

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **AD HOC DATA COLLECTION COMMITTEE**

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

**MARCH 7, 2013**

### **SUMMARY MINUTES**

#### **Ad Hoc Data Committee Members:**

Dr. Michelle Duval, Chairperson  
Steve Amick  
Ben Hartig  
Charlie Phillips

Jessica McCawley, Vice Chairperson  
Tom Burgess  
Dr. Wilson Laney  
Tom Swatzel

#### **Council Members:**

David Cupka  
Anna Beckwith  
LCdr Scot Gibson  
John Jolley

Mel Bell  
Dr. Roy Crabtree  
Doug Haymans

#### **Council Staff:**

Bob Mahood  
Kim Iverson  
Myra Brouwer  
Dr. Mike Errigo  
Dr. Brian Chevront  
Mike Collins

Gregg Waugh  
Amber Von Harten  
Anna Martin  
Dr. Kari MacLauchlin  
John Carmichael  
Julie O'Dell

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

Dr. Bonnie Ponwith  
Karen Raine  
Pres Pate  
Martha Bademan  
Spud Woodward

Doug Boyd  
Dr. Jack McGovern  
Monica Smit-Brunello  
Cathy Sakas

Other Observers Attached

The Ad Hoc Data Collection Committee of the South Atlantic Fishery Management Council convened in the Frederica Room of the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, March 7, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Michelle Duval.

DR. DUVAL: All right, everybody, we will go ahead and call the Ad Hoc Data Collection Committee to order. The first item on our agenda is approval of the agenda. Is there anything under other business that people know they're going to want to bring up? Seeing none; the agenda stands approved.

The next item is approval of the minutes from our December meeting. Are there any modifications to the minutes? Seeing none; the minutes stand approved. The next item on our agenda is the status of the Joint Gulf and South Atlantic Generic Dealer Amendment. Apparently the Regional Office and NOAA GC are going to cover this for us.

DR. McGOVERN: Yes, Madam Chair, I will talk about it a little bit and then I think Monica might say a couple of things. I think a revised Generic Dealer Reporting Amendment has been e-mailed to everybody earlier this week. The councils submitted the amendment to NMFS last October 30<sup>th</sup>. When the amendment was submitted, it stated that all dealers are required by the states to report electronically.

After the amendment was submitted, it was discovered that this was only partially accurate. Currently all states in the southeast except South Carolina allow dealers to report either electronically or by paper methods, so none require electronic reporting, In addition, South Carolina allows electronic reporting but requires paper reporting; so any South Carolina dealer that reports electronically to satisfy the federal requirements would also have to submit paper reports to satisfy state requirements.

So now the document that has been sent out to the councils have been revised to accurately reflect what the current requirements are and also it has updated the potential impacts. The document has been modified primarily in three sections and it is listed up there; the fishery impact statement on Roman Numeral Page IX, the current dealer reporting requirements and then on Page 85 and 86 – it says 84 there, but it is 85 and 86 is the update to the economic analysis for Action 2. Monica, do you have anything to add?

MS. SMIT-BRUNELLO: No, I think Attorney McGovern handled that very well. I guess I will add one thing and that is that in my office, when we looked at this after the last meeting and after the Gulf meeting – not the February one but the last one in 2012 – we figured this out and determined that this really wasn't something that the Service should just add and change to the document. The council should be aware and have the opportunity to read that, digest that information and then decide with that information and analysis whether you wanted to approve it and take final action.

With that information that Jack just gave you – and I know you've had that revised document in front of you – you can have discussion, I encourage that, and then at some point we will require a council vote again to send it forward to the secretary.

DR. DUVAL: There are some questions from the committee. Mel.

MR. BELL: Not a question; I was just going to explain South Carolina since we were pointed out as kind of different. Yes, we still have our paper system and we're operating our entire fisheries statistics office pretty much an ACCSP grant. Our obligation is to feed the data to them. That is how we get our data from the dealers is the paper system.

We have done a lot of hand holding and working with the dealers to actually help them with electronic system, so we're involved in it in trying to help them to get that up and running. It is goal to eventually shift over to an electronic system, but we don't have the capacity right now. Also, when we do that, what we would like to do is kind of parallel that for a while where the paper and the electronic, which is pretty much what is going on now.

It helped out recently with vermilion snapper where we realized we had some issues with the electronic-based numbers versus the paper numbers, and we were able I think to put off a closure on that fishery for at least a week or something like that. The paper is not all that horrible a thing, but we do intend to eventually shift over to an electronic-based system. It is a matter of being able to do it and the funding. As long as we can get the data and then pass the data through to ACCSP in accordance with our grant, then we're good, but that's why we're a little different perhaps.

DR. DUVAL: What is the bottom line in terms of when we can expect this to be implemented? I was kind of excited like I got an early Christmas present in December when Phil told us that 30 days after the effective date or 30 days after the final rule was published that these requirements would be effective for all dealers currently holding a permit.

This has been one of the top priorities for this committee since we started meeting. I am concerned about our ability to track our ACLs in a timely fashion. Bonnie has shown us that the science center has a great tool for doing that, but they also need to get the data in a timely fashion. I would like to know when we can expect this to be in effect. Roy.

DR. CRABTREE: My guess is it will be late summer or early fall.

MS. SMIT-BRUNELLO: And for the record this hasn't gone out for public comment; so if the amendment is approved by the secretary and a final rule is issued – because you haven't issued a proposed rule yet, right. You're presuming approval; so if it is approved, I agree with Roy, early fall is a likely time period, because at this meeting you're going to have to vote again on the revised changes. And you're going have to, as I mentioned before, vote to submit it to the secretary.

DR. DUVAL: I understand that. I guess what I'm taking issue with is that this hasn't gone out for public comment. This has been out through scoping and public comment. You're just referring to the proposed rule?

MS. SMIT-BRUNELLO: Let me correct myself. I'm referring to the public comment that the Fisheries Service takes under the Magnuson Act where they allow the public 60 days to comment on the Notice of Availability for the amendment and then there is a comment period on the proposed rule; so, yes, I misspoke. There has been lots of public comment at the council level. We just haven't done the formal rule-making type comments.

MR. WAUGH: Quite frankly, I am embarrassed this had to come back to you all for action. We did our best, once these issues were surfaced, to argue that these are technical corrections. In my opinion then and now, we have a difference of opinion with the attorneys and some of the NMFS folks. This is a plan amendment.

It has a statutory deadline. NMFS is supposed to start the review within seven days I think is stated in the Magnuson Act. We are four months plus after that; and dealing with what to me are extremely minor items – so we said in there that there were 700 dealers and now there is 699. We missed that South Carolina requires paper reporting in addition to electronic.

It is good that now we understand what is being required by all the states and federal partners and the document accurately reflects it; but what was missed was that with your preferred there could be up to 38 dealers in the fine state of South Carolina that may be undergoing some duplicate reporting until South Carolina changes its regulations.

We talked about in the amendment and in your conclusions the fact that dealers who currently don't have a computer would have to go out and buy a computer, and so that discussion has been expanded in the economic section a little bit talking about what percentage of businesses typically have computers.

This basically is going to cost us almost a year in getting this in place. As you all are aware, even though the center has a great system, until we get these requirements in place, their projections are still going to be off. We closed vermilion commercial when the website showed we were at 27 percent of the commercial quota. This means basically for the rest of this calendar year we're still going to be dealing with these levels of inaccuracies.

I think for these levels of what in my opinion are minor changes, it is just a shame we're losing all this time. Unless you want to change your position, there is nothing here – we've looked at all of these changes and they're extremely minor. There is nothing in here that we can see that would give you any concern over changing your preferred.

MS. McCRAWLEY: Are you ready for a motion? Okay, I don't know if I should do this all in one so you can help. I would make a motion to approve the modifications to this amendment –

DR. DUVAL: And approve it for formal review?

MS. McCRAWLEY: Yes, and approve it for formal review. I know we also need to deem the text and all that, but I guess that is a separate motion. Okay, then I would also deem the codified text as necessary and appropriate.

DR. DUVAL: There is a motion by Jessica; seconded by Charlie.

MS. McCAWLEY: Do we also need to give staff editorial license also in this motion or is that a separate motion?

DR. DUVAL: It would be better to do it as a separate motion, so we will get this one taken care of. **The motion reads approve the modifications to the Dealer Amendment and approve the amendment for formal review and deem the codified text as necessary and appropriate. Is there any discussion? Any opposition? Seeing none; that motion stands approved.** Now we would need a motion to give editorial license to make any corrections – staff and Chair I think it is to make editorial corrections to the document and the codified text. Jessica.

MS. McCAWLEY: So moved.

DR. DUVAL: Motion by Jessica; seconded by Charlie. **The motion reads give staff and the Council Chair editorial license to make editorial corrections to the amendment and the codified text. Any discussion on this? Any opposition? Seeing none; that motion stands approved.** Mr. Chairman.

MR. CUPKA: I just wanted to remind everybody else that this is a joint amendment so it is going to have to go back, I assume, Monica, to the Gulf Council at their next meeting to be approved, so that is going to hold it up a little more; is that correct?

MS. SMIT-BRUNELLO: I believe so; although, Doug, did you all take final action on this at your February meeting? Gregg is shaking his head no; so, yes, that's right, next month when they meet they will have to do the same thing that you're doing.

DR. DUVAL: All right, the next item on our agenda is CE-BA 3. If you recall at our last meeting, we broke up a bunch of actions and the only action remaining in this document is bycatch reporting. I believe Anna is going to go ahead and take us through an overview of this document.

MS. MARTIN: I plan to walk through the decision document with you. This is Attachment 2A in your briefing book. As you are familiar, one action now remains in CE-BA 3. This has been whittled down quite considerably since CE-BA 3 first started last year. I will direct you to Appendix A and Attachment 2B, which is the actual amendment's considered but rejected appendix. This outlines a roadmap of where all of the actions that were previously in CE-BA 3 can now be found.

They were taken out at some point along the way, deferred from CE-BA 3 and are currently being developed in other amendments. I think you will be discussing a number of them during this committee after this particular discussion. Now we're only talking about the action to modify bycatch and discard reporting for snapper grouper, dolphin and wahoo, coastal migratory pelagic and golden crab fisheries.

The first order of business for the committee, we do have a new purpose and need to recommend from the IPT working on this amendment. The former purpose and need included the host of other items that were included CE-BA 3. They didn't apply specifically to this action. The proposed wording from the IPT for the purpose, CE-BA would improve bycatch and discard data collection methods to better quantify all sources of fishing mortality in South Atlantic fisheries.

The need for CE-BA 3 is to improve data collection methods that will allow for a better quantification of the type and magnitude of bycatch, improve the quality of stock assessments and allow for better management measures that will reduce bycatch in South Atlantic fisheries. I would ask if the committee is interested in approving the IPT's recommendation.

**DR. LANEY: I would move that we accept the IPT recommendation for the purpose and need for CE-BA 3.**

**DR. DUVAL: There is a motion by Wilson; seconded by Tom Burgess. Is there any discussion on the motion? Seeing none; that motion stands approved.**

MS. MARTIN: Okay, PDF Page 4 in the decision document includes the action language, and so what I would like to do is walk through the alternatives with you. The IPT does have a few recommendations for more specific language for what is identified as Alternatives 2 and 3. Before we get into the IPT recommendations, I'd like to provide a little bit of background.

However, the IPT recommendations for 2 and 3 are intended to make clear what is trying to be achieved through these alternatives. Alternative 1, the no action alternative, describes the measures that were approved for the snapper grouper fishery under Amendment 15B, which was implemented in 2009. In 15B the council's preferred allowed for implementation of a number of items you see identified in the no action alternative.

These are interim programs to monitor and assess by catch in the snapper grouper fishery until all of the standards of the ACCSP Bycatch Module could be implemented and fully funded. The list includes observer coverage on vessels, logbooks, electronic logbooks, video monitoring or any other method deemed necessary to measure bycatch by the agency.

Currently all of these provisions identified in the no action alternative apply to snapper grouper and golden crab fisheries if a vessel is selected, so there is that is selected provision. Dolphin and wahoo and coastal migratory pelagic vessels do not currently have that "if selected" provision requirement for observer coverage on vessels, logbooks, electronic logbooks, et cetera.

What Alternative 2 would do is extend that "if selected" provision that includes the list of methods in the no action alternative to coastal migratory pelagic and dolphin and wahoo fisheries. It would expand that provision. Now, after reviewing the current bycatch reporting programs and methods in the South Atlantic, comparing them with the ACCSP standards for 2012, the only standard that is not currently being implemented in the South Atlantic is a commercial observer program for snapper grouper, coastal migratory pelagic, dolphin and wahoo and golden crab fisheries.

Now, the ACCSP Bycatch Module, which provides a list of standards, recommends a 2 to 5 percent level of commercial observer coverage as a minimum standard, and so this is what Alternative 3 would do. Alternative 3 would require mandatory observer coverage as described by the ACCSP standards, and so this takes away that “if selected” provision identified in Alternative 2 and requires that such a commercial observer program be mandatory and in place for the FMPs identified in the action language.

Are there any questions with the interpretation of the alternatives as they stand? If not, I would like to walk through some of the main elements of the no action table in the decision document, which again sets out what is currently going on in the South Atlantic as far as bycatch reporting in their relation to the standards of the ACCSP Bycatch Module.

MR. HARTIG: Anna, in Alternative 3, implement mandatory observer coverage as described by ACCSP standards and that is the mandatory observer coverage; so say the NMFS never gets the money to do this and this becomes law and all of a sudden we’re going to say the vessels have to pay for the mandatory observer coverage; is that something that actually happen?

MS. MARTIN: I don’t think I can answer that one.

DR. CRABTREE: Well, I think if you move forward with levels of bycatch coverage and you’re going to require them and the agency doesn’t have the funding to do that, the agency is going to come back to you and tell you that you have develop a cost-sharing program with the industry to find the money to cover the observer coverage.

I think the way this is set up that’s exactly what will end up happening; and if you say, no, we’re not going to do that, then we’re going to be left in a position where we’re not complying with the requirements of the FMP and you’re very vulnerable to a challenge about that. This is serious stuff with big implications right now. It has never been clear to me we have just said ACCSP standards, which I guess is 2 to 5 percent, Anna?

MS. MARTIN: That’s correct, 5 percent for high-priority fisheries and 2 percent for others.

DR. CRABTREE: I am not aware of where as a council has ever done a real analysis to determine why is that appropriate percentage for our particular fisheries. Percent observer coverage doesn’t get you there. If you’re trying to estimate turtle takes and sawfish captures in the shrimp trawl fishery, 5 percent may not even be enough to get you a good estimate on that.

If you’re trying to look at relatively common things, you may be able to get by with less than 5 percent. The other thing that can come out of all this is if you come in and make these hard and fast requirements in the FMP, then you’re essentially – I think we could end up having to move money out of fishery-independent surveys and stock assessments, and you can end up with lots of observer coverage, but you lose these other programs.

There is a lot a stake here, and this has big implications. I am not convinced that just saying ACCSP standards in terms of the level of observer coverage; I haven’t seen anything to convince me that is necessarily what we really need. I think there is a lot more work to looking at that.

Now, I don't have any objections to going ahead and making observer coverage mandatory. I think we probably ought to do that; but when you start getting into the levels and the standards, I think there is a lot more work and analysis that needs to go into that decision so we know what we're doing.

But, nationwide the position of the agency right now given the budget situation we're in and the cuts is that more of these programs, the cost of them is going to have to be shared with the fishing industry, and they're going to have to be willing to take on more of the cost of those kinds of things. We're going through that in the Gulf of Mexico with the electronic logbook program where they're going to have to pick up some of the cost of that. I think that is where things are heading under the current budget climate.

DR. PONWITH: I basically echo everything that Roy just said that certainly it is of benefit to have a regulation that says if you're selected to carry an observer or some electronic alternative to an observer to get at bycatch data, it helps the science side of the house answer questions that we need to be able to develop science products for you and meeting your jobs.

The catch is that if money were infinite, setting some flat rate is a great thing because what is to argue more data are typically bad? It takes a long time to reach the asymptote where you don't get as much for your dollars anymore. But, the catch is that the money isn't infinite, which always means that from a science standpoint we have to go through and run power analysis on each of these data collections and say if I had one more dollars, this is the place I would put it because the statistical power of the design right now is not weak enough to answer the question.

Therefore, I would even move money from one observer program into another to be able to ask a specific question. The amount of observer coverage that it takes is totally driven on how common the species is that you're trying to enumerate. If it is very, very common – it is like we were talking last night, Steve – if it is very, very common, the confidence intervals can be really, really tight around that.

If it is a rare event like a sawfish or a sea turtle, the confidence intervals are wide and it is a completely different mathematical equation. So those are really critical science decisions to be able to look at a pot of money and doing a peanut butter approach across all of your fisheries may actually be damaging to the quality of data you need for the specific types of questions you're asking from each of those fisheries.

I would be gravely concerned about the management side of the house dictating what those sampling levels are unless we find ourselves in some day a time where money is infinite and we don't have to be making those agonizing cost-to-benefit analyses to make those decisions.

DR. DUVAL: Bonnie, I want to ask something quick. I was perusing the National Bycatch Report and noticed that according to that, the Gulf of Mexico reef fish fishery has 6 percent observer coverage and the South Atlantic gets less than 1 percent only because of the two pilot studies we've had, so I'm curious why 6 percent coverage in the Gulf and nothing in the South Atlantic.



DR. CRABTREE: Well, one difference in the Gulf – and this gets back to cost-sharing by the industry – the grouper, tilefish and red snapper fisheries, which is by far the vast majority of the Gulf reef fish fishery, is all under a catch share program, an IFQ program, and we do cost recovery in that program of 3 percent of the X-vessel value and then those dollars come to the agency and go to pay for some of these programs. So we have funding that comes from the fishing industry that then can be used to support observer coverage and other things like that. That is one of the fundamental differences.

MR. HAYMANS: Madam Chairman, I'm not on your committee, but I just wanted to make sure I understood the mandatory coverage that you're referring to, Roy, is the "if selected" coverage, and Bonnie, through the science center, selects based on the funding that is available at that time; is that correct?

DR. CRABTREE: Correct; and my understanding now is that we already have mandatory if selected you must carry for shrimp, snapper grouper, golden crab and sargassum. If you have an Alternative 2 in this document that would make it mandatory for the other fisheries. I think that observer coverage ought to be – if selected, you ought to have to cover it.

Now, we can have an interesting discussion about whether you want to include private recreational vessels in there and how realistic that is. I could be wrong but I think for most of the fisheries in the Gulf, but I'm not sure about mackerel because it is a single permit, we have mandatory observer requirements. I know we do with shrimp and reef fish.

MR. MAHOOD: Bonnie, this is a question for you. You indicated that it is a scientific determination how much observer coverage is necessary in a particular fishery. We have used the ACCSP model because it has been accepted in the Mid-Atlantic and the New England Councils and the region up there. The question is, is there any work ongoing to determine this? I will let you answer that and the next question is for Monica.

DR. PONWITH: I will say for me to go through and say mandatory observer coverage should be this for each of those fisheries is just as risky as using the ACCSP standards, because the thing that we don't want to do is get ourselves into a situation where it is an unfunded mandate unless the intent is to drain the Southeast Fisheries Science Center's pot for observer funds down to zero and then have the industry make up the difference.

MR. MAHOOD: My question is do we have anything going on to determine in a particular fishery how much – you said earlier that is a scientific determination. Unfunded mandates or not, we have not met the standards of the Magnuson Act that was passed back in 2007 for our bycatch reporting. That is what we're working on. If we're not going to use the ACCSP 2 percent or 5 percent, what are we going to use. If there is no work going on now to determine that, we need to get on the stick because we're way behind the clock on getting this done.

MS. SMIT-BRUNELLO: This kind of sounds like a Monica question.

MR. MAHOOD: Okay, how much time do we have, Monica?

MS. SMIT-BRUNELLO: How much time do we have to do what?

MR. MAHOOD: To get this program in place to meet the mandates of Magnuson?

MS. SMIT-BRUNELLO: Well, you said in your opinion that we're not meeting the mandates of Magnuson, and I'm not willing to say that on the record because I think that in many respects we are meeting the mandates of the Magnuson Act. Where I think the discussion ought to be focused is whether you want an observer program in place and how you're going to put that in this document, that kind of request, who is going to pay for it, all that sort of thing.

There have been in some FMPs where they have specified I believe a level of observer coverage that the council wanted to see. I'm not sure whether they did that on percentage or whether they did that in recommended numbers of days or trawls, I'm not sure, but there a number of different days that councils have handled this. I agree with Roy in many of these cases it is industry funded. That is my first thing. I don't know whether I answered your question or not.

MR. MAHOOD: No. You said in your opinion we have met the mandates of Magnuson with what we have now?

MS. SMIT-BRUNELLO: Well, I think you can always do better in terms of getting more bycatch. I'm not saying an observer program wouldn't be a great idea. It probably would. It would give you maybe even better estimates of bycatch, but I'm not willing to tell you on the record that you haven't met the mandates of the Magnuson Act. I think that you could improve upon what has been done.

DR. CRABTREE: To that point, Bob, you have had your bycatch plans and all and they have been submitted to the secretary and they have been approved. If we want to talk about improving some of these and adding some specificity and trying to enhance this, that is fine, but your plans and things have been approved. If they didn't meet the Magnuson mandates, they would have been disapproved. Let's be clear about that.

MR. MAHOOD: Well, that begs the question, if I might, why have we been working on this for the last year and a half?

MS. SMIT-BRUNELLO: Because you want better bycatch reporting, right? That is what the document says, you want –

MR. MAHOOD: It's not what I want; it's what the council wants. But, according to Bonnie, to get that we need to make some determinations by fishery what we have and what we need as opposed to using like an ACCSP standard. I'm a little confused of where we are; what is the next step maybe is the question.

DR. CRABTREE: Well, if I could, we've spent relatively little time as a council talking about this particular action. It was in an amendment with a whole host of other things; the logbook timing, headboat reporting, VMS and all those other things. Most of the discussion we have had

of CE-BA was focused on all of these other things, and we really are just now getting to some focus on this.

Some of these actions that are in here you have never seen as the council and the Gulf Council has never seen them. I can tell you if we put Alternative 2 in there that is going to make observer coverage mandatory on king mackerel permits and Spanish mackerel permits, that affects the Gulf fishermen and the Gulf fishery and the Gulf Council is going to probably want to go out and do public hearings on all that and take a look at that.

I think we're not at a point where we're ready for final action on this amendment. I think part of the problem with CE-BA is we have been trying to take final action at the last four meetings on it, and I think that has created some issues with it. I think there are things we could do here. We probably do need to make observer coverage mandatory in these fisheries, but it is just going to take some more time to get where we need to be. If we want to go through, as Bonnie suggests, fishery by fishery looking at what the levels of observer coverage ought to be, that is going to take some time to work through that as well.

DR. DUVAL: Roy, I would disagree with you that we've never seen some of these actions before because this is the only action in this document and I think –

DR. CRABTREE: It is Alternative 2 that is on the screen that you have not –

DR. DUVAL: That is a little different than the action; so, yes.

DR. CRABTREE: I believe I said the alternative; if I didn't, I misspoke. You have alternatives here that you have not seen before.

DR. DUVAL: And we will make some motions with regard to those alternatives. Wilson.

DR. LANEY: I have a comment and then I have a question for Monica, too. The comment is relative to that 2 to 5 percent observer coverage; that was developed by scientists who were on the ACCSP Operations Committee. I am one of them, but I wasn't involved directly in the development of our standards. I think it has been certainly vetted to a certain degree.

Having said that, though, I agree with both Roy and Bonnie relative to all the funding implications. Certainly, Bonnie is correct when she says that the ideal is to look at individual fisheries and determine what percent coverage you need. Of course, that all relates to what your intent is for the generate data.

But, the question to Monica is given that this does involve things developed by the ACCSP Operations Committee and the fact that I serve on that committee, I probably should abstain from any vote on this particular item, I think, to avoid any appearance of conflict of interest; is that a concern here?

MS. SMIT-BRUNELLO: I don't think it is a concern. I think you're able to vote on this. I would like to say one thing, which is I think since you last saw this document, the staffs have

done a great job in laying out exactly what is in place and what isn't in place. At least it is more clear.

I think certainly there could be some more explanation; but at least in Table 2-1, I have a much better understanding of what the ACCSP standards are, what the current reporting requirements are that you have already selected. It is much more clear to me, anyway, and I would assume it is more clear to council members, too, so I would like to thank the staff for laying it out that way so you all know what is in place and what isn't in place.

DR. DUVAL: I would agree that the document is much improved and much more thorough since we have seen it. Followup, Wilson, and then we're moving on to my long list of people.

DR. LANEY: I forgot to say that Bonnie has staff on the ACCSP Operations Committee, and I think there is somebody on there from the region as well, but I am not sure about that.

MR. JOLLEY: I'm interested in the coverage on private craft. Roy brought that up, but I don't know if you particularly want to get into that. I kind of would like to know how that would proceed. When you pick an observer for private; is it for that day or is it for the whole year or what would it be?

DR. DUVAL: John, I actually don't know about private recreational observer coverage. We do have observer coverage on for-hire vessels like the headboats. I know in North Carolina we supplement that coverage. I'm not sure what it would be for private recreational vessels. I do know that both the science center and my agency have adopted things such as alternative platforms where you're not actually on a vessel with the fishermen.

You are actually in a separate vessel beside them, and something like that is usually focused very specifically on accounting for, say, protected species interactions and things like that. I don't know; maybe Roy can elaborate on what he was thinking about when he said private recreational. I'm not quite sure how that would work. Gregg.

MR. WAUGH: I think we're mixing three things here that should be dealt with separately. You've got the requirement for carrying observers. Alternative 2 would provide authority to NMFS that if selected, they have to carry observers. That has no cost associated with it. That has been in place for snapper grouper for years, so that is relatively straightforward.

You get to Alternative 3 and that does require some level of sampling, but I would encourage you not to get sucked into the details of the sampling level. That has been worked out over years by technical committees through ACCSP that the regional staff from the northeast and southeast and the center staff from the northeast and the southeast participated.

Their agencies have already adopted the ACCSP standards and approved them. Those have been approved by all the Atlantic states, by the three councils, by the National Marine Fisheries Service, by the Fish and Wildlife Service. Those are minimum standards. That took years coming up with, so there is no need to get sucked into the details of the sampling. That has been dealt with. Obviously it carries cost.

That is the other thing; we never sit down and evaluate whether there is funding to implement dealer reporting, our logbook reporting. We never looked into whether there is funding to do that. That issue can be resolved by picking Alternative 2 and you don't require any funding. But, these alternatives can be dealt with separately from those items. The issue of cost sharing, I thought that the money that came in from an ITQ, those revenues went into the general fund. I didn't realize they were going into a separate fund to fund observers, and I wonder if that is the case.

DR. CRABTREE: The ITQ cost recovery goes into a separate fund; it does not go into the general treasury. Those funds then come to the Southeast Regional Office and are distributed, a large part of it to the science center, a big chunk of it goes to law enforcement, and some goes to other things.

I can assure you that every single amendment you do, we have discussions about what is the cost of this and do we have the funding to do it? If we determine we didn't have the funding available to implement something you're doing, I would be sitting here telling you we can't do this; we don't have the funding. We always go through that; but the fact of the matter is implementing dealer reporting is not a particularly costly kind of thing from the agency's perspective, so it doesn't become as much of an issue for some of these things. We always look at that; we have to. Monica can comment on this, but there is a law called the Anti-Deficiency Act, and we're prohibited from doing things or making commitments to spend money that we don't have.

MR. MAHOOD: It seems like to me one thing we might need to do, Monica, is – and this goes back to are we meeting the mandates of the Magnuson Act? Like I said, I think we embarked on this particular item to try to do that because there was some feeling that with the changes to the Act we're no longer in compliance with that. Is there any way that we could have that looked at and see legally what does the council have to do?

Obviously we would like to make our data collection better. That is something we talked about all the time, but I think we're getting caught up in maybe what do we need to do to meet the mandates of Magnuson as opposed to if we have met it what do we need to do to make our data collection programs better?

I hate to even ask you to do anything else, but that certainly would be worthwhile I think for the council to make their decisions. Maybe I'm mistaken; I thought we were doing this to try to meet the mandates of the Magnuson Act because we weren't there yet with the changes that were made in 2007.

MS. SMIT-BRUNELLO: Well, certainly, we could do an evaluation back in my office of whether each FMP meets the mandates of the Magnuson Act and particularly in regards to – I think you're interested in just the national standard focused on bycatch and that sort of thing. That is no problem; we can do that and tell you whether we see any deficiencies.

MR. MAHOOD: And the reason for that is we're just not going to have a lot of money to spend in the future to do some things that we would like to do. I think we're going to have to do – in many instances we're going to have to go with the bare minimum that meets the mandates of the law and put our resources where it is critical to getting more fish back to the fishermen and improving our fisheries for our constituents.

When we get tied up doing things like this – now we do have some NGO constituents that may disagree with us relative to what we're doing, if it is enough or not enough. I think we got a letter earlier this week from one of them. In my mind I'm no longer clear from what you've said where we are in meeting those mandates.

MR. AMICK: I would just like to comment on Alternative 2 as far as requiring observer coverage for recreational fishing for dolphin and wahoo. We have carried the state observers over the years on Coast Guard certified vessels, and we've had no problem. This past season we had the opportunity to carry NOAA observers and their safety requirements were much more.

I had to add a lot of safety equipment on the boat. I think if you had the NOAA Observer Program and they had to have the same requirements on the recreational boats, that it would be a safety issue, and they wouldn't meet the standards of –most recreational boats wouldn't meet their standards. I think as far as Alternative 2, the recreational boats should be removed for those reasons.

DR. DUVAL: Steve, when you say recreational, do you mean the for-hire vessels?

MR. AMICK: No, the private recreational.

DR. DUVAL: Okay, yes, private, thank you. I have a question. Have we ever selected – because this is require what is currently in place for snapper grouper; have we every selected a private recreational vessel in snapper grouper to be observed, Bonnie?

DR. PONWITH: Steve is exactly correct; NOAA has some pretty stringent safety requirements for a vessel before we can put a NOAA observer on that vessel. One of those requirements is vessel size. It is not only vessel size; it is vessel configuration. You might have a vessel that meets the minimum size requirements for carrying an observer, but the configuration of the vessel is such that adding a person on to that boat causes it to be an unsafe situation.

For that reason many of the private vessels just simply do not meet the safety requirements for carrying an observer, and that puts us in a situation of having to use, as you had said, an alternative vessel approach to seeing what the bycatch discard practices of those vessels are. That would be another boat sitting alongside watching through binoculars or some electronic means.

Now we have done some pilot work using electronic means for monitoring, and that would be video cameras that are posted. But as you can imagine, there are some pretty profound challenges to that of where do you mount a camera that would be able to see all the activity on that vessel such that you could actually identify to species what was being thrown back.

The other challenge is you've got the little memory card with all those data on them and those data still need to be read, which is a long, laborious and expensive process. For that reason we have not made it a practice of putting observers on those vessels. There are some uphill battles, and what we do instead is use the MRIP Program to get self-reported information and we can use charter and headboat information to help groundtruth the self-reported data, but it is certainly a challenge.

DR. DUVAL: I guess it is hard for me to find a yes or no in there, Bonnie. I understand the description of the different – no observers, okay.

DR. PONWITH: The answer is, no, we're not putting observers on private boats.

MR. CUPKA: Madam Chair, I'm not a member of your committee, but I want to get back to something that Bob said, and I think it is a good point. It would be helpful I think for us to know if we're meeting the requirements of the Magnuson Act in regard to bycatch. On the other hand, we've got some people telling us that we aren't.

As far as whether we are or aren't, if we're just minimally meeting them, that is not to say we couldn't do a better job or don't want to do a better job. Then on the other hand we have to keep in mind some of the fiscal restraints and problems that we're running up to. I think it would be useful to know if we are meeting the requirements of the Magnuson Act in regard to bycatch. Like I say, that doesn't mean we may not want to do a better job or can't do a better job, but we have to balance that with the resources that are available to try and improve that. That would be useful information, I think.

DR. DUVAL: And I agree with that, and I am viewing this from a bigger picture perspective. We are taking management actions or considering management actions that very much depend on the quality of the bycatch information that we have. We're looking at reorienting our existing marine protected areas in order to provide additional protection from bycatch mortality for speckled hind and Warsaw grouper.

We are trying to do things like appropriately align our fishing seasons so as to prevent unnecessary bycatch that we've heard from the fishermen that they don't like and they don't want to see. I agree with David and I think we need – I mean, and that is why personally this is so important to me and I feel that we need a bigger picture approach, so it would be nice to have an assessment similar to what David is talking about.

I feel like I would love to see a report on that at a future council meeting. Like Bob, I hesitate to ask staff to do more thing because there is already a lot on their plate, but I also feel like I would really be interested in having or seeing or putting my hands on some kind of plan where we have done this evaluation,

Bonnie, that you spoke of; you know, what is the power analysis with regard to the necessary and appropriate level of observer coverage in our fisheries, recognizing the budgetary constraints that the agency is under. What is our plan for a path forward, moving forward to try to see if we

can be more efficient in our use of resources, maybe piggyback upon some other programs, try to use some innovative technologies like electronic monitoring.

There were a number of improvements that were – or suggested improvements in the National Bycatch Report that were noted for particularly some of our reef fish fisheries here in the southeast, and that is the agency evaluating itself. I'm taking a bit of a more holistic approach to that. I apologize for jumping in. Wilson.

DR. LANEY: Madam Chairman, I was just going to affirm what Steve and Bonnie both said about the safety requirements. The Fish and Wildlife Service safety requirements are, if anything, perhaps – they're certainly equally stringent to those of NMFS and perhaps more so. When I was preparing the RFPs for the Cooperative Winter Tagging Cruise for both the charter boats and the research vessels, our safety folks gave me about a page of specifications for safety measures that had to be on those vessels before we could even consider chartering those.

MR. HARTIG: You mentioned the Warsaw and speckled hind and that will have impacts on other species as well, so that is a good thing. The reason I brought this all up in the beginning was I have heard ACCSP standards were developed for Mid-Atlantic and New England fisheries, and then Gregg said, well, we have had some people from the southeast.

In snapper grouper, the gamut runs from owner/operator one-day trips to multi-day trips with six crew members on board, so you've got those kinds of things. Where we are, the \$800 for an observer coverage on the low end would take away whatever profits we made for that day, and many days we don't make the \$800 per day if we had to pay the cost. And even if you cost-shared it, it would still be a significant impact on the dayboat operators in most of Florida, at least in snapper grouper where I'm a single owner/operator in coastal migratory pelagics and Spanish mackerel – well, that is covered under that.

So, that is where I started thinking about if this stuff becomes mandatory and then it is in law and then it ends up that we have to pay for it, then if considerations aren't given to the way fisheries are operated in our neck of the woods, it is going to be a very different scenario and be very costly for our fishermen.

DR. DUVAL: And just to that point, Ben, the ACCSP standards are coastwide throughout the Atlantic Coast. They were developed collaboratively with the science centers in both regions, with all of the state agency personnel, so it is a minimum set of standards for the Atlantic Coast. In term of observer costs, I have the same concerns.

We've dealt with a few bycatch issues at the ASMFC with regard to shad and river herring bycatch in the Atlantic Herring fisheries and Atlantic mackerel fisheries. One of the things that industry was asking is, well, is only \$325 per observer day out on the west coast, but it is \$1,500 a day on the east coast?

According to some of the language in the document, that includes things like safety equipment and data processing and things like that. I'm wondering if there are more efficient ways to use that money so that we could potentially trim those costs down, but I share those same concerns.



We're inviting fishermen and the rest of our constituents to participate in the visioning process, and, by the way, you have some industry-supported bycatch costs, so I worry about the implications of that.

We have a lot of good discussion around the table prompted by the IPT's suggested language that Anna showed us for these alternatives. I'll just remind folks that right now we would just need a motion from this committee to accept the IPT's proposed language for these alternatives. We have not selected a preferred yet. Roy.

DR. CRABTREE: So if we want to take a more holistic view of this, we have guidelines and things about setting up standardized bycatch reporting methodologies, which we could ask staff to go through and then we could take a look at that at the next meeting. After doing that, we could take a more comprehensive look at what sorts of changes do we need to make?

I guess my question to you is do you want to forge ahead with this now or do you want to pull back a little and take this more holistic look at the whole thing; and then after we have done that and kind of figured out where we think we need improvements, then come back and deciding on what we need to do.

DR. DUVAL: I think I would like to get some action from the committee just on the language that is proposed in these alternatives. Do you need Anna to walk through these one more time?

DR. LANEY: Well, I was prepared to make that motion, Madam Chairman, but I will defer to Ben.

MR. HARTIG: Well, I was going to say would the language in these alternatives potentially change with a holistic look of what Roy was talking about?

MS. MARTIN: I don't know that they would. What we have identified I think are more clear what is trying to be achieved here, expanding the "if selected" provision for all of the other FMPs in the action language under the recommendation for Alternative 2. Right now what is included as Alternative 2 in the document and Alternative 3, they're pretty vague.

They don't make a whole lot of specific sense, so the IPT simply has some recommendations here for more specific language. That might be a start. It is not clear to me what exactly Roy is suggesting the IPT go back and take a look at, because what is in Chapter 4 in the document is a pretty detailed look at the standards of the ACCSP and how they relate to current reporting methodologies. That is the guidance the IPT has gotten to date, and that has been fleshed out in Chapter 4.

DR. DUVAL: I guess I don't think accepting the proposed changes to the language precludes the committee from – well, from changing the language later or directing staff to do whatever we'd like them to do in terms of some additional analysis or whatever. This is just clarification with regard to the wording of the alternatives; that's all. Monica.

MS. SMIT-BRUNELLO: I agree with you, Michelle. I think that doesn't preclude you also from changing it in the future either.

MR. MAHOOD: I think we would like to bring some finality to this one way or the other. I mean just to keep sending the staff back; we have got a lot of things to do. What I think we need is a determination do we need to do anything more? If we don't need to do anything; we've got plenty of stuff for the staff to work on. If we're just going to have them go back – I don't know what else they're going to look at other than what they've already looked at; so I guess my question is what do you want the staff to do and is it worth their time based on what we need to do or don't need to do?

DR. DUVAL: I was going to ask Roy if he could clarify what his suggestion was in terms of additional things to look at. I've read the document and I think Section 4.1 is clear – excuse me, Chapter 4 is clear. Wilson.

**DR. LANEY: I'll go ahead and make the motion, Madam Chairman, that we accept the IPT recommended language for Alternatives 2 and 3.**

DR. DUVAL: There is a motion by Wilson and a second by Charlie to accept the IPT recommendation to the recommended language for Alternatives 2 and 3. Tom.

MR. SWATZEL: Is it realistic to keep private recreational vessels in this language?

DR. DUVAL: Well, that is what is in place for snapper grouper; and from what Bonnie has said, there has never been a private recreational vessel that has been selected to have an observer on board simply because most of them don't have the appropriate safety requirements to do so, and things like alternative platforms where is a different vessel that is simply observing those vessels is employed for that type of information. Anna.

MS. MARTIN: Tom, right, according to what Bonnie did say, so that would then allow the agency, if a recreational vessel were selected, to utilize some of the other methods not specific to observer coverage that is identified in the new language for Alternative 2; logbooks, electronic logbooks for data monitoring or any other method deemed necessary.

DR. DUVAL: Does that help satisfy your concerns, Tom? I agree with what Steve is saying and then it is in most cases impractical and impossible to put an observer on just a private recreational vessel it is simply not going to work and they just can't bear that burden, but there are other means of doing so. John.

MR. JOLLEY: Let's do clear one thing; we've got vessels all over the east coast that have probably more qualified equipment on them than many of the other vessels, but I would agree that the large number of smaller vessels probably don't have adequate equipment to meet these goals, but we've got a lot of private vessels that would exceed probably most of the safety requirements.

DR. DUVAL: Certainly, I did not mean in any way malign the safety provisions that are on a number of private recreational vessels. Bonnie.

DR. PONWITH: So specifically to that point, the safety requirements would preclude us from putting someone on a vessel that would jeopardize the safety of the observer and the safety of the people on the vessel, including private vessels in this language is good from the standpoint of it enable us to use the tools that are ideally suited to private vessels.

We're not exercising that right now. It keeps it open for the future. If we end up with a successful video approach and we want to be able to collect a little bit of data that way to pilot it, this enables us to do that.

DR. CRABTREE: But I do think realistically if we're going to put video equipment or an observer on a private vessel, it is going to be done on a voluntary basis and not mandatory. I'm not really aware where we have ever placed mandatory observers on a non-permitted vessel under the Magnuson Act.

Now we may ask a vessel would you be willing to take an observer out; but normally when we say you must, it is because you've got a permit and it is a condition of having your permit if you do this. I mean it is problematic to even select vessels because we don't have a list of who they all are.

Now, under the Endangered Species Act, we do have specific authorities to require non-federally permitted vessels to take observers, and we have done that in some of the state water shrimp fisheries before; but even then they were vessels that had been permitted by the state. Maybe we have used mandatory observer coverage on private vessels under the ESA, but I'm not aware of – I can't think of any case where we have now.

MR. AMICK: To John's point, there are also some for-hire vessels that I wouldn't want to go on myself. So I guess instead of just taking out the recreational – it wasn't a point for the recreational, and I guess you can leave the agency to decide case by case of what vessels are good to put observers on.

DR. LANEY: Madam Chairman, to Roy's point, I made the motion based in part on staff's statement to the effect that this is the language that is already in place for the snapper grouper fishery; just to clarify that.

MR. SWATZEL: Well, going back to what Roy said, if private recreational vessels might be voluntarily surveyed or video cameras put on those, why do we want language that says "require" if it is going to be voluntary?

DR. DUVAL: I believe the language in the alternative says "if selected".

MR. SWATZEL: Well, if selected, they would be required.

DR. DUVAL: Well, maybe "if selected" is vague. Monica.

MS. SMIT-BRUNELLO: I'm not sure that it makes much sense, frankly, or legal sense – they can be two separate things sometimes – to have a requirement that says private vessels that aren't for hire – that private vessels are subject to carrying an observer. I think that we've had difficulties even getting that through the Paperwork Reduction Act process because of trying to estimate the numbers of vessels and all that sort of thing which you have to go through and how many burden hours it would be and all those sorts of things. I'm not sure whether that particular requirement makes much sense at all.

DR. DUVAL: Well, it is in place right now for snapper grouper. It clearly went through the process. Roy.

DR. CRABTREE: It is; and when it went in place it was subject to a lot of consternation. I think if your decision now is that you don't think that's something you want in there, that you ought to remove it from the regulations on snapper grouper.

One way or another we ought to either have it or not have it, but I'm not comfortable with having it in some places but then decide not to have it here. It strikes me there is no real sound rational basis why if it's good for snapper grouper, it is not good for everybody. I think we ought to bring it to some consistency at this point.

MR. WAUGH: I just urge some caution in changing that because as Monica has indicated in her opinion we can defend that we met the requirements of the Magnuson Act for bycatch provisions for snapper grouper with what is in place. I think you start chipping away at that and you weaken our case.

MS. SMIT-BRUNELLO: Well, if you want our office to make an evaluation of that, I guess I'd be glad to.

DR. LANEY: Well, the way I read it – to Tom Swatzel's point – it says "shall use" and then it lists a big long list of things. It doesn't specify that observer coverage is the primary tool that would be used on private or any other type of vessels. I still think that "if selected" is the key phrase there, and we've already been advised by Bonnie that no one is selecting private vessels for observer coverage at the moment. I don't think it is a present concern.

MR. CUPKA: I agree with Wilson; the key to that whole thing is "if selected" and NMFS is not going to select a vessel that they aren't able to meet the safety requirements, but there is a lot of work going on now in terms of electronic monitoring and all and that in the future it may be possible to get some information from private vessels without actually putting an observer on board. This just gives you the flexibility of somewhere down the road that you do develop another method, that you can use it. I don't see any problem in leaving it in there.

DR. CRABTREE: Back to Gregg's comment about the private vessels, we have a very clear standardized bycatch reporting methodology in place for private vessels through MRIP. We can generate numbers of discards and confidence intervals around the discards, and we can lay out in great detail all the protocols that are used to derive those. We have an approved standardized

bycatch reporting methodology for private recreational vessels as well as some charterboats and headboats now.

DR. DUVAL: Well, charterboats and headboats get some observer coverage; and I think that is the point. It is self-reported data that doesn't have another means of validation similar to commercial snapper grouper vessels.

DR. CRABTREE: It is not self-reported data in the sense of just having a logbook. It is data collected through a standardized survey methodology. You're right, for some vessels, headboats particularly we do have some observer coverage to groundtruth some of these things. My point is not that some of this can't be improved. My point is that we do have a standardized bycatch reporting methodology in place for the recreational fishery. If you want to do things to improve it, that is fine, but let's be clear we have what the law requires us to have in place now.

MR. WAUGH: Roy covered part of it. Part of the ACCSP standard is for self-reported data, that you have verification and that is why the ACCSP minimum standard includes some level of observer or other verifiable methodology associated with it. Remember, the private recreational in a number of our fisheries is the largest component, and so you want to characterize the discards. Roy is right; we do have – through MRIP we have that sampling protocol, but the ACCSP standard is to have some way of verifying that through some level of observer coverage or other means.

DR. LANEY: I'm not sure this is terribly relevant, Madam Chairman, but I do recall that the North Carolina Division of Marine Fisheries actually had a proposal in to put observers on private vessels, if I recall correctly, in the not too distant past. I don't think it got funded but that certainly was considered by that agency, anyway, and it was something that they were hoping they could implement. I don't remember which fishery that was for.

DR. DUVAL: And I think that might have been alternative platform. Tom Swatzel.

**MR. SWATZEL: I would like to offer a substitute motion to adopt the IPT recommendations for the wording in Alternative 2 and to delete reference to private recreational vessels.**

DR. DUVAL: There is a substitute motion by Tom Swatzel to adopt the IPT recommendation for Alternative 2 and delete the reference to the private recreational vessels. Is there a second to that motion? Seeing none; the motion dies for lack of a second. The main motion still stands, which is to accept the IPT recommendation for the language changes for Alternatives 2 and 3. Is there anymore discussion on this motion? Can I have a show of hands of all those opposed to this motion? **The motion passes with one opposed.** Roy.

DR. CRABTREE: It does seem to me that the amendment could benefit from some additional restructuring maybe. I find that the no action characterization is much broader now than what we're actually looking at. I really think the way this would be structured would with two actions; one that looks at mandatory observer authority and then a second action that actually looks at observer coverage levels.

That would make more sense to me; but even if we leave it as one action, it seems to me that the no action alternative ought not be looking at the whole of the ACCSP Program but ought to be specifically focused on mandatory observer coverage. Status quo is it is not mandatory for these fisheries and we're going to make it mandatory. Then I guess if we want to include the levels in here, we could be more specific about it. It is confusing to me as it is written in terms of the status characterization of the status quo.

DR. DUVAL: Well, I think you just confused me with your suggested restructuring, so what would we have for status quo?

DR. CRABTREE: Well, status quo is that observer coverage for the fisheries listed in Alternative 2 is not mandatory; it is voluntary. The action is to make it mandatory.

MS. SMIT-BRUNELLO: Except that it is mandatory if selected for snapper grouper, right? Your Snapper Grouper FMP, you have an observer requirement and for –

DR. CRABTREE: Shrimp.

MS. MARTIN: Golden crab.

MS. SMIT-BRUNELLO: Golden crab.

DR. CRABTREE: And it is mandatory I think for shrimp.

MSM MARTIN: Shrimp and sargassum.

DR. CRADBTRREE: So it seems to me the status is it is mandatory for these fisheries and not for these. The alternative is make it mandatory for those additional ones so it is mandatory for everybody. That seems to me to be what is status quo versus the alternative. Then if you wanted to have an action that addresses the level of observer coverage, I guess what you're doing is being more specific about what the level of observer coverage has to be. The current status quo gets into a whole host of other things and bycatch modules and other things that I don't think these alternatives necessarily change. I just think it's something staff ought to work on and see if they can't come up with an improved status quo.

DR. DUVAL: Well, what is the pleasure of the committee? We have just accepted the IPT's proposed wording changes to the two alternatives. We have a single action right now. Wilson.

DR. LANEY: Well, it seems to me based on Roy's explanation that it sounds, if I'm listening correctly, Alternative 2 is basically already in effect for snapper grouper, for golden crab and for shrimp; so at the very least it seems that the status quo should include that information. I will defer to counsel and the IPT on that point, but if my understanding of Roy is correct, then it would seem that those – let's see, snapper grouper is not in there. Well, none of those are already listed in Alternative 2 so maybe the language the fine as it is, and we just need to include the information on existing coverage in the no action alternative statement.

MR. HARTIG: Well, I don't know how this is germane to moving forward today, but I would certainly benefit as a council member from seeing what Monica mentioned earlier is to see how we're meeting our bycatch requirements under the Magnuson-Stevens Act Reauthorization.

DR. DUVAL: So perhaps we could entertain a motion from the committee to request an analysis of how the council is meeting its bycatch reporting requirements under the Magnuson Act.

MR. HARTIG: And that is what I was going to do. **I would make that motion to ask – well, NMFS staff, SERO staff –**

DR. DUVAL: How about request an analysis from NOAA GC?

MR. HARTIG: **Okay, to identify how the South Atlantic Council is meeting its bycatch requirements under the Magnuson-Stevens Reauthorization Act.**

DR. DUVAL: There is a motion by Ben; second by Charlie. Discussion? Ben.

MR. HARTIG: Well, I have been asked a number of times about this and I can't give a definitive answer about how we're doing and I need to know.

DR. DUVAL: I would agree. Hopefully, an analysis like that could feed into something like what I was talking about. I would like to be able to put my hands on something, some document that that says this is how we are currently and are going to in the future meet those requirements, and here is our plan for improving the level of coverage for improving the quality of the data; something like that. Roy.

DR. CRABTREE: Well, so we make this request and then we come back at the next meeting and if Monica can get through that, we look at a revised version of this amendment and we go over that. The way this amendment is changed now with these new alternatives, it does affect the Gulf fishermen.

Yes, it requires mandatory observer coverage on any vessel with a king mackerel or Spanish mackerel permit, and that affects the Gulf fishermen. The Gulf Council has never seen this alternative before. None of us had seen it until today so it is not reasonable to think that the Gulf is going to approve this.

I think if Doug was there he could comment on that; but I would guess before the Gulf is going to concur with that, they're going to need to do something to make their fishermen aware that they're looking at making observer coverage mandatory on those. We going to need to come back in and see this again and go through these issues at that point. If Monica can get through this analysis, we can look at that then and see if we need to take – if that leads us to do some additional things.

DR. DUVAL: So I would think that your concerns about the Gulf and this being mandatory for fishermen in the coastal migratory pelagic fisheries could be remedied by just applying this to the South Atlantic.

DR. CRABTREE: Well, how are you going to do that? That gets us back to the language we had with the logbook reporting where we tried to make it specific to which group fish you're fishing on. The problem with that is even if you say it is mandatory if you're selected when you're fishing on South Atlantic Migratory Group King Mackerel, that there are fishermen in Fort Myers and on the west coast of Florida who transit through state waters and fish on South Atlantic Migratory Group and then go back.

Any way you slice this, this does affect Gulf fishermen and I don't think it is reasonable to think the Gulf is just going to knee-jerk approve this. They have never even seen this before. No one has even talked to them about this alternative. I think the way it is written now and, frankly, to tell the center that the authority is mandatory when they're fishing on something like that is just going to be too cumbersome and difficult to do. We need to do this right and we need to take the time to do it right, and that means we're going to have to work with the Gulf on this to figure some of these things out, and that is what we ought to do.

MR. WAUGH: With this motion, if you pass this motion, I would urge you to table this amendment until we get a response. There is no sense devoting one more minute of our staff or the region's staff time working on this if NOAA GC comes back and says we're meeting it. We don't need to impose additional costs on our fishermen; we certainly don't want to. If we're meeting it, great, we don't need to do anymore and this stops. If you all approve this motion, let's just table this amendment and pick it up after we get Monica's – we've got a lot more stuff to do.

MS. SMIT-BRUNELLO: If you pass this motion, at the break or at some point this morning before this committee ends, I will talk with Mike McLemore, the regional attorney, in the office and try to give you a timeframe on when we think we could complete this and get back to you so you know when to expect it.

MR. MAHOOD: Monica, we've talked about one possible determination – maybe it was with Roy I was talking about it, but I think it was with you – because this CE-BA 3 has changed so much and so much has dropped out, it may no longer require an EIS. It may just be an EA. That would be another decision I think region would need to make.

MS. SMIT-BRUNELLO: That's right.

DR. CRABTREE: And to Gregg's comment, if you want to table it until we hear what Monica says, that is fine by me, but I don't agree with this assessment. If Monica comes back in and says you're meeting all your legal requirements, I still believe we ought to have mandatory observer coverage authority. I believe the science center believes we ought to have the authority to make observer coverage mandatory. I would still want to move through with doing that. I think that these fisheries that have these federal permits, if we feel like we need observers on



those fisheries and we select them, they ought to have to cover the observer. I think there are things here that we do need to do.

DR. LANEY: I thought I heard Monica say earlier that – or somebody said and maybe not Monica – that in view of the fact that the council has had previous documents approved that addressed bycatch, that at least in that quarter it appears that the council is meeting its bycatch requirements, and there has been plenty of discussion about the fact that this particular measure would greatly improve, potentially, those requirements if there is the resource available to implement them. For that reason, I am going to vote against the motion because I would like to see this just move ahead.

DR. DUVAL: Is there anymore discussion on this motion? **The motion is request an analysis from NOAA General Counsel to identify how the South Atlantic is meeting its bycatch requirements under the Magnuson-Stevens Act. That was a motion by Ben and seconded by Charlie. Any opposition? The motion passes with one opposed.** Roy, I'm still not clear exactly on the specifics of how you see the ideal restructuring of this action.

DR. CRABTREE: All right, we've got a no action here that is extremely broad, and then we have some very specific things we're doing which is to make carrying an observer mandatory. It just seems to me that the status quo ought to be much more specific. If we have an action to make carry an observer if selected mandatory, so status is it is mandatory in these fisheries right now and is not in these. That is status quo.

The action is to make it mandatory for these additional fisheries. That is an action. It just seems to me the status quo is overly broad in terms of the way it is characterized. The other thing; if you look at the status quo in the last couple of sentences, it goes into require commercial vessels with snapper grouper permits, so I guess what that means is that it is already required in snapper grouper, but the status quo doesn't say that it is already required in golden crab, shrimp and sargassum. I just don't think the status quo is worded as clearly as it ought to be.

It seems to me we're talking about two different things here. One is to make observer coverage mandatory and the other is to provide more specificity on the levels of observer coverage, and it would make sense to me to have that be two actions rather than lumped together into one. Maybe you can figure out how to do it in one, but it just seems to me that the status quo is not very clear in the way it is characterized. I think that is something for staff and the NEPA folks to sit down and work out and not for us to try and hash through here.

DR. LANEY: Well, to that point, Madam Chairman, and in the view of the passage of the previous motion, would it be appropriate for us to also ask Dr. Ponwith to consult with her staff and provide us with any guidance relative to the appropriate percentage of observer coverage for South Atlantic fisheries? If need be, I could make that in the form of a motion.

DR. DUVAL: Certainly.

DR. LANEY: Was that a certainly on making a motion?

DR. DUVAL: You may do as you please.

DR. LANEY: Well, I'll defer to Dr. Ponwith on that, as to whether or not that is something that she could just take under advisement or whether she would prefer a motion.

DR. DUVAL: Well, I think just to get back to Gregg's point, we have passed a motion asking for analysis of how we're meeting our requirements under the Magnuson Act. To Gregg's point whether or not the committee should just simply table this for now until we get a response back on that analysis – I mean, certainly if this document is restructured the way Roy has suggested where you have one action that deals with giving the agency authority for mandatory observer coverage in fisheries where it does not have it and then having a second action that makes determinations with regard to the level of that observer coverage, that analysis would most definitely be required. I just want to bring that up.

**MR. SWATZEL: I would offer a motion to table further consideration of CE-BA.**

DR. DUVAL: There is a motion by Tom Swatzel to table further consideration of CE-BA 3.

MR. PHILLIPS: Did we vote on Ben's motion yet?

MR. HARTIG: Yes.

MS. McCAWLEY: Does the motion to table need to have a time certain to when we're going to untable this?

DR. DUVAL: It's up to the committee. It doesn't have to have a time certain; but if you would like to add some certainty to it until the analysis from NOAA GC has been completed, the committee can do that.

DR. CRABTREE: As just as a point of order, a motion to table further consideration of CE-BA is out of order in my view. It is a motion to postpone until a date certain. I know this because we had an extensive debate about this at the last Gulf Council meeting. A motion to table is typically to postpone a vote on another motion until a later date in the meeting. If you want to postpone further consideration to a date certain, that is not a motion to table. A motion to postpone is debatable in terms of whether we should postpone or not whereas a motion to table is not debatable.

DR. DUVAL: Yes, and I think once you have a motion to table, it also requires like a two-thirds vote to untable something and –

DR. CRABTREE: No, I think it is just a majority vote.

MR. SWATZEL: Well, I'm trying to figure out what the time certain would be, whether it would be the September meeting. I'm just looking for guidance.

DR. DUVAL: I think whenever we receive the analysis from NOAA GC. Hopefully, that would be later this year. Monica.

MS. SMIT-BRUNELLO: I can just offhand say that June is going to be tough given all the other ambitious things on your agenda to get done. Like I said, at the break I'll talk with the regional attorney and see what he thinks.

**MR. SWATZEL: I will simply amend my motion to read postpone further consideration of CE-BA 3 upon receipt of analysis from NOAA GC.**

DR. DUVAL: Motion by Tom and I believe Jessica was the seconder? Yes, so you're okay with that revised language. Roy.

DR. CRABTREE: Now, I would I think recommend that you not just pull this off of the Gulf's agenda, though. If you consider going forward with making the reporting requirements mandatory – or if the “if selected” requirement mandatory for king mackerel and Spanish mackerel permits, I think you would be well advised to go ahead and let the Gulf Council know that you're considering looking at this so the Gulf Council can start thinking about that and figuring how to handle that.

Otherwise, we get to September and then if you decide you want to go through with that, we have let all this time and the Gulf is not aware of any of this. It seems to me if we're considering doing that – and I think we do need to do that; that we ought to let the Gulf Council know now that we're considering making that change and it will affect their fishermen and they need to provide us some input on it.

MR. WAUGH: It certainly has never been our intent. I have never heard it expressed by the council that their intent was to have this apply to Gulf fishermen. It would seem to me that the center is fully capable in their selection process of selecting vessels that fish in the Atlantic. I don't know if it was some on the IPT. If it was their intent with this to have this apply to the Gulf, it certainly doesn't say that, but it has never been our intent to have this applied to the Gulf.

DR. CRABTREE: The way this is going to work is it is a requirement that affects the permit. If you change it to make it affect the permit only when they're fishing on Atlantic Group King Mackerel, it still affects Gulf fishermen because there are fishermen who live in the Gulf of Mexico, who go down to Monroe County in the winter months and fish on Atlantic Group King Mackerel and then go back home.

The FWC has put specific transit rules in place. In our own Mackerel Amendment 20 we have that. We went through this at the last Gulf Council meeting with respect to the logbook reporting requirement. If we're going to do this, it needs to be a requirement to the whole permit and be done consistently.

If this is what we're going to do – if we're going to take extra time on this now, there is no reason in the world not to go ahead and try to see if we can't coordinate this with the Gulf of

Mexico. They've got three council meetings between now and September, so I just don't understand the reluctance to do this.

MR. CUPKA: I would suggest that you don't want to postpone this upon receipt but until you receive it. Otherwise, once you receive it, then you start postponing it. I think you need to change the wording a little bit on this motion.

DR. DUVAL: I think everyone recognizes that intent. **The motion now reads postpone further consideration of CE-BA until receipt of analysis from NOAA GC. Is there anymore discussion on this motion? Is there any opposition to this motion? Seeing none; that motion stands approved.** The next item on our agenda is the Joint South Atlantic and Gulf Council Generic For-Hire Reporting Amendment. Anna.

MS. BECKWITH: Madam Chair, I was just going to suggest a five-minute break.

DR. DUVAL: Be quick, please; we still have more items to go.

(Whereupon, a recess was taken.)

DR. DUVAL: Gregg is going to take us through the next item on our agenda, which is a review of the Joint South Atlantic and Gulf Council Generic For-Hire Reporting Amendment. I think we approved this for review at our December meeting and this went over to the Gulf for their review. This is our electronic reporting requirement for headboats in the South Atlantic.

MR. WAUGH: The Gulf Committee and Council actions are included as Attachment 3. We did receive a letter from the Gulf Council indicating that they did approve this amendment. They have approved it for formal review. They approved a motion allowing us to deem the codified text so we have that for you to look at as well.

The revised amendment is in Attachments 4A and 4B. I pulled out and will be projecting the actions. The preferred alternative is Alternative 4; to require that vessels submit fishing records to the Science and Research Director weekly or at intervals shorter than a week if notified by the Science and Research Director and they submit that via electronic reporting.

That means computer or internet. Weekly means seven days after the end of each week. The preferred alternative is to apply this just to headboats, so that is your current preferred. We did have some discussion at our last meeting about working to add the compliance measure and the measure dealing with catastrophic conditions.

We were going to add that into the Gulf's Headboat Amendment, but we received guidance that we could add that into the discussion here in the South Atlantic Headboat Amendment and that would be sufficient. That was pointed out to the Gulf Council. It was in the document that they approved. I just want to go over that with you as well.

The no fishing forms must be submitted at the same frequency via the same process as specified in Action 1. This basically will track what is in the Dealer Reporting Amendment, too.

Reporting is currently a condition of the permits issued for snapper grouper, dolphin and wahoo and coastal migratory pelagic. We outline there the requirements for compliance.

In terms of the catastrophic measure, it the South Atlantic Council's intent that during catastrophic conditions only when electronic means to report data are not feasible, the headboat program provides for use of paper-based components for basic required functions as a backup. The regional administrator will determine when catastrophic conditions exist, the duration of the catastrophic conditions and which participants or geographic areas are deemed affected by the catastrophic conditions.

The regional administrator will provide timely notice to affected participants via publication of notification in the Federal Register, NOAA Weather Radio, Fishery Bulletins, other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions.

Paper forms will be available from NMFS. The regional administrator has the authority to waive or modify the reporting time requirements. The need for paper-based reporting is expected to occur infrequently and for relatively short periods of time. Again, this parallels what included in the Dealer Amendment. We just wanted to review those revisions for you. As I mentioned, the Gulf Council has approved this for formal review and it is up to us now to approve it for submitting to formal review.

DR. DUVAL: Does anyone have any questions for Gregg about the changes or the edits that have been made to this amendment for for-hire reporting? If not, I would entertain a motion to approve the Generic For-Hire Reporting Amendment for formal review and to deem the codified as necessary and appropriate.

MR. HARTIG: So moved, Madam Chairman.

DR. DUVAL: There is a motion by Ben; seconded by Charlie. **The motion reads approve the Joint South Atlantic and Gulf Council Generic For-Hire Reporting Amendment, the South Atlantic only, for formal secretarial review and deem the codified text as necessary and appropriate. Is there any discussion? Any objection? Seeing none; that motion stands approved.** Now we will also need a motion to give staff and the Council Chair editorial license to make corrections to the document and redeem the codified text as necessary. Tom Burgess.

MR. BURGESS: So moved.

DR. DUVAL: Motion by Tom Burgess; seconded by Ben. **The motion reads give staff and Council Chair editorial license to make changes to the amendment and codified text as necessary and redeem the codified text. Is there any discussion? Any opposition? Seeing none; that motion stands approved.**

The next item, Gregg actually covered the catastrophic provision that has been added, which was actually the next item on the agenda, so really the next item is now Joint South Atlantic and Gulf Generic Commercial Logbook Reporting Amendment, so Gregg is going to go over that for us.

MR. WAUGH: This is Attachment 5. This is the document that we sent to the Gulf Council. I will just walk through that very quickly with you. What we're looking for here are any suggested changes to alternatives that are in here. The Gulf Council did approve working with us on this, so we have their approval to work together.

What we're looking for here are any suggested additional alternatives and some general guidance in terms of timing. We'll get into timing a little bit more in our Executive Finance Committee, but this one right now really doesn't have any sort of timelines associated with it. In terms of purpose and need, what we're looking at is the Joint South Atlantic/Gulf of Mexico Generic Commercial Logbook Reporting Attachment.

The purpose is to improve commercial data collection methods to compare with trip ticket data to better monitor commercial ACLs in the South Atlantic fisheries. The need is to improve data collection methods and timelines to better monitor annual catch limits, to improve stock assessments and to improve compliance in South Atlantic fisheries.

Here are the alternatives that we had discussed. Remember this was a part of CE-BA and was split out. The action is to amend the snapper grouper, dolphin and wahoo, coastal migratory pelagics resources, golden crab and Gulf reef fish management plans to modify data reporting for commercial vessels. This is a joint amendment with the Gulf.

We have got no action. You do have a preferred alternative, which is to require NMFS to develop a system for commercial permit holders to submit their logbook entries electronically via an electronic version of the logbook made available via computer or internet. Fishermen are encouraged to submit their logbook reports electronically but would be allowed to submit paper logbooks. Commercial landings and catch/effort data are to be submitted in accordance with ACCSP standards. Require that logbooks, landings, economic and bycatch, be submitted within 21 days after the end of each trip.

The IPT recommends that timing be considered separately and council staff provided the following language: Subalternative A would require that logbooks, the landings, economic and bycatch, be submitted within seven days after the end of each trip. Your preferred alternative, because it was part of this text up here – we have just split it out down here – is to require logbooks, landings, economic and bycatch, be submitted within 21 days after the end of the trip.

We're clarifying that it is the council's intent that commercial fishermen must be current in reporting to be authorized to sell commercially harvested species – and that is the compliance method – and that in catastrophic conditions paper reporting would be authorized. You had asked us to work with the center and get their input on an alternative.'

That is new proposed Alternative 3 and that is to require NMFS to define file specifications and transmission methods for an output file from an electronic logbook, which will enable permit holders to enter logbook entries electronically via an electronic version of the logbook made available via computer or internet.

Fishermen are required to submit their logbook reports electronically via a computer or via internet web-entry based on vessel attributes as defined by the Science and Research Director. Commercial catch and effort data are to be submitted in accordance with ACCSP standards. Require that catch and bycatch logbooks be completed before the vessel ties up at the end of the trip and are submitted by the reporting deadline specified below.

Economic logbook information must be completed and sent by the deadline specified below, along with the catch and discard logbook. Subalternative A is the seven days. Subalternative B is the 21 days. We go into a little more detail there on what the compliance and catastrophic provisions are. Those are the alternatives. That is the only action in here.

You did direct us to work with the center. They're in the process of removing some elements from the logbook and we're continuing to work with them. Again, here we would look to get any guidance on additional alternatives and some guidance as far as timing.

DR. DUVAL: The difference between Alternative 2 and new Alternative 3 is that Alternative 2 would simply make electronic reporting optional; whereas, new proposed Alternative 3 would make it mandatory. I think the language of new proposed Alternative 3 is overly complicated.

MR. WAUGH: And there is one additional component. This part here requiring that catch and bycatch logbooks be completed before the vessel ties up at the end of the trip; that is an additional requirement.

MS. SMIT-BRUNELLO: I had a question in the new proposed Alternative 3. Right after the SRD reference there is a sentence that says commercial catch and effort data are to be submitted in accordance with the ACCSP standards; are those standards discussed? Is that the method of transmission? I think it might not be, but is that discussed somewhere what those standards are so that the fishermen know?

MR. WAUGH: I don't believe that is fleshed out in here as of yet, no.

DR. CRABTREE: Well, I've got two questions, I guess. The 21 days/7 days; didn't we determine at the last meeting or something that the 21 days wasn't necessary and 7 days was fine?

MR. WAUGH: No, we didn't. Your direction to us was to put in the subalternative. What we talked about was that the information on the economic logbooks indicates that the fishermen can use average price and don't have to wait for their actual price information, and so they could fill out the economic logbook within seven days. The fishermen were pointing out that they feel since this is for economic data, it would be more useful to use the actual price information they get and so they wanted the 21 days.

DR. CRABTREE: All right, and then on the new proposed Alternative 3 requiring that the logbooks be completed before the vessel ties up at the end of the trip, so we're going to say that all of the commercial vessels have to have computers on board their vessels now?

MR. WAUGH: Perhaps Bonnie could address that because this was an alternative that the center provided.

DR. PONWITH: I know that is one of the considerations that we were contemplating in discussions about for-hire electronic reporting. The purpose behind that was that you punched the send button prior to landing so that the intercepts would be able to do a comparison of what was reported electronically versus what was observed in a dockside intercept. I don't have complete clarity right now as to why that would be advantageous for a commercial vessel, but I will check on that.

DR. CRABTREE: Well, I could see how that would allow for some verification, but, boy, is that going to be a difficult sell. If I understand it right, preferred Alternative 2 allows electronic submission but doesn't require it, correct?

DR. DUVAL: Yes.

DR. CRABTREE: And then 3 requires electronic transmission; but goes even beyond that, that it requires that you transmit it before you tie up at the dock. It seems to me we need something in the middle of those two that says you have to submit electronically but doesn't require that they do it before they tie up at the dock. I'm not on the committee, but it seems to me that you need something intermediate between those two.

DR. DUVAL: I would agree. I read that sentence and it made me pause a little bit. I think, Gregg, maybe some direction to the IPT would be if we could have something in there that requires electronic reporting but that can be done once back on shore and then this option which require it before typing up at the dock.

MR. HARTIG: That won't work for the vessels, Bonnie, in the area that we fish. Our vessel types and configurations aren't as such that we could have a computer on board our vessels, so that wouldn't work. The other part about, Roy, when you thought that we solved the problem of being able to estimate the catch and give you an estimated price, that is a significant addition of work burden on fishermen.

That means you would have to have computation for each species you catch and the average price, and I believe that is above and beyond what we should be asked to do if we can get the information within another week. The other thing I would add on Page S-8, when we actually talk about how that can be done – and it says one point of confusion in terms of reporting ability has to do with reporting economic data, fishermen have stated they require approximately 19 days – it is really 12 days when we get it; and then with the 7 additional days of reporting gets you to 19. So, just to clarify that, but that is a significant amount of time.

It already takes us a lot of time to fill these out because most of us – 41 percent of us now are filling out both discards and the logbook requirements, so it is getting to be – it takes a lot of time. I fish five to seven days a week, so I have got to sit down at the end of my week and fill out all those different discards and reports, and it is at least a half a day to fill out those logbooks for me.



When I fill out my crew shares and figure out each day and who fished with me and the percentages that I have to do for each trip, it is not an insignificant burden as it is. If you're going to ask us to then do another computation for each species for each trip, that is too far.

MS. BECKWITH: Madam Chair, I'm not on your committee, but I need some clarification. When I read through Alternative 2 and it says that National Marine Fisheries will develop a system for the commercial permit holders to submit; I kind of envision an online program where they can log on and put their information in.

When I read Alternative 3, and I read it a number of times, define a file specification and transmission method is different than having an online program provided for folks to come in and log on and put there information in. In my mind this puts a burden on the fishermen that I am not even clear I understand sitting at the table. I would like some clarification on what the differences of those two things would be actually be in practical terms.

DR. DUVAL: My concern about the wording of new proposed Alternative 3 was that it is wordy and complicated, and it is difficult to actually figure that out. File specifications and transmission methods for an output file; that is difficult I think for – it is difficult for me to understand and I think it is going to be difficult for fishermen to understand. I really think we need to work on the language there to clarify exactly what that would mean.

MR. WAUGH: And I can't answer that at this point, but we will certainly get the answers from the center and explain this. The IPT will work on some alternative wording that gets at their intent, but in a language that we can understand.

DR. PONWITH: This is directly to Ben's comment about the economic data, the average value for the landings. I'm checking in with my folks on that as well. We have talked about this a lot and the original pushback for the 21 days versus the 7 days was having to wait for the trip ticket to come in so they could see what the value of the landings was for the economic portion.

Then we went in and looked at the language that was required and it said you don't need the trip ticket information for that. You can take what the average price is and use that as a placeholder for price and use that to calculate crew share and things like that. Our strong preference is to have it sooner rather than having the precise value for the value of the trip.

That remains true and we are willing to work with the industry to figure out a way to make that entry simpler, because for us right now the thing that trumps everything is that seven days; and so that is that thought. The second one is I know you're going to be discussing the timing of this. This is something that the center is extremely eager to see happen.

It is something that we do not have set up right now. Unlike the headboat system where we actually beat you to it – we've got the system designed before the regulation is coming to pass – this is something that we need to get the resources for and we need to get the actual programming done to set in place.

I think that if we work this carefully we can work it so that the timing comes out together on this; but as you make your discussions about timing, bear in mind the fact that the center doesn't have this system up and running and would have a significant amount of work to do to get this one in place, although we are emphatically behind this kind of a system.

DR. DUVAL: Bonnie, I've talked casually about this to a few folks, but I think in developing something like this, really any kind of electronic logbook or electronic reporting, it is really important to work with industry. I have heard support for something like this from the fishermen who were at the SEDAR 32 Data Workshop, that technology shouldn't hamper us, but I think it is very important to have a workgroup with industry to move forward on something like that.

MR. PHILLIPS: I'm curious as to who is going to supply these electronic logbooks, what kind of fees are associated, and who is going to be responsible for upkeep and all those kinds of things.

DR. DUVAL: Don't ask me. Roy.

DR. CRABTREE: Well, I think you should plan that the fishermen are going to have to pay for them and they're going to have to cover the fees and all that come with it. It seems a little confusing to me in new proposed Alternative 3 we say the catch and bycatch logbooks have to be submitted before you tie up the vessel; then we have Subalternative A and B that says landings, economic and bycatch are submitted seven days after the end of the trip or 21 days. Do we mean that the economic data can be submitted 7 or 21 days, because the landings and the bycatch have to be submitted before they tie up; is that what we're doing?

DR. DUVAL: I think clearly this alternative needs a little bit of work in terms of the wording because it is inconsistent with what is in the main body of that proposed alternative with the submission at seven days or twenty-one days. Gregg has indicated we don't really need motions from the committee at this point. We're looking for guidance on exactly of the kind that we're providing here. Ben.

MR. HARTIG: Bonnie, you mentioned maybe working something out with industry on what would enable us to be able to give you the information you need in a more timely fashion. Certainly, the economic information, if we just gave you a price and you wanted to do the computations; that would be acceptable.

When you're talking about just Spanish mackerel and tilefish, you may have four grades on each ticket to fill out. Like I say, that is not insignificant for us to do in addition to what we're doing. If we can work with the center and try and get something that is acceptable to you and to work for us, that is fine.

MR. HAYMANS: NOIC; I'm trying to get an abbreviation for "not on your committee". I was just reminded that the ACCSP is currently running a survey on "Survey Monkey"; ACCSP.ORG, asking fishermen to tell us what you think about electronic reporting. It runs through the end of May; and though I realize that we're probably very preliminary, perhaps a report of that survey could find its way to us in June. It is pretty thorough. It asks who do you report to or why do

you have to report, what is the method your reporting is; and then basically what do you think of it, so it might be helpful.

DR. DUVAL: I agree and I had gotten that e-mail from ACCSP as well, and maybe that is something we could ask staff to look into when the results of that survey might be available to know inform the steps that we take in that regard. Tom.

MR. BURGESS: First, on new proposed Alternative 3, as far as submitting information on catch prior to tying up the boat, that would not be accurate. With our trip limits now, just to give you an example, we have an 1,180 pound whole weight trip limit on black sea bass. What that basically does is we can catch a thousand pounds comfortably and not be afraid of going over our limit, so that is the kind of range we're talking.

Of course, if we want to push it more, which isn't too tough, but we don't want to go over. That is the kind of range we're looking at when we describe landings prior to actually watching them weigh up your fish. As far as Alternative 2 and the economic logbook being submitted within seven days, I myself, along with Ben, do not get that information within seven days, especially now after we have gone through the black sea bass and the season opening and all of that.

I do not have that information within seven days; sometimes not for fourteen days. But, one thing that would help me in accepting this seven-day requirement saying that we could put in our economic information like say for our previous ticket that we received, and that is how this information is used. I'll try to give you an example of what I'm thinking. If we have two dollar product and then it drops fifty cents a pound, would we still fall in the same category as far as the two dollar product or a dollar/fifty product?

What I'm trying to get at is how fine is this information used and to what degree or are you in blocks that would encompass certain values or economic situations where it is not that fine; and kind of a general, you know, economic information about are you making a hundred dollars a day and then the next block would are you making two hundred dollars a day or even more than that? That would help me feel comfortable about just – I won't use a guestimation, but using my previous trip tickets to develop economic information. I do understand the necessity of trying it in as soon as we can. I just wanted to touch on those two things.

DR. DUVAL: If I understand correctly what you're asking, you're looking for something such that that kind of economic information can perhaps be submitted in bins where you have a bin of zero to one dollar a pound or one dollar to a dollar fifty cents a pound or something like that, that would make it easier for you to submit that information?

MR. BURGESS: Well, no, I could submit that information specifically to my last return. We don't fluctuate – we do fluctuate in price; but after the first week or two we have an idea of what we're going to get to some degree, but it does vary as far as – I tried to describe it; two dollars down to a dollar fifty, but it is where the information, after it leaves me, when it goes to Bonnie and her crew that how it is used and how it is moved forward to the economic impact of regulations on the fishery. Is it a general type of information that would give you an idea of the

economic impacts or is all the information very fine and put forward. I'm don't know; I'm struggling a little bit. Please ask enough questions.

DR. DUVAL: Your concern is how the economic information you provide is then used down the road to do the economic analyses and how finely or coarsely lumped that information is to do the economic analyses. I think in most of our documents there can be breakdowns. Just depending on the confidentiality of the information, I believe there are breakdowns by state, by county, by community. I think it really depends on generally the number of dealers reporting.

DR. PONWITH: Just a really quick answer to what I think you're asking; and here is the thing. Do we wait for the extremely precise information that comes from the business transaction of the sale of that fish or are we comfortable putting our best estimate in there based on what the prices were last week or something like that, and using that and making corrections for the true price later when all of the dealer information comes in.

Right now the thing that trumps everything is timeliness of the landings. That is the thing from the science center's need is that is the strongest need. The faster we can get that information the easier it is for us to use it to help us with more precise quota management. The landings' data are used as close to real time as we can get our hot little hands on them.

The economic data are never used, never used in real time. Those are post season analyses that we use. Now, the importance of economics and how precise we would like it to be, more is better and the closer to accurate we have the better those data are. It is because we hear over and over and over again, I mean every single council meeting and every single Q&A the talk of have you looked at the economic impacts of this decision?

These are the data that we would be using to help us to say we're trying to solve a problem, let's solve it in a way that has the lowest economic impact on the industry possible, these are the types of data. It is just one type of the data that we would use to answer those questions, so the more precise the better.

One possibility – and I will need to check with my folks on this – would be to have a field on your electronic form that retains what you put for that entry last time you entered it. And if you have better information than that, you can modify it; and if you don't have better information, then it stays. You don't even have to type it in a second time. I don't know if that is possible.

I don't know if that is smart, but these are the types of things that we can talk with the industry about and get feedback on. I think as Michelle very, very aptly said, this is something we are going to want to interact with our commercial industry very closely on to make sure we're doing this smart.

DR. DUVAL: I'm going to let Brian jump in to clarify how some of the economic information is used.

DR. CHEUVRONT: Really, what I want to do is to support what Bonnie was saying on two points, especially. One is that accuracy is far more important than speed, and the second is that

she is absolutely right. The economic data rarely are used in real time or very close to that. It is almost always after the fact.

It is always much better to be more precise and more accurate than just about. It gives a lot more credence to the results and the data that the economists are providing in the analyses. Hands down, accuracy over speed is what is needed for the economic data.

MR. BURGESS: Bonnie, that does answer my question. I can supply the landings' information within seven days, the discard information within seven days; and then if you're working on something with an electronic logbook to adjust the economic information on my next go-round of logbooks, that helps.

MS. BECKWITH: I just had a question on the no fishing form section of this under the compliance measure. It was under Alternative 3 prior, and I don't see where it is kind of clearly stated if we're going to put that back in or are we going to leave it for the 30 days or push it towards the seven. It is being kind of lost within – at least where I can see it.

MR. WAUGH: The no fishing; that compliance method is on S-7, and that applies to Alternatives 2 and the new Alternative 3, and it will apply to the new alternative that we're going to put together as well. The intent is that applies to all of them. Let me just clarify one other difference between Alternative 2 and 3.

My understanding of our intent with preferred Alternative 2 was to take the existing logbooks that fishermen are using now and give them the capability of reporting electronically, so there will be an electronic version of that, just using the existing logbook forms now; so instead of filling it out on paper and sending it in, you could do it electronically and send it in. Then Alternative 3 gets into an actual electronic logbook.

DR. LANEY: Relative to the survey that Doug advised us about earlier, I consulted with our colleague, Ms. Knowlton, and she indicated that she thought it would be possible if the council was interested and committee that they could do a data dump of the survey monkey data some time after the survey is completed, but they probably wouldn't have a final report until at the earliest the September meeting. She also advised that Mr. Carmichael is the chair of the committee that is bird-dogging that survey, too; just FYI.

MR. HARTIG: I think I have mentioned it before and Gregg mentioned it in Alternative 2, which is the way I had envisioned this as a fisherman. When I get to the dock that evening and unload my catch, I don't get a trip ticket. I get just a receipt with all the species on it. I don't get the trip tickets until 12 days later.

I get the receipt, I come home, I have my bycatch information already jotted down on the back on the back of that receipt, I sit down at the computer that night, plug in all that information from my bycatch and my catch, and that goes to NMFS – it goes to the center, rather. The economic information then I could wait the additional time it takes to get the most accurate data as Brian had said, fill that out on paper and send that in however long that takes, which would be functionally 19 days or 21 days, if you want to round it to the week. I see that being the most

practical way to move forward and something that would actually work for the fishermen. I see Tom nodding his head as well. This is really what we need. You get your discard and your catch on a daily basis and your economics down the line.

DR. DUVAL: Okay, are there other comments or guidance that we want to give staff with regard to the wording of alternatives or the range of alternatives that are in here? Again, I can't emphasize enough as we move forward with this having some kind of pilot or something with the industry to ensure that whatever the science center comes up with, that this be a collaborative effort so that we make sure that the science center gets the information that they need in a timely fashion and it is easy for the fishermen to fill out.

In terms of timing on this, Bonnie has indicated that unlike the headboat electronic reporting, that the science center does not have anything in the pipeline right now, so to speak, in terms of being able to implement something like this. I think we need to give some direction to staff maybe with Bonnie's advice on moving forward in a timeframe for doing so.

Certainly, the IPT can work on wording of the language and things like that and we can see that at our next meeting. I think really the kind of timing we're talking about is development of such a system. Perhaps given the survey that is out there and if we can see the results of that survey at the September meeting, that might inform timing in terms of how to move forward with actually creating or writing some software that would do this.

MR. WAUGH: So if the IPT works on revising the wording, then we could also work with the center representatives on the IPT and others to get an idea of timing and bring that back to you at the next meeting. I can see it is relatively straightforward to revise this wording of alternatives and get your okay on that and then get some more refined estimate of timing. We can also flesh out having some workgroup or work sessions with the industry and kind of lay out a schedule for doing that and then bring all that back to you at the June meeting.

DR. DUVAL: That sounds good to me, but other folks on the committee? Tom.

MR. BURGESS: I was just thinking about one thing that came up as we initiated this was the delinquent reports and where we are with that. The other thing is it sounds like we're a little distance from electronic reporting where we can go to the house and punch it in on our computer.

Would it be possible, Bonnie, to send in our discard logbooks and catch logbooks within seven days, use the same logbook form that has our catch and our economic information; and if we don't have that information, have the ability to send that information in within 21 days, but not have the catch information on it but the dates at the top would remain the same as far as landed – when the trip was landed and all the other things that go on with that and just fill out the bottom economic report and still – would that be satisfactory or would that cause too much of a problem?

DR. PONWITH: What I'm doing is just based on the conversation we have had thus far is interacting with staff back in the center to find out if there is a way to open a record for a trip by entering the landings, send that landing's information by the required seven days post trip, but

keep the record open and go back and revisit that record a second time when the trip ticket gets into your hands, so that you're not required to do any calculations, creating averages, and that we're not required to go in a second time and correct estimates for actuals.

By maintaining the record open, you would not have to enter the heading information all over again. That record would still be there. You just add the last shred of data and hit the send button a second time. That closes out that record and meets your obligation in terms of the reporting requirements. I don't know if this is technically feasible; but if it were, it creates the best of all worlds.

It gives the economists actuals instead of estimates without having to enter numbers twice. It doesn't cause Ben to have to sit for eight hours instead of four hours calculating averages for his landings and his colleagues. It doesn't compromise the need for having those landings' data seven days post trip to really be of the most value to us from a management standpoint.

DR, DUVAL: Are there other questions or comments around the table? Does what Gregg has outlined sound good to the committee? They will go back and work on the language of these alternatives and get together with the folks on the IPT from the center to look at incorporating an industry workgroup into this process as well as try to provide some estimates of a timeline for moving forward just based on the capacity of the center in the development of this. Okay, that sounds good.

MR. CUPKA: I'm sorry I missed the first part of this whole presentation, but, of course, this is a joint thing with the Gulf. Are there going to be opportunities for some Gulf fishermen to participate in that workgroup? I think it would be important for them to do that.

DR. DUVAL: I guess that was my assumption was that because this is joint, it would include fishermen from both regions.

MR. WAUGH: So then as far as work on the Joint South Atlantic/Gulf Generic Charterboat Reporting Amendment, the Gulf Council did not address this at their last meeting. They approved our headboat amendment, but I suspect they will come back to this. Here are the motions from their October meeting.

I think Bonnie has covered this in past that the first step is to create some sort of subcommittee with a member of South Atlantic Council staff, HMS staff, Gulf Council staff, the Center and MRIP to coordinate and bring back some sort of complementary document to deal with headboat – I'm sorry, we need to involve MRIP to get into charterboats. I think that should say "charterboat".

The intent here would be that we will continue to work with the Gulf and figure out someone from our staff to work with them. That is the first step is to coordinate some timing with MRIP to where we would be looking at that. That has got to happen before we do anything else. We will continue to work with the Gulf on that.

DR. DUVAL: It sounds good. Are there any questions from the committee in that regard or comments? Because MRIP owns those protocols as Bonnie has informed us in the past, that is a critical piece of that to work with them to determine the feasibility of this and how it might be done. Pres.

MR. PATE: As I said at the last meeting, the staff of the Florida Water Conservation Agency over the last several months has been conducting a pilot study under MRIP, which was designed to test the likelihood and the possibility of requiring electronic logbook reporting for the for-hire industry by using some boats out of Texas and some boats that were based in the Panhandle of Florida.

That process has now been completed; but like many other or any other that we have under MRIP, when it results in the potential for changes in pursuits that have to be peer reviewed by some outside non-MRIP participants just to make sure the procedures and the recommendations are correct; the peer review for that project has been completed now, and the results of the peer reviews have been submitted to the project team with the understanding that they will respond to the peer review's recommendations and comments by the end of March.

The results of that study by the next time you meet will be able to be considered for implementation if that's what you chose to do. The results of the project are soon to be on the Gulf of Mexico's Council meeting this coming April. Hopefully, they can bring the matter to closure at that time. Thank you.

DR. DUVAL: Thanks for that, Pres, and maybe based on what you said it might be appropriate for the committee to have a presentation on the results of that study.

MR. PATE: Yes, it will be appropriate. Again, I think the next that you meet after the review is completed is June, and we will try to plan on a presentation at that time if that is the will of the council.

MS. SMIT-BRUNELLO: Pres, I think you may have mentioned this before, but was that study focused just on charter; did it cover at all headboats?

MR. PATE: No, it was focused just on the charterboat fishery.

DR. DUVAL: Thanks for that update, Gregg, and to Pres for letting us know the results of that peer review are complete. At this time we don't have anything else on our agenda. If no one has any other business, we can go ahead wrap up our business, and I will turn things over to our chairman to see how he would like to proceed.

(Whereupon, the meeting was adjourned at 11:15 o'clock a.m., March 7, 2013.)

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



Ad Hoc Data Collection Committee  
St. Simons Island, GA  
March 7, 2013

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April 2013

# South Atlantic Fishery Management Council

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Ad Hoc Data Collection Committee Meeting

March 7, 2013

St. Simons Island, GA

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Attendee Report      GoToWebinar  
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SAFMC Co: 5.51E+08

Actual Star Actual Duration (minutes)

Mar 07, 20      648

Clicked Reg Opened Invitation

81      34

Total Attended

37

Session Details

Attended	Interest Ra	First Name	Last Name	Email	Registration	Join Time	Leave Time	In Session I
Yes	34	Karla	Gore	karla.gore@	Mar 07, 20	Mar 07, 20	Mar 07, 20	534.15
Yes	28	herman	von harten	capt_bo@t	Mar 07, 20	Mar 07, 20	Mar 07, 20	262.02
Yes	28	john	larson	john@beac	Mar 07, 20	Mar 07, 20	Mar 07, 20	458.1
Yes	48	Gerald	Pack	gerald@sa	Mar 07, 20	Mar 07, 20	Mar 07, 20	423.2
Yes	27	kate	michie	kate.michi	Mar 07, 20	Mar 07, 20	Mar 07, 20	141.05
Yes	30	Samantha	Port-Minne	sport-minn	Mar 04, 20	Mar 07, 20	Mar 07, 20	601.73
Yes	40	david	plowden	dplowden@	Mar 07, 20	Mar 07, 20	Mar 07, 20	396.62
Yes	31	Rick	DeVictor	rick.devict	Mar 07, 20	Mar 07, 20	Mar 07, 20	506.03
Yes	26	Frank	Helies	fchelies@v	Mar 07, 20	Mar 07, 20	Mar 07, 20	317.32
Yes	29	Julia	Byrd	julia.byrd@	Mar 04, 20	Mar 07, 20	Mar 07, 20	302.7
Yes	60	Anthony	Ausstin	redress@e	Mar 07, 20	Mar 07, 20	Mar 07, 20	131.07
Yes	24	Emily	Muehlsteir	emily.muel	Mar 07, 20	Mar 07, 20	Mar 07, 20	70.87
Yes	45	Vic	Lloyd	vic_lloyd@	Mar 05, 20	Mar 07, 20	Mar 07, 20	285.48
Yes	31	m	c	mec181@y	Mar 07, 20	Mar 07, 20	Mar 07, 20	630.1
Yes	23	a	g	andrea.gra	Mar 07, 20	Mar 07, 20	Mar 07, 20	195.45
Yes	28	Anne	Eich	annemarie.	Mar 06, 20	Mar 07, 20	Mar 07, 20	437.08
Yes	31	scott	sandorf	scott.sand	Mar 07, 20	Mar 07, 20	Mar 07, 20	458.75
Yes	31	jack	holland	jack.hollan	Mar 07, 20	Mar 07, 20	Mar 07, 20	336.45
Yes	25	Jeanna	Merrifield	jeannam@	Mar 07, 20	Mar 07, 20	Mar 07, 20	262.32
Yes	31	Anthony	Bresnen	anthony.br	Feb 15, 20	Mar 07, 20	Mar 07, 20	525.63
Yes	60	Jack	Cox	dayboat19	Mar 06, 20	Mar 07, 20	Mar 07, 20	546.13
Yes	25	Steve	Turner	steve.turn	Mar 07, 20	Mar 07, 20	Mar 07, 20	274.73
Yes	28	todd	phillips	tphillips@c	Mar 07, 20	Mar 07, 20	Mar 07, 20	497.25
Yes	38	bobby	cardin	finchaser3	Mar 07, 20	Mar 07, 20	Mar 07, 20	612.75
Yes	66	Gretchen	Martin	gmartin@e	Mar 07, 20	Mar 07, 20	Mar 07, 20	70.12
Yes	64	barrett	colby	bcolby3@c	Mar 06, 20	Mar 07, 20	Mar 07, 20	563.75
Yes	42	Tony	Lamberte	tony.lambe	Mar 07, 20	Mar 07, 20	Mar 07, 20	503.75
Yes	20	Matthew	Ruby	warriorfish	Mar 07, 20	Mar 07, 20	Mar 07, 20	491.63
Yes	38	susan	gerhart	susan.gerh	Mar 06, 20	Mar 07, 20	Mar 07, 20	556.57
Yes	28	Anik	Clemens	anik.cleme	Feb 15, 20	Mar 07, 20	Mar 07, 20	371.88
Yes	38	Don	Hesselman	don.hesseli	Mar 07, 20	Mar 07, 20	Mar 07, 20	171.53
Yes	40	phil	steele	phil.steele	Feb 15, 20	Mar 07, 20	Mar 07, 20	446.52
Yes	25	Rich	Malinowsk	rich.malino	Mar 07, 20	Mar 07, 20	Mar 07, 20	201.4

Yes	48	stephen	holiman	stephen.hc	Mar 07, 20	Mar 07, 20	Mar 07, 20	525.18
Yes	60	Nikhil	Mehta	nikhil.meht	Feb 15, 201	Mar 07, 20	Mar 07, 20	498.88
Yes	28	Joseph	Ballenger	ballengerj@	Mar 07, 20	Mar 07, 20	Mar 07, 20	531.93
Yes	25	DAVID	GLOECKNE	david.gloec	Mar 07, 20	Mar 07, 20	Mar 07, 20	287.37
No		deb	buscher	deb.busche	Mar 07, 2013	01:21	PM EST	
No		NICK	FARMER	nick.farme	Feb 15, 2013	03:44	PM EST	

\*If an attendee left and rejoined the session, the In Session Duration column only includes their first vis

City	State	Unsubscrib Questions Asked by Attendee
Sarasota	FL	No
Charleston	SC	No
port canav	FL	No
Atlantic Be	FL	No
St. Petersburg	FL	No
Saint Peter	FL	No
wilm	NC	No
St Pete	FL	No
Tampa	FL	No
Charleston	SC	No
hubert	NC	No
Tampa	FL	No
Atlantic Be	FL	No
mtp	SC	No
chas	SC	No
St. Pete	FL	No
st petersbu	FL	No
Wilmington	NC	No
Titusville	FL	No
Tallahassee	FL	No
Newport	NC	No
Miami	FL	No
austin	TX	No
fort pierce	FL	No
Wilmington	NC	No
merritt isla	FL	No
St. Petersburg	FL	No
Charleston	SC	No
st petersbu	FL	No
Saint Peter	FL	No
Morehead	NC	No
st petersbu	FL	No
Saint Peter	FL	No



st. pete	FL	No
St. Petersburg	FL	No
Charleston	SC	No
Miami	FL	No
north charl	SC	No
ST PETERS	FL	No
it.		