

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

EXECUTIVE FINANCE COMMITTEE

**DoubleTree by Hilton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 6&8, 2016

SUMMARY MINUTES

Committee Members:

Dr. Michelle Duval, Chair
Charlie Phillips, Vice Chair
Chris Conklin

Ben Hartig
Doug Haymans
Jessica McCawley

Council Members:

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Mel Bell
Zack Bowen
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Dr. Marcel Reichert
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Erin Schnettler
Dr. Jessica Stephen

Additional Observers/Participants attached.

The Executive Finance Committee of the South Atlantic Fishery Management Council convened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Tuesday afternoon, December 6, 2016, and was called to order by Chairman Michelle Duval.

DR. DUVAL: Just as a reminder, the members of the committee are myself, Charlie Phillips, Chris Conklin, Ben Hartig, Doug Haymans, and Jessica McCawley. The first item is Approval of the Agenda. Are there any modifications to the agenda? Seeing none, the agenda stands approved. The next item is Approval of our September 2016 Committee Minutes. Are there any modifications to the minutes? Seeing none, the minutes stand approved.

The next item is a presentation on the National Standard 1 Guidelines final rule, and so these are Attachments 1a and 1c in your briefing book. I believe 1c is the red-line version, so that you can see what the changes are that have been made. Then, here to provide an overview of these changes, is Erin Schnettler with the Sustainable Fisheries Division. Erin, I apologize, and I don't know if you're from the Headquarters Office, and so you might have to provide a little bit of self-introduction here, but that presentation is Attachment 1b in your briefing book.

MS. SCHNETTLER: Thank you, Madam Chair. My name is Erin Schnettler, and I am with the Office of Sustainable Fisheries in Silver Spring, in Headquarters. I am a fishery management specialist, and I have been working on the National Standard 1 Guidelines for about two years now. As you all know, the final rule to revise the guidelines was published in mid-October, and so we're here today to give a quick briefing on the final rule, what we changed from the proposed rule to the final rule, and hopefully answer any questions that the council has.

I know this is the end of the day, and so I hope to keep it brief and succinct, but this effort has been a long time in the making. We started this effort in 2012, with an advance notice for proposed rulemaking, and we are excited to have reached this milestone. I also want to thank the council for providing comment on the proposed rule stage. The comment letter was very helpful for us, as well as thank the council for giving us an opportunity to come here and give a briefing on the final rule.

Here is a quick outline of what we will touch on today. I'll give a quick refresher on National Standard 1, within the context of the Magnuson Act, why we're revising the guidelines, and then the bulk of the presentation will really be focused on the major features of the new rule. As you all know, National Standard 1 is a core piece of the Magnuson Act. It establishes the requirement that all fishery management measures prevent overfishing and achieve optimum yield, optimum yield being that balance between economic and conservation goals.

Achieving the two requirements of National Standard 1 are not exactly straightforward, and so the National Standard 1 Guidelines are a critical piece to achieving those two requirements, and it really provides a nuts-and-bolts framework for actually how to go about preventing overfishing and achieving optimum yield, and so that's what we're here to talk about today. The National Standard 1 Guidelines are also important for the Magnuson Act success, and we have seen, over the past forty years, some significant successes as a result of the Magnuson Act.

You will see some stats up there on the board for exhibiting both conservation successes and economic successes, but we also know that some of the conservation requirements of the Magnuson Act have significant economic impacts, and we know that there are some management tweaks we can make to address some of those impacts, and that's one of the reasons we decided to undertake revising the guidelines in this latest round of revisions.

To expand a little bit more on why we are revising the guidelines right now, it all kind of started with the 2007 Magnuson Act reauthorization. Of course, that reauthorization introduced annual catch limits that must prevent overfishing and accountability measures. ACLs and AMs were a transformative process for federal fisheries management. It transformed fisheries in terms of helping fisheries that had struggled to end overfishing start to end overfishing, but it also was transformative in terms of administratively and procedurally. ACLs were a different animal, and so, when we were implementing ACLs and AMs, we started to identify areas where there were flexibilities or tweaks to the management system that could be made to help the management system perform at its best.

That brings us to where we are today, the 2016 revisions to the National Standard 1 Guidelines. Up on the board are the three main objectives of these revisions. The first objective is to, in general, improve and streamline the guidelines. We wanted to make these guidelines more user friendly, and so we tried to remove duplicative guidance, use consistent terminology, things along those lines.

The second objective is what I was just mentioning with regards to ACLs and AMs. We wanted to address our experience implementing ACLs and AMs and make sure that the flexibilities that are there could be used, and, along those lines, the third objective is to really bring to the forefront some of the existing flexibility in the Magnuson Act and provide additional guidance on those flexibilities.

I will mention there that, in the past, the past revision to the National Standard Guidelines in 2009, required the councils to amend their FMPs. We required the councils to implement ACLs and AMs in their FMPs. This round of revisions, the 2016 revisions, do not require the councils to revise their FMPs. The features I will talk about today are more optional tools for managers to use if it will benefit their management system.

Now we will get into the bulk of the presentation. These are the five main categories of the revisions to the guidelines that we'll talk about today. I will note that the revisions to the guidelines were pretty broad, and these are the categories that we heard the most public comment on, but, if you have any questions about other parts of the guidelines, I am more than happy to take questions or to discuss those issues offline.

The first category that we'll talk about today is increasing stability to fisheries, and there is really three provisions of the guidelines underneath this category. The first provision we'll talk about is phasing in changes to catch levels and so the idea behind phasing in changes to catch levels is to address situations where have a new stock assessment that shows that catch levels need to be either increased or decreased. Typically, what happens is you get that new stock assessment information and the adjustments to the ABC and the ACL are made in lockstep with the assessment results.

That, however, can have some negative impacts on fishermen, especially if they weren't planning on those types of cuts, and so what we did to address these types of situations was to describe a type of ABC control rule, what we're calling a phase-in ABC control rule, that would allow changes in your ABC to be gradually phased in over up to three years.

For example, if you look at the graph on the screen, in 2014 and 2015, there needed to be about 150-megaton cut. Traditionally, what would happen is you would make that cut over one year, and that would be that. If you were applying a phase-in ABC control rule, you would phase in that

150-megaton cut over up to three years, and so until 2017, to kind of allow fishermen time to adjust their business plans and adapt to the new conditions and so on and so forth. The key with phase-in ABC control rules is that they must be designed to always prevent overfishing. As you can see, the phase-in ABC level is always below that OFL line.

This is one of two types of new ABC control rules that we introduced in the new guidelines. The second new type of ABC control rule that we introduced is a carryover ABC control rule. When I talk about carryover, carryover is cases where a fishery does not harvest its entire ACL. There is an ACL underage, and the council may want to allow some portion of that underage to be carried over into the next year. Carryover can reduce the incentive for fishermen to fish in unsafe conditions as well as reduce the risk of the fishery exceeding its ACL by avoiding the incentive to go out and try to fish for every last fish.

Carryover can be useful as a management tool, and there are really two types of approaches to carryover. The first carryover approach, which you will see on the screen here, is what we're calling utilizing the ACL buffer. This approach is really actually nothing new to the guidelines. We have always had this approach and tool available to the guidelines, or to managers, and how this works is, if you have a buffer in between your ABC and your ACL, and you experience an underage in year one, you can carry over a portion of that underage into year two by raising your ACL and eating into your ABC and ACL buffer. That's how that would work.

The problem is, if you have a situation where you have a smaller buffer in between your ACL and your ABC, or if you have your ACL equal to your ABC, this approach doesn't really work, because there is no buffer to eat into. To address those types of situations, we introduced a carryover ABC control rule, and how this approach would work is, if you have your ABC equal to your ACL and you experience an underage, or an underharvest, in one year, you would design a carryover ABC control rule that would establish a policy and a formula for carrying over a certain amount of that underage into the next year, based on the premise that you know that you didn't catch your fish in year one and they're still there, or some portion of those fish are still there, and so the ABC can be raised in year two, and that's the key, is that the control rule would establish a mechanism for raising the ABC in year two, so that carryover can occur.

As with all ABC control rules, the SSC would have to ultimately recommend the raised ABC and then also, as was discussed earlier today, we would also have to account for what is happening with the fish between year one and year two. We would have to account for growth, natural mortality, and other biological factors.

We received a lot of public comment on this provision, and, in response to those public comments, we also added two additional descriptors to how to design a carryover ABC control rule. The first descriptor we added to the provision was a recommendation that the council should consider the condition of the stock before applying a carryover ABC control rule.

What that means is that the Magnuson Act is pretty clear that the overriding goal of stocks that are rebuilding and overfished is to rebuild them in as short a time as possible. For rebuilding and overfished stocks, we recommended that it may not be appropriate to use a carryover ABC control rule. The other descriptor that we added to the provision was to consider the reason why the fishery is experiencing an underharvest in the first place.

If it's experiencing an underage because the fishery is closed too early, that's a great situation to use a carryover control rule. If it's experiencing an underage because the fishery is fishing the

whole season and they're just not catching their quota, it may indicate that the stock is in poorer shape than we think, and that may not be an appropriate situation in which to use carryover, and so we recommended that the council consider the reason behind the underage before applying carryover.

The third provision we'll talk about under the category of increasing stability to fisheries is what we're calling a multiyear overfishing status determination. Multiyear overfishing status determination is really referring to the agency's requirement to report to Congress on the status of stocks every year. You will see a little clip of our status of stocks report for 2015, and, in that report, we report on overfishing and overfished status. When we're reporting on overfishing status, we can run into situations where, especially when we're using a fishing mortality rate to MFMT status determination criteria, the stock assessment's estimate of fishing mortality rate in the most recent year can often be the most uncertain data point.

When you're using an F-based SDC and you have an uncertain data point in your most recent year, you can run into situations where you're making a status determination based on the most uncertain data point available, and, therefore, your stock status, with regards to overfishing, is bouncing up and down between overfishing and not subject to overfishing.

We wanted to address those situations and kind of introduce some more consistency and accuracy in our overfishing determinations. To address this situation, we introduced what we're calling a multiyear overfishing status determination. How that would work is the council could, under certain circumstances that would be described in the FMP, make an overfishing status determination based on up to three years of past data.

We received a lot of public comment on this provision as well, and some of the public comment reflected some confusion on what this provision can and cannot do, and so we wanted to really emphasize that this provision is referring to retrospective stock status determinations, and so going back and saying, all right, well, all of our management measures are always designed to prevent overfishing and now let's look back on the past year and see if we actually did prevent overfishing.

That is what this provision is designed to address, is making sure that those determinations are as consistent and accurate as possible. What this provision is not designed to do is to impact future catch levels, and so the best example for what this provision is not designed to do is to say that, for instance, if you have a case where your catch was below your overfishing limit for two years, as demonstrated on the screen, what you couldn't do with this provision is say, all right, we've been below our overfishing limit for two years and now we can set our catch limit above our overfishing limit, because we know, if we take a three-year average, we'll still end up below that overfishing line. That is not what this provision is getting at, and, of course, you always have the Magnuson Act requirement that ACLs must prevent overfishing every year, and so that is kind of what is holding that together.

That wraps up the first category of NS 1 provisions that we'll talk about today. That was the big category. Everything else is a big smaller, and so the next category we'll talk about is increasing flexibility in rebuilding plans. The first provision we'll talk about is the calculation methods that we use to calculate the maximum time to rebuild, and so, as a quick refresher, the Magnuson Act requires that, where possible, we rebuild stocks in ten years. There are some stocks where life history characteristics prevent us from rebuilding them in ten years. In those cases, we have to calculate the maximum time to rebuild, or the Tmax value. That Tmax value is shown in that red line there.

When we have to calculate T_{max} , in the previous guidelines, we provided one calculation method for that T_{max} value, and that was T_{min} , and so the minimum time in which the stock can rebuild, plus a generation time. What we found was that, depending on the data that was available for certain stocks calculating generation time can be a little bit problematic, and so we wanted to give councils a bit more flexibility in terms of making sure that we can utilize all of the scientific information that's available for stocks that need to be rebuilt. In the 2016 guidelines, we have included three methods to calculate T_{max} . The two additional T_{max} calculation methods are T_{min} times two and the time needed to rebuild to $BMSY$ when fished at 75 percent of $MFMT$.

When reading the public comments for this provision, we wanted to emphasize, in response, that, first of all, when making this decision between which calculation method to use to calculate T_{max} , the SSC should be consulted on this decision, and the SSC should be consulted because this really is a scientific and biological calculation. It's not really a policy decision at this point.

The calculation method that's chosen should be based on the idea that that method is able to utilize the best available scientific information. The policy decision comes into play when you've set your T_{min} and you've set your T_{max} , and so you've set your green line and your red line on this graph here, and then you have to set your T target, your target time to rebuild, and that is what satisfies the Magnuson Act requirement to rebuild in as short a time as possible. Once you have kind of set your lower bound and your upper bound, you decide what the shortest time possible is between those two bounds.

The second provision under rebuilding plans that we'll talk about is the provision that clarifies that rebuilding plans can be discontinued. Historically, the policy has been that, once a stock is in a rebuilding plan, it is a rebuilding plan until it rebuilds to $BMSY$. What we have found, and as a result of a National Research Council study in 2013, was that up to 30 percent of stocks that are in rebuilding plans were actually later found to have never been overfished in the first place, and that's what this graph shows right here.

If you look at the orange line in 2010, you got a stock assessment that said that you were overfished. You put your stock in a rebuilding plan. Then, in 2016, you get another stock assessment that says actually you were never overfished. In these situations, the council could choose to discontinue a rebuilding plan.

The third category we'll talk about, in terms of the revisions to the guidelines, also has to do with rebuilding, but it's addressing how to evaluate rebuilding plans, and, to give a bit more background on this provision, the Magnuson Act requires that the Secretary review rebuilding plans and evaluate whether those rebuilding plans are making adequate progress. During the scoping phase of this rulemaking, we heard some requests from stakeholders for more guidance on how exactly we are reviewing these rebuilding plans and evaluating whether adequate progress is being made.

In response to those requests, we put together these two criteria that you will see on the board to give a little bit more guidance on what managers can expect the Secretary to determine to be adequate progress. The first criteria that we introduced is that adequate progress is not being made if F is exceeding your F rebuild or catch is exceeding the ACL and the AMs are not effective. The second criteria is new or unexpected information significantly changes rebuilding expectations.

The first criteria is really getting at the idea that, as a result of the NRC 2013 report, that rebuilding plans should be really evaluated on whether managers can properly constrain your fishing

mortality rate. That's really what managers can control, and so rebuilding plans should be focused on properly constraining your fishing mortality rate and avoiding updating your rebuilding timelines based on uncertain biomass estimates that can be subject to environmental uncertainty and other types of factors. It's really trying to focus the evaluation of rebuilding plans on properly constraining your fishing mortality rate.

There are situations where you have a stock that is at a low biomass level and you properly constrain your fishing mortality rate and it doesn't respond and the biomass is not responding. In those situations, you would have -- That would be considered unexpected information, and you would be under that second criteria. That's the idea behind the new criteria for adequate progress.

The fourth category we'll talk about today is determining which stocks require federal management, and so, briefly, the Magnuson Act requires that stocks that require conservation and management need federal management, and so any stock that is determined to require conservation and management is required to be put into an FMP and managed using ACLs and AMs.

We know that not every stock in federal waters requires federal management, but we have never really had a clear framework for actually answering the question of does a stock require conservation and management, and so that's what we did in these new revised guidelines, is to provide a more streamlined and clear framework for how to actually go about answering the question of does this stock require conservation and management.

You will see here on the screen is a brief summary, in the form of a decision tree, of how to actually apply this framework, to quickly go through it. When you're trying to answer the question of does a stock require conservation and management, the first place to start is, is the stock overfished, subject to overfishing, or approaching one of those conditions? If it is and it's predominantly caught in federal waters, the guidelines are clear that that stock is in need of federal management.

If it doesn't fit those two characteristics, you still have to go back and compare your stock to a list of ten factors that are in the guidelines, and those ten factors will help you answer the question of whether it requires conservation and management anyway, and that is a brief summary of whether a stock requires conservation and management.

The final category that we'll talk about, in terms of the revisions to the guidelines, is a brief summary of the provisions that we added to clarify OY as well as some of the additions we made to advance ecosystem-based fisheries management. We didn't change the provisions to the OY sections of the guidelines that much from the proposed rule to the final rule, but I will briefly summarize some of the provisions that we kept in the guidelines in the final rule with regards to OY.

The first provision that we added to the guidelines to clarify OY is a paragraph that describes the relationship between OY and ACL. The biggest message of that paragraph is that OY, as we talked about today, is a long-term average, and ACL is an annual limit. However, we described a way in which a council could compare the two reference points by coming up with an annualized expression of OY that could be compared to the annual limit of an ACL.

The second provision that we included to clarify OY is an acknowledgment that there is not always a plethora of quantitative information, especially socioeconomic information, for a fishery, and that can be difficult when trying to determine how much to reduce your OY from your MSY, because the guidelines say that OY should be subtracted from your MSY based on ecological,

economic, and social information. When you don't have a lot of quantitative information, you can describe your OY and you can describe your socioeconomic information qualitatively.

The final category of provisions in the guidelines that I will talk about today are some of our tools that we included in the guidelines to advance EBFM. NOAA Fisheries is excited about EBFM. We just released our EBFM Policy and our EBFM Roadmap, and, as a part of those processes, we looked at the guidelines and made sure that EBFM is fully implementable within the context of the National Standard 1 Guidelines. To further advance EBFM, we also included a few additional provisions to make EBFM easier for the councils to implement if they choose to.

One of the examples of the provisions that we included to advance EBFM is what we're calling aggregate maximum sustainable yield estimates. To briefly go over one example of how aggregate MSYs could be used, if you have a pretty data-rich fishery, you can estimate an aggregate MSY for a fishery or a stock complex or a group of stocks that you choose, and then, from there, specify an OY for that aggregate group or that fishery.

That can set an OY cap, where you can set the harvest for that fishery at a certain level and then, based on the objectives of that fishery, assess some tradeoffs in between the individual stock ACLs. If you want to catch more of one stock and less of another stock, because of ecological, food-chain reasons, or economic reasons or so forth, that's a tool to accomplish those objectives.

That about wraps up the description of the features of the final rule. I will just conclude by saying that the provisions that we talked about today are optional tools to managers, and they are really designed to increase the flexibility and the stability of fisheries management. They don't establish any new requirements to revise fishery management plans, but we're looking forward to working with the councils to implement any features that they choose to pursue. With that, I will take any questions.

DR. DUVAL: Thank you very much, Erin. Are there questions for Erin? I have a few. In terms of using some of these tools, like you may have been in the audience and heard some of our discussion about the use of carryover, and a phased-in approach to an ACL is another thing that we've discussed, but, in terms of carryover and developing an ABC control rule that allows for carryover, and I think -- How do you all see that turning out? Have you had any discussions about how this might be incorporated? Would it be a specific ABC control rule just for a particular fishery, or do you see it being an amendment to a council's overarching existing ABC control rule? Our discussions have focused mostly around just a couple of species here, but I just wondered if you had any thoughts or guidance that could be shared on that.

MS. SCHNETTLER: That's a good question. I think that the guidelines are clear that a carryover ABC control rule could be an addition to an existing ABC control rule, and so you could amend or modify your existing ABC control rule to include a carryover provision or you could design a separate carryover ABC control rule. Whether it's applicable to all control rules or a species-specific control rule, I think that's more dependent on how your existing control rules are set up, but we are clear that there would probably need to be -- It needs to be written into an FMP, and, therefore, it would probably require an FMP amendment to implement and to use a carryover ABC control rule.

DR. DUVAL: I think we have the amendment thing going for us, but it's a matter of making a very specific adjustment to our existing overarching ABC control rule or whether we develop just

something that is very specific to just a couple of species, and I think that's the piece that we're struggling with.

MS. SMIT-BRUNELLO: I think you have a lot of flexibility in how you want to go. I believe Marcel has already started thinking about this, with the SSC's involvement in how they should go about this, or at least should they discuss it in some webinars ahead of time or just tackle it in the next meeting, but I think they discussed it at their October meeting, because the guidelines had just come out.

MR. CONKLIN: I was just thinking how convenient and nice it would be to go through all of our FMPs for separate species and just say we need to do Approach 1 or Approach 2 or Approach 3, and I'm wondering why we couldn't do that.

DR. DUVAL: I think your SSC Chairman is sitting in the back of the room, and so hopefully he is listening to all of this and soaking it in.

DR. CRABTREE: One thing, if you're going to approach carryover across a wide number of stocks, I think one thing you need to think about are paybacks, because, if you're going to carryover, at least for stocks in rebuilding plans, it would see that, when you have overruns, that you ought to pay it back, and so I think that's something you need to think about.

DR. DUVAL: Just a little divergence. I mean, we do have paybacks written into a good chunk of our accountability measures for when we've exceeded a total ACL and a stock is --

DR. CRABTREE: I'm just not sure how generally we have them, but I knew we do have them at least for, I think, overfished stocks, and so maybe we're okay.

DR. DUVAL: Okay. Then the other thing I had a question about was the multiyear overfishing status determination, because I feel like this is something that the Science Center and the Region has been doing for several years, is taking -- Whether it's just a straight average of the last three years of F rates or if it's a geometric mean of the last three years, but I feel like we're already doing that.

DR. CRABTREE: We are, and I've had this discussion with Headquarters and gotten a little bit of grief about it, that, if we're going to do that, it really ought to be specified in the FMP, because the general belief has been that the status determinations are based on what is in the FMP. We haven't had that, and we have survived that so far, but it has been an issue, at times, when we have prepared the status of stocks report, but I am not pushing you on that one.

DR. DUVAL: Thank you. I have been monopolizing the microphone here, and are there questions from other folks?

MR. HAYMANS: I will throw a softball out there. On Number 4, I think it was, which stocks require federal management, I think it's really maybe a misinterpretation of the chart, but we've determined that a fishery occurs mostly in state waters. Well, let me back up. Is the stock predominantly caught in federal waters? No. I am moving to the right. Then it says, based on the ten guidelines, factors and other relevant factors, is the conservation and management necessary? I look over at the ten guidelines, and let's take sheepshead, for instance, which we removed, because more than 80 percent of it occurred in state waters. I read through a few of these factors, and I can answer yes to several of these factors. Then the diagram says, well, if you answer yes,

then it's got to come back under federal management. I think that may be just the way it's worded. Can you explain that more, I guess?

MS. SCHNETTLER: I think that the ten factors are derived from existing factors that were already in National Standards 3 and 7, mostly National Standard 7, and the way in which councils analyze those factors to make that determination of whether the stock actually needs conservation and management is going to depend on the actual stock, the data available for that stock and other relevant considerations. I think that analysis is going to be determined on a case-by-case basis. I think you're talking about a situation where you've already removed a stock from an FMP, correct, and you're talking about whether you need to add the stock back into an FMP?

MR. HAYMANS: I would never consider adding it back. Just the way that the diagram is set up, and it just says based on the ten guidelines, and so I'm assuming if you can answer -- Maybe that's a giant assumption, but, if you can answer yes to any of those ten factors, that it requires federal management. That's the way I read that diagram, and I'm hoping that it's just maybe worded a little strongly.

MS. SCHNETTLER: Sure, and we had to come up with that wording that would fit in that tiny box, and so it could be causing confusion. One thing I will say is we did revise the guidelines in the final rule to address how to address the factors when you're adding a stock into an FMP and how to address the factors when you're removing a stock from an FMP.

When you're considering adding a stock to an FMP, there is a relatively low bar. If the council wants to add a stock to an FMP, it just needs to meet one of those factors or any other relevant factor. If it wants to consider removing the stock from an FMP, then it has to consider all ten factors, and so that's kind of a higher bar. Again, this framework is a framework for answering the question of does the fish stock require conservation and management. What triggers answering that question is more up in the air. The guidelines do say that the council should periodically review stocks and whether they require conservation and management, but that's all that the guidelines say to that effect.

DR. MCGOVERN: Going back to the three-year overfishing, for a lot of our species in the South Atlantic, we determine overfishing in two ways. One way is from the assessment, and, in many cases, we use the fishing mortality rates, the average of that, from the last three years and compare it to the MFMT. The other way is, in non-assessment years, is to compare the landings to the OFLs, and they do that in the Caribbean too, and so my question is can you use -- We use one year of landings compared to the OFL, and do the guidelines allow you to look at the average of three years of landings and compare it to the OFL?

MS. SCHNETTLER: Yes, they do. It applies to both types of SDCs, both catch to OFL and F to MFMT.

DR. DUVAL: Again, I'm assuming that would have to be specified within the FMP to do that.

MR. BELL: I have a quick question on timing. This is a final rule. What's the process? When is this ready for prime time?

MS. SCHNETTLER: I think it's in prime time right now. It was effective immediately upon publication. Again, these are guidelines.

MR. BELL: So if you were kind of following up on where Doug was going and you ran cobia through these ten factors, that would be kind of interesting.

DR. DUVAL: Yes, it sure would. Are there other questions? Okay. If there are no other questions, I really appreciate you coming down here, Erin, and running through this for us. I think it's been very helpful. We may have follow-up questions, as people's brains recover, and so hopefully we can shoot those your way.

MS. SCHNETTLER: I will be here through tomorrow night, and so find me offline. I would be happy to talk. Thanks for having me.

DR. DUVAL: Great. Thank you.

MR. WAUGH: I just quickly wanted to mention those proposals. The reason we wanted to add this, and I know it's late and I will be very brief, but we just wanted to make sure that you all were aware of these three proposals, because it would factor into your snapper grouper considerations, and these are in Attachments 2a, 2b, and 2c.

The one that we had earmarked as a citizen science kickstarter project was the scamp one, and this would have developed an app that fishermen in all sectors could have taken a picture of a scamp and record the size, with something in the picture, so we would have size at discard. With the GPS unit in the phone, in the app, identify the depth of discards. The hope was to test that out across all sectors with limited data and then use that data in a stock assessment.

These projects, we worked with Jack McGovern. He was very helpful in getting these into the electronic monitoring and electronic reporting pool of money. There is \$7 million available. Unfortunately, the scamp one didn't make it through the regional criteria, but our other two did. The second one is an outreach proposal, and Amber is the point person on that, if you want more details. John is the point person on scamp, and we're still shopping the scamp one around for the other sources.

The outreach one would target our for-hire reporting. It would establish a help desk and really do some outreach and increase the likelihood that the reporting would be acceptable and help work with the fishermen and train them. We've got the pilot that you will get an update on tomorrow. That is ongoing now, but this would continue beyond that and give a lot of assistance to the fishermen. If you want more details on that, talk with Amber.

Then the final one that we submitted was developing an electronic recreational permit and electronic reporting. One of the critical items in red snapper is going to be, if we allow some fishing, to document those red snapper, the depth they're caught, and this would develop an app that would do that. It would allow the fishermen to take pictures of them and record the depth for discards, and that information would be extremely helpful.

We just wanted you all to be aware of those. You've got abstracts in the document. Chip is the point person on the recreational stamp and reporting proposal, but feel free to get with us for any more details, and we should know what happens with those by the end of December or early January, but, again, a big thanks to Jack. He worked with us to get those proposals into the process.

DR. DUVAL: Thanks, Gregg, for that update. If you haven't had a chance to look through those, they're all one or two pages it and that's it, and so they're very short, and I really appreciate all the

effort that Jack put into this as well as council staff. I know this was a big lift, on top of everything else the council staff has been doing, to try to move this forward to help fill in some of the data gaps that we have, and so thank you very much.

We are going to recess Executive Finance, and we will pick up the rest of our agenda on Thursday afternoon. Tomorrow morning, we are going to start at 8:00 a.m. with Snapper Grouper, and we only have tomorrow to conduct our snapper grouper business. We're going to be starting public comment at 4:30 tomorrow afternoon, and so everybody go home and get a good night's sleep and we'll see you bright and early tomorrow morning. Thank you.

(Whereupon, the meeting recessed on December 6, 2016.)

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DECEMBER 8, 2016

THURSDAY AFTERNOON SESSION

- - -

The Executive Finance Committee of the South Atlantic Fishery Management Council reconvened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Thursday afternoon, December 8, 2016, and was called to order by Chairman Michelle Duval.

DR. DUVAL: We are going to go back into the Executive Finance Committee. Before we jump back into the agenda, I just want to clarify for folks that the public hearing that is happening at six o'clock is an Atlantic States Marine Fisheries Commission public hearing for the cobia scoping document, the cobia public information document, and so council members have no obligation whatsoever to be staying for that. You guys are all released to do whatever you want. As the North Carolina state representative for ASMFC, I will be here as the hearing officer, and so I just want to make sure that people understand that you're all free to go to happy hour, and I will be here, and so just think of me.

Let's go ahead and jump right into the agenda. We went through the first several items on Tuesday, and so we're on Agenda Item Number 5, which is the Status of Council Year 2016 Expenditures, and this is Attachment 3 in your briefing book, and so this is Tab 16, and I am going to turn it over to Mike and Gregg.

MR. COLLINS: If you look at the spreadsheet that we've got projected, Column 5 is my best guess as to what we still have to pay before the end of the year. If you kind of do the math, and I am somewhat correct, I project we'll have about \$200,000 to carry over to the next year.

DR. DUVAL: Any questions of Mike?

MR. PHILLIPS: Mike, I see where things like Staff Comp have gone up, and do you expect those to keep going up on some kind of ratio from 2017 to 2018 or is this just a one-time go-up or what do you think?

MR. COLLINS: Part of the increase is based upon the President's recommendation for the cost-of-living increase. That still has not been set for 2017. He recommended 1.6 percent, and, reading

this document called “Fedwire”, Congress might bump that up to 5.3 percent, and so we probably won’t know until January. Then, for the future administrations, I have no clue. Then, as far as performance bumps each year, that is entirely up to Gregg, and I will turn the mic over to him.

MR. WAUGH: Thank you. Yes, we do budget in for the potential for cash awards, should we be in a position to give those. I think the answer is, yes, we expect it to go up each year, Charlie, as we get the COLA and to the extent that we are awarded cash awards.

DR. DUVAL: Any other questions on this year? Okay. Seeing none, the next item is Council Year 2017 Budget, and this is Attachments 4a through 4c in your briefing book, 4a being the activities schedule and then 4b is the SEDAR activities schedule and 4c is a spreadsheet, and so Gregg and Mike.

MR. WAUGH: Just to remind you that our tech staff worked to put together the level of activities, meetings that are needed, and that’s given to Mike. That’s what you see in 4a and 4b. Then Mike applies a cost to those meetings and we come up with a figure. That is based on 100 percent attendance. Then we take some percentage of that, based on our experience as to what attendance we get, and generally we use on the order of 75 percent attendance, and we’ve been pretty good with that.

Those two lead into the budget, and you all have that Attachment 4c. I emailed to the Executive Committee, and I’ve got projected here, a revised 4c, because you will note, on the original draft budget for 2017, we were at approximately \$4.11 million, considerably over our past budget and what we anticipate to get again.

In large part, that was driven by an increase in the level of activity for SEDAR as well as some procedural workshops, and so we met on Tuesday with Bonnie, and we adjusted some of that schedule and removed some of the workshops. If you step back and think, when SEDAR was first established, it was to cover the Gulf and South Atlantic and Caribbean areas. Blueline tilefish now pulls in the Mid-Atlantic, and we had originally included, in the hope that we could afford to bring them, the Mid-Atlantic attendees.

Seeing where we were, I got in touch with Chris Moore at the Mid-Atlantic, and he agreed to cover their cost for their attendees, and I have sent Miguel Rolon an email to work with him, so that they would cover the cost for a Caribbean workshop that was scheduled, and they’ve done this in the past. We factored those savings in. The stock ID workshops, we are not going to do those as separate workshops. The stock ID work for cobia and for scamp will be done as part of the research track assessment, and so the work will still get done, but just not as a separate stock assessment.

When you factor in those revisions, it gets us down to \$3.95 million, and this is, right now, a level that we can approximately cover with our carryover. We certainly don’t intend to use that carryover, because we’re entering into an uncertain time period, and we want to have that as a buffer. What we would like to get your guidance from here and approval here is to send this 2017 draft budget to the National Marine Fisheries Service to indicate what funds we would like to receive.

We have a CCC meeting with them in February, and that’s generally where we find out how much money is available. To be honest, we expect to be level funded, in terms of what we get, but I think it’s worthwhile to point out to them two things. We have a higher level of activity going on. In order to meet the requirements for ecosystem-based fishery management, ocean noise strategy,

climate change effects, and allocation triggers, these are all new requirements, and new guidance was published.

If you remember, we commented on those. All the councils stressed how much additional work this would be, not just on the council staff, but on the agency staff as well, and so I think it's worthwhile to point out that, realistically, for us to be able to work on these four new areas, we need a new staff position. When we get to the activities schedule, you will see that -- In your priorities, you will see that we have pulled Roger -- Roger does our ecosystem-based management stuff, and we've pulled Roger to do the blueline tile amendment, because we've just got so many amendments ongoing. We really don't have the in-house time, staff time, to work on these, and this is -- Down below, these figures in yellow here, are not shown in the total up here.

I think it's also helpful to remind them that we're still looking for our citizen science coordinator and program support as well, and so, again, all we're looking for here is that you're okay to pass this budget along to them, indicating that this is what we would like to receive for 2017.

Now, we did have the additional item that surfaced for how we handle the Citizen Science Program on an interim basis, and I've discussed this with Mike, whether we alter this budget now, and our recommendation is we feel we're close enough here with the figures that we have, and what we will do is work with the number we get from NMFS at the February CCC meeting and bring back to you all a budget for approval in March. If we don't get the numbers then, it will slide to June, but we feel we can incorporate the cost for backfilling Amber's position within our budget and come out -- Our target is to come out around \$3.69 million. We feel we can cover that. We have covered more costs than that position would entail during this current year, and so I would be glad to answer any questions, and Mike is here as well.

DR. DUVAL: Are there any questions for Gregg on this? I think, again, we're not -- We don't need or want a motion to approve this budget, but we just, I think, I need the consent of the committee that we're okay with taking this budget forward to NMFS for the upcoming year and then, once we get an okay from there, then we would come back and we could have a motion to approve it.

MR. HAYMANS: A question on the staff comp, the difference being \$102,000. That doesn't include either of the two requested new positions, right?

MR. WAUGH: No, it doesn't. That is COLA and a potential cash award.

MR. CONKLIN: Can you fill me in on how the liaison price has been negotiated between the council and the states?

MR. COLLINS: There was a base amount, and it was bumped up, I think in 2010. We got quite a bit of a budget increase from NMFS in that year, and so it's partially based upon that. I can't tell you how the original formula was arrived at. Then there is a line of money we get called SSC Stipends, and we pay the university professors and things like that come to the SSC. We pay them a stipend, but we also, because of the state participation in the SSC, we funnel money to the states to compensate the state for the state employee time on the SSC. That's how it's computed.

MR. CONKLIN: Mike, have you shopped around for a better deal on telephone?

MR. COLLINS: We pay less than I pay for my two daughters and my wife, and so yes.

MR. HAYMANS: Just a question on Florida, on the web stuff. Is that a maintenance contract that we have with those guys, because it's been there for a long time.

MR. COLLINS: I think I would defer to Roger to talk about that web development contract with Florida.

MR. WAUGH: While Roger is coming up here, let me just point out to you that council travel, we're not cutting your travel. In 2016, you spent \$106,000 on travel. That will still have more in than we spent this year on travel, and also the same with the SSC. Even though that's a reduced amount, it's more -- In 2016, we spent \$55,000, and so we have more in the budget than we spent this year, and so it's a reduction from the amount here in 2016, but not from what was spent.

MR. PUGLIESE: The two different line items are essentially maintenance and development and GIS capabilities through the atlas and the digital dashboard. They've been evolving over the years, and we continue to support those. For what we are paying, we're actually getting an amazing amount of support, because we're able to tap in on the capabilities of FWRI as they evolve on the GIS capabilities and the server systems and everything.

It's a fairly nominal amount of money for the amount of support and capabilities we do, because this not only is providing our online capabilities, but everything I'm using for any of our GIS inputs that go into say the special management zones or the deepwater coral HAPCs. Any of that type of information is all supported through that collaboration with FWRI and the continued evolution to potentially ArcGIS Online capabilities.

The other is with regard to our connection with Ecospecies and developing the species information system that is going to actually play even a greater role as the FEP rolls out, because that's going to really provide a lot of very detailed online information supporting essential fish habitat information as well as all of our future detailed species information, and so essentially those are maintenance, but evolving development. We're trying to get on the cutting edge of technology and on information for species as well as the GIS systems.

DR. DUVAL: Are there other questions on this budget? Gregg, do you want any kind of motion whatsoever?

MR. WAUGH: You can pass a motion if you want to, but, I mean, just your consensus that we can send this to NMFS, indicating this is our needs, would be fine.

DR. DUVAL: I am seeing the consent of the committee, and so we will grant you our consent. The next item, if we're done with all the budget issues, is the Council Follow-Up and 2016 Priorities, and this is Attachments 5a and 5b in your briefing book.

MS. BROUWER: The follow-up is the document that you see regularly in your briefing book, and we just wanted to bring your attention to it and remind you that it is a document that we keep updated that outlines all of the activities that are taking place, so you can see everything we do on a daily basis and everything our regional partners do. We have the composition of all the IPTs, when things are due, and so it contains all the details of activities that are taking place on a daily basis, really. We do our best to keep that updated, and, if you ever have questions or suggestions for how to improve that, let us know.

DR. DUVAL: Are there any questions about any of the dates or upcoming items from the follow-up? Okay. I am not seeing any. Now we get our spreadsheet.

MR. WAUGH: This outlines your priorities for 2016 through 2017. What we've done is adopted the -- The changes over what's in the briefing book are shown in yellow. We have indicated some items that were a suggested revision from what you saw at the last meeting, and those are the brownish-orange. Then the green, light green, are ones that indicate where we have some flexibility. By your actions thus far, CMP 30 will come back for the first quarter, and so it just added -- We have added that into Kari's workload.

In terms of golden tilefish, what you all have indicated -- We had this blocked out for Chip to work out, because we thought, initially, it would just be updating the catch level recommendations. What we're doing now is we're going to address that through an amendment and adjusting the ABC control rule, and so that's something that John would work on with the SSC during 2017. Then we moved the commercial e-logbook down to 2018. Again, that's something that we can work on voluntarily letting the fishermen use that system as soon as it is available. Then you have indicated that we would not continue working on the for-hire limited entry right now, and so that will free up Brian's time, which is kind of good, since Brian is out. I think those are the changes, and we'll be glad to answer any questions.

DR. DUVAL: Questions or concerns or wishes or requests or Christmas bobbles? I am not seeing anything. It's such a lively group.

MR. PHILLIPS: Of course, we haven't gone through Full Council yet, and so all things are subject to change, and we will work with it accordingly. I will just leave it at that.

DR. DUVAL: If there is no questions or desire on the part of anybody to change anything at this point, I think that -- Again, as Charlie said, if there are any changes during Full Council, we can deal with those.

DR. MCGOVERN: I was just wondering what Snapper Grouper Amendment 38 is.

DR. DUVAL: That's a placeholder for blueline tilefish after the assessment. Why don't we hold off on a motion on this until Full Council, on approving this revised set of priorities, just in case anything changes. There were a couple of things that we asked folks to sort of think about, and I want to have a chance to talk to John about the control rule stuff and make sure we're sort of squared away on that. Okay.

The next item on our agenda is Standards and Procedures for Participating in Council Webinar Meetings and Council Meetings via Webinar, and so two different things. That is Attachment 6, and so we have a couple of options here. We can go through this. I feel like this is the red-headed stepchild, because we have bumped this for I think the past several meetings, and I would be looking for some input on whether people are interested in going through this right now or if you're fine with bumping it to the next meeting, which I am inclined to do, but I feel like I try to work for you guys, and so I'm hearing bump from a couple of folks. Okay. Bump. If we're bumping this until the next meeting, then that completes our Executive Finance agenda, and you all are free to go.

MR. COLLINS: I just want to be a little more clear on the question that Chris asked about the phone system. It's not only the cellphones that the council staff have, but it's also the T1 internet

line and the conference call service that we have and then the office telephone system that we lease.

DR. DUVAL: Thank you. That includes lots of information. Thank you, all, for your hard work today. It was very much appreciated, and we will recess until 8:30 tomorrow morning.

(Whereupon, the meeting adjourned on December 8, 2016.)

Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
January 13, 2017

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