday, excluding holidays, they get on board and it seems to work pretty well. I'm just not certain it's necessary.

Transferring quota; we commonly transfer quota to other states. A couple of examples, we recently got 2,000 horseshoe crabs from Georgia, much appreciated. We transferred over a

million pounds of summer flounder and a hundred thousand pounds of sea bass to Virginia this year because of the situation with Oregon Inlet. If you're not familiar, that is where the bulk of the vessels enter back into to sell up in Wanchese and that inlet has shoaled up so bad that the large trawlers cannot pass through there safely.

In 2007, just as an example of a swap, we traded Massachusetts 1,800 pounds of sea bass for 1,800 pounds of scup. Anyway, transfers give us a lot of flexibility and help us to stay within those quotas. Here is a list of considerations for quota monitoring programs. This is what I have learned over the ten years we've been doing this.

Illnesses, deaths and family vacations, holidays, weather, weekends, all those things are very, very real things that you need to consider when you discuss whether it's daily or weekly reporting. Allowances for seasonal closures of dealers and fisheries; dealers go on vacation. They may close for whatever reason for a week or two weeks, six months, you don't know.

Of course, you'd hate to call a dealer and tell him he was out of compliance for reporting his grouper and it's the middle of February and that fishery has been closed. You've got to be on top of things; you don't want to look stupid. That leads into my next bullet, which is familiarity with customer.

Our biologist that does 90 percent of the quota monitoring knows the dealers that she deals with. She knows the situation. She knows if there is an illness in the family or death in the family. She won't call those people; she won't expect anything for a few days. Now, I know that's hard and it doesn't standardize anything, but that's the reality of it that we have learned.

You've got to remember you've got to have the no activity reports coming in everyday. You'll never have a handle on compliance unless you have a no activity report, so that's something to do every single day for those guys. Remember the purpose; don't ask for a whole lot of detailed information that's unnecessary simply to monitor a quota. That data can be gained in other ways.

Validation; quota monitoring should be quick and dirty estimates of landings. However, multiple reports do aid in validation and that is the ACCSP standard for a two-ticket system. We wait until the end of the year when we begin extensive validation of the daily reports with the National Marine Fisheries Service.

It takes a little time to get everything in and get everything edited, but we want to tighten things up at the end of the year. Sometimes the quota monitoring validation results in a trip ticket that the dealer didn't submit to us; so it turns up those kinds of things, too, as well as a trip ticket or maybe they didn't report the daily monitoring.

But, anyway, at the end of the year we tighten things up quite a bit. The National Marine Fisheries Service of the Northeast Region has some other tools that they can use such as the vessel logbooks and dealer purchase reports and so forth. We tend to get in a little bit of hot water with NMFS because they – and I'm not certain how it's done in the southeast, but in the northeast they require the dealer who purchases the product to report; whereas, we require the

dealer where the product is landed, so that can be a significant difference that leads to a lot of data validation errors. Once the validation is done, our state quota is usually adjusted.

So how did we do? Summer flounder, 2003-2011, you can see we did pretty well. There was a period in 2005 where we were a little under and a period in 2004 we were a little bit over. For the most part we did pretty well. I think it was about 2004 we went to the split season. Black sea bass, doing real well there, a little overage in 2009, not real significant.

Spiny dogfish; I mentioned this earlier and this to me is a interesting slide. From the beginning of that graph, 2003 fishing year up to 2008 is when we had the 4 million pound coast-wide quota, which was being caught up before the spiny dogfish ever made it to North Carolina. You can see our landings during that period of time were pretty low. We got our state allocation and all of a sudden our landings picked up and you can see we've adhered pretty well to the quota that was allocated to us.

Bluefish; pretty much been under quota there. We did receive in one year a 652,000 pound quota transfer when we had a little overage. Striped bass; again, we're doing pretty well there. Those years in '99 where you see the dashed line, which you just barely make out, that was basically a static quota, but that quota was adjusted because of overages in those previous years from about '96 to '99.

I think you can see the overage there and you can see a corresponding decrease in the quota after that to adjust for it. In recent years we're just not landing very many fish. That's all I've got for you. I just want to acknowledge especially Grace Camp who is our quota monitoring biologist, Kim Hewitt who monitors all our striped bass up in the Albemarle Sound and the ocean, and Jean and Stephanie who function as backups for them. I'll be happy to take any questions now.

DR. DUVAL: Thanks a lot for that, Don. Monica, you are first on my list.

MS. SMIT-BRUNELLO: That was very interesting, and I wondered if you could tell me a little bit more about what you mean when you talked about establishing a window of opportunity. If you could just talk a little bit more about that, I'd be curious.

MR. HESSELMAN: Dr. Daniel uses his proclamation authority to issue a proclamation that says, for instance, the summer flounder fishery will open January 1 for ten days – or two weeks, excuse me – right now it's 30 days, so it's very flexible, and there will be a – I don't know – 100, 150 box trip limit, and it's only open to those folks that have the limited entry license to land summer flounder. Any dealers where that product is purchased will report to the division daily during that period of time.

MS. SMIT-BRUNELLO: So the window just means that you monitor it during that period; and if they don't harvest all that they're allotted, then you go –

MR. HESSELMAN: Open another window, yes. It establishes a set period of time with the maximum amount of landings during that window.

DR. DUVAL: So basically, Monica, like Don said a vessel can only land the hundred boxes or 10,000 pounds within that window that we set and usually the windows are consecutive so one might close at 6:00 p.m. on one day and then the next window opens at 12:01 a.m. the next day. Don and his staff are looking at the landings to see what has come in and look at the number of vessels that have been landing in the different windows and the average amount of pounds per vessel that have been coming in and use that information to say, well, we might need a little bit of an adjustment and maybe we drop the total limit down to 7,500 pounds instead of 10,000 pounds.

MS. SMIT-BRUNELLO: Just one followup; Michelle, how do you issue those proclamations? Are they sent out just via all kinds of medium so you can reach the fishermen?

DR. DUVAL: Yes, they are posted on the website. We have a number of staff that sit and stuff envelopes because a number of our dealers and fishermen don't necessarily have electronic means or e-mail. Doug.

MR. HAYMANS: Acknowledging that we missed an opportunity to negotiate the January 1st season for black sea bass when we transferred you some horseshoe crab quota, horseshoe crab did have the smallest quota of all the fisheries that you showed up there, but yet it's a monthly reporting requirement. I understand that you don't necessarily like dailies, but why not a daily for horseshoe crab?

MR. HESSELMAN: We've been under de minimis status for horseshoe crab, which is probably not working very well. Because it's de minimis, we've just been monitoring through the trip ticket program.

MR. HAYMANS: Okay, so not every dealer deals in horseshoe crabs, obviously, but wouldn't it be an easy transition if there are a limited number of dealers who deal in horseshoe crabs?

MR. HESSELMAN: Yes, we could establish a horseshoe crab dealer permit and require daily monitoring; yes, we could.

MR. CUPKA: Thank you for that presentation, Don; very informative. I'm assuming that there is some kind of public site that the fishermen can go to that tells them how much of the quota has actually been landed. Is that updated on the same schedule as they're required to report?

MR. HESSELMAN: Well, no, sir, there isn't any public site. We do send out a daily e-mail to a number of the dealers, staff and so forth, but there is no public site that I'm aware of. There is no reason why we couldn't put it on our website, but I don't think we have it there now.

DR. DUVAL: And, David, there is actually a northeast region website that I could e-mail to you that shows just updated status of quota-monitored species. I'm not certain how frequently it's updated. I would imagine probably no sooner than weekly, which is the reporting requirement for dealers. The northeast region does have a public website that you go to and look on that.

MR. HESSELMAN: Michelle, excuse me, I started that and I'm going to make that recommendation when we get back. I don't know how that has gone over my head. I think that's an excellent idea.

MR. CURRIN: Don, I have a question and I think it's going to lead to a followup, so I'll ask them both right now. You mentioned that dealer-landed fish are different than dealer-purchased fish. I want an explanation of what that means exactly, and I think that's going to lead to another question which would be what kind of problems does that cause you?

MR. HESSELMAN: Well, in North Carolina our statutes require where the product is landed to complete a trip ticket submitted to us. It's my understanding, which I believe is true, the Northeast Region and the National Marine Fisheries Service has always required the dealer who purchases the product and not where it was landed. The dealer who purchases the product has to submit the dealer report to the National Marine Fisheries Service. Does that lead to problems? Yes, probably 90 percent of the product is landed at the dealer that purchases the product, and it's a moot point, but 10 percent of product is purchased by another dealer and he is required to report. When you're comparing landings reports, they don't always match up.

MR. CURRIN: I'm not sure I understand how that works then? Is this the case where fish are basically turned over to a dealer where they're landed for consignment which are then sold somewhere else, so they're not really sold at the place that they're landed but they're bought by someone in Philadelphia or New York or wherever else, and the fishermen nor that dealer are given credit for a sale or purchase, I guess, until some money exchanges hands?

MR. HESSELMAN: I believe the purchaser would also have to be a federally permitted dealer. The initial dealer where the product was landed may just be getting a pack-out fee from the guy that actually purchases the product. I believe they both would have to be federally permitted. I don't know if I answered your question. I'm not that intimately familiar with the federal requirements or working with them, but I do know it leads to data validation errors at the end of the year.

MR. CURRIN: Yes, and I can see why and it's something that as we move down this road we're going to need to be real careful about because things get transferred and have a lot of potential to get lost in that transfer. The first place they hit the dock and can be validated by law enforcement is going to be the place that we need to establish criteria to ensure that it's done correctly. If you've got fish hitting the dock that are going somewhere else and not being recorded necessarily, at least according to you from the federal perspective, then that creates a potential problem that we need to try to avoid if we can.

DR. DUVAL: Mike has indicated that he can shed a little bit of light on this.

MR. CAHALL: You're correct, the northeast dealers are required to report at the port of landing as well as the date and time of landings, which may not necessarily be the date, time and place of purchase. I think in practice it's almost always the same as Don said, and I'm not sure how they validate that because a lot of the external validations occur outside the scope of the system.

DR. CRABTREE: Maybe I missed it, but in the slides you have up here you're assuming one trip per week, right?

MR. HESSELMAN: No, not if they're not –

DR. CRABTREE: Well, a thousand pound trip limit and you're estimating a thousand pounds a week.

MR. HESSELMAN: Yes, but there could be – for instance, if there are three trips it will be 3,000 pounds a week.

DR. CRABTREE: But then your minimum season length would be much less.

MR. HESSELMAN: And it is, 3.3 weeks. If you look at the bottom row –

DR. CRABTREE: Okay.

DR. LANEY: Madam Chairman, I'm not on your committee but I wanted to ask Don if he has a sense for – well, I need to ask another question first. At one of the other meetings – I think it may have been at ASMFC – we had a discussion about whether or not landings that are sold directly for local market consumption like to a restaurant, for example, are being captured anywhere in the system.

I guess the answer is, yes, if they go through a dealer they would be; but if a fisherman is selling directly to restaurants or maybe through some of these new programs that I know we have in Raleigh now where you can sign up for a consignment of seafood; are we catching those landings anywhere at all?

MR. HESSELMAN: Yes, sir, we are. In North Carolina you have to land at a licensed dealer and licensed dealers have to complete a trip ticket. We should be capturing every one of those. Otherwise, it would be an illegal landing.

DR. DUVAL: Are there any other questions for Don right now? Doug.

MR. HAYMANS: So then are there no restaurants that have dealer licenses?

MR. HESSELMAN: Yes, there are. That's a good point; I should have mentioned that. They've got probably quite a number of restaurants that are also dealers and complete trip tickets and submit them to us.

DR. LANEY: Don's comment just prompted another question. Is that same thing true in all the other states; do other states issue dealer licenses to restaurants? I'm seeing some negative head shakes over there.

MR. HAYMANS: Well, we would like to, but we haven't gotten there yet. Most of our restaurant sales aren't reported in any way and that's what we would like to start capturing.

MR. PHILLIPS: Okay, if a restaurant is a registered dealer, I can see a restaurant wanting part of the trip that the boat unloaded but not all of it, especially if it's multispecies. How do you deal with that?

MR. HESSELMAN: They can actually do a split trip ticket, and they indicate on there – I can't remember the field name, but whether it's one, two, three, four – it's commonly done with crabs as probably a better example. They may drop off the peelers one place and drop off the hard crabs at another. There is a name for that field; it's just escaping me right now. It's not an easy thing to track. That's actually a very good question because how is the restaurant going to know if there is going to be another sale or not. That's a good question, but there should be a means to capture that with a split ticket.

DR. DUVAL: Anything else for Don right now? Okay, I think we're going to move on to Mike Cahall. Mike is the Director of the Atlantic Coastal Cooperative Statistics Program. He actually was at our December meeting as well, so welcome back, Mike.

MR. CAHALL: What I'm going to do is give you an overview of how electronic reporting is currently conducted on the Atlantic coast, which is currently primarily through the Standard Atlantic Fisheries Information System, SAFIS. There are a number of other programs that are extant. I'll also briefly discuss how they integrate together because that's an extremely important piece of the puzzle.

First of all, the SAFIS system as it's currently configured is intended to be a real-time data reporting system. That means that as data are loaded into it they are immediately available. It has proven to be very cost-effective because it has been a coast-wide implementation nearly. There have been no direct costs to the program partners for participating in it, although, of course, a share of the funding for the ACCSP is dedicated towards the care and feeding of the SAFIS system.

It was collaboratively designed. It's based on the standards that everyone agreed to as part of the ACCSP. If you open up the program design that was first published in 1998 and look at the list of the data elements and pull the data base design out of SAFIS, they're going to look a lot alike. In addition, SAFIS is more than just a dealer reporting system.

It includes, of course, electronic dealer reporting, which is currently used for federal and state dealer reporting in a number of states. It has an electronic trip reporting component as well, which is currently deployed in states. The largest implementation is currently in Massachusetts, but Connecticut and Maine and Maryland are also using it.

eREC, which is a private angler recreational reporting system, there are a number of different versions of that deployed. It, frankly, is probably a little bit less useful in the sense of providing real data that's used for monitoring or whatever. A number of the states wanted to provide recreational anglers the ability to voluntarily report, and it was one of these deals where they asked to do it so we did – and then the SAFIS Management System, which is the partner management interface.

SAFIS is a modular design. In other words, just as ACCSP is a modular program with commercial catch and effort or with recreational catch and effort, et cetera, et cetera, it is designed to support all of the modules of the ACCSP, which includes potentially biological and at-sea sampling, although there is no expectation that we would actually design a front-end interface for that.

And it is a single integrated data base system that combines federal and state reporting into a single data base, which means that the data are made available to everyone who requires access to them. There is one set of codes inside the ACCSP and again it follows the ACCSP standard codes that folks all agreed to as part of the design of the program.

Currently it contains a virtually complete catalog of all vessels, dealers and fishermen participating in commercial fisheries on the Atlantic coast. It is a complete single integrated dealer and fishermen and vessel system. They're connected together so that it is very easy to be able to map your vessel trip reports to your dealer reports.

We've never been asked to build into the system the ability to automatically match because everyone feels that they prefer to do it that way manually. However, in the state agencies that are using both the dealer reporting and the trip reporting; for example, you could have a vessel land and report their data, a dealer do the report, and they pop in the boat and the system could prompt and say if this vessel says it landed on such and such a day; is this the trip you want to use, that sort of thing, but so far we've never done that.

However, because of the way the system is designed, it's much more easy to link the trips back to dealer reports. We have a very flexible data collection mechanism. The majority of the reports are still submitted online through the web interface; however, it does use the PC-based application of Bluefin that was written by Claude Peterson.

I must say Claude was remarkably successful. He is deployed from Louisiana to Maine and in many, many different jurisdictions. There must be ten or twelve different versions of that piece of software out there. The system will also accept a standardized file upload. This is because a lot of the large dealers have their own internal reporting systems that are capable of outputting a file that can be standardized and uploaded into the system.

We, of course, have been recently working on electronic dealer reporting, and in fact we're working – we've done an expansion in the southeast region in support of their electronic data reporting initiative. There is a version of the SAFIS system currently deployed in South Carolina and Georgia, which required a modification because of the practice in those states of collecting a single ticket that includes both the landings and effort data.

We created a program called e-1 ticket, which models the business practice in South Carolina and Georgia. We're also in the midst of significant modifications to support the electronic dealer reporting initiative for highly migratory species. This required us to add number of additional fields as well as logic to determine the difference between HMS and non-HMS dealers and species.

In the southeast – and I'm sure that's where your interest mostly lies – in the southeast electronic dealer reporting, it is currently in production and being used. The online reporting is deployed in South Carolina and Georgia. Florida and North Carolina data are reported electronically through the trip ticket program and aggregated together on a SAFIS server. The Gulf data are aggregated together on GULFIN. I wasn't certain whether you guys wanted me to discuss that or not, but I just put it in there.

I think I need to discuss in explaining how this works the concept of validated versus unvalidated. All of the data that is received into the SAFIS system, per se, that are loaded into the SAFIS data base that are used for the agencies that are using it as their primary reporting system, we are considering that to be validated data.

That means that it meets the SAFIS primary foreign key constraints that all of the codes map correctly to codes in the system, all of the locations mapped to existing locations; boats exist, fishermen exist; licenses exist. These data are loaded onto to the production data base. They're managed and audits by the folks that own those data and eventually are transferred to our data warehouse and to other folks that use them.

A good example is the Northeast Fisheries Science Center CFDEERS with these data and is used in stock assessments. Unvalidated data, because of the widely varying requirements between the different states, a number of the data elements that are submitted through the PC trip ticket system cannot be validated within the SAFIS data management system.

It's mostly because there are a lot of free entry fields in these systems that the SAFIS system generally requires to be validated through a drop-down list, that are validated against a list. These are typically locations, fishermen licenses, vessel registration numbers. Many of the state systems don't meet that. That doesn't mean that they don't work internally.

It just means that they can't be easily loaded into the SAFIS Production Data Base. These include North Carolina, Florida and all of the Gulf states presently. Even though we're not able to load them into the data production base, it doesn't mean they cannot be used for quota and compliance monitoring. In fact, that's a very good way to use those data.

This is a data flow for how the SAFIS application works. What I want to do is just step back a little bit, and it is to some degree simplified, but essentially on the left side are the three major data entry components. The top is the online data entry. These data are keyed in by the dealers. In some cases some state agencies have data entry clerks that will take the paper and key it in. It just depends on the number and percentage of the dealers and fishermen that are using the online.

The file upload system, which actually was originally developed by the Northeast Fisheries Science Center and has been modified to accommodate additional data elements specifically for highly migratory species; and then the PC application, and as I said before there are many different versions of that currently deployed.

SAFIS can only accept data from the PC application that is validated; that has lists that are downloaded periodically from the main SAFIS data base. These data are loaded automatically

into the SAFIS data base, generally daily. The file uploads and PC applications are loaded into the system on demand, but SAFIS runs the job overnight and loads them.

And then those data are audited and corrected by the NMFS field staff and the state field staff who work collaboratively to do this in the northeast region. One of the unexpected consequences is there has been developed a good bit of synergy between the state and federal folks who are responsible for maintaining that data. It never hurts you to have more eyes looking at the data to work through some of the issues.

You find a much better level of cooperation between the state and federal agencies now because the licenses and data requirements overlap a great deal. Directly connected to the SAFIS data base are a number of state query tools. We allow our program partners to access the data in ways that are comfortable for them. It does have a query interface, but we also do allow folks to connect into the data base to see updatable views of the data in pretty much any way they wish.

Then the data themselves are mirrored by a number of different NMFS data bases. Some of it I know is copied down into the southeast. I know that the northeast regional office pulls a copy of the data that they use for quota and compliance monitoring and that Northeast Fisheries Science Center pulls the data directly to populate CFDEERS, which is their primary tool for data up there.

In terms of the unvalidated data, this is a very similar data flow except that there is virtually no double-checking. These data go into a separate data base. I don't want to get too technical but it lives in the same instance of Oracle but it's in a different schema. These data are held there in order to be readily combined with the data that's in the SAFIS data base to produce a complete snapshot of the coast.

Even though we don't know for sure that this vessel actually exists, we do know that a hundred thousand pounds of summer flounder got landed. In terms of its usefulness and for quota and compliance monitoring, it's fine. It essentially unaudited data but is useful for providing and for sort of your first look, which is essentially what quota monitoring and compliance monitoring is.

There is an existing mechanism already in the northeast that's in use mostly because of the North Carolina data. We're working right now with the southeast and that's also in place now. All of these data are held in a holding table for Florida and for North Carolina, and these are combined together with the rest of the landings that are in the SAFIS data base for the southeast states to get your snapshot of Florida to North Carolina.

For eTRIPS, it initially was envisioned as a multi-state system and we got most of the northeast states to participate. The northeast regional office did also participate in the requirements' definition. It took us about a year. Right now it's based on the ACCSP trip reporting standard, which, of course, is a single report for each trip. Multiple efforts per trip are possible and multi-catches per effort are possible, so this gives us a very good level of detail.

For those of you who aren't familiar with what our standards are, it does use the ACCSP coding standards. It is designed to support both commercial and recreational trip data collection since in

essence you're collecting the same basic data elements. There are some variations, but they're very similar in terms of the base data requirements.

The eTRIP system is integrated into SAFIS. It was initially deployed as a data entry tool for partners. A lot of them were very concerned that their fishing communities would be resistant to using an online system. There were a lot of concerns about the availability of high-speed internet connections and that sort of thing.

However, over time this has proven to be less of a problem as you get younger, more aggressive fisher folks who want to do this sort of thing online. It's faster; it's a one-shot thing and that sort of thing. Again, it's integrated into the electronic data reporting system for the dealers. It has the common tables and codes and references. As I said earlier, it makes it much easier to match them.

Some did go beyond the base standards. We had a lot of problems with how the business practices actually tied into the standards. When you build something kind of pie in the sky, it's an academic exercise; but then when you try to apply it to real world, you always seem to run into some kind of problems.

A good example is carrying of lobsters, and it is common practice to take your lobsters and put them in a big plastic thing so that they suddenly become mixed from all the different trips; and when you go to sell them you don't know which lobsters came from which trip. This is a common business practice in New England and we had to build something that kind of track of how many did you put in the car and how many did you take out of the car, and that was interesting.

Also, the allocation of catch amongst individual fishermen on a single trip again went beyond the ACCSP standard, and then, of course, earlier we just discussed direct sales. The trip system was designed to support those direct sales as well. The eTRIP system is slowly expanding and doing a hundred percent trip collection right now in Massachusetts and Connecticut for the states. Those two states are achieving a near perfect match with their dealer reports.

We are doing partial data collection in Maryland, New York and Rhode Island. These tend to be in their more important fisheries. We do have a charter/headboat deployment in Maryland, and I know that a couple of other states are talking to us about making modifications to do their charter/headboat fisheries.

As I said before, for the eTRIPS commercial we have Massachusetts, Connecticut, New York, Maryland and Rhode Island and for recreational just Maryland. And the e-logbook system, which is the recreational angler voluntary reporting system, there is the New Jersey Striped Bass Bonus Program, which I was told a couple of weeks ago New Jersey is probably going to be shutting down shortly; and Massachusetts has a multispecies voluntary reporting system.

In recent months we've made some updates to our eTRIP system. We have added a file upload capacity that matches what the commercial dealer system can do. We're also looking for an

expansion of the report to capture a hundred percent of the commercial reporting in the states that we're working with.

It has also been integrated in the southeast state reporting as I said earlier as part of the e-1 ticket system. Again, this is information about the eREC. I'm not certain that it's especially germane to this group, but basically there is a growing demand from some of our state partners to provide a mechanism for voluntary reporting of the recreational catch.

I know that there is not a lot of work on what you're going to do with this data once you get it, but they want it and our job is to try to do what folks ask us to do, so we have. It is almost identical in its design to the rest of the structures inside SAFIS. One of the interesting things it has done is given us a copy of the saltwater registry for a number of these states; the ones that are participating in the program.

In eREC we're looking at actually combining these systems together to create a single system. There are enough of them out there now that it's beginning to be a difficult maintenance issue, and what we really want to do is merge them together so they're all essentially the same and it will make it easier to monitor them and manage them.

This is an overview of how the program has expanded. In 2004, right before the northeast decreed electronic data reporting, we did not have any ACCSP compliant states north of Virginia. By ACCSP compliant what I mean is that these states are reporting 100 percent of their trips either through dealer reports or fishermen trip reports.

In 2005 the first state that actually became compliant through SAFIS was Maryland and then gradually it crept up the coast. Keep in mind this is against the background of in May 2004 the northeast requiring 100 percent electronic reporting from all federal dealers. What I'm showing here is sort of the state checkerboard of how things are compliant.

In truth the federal regulations probably brought close to 70 percent of the catch into compliance with ACCSP standards because the federal dealers do account for the majority of the catch. In 2007 it sort of continues to creep up and now we have other states that are beginning to collect the trip data as well, which again is kind of our holy grail, as Don indicated a little bit earlier. Then finally where we sit today, we've got a number of states that are collecting both trip and dealer reports.

Some states are still just collecting the dealer reports, and then we do have the e-1 ticket states in South Carolina and Georgia which are feeding into the southeast electronic reporting project. Currently we're also working with HMS. They are going to be using the SAFIS system for the Atlantic reporting. This has eliminated the possibility of duplicative reporting for HMS dealers.

That was a great concern at the beginning of this project, and they have agreed to accept data from the SAFIS system. What we're going to be doing is we will be automatically providing HMS with the data on any HMS species that are landed through SAFIS through our online EDR system. Then the Gulf and Caribbean dealers will be using either the e-dealer system, which is the new HMS application, or PC-based trip ticket just as they are right now.

We're also working on some alternate reporting methods. We do have the additional e-TRIPS upload option now and we are working on hand-held options, which generate a lot of interest, but I have to be honest with you. If you've used a hand-held application, they have to be very simple and you have to default a lot of your data.

The nature of a lot of the data that we collect is difficult to default unless you have behavior that is repeated over and over and over again. That is what we're looking at right now, are looking for the behaviors that are repeated so that they can be better automated. I expect that we'll have some kind of iPhone/iPad version of the trip reporting system available to our users within the next three or four months.

SAFIS has brought significant benefits. It has near real-time data and the data are made available as soon as they're committed to the data base. It can greatly simplify quota monitoring. If you are using SAFIS for all of your data collection, all you have to do is create a data base and you've got your quotas.

We have been pretty successful in eliminating a lot of the redundant reporting. The states accept the federal reports, which was a major hurdle when we first deployed the SAFIS system in the northeast. It has been readily adapted and relatively easily deployed. The modules are integrated and it does also have a fairly sophisticated automated auditing system which we developed collaboratively with all the program partners.

This is a couple of examples of things that we've had some success with SAFIS. The fluke quota has always been a nightmare in Maine because Maine's reporting typically was recall. When they went to online reporting, the fluke quota management became much better. Similar things are occurring right now in shrimp as well in Maine. They haven't gone over their fluke quota in a while. They're able to much better manage the fluke and the fishermen have not had to be shut of the fishery because of previous quota overages.

In Massachusetts there is a particular success story there. They have been very aggressive in using the system. They do have a fairly sophisticated information systems infrastructure already; thanks in part to Charlie Anderson for those of you who knew Charlie. They have been very aggressive using the system.

Here is an example. They deployed SAFIS in 2007 and also at the same time required completing reporting from all their fishermen. They did a lot of their work at the same time. They said, yes, we're going to electronic and by the way everybody is reporting. You see some dramatic jumps in the kinds of landings that they're reporting in Massachusetts.

In New Jersey they are no longer having their staff having to manually enter a lot of their harvest data. They are getting much better commercial landings data. They have realized much better management. It allows the fishermen to put in their own data. We built the system to have some additional functions so that fishermen can pull back their own information anytime they want to, so they know what the government has from them. I know that has always been a little bit of a point of contention.

In Virginia, Virginia was never able to correctly cross-reference the dealer reported data from the National Marine Fisheries against their watermen reported data. We worked with them over a number of different years to create a merge so that we could accurately pull together their data with the dealer reported data.

They don't have staff to do this so what has happened is that for those of you that know Stephanie Iverson, we have allowed her to quickly identify what she calls her "bad boys", and so she knows who is not reporting now and before there wasn't a good way to be able to do that. The dealer reports from the feds, although it's not a federal requirement to report, we do track in the system who the fishermen are and we're able to compare them.

Also, finally, for the northeast it was a sea change in data reporting when the system was deployed, and we have been making incremental improvements ever since. Again, the data is available nearly immediately. The online validation, you can't put a code that doesn't exist into the system. You still can put the wrong code into the system but it has to be at least a code, and it has a much better quota and compliance.

And then to the southeast I think we believe that the same kinds of benefits have been brought. I didn't know you guys were going to make a presentation; otherwise, I probably wouldn't have covered it at all. The online data are available to them almost immediately. They have real-time access into the SAFIS data base and also into the aggregated data from Florida and North Carolina.

And then the Atlantic data are all aggregated together in a single view that allows them to pull the data back anytime they want to. Overall, SAFIS has been an extremely cost-effective approach to electronic data reporting coastwide. My estimate is that it's roughly \$8 million in cost avoidance when you would assume each state developed their own system and then each region developed their own system.

Again, I would estimate the recurring yearly cost avoidance at roughly a million dollars. It costs us probably – we have two full-time programmers and we maintain one additional system to manage SAFIS. The rest of our infrastructure we would be managing anyway because of the data warehouse.

My estimate is that it costs between 150 and 200K per year to maintain the system mostly from staff time that's dedicated to maintenance and improvements. It also has promoted cooperation and coordination amongst the agencies responsible for the data. There are many more eyes looking at things and you get a lot more synergy on making decisions. Some of it is informal; some of it is being gradually formalized. Right now the northeast is undertaking a fairly substantial data improvement project and part of that is finding better ways to work with the state program partners. And that's what I've got.

DR. DUVAL: Thanks, Mike. Are there questions and comments for Mike? Don.

MR. HESSELMAN: Mike, point of clarification; you said HMS is going to force dealers to use SAFIS?

MR. CAHALL: They're going to require that the PC ticket is considered part of the system.

MR. HESSELMAN: Okay, a second thing and just a point of clarification; there was something up there about North Carolina submitting unvalidated data. The data that goes to the Fisheries Science Center from North Carolina federal dealers is intended for quota monitoring. Yes, it isn't validated but quarterly we do send validated, fully edited data to the ACCSP Warehouse.

MR. CAHALL: That's correct, and I thought long and hard about what to call that, the right word to use to call it. It is valid; the data is just not validated against our internal codes.

MR. CURRIN: Mike, I don't know whether there is an answer to this question or not, but it's one I ask everybody I can that I think might have some input. Are there any hopes at all of developing some means through weighting or correcting voluntary angler data such that it would be useful to the scientists and to the agencies for enhancing MRIP, which in my opinion needs lots of additional numbers. I mean, realistically is there any hope to doing that or is it pie in the sky and should we spend our time doing something different?

MR. CAHALL: I can tell you that they are looking at ways to use that data. There was a workshop maybe a month or six weeks ago. Geoff White on my staff is responsible for all things recreational. There was a lot of talk about how to use that data. They don't want to throw it away. They're working on ways to generate indices from the data that are potentially useful.

The issue is because it's self-reported and doesn't necessarily represent a representative sample of the spectrum that there are issues. There are a lot of people working on trying to use that data in way that's meaningful. I can't answer that they will, but I know that they're working on it.

DR. DUVAL: Are there other questions or comments for Mike right now? If there aren't any, we do have one more presentation by Steve Turner from the Science Center. I think Steve was with us at our September member and gave a presentation. I understand that he is joining us by phone, is that right, Bonnie?

DR. TURNER: Mike, I'm going to send you a copy of something I've prepared that you could put up on the screen. This is Steve Turner, Southeast Fisheries Science Center. I'll be talking about field monitoring at SEFSC. I'm going to skip down to Bullet Number 2 and talk about the quotas. We're working on the exact numbers but we have a good feel for where we are at this point.

It looks like tilefish is at about 30 percent over quota, on that order, so we've had some difficulty monitoring landings both for tilefish as well as vermilion snapper and Spanish. One of the difficulties we ran into this year is continued very low reporting timeliness by dealers. We've had somewhat better reporting timeliness for vermilion snapper than for tilefish and relatively poor reporting timeliness for Spanish mackerel.

In January, our first two reporting periods – recall we have an early January and a late January reporting period – about 40 percent of the landings were available on time. In early February for tilefish about 60 percent of the landings were reported on time. One of the reasons for the increase here was working with our port agents and with the Office of Law Enforcement to remind dealers of their need to report in a timely manner.

For vermilion snapper, in January we had 50 to 60 percent of the landings reported on time; whereas, in early February that landing rate dropped off substantially to about 30 percent. Spanish mackerel we saw very poor reporting by the dealers. Throughout the first six weeks between zero and 20 percent of the pounds were reported on time.

Moving down to Item 3, reasons for possible overages, obviously there was substantial late reporting. We need to work on this and in a minute I'll move into improvements we're working on to decrease the amount of late reporting as well as increase other components of our compliance system. Clearly, we had substantial late reporting.

One of the difficulties is the long reporting periods, two weeks or slightly more. Shorter reporting periods would allow us to determine what is going on in a much quicker basis. The Southeast Center certainly has the need to improve our compliance monitoring and I'll discuss that in a minute. One of the primary difficulties is we have an unknown universe of dealers for some of the species. This would be the non snapper grouper species; the coastal pelagics specifically but also cobia and dolphin and wahoo.

For the snapper grouper dealers there is a dealer reporting requirement and we do have that universe of dealers. Now, moving down to improvements being made, the Southeast Center is developing a quota monitoring system called CLM for commercial landings monitoring, and this system is going to do a variety of things.

It's going to take into account different boundaries for each stock based on fishing area and where the fishing area is reported on the trip ticket. This is an improvement over our previous system which basically relies most heavily on where the dealer was located. We have built into this system variable quota periods. These periods cover overlapping years. They can cover multiple periods per year. Obviously, there are different periods for each stock.

We can have overlapping species. There can be one quota monitored for a single species and another quota monitored for an aggregate that would include that and other species. The information will be drawn and is being drawn from multiple sources. Information is being taken from SAFIS for Georgia and South Carolina, and the information for Florida and North Carolina is being picked up through the Bluefin Data System.

That's actually reported to a couple places and we're picking it up through a couple of means there. One system, the CLM system will be used to monitor all stocks managed by the South Atlantic Council, including stocks with landings taken in the Gulf of Mexico. Compliance monitoring is being built into this system. We have recently been able to establish a direct link to our Southeast Regional Office Permits Data Base, which allows us real-time access to the

permit lists which will be critical for our compliance monitoring, who should have reported and who has reported.

We will be getting and the system will incorporate both negative reports, no landings were made, as well as specific landings reports. The system will conduct projections for expected landings in days and weeks in the future, and it will incorporate a system for accounting for non-reporting dealers.

This is critical and one of the difficulties for the monitoring is calculating what a dealer might have landed if they have not filed any report but the landing period is closed. For instance, with tilefish we had 40 percent of the landings reported so that means 60 percent of the landings that actually occurred were not reported, and we have to calculate what that was.

Those calculations certainly will have a great deal uncertainty about them; so one of the things we'll be doing is working to improve compliance both through our work – but I'll get into that a little later – through our work and the Office of Law Enforcement. We expect the Commercial Landing Monitoring System to be in place approximately May 1.

Once completed our staff will be able to spend more time on compliance and data quality critical needs as opposed to determining what is going on with our data acquisition and programming to incorporate systems for compliance monitoring and other data acquisition activities. While CLM is being built, we're actually rebuilding our 2011 quota monitoring system so that it's more streamlined and easier to use, and obviously we're applying this to 2012.

We will use this until CLM is in place and we'll use it to verify the CLM results as they initially come in. Now, another improvement we've made is we've enlisted the assistance of law enforcement in encouraging dealers to report in a timely manner. In addition, we've had our port agents working with known dealers to try to get them to increase their reporting rate. We saw some of that increase in early February, some of the results of that.

Still I had 60 percent that were way under where we really need to be, which is at 90/95 percent at least. We're in the process of developing our own ad hoc dealer compliance monitoring system which will be used until the CLM system is in place. One thing we would request is assistance from the states and we are going to be requesting in the very near future assistance from the states in identifying dealers.

This will take the form of verifying our assignment of names and addresses and phone numbers to state dealer numbers which we're currently receiving, so this allow us to contact the dealers to encourage them to report in a more timely manner or to ask them questions about the specific things we're seeing in the data they've reported.

That is a temporary process until the CLM is in place because CLM will be dealing with dealer compliance as part of the system. One of the primary things we expect to be doing from now on because of our experience in early 2012, earlier this year, in the last couple of months is we're planning to provide the regional office with projections of when quotas will be met for the primary species before the fishery opens. For instance, we'll be providing the regional office

information on black sea bass well before the June opening and for vermilion well before the July opening.

This way with potentially short quota seasons the regional office will at least have some advance warning when we would anticipate landings might reach the limit. Another critical thing I think you're aware of is we're working with the regional office and the councils to develop uniform dealer reporting requirements.

This will allow us to identify all dealers who should be reporting, which will simplify our compliance monitoring and actually allow us to do compliance monitoring for many of the coastal species, the non snapper grouper species. The other thing we're working at the regional office and the councils on is to shorten the reporting period. This should also assist us in the monitoring.

The few recommendations; I would suggest weekly reporting periods for most periods and most dealers. This would provide coast-wide compatibility for dealers who were reporting both to the southeast and northeast. There are several dealers in North Carolina who report to both the southeast and the northeast, and there are some dealers in Florida who do as well.

This would provide us more timely information than the current semi-monthly reporting period, but it's less burdensome from dealers that do the reporting. The dealer must file either a negative report or landings reports for every reporting period. I suggest that daily reporting be defined by – the timeliness of reporting be defined by the Science and Research Director.

When quotas are small or when small amounts of quota remain, then the landing rates to achieve those quotas indicate that the quota would be filled relatively quickly. Another recommendation I would make is that the council consider incorporating uncertainty due to monitoring of landings should be should be incorporated in the annual catch target because clearly we've run into some problems at least this year and some last year as well. Are there questions?

DR. DUVAL: Are there questions for Steve right now? I'm not seeing any, Steve, so thank you very much for that presentation. I think we're going to give folks about ten minutes and then we'll come back and dive into the rest of the work, which is going through the generic dealer amendment as it is right now as well as going through those items from the CE-BA scoping that would apply to this committee.

(Whereupon, a recess was held.)

DR. DUVAL: All right, folks, let's go ahead so we can get out of here by 5:00 o'clock. First of all, I just wanted to see, before we move on into our second agenda, if there were any questions or comments maybe for Bonnie about the efforts of the Science Center.

I know that I am a little bit surprised to see what is going on that appears to be perhaps a little duplicative, but I was wondering if any other folks sitting around the table had any comments or questions about some of the activities that the Science Center has been undertaking with regard to trying to improve their dealer reporting and compliance. Bonnie.

DR. PONWITH: I appreciate the opportunity to have Steve talk about some of the innovations that we've made investments in. The quota monitoring has always been an important endeavor; and certainly with the advent of ACLs and accountability measures, the importance of that has grown.

Recognizing that, we've made some significant investments in improving those systems so that they are designed for the task at hand, which by that I mean to be able to deliver on the requirements within the Magnuson-Stevens Act as reauthorized. Right now our goal is to have a system that is standardized across the little "r" region, meaning that we have the universal dealer permit which is something that we're along the way on; that we have electronic dealer reporting, again something we're well along the way on; and then modifications to the periodicity of that reporting to position us for success in being able to land on these quotas as close as we can without going over.

These are investments that have been made. We're well along the way in actually bringing those of fruition. I think that one of the most important first steps that we took on this was the linking of the commercial landings monitoring system with the permit system to enable us to be able to recognize who is being naughty and who is being nice in this process, basically monitoring the compliance.

As Steve had said, as soon as the programming is done for these improvements that he kind of walked through, it enables us to spend more time on QAQC validation and compliance monitoring as opposed to getting the modifications to the improvements that Steve covered in place, which is the stage that we're in right now.

Again, the beauty of this is its conformity across the entire region so that we've got the South Atlantic and the Gulf operating in a way that is consistent. That consistency reduces kind of the overhead it takes, that you kind of have an entropy when you have systems that are fragmented and may take a lot and energy to manage them. By having one mechanism that spans the entire region, it brings that advantage. It also is advantageous for stocks that we co-manage with the Gulf of Mexico. I guess I'll stop there.

MR. CURRIN: Michelle, I'm not on your committee; I failed to tell you that earlier, but you knew that. One more thing, I'll go a little further, Bonnie, that Steve didn't mention and you haven't mentioned, and that is I feel very strongly that we need to demand compliance and we need to ensure compliance by having penalties that are appropriate to make sure that these guys are going to report on time. That's something that's missing right now and we need that.

It's a comment I guess rather than a question and I don't know exactly how to phrase it as a hope that my fear is not realized. I hope we're not creating yet another system that all the states from North Carolina all the way around through the Gulf will have to adjust to as they have other NMFS programs that have come through that have caused some consternation with some of the state reporting because they're all doing it a little bit differently.

The beauty of ACCSP to me is that it has been around long enough that people have a good sense of what is required to make that system work and how they need to structure or change, modify, integrate their current recording systems. I just hope that you guys aren't creating yet another system that is going to have to require integration and adjusting to.

DR. PONWITH: On the point on the penalties, I couldn't agree with you more. I think all of this comes down to having some very toothy vehicles for ensuring that people are in compliance with this; that there are measurable repercussions to not reporting. But that being the stick, to me the carrot is this. With this system we will be able to do sort of a post mortem and evaluate at any point between the beginning and end of that fishery what the compliance was like, and we can actually then use that compliance level as a quantitative measure to set the ACT.

I know that in this council we've talked a lot about the use of ACTs in commercial landings, but the beauty of this is by setting your ACT based on a measurable amount of non-compliance with timely reporting, you basically account for that uncertainty so you don't have bad surprises. Number two, you incentivize accurate and timely reporting.

Basically, any collection of dealers who are reporting exactly on time and with a high level of accuracy, the ACT and the ACL basically merge. You don't need that buffer anymore. If you have a situation where people are holding back their fish tickets, whatever the rationale of it is, whether they had a birthday party and missed a deadline or whether it's because they feel they might have some financial gain by reporting late, that behavior, regardless of the motivation, is captured in the size of the buffer, so there is a direct link to the behavior of the people reporting and the amount, and it is not punitive. It's capturing the uncertainty in a quantitative measure to ensure that uncertainty is taken into account in the way we manage the quota the following year.

MR. CAHALL: I just wanted to make a comment. The ACCSP and the SAFIS systems are not analysis tools, and I think I need to make that clear. What the southeast is developing are essentially analysis tools that allow them to take the existing data set, which we're participating and providing for them, and then doing analysis on it.

Unfortunately, as everyone has noted is that if your dealers don't report, you don't have the data and so you can't do the analysis. No matter how good your tools are if you don't have the data to work with, then there is nothing to do. It sounds like some interesting stuff going on. I just wanted to make sure everyone is clear that our job is to collect the data and provide it, but most of the time we don't do the analysis.

MR. WAUGH: We're going to get into this a little more when we get into the dealer amendment, but here is the southeast region's summary settlement schedule and here is the penalty for violations regarding permits, reporting and documentation, and there aren't any. That's the problem.

HMS is solving this problem and in the proposed rule, which we have and we'll get into a little bit and we're suggesting we pattern the consequences after that. If you don't provide the data, the dealer's ability to purchase product is suspended. That is in the HMS proposed rule and that is something we need to do.

If there is no incentive here and no consequence of not turning in the data, then you can get out and try and education them all you want, but there has got to be a consequence. My question is in looking at this new system, are there any details; is there any description of exactly what this CLM is? Is it going to be duplicative of existing data that is being collected from the dealers? Just what is it; is there any documentation as to what exactly CLM is?

DR. DUVAL: Bonnie, did you want to respond to that before we move on to a couple of other folks?

DR. PONWITH: Let me check with Steve and see if there is documentation on kind of an outline of the products that is ready enough to be able to submit to this group, and I'll get back to you.

MR. HAYMANS: Bonnie, do you see ultimately a matrix or some system whereby if you've got a hundred percent reporting a hundred percent on time, then ACT equals ACL and we have a matrix, a decision tree or something that we go down from there? Is that sort of what you're envisioning?

DR. PONWITH: Well, I'm speaking from the science side so I would never presume to step into the management side, but from a science standpoint if we take a look at kind of a post mortem at the end of the year and we look at the reports and what percentage of them were on time, how many of those ones that were late were big players versus small players, it enables us to provide a quantitative measure to the council that is actionable information, and it's the council's decision whether they set an ACT or not.

We could provide scientific recommendations as to how much uncertainty there is in avoiding going over the ACL by gauging the ACT based on performance last year. The short answer is, yes, I could see evaluating compliance and using that as a gauge for the size of the buffer between your ACT and the ACL.

MR. CUPKA: This whole issue of penalty schedules and penalties associated with non-reporting is certainly not new to this council. I can remember years ago when we were looking at logbooks and trying to require some type of reporting and trying to stipulate some penalties if people failed to report.

I guess the take-home message we got at that time was thanks but no thanks, it's not the purview of the council to be involved in penalties and whatnot. I know that issue came up recently at the last Gulf Council meeting when I think Shep essentially told the Gulf Council the same thing. I guess my question is kind of the same one that Gregg had; I don't understand how HMS can get involved in setting penalties and yet this council can't.

It's a very important issue and we've got to have some way to make sure this reporting is done or we're going to have problems with these ACLs all the time. I don't understand how HMS can do it and yet we're told that we can't. I don't know if anyone can address that, but that's a

concern to me because it is an important issue and yet we haven't been able to participate in that in the past.

MS. SMIT-BRUNELLO: How convenient that I follow David's question. First to one point before I address David's question; Gregg had up the summary settlement schedule and that's a part of the penalty schedule, yes, but it's for certain violations which you can deal with in a summary kind of way.

It's kind of you can deal with those – I don't say a faster way but there are reasons, and I can't recall or tell you all, but I'll find out a little bit later in the meeting about what is put on the summary settlement schedule and what is not, but there are violations for not reporting on time. I was able to pull up the Southeast Region Magnuson-Stevens Act Penalty Schedule, and, for example, violations regarding dealing – and it depends because they break it into violations regarding fishing/possessing/dealing at the wrong time, place.

Those start at \$500 to \$50,000 with a permit sanction of zero to forty-five days for the first violation. That might not be exactly the right penalty that I'm talking about. Well, here is one, failing to provide information; again it's \$5,000 to \$30,000 for the first offense and it goes up to the statutory maximum for the third offense with penalty sanctions.

I think that there are penalties in place to deal with these kinds of violations. It is the purview of NOAA General Council for the most part to develop penalty schedules, as you said. I can't speak to HMS' situation except that they don't have a council. That is a secretarial-managed plan. I'd be glad to find out what they're doing.

I just heard recently – last week I think – how they're dealing with certain violations of this manner and I'm going to find out about it because I think that's a very intriguing thing. We could have NOAA General Counsel come and talk about penalties for dealer violations and all those sorts of things. Maybe you want to get them on the agenda to do that.

DR. CRABTREE: Gregg, I assume you're talking about the HMS dealer reporting proposed rule that came out in the summer?

MR. WAUGH: Yes.

DR. CRABTREE: It says failure to comply with these record-keeping and reporting requirements may result in existing dealer or permits being revoked, suspended or modified and the denial of any permit application. It says these things may happen, but it doesn't specify precisely what the penalty is. I assume that is still at the discretion of NOAA Office of General Counsel.

MR. WAUGH: Yes, I was reading from the summary part that says this rulemaking also proposes that a dealer would only be authorized to receive commercially harvested – and then it lists the species – if the dealer's reports have been submitted by the dealer and received by NMFS in a timely manner.

Any delinquent reports would need to be submitted by the dealer and received by NMFS before dealer could receive commercially harvested – and then lists the species. It's not setting a penalty as such; it is setting a condition on continuing to be able to purchase fish that is conditioned on providing the data. If you don't turn it off right away, it doesn't do any good to do it after the fact.

MS. SMIT-BRUNELLO: I should say that I think that the council definitely has a voice in telling NOAA General Counsel how important you think these violations are, particularly since we now have annual catch limits in place and other things that are in place that, David, when you heard that presentation way back when from NOAA GC on the penalty weren't place. Maybe with the importance and the change in circumstances, if the council feels strongly that these should be dealt with in a different manner you could suggest to NOAA General Counsel that is what you would like and they'll take that into consideration, I'm sure.

MR. CUPKA: I guess that is what I was getting at, Monica, and not so much that the council wants to set the penalty schedule. Number one, we want to have some input on what conditions would result in a penalty, whatever that penalty is deemed to be, but also somehow letting them know that we consider certain actions or inactions to very important to what we're trying to do and at least get that message across that this is important to us.

We think this is a serious thing, we're not trying to set the penalty schedule and say what the penalty is, but we're trying to give some indication of what instances some sort of penalty will be invoked and the fact that we consider some things maybe more egregious than others as guidance. That's what I was getting at.

MR. PHILLIPS: David, I agree with you. If we can get even \$200 or \$500 penalties and get people to comply – getting people to comply is problem. If we can get people to comply, then we don't need to go to ACTs, and get them on a timely basis. Even a week with some compliance is going to get us really close.

We had our estimates on when the seasons were going to close when we put trip limits in; not even close. Instead of longer they're shorter and a lot shorter. If we can get some compliance, then we don't have to guess with an ACT. Let's fix it and encourage in the strongest terms, but you don't want to put them out of business with a \$5,000 fine.

Start with something to get their attention and then go from there. I think we can get there and we can do those e-tickets. It's a little bit of a hassle, but it's doable especially if you've got a couple of days to do it. We try to do ours almost everyday when we unload. Of course, we don't unload a lot of boats anymore; but if you do those e-tickets you're done, you're through and it's over.

MR. HARRIS: I just feel like there is a huge disconnect here somewhere. It seems to me like the Science Center is at least a year behind in doing what needs to be done to get these dealer reports in. The compliance was horrendous with these dealer reports. It just doesn't make any sense to me that a state can get the kind of compliance that North Carolina is getting and the Science Center is just now working on the problem.

The other thing I don't like is the idea of setting ACTs that penalize fishermen for dealer non-compliance. We penalize fishermen every place that it's possible to penalize fishermen, I just am not willing to go down that road to penalize fishermen for dealer non-compliance. Let's get the dealer compliance fixed and not set these ACTs. You look at some of this compliance; we'd be setting an ACT at 20 percent of what the ACL is because of dealer non-compliance. I'm not willing to go down that road.

DR. DUVAL: I appreciate you mentioning that, Duane. That was a concern that I have as well.

MR. CURRIN: And there is a simple solution to that so that ACT can equal ACL every time. If you take the permits away from the guys that didn't comply the year before, you don't have to consider them the next time and then your ACT can equal your – you won't have an ACT. I'm being somewhat facetious with that, but I'm not far off from where I would set it up if I were the king of the world.

I guess it's a question for Monica. Monica, are there classifications or categories of penalties like the ones that were up on the board, perhaps, that are set and do not require adjudication on behalf of NOAA GC or OLE getting involved in that. I think we need to avoid that if we at all can. You know, I don't think anybody, as Charlie said, wants to put anybody out of business for not complying, but we need compliance and we need to make it hurt enough that they don't want to do it more than once.

I don't want to see them tied up in court because we're talking relatively small penalties here. NOAA GC and OLE is not going to get involved in those cases. They don't have time for that and they don't have the personnel to start dragging ten or fifteen dealers who have sent in late reports every year. That's just not where their priorities are going to be.

My question I guess is do we have categories or classifications of penalties that can be set at some level, not a range but at some level such that the violation is issued, it's clear cut that you did not comply on time, your penalty is X. You will be asked to submit a check in the amount of X to take care of your violation here; no questions asked.

MS. SMIT-BRUNELLO: Well, it has been a while since I put my enforcement hat on, but there are violations which fit into a summary settlement kind of schedule, which is what Gregg first put up there, and the dealer non-reporting is not on that schedule. I can't tell you why it's not on that schedule, but you would still need a case to be made such that you had the facts that the person you thought violated the law and then you give them a chance to respond in an abbreviated procedure using the summary settlement schedule.

I can find out more information on summary settlement and I can give you more information on that. The other thing that I was going to say earlier, which goes right into this, when the federal government issues, for example, a permit, whether it's vessel, dealer, anything like that, there are certain due process right that attach to the revocation of that.

You can't just say you didn't report yesterday so I'm yanking your permit because the person has a right to receive some sort of due process and say, "Hey, no, you've got the facts wrong, please don't do that, don't jerk my permit, don't shut it down just on the basis of what you think. I have to have the opportunity to present at least my side."

That's where the summary settlement schedule I think comes in a little bit along the lines of what you were saying. It's not like when you're going through whatever town we pass through on the way here and you've violated the speed limit and you can quickly resolve it when the officer gives you a ticket by paying the fine right there. It doesn't quite work in the same fashion, but at least the summary settlement system gets you a little closer to where I think that you would like to go.

MR. CURRIN: As a followup, that's exactly what I was talking about. I guess the analogy I would present is a parking ticket. They used to be three dollars and now they're ten to twenty, but your chances of having one overturned, you can appeal all you want, I'm sorry, you were there, the officer marked your tire, you're in violation and you're going to pay the thing or we're going to issue a warrant for your arrest. I don't see it being much different than that. It's pretty clear cut.

Now, I may go in and say, yes, well, extenuating circumstances, I parked my car there, yes. It was left there too long, but one of the policemen on a horse ran over me and broke my leg and I had to go to the hospital. So, that's fine, maybe we wouldn't make you pay the parking ticket, but you'd better have a damned good excuse or you're going to pay the parking ticket.

MS. SMIT-BRUNELLO: In that case I guess you say, well, instead of suspending somebody's permit automatically because I don't know that you could do that without some chance for the person to respond. You'd say here is a fine?

MR. CURRIN: Yes; the first bite at the apple, yes, it would be a fine and maybe the second bite would be a larger fine, and I think certainly removing a permit ought to be one of the results of continued non-compliance.

MS. SMIT-BRUNELLO: I think these kinds of concerns and thoughts and desires of the council ought to be communicated then to the Office of Enforcement and NOAA General Counsel so they can work together on this.

DR. DUVAL: I'm going to let Roy have the last word here because all these issues of compliance and penalties are going to come up in our discussion of the generic amendment.

DR. CRABTREE: We need to work on the compliance part it, but the other part is when we go through the dealer reporting is the timelines that we have on the books now are basically one month, but I guess for some fisheries the Center is notifying they have to report at two-week intervals, but they're still allowed to report via mail, so the report has to be five days later.

There are due process issues here because if a report doesn't come in somebody is going to say, "Well, we mailed it to you and I have a witness. My secretary saw me put it in the mail."

You've got to go through all that. After I get a report from the Science Center saying that a quota is expected to be caught, I've got to then put together a Federal Register Notice. It has got to be cleared by the attorneys; it has got to go to headquarters and go to the Federal Register. Then fishermen want five days' notice or something like that before the fishery closes. The next thing you know all these periods add up and we're three weeks in the best case after the fact when fish were caught.

The problem is we've got quotas that are now being caught up in a month and a half where three weeks is half the season, and so you can get way off by that. We've got small quotas that are being caught very quickly and the system we have right now just can't handle that. We've got compliance issues but I can tell you that no one has come to me with a list of dealers saying these dealers are out of compliance, here is where they were supposed to and here is where they did and do that.

We need to work on that kind of process with the Science Center to ensure when they don't get these reports in when they're supposed to be in that those dealer names are turned over to us with enough information that I can turn it over to law enforcement and we can make a case on it. But with the time periods we're allowing right now, even with good compliance we're still going to have problems with it because the time intervals are too great.

DR. DUVAL: I just have one quick comment I wanted to make and it sort of plays into what Roy just said about Steve Turner mentioned that the intent with this new system is to try to project when the season would end before it opens. I guess the concern I have about that is projections are generally based on past behavior.

As we all know, fishermen behavior can change very quickly. I think that's going to change depending on what species are open for harvest at the same time. Bonnie, I can talk to you more that offline and I just wanted to make sure we get that on the record right now. We're running out of time and I would like to turn it over to Gregg to go through the generic amendment.

MR. WAUGH: We move on to the Joint Dealer Amendment. This is Attachment 1, and what we'll be working from is I pulled out the list of actions and alternatives. I did want to cover the results of our scoping on this issue; and then when we get into CE-BA 3 Anna is going to cover more of the comments.

We did include this in our scoping in January and February. Generally the comments for this measure were in support of modifications to commercial and for-hire permits and data reporting. Many suggested that weekly electronic reporting should be implemented as protocol and voiced frustration that the existing system is positioning fishermen for failure with delays in submission of reports and subsequent overages and annual limits.

A few commented that permit sanctions should be implemented to penalize those reporting late. One comment suggested this measure would be better addressed through a framework of plan amendment. You all can follow along in Attachment 1. If you'll turn to Section 2, we'll cover the purpose and need first.

If you look at the page numbers in the document itself, it's on Page 2; and I'll show you what that looks like on the PDT Document. What we want to do is get your guidance on some of these alternatives at this stage. Right we're looking at the purchase and need and this is PDF Page 14. Right now the purpose reads to change the current reporting requirements for those individuals or organizations that hold federal seafood dealer permits for species contained in the fishery management plans managed by the Gulf and South Atlantic Fishery Management Councils.

I would suggest that we remove this wording where it says "that hold federal dealer permits" because we're also adding a number of dealer permits. We're not just doing this for those that currently have dealer permits. I would suggest we delete that wording and insert "that purchase species contained in the fishery management plan". That seems to track it more closely to what we're doing. We'd look for motions to approve these items so that our intent is clear.

DR. DUVAL: Is anyone willing to make a motion in that regard?

MS. McCRAWLEY: I make a motion to modify the language as indicated by Gregg.

MR. CUPKA: Second.

DR. DUVAL: Seconded by David.

MR. WAUGH: And that's reflected on the screen.

DR. DUVAL: The motion is to adopt the revised wording for the purpose statement. The motion was made by Jessica McCawley and seconded by David Cupka. Gregg will go ahead and read the revised wording.

MR. WAUGH: Here is how it would read, "The purpose would be to change the current reporting requirements for this individuals or organizations that purchase species contained in fishery management plans managed by the Gulf of Mexico and South Atlantic Fishery Management Councils."

DR. DUVAL: Okay, is there any objection to that motion? Seeing none, **that motion stands approved.**

MR. WAUGH: Okay, then we have "the need is to ensure landings of managed fish stocks are below annual catch limits. Improvements are needed to the accuracy, completeness, consistency and timeliness of data submitted by federally permitted seafood dealers. This action will aid in achieving the optimum yield from each fishery while reducing; one, undo socio-economic harm to dealers; and, two, administrative burdens to fishery agencies."

DR. DUVAL: And so I think we would be looking for a similar motion to change that same language; is that correct? David.

MR. CUPKA: I just want to ask Gregg a question real quick. We talk about socio-economic harm to dealers; should also say “and the fishermen” as well? It’s not just dealers that are impacted.

MR. WAUGH: And here I don’t know that we need to change that where it says “by federally permitted seafood dealers” because the need here is to do that for all federally permitted, and what we’re doing is implementing a federal permit.

DR. DUVAL: However, we would need a motion to accept the revised need for action, basically adding the phrase “and fishermen” under the one parenthetical.

MR. CUPKA: So move.

MS. McCAWLEY: Second.

DR. DUVAL: Seconded by Jessica. The motion is to adopt the revised wording for the need by adding “and fishermen”. Any objection to that motion? Seeing none, that motion stands approved.

MR. WAUGH: The next item is getting into Action 1 and we can walk through Section 2. As you can see, this is a draft document. The Gulf will be using this for their scoping meetings. It’s PDF Page 17. We’ve got Alternative 1, which is no action. These are the six federal dealer permits; Atlantic Dolphin and Wahoo; Gulf Reef Fish; South Atlantic Golden Crab; South Atlantic Rock Shrimp; South Atlantic Snapper Grouper, excluding wreckfish and South Atlantic wreckfish.

Alternative 2 would establish one universal federal dealer permit that would apply to the South Atlantic and Gulf. Under that we’ve got several alternatives, and Alternative 2A would require the universal dealer permits for just those six federal dealer permits. The IPT looked at this and they feel, well, that’s not a reasonable alternative because you wouldn’t do this just for those six. The IPT is recommending that we delete Alternative 2, Option 2A.

DR. DUVAL: Do we have a motion to adopt the IPT recommendation of deleting Alternative 2, Option 2A? David; seconded by Charlie. Is there any objection to that motion? Seeing none, the motion stands approved. David.

MR. CUPKA: I was going to ask Roy if you’ve discussed this with your permit people and if you have any feeling about what would better, a universal permit versus separate permits? It seems to me the simpler we can keep it the better off we would be. I realize that at some point this council may want to do something separate from the Gulf; but if not it seems like one universal permit would be a better route to go. I was curious if you had any input on that.

DR. CRABTREE: I haven’t had directly but I’m sure – Jack, is Karolyn on the IPT or someone? So they’re involved in the process, but I haven’t spoken to them directly about that.

DR. DUVAL: David, actually Gregg is going to go through the next two suboptions under Alternative 2 and we might get to some of your questions.

MR. WAUGH: One question we had on this; are these dealer permits that exist now, are they annual or do they renew on the dealer's birth date similar to fishermen?

MS. SMIT-BRUNELLO: I'll check but I believe that they have to renew, but let me check right now, Gregg.

MR. WAUGH: So if we go on, Option 2B would require the universal dealer permit to purchase all federally managed species; 2C would be all species other than shrimp. We're looking for guidance here on whether we should include shrimp, but also for the South Atlantic Council's input do we want to include coral and sargassum?

Sargassum, remember we have I think a 5,000 pound ACL. You have to take an observer on board. Do we really want to complicate this by requiring a dealer permit? We've never had any landings on that. For coral in the South Atlantic you can get a permit for educational or scientific harvest only. Can we simplify it by deleting South Atlantic coral and sargassum?

MS. McCAWLEY: I would like to make a motion about what Gregg just said, to remove from both Option 2B and 2C the South Atlantic coral and the South Atlantic sargassum. I'd actually like to go one step further and remove Gulf of Mexico red drum.

DR. DUVAL: Is there a second to that motion? Charlie. Is there any discussion on that motion?

MR. CUPKA: I was just going to comment on Jessica including Gulf of Mexico red drum. This would be a joint amendment, and I wonder if you wouldn't rather leave that up to them. They get touchy sometimes when we start dealing some things they're responsible for. I'm sure you've got a good reason for it and it will probably come up at the Gulf Council Meeting, too.

MS. McCAWLEY: If that's a friendly amendment, I accept, but I was asking for it to be removed at the Gulf Council because red drum is closed in federal waters. There is no harvest but I guess if there are members of the Gulf Council that would like for there to be harvest in the future, it just seemed unnecessary for me to have that permit there when there is no harvest no federal waters. If that's a friendly amendment, I'm okay with that.

MR. CUPKA: Yes, it is.

DR. DUVAL: Okay, so the motion reads remove South Atlantic coral and sargassum from Suboptions 2B and 2C. Any other discussion on that? Any opposition to the motion? Seeing none, that motion stands approved.

MR. WAUGH: Then we move on to Alternative 3 which would establish separate Gulf of Mexico and South Atlantic federal dealer permits. One of the concerns or one of the reasons for keeping this alternative in there at this stage is that the two councils may want to specify differing requirements.

This will come up under Action 2 where the Gulf is asking to insert a new alternative that would phase in electronic dealer reporting due to concerns over impacts that the dealer reporting would have on dealers requiring electronic reporting. The South Atlantic Council, if they're interested in doing that, it may be fine with them doing that in the Gulf but may not want that in the Atlantic. We have the same situation with Alternative 3A here, so the IPT is recommending deleting Alternative 3, Option 3A.

DR. DUVAL: Do we have a motion to that effect? Jessica.

MS. McCRAWLEY; Yes, I would like to make a motion to move forward with the IPT recommendation to delete Option 3A; and also on Options 3B and 3C, also delete South Atlantic coral and South Atlantic sargassum.

DR. DUVAL: I think David has seconded that. Were you raising your hand for a second, David? I was going to ask for a second.

MR. CUPKA: Yes, that's fine.

DR. DUVAL: The motion on the screen reads adopt the IPT recommendation to delete Alternative 3, Option 3A and to remove South Atlantic coral and sargassum from Options 3B and 3C. Discussion? Mac.

MR. CURRIN: Well, I can do it afterwards or now. I guess I will do it now. I'm just sitting here wondering whether there are any potential problems or loopholes that we create by giving Atlantic coast dealers in North Carolina Gulf coast permits basically and whether we might end up with a dealer in Morehead City recording Gulf coast landings at his fish house. Are we creating some kind of potential problems there? Maybe it's a non-issue, I don't know, but it's just something that kind of bothers me, I guess.

We've got currently people in South Florida that interact with fishermen that have Gulf permits and fishermen that have Atlantic permits. We currently don't have any anywhere outside of that that I'm aware of; but, seemingly, if we go this route and create a single permit for everything in the Gulf and everything in the Atlantic, it's a new ballgame and I just hope we're not creating problems. That's the concern I raise.

DR. DUVAL: Perhaps I'm a little confused about your question, Mac, because this alternative establishes separate dealer permits. Monica.

MS. SMIT-BRUNELLO: Am I hearing that there might be a reasonable alternative to have a Gulf dealer permit and a separate South Atlantic dealer permit?

DR. DUVAL: I think that's what this alternative does.

MS. SMIT-BRUNELLO: So staff would need to look into Mac's question I think and figure out whether there would be any problem with the issue he brought up.

MR. WAUGH: As I understand, Mac, your concern would apply under the universal dealer permit if there is one. Yes, that's a good argument for why we want to have separate ones.

DR. DUVAL: Sorry, Mac, I was not understanding. Monica.

MS. SMIT-BRUNELLO: To Gregg's previous question, it's an annual dealer permit so they have to renew every year.

MR. WAUGH: And that's the calendar year and not their birth date that they renew on?

MS. SMIT-BRUNELLO: I can't tell you that but I will tell you as soon as I talk with the permits office.

DR. DUVAL: Okay, is there anymore discussion on this motion? Is there any opposition to this motion? Seeing none, the motion stands approved. Yes.

DR. CRABTREE: Before we leave this action, I can tell you one concern that the permits shop has raised to me and it has to do with whether we include shrimp or not. I'm told that we're talking over 2,000 new dealers if we include shrimp in this; I suspect mostly in the Gulf of Mexico. I think the whole thing becomes a much bigger process.

I believe that when you try to go to electronic reporting it will be a much bigger deal if you try to include all the shrimp dealers in there. We aren't right now monitoring ACLs for shrimp so it's really not part of the issue right now in terms of quota monitoring and dealer monitoring. I don't think you have to decide that today, but bear in mind in terms of workload and all this is a much bigger problem if you do include shrimp dealers. Now having said that, some of the folks who work on shrimp think there might be some benefits for having shrimp dealers permitted.

MR. CUPKA: I wanted to ask Gregg that Option 3C which would exclude shrimp species, we still have rock shrimp in there. Was that an oversight or done for some specific reason; Option 3C?

MR. WAUGH: Yes, I think there we were just including all the dealer permits that are currently in place. It was intentional to keep rock shrimp.

MR. CUPKA: Okay, I just wanted to know what the thought was.

MR. PHILLIPS: Okay, I just want to make sure I'm following along. I agree with Roy; the simpler we can make this the better we are. I don't see any need in doing weekly reporting on shrimp or much less daily reporting on shrimp. The cleaner we can make it the better we are. I'm not sure if we took out the sargassum across the board or just earlier. I don't know if we need a motion to clean that up and just have the core things that we really are interested in and then add back as we need to or what.

DR. CRABTREE: Well, I think right now what you need to do is let staff develop the document and they'll look at the administrative impacts and all of these kinds of things and then we'll

come back and choose preferreds. If they indicate it is going to be administratively very difficult and costly and very little benefit to shrimp, then we have alternatives here that would delete shrimp from these requirements.

DR. DUVAL: And Roy has raised a good concern and that's one of the things that we've discussed but letting the staff go ahead and just provide that analysis for folks to see is probably a good thing as well.

MR. WAUGH: Okay, if we go now to Action 2, which gets into the frequency and method of reporting. We still need to do some work with the no action alternative because I think as best I can tell the requirement that's in place now is for monthly reporting. There may be some individuals that have been asked to report more frequently, but the legal requirement that is in place now as I understand it is monthly.

Then we're looking at Alternative 2; Alternative 2 would require forms to be submitted via fax or electronically. When we say electronically here we mean by computer, either online or via computer. Then Alternative 3 is to require forms to be submitted electronically. Then under each of Alternatives 2 and 3 we have options that range from daily to weekly, to weekly or daily to bimonthly and bimonthly or weekly. The Gulf Council wanted to add a new alternative to phase in electronic dealer reporting over time.

If you are interested in doing that just for the Gulf, then we need to provide that clarification. Also, we would like to have some discussion about Options 2D, E and 3D and E; because if where we are right now is not working, then why should we include alternatives that would have bimonthly? That is not fast enough so let's simplify the document and delete Options 2D and E and 3D and E.

MR. CUPKA: I wanted to ask Roy a question. Did I read somewhere that there was an allowance for the Regional Administrator to allow reports be mailed in case there was some kind of disaster or did I dream that last night?

DR. CRABTREE: There are provisions in the Gulf IFQ programs, which are all totally electronic now, that in the case of a hurricane or disaster like that the Regional Administrator can adopt paper reporting contingencies. I think in the case of the regulations that are on the books now for dealer reporting, paper reporting is allowed.

Now, if we had a large hurricane hit an area so that they had no power for an extended period, which is exactly what happened with Hurricane Katrina, I think we would need some sort of contingency plan like that. I think something like that would appropriate to include in this document. I think, Gregg, that the IFQ reporting provisions would give you kind of a model to look at with that.

MR. WAUGH: And this came up during our IPT call and it was pointed out that there are regulations that govern that in a separate area, so we can pull those in, yes.

MR. CUPKA: Yes, and that's what I was wondering if they were general such that you wouldn't have to repeat them or if we need to put something like that specifically in this. I didn't know if that was a general requirement that you had in all cases or whether it was specific.

DR. CRABTREE: And my understanding was they were specific to the IFQ program, but I could be mistaken. There may be more general regulations than I'm aware of so I think that's something staff could look into.

DR. DUVAL: Perhaps as what Roy suggested, staff can look into that; and if there is a need to include it we can see that in the next draft. Any discussion or motion? Charlie.

MR. PHILLIPS: Well, considering that we live at the end of the power line and at the end of the cable road and things like that, I left the office this morning with no internet. I tried to work on it Sunday and this morning and never did get it back up. I can see occasional problems especially with daily reporting that I may have to call Darien Telephone to come down and fix hardware issues. It's not just hurricanes. There are times when you're just down and you don't have any control on it. I would put that in the mix, too.

DR. DUVAL: Thanks for that, Charlie. Gregg pointed out that the recommendation of the IPT was to go ahead and remove Suboptions 2D and 2E as well as 3C and 3D –

MR. WAUGH: That's a staff recommendation and not IPT.

DR. DUVAL: Sorry, staff recommendation. Is there any discussion or motion on that? Monica.

MS. SMIT-BRUNELLO: Yes, I believe the attorney in our office who is advising on this, who is Mara Levy, thought that 2D and 2E should be left in because they fall within the range of reasonable alternatives.

MR. WAUGH: And the question to be asked is why is it reasonable to maintain the current system that isn't working; how is that reasonable? I pointed out the same thing during the IPT call.

MS. SMIT-BRUNELLO: I'm sorry, I wasn't on the call, but actually right now this wouldn't be maintaining – bimonthly in my way of thinking doesn't mean every two months; it means twice a month and right now it's a monthly reporting requirement. I understand what you're saying. I'm just telling you what I understand in a nutshell.

MR. WAUGH: And as I understand the legal requirement is monthly. The operational requirement that's in place right now, the vast majority of dealers are reporting every two weeks, and you see the results of it. I would ask again how is what has happened in vermilion snapper and golden tilefish; how is that a reasonable alternative for staff to analyze and to take out to hearings?

MS. SMIT-BRUNELLO: Well, I can't completely answer that. I don't know if those two fish that you just mentioned, if there were other facts in play that made that an aberration, if you will. I can't answer that question.

DR. PONWITH: The reasonable range of alternatives I think is something that GC advises on and I don't want to get crosscerted with that. In terms of Gregg's concern, there were two things happening. It's the periodicity of the reporting and it's the compliance with the required periodicity. At this stage it's very difficult to assign what percentage of the problems is being caused by periodicity versus compliance with the periodicity. I know in my mind what the preferred is but we're not there right now. What we're trying to do is reach that reasonable range of alternatives, but that is a confounding problem.

MR. PHILLIPS: My understanding of bimonthly is every two months; biweekly is every two weeks. There is no way that I think we want to look to every two months as an option. That's just my understanding of what bimonthly is.

MS. SMIT-BRUNELLO: That's a good question; would semi-monthly be better than bimonthly?

DR. DUVAL: I guess we need a dictionary here.

MR. WAUGH: The intent of this alternative – and there was some discussion about that and I don't know why it still says bimonthly, honestly. The intent is that means every two weeks. Yes, I agree; the alternatives are comparing daily, weekly or every two weeks. That's the intent.

DR. DUVAL: So now that we have established that the intent is every two weeks, then perhaps staff can use whatever appropriate word needs to be used in the next version of this. I guess in terms of what the status quo is now, Gregg spoke to what is in regulation versus what is happening operationally right now with biweekly reporting. My concern about Options 2D and 3D was that this really seems like the status quo, but what is the status quo? Is it what is actually in the regulation or is it what is happening on the ground?

DR. CRABTREE: Well, I'll take a stab at it. The problem is the regulations I think say monthly, but it says the Center may select some other time. Depending on how the process the Center went through selecting the other time and the notification and all of those things, they may or may not be able to make a case on that, and that has been part of the problem. This is different in that it would put the biweekly clearly in the regulations and there would be no question you're out of compliance on it. I don't consider it to be exactly the same. Whether it meets our needs or not is a whole different issue.

DR. DUVAL: Okay, so based on input from legal staff that serve on the IPT, it seems like these two subalternatives need to remain in for now as part of the reasonable range of alternatives and we'll correct that language; is that what I'm hearing? I don't see any objection to that effect. What happens if we do take these two things out? Monica, do you have an answer for that?

MS. SMIT-BRUNELLO: Then they're not considered and there could be some problems with NEPA, I guess, if some think that it's not a reasonable range of alternatives because you automatically removed these without any analysis.

DR. DUVAL: It sounds to me like this needs a bit more work in terms of what exactly the status quo is, and that is going to determine whether or not Options 2D and 2E stay in here. I guess for now we'll just leave these as they represent part of the reasonable range of alternatives and see what staff says after the next go-round.

MR. WAUGH: One additional clarification; in 2C we say forms submitted once a week with the ability to increase to daily as determined by the Center Director as landings approach the ACL. I'm wondering if that is really what your intent is because I don't know that we will be able to do that. What that says is you're going to monitor it weekly and then when it approaches the ACL, then you're going to take some action to change to daily.

Well, we'll be blown way past our ACLs by that time. I wonder if the intent here isn't that we want to give authority to NMFS that if they try weekly and find that we're still blowing the ACLs, that then without us having to take additional regulatory action they can implement daily. If that's your intent, then we just need to delete from all of these alternatives "as landings approach the ACL".

DR. CRABTREE: I think that's fine, but I think this is what Steve Turner talked about where they were before the fishery even opens is going to give us an estimate of when they thought the quota would be caught. If they come to me and say we estimate the quota is going to be caught in two weeks, that would be a clear case where you need to go daily reporting right there.

If they come and say the quota is not going to be caught for seven or eight months, well, then we have considerable time on it. I do think in this case we need to be very clear on the process by which we're going to make that decision and the notification to the dealers when this changes so that we're then able to enforce the compliance end of that. I don't have a problem with Gregg; I think Gregg may be right that taking the motivation out for when that change is made because it may be that change is made from the very beginning of the fishery opening because the season is expected to be so short.

MS. SMIT-BRUNELLO: And I think Gregg raises an excellent point and we should build in the flexibility so that there won't have to be some additional action that has to be taken in order to speed up the frequency of the reporting. The IPT could think about maybe under what kind of circumstances how we can structure the alternatives so that it's clear from the very beginning that there are going to be some circumstances and maybe examples as to when perhaps so it can be sped up without a lot of additional time being taken to give additional notification and all that sort of thing. Obviously, people will have to be notified but if you can shorten up that process, it would be great.

DR. DUVAL: Well, I know I definitely have concerns about trying to do something like that midseason. I think there are instances like vermilion snapper where we have a split season where the Science Center can say, okay, we're going to try weekly reporting for the first split

season; and then if it doesn't work, then clearly you have an opportunity to give plenty of notification to people that you're going to go to, say, a daily reporting situation. I personally think it's going to be pretty tricky to try to work out some kind of process by which you would do that midseason. David.

MR. CUPKA: I agree and we had some discussion about this during the break, but there may be cases, I think as Roy was pointing out, where you know before they ever start that it's going to be a derby fishery so you want to start off with daily reporting. I think the problem, as you indicated, is if you start under one process during a season and then you want to change it, that's where I think you're going to run into a problem. But, clearly, there may be cases where you want to start off with daily reporting and so you won't be changing it in midstream, so to speak. You'll be going with that from the very beginning of the season.

MR. PHILLIPS: Yes, we may want to just set – say we've got an estimated closure and we're going to start doing daily reporting 30 days before the estimated closure or 45 days and then you know what you're going to do. If you're going to project out an estimated closure, just pick a number of days that gives everybody some room and just say that's when we're going to start doing it.

DR. CRABTREE: This is structured to have requirements to report for either specific dealer permits or even for universal dealer permits; so one thing you need to think about is if that's the case, it seems to me the reporting would be either weekly or daily for that permit and everything it covers. But if we're talking about saying, okay, for species we want daily but for this species we want weekly and all that, I don't know that this is structured in a way that gives us the authority to specify the frequency on a species-by-species basis.

You ought to think about whether you even want to do it that way because I don't know how many species are covered, 60 or 70-plus species, and that could get awfully confusing to the dealers if these are daily this week and everything else is weekly, and then your compliance is going to go down and then people are going to get ticketed because they were confused, and then the whole thing could start unraveling. I think this is something we need to really think through carefully, but I guess the first question would be is it even structured in a way – if you have a universal permit, does that mean it's daily for everything or it's weekly for everything or what authorities do we have the way it's structured to parse it out. I don't know if the IPT has discussed that or not but I think that's something that bears some discussion with our attorneys.

MR. WAUGH: And just as we talk about this, we should keep in mind what your timeline is for this. Right now what we've mapped out, we're assuming that you want this implemented January 1 of next year so that we have improved dealer reporting and the ability to track starting with our quotas next year.

Backing up from that, that means the councils have to approve this for public hearing at your next council meeting in June. We go to hearings in August; we've already got dates mapped out. You finalize in September. That's fast so we don't have a lot of time to go back and have the IPTs look at nuances to bring back to you because you need to approve this for public hearings at the June meeting if your intent is to have a chance of meeting January 1.

DR. CRABTREE: And I can tell you if we take final action on this at the September meeting, I do not believe it will be implemented by January 1. I don't think there are enough days to go through the comment periods. Furthermore, if we're going to require electronic reporting, people may have to go buy computers and things like that. There would be no waiving the cooling off period. I think it would be very difficult to justify doing that. I doubt that this will be implemented by January 1 on the schedule we're on.

DR. DUVAL: Well, this is certainly I think a high priority for the council and we'll make every effort to try to do that or structure it in such a fashion that this could be implemented by January 1st. As far as people having to go out and buy computers, I think there is generally enough notice of what the council is doing or what is coming down the line that I don't think it would necessarily be a problem. It would just be for folks to get their software up and running. Any more discussion on this? Gregg, would you prefer a motion from the committee to remove that phrase "as landings approach the ACT"?

MR. WAUGH: Well, I think that's your intent and it seems that what you want is you want the alternatives that say either weekly or daily; you want it reworded to say "forms must be submitted either weekly or daily as determined by the Center Director". That seems to be what your intent is.

DR. DUVAL: Is someone willing to make a motion in that regard? Jessica.

MS. McCAWLEY: Okay, I make a motion to – are we talking about 2C and 3C only or are we talking about amending 2C, 2E, 3C and 3E?

MR. WAUGH: And 3D – I'm sorry, and 3E, yes; four of them.

MS. McCAWLEY: All right, can you state the suggested language again, Gregg, one more time? While Gregg is typing that up, just to note I see he is being very specific about the difference between weekly to daily. On Options 2E and 3E we're talking about going from twice a week – or every two weeks to weekly, so does that motion need to be worded a little bit differently.

DR. DUVAL: Or perhaps split up.

MS. McCAWLEY: Yes, that's my other thought to make it simpler because right now it's not covering the E alternatives, it doesn't seem to me.

DR. DUVAL: So it looks like we have the language up on the screen. Jessica, would you mind reading the first –

MS. McCAWLEY: I don't think we're completely there yet because the top motion says that we would only reword Alternative 2. I think that we mean that we're going to be rewording Alternative 2 and 3 and the same thing on the second motion. I think the second motion also

needs a little bit more help. I think it should be bimonthly to weekly and I don't think it says that; two times per month or more frequently as determined by the –

DR. DUVAL: The option as it reads right now is bimonthly or weekly.

MS. McCAWLEY: But you have weekly in front of bimonthly; shouldn't bimonthly come first and then weekly?

DR. DUVAL: Okay, I think we may have it now, so, Jessica, if you wouldn't mind going ahead and reading the first motion and then I'll ask for a second.

MS. McCAWLEY: Okay, reword Alternatives 2 and 3, Options 2C and 3C to read “Forms must be submitted either weekly or daily as determined by the Science and Research Director.”

DR. DUVAL: Okay, a motion by Jessica; second by Tom Swatzel. Discussion? Charlie.

MR. PHILLIPS: Well, you're trying to get a report weekly or every two weeks, which is biweekly. If you do it two times a month you've got 28-day months, 31-day months; and to keep everything on an even keel I think you either want to say weekly or biweekly. That way all your reporting is going to be on a set time schedule of 14 days or 7 days.

DR. PONWITH: So the intent is to have the reports show up on the 15th of the month and the last day of the month. Technically, I think semi-monthly comes closer to being able to do that than bimonthly, which I think is every two months, or every two weeks, which ends up getting you reports on multiple days depending upon the length of the month. Whatever wording we use, the intent or the ideal is to get reports on the 15th and the last day of the month.

DR. DUVAL: Thanks for that, Bonnie, and that discussion is actually germane to a motion that hasn't actually be made yet; so if there is any discussion on the motion that is currently up on the screen, which has to do with either weekly or daily reporting as determined by the Science and Research Director, I'd like to hear it. If not, is there any opposition to that motion? Seeing none, **that motion passes**. So now we'd be looking for someone to make an additional motion to deal with Options 2E and 3E. Jessica.

MS. McCAWLEY: I make a motion to modify Alternatives 2 and 3, Options 2E and 3E to read “Forms must be submitted either biweekly or weekly as determined by Science and Research Director.”

DR. DUVAL: Motion by Jessica; second by Tom Swatzel. Anymore discussion on this motion since we almost had the discussion before we actually had the motion? I think the intent as Bonnie pointed out is that reports be received on the 15th day of the month and the last day of the month; is that correct?

I think, Gregg, maybe some direction to the IPT that if it's determined that there need to be additional wording changes to ensure that is actually what we're saying and what we would take

out to public comment, that those be made. Is there any other discussion on this motion? Is there any opposition to this motion? Seeing none, the motion stands approved. Now we're going to start getting into Action 3, which are the penalties for failure to report over which we had quite a bit of discussion earlier. Gregg.

MR. WAUGH: Right, and the suggestion here; I don't know if we get out of stepping on NOAA GC's and the enforcement attorneys toes a little more. If we were to reword this action, rather than penalties, because we're not interested in fining people, what we want is to have the data provided.

I wonder if it would help to reword this as requirements to maintain the dealer permit; and in order to maintain your dealer permit you have to provide the data according to the time period that is selected. If you don't either send in a no purchase form or the data, then your ability to purchase product is suspended. That is what needs to happen to make this work. However we accomplish that I think is where we want to get, and that's exactly what has been proposed for HMS.

DR. DUVAL: Discussion? It seems to me that rewording this action as Gregg has suggested, titling it "Requirements to Maintain Dealer Permit", is a lot more accurate than "Penalties for Failure to Report", which implies some kind of monetary submission. Jessica.

MS. McCAWLEY: If you're ready for it, Madam Chair, I'll make a motion.

DR. DUVAL: Please do.

MS. McCAWLEY: Okay, I'd like to make a motion to change the title of this to "Requirements to Maintain a Dealer Permit".

DR. DUVAL: Is there a second to that motion; Tom Swatzel. Any discussion on the motion?

MR. PHILLIPS: Requirements to maintain dealer permit; I'm not so sure I think that is the best wording, because really what we want to do is encourage people to report, and we don't want to name it that because we don't want people thinking we're going to snatch their permit the first time they do something wrong. If you can put that in wording somehow that they're going to have several warnings or calls or whatever before that, then maybe this wording is okay. That seems a little harsh.

DR. DUVAL: Well, I think, Charlie, that the actual alternatives within this action would speak to that in terms of a process for alerting folks to when they have been non-compliant, so I think the way we structure the alternatives within this action is going to address that. I'm not sure I would want to merely encourage people to do something that they are required to do. I'd welcome any other input from the committee on that.

MR. CURRIN: I'm not on your committee.

DR. DUVAL: And that's okay.

MR. CURRIN: But it seemed to me in going through this, Michelle, that perhaps another alternative might be considered one that would result in a fairly stiff fine on the first infraction with a permit sanction of some sort for the second infraction. It looked like everything we had there had to do with either warnings and permit infractions and no fines.

I understand we may not have that authority to specify a monetary penalty, but that was the reason for my earlier questions and discussions with Monica. If we can get some monetary penalty into the summary table such as it's like a parking ticket, whack, pay it, the next time you're going to really pay.

MS. SMIT-BRUNELLO: I'm not sure if this will get you where you need to go, but I definitely think that Gregg's suggestion on kind of structuring this a little bit differently and putting it as requirements to maintain the permit is a better way of proceeding.

DR. DUVAL: Is there any other discussion on this motion? Is there any opposition to this motion? If none, **the motion stands approved.** Charlie.

MR. PHILLIPS: And to Mac's point, I think maybe we should make a motion that we add an alternative that one of the – how do I put it? How would you say it, Mac?

MR. WAUGH: If I could, Charlie, if you get into putting a fine there, then you're getting in penalties and then NOAA GC is going to say we don't have authority to do that. Now, I've never seen – and we asked for some background on this in the IPT call – I've never seen where in Magnuson it says the councils can't put in penalties, but why bite off that battle with NOAA GC?

You all know, those that have been around for a while, we had a rather heated exchange over penalty schedules and all of that. We can avoid that. If you turn off the dealer's ability to purchase product, that's a lot more than a \$20 fine. In the state of North Carolina I think what Don said was they get once notice and then it's a ten-day – is it a ten-day suspension?

DR. DUVAL: They get a phone call just to let them know that they have been non-compliant and they're given the opportunity, I believe, to become compliant and then it is initially a ten-day suspension; is that correct? Okay, Charlie.

MR. PHILLIPS: Okay, maybe we can put in there that the first violations we would suggest a fine penalty according to NOAA General Counsel Guidelines.

DR. DUVAL: Monica, would you like to comment on that?

MS. SMIT-BRUNELLO: Not really, but I'm going to bring you back I guess at the council meeting a little bit more discussion I plan on having with some of my fellow attorneys as to how far a council could go in terms of putting in suggested penalties, restrictions. I don't know, I would frame them as maybe requirements to maintain your permit, something like that.

I don't have a good answer other than I know that setting penalties under the penalty schedule is the purview of NOAA General Counsel. I'm clear on that. I'm just not sure how far you can go in setting up these requirements, but I'm intrigued and so I'm going to try to dig a little bit and see if I can bring you back some additional information.

DR. DUVAL: That sounds great. Jessica.

MS. McCAWLEY: I was going to go in a little bit different direction; so if you want to stay on that line of thought and come back to me.

DR. DUVAL: Charlie, is that your motion up on the board; are you making that as a motion? It reads add an alternative that for the first infraction a fine in accordance with NOAA GC Penalty Schedule maybe is administered.

MR. PHILLIPS: Yes, something. I don't want to go from a phone call to you can't work, everybody is shut down. It seems extreme. There needs to be an intermediate step in there somehow.

MR. WAUGH: At the risk of overstepping my bounds, that's exactly what we want to do because then why wouldn't the dealer just give you the data?

MR. PHILLIPS: Well, again, I see all kinds of – I think most people are going to get the point that they need to do this. I think they're going to get it; but when you start snatching permits, that's not a slap on the wrist. It affects the dealers, it affects the people that work for the dealers, it affects the boats. Give the dealer some kind of sanction to start with before you start sanctioning the boats that can't pack there anymore because of a dealer problem.

DR. DUVAL: I just want to ask Don a question about our process in North Carolina. I guess my question is how frequently after the phone call do you have to go to a suspension and then after a suspension how frequently do you have to go beyond that?

MR. HESSELMAN: First, Charlie, it rarely ever gets to a suspension because of the line of communication that we have with our dealers.

MR. PHILLIPS: You call them.

MR. HESSELMAN: Well, you'll get a call the second time. Our procedures say that it will be an immediate suspension for ten days of that permit. You're not given, well, okay, I'm calling you again, you're about to be suspended; now if you turn in your paper and you won't be suspended. No, you will be suspended and it will be for a set ten days and at the end of ten days you come back and get your permit back. It has occurred about twice in my recollection. I'm not certain my recollection is very good, and in both cases it resulted in a dealer's wife going to get a permit or some other business partner so they could stay in business; perfectly legal.

DR. CRABTREE: I think ultimately Charlie's point is well taken. When you start shutting people down potentially, that's very serious stuff and you've got to be awfully careful with that.

It's one thing to talk about that, but I've seen things unravel very quickly if the perception is it's too heavy-handed, it's unfair and those kinds of things. We just need to be careful that we need this information, this is serious stuff and people need to understand there will be consequences, but at the same time the penalties have to be well thought out and measured and appropriate for the type of offense.

DR. DUVAL: We have a motion up on the board. Charlie, are you making that motion?

MR. PHILLIPS: Yes, and I understand we're going to change so long as we go, but I just really strongly feel – and whatever NOAA General Counsel – if this is a \$500 fine, that's not chicken feed. I think people are going to do this. I just don't want to see boats penalized for dealers that may not take it serious or something. The first time they get a \$500 fine or whatever it may be, they're going to take it serious after that. I don't want to see boats penalized for something they didn't do.

DR. DUVAL: Is there a second to this motion; Tom Swatzel. **The motion reads an alternative that for the first infraction a fine in accordance with NOAA GC Penalty Schedules as administered.** Is there anymore discussion on this motion? Is there any opposition to this motion? Seeing none, **that motion stands approved.** Jessica.

MS. McCAWLEY: Where I was going was back to the HMS language that we discussed earlier. I don't know if we want to continue going down that path now that we have this fine for the first infraction; but the language, I don't know if we wanted to add it into the alternatives or tweak the alternatives now that we've changed the title of this action.

I was going to suggest something about how in the HMS summary it says, "This rulemaking proposes that a dealer would only be authorized to receive commercially harvested" – in this case – "sharks, swordfish, et cetera if the dealer's previous reports have been submitted by the dealer and received by NMFS in a timely manner. Any delinquent reports would need to be submitted by the dealer and received by NMFS before a dealer could receive the commercially harvested" – fill the species in and a blank. I don't know if we want to use that type of language or we want to go away from that now that we've talked about this fine.

MR. WAUGH: I'm not sure we're going to be able to keep the fine in there, so I would definitely encourage that we add an alternative that tracks what HMS proposed.

MS. McCAWLEY: Then I can make that in the form of a motion in an alternative by itself – I guess it would be Alternative 5. Do you want me to read the language again?

MR. WAUGH: I can type it.

MS. McCAWLEY: A dealer would only be authorized to receive commercially harvested species if the dealer's previous reports have been submitted by the dealer and received by NMFS in a timely manner and also any delinquent reports would need to be submitted by the dealer and received by NMFS before a dealer could receive commercially harvested species from a federally permitted U.S. vessel.

DR. DUVAL: We have a motion on the floor; is there a second to that motion; Charlie. Discussion on this motion? I'll just remind the committee that we are actually one minute overtime now and we do have additional agenda items. I'm not trying to stifle discussion; I'm just reminding everybody where we are. Monica.

MS. SMIT-BRUNELLO: When you're done with this I have a quick question for you.

MR. CUPKA: When you're through with this, I want to tell you how we're probably going to have to proceed because we are going to have to finish and we'll probably reconvene at 8:00 o'clock in the morning to deal with this last item.

DR. DUVAL: Okay, we've been put on notice. Any other discussion on this motion? Any opposition to this motion? Seeing none, **the motion stands approved**. David, did you have anything else you wanted to say regarding the time. Right now we have gone through the actions in the draft scoping document and so I think the last thing we would need to do is approve this. We do need a motion to approve this document for the Gulf to use as scoping. Monica.

MS. SMIT-BRUNELLO: I have a question for the committee. I see a couple of requirements in the regulations right now for dealer permits. One is that to obtain a dealer permit or endorsement you need to have a valid state wholesaler – that's what it says – state wholesaler's license in the state where the dealer operates if required by such a state; and you must have a physical facility at a fixed location in the state.

Another requirement is that there is an endorsement on the dealer permit for dealing with the Gulf IFQ species. Since I don't see any actions for those current requirements, I'm questioning really for the record as to whether the committee wants to address those requirements where they would stay in place. It might have to be slightly modified depending on the wording just to reflect a universal permit. My question is whether you want to change any of those current requirements.

DR. DUVAL: That's an excellent question. Gregg.

MR. WAUGH: I don't recall any discussion about removing any of these requirements on any of the IPT meetings. It was my understanding what we're doing is augmenting what is already in place because what we want to make sure is in place, too, is a requirement that federally permitted fishermen only sell to federally permitted dealers and federally permitted dealers only buy from federally permitted fishermen. My conclusion of our discussions has been to augment what is in place and not remove anything.

MS. SMIT-BRUNELLO: Okay, so that what I assumed but wasn't sure; so if that's clear from the record and I'm sure that's what the Gulf Council thinks, although we'll make sure at their next meeting to clarify that, the team could put some discussion in the document of some of those kinds of things or all the other things that already exist that the council has no intention on changing or eliminating, because you're revising certain portions of the requirements but not others. We can make that clear.

MS. McCRAWLEY: Monica just followed up on part of what I wanted to say that maybe we could add that to the document before it goes out the next time for the Gulf Council. My other question is based on the motions we've just made and the earlier discussion that we had, Alternative 4 underneath Action 3 doesn't really seem to follow with our intentions about if neither a form nor a no purchase form is submitted, NOAA Fisheries shall repeal a dealer permit after the first reporting violation. That seems somewhat in contraction to the earlier motion that we made, so do we want to do something about that?

DR. DUVAL: Good point. Would the committee want to remove that as an alternative?

MS. McCRAWLEY: I would make a motion that we remove Alternative 4 based on our earlier motions.

DR. DUVAL: Is there a second to that; Charlie. Any opposition to that? Okay, **that motion stands approved.** Mac, you had a question.

MR. CURRIN: Yes, and it's about the rules that Monica brought up. We can get into this tomorrow if you'd like. I don't think it will take very long. I have no rules that I would like to see us consider take out. There was one that seemed to me – either I missed it or it's absent – and that is that there was no provision that I could find to allow inspection of dealers for snapper grouper species. It was specified for wreckfish. If in fact that's missing or wasn't included, it certainly should be I think. I would just ask the staff to check that to make sure that it is there; and if it is not, then it certainly something we should consider including in this amendment.

DR. DUVAL: We'll do that. Is there any other discussion on this? **Gregg, are we at a point where we can now ask for a motion to approve this for the Gulf Council to take out to scoping?**

MR. WAUGH: Yes.

MR. PHILLIPS: Madam Chairman, I so move.

DR. DUVAL: Is there a second; Jessica. Is there any opposition to that motion? Seeing none, **that motion stands approved.** We do have additional items on our agenda, but David has indicated that he would like to reconvene the committee tomorrow morning at 8:00 o'clock; is that correct, Mr. Chairman?

MR. CUPKA: Yes, I'd suggest we recess and reconvene at 8:00.

DR. DUVAL: If the committee is okay, we will stand in recess until 8:00 o'clock tomorrow morning and finish up our agenda.

(Whereupon, the meeting was recessed at 5:07 o'clock p.m., March 5, 2012.)

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MARCH 6, 2012

TUESDAY MORNING SESSION

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The Ad Hoc Data Collection Committee of the South Atlantic Fishery Management Council reconvened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, Savannah, Georgia, Tuesday morning, March 6, 2012, and was called to order at 8:00 o'clock a.m. by Chairman Michelle Duval.

DR. DUVAL: All right, this is the Ad Hoc Data Collection Committee and we are reconvening to finish up our business from yesterday. Right now we are on Item Number 4 on our agenda, which is input on data collection actions from CE-BA, which is Attachments 3 and 4. I believe Anna is going to give us just a brief overview of the comments that we were received on this.

MS. MARTIN: We had two actions in the CE-BA 3 Scoping Document from the Data Collection Committee. The first is to modify permits and data reporting to ensure ACLs are not exceeded. We did receive about nine comments on this potential measure; one expressing that they thought this is an issue better addressed through a plan or framework amendment.

In general the comments described were in favor of the council moving forward here, and they described that the data should be used to manage possession limits so that fisheries remain open. Many were in support of electronic reporting and daily or weekly as far as frequency. They feel that currently that is too much lag time for reports and there are no penalties for reports that are submitted late. The current system is setting fishermen up for failure.

Comments also stated that permit sanctions should be considered for non-compliance and that the for-hire sector should have mandatory reporting just like commercial and dealer reporting here. The other action that pertains to the Data Collection Committee is Action 5 in the Decision Document for CE-BA 3. This is to develop a recreational tag program for deepwater species.

We did receive about eleven comments on this specific measure. Most were in favor of the council moving forward with developing a program here; one pointing out that big game animals all have tag systems associated with management and that a terrestrial game management strategy has been missing in marine fisheries management.

Some commented that this is a program that has useful merit in monitoring recreational catch for golden tilefish and snowy grouper. There were some questions about how this program would be enforced. They also questioned the applicability of additional fees with this type of a program. Those commenting felt that this is a program that should be administered through existing state programs.

One commenter questioned the placement of this measure in CE-BA 3 and thought that it was better addressed through a framework or plan amendment. There were a couple of comments suggesting the council to consider establishing a deepwater grouper permit or endorsement for

the license and to make the permit a vessel permit and tie it to specific vessels which would give better data on where the fishing is specifically taking place. That sums up the comments. We have the full throttle of all of the comments in the Ecosystem Briefing Book and that is Attachment 4.

DR. DUVAL: Thanks for that, Anna. I think what we're looking for here is a little bit of discussion by the committee on the items to be addressed, and Gregg has got projected here up on the board several of those items that we would want to see addressed in CE-BA 3; for-hire vessel reporting, commercial vessel reporting, bycatch and discard reporting and others. Gregg, I don't know if you want to say a couple words on the timing and inclusion of these in CE-BA 3.

MR. WAUGH: Yes, thank you. When we get into the Ecosystem Committee, we'll talk about the timing for CE-BA 3 and that's where you'll make a decision on which items stay in CE-BA 3 and the priority. The intent is that we complete CE-BA 3 this year. If anything tends to slow the process down, it will kick over into CE-BA 4 for next year.

The idea is we need to improve our data collection systems. We addressed the dealer permit yesterday in the Comprehensive Dealer Amendment. We need to do some improvements in our for-hire vessel monitoring, commercial vessel reporting and look at bycatch and discard reporting. We are proposing that those be addressed in CE-BA 3 so that we have a chance of getting that in place as early as possible next year.

We would suggest that we talk about the recreational tag program in the Ecosystem Committee; and if it's the decision there to address that, that would come back to the Data Collection Committee. The idea there is that we need some way to track our recreational ACLs. Those have been exceeded greatly, and so that would be a feasible way to address monitoring of those recreational ACLs.

What we're looking for here is guidance that staff and the IPT would pull together various alternatives from previous amendments. A lot of this is just cut and paste and updating because we've addressed all of these in a number of amendments over the years.

DR. DUVAL: Are there any questions for Gregg or any comments; and if not, I think we would be looking for a motion to give staff direction to go ahead and address these different items, Options 1, 2 and 3, the for-hire, the commercial vessel and the bycatch and discard reporting and come back to us at the June meeting with some information on those alternatives. Jessica.

MS. McCRAWLEY: Are you looking for a motion?

DR. DUVAL: Yes, I am.

MS. McCRAWLEY: I make a motion to direct staff to develop these items further and bring them back to this committee for the June council meeting.

DR. DUVAL: Motion by Jessica; second by Charlie. Does anyone have any discussion on this motion? Is there any objection to this motion? Seeing none, **that motion stands approved.** I

think there are just a couple of other things that I wanted to bring up under other business. Mainly it's a couple of presentations for our June meeting. I had spoken to Jessica earlier suggesting that it might be appropriate for someone from FWRI to perhaps give an overview of how Florida has tracked their quotas and their data collection similar to what Don Hesselman presented to us yesterday.

I also just quickly spoke with Bonnie before we got started and although Steve gave a great overview yesterday of some of the improvements that the Science Center is considering, I thought it might be helpful for the committee if someone from Bonnie's staff actually gave an overview of sort of comprehensively how quotas are tracked currently and how those projections are done so I think that everybody sitting around the table has a very clear understanding of how that process works. I think Roy if you were interested in having anyone from your staff sort of add on to that, that would be appropriate. Are there thoughts? Jessica.

MS. McCAWLEY: Yes, I like that idea and at the June meeting I believe we're in Orlando, so that would be even closer for us to have additional staff come to that meeting. I think that we would bring Steve Brown or Luiz Barbieri, somebody like that, to the meeting to give a presentation. I like that idea.

DR. PONWITH: Yes, and the same thing, being in Florida that makes it easier for us and we'd be happy to go ahead and put together kind of an overarching view of how we do the commercial and recreational monitoring and also a more comprehensive overview of some of the changes that Steve described. I know that a couple of people expressed some concern about how that integrates with ongoing efforts, and we would go ahead and include in that presentation kind of a description of how that's integrated over the existing data collection methods.

DR. DUVAL: That would be great; I think we'd really appreciate that. Gregg.

MR. WAUGH: And from Florida, too, depending on what happens with the discussion on that recreational tag program, if we are moving forward on that it would be good to hear from you on your experiences operating tag programs as well.

DR. DUVAL: That was all I had. Is there anything else that anybody would like to bring up? If not, then we stand adjourned.

(Whereupon, the meeting was adjourned at 8:07 o'clock a.m., March 6, 2012.)

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April, 2012

South Atlantic Fishery Management Council

2011 - 2012 Council Membership

COUNCIL CHAIRMAN:

David M. Cupka
P.O. Box 12753
Charleston, SC 29422
843/795-8591 (hm)
843/870-5495 (cell)
palmettobooks@bellsouth.net

VICE-CHAIRMAN

Ben Hartig
9277 Sharon Street
Hobe Sound, FL 33455
772/546-1541 (ph)
bhartig@bellsouth.net

Robert H. Boyles, Jr.
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9304 (ph)
843/953-9159 (fax)
boylesr@dnr.sc.gov

Tom Burgess
P.O. Box 33
Sneads Ferry, NC 28460
910/327-3528
tburgess@embarqmail.com

Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

Benjamin M. "Mac" Currin
801 Westwood Drive
Raleigh, NC 27607
919/881-0049 (ph)
maccurrin@gmail.com

Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell St.
PO Box 769
Morehead City, NC 28557
252/726-7021 (ph); 252/726-0254 (f)
michelle.duval@ncdenr.gov

LT Robert Foos
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6768 (ph)
305/415-6791 (f)
Robert.W.Foos@uscg.mil

Charles Duane Harris
105 Demere Retreat Lane
St. Simons Island, GA 31522
912/638-9430 (ph)
seageorg@bellsouth.net

Doug Haymans
Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
Doug.Haymans@dnr.state.ga.us

John W. Jolley
4925 Pine Tree Drive
Boynton Beach, FL 33436
561/346-8426 (ph)
jolleyjw@yahoo.com

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

Dr. Wilson Laney
U.S. Fish and Wildlife Service
South Atlantic Fisheries Coordinator
P.O. Box 33683
Raleigh, NC 27695-7617
(110 Brooks Ave
237 David Clark Laboratories,
NCSU Campus
Raleigh, NC 27695-7617)
919/515-5019 (ph)
919/515-4415 (f)
Wilson_Laney@fws.gov

Jessica R. McCawley
Director,
Florida Fish and Wildlife
Conservation Commission
2590 Executive Center Circle E.,
Suite 201
Tallahassee, FL 32301
850/487-0554 (ph); 850/487-4847(f)
jessica.mccawley@myfwc.com

John V. O'Shea
Executive Director
Atlantic States Marine Fisheries
Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
voshea@asmfc.org

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-3149 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Tom Swatzel
P.O. Box 1311
Murrells Inlet, SC 29576
843/222-7456 (ph)
tom@swatzel.com

JACK MCGOVERN

STEVE TURNER (VIA PHONG)

MARTHA BADEMAN

ANNA BECKWITH

MONICA SMIT BRUNELLO

MIKE CAHILL

DON HESSELMAN

BONNIE PONWATH

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Myra Brouwer / Brian Chevront

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Staff contact: Kari MacLauchlin

AD HOC DATA COLLECTION

David Cupka
Michelle Duval
Jessica McCawley
Charlie Phillips
Tom Swatzel
Staff contact: Gregg Waugh

South Atlantic Fishery Management Council Staff

✓ Executive Director

Robert K. Mahood
robert.mahood@safmc.net

✓ Deputy Executive Director

Gregg T. Waugh
gregg.waugh@safmc.net

✓ Public Information Officer

Kim Iverson
kim.iverson@safmc.net

✓ Assistant Public Information Officer

Andrea Grabman
andrea.grabman@safmc.net

✓ Senior Fishery Biologist

Roger Pugliese
roger.pugliese@safmc.net

Fishery Scientist

Myra Brouwer
myra.brouwer@safmc.net

✓ Coral Reef Scientist

Anna Martin
anna.martin@safmc.net

✓ Fishery Biologist

Dr. Mike Errigo
mike.errigo@safmc.net

✓ Fisheries Social Scientist

Dr. Kari MacLauchlin
kari.maclauchlin@safmc.net

✓ Staff Economist

Dr. Brian Chevront
brian.chevront@safmc.net

Science and Statistics Program Manager

John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators

Dr. Julie Neer - julie.neer@safmc.net
Kari Fenske – kari.fenske@safmc.net

Administrative Officer

Mike Collins
mike.collins@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing/Adm. Assistant

Julie O'Dell
julie.odell@safmc.net

SEDAR/ Staff Administrative Assistant

Rachael Silvas
rachael.silvas@safmc.net

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NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Sara Drennon (PEG)	910-685-5705	sdrennon@peg.org sdrennon@peg.org	Bryson City, 28713
Michael Cobelli (AGS)	843-952-7778	mike.cobelli@ncr.org	Charleston.
Marcel Reichert	252-241-7308	marcel@publicguide.com	32120-9351
Anna Beckwith	386-239-0948	anna@publicguide.com	15704
Rushin O'Shea	381-615-5328	rushin@ncr.org	Morhead City, NC 28557
Mike Merrifield	910-727-4557	merrifield@edf.org	
David Nooner	252-643-8413		
Bethen Mann			

South Atlantic Fishery Management Council
 4055 Faber Place Drive, Suite 201
 North Charleston, SC 29405
 843-571-4366 or Toll Free 866/SAFMC-10

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NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Sera Dreverak (BEG)	910-685-5705	sdrevera@epwfwf.usfws.gov	MARIANNA FL 33050
Bill Keenan	305-619-0039		1280 OCEANOVIEW AVE WASHINGTON FL 33050
Robert Palmer	305 481 0235		

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10