

Golden Crab AP Meeting Minutes

The Golden Crab AP met on Sunday, January 31, 2013 at the Harbor Beach Marriott Resort Hotel in Fort Lauderdale, Florida from 1 pm until 2:30 pm.

Present were the following AP members: Howard Rau, Glenn Ulrich, Chip Bethell, David Nielsen, Robert Palma, Brad Whipple, Theresa Coppa, Nuno Almeida, and Randy Manchester.

Also present were: Tony Coppa (Golden Crab Fisherman), Emily Palma, Brian Chevront (SAFMC Staff), Bill Kelly (FL Keys Commercial Fishermen's Association), David Cupka (SAFMC Chairman), and Ben Hartig (SAFMC Vice Chairman).

The AP selected a new chairman and vice chairman. Robert Palma was selected as the chairman and Brad Whipple was selected as the vice-chairman.

The AP reviewed actions from Golden Crab Amendment 6 that were not related to establishing a catch share for the fishery. The non-catch share actions and alternatives, as well as the Council's preferred alternatives prior to the Council's September 2012 meeting are as follows:

Revise boat length limit rule

Alternative 1. No Action. To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent.

Alternative 2. Eliminate vessel length restrictions for obtaining a permit for the middle and southern zones via transfer.

Preferred Alternative 3. To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 35 percent.

Modify the small vessel sub-zone restriction

Alternative 1. No Action. Do not modify the small vessel sub-zone restriction. The small vessel sub-zone was originally established to protect against very large vessels fishing in the sub-zone. In the small vessel sub-zone with the southern zone, no vessel with a documented length overall greater than 65 ft (19.8m) may fish for golden crab. The small vessel sub-zone is bounded on the north by 24°15' N. lat., on the south by 24°07' N. lat., on the east by 81°22' W. long., and on the west by 81°56' W. long.

Preferred Alternative 2. Eliminate the small vessel sub-zone within the southern zone that was originally established to protect against very large vessels fishing in the subzone.

Modify 'one vessel, one permit' policy for golden crab

Alternative 1. No Action. Do not modify "one vessel, one permit" policy for golden crab.

Preferred Alternative 2. Allow multiple permits to be issued to one vessel so that any zones for which the vessel has a permit can be fished in one trip.

Sub-alternative 2a. Two permits per vessel.

Preferred Sub-alternative 2b. Three permits per vessel.

Vessel monitoring and enforcement

Alternative 1. No Action. Do not require additional monitoring and enforcement.

Preferred Alternative 2. Require all fishing vessels engaged in the golden crab catch share program to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the *Federal Register*:

Sub-alternative 2a. The purchase, installation, and maintenance of the VMS equipment and communications costs will be paid for or arranged by the shareholder.

Sub-alternative 2b. The purchase, installation, and maintenance of the VMS equipment and communications costs will be paid for or arranged by NMFS.

Preferred Sub-alternative 2c. The purchase of VMS equipment will be reimbursed by the National OLE VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the shareholder.

The AP made the following motion:

MOTION: LEAVE ALL FOUR AGENDA ITEMS AS THEY ARE AND LEAVE THE REGULATIONS AS THEY ARE CURRENTLY AND RECOMMEND NO ACTION AT ALL AT THIS TIME TO THE COUNCIL. The motion was passed by the AP.

The AP discussed three items under “Other Business”.

The AP wants to discuss the potential for a stock assessment for golden crab at a future meeting of the AP. There is some information the AP would like to have prior to their next meeting that will help them in their discussion. The AP would like to know how the SSC derived the 2 million pound ABC for golden crab. The AP would like for someone who has experience doing crustacean stock assessments look at the data that are currently available. The AP is particularly concerned that the spatial area(s) covered by currently available data sources may not reflect the total range of the stock in the South Atlantic region. If the data sources available are not adequate to do a stock assessment, what data are needed? The AP had concerns that SEDAR has not done a crustacean stock assessment before.

The AP would like the Council to reconsider the 29° latitude northern boundary of the Golden Crab Northern Zone, particularly towards moving the line further north (see **Figure 1**). The AP believes that this boundary may have been determined without concern for golden crab fishing that historically had occurred north of the current 29° latitude northern boundary. Specifically, the AP would like to know what data or criteria were used to decide on 29° latitude as the northern boundary. They would like to know what additional information would decision makers need from the golden crab fishermen to help them in their consideration of moving that boundary further northward. The AP feels that the northern zone which is 60 miles long is not large enough for the three vessels that are currently fishing in the area. The AP cited safety and gear entanglement issues. Additionally, they were concerned that because 3 vessels are currently fishing in this relatively small area, localized depletion could develop over time.

The AP made the following motion:

MOTION: ASK THE COUNCIL HOW WE CAN ADDRESS REGAINING SOME FISHING GROUNDS WITHIN OUR CURRENTLY CLOSED AREAS. The motion was passed by the AP.

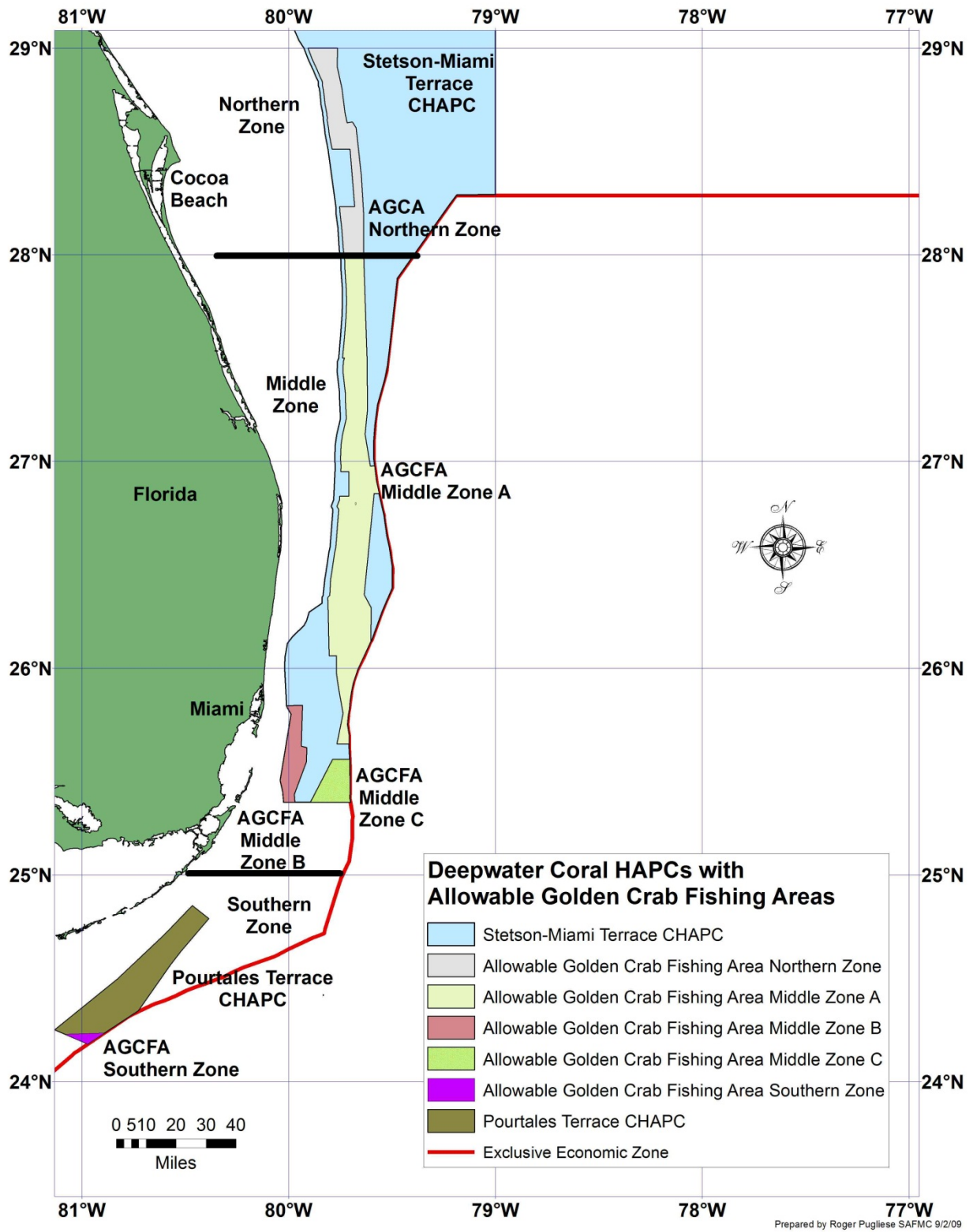


Figure 1. Golden crab allowable fishing zones.

The AP discussed a recent incident involving one of the AP members whose golden crab fishing gear was entangled with a submerged research buoy gear placed by a university from Mexico in the Straits of Florida to study currents in and out of the Gulf of Mexico. The gear placement was approved by the US State Department, but no notice was given to fishermen, the Council, the US Coast Guard, or NMFS SERO prior to the entanglement. The AP requested the Council discuss the matter and would like help from the Council to try to make sure such gear entanglements do not occur in the future.

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
GOLDEN CRAB ADVISORY PANEL**

**Harbor Beach Marriott
Fort Lauderdale, Florida**

January 31, 2013

SUMMARY MINUTES

Advisory Panel Members:

Nuno Almeida
Theresa Coppa
David Nielsen
Howard Rau
Brad Whipple

Chip Bethell
Randy Manchester
Robert Palma
Glenn Ulrich

Council Members:

David Cupka

Ben Hartig

Council Staff:

Dr. Brian Chevront

Other Attendees:

Bill Kelly
Emily Palma

The Golden Crab Advisory Panel of the South Atlantic Fishery Management Council convened in the Harbor Beach Marriott, Fort Lauderdale, Florida, January 31, 2013, and was called to order at 1:00 o'clock p.m. by Dr. Brian Chevront.

DR. CHEVRONT: Welcome to the Golden Crab AP meeting. We've got an agenda that is not a really long one, and that's okay, but we do have a few items that we really need to discuss and some things that we need to work out. One of the things that we're going to have to do is elect a chairman and a vice chairman, but that is not until Agenda Item Number 4. The first couple of items I'll get ahead and handle for the committee.

The first one is that we have an agenda. We need to get approval of the agenda. At this point I would like to ask is there anybody who has any additions, corrections, changes or anything to the agenda? Seeing none; the agenda will stand approved. There are some other things or some other business that we can add later.

I've heard that there are a couple of things that folks want to add to the other business. That's where these other issues will come up so we'll be able to take care of that at the end, whatever things anybody else wants to discuss that is not on the agenda. Okay, so we can handle that then. There was also, you were sent by e-mail a month or so ago an e-mail with four attachments in it.

That first attachment was the meeting minutes from our meeting, which was in this hotel a year ago yesterday. I just wanted to make sure does anybody have any additions or changes or corrections to the meeting minutes? Seeing none; the meeting minutes will stand approved. One thing I would like to do, this meeting is being recorded and it will be transcribed. It will be given to the council members as part of their briefing book for their March meeting. What I'd like to do is for the transcriptionist We'd like to have everybody introduce themselves. We're going to go around the table to do voice recognition.

When you speak, it would be good if you could remember to say your name before you speak, because the transcriber will want to be able to make sure that he gets the names with what is said with the right person. I'm Brian Chevront. I work for the South Atlantic Council Staff. I'm assigned to be working on golden crab. Whenever you have any questions or anything of the council or you want to know what is going on, I am generally your first contact for golden crab. Let's start this side with Nuno.

MR. ALMEIDA: Nuno Almeida. I am representing both fishing vessels Lady Helena and the Cindy Sue, along with Almeida Fisheries.

MR. WHIPPLE: Brad Whipple, golden crabber, Fort Lauderdale.

MR. ULRICH: Glenn Ulrich, South Carolina, fishery biologist.

MR. RAU: Howard Rau, golden crab fisherman, Fort Lauderdale.

MS. COPPA: Theresa Coppa, the Theresa C, golden crab fisherman.

MR. BETHELL: I'm Chip Bethell; I'm a golden crab fisherman in Fort Lauderdale here.

MR. MANCHESTER: Randy Manchester, golden crab fisherman, Fort Lauderdale.

MR. NIELSEN: David Nielsen, retired golden crabber.

MR. PALMA: Robert Palma, commercial golden crab fisherman.

DR. CHEUVRONT: That gets us up to Agenda Item 4. We need to elect a chairman and a vice-chairman and I'll moderate those elections, but right now I would entertain a motion for nominating someone to be the chairman of the Golden Crab AP meeting.

MR. ALMEIDA: I'd like to nominate Mr. Robert Palma for Chairman.

DR. CHEUVRONT: Second by Howard Rau.

MR. RAU: I second that.

DR. CHEUVRONT: Are there any other nominations for chairman?

MR. ALMEIDA: Vice-Chairman?

DR. CHEUVRONT: No, let's do chairman first. Okay seeing none; is there any discussion on this anybody wants to have? Okay, seeing none; we'll go ahead and take the vote. **Is there any objection to the motion? Seeing none; the motion carries.** Congratulations, Mr. Chairman. I'll go ahead and handle the election for vice-chairman and then we'll turn it over to you. You'll be chairman and I'll help you get through the rest of the agenda, okay?

MR. PALMA: This is the first time I've ever done this.

DR. CHEUVRONT: That's not a problem. That is part of what I have to do. Do we have any nominations for vice-chairman? Nuno.

MR. ALMEIDA: I'd like to nominate Mr. Brad Whipple.

DR. CHEUVRONT: Okay, a second for that. Okay, Howard. Any other nominations for vice-chairman? Okay, any discussion on the motion? Any objection to the motion? **Seeing none; the motion carries.** Congratulations, Brad, you are now vice-chairman. Okay, what I am going to do at this point is we're going to turn it over to our new chairman. However, the first item that we have to deal with is just sort of giving everybody an update of what the council has done. What I want to do, while I'm starting to talk I'm going to pass out these two documents that I have in case you don't have them. They've both been sent to you, but they are kind of pertinent

to what we are going to be talking about over the next couple of days. If you don't have a copy of these things, go ahead and take them.

First let me explain to you, this AP met a year ago in this hotel. At that time we talked about what was in Amendment 6 and the different actions there; catch shares and lots of other different things and we took it to the council in the March meeting. At the March meeting there was some opposition to the catch share program as it was laid out in Amendment 6.

The council requested that we contact permit holders who had had active permits and find out what their level of interest was in pursuing a catch share program at the time. The criteria that the council gave us to use to make this were that the fishermen had to have had at least one pound of landings in two of the last three years for which that they were able to have had landings.

This goes by permit. Of the 11 permits only five of them qualified to be able to participate in that determination of their interest in the catch share. We did that. We brought the results back to the council. In the June meeting it came out to be; I think it was three in favor and two against at that time.

The council was concerned because fewer than half of the permits were able to participate in this given the instructions that they had given us to use to conduct this interest in having the catch share. There was still more opposition to the catch share at that point. The council had asked us at June, prior to their September meeting, to pull all the permit holders together.

That is when we met in Key Largo last August and we all sat around and talked about catch shares in this fishery. It was pretty clear that there was not much in the way of consensus about catch shares in this fishery at this time. We took all that back to the council; and at their September meeting they discussed it and the general consensus of the council seemed to be at that point was that we are not going to pursue catch shares right now for this fishery.

I went back and reread the record and there was no specific vote done saying that we are not going to consider catch shares; but if you look at the discussion, the discussion sort of went along those lines. What we'll do; it is very clear that the council doesn't intend to pursue catch shares in this fishery at this time.

It doesn't mean it can't come back later should something about the fishery change. The council always has that prerogative to do that if they would like to. But the direction that was given to me was to come back to the AP and say, okay, if we don't pursue catch shares, that's fine, but there were some other actions that were in Amendment 6, particularly four actions that don't necessarily require a catch share to be in place to change the management regarding these four actions.

That is part of what we're going to do today, because they gave me that direction and said go back to the AP and find out, okay, we're not going to consider doing catch shares now; but taking that off the table, are these other things that the AP would like for the council to consider. That is kind of where we are today. That is what has gotten us here.

The other attachments that I sent you in that previous e-mail is all the background information leading up to this. There was a copy of Amendment 6 that was sent out. That was the version that the council had at their September meeting. Nothing has been done to that amendment since then pending the council giving directions to us as to what they want to do with the amendment, because it was basically put on hold in September.

They are going to decide at their March meeting what they are going to do, whether they want to continue with any of these actions at all, add new management actions that you all think that maybe they ought to consider or how do you all want to handle this? They are looking for direction from you. Does anybody have any questions about what has transpired in the last year?

Okay, I think we are in pretty good shape. Now, Mr. Chairman, we are kind of at the meat of the stuff here and we are up to Agenda Item 6. If you would like to lead the discussion, everybody should have this handout that says "Golden Crab Non-Catch Shares Action" at the top. That is what we are going to be going from.

The way it is listed here is exactly as it was in the latest version of Amendment 6, what the actions and alternatives were. They are exactly the same for those of you who were at the shareholders meeting in August. They have not changed at all from what was seen at that meeting. I want to hand that off to you.

MR. PALMA: I guess Number 1 here would be to revise the boat length limit rule. Want me to read them all, Alternative 1?

DR. CHEUVRONT: I don't think we need to read them because they have already been on the record. I think we need discussion.

MR. PALMA: Does anybody want to discuss it? I think we all had a little powwow earlier.

DR. CHEUVRONT: What would be helpful maybe at this point is if somebody could make a motion as to how you want to handle each of the actions, take them one at a time. If somebody wants to make a motion as to what you all would consider to be your preferred alternative there, that would make it easier for the council to be able to understand clearly what your intention is.

MR. WHIPPLE: I would like to make a motion that we leave all four agenda items as they are and leave the regulations as they are currently and recommend no action at all at this time to the council.

DR. CHEUVRONT: Okay, just for clarification, you've got four actions. You would like for them all to be Alternative 1, no action.

MR. WHIPPLE: Yes.

DR. CHEUVRONT: Because you made a comment there about them being as they are. The council has preferred alternatives for each of them and they are not all no action, Alternative 1.

To be clear, for each of the four actions; revise boat length limit rule, modify the small vessel subzone restriction, modify the one vessel one permit policy for golden crab, and vessel monitoring enforcement; your motion is to make them all your preferred alternative is Alternative 1, no action.

MR. WHIPPLE: No action.

DR. CHEUVRONT: Okay, that's the motion.

MR. ALMEIDA: I will second it.

DR. CHEUVRONT: Seconded by Nuno.

MR. PALMA: Is there any discussion on the motion?

DR. CHEUVRONT: Okay, seeing none, you have to take a vote.

MR. PALMA: Okay, I see no discussion on the motion so let's take a vote. All in favor of the motion.

DR. CHEUVRONT: Seven in favor.

MR. PALMA: Any opposed?

DR. CHEUVRONT: Any abstentions? You had one abstention.

MR. PALMA: Randy.

DR. CHEUVRONT: Okay, at this point you are all through with this. You don't want to do anything else with this? Okay.

MR. RAU: I'd like to discuss others.

DR. CHEUVRONT: Well, sure, that's another agenda item. We're up to Agenda Item 7.

MR. PALMA: Other business. Howard.

MR. RAU: I think we need to look into somehow raising the ACL in this fishery maybe with a stock assessment, if we could get something going along those lines. How do we go about doing that?

DR. CHEUVRONT: What I would suggest that you might consider doing is if somebody wanted to make a motion that you would like to have a consideration of raising the ACL for this fishery, that the council look into whatever procedures they needed to do to make that happen. I can tell you that off the top of my head the two ways that I think that it could happen is, one, to have a stock assessment obviously of this.

The other would be to request that the SSC reevaluate information that they looked at to establish the ABC and see if that could be raised that way. What the council did – the SSC sets the ABC based on what scientific information they have available to them. That information goes to the council and the council can set the ACL based on that ABC right up to that ABC. They cannot exceed it.

The SSC set the ABC at 2 million pounds and the council matched it with the ACL. The only way that this is going to be able to be increased is to somehow for the Scientific and Statistical Committee to increase the ABC. Now whether or not they would do that, I don't know; but it sounds like what you are asking for is you would like to have reconsideration and you would prefer a stock assessment, it sounds like.

MR. RAU: I think a stock assessment, yes.

MR. WHIPPLE: Yes, I think a stock assessment or some other kind of evaluation along those lines is appropriate. I don't think you just want to ask the SSC to reevaluate what they have, because they might decide it needs to be lower. We don't want to ask for anything unless we know we are going to get the answer that we want.

MR. PALMA: Yes, start with a stock assessment.

MR. WHIPPLE: Whatever avenues we need to take to try to protect ourselves while getting the ACL trending upward; I don't know, let's just be careful is what I'm saying.

DR. CHEUVRONT: Okay, we can talk about this. I was looking at the landings that are on the NOAA Website for golden crab and they are quite low. My first question was I'm assuming there are probably some logbooks that haven't been sent in yet. Yes, so it is still rather preliminary, because they are showing right now only about 37 percent of the ACL has been caught; a little over 700,000 pounds.

When we talked last summer, we were projecting about 1.3 million pounds were going to be caught. You only show records for about half of it. What is on the website is an underestimate, and I assumed it was because there were logbooks that hadn't been sent in yet. That was my guess. Is that the case? Since you are all going to send in the logbooks – yours are in.

MR. RAU: Mine are in.

MR. WHIPPLE: I guess we're low.

MR. PALMA: Mine are in.

DR. CHEUVRONT: Right now we are not even close to bumping up against that ACL, those 2 million pounds. All right, so that makes that, but we don't have a motion on the floor yet. You might want to make your motion however you want to handle this.

MR. WHIPPLE: I don't know if we want to – we need to talk about how we want to word that motion, I guess. Be careful what we ask for is I guess what I'm saying.

MS. COPPA: Do we want to set this for more discussion at the next meeting, like on the agenda item, or do we want to go ahead and put this through to the council right away?

MR. RAU: Good question. I don't think we should make a motion right now until we kind of talk about it. This is the first we really brought it up between us. I'd like to see us talk about it and maybe get together down the road here a few months if we want to discuss that.

DR. CHEUVRONT: You're thinking really in terms of stock assessment>

MR. RAU: A stock assessment, yes, but be careful what you wish for sometimes.

MR. WHIPPLE: I missed what you said, Theresa.

MS. COPPA: Basically we would set this to our agenda for next meeting if we want to bring this up for discussion amongst ourselves rather than point it to the council at this point. We haven't really met except for this time.

MR. WHIPPLE: I agree with you.

DR. CHEUVRONT: Okay, and that is fine. What information would you like to have to be made available to you in the future that you don't have now to help you make that discussion?

MR. PALMA: What different options?

MS. COPPA: Just discussions, mainly.

DR. CHEUVRONT: You could have some discussions now if you would like. That is what I am just trying to get at is that because it wasn't on this agenda doesn't mean it can't be discussed if you are prepared to discuss it now.

MS. COPPA: I have no notes or anything, because I didn't know what anybody would be bringing up at this meeting. Therefore, I haven't done any personal research. I wouldn't be able to really knowledgeable – and I don't know who else has done any homework on the subject thinking we were going to discuss it at this meeting.

MR. WHIPPLE: If it is possible for us to learn and understand how the SSC arrived at the 2 million, that would be important information for us to have. I would think that would be quite useful and helpful in furthering our discussions. I don't know if that is possible or whatever.

DR. CHEUVRONT: Sure, that was actually done at an SSC meeting so there is all the records and all that stuff for that. I'll get that.

MR. ALMEIDA: My books have been sent in, by the way, as of the end of December, so we're good there. As far as the stock assessment, if there was one, is it possible to find out where they did it, what waters, what zones?

DR. CHEUVRONT: Well, there has not been a stock assessment done for golden crab. It would be hard to say the particulars of how this would be done until they actually get into doing it. Very clearly, the fishermen would be involved in helping to make sure that they had the data and everything that they needed to have. That is up to the stock assessment scientists to figure out what is the most proper way to assess this stock.

MR. ULRICH: I think it would be useful to try to contact some people with experience in crustacean stock assessments to see what kind of data was necessary, whether we have the necessary data to do a stock assessment at this point, and what could be put in place to make things more amenable to doing a stock assessment collecting better data. I would certainly go along with Brad that you may not want to just get the SSC to do a reevaluation. That could go horribly wrong.

DR. CHEUVRONT: It could go horribly wrong.

MR. ULRICH: I think that the initial stock assessment was kind of done based on some of that real early work that was done out of South Carolina in terms of average densities of crabs and then extrapolating that out to the available bottom.

MR. CUPKA: Yes, we discussed this issue a little bit at both council meetings and also at the SEDAR Steering Committee. We've never done an assessment through SEDAR before that involved a crustacean species. Dr. Ponwith, who is the director of Southeast Fisheries Science Center, has suggested the center for contacting some people who had experience doing stock assessments of crustaceans and trying to develop an approach there to be used. But it never got, I don't believe, much past preliminary discussion. I would think if we did any kind of assessment, it would have to go along that route and taking the path of involving people who have experience doing assessments on crustaceans.

MR. PALMA: All right, that makes sense. Does anybody else have anything to say? Nuno.

MR. ALMEIDA: I definitely think involving the fishermen, of course, they are going to get a big head start as to where they will find most of the females and what depth and what type of bottom and where the bigger ones will hang out and where they would find those, but I have a feeling that these things like to travel north. I don't know why, but just by the looks of how they come up on the gear.

Again, I think they would have like a big head start getting involved with the fishermen and then just gathering all that info and take it from there. I wanted to get into something else, which is we have three vessels fishing in that northern zone in which now it has become – well, at one time was the largest fishing zone has now become the smallest.

DR. CHEUVRONT: Okay, that's a separate issue I think that you all wanted to discuss later. Let's make sure that we get everything that we need to talk about and what information you would like to have be brought back to you in preparation for a potential stock assessment or to help you make your decisions about what you want to request to the council.

MR. WHIPPLE: Brian, I guess my question is for you. You make a formal request to the SSC for this information and it is public information?

DR. CHEUVRONT: Yes, it is public information, and the thing is that the SSC won't take this back up again. As far as they are concerned, they've done their job, they have set the ACL already. It is only if something in the fishery has changed or the council has asked them to take it up. Something will need to happen to get them to do that. If you guys don't say that, no, we don't want to go that route right now; unless the council directs them to do it, it is not going to happen.

MR. WHIPPLE: Do you have a rough idea when that information might be made available to us?

DR. CHEUVRONT: Their deliberations for how they arrived at the 2 million pounds?

MR. WHIPPLE: Yes.

DR. CHEUVRONT: I could probably get that available and out to you within a couple weeks.

MR. WHIPPLE: Great. I think that will give us some basis for further discussion.

MR. RAU: Yes, I was actually at that meeting. I would need some explaining, because I really didn't understand how they arrived at that. I don't know if maybe somebody here would be able to inform me on exactly how they did that. It seemed like a very odd process to me.

DR. CHEUVRONT: I think what they did – because there is no assessment that they were able to use to help set that ABC, I think they went with the third highest landings rule and then bumped it up even more from that after some discussion of that basically this was unexploited biomass that was out there. There are already limitations on participation level.

But what I would like to do is we need to pull those records. I can't speak definitively to that but we can help get those out to you all so you can see what was done, see how they derived those 2 million pounds. That's what I will do is I will go find the transcripts of that meeting for where they had all that discussion on golden crab and I'll excerpt it out of the document and send it to you.

MR. PALMA: Is there anything else on this topic? No, we don't.

MR. ALMEIDA: As I said before, we have three vessels sharing 60 miles and we have split it up into 20 miles each to make it fair. Mr. Coppa fishes out of Fort Pierce so we gave him the southern end to make his travels shorter, and the other two vessels share the other 40 since they

are out of Canaveral. But we have entanglement and basically it comes down to a lot of communicating so that it doesn't become dangerous.

We're pretty much elbow to elbow there and we'd like to see possibly moving that 29 line, opening it up further north. At one time and not too long ago, maybe a couple years, it used to go to the Virginia border, North Carolina/Virginia border. I understand they may have closed it because they didn't have any history. We'd like to see if we can open that up and help them as much as we can to try and collect some history of retired fishermen.

We have some friends that are still in the business that could probably provide us with some documentation as far as dealer trip tickets to show that there was possible landings in those areas; also maybe some fishermen, but we definitely need more room there. It is becoming a safety issue.

DR. CHEUVRONT: What is it specifically that you are requesting be done?

MR. ALMEIDA: We need some more fishing grounds because it's tight. We fish north and south here and it is not like we can move further east or further west, because you are either on them or you are not. We can't go any further south and we can't go any further north. We're pretty much choked up.

MR. WHIPPLE: We need to learn specifically what criteria was used in determining these closures, and we need to know if we can provide data or information to amend that criteria. In other words, if we come with some compelling evidence, are those closures going to be able to be reconsidered?

MR. ULRICH: Brad, on what basis were those areas closed and what areas are closed?

MR. WHIPPLE: That's what I'm asking; I sure don't know. Howard can speak to that a lot better.

MR. RAU: Coral.

MR. ULRICH: How well defined is the actual locations of those corals; that is my question.

MR. WHIPPLE: Well, that's another question. These are all things we can learn.

MR. RAU: The triple beam bathymetry, dives.

MR. WHIPPLE: But if the areas were carved out based on historical fishing and it comes to be shown that these areas were being fished had historical activity there and we demonstrate that and we prove that; can we get some of those grounds back if that's the criteria?

MR. RAU: One of the criteria that we went through was that the point was they were going to establish golden crab fishing grounds, certain golden crab fishing grounds for the fishermen,

where they fished. If you look at the ground, the ground is pretty much all in the – you know, the soft bottom and the corals would be away from that.

But that was historically fished; and at that time everything was moving so fast, we really didn't have the chance to find out that there actually were people fishing in that northern zone, more than you might think. We were talking about – you said Jim Busse had a vessel up there. We knew Gunnar was up there, Bobby Brown was up there. He was around Canaveral, because he was coming into it. But, anyway, there were fishermen fishing these areas, which you have to have your mud bottoms. I've been through the bathymetry a lot going through there, and there are areas of mud bottom that don't infringe on the coral.

MR. ULRICH: There certainly is between Charleston and Brunswick, which is the area that we surveyed when we were looking at golden crab back in the early to mid-eighties.

DR. CHEUVRONT: You're talking Brunswick, Georgia?

MR. ULRICH: Yes. Generally the fishery was prosecuted anywhere from 150 fathoms out to about 240 at what they call the Carolina Sea Channel. It is an area of mud bottom primarily. And then once you get beyond that further offshore, you start coming up on the edge of the Blake Plateau and then you start getting into those sporadic coral mounds.

It's not continuous, but there are certainly coral mounds out there. These fishermen stayed away from that because they didn't want to lose their gear in the coral. Plus when we did make some sets in those areas on the research vessel, the crab catch was much less than it was on the mud bottom.

We even went out way out into the Blake Plateau into about 500 fathoms and set some gear. We caught quite a few females but very few saleable size male crabs. I mean, there is a tremendous expanse of territory, but the fishery that was being prosecuted was on that non-coral bottom. That started at about 150 fathoms in that.

But there were an awful lot of Jonah crabs in that vicinity. Once you got out to mostly golden crab, once you got to about 200 fathoms, it was mixed; primarily Jonah's in the shallowest strata and then progressively more golden crab as you got further offshore. At least what I would consider the northern zone, say, from Charleston, we didn't have too much. We did do little surveys north of Charleston but didn't have too much success. But from Charleston south there was quite a bit of fishable bottom. Howard, how could you document this traditional fishing that we didn't know about when we were dealing with the coral people?

MR. RAU: Well, you do have trip tickets that go back that far.

MR. ULRICH: Are there on record but nobody knew it? We didn't know about it at the time? Because traditional fishing –

MR. RAU: Gunnar was fishing. You weren't around then, but Gunnar was fishing there. He was landing that stuff.

MR. ULRICH: Because basically those areas were what we were supposed to get for the fishery; and if there was more traditional fishing going on than we knew about, then those areas should be opened up.

MR. PALMA: They were open up until –

MR. RAU: Not in the HAPC.

MR. PALMA: I'm talking about the actual permit itself.

MR. RAU: Yes, the permit entailed the whole area up through North Carolina.

MR. WHIPPLE: I guess we're wondering what governing body we need to approach. What would be the process, Brian, to approach attempting to get some grounds back? I guess we want some information on how we can go about that.

DR. CHEUVRONT: I think the thing to do is I'll bring this to the council at the March meeting and let them have a discussion about it and then have them decide how they would like to proceed with the request coming from the AP. We don't have a motion here. It would be good if there was a motion coming from the AP saying we would like to have this reconsidered. By doing that, that tells them that this isn't just a discussion, this is something that you want some kind of action on. The council will bring it up and then there will be some discussion with the council that I can bring back to you and we'll figure out at that point how to precede.

MR. WHIPPLE: Okay, Mr. Chairman, I would like to make a motion that we ask the council how we can address regaining some fishing grounds within our currently closed areas.

MR. PALMA: Nuno seconded it. Is there any discussion on the motion? Chip.

MR. BETHELL: I have a question for Brian. Is what we need documentation of the traditional fishing from the people that did it? Is that what we need to go to the council and say these grounds were traditional fishing grounds, but we didn't know it because the people weren't here to testify.

DR. CHEUVRONT: Well, that's right; but if there were trip tickets, they have been recorded electronically somewhere so they should be in the federal landings data base. We have to go back and look at the landings and get somebody to do an analysis of where did those landings in those years prior to that closure occur? They would be able to look and be able to tell us in general.

MR. BETHELL: Okay, so you don't really need testimony from the people that fished it?

DR. CHEUVRONT: I think that's premature at this point. I mean, they certainly would be welcome to comment on it, but I think the first thing to do is to look at the data that we already have available.

MS. COPPA: I just want to bring up that, yes, I would definitely be in favor of it for a safety issue to make sure that we have enough room for everybody out there.

MR. ULRICH: I think you also avoid issues of potential localized depletion, too, if you don't have everybody jammed up on top of one another.

MR. RAU: That's a good point; very good point.

MR. ULRICH: That can give you the impression that your fishery has problem in terms of the stocks if your CPUE is going down if too many people are fishing a very small area.

DR. CHEUVRONT: Especially the fact that there may be crabs above that line that nobody is touching so they are not included.

MR. ALMEIDA: I thought that we had the voluntary logbooks before the trip tickets;, am I wrong, and also in the eighties –

MR. RAU: Yes, we did, because they are all in 1990s, so we probably had logbooks. They're using the same logbooks.

MR. ALMEIDA: It was voluntary. Our logbook information, we turned in our logbooks on a voluntary basis.

MR. RAU: Are you sure it was voluntary? I'm not 100 percent sure of that but I believe you.

MR. ALMEIDA: I'm pretty sure, and also we had the voluntary logbooks way before there were any trip tickets back in the late eighties, the early eighties.

MR. RAU: I'm going back to the nineties, '95, '96.

MR. ALMEIDA: Okay, then they had the trip tickets then.

MR. RAU: Yes, they had trip tickets then, because I found some.

MR. ALMEIDA: The only reason why they got any info was because we voluntarily kept logbooks. That's the only reason why that they had that early information.

MR. RAU: That would have your position, your northern zone position in it?

MR. ALMEIDA: I'm not too sure if there are trip tickets from up north.

MR. RAU: There could have been; it's possible.

MR. ALMEIDA: The voluntary logbooks, maybe they didn't even turn in any numbers.

MR. RAU: Well, I know when Bobby Brown was doing it they certainly weren't.

MR. WHIPPLE: If it was Gunnar, you know he didn't.

MR. ALMEIDA: Okay, I just wanted to bring that up. I'm not too sure.

MR. RAU: Would affidavits from buyers, would that do them any – would that show them any credence?

DR. CHEUVRONT: It may, but I think that we're getting a little bit ahead of ourselves right now. You've still got a motion on the table that everybody needs to vote on and it has to do with asking the council how they can address regaining fishing grounds.

MR. PALMA: Who is in favor of that motion?

DR. CHEUVRONT: **The motion passes unanimously.**

MR. WHIPPLE: One abstain, I think.

DR. CHEUVRONT: Everybody had their hand up.

MR. ALMEIDA: If they were fishing for that Golden Gulf Industries in Mobile, Alabama, they are out of business.

MR. RAU: That was the Gulf, though. They were in the Gulf

Mr. MANCHESTER: We're hoping that if it was a captain and they had their logs, that they would still have them; or if there is a dealer that still is in business may have them also, the trip tickets.

MR. NIELSEN: Did the Little Giant fish up there or the Little Giant was just down south? Didn't me and you go up? There was stuff everywhere, okay.

MR. PALMA: Are we done with this? Ben.

MR. HARTIG: Pertinent to your last question you made; we've got the science from Glenn and we can look at that. You had worked with the Coral Advisory Panel previously to identify growing crabbing areas. Really, basically you would be doing the same thing, you would want to work with the coral panel and say we want the entire northern zone; we want a golden crab access zone to be mapped out in that area. I think that's a good way to do it, map out the whole thing. Let's get this done. Whether we have fishing in there or not, we'll have an access area where people could fish. That way I see you moving forward with something that would make a difference.

DR. CHEUVRONT: Yes, I guess the way I was kind of seeing this was bringing up this topic with the council in March and then having them have a full discussion and everybody on the council talking about how they would like to precede on this. I think Ben is lining out a good process, but let's get it before the council and get their direction to do it and then we'll probably at that point figure out what information do we need, what do we have, how are we going to go about it given the direction that we get from them. We can move forward on that.

MR. ULRICH: There are some publications, of course, on that based on the survey work that was done, and also there were some visual surveys with submarines up in the northern zone where they were counting crabs and documenting bottom types, et cetera. That would be a potential source of information for establishing open fishing areas.

DR. CHEUVRONT: It sounds like you are going to be a good resource on helping us find that information, because I'm not sure who else knows about those scientific data sources for this.

MR. ALMEIDA: I think that was done by Steve Otwell, maybe.

MR. ULRICH: I think Steve did – he was doing stuff in the Gulf.

MR. ALMEIDA: In the Gulf, okay, that's where I got that from, because I have that study from the Gulf.

MR. ULRICH: Elizabeth Wenner was one of the – she was like the lead author on that submersible survey that was done.

MR. PALMA: I've got something else. Back in September I got in an entanglement with a Mexican research company, and I would like to see if I could get the council's help to see and investigate on how that procedure went wrong that I got entangled, because it affects every one of us in here. Maybe the council could help investigate on what broke down there and what happened.

DR. CHEUVRONT: Is everybody aware of what happened? Would you mind, Robert, explaining what happened.

MR. PALMA: Back in September I went fishing for golden crab; and when I was trying to retrieve my gear, I got entangled with a Mexican research boom. I've got some pictures. Well, a long story short is that they got permission from the State Department to set out seven buoys from Marathon to the coast of Cuba. One of them so happened to land in the middle of the golden crab gear and I got entangled with it. It's been a mess ever since.

MR. MANCHESTER: A buoy.

MR. PALMA: A buoy.

MR. MANCHESTER: What you need is to cut it off and let it float.

MR. PALMA: No, it's got about 1,500 foot of cable. It is anchored down by a railroad train wheel. It's got some research instruments along the way. They are measuring the currents in and out of the Gulf of Mexico. It so happens to land right in the middle of one of my gear.

MR. ULRICH: Something like that should have been put in notice to mariners before it happened.

MR. RAU: Is that steel? Is that a steel buoy?

MR. PALMA: No, that's a big plastic buoy. It's about 2,000 pounds.

AP MEMBER: The South Atlantic Marine Management Council should have been aware of this.

MR. ALMEIDA: How did the state give permission on what happens in federal waters? How many miles offshore; how many miles, Robert?

MR. PALMA: Thirty-four miles.

MR. WHIPPLE: What is this; you went on the vessel to retrieve it?

MR. PALMA: Yes, we went out on a research vessel and we retrieved it, untangled the gear, reset their buoy.

MR. WHIPPLE: What did they – did they help you out? What happened?

MR. PALMA: No.

MR. WHIPPLE: Just said, too bad?

MR. PALMA: Well, you know, according to the university that put it out there, they had permission to do it on their end. But then on our end is that we don't know who and what went wrong that we didn't have any advice to the mariners or information to the fishermen. Something broke down along the way that I would like to see if I could get help from the council to investigate to see that it doesn't happen in the future to any of us or in other fisheries.

MR. WHIPPLE: Absolutely. Are they going to be researching anywhere else?

MR. PALMA: Yes, they've got 40 of these buoys throughout the Gulf of Mexico and in the Straits of Florida.

MR. WHIPPLE: Oh, my gosh, all right.

MR. PALMA: They are out there.

MS. COPPA: Is there any chart or anything with these things on it at this point?

MR. PALMA: Not that I know of.

MS. COPPA: Nobody is aware of the situation that there are 40 buoys out there and there is nothing on our charts that any of us, not me, but some of the ones fishing in that area could entangle.

MR. RAU: You would think maybe any of these items and not just these buoys, maybe a cable vessel laying cables out there, there should be somebody to contact maybe like the council as a step for the permits. I'm sure they go through the permits. These had to get a permit and one of the steps could be contact the council, and the council could contact us or somebody contacting us, some entity.

AP MEMBER: Yes, but hasn't the council already given FAU permission to sink those train wheels that you are talking about offshore there for their ocean turbine experiment. I believe the council has already given them permission, and I believe that they've already set a couple of them anchors in place, and it is real close to the coral, too, in the south.

MR. RAU: Right up close to the wreckfish, too.

AP MEMBER: They're there. They just haven't made the rig yet. They are designing the rig. I went to FAU and I saw the rig.

MR. RAU: We should know. We should be informed on where this is going to be.

AP MEMBER: The South Atlantic Marine Management Council knows about it, because it gave them permission. I'm not sure about that, but they know about it, but then nobody in this room knows about that.

MR. CUPKA: We didn't give them permission because the council isn't in the business of permitting operations like that. We did I think receive notice of the Department of Energy or something and may have commented on it, but we don't give permission.

AP MEMBER: Okay, then I am wrong, but they are there.

MR. RAU: I think the council was against where they wanted to put some of those, especially off of Fort Lauderdale, because it was near a wreckfish area.

MR. CUPKA: I think the (overlapping speakers) – but they don't have to be –

MR. RAU: No, but you would comment on it.

MR. CUPKA: If we hear about it, we would, yes.

MR. RAU: Well, somehow we need a process in there where we would be contacted.

DR. CHEUVRONT: Right, and maybe it might be helpful in the discussion of this with the council, if you are willing to, Robert, to help provide some information that we could disseminate to the council so that they would be able to see the magnitude of what happened. Then they may be able to have a discussion about how they would like to try to intervene to keep those things from happening in the future.

I really don't know what the council is able to do, but they need to be aware that this happened and see if there something that is in the council's purview that they can do to try to stop this from happening in the future. I'm asking you if you could maybe get me some information that I can share with the council.

MR. PALMA: Yes, I have got it all down.

DR. CHEUVRONT: That would be great. If you could e-mail that to me, I can help get that into the briefing book for the council members so they'll have the information and some background on it.

MR. RAU: We have a cable company that actually will contact us if they are going to do repairs for the golden crab fishermen; or if they are going to lay a new cable, they will actually contact us. There is something right there. Somebody is doing it.

DR. CHEUVRONT: Yes, and I forget who the guy is, he has actually contacted me and asked me if he could come and talk to you guys last August and I said no. We didn't need that on top of all the other stuff we were dealing with in August. But he has contacted me before and said he would like to come and talk to you guys and I said, I'm sorry, this is not a good time. You are going to have to kind of do this on your own.

He was sort of looking for a way he could have everybody together at one place so he wasn't going to have to go track down everybody individually. Normally if we were having an AP meeting or something coming up and something like I knew he was dealing with something, I would have invited him to come and talk to you to do this, but that was not a good time. Bill.

MR. KELLY: Mr. Chairman, with your permission I would like to comment on this entanglement issue and provide some information that would give the council direction. My name is Bill Kelly; I am with the Florida Keys Commercial Fishermen's Association. I represented Mr. Palma and his business with regard to this Mexican entanglement. I'm not an attorney, but just as an Association representative. The letter of authorization was issued by Roberta Barnes with the State Department's Bureau of International Oceans and Affairs.

There is a three-sentence letter without any attachments or authorizations from the Environmental Protection Agency, NOAA or any other federal agencies. Ms. Barnes turned the responsibility for this up to Elizabeth Tirpak, also in her office. Elizabeth Tirpak in turn turned it over to Lieutenant Brandon Sullivan, United States Coast Guard; Washington, D.C.

I have written correspondence from Lieutenant Sullivan that the Coast Guard was never notified of this deployment or its application. The Department of Defense was never notified or asked for approval. There was never any notice to mariners published in the Federal Register and no designation as an area to be avoided.

Mr. Sullivan referred this back to Elizabeth Tirpak at the State. She in turn referred me to Patrick Piersall, State legal advisor. Mr. Piersall said that they had no jurisdiction over it and he referred me to Peter Oppenheimer with NOAA legal. After some consideration, Peter Oppenheimer stated that they had no dealings with it and the jurisdiction applied to NMFS SERO and that I should contact Monica Smit-Brunello for additional followup, which I have done on several occasions.

In discussing this with Ms. Smit-Brunello, she said we have a discussion with Mr. Oppenheimer. That was approximately four weeks ago. I have not heard back from either party in spite of repeated e-mails and phone messages. In the meantime, in the interim period here, Mr. Palma has been deprived of harvest of golden crab product.

He has significant fuel expense and time invested in this as well as personal time and commitment to aid in the recovery of the scientific information, which has been redeployed. Yet Mr. Palma's gear was returned to the ocean floor miles away from where it was originally deployed. What is happening here I think is absolutely deplorable and no one wants to step up and take responsibility for this or even give us guidance on where we might go with it. In discussions with Mr. Palma, he and his company will put together a claim and they will submit it to Dr. Roy Crabtree, the Regional Administrator for NMFS SERO and let it take its course through the government, where it's governmental.

MR. MANCHESTER: It makes you wonder how safe are we in this country?

AP MEMBER: What about the things that FAU is sticking out there; have they told anybody?

MR. MANCHESTER: I have a question. This Mrs. Barnes that you originally contacted; is she a state agency or a federal agency?

MR. KELLY: She is federal; she is from the United States State Department.

MR. MANCHESTER: State Department, okay, I got you.

AP MEMBER: On top of phone cable, coral, now you have to maneuver around these buoys.

AP MEMBER: You don't know they are there.

AP MEMBER: Challenging.

DR. CHEUVRONT: He said there were 40 of these buoys that were put out. Do you have a map of where these 40 buoys are?

MR. PALMA: Yes, I have a map, but it is not published anywhere.

MR. RAU: Spying on the submarines?

MS. COPPA: Basically you have no right to republish it to make sure that any of us get it.

MR. PALMA: I guess it's public record but it just hasn't been channeled down to the people.

MR. RAU: We ought to get out there and drag them all away.

AP MEMBER: What about the stuff on the bottom? If it got detached, you still got cable and it's going to drop and eventually get hung up.

MR. PALMA: There are train wheels with 30 foot of chain that is anchored down there now.

MR. RAU: Robert, how far north do they go now?

MR. PALMA: If you look at the chart and you go straight out of Marathon, it will go straight line into just east of Havana, Cuba, right off their wall up to our wall, the whole channel. There are like 9 of them, but there are 40 altogether throughout the Gulf and Yucatan.

MR. RAU: They should at least supply positions or something for us.

AP MEMBER: Of course, you are absolutely right, especially for their interest so that it doesn't get damaged or moved.

MR. RAU: Were there lights on them?

MR. PALMA: No, they are actually submerged a couple hundred feet under the water.

AP MEMBER: They could be anywhere.

AP MEMBER: We ought to let the Navy go out there and get them all.

MR. RAU: I thought they were on the surface.

MR. PALMA: Yes, they're down. Anything else?

MS. COPPA: Do we need a motion on that?

DR. CHEUVRONT: Well, basically, yes. If you were getting ready to adjourn the meeting, you'll need a motion to adjourn the meeting.

MS. COPPA: No, I mean on that buoy situation.

DR. CHEUVRONT: I think that's good enough to know that I'll make sure.

MS. COPPA: Put it to the council that we're going to make a presentation to them.

DR. CHEUVRONT: Do you want to make a presentation to them on this or do you want to provide the information and have them have a discussion about it? That's two different things. If you can provide me with information, I can present it to the council; and if you want to be there, that would also be okay.

MR. CUPKA: We've had a procedure in the past where we invited the chairman of the AP to attend committee meetings. As chairman he can give his AP Report at our committee; and since you are the person involved in this particular incident, you would also be on hand to tell the committee about it and respond to questions. I think it would be good to have you if at all possible at our March committee meeting.

MR. PALMA: Okay.

DR. CHEUVRONT: I'll get you the information on when it's going to be.

MR. PALMA: Anything else?

MR. WHIPPLE: I'll make a motion that we adjourn this meeting.

DR. CHEUVRONT: Second by Howard.

MR. PALMA: Okay, I guess it's all done.

MS. COPPA: Do we have to send an agenda or anything or are they just going to come back.

DR. CHEUVRONT: You've given us some directive on what you want done. That will set the agenda for us and we'll send it back out. It will be sent out for your approval and all that as well afterward.

(Whereupon, the meeting was adjourned on January 31, 2013.)

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