

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **EXECUTIVE FINANCE COMMITTEE**

**Marriott Hutchinson Island  
Stuart, Florida**

**June 10-13, 2019**

### **SUMMARY MINUTES**

#### **Executive Finance Committee**

Jessica McCawley, Chair  
Chester Brewer  
Steve Poland

Mel Bell, Vice Chair  
Doug Haymans

#### **Council Members**

Anna Beckwith  
Chris Conklin  
Art Sapp  
Spud Woodward

Dr. Kyle Christiansen  
LCDR Jeremy Montes  
David Whitaker

#### **Council Staff**

Gregg Waugh  
Dr. Brian Cheuvront  
Cierra Graham  
John Hadley  
Kelly Klasnick  
Christina Wiegand

John Carmichael  
Myra Brouwer  
Dr. Mike Errigo  
Kim Iverson  
Cameron Rhodes  
BeBe Harrison

#### **Other Observers and Participants**

Dewey Hemilright  
Dr. Wilson Laney  
Monica Smit-Brunello  
Dr. Clay Porch  
Shep Grimes

Martha Guyas  
Rick DeVactor  
Dr. Jack McGovern  
Kate Siegfried  
Erika Burgess

Other observers and participants attached.

The Executive Finance Committee of the South Atlantic Fishery Management Council convened at the Marriott Hutchinson Island, Stuart, Florida, on Monday, June 10, 2019, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: We are going to go into Executive Finance. I will read who is on the committee. Committee members are myself, Mel Bel, Chester Brewer, Doug Haymans, and Steve Poland, and I am going to start it off by turning it over to Gregg.

MR. WAUGH: Thank you, Madam Chair. As we have indicated, we are lucky to have some representatives of the GAO here with us for several days this week. The Modernizing Fishing Act, one of the requirements of that is that the GAO do a report on mixed-use fisheries in the Gulf and South Atlantic, and they spent last week with the Gulf Council, and they will be here with us this week, and there is a sign-up sheet out on the table, just to the right of the door, and they will be available to meet with you all in the Elliott Amphitheater and then, after this afternoon, in Stewart Hall, and so I would like to introduce Anne-Marie Fennell, who is the Director, and Alyssa Hundrup, who is the Assistant Director, and they will just give a few brief remarks, and then they will be available. Please pick a time to meet with them. They are going to be here, and slip out for a few minutes and talk with them, at lunch or breakfast or during various committee meetings, but we want to make the best use of this opportunity, and so welcome.

MS. FENNELL: Thank you, Madam Chair and Gregg. We really appreciate the warm welcome and an opportunity to be with you this week. As Gregg mentioned, my name is Anne-Marie Fennell, and I'm a Director in GAO's Natural Resources and Environment Team, and I'm based in Washington, D.C. I am joined by Alyssa Hundrup, who is an Assistant Director based in our Seattle office, and we will have one more colleague who will be joining us from our Seattle officer, Paul Kazmriski. We are very much looking forward to an opportunity to be meeting with you and to listen and observe as much as we can about this important topic of mixed-use fisheries allocation in this region as well as what we learned last week in the Gulf.

Just so that you know, GAO is a part of the Congress, and so we're part of the legislative branch, and we do audits and evaluations. The Modernizing Recreational Fisheries Management Act of 2018 directed us to conduct a study where we looked at mixed-use fisheries allocation and looking at the criteria, sources of information, budgetary requirements for performing periodic allocation decisions, and so we are very much looking forward to learning from each of you about your experiences and more about the issues that may be of concern to you.

We will be under a very tight timeframe, because the statute indicated that we were to report at the end of the year, but, when we get back to our respective offices, we will be continuing the dialogue and learning as much as we can, and so, this week, we'll look forward to spending some time with you, and we really thank all of you for this opportunity to say a few words and introduce ourselves, and, as Gregg mentioned, we do have a sign-up sheet up front, and we will be certainly available and accessible to you, depending on what time you may have for us. Thank you.

MS. MCCAWLEY: Thank you and welcome. All right. We are going to move into our regular agenda, and the first order of business is Approval of the Agenda. Are there any changes or modifications to the agenda? Seeing none, the agenda stands approved. The next order of business is approval of the February 2019 committee minutes. Is that right, February? Didn't we meet in March?

MR. WAUGH: It should be March.

MS. MCCAWLEY: So it's approval of the March committee minutes. Any changes to those March committee minutes? Any objection to approval of those minutes? Seeing none, the minutes stand approved. Next up is the Report from the May 2019 CCC Meeting, and I'm going to turn it back over to Gregg.

MR. WAUGH: Thank you. I will mention a few things and then let Jessica and Mel chime in. This is included as Attachment 1, and it was in the late materials, and it's posted on the website. Before I get into that, I will mention that Jessica and Mel did a great job running the meeting. This was both of their first CCC meetings, and Jessica did a yeoman's job running things and identifying people. It's quite challenging when you hit a meeting and not only don't you know them, but you haven't even met many of the people, but they're a good group to work with, and a number of them have been in similar situations before, and so the meeting went well.

We gave Chris Oliver a clock box in recognition for all his work in support of the councils and our data collection efforts, but, on a humorous note, we also took the opportunity, since we were in Charleston, and I'm sure many of you saw this, but, during one of the hearings, our new local representative, Joe Cunningham, took the opportunity to use a boat horn to make a point about the loud noises from oil exploration, and so we rigged up one of those and gave it to Chris, and he took it in great humor, and so he didn't want us to send it to him though.

We prepared a report, and it goes through the major topics, and what we did was had each ED pick a couple of topics, and they were responsible for those, and so some of the text may not read as if one person wrote it, because they didn't, but it gives you a brief overview of each topic, and I will touch on the minutes, the motions at the end, but I just wanted to draw your attention to the items on shifting stocks and ocean conditions, and this was an item that is important to us.

We reviewed what we did at our previous meeting, and efforts are continuing on that, and I will scroll down to the motions, and that's the easy way of sort of hitting the highlights. Let me mention that, on the second day, our staff gave an overview, short overview, of the work we're doing, and I was extremely proud of the job that they did putting that together, and you should take -- If you haven't, take an opportunity to look at that Story Map link. I had quite a number of positive comments from other EDs and council members from other councils. They were very surprised at the level of work and the quality of the work, and so we were very proud of our staff for putting that together.

The next meeting is in November, and we are hosting this year, and so we're responsible for organizing the meetings, particularly the one we held in May, and we were responsible for all the administrative side of it. The one in November is co-hosted with NMFS, and so they handle a lot of the hotel arrangements and so forth, but we do work together on the agenda, and I will show you that agenda in a few minutes, so that, if you have any suggestions, we can address those.

The meeting schedules have evolved to where we generally meet at the end of January or February and then in May, and those two meetings are real close together, and so there's been interest in spreading them apart. That February one has sort of flipped back into the fiscal year, in the hopes that we would have final budget information, but what we did was we approved a change to the

schedule, whereby the council-hosted meeting will stay in May, and then the one that is co-hosted with NMFS in the D.C. area will occur in September, and so these are the dates for those two meetings in 2020. The next meeting is, as I said, November 5 through 7 in D.C.

We approved sending a letter in recognition to Congressman Young, thanking him for his long service and his role, and he is the last congressperson who was around when they approved the Act that is still in office, and so we recognized him. We took the process that we use for Chair and Vice Chair and suggested that we use that for our Legislative Workgroup. One of the important activities that the CCC addresses is providing recommendations for any future changes to the Magnuson Act, and so we approved -- The group that sort of spearheads that is the Legislative Workgroup.

Jessica and I sit on that for the South Atlantic Council, and we approved having two-year terms for Chair and Vice Chair and then having the Vice Chair move up, so that you build some experience, and Dave Witherell from the North Pacific is the current Chair, and we elected Tom Nies, the New England Council ED, as Vice Chair.

We approved some changes, and this is where it gets into the more important information, but we approved some changes to the consensus statement in the CCC Working Paper. As you heard me say before, that working paper is an ongoing document that we use if we ever get any questions about views on various parts of the Magnuson Act, and we can use that, and so each council has their regional perspective, and we are free to change that at any time, and we'll be talking about that in a few minutes.

Then, for the consensus statements, we get agreement across all eight councils, and so, at times, when you look at our regional statement, that may be a bit more strongly stated and leaning in one definite direction than is reflected in the consensus statement, and that's because we're trying to balance these issues across eight councils, and so we added some text to the stock rebuilding topic, and there was some effort in the past that, if you weren't making adequate progress rebuilding with a 50 percent probability, then it would trigger a 75 percent probability, and, to me, one of the easiest ways to think about this is -- I was never very good at the high jump, but, if I couldn't get over five feet, it didn't make much sense to then send me out to try to get over seven-and-a-half feet, and so, if you can't rebuild it at 50 percent, then something is going on, and raising the bar just is not the way to do that, and so that is our addition on the overfishing topic.

We also added to Topic 14, Stock Assessment and Survey Data, and we added some text there, and, jumping ahead just a little bit, on Aquaculture, which is a hot topic, we added to the consensus statement there, and we revised the consensus statement. We also asked that, in negotiations for the BBNJ convention, and I will have to look at my notes if anybody wants to know what that stands for, but this affects the West Pacific more than us, that they -- The U.S. State Department consult with the councils during that process, and we established a temporary workgroup to develop a proposal for regional fishery management forums.

A number of you have attended Fishery Forums in the past, and these are -- It's a way for ongoing continued education and experience, if you will. New council members, we do an orientation in-house, and then the National Marine Fisheries Service does a national orientation, but this is a way that you can share experiences with other council members, and it was also a way for the agency

and some of our staff to get some further training in topic-specific things. The Fisheries Forum has ceased existence, and we're looking at ways to continue that process.

We re-established an electronic monitoring workgroup to continue to examine electronic monitoring issues, and Chuck Tracy, the ED from the Pacific Council, will chair that, and then, as I mentioned, the CCC, the new CCC, meeting schedule.

I wanted to -- We've got the final agenda there, but I wanted to, finally, as the last item, call your attention to the draft topic list for our November 5 through 7 meeting, and so we always get an update and priorities discussion from the agency, and we take public comment and get a legislative outlook and MSA reauthorization and what that is looking like, and we want an update on a National Standard 1 technical guidance. Response on council research priorities, and so, in the SEDAR Committee here this week, you'll be looking at our research plan, and that goes to the agency, and they are supposed to tell us how they are incorporating that into their priorities.

Policy document system, this is an attempt to try and coordinate all the various policies that are developed and are out for the council to comment on, and it can be quite overwhelming at times, and so we're working with them to produce a spreadsheet for use by the councils and the agency in tracking comments. Then our Legislative Workgroup and input for the next FAO conference, that ongoing treaty negotiations, and then we should have the SOPPs issue resolved at that time. Hopefully they have sorted out the review process.

The geographic strategic plans, the agency has a national plan, and we are now working on geographic or regional plans, and Andy Strelcheck is the point person in the Southeast Region, and he will be providing us a couple of opportunities to provide input into those plans, and we won't have time to do that at a council meeting, and so we'll work with you all and circulate that via email and get any input.

Then the one everybody waits for is the management and budget update, to look ahead to see what our next year's budget is going to be, and then we have committees, various committees and workgroups, that will report, and so, as you look at this, if there are topics that you think should be addressed -- We try and keep to topics that affect several councils, and so this should be more of a national approach than something specific to us, and we have, at times, addressed some recreational fishing issues, several years ago, when it was more important to the South Atlantic and Gulf, but our partners in the Mid-Atlantic and New England are running into some of the same issues, and so we take some credit in sort of educating them ahead of the curve. With that, I would be glad to answer any questions, and I will turn it over to Jessica and Mel, if they want to add anything.

MS. MCCAWLEY: Thanks, Gregg. I thought it was a great meeting, and I thought the South Atlantic Council staff did a great job, everything from room setup to a social to getting breakfast, and the room setup was a little challenging in the Francis Marion historic hotel there, and, also, as you mentioned, I thought staff's Story Map presentation that they did was excellent, and people seemed to be really excited about some of the things that we're working on, especially our citizen science projects, the scamp app and others. Mel, I don't know if you want to add anything.

MR. BELL: Sure, and just to kind of echo that. I mean, you should be very proud of your staff and Gregg. Jessica did an outstanding job of running that, and the challenging part of this room

was that -- Imagine everybody here is all scrunched up, and now everybody is running down, and so she's having to, first of all, just see hands popping up, which was difficult, and then Gregg, thank the lord, knew who everybody was, and so it worked out really great.

One other thing is just an interesting thing, and that is that Dave from the North Pacific Council, who I guess is a master woodworker or something, presented Jessica with a new gavel, a custom-made gavel, with eight different types of wood that were representative of each of the councils, and so Jessica, like wielding Thor's hammer, was able to use the brand-new gavel, which is really nice, but it was a very interesting meeting, just kind of working up a level from sort of where we are sometimes, and we were up with senior leadership and talking about strategic planning and budgets and things, and it was just well worth it, but everybody did a great job, and I'm real proud of Jessica and Gregg and the whole staff. It was just well run.

MS. MCCAWLEY: Thanks, Mel. Are there questions about the report? I wanted to come back to some of the items that Dave Whaley had mentioned, but I wanted to see if there were other questions before we went back to the Dave Whaley items. Okay. So, back on the Dave Whaley items, it seemed like he was asking the councils to come up with one-page summary documents, one on shifting stocks and changing ocean conditions and one on forage fish and one that was a description of our timelines for amendments, and so the process for the timelines and then how long it takes to conduct analysis and complete decision-making.

Do you mind if we spend some time going over those things? I am not sure if we have them on-hand or what, but it seemed like that at least one of those might be more time sensitive than the others, but the shifting stocks and changing ocean conditions -- Is this something where we could maybe just write down, in a document, what we're working on across the Atlantic councils, talking about how we're going to get that science group together, and then there's another group that is coming together to research the various items, and then I think we're going to come back, maybe at the next CCC meeting or before.

MR. WAUGH: Yes, and we can certainly get some input here on these. The plan is that each council is going to prepare these short summary documents, and the idea is that Dave wants to have these on-hand, in case he gets any questions from staffers asking about any of them. The plan is to have this done by the end of the month, and so I've tasked the various staff members to begin pulling materials together, and he also, in a subsequent email, asked for some information on habitat and what we're doing on that, and so we're pulling that information together too, and so our plan was to distribute this via email and have council members review it and offer input, but, coming back to the shifting stocks and changing ocean conditions, yes, we'll outline the process that we are going through now.

The governance group, I have asked each of the EDs from the New England and the Mid-Atlantic to identify their staff members, and ours is John Carmichael is going to keep a finger in there, but Mike E. will be doing some of the analysis, and Roger will be helping there as well, and I will continue to work on that.

Again, as I said, the idea is to have all of this put together by the end of this month, and the NMFS side is looking at the science and data, and this was talked about some at the NRCC meeting, and they are looking at some time later this year to have a joint meeting between the Northeast, the

Southeast, and the councils will have some input in that session, and I don't know if Clay wanted to add anything to that. I don't think the plans have been hashed out in great detail, as of yet.

MS. MCCAWLEY: All right, and so, for each one of these -- The forage fish one, I'm assuming we're pulling from FEP II, pulling some items from that document, and then I assume we have some kind of document that explains the timeline for amendments already, and they're just going to pull it together in a summary.

MR. WAUGH: Yes, and some of these items we will pull from the CCC working paper as well, and we've got something in there addressing both of those, and, as I said, we will circulate that for everybody, but, if anybody has suggestions now, or during this week, please feel free to pull me aside and let me know.

MS. MCCAWLEY: Thanks, Gregg. Any questions or comments on these documents that are being prepared? Anything else on the CCC meeting?

MR. WAUGH: Just one final thank-you to Kelly for spearheading the administrative side of this. It's putting on another council meeting, and, the first time we went down to the hotel, those of you that have been in downtown Charleston, it's kind of busy, and they took us on the side of I think it was Calhoun Street, I believe, and said here's a door that leads up the ramp to the meeting area, and so we were, in essence, going to have to sort of block traffic and park there and unload everything and then, later, we found out that there's a nice entrance on the third floor in the parking garage that backs right up, but there is a lot to put this on, and Kelly -- Cindy did a super job as well, and Cierra was there the whole time, and all the staff contributed, but it's a lot. It took a load off of me, and I could focus on the meeting side, knowing that Kelly had that all covered. Thank you.

MS. MCCAWLEY: Yes, I agree. It was wonderful. It was quite a task, and then we also had a SEDAR Steering Committee meeting at the end of the week, and we'll talk about that later this week, but, yes, there were lots of additional meetings happening at the same time later that same week, and so it was a full week, and it was. It was like another council meeting all over again. Anything else on the CCC report? All right. Next, we're going to move into the Magnuson Act reauthorization, and I'm going to turn it over to Jack, who is going to give us a presentation on the Modern Fish Act.

MR. WAUGH: Madam Chair, if I could just make a couple of comments on the front of that. We've got documents here, 2a through 2c, and one of them is Jack's presentation, and the other is the act itself, and the third is the Senate staff working draft, and I talked with Dave Whaley and asked -- There have been some changes in the Senate committee assignments and so forth, and I asked him if it was still worthwhile for us to comment on that, and he said that, yes, it was, and so I've gone through that document, and based on -- We have talked about it a couple of meetings. Based on our input so far, and the information in the CCC working paper, I am going to just draft up a short cover memo for you all's review, cover letter, over Jessica's signature.

Then, since this is going to staff -- I know if I was getting something, rather than just a general letter, I would rather have something with some real specifics, and so I'm going to have the specifics attached to that, and so I will circulate that for everybody to look at before we ship that off to them.

MS. MCCAWLEY: That sounds great. What are you thinking on the timeline on that?

MR. WAUGH: Before the end of the month, so we get it up there.

MS. MCCAWLEY: That sounds great. Thanks for working on that, Gregg.

MR. WAUGH: Sure.

MS. MCCAWLEY: Jack, as you get going, I think you -- There was an updated version of this PowerPoint in the late materials, and is that right?

DR. MCGOVERN: I think this is Tab 3, Attachment 2b. I don't think it's in the late materials.

MS. MCCAWLEY: Okay.

DR. MCGOVERN: I am going to give an overview of the Modernizing Recreational Fisheries Act, and this is also known as the Modern Fish Act, and this is a presentation that was put together by our Headquarters folks and sent to all of the Regional Offices to present to the councils, and so the Gulf Council got this exact same presentation last week, and so I apologize to all of those who get to hear it again.

The presentation has three parts to it, and the next slide is an overview, and the slides in between are provisions of the bill, and then the last slide is a summary, and so the Modern Fish Act became law on December 31, 2018, and President Trump signed it into law on that day, and the purpose of the Modern Fish Act is to expand recreational fishing opportunities through enhanced marine fishery conservation and management and for other purposes.

The law requires or includes numerous new requirements for reports, studies, and guidance related to fisheries management and science, and the Modern Fish Act highlights the importance of a variety of management measures that can be used to manage recreational fisheries and also reaffirms that the existing Magnuson-Stevens Act requirements, such as annual catch limits and accountability measures, are still required.

It also includes provisions focused on regional recreational registry and data collection programs, and so I'm going to walk through the provisions in the following slides and talk about how NOAA Fisheries is working with partners, such as the Government Accountability Office, the National Academy of Sciences, states, councils, and commissions to implement it.

The Modern Fish Act amends Section 2 of the Magnuson-Stevens Act by adding the following text, which sets the context for the Modern Fish Act. This states that: While both provide significant cultural and economic benefits to the nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.

The Section 101 requires a mixed-use fisheries allocation report, and we've talked about this some already this morning, and so Section 101 requires the Government Accountability Office, the GAO, to conduct a study and submit a report to Congress on allocation of mixed-use fisheries in



the jurisdiction of both the South Atlantic and the Gulf of Mexico Councils, and the act defines what mixed-use fisheries are, and the definition is that it's a federal fishery for which two or more of the following occur: recreational fishery, charter fishery, or commercial fishery, and so that's a mixed-use fishery.

The report that is going to be conducted by the GAO must include recommendations on criteria that councils could use in allocating or reallocating fishing privileges, and, in developing these recommendations, the GAO should consider ecological, conservation, economic, and social factors for each component of a mixed-use fishery.

The report also needs to identify the sources of information that could be used to reasonably support the use of such criteria in allocation decisions, and it requires an assessment of budget requirements for allocation reviews for the Gulf and South Atlantic Councils, and the report should include recommendations for procedures of allocation reviews.

The law requires that, to the extent possible, practicable, the GAO should consult with NOAA, councils, SSCs, state fisheries commissions, industry, and other stakeholders on this study, and you met Alyssa and Anne-Marie, and they are here to talk to everybody, and they have a table set up, and they're here to talk with you folks today. We believe that the 2016 NOAA Allocation Policy that was developed in coordination with the CCC and associated procedural directives, as well as the council allocation trigger documents for the South Atlantic and the Gulf, provide a good foundation for this study. NOAA had an entrance conference with the GAO on April 17, and I think the GAO has also talked with council staff.

The next slide deals with fishery management measures, and Section 102 states that the councils have the authority to use fishery management measures in a recreational fishery or the recreational component of a mixed-use fishery in developing a fishery management plan, plan amendment, or proposed regulations, such as extraction rates, fishing mortality targets, harvest control rules, or traditional cultural practices of native communities.

The section is clear that these management measures must comply with existing Magnuson-Stevens requirements, such as annual catch limits, National Standards, accountability measures, and rebuilding requirements. The section also requires NOAA Fisheries to submit a report to Congress by the end of this month describing actions that councils have taken throughout the country pursuant to this provision, and our Headquarters Office is working on this.

Section 103 addresses limited access privilege programs, or LAPPs. It requires the National Academy of Sciences to conduct a study on LAPPs and mixed-use fisheries around the country, and the study should include an assessment or progress meeting established program goals of LAPPs and other goals of the Modern Fish Act, assessment of economic, social, and ecological effects of LAPPs, an assessment of impacts on stakeholders in mixed-use fisheries caused by a LAPP, recommendations of policies to address these stakeholder impacts, factors to consider when designing and maintaining LAPPs, to mitigate impacts, and a review of the best practices and challenges in design and implementation. The study and report do not apply to the Pacific and North Pacific Councils, except for the last requirement to review best practices and challenges in LAPPs in all eight councils.

Headquarters has reached out to the National Academy of Sciences and has developed a scope of work, and is working on a scope of work, to complete the study by the deadline, which is December 31, 2020. NOAA Fisheries believes that the NOAA catch share policy and allocation policies and associated procedural directives provide a good foundation for this. In addition, the Magnuson-Stevens Act requires that LAPPs be monitored and reviewed every five years, and at least every seven years thereafter, and so these reports also provide a good foundation. Section 103 also requires NOAA to submit a report to Congress on the study after it's completed by the National Academy of Sciences.

Section 201 deals with cooperative data collection, and it builds upon the current Magnuson-Stevens requirement in Section 404 that requires NOAA to coordinate with the councils on fishery research. It has two report requirements, and the first one requires NOAA to submit a report to Congress, working with the council SSCs and the marine fishery commissions, on facilitating greater incorporation of data surveys from state agencies and non-governmental sources into fishery management decisions, and this report is due on December 31 of this year.

The report must identify types of data concerning recreational fisheries that can be used as a basis to establish conservation and management measures, and it must set standards for collection and the use of those data in stock assessments and surveys and provide specific recommendations for collecting data and performing analysis to reduce uncertainty and improve accuracy of future stock assessments, and the report must consider the extent to which the acceptance and use of such data is practicable and compatible with the Magnuson-Stevens standard of best scientific information available.

Our Office of Science and Technology is working with the Science Centers and Rick Methot, who is the Chief Stock Assessment Scientist, and they are sketching out a draft plan for implementation, including how to engage with the councils and the commissions over the next few months.

Section 202 includes four provisions that build upon the current recreational registry and data collections requirements outlined in Section 101 of the Magnuson-Stevens Act. As a refresher, Section 101 of the Magnuson Act established a new federal recreational registry program to enable recreational data collection improvements, and it allowed a state to gain an exemption to the federal registry if it had a compatible program, and all states except for Hawaii have established licensing and registry programs that qualify for this exemption.

This section, 202, seeks to improve the information collected through these state registry data collection programs. The first part, state partnerships and guidance, requires NOAA to establish state partnerships and develop best practices and guidance for implementing state recreational registry and data collection programs, and MRIP's Program Management Team is going to be working with the MRIP Regional Implementation Teams, which include the states and the councils, to develop a plan to address the state partnership provision by the act by the end of this year.

The next part is a biennial report to Congress, and the act requires a biennial report to Congress related to the accuracy of information in the state registries and priorities for improving recreational data collection, and information in this report will pull from priorities identified by the states and partners in the MRIP Regional Implementation Plans, and there is no deadline for the first report, but it's expected to be biennial thereafter.

The third part is a state grant program, and the act authorizes, but does not require, a state grant program to improve recreational registry and recreational data collection. While Congress has not appropriated funding for this grant program, MRIP has funded projects to improve state data collection programs in the past, and they are working with the MRIP Implementation Council, which includes the states, to determine how to appropriately address priorities identified in the existing MRIP Regional Implementation Plans to improve recreational data collection.

The last one here is the National Academy of Sciences study and report to Congress, and it requires the National Academy -- Section 202 requires the National Academy of Sciences study on MRIP's compatibility with in-season management, and Headquarters is working with the National Academy of Sciences to set up this study, and, following the National Academy study, NOAA must submit a report to Congress within six months regarding any necessary changes to MRIP and management to address the report's recommendations, and our Office of Science and Technology is leading this effort and will be collaborating with its state and federal partners to promote support for the review.

Then Section 301 has a Rule of Construction, and it indicates that nothing in the act changes the existing Magnuson-Stevens Act requirements related to overfishing, including National Standards, annual catch limits, accountability measures, and reporting requirements.

In summary, there are multiple new reports and studies to be completed in short timelines, in cooperation with the GAO, the National Academy of Sciences, the councils, the SSCs, the commissions, and other stakeholders regarding allocations, LAPPs, cooperative data collection, state recreational data collection, and MRIP for in-season management. Altogether, there are six reports to Congress that are required, two National Academy of Sciences studies, one GAO study, and one guidance.

This law highlights options and flexibilities in managing recreational fisheries, but it also reaffirms the requirements to prevent overfishing from the Magnuson-Stevens Act are still in place. It also includes multiple provisions related to state recreational registry programs, and the deadlines are challenging, especially because we had a government shutdown right after it was assigned, but NOAA is actively working to implement this law and to work with the councils and all of the partners to move it forward. That is it.

MS. MCCAWLEY: Thanks, Jack. Will you take some questions?

DR. MCGOVERN: I will try.

MS. MCCAWLEY: The MRIP study for in-season management and that report to Congress, what was the deadline on that? It's the MRIP one, and it's that National Academy of Sciences study, and then there was a follow-up report to Congress on that one. It's that one at the bottom.

DR. MCGOVERN: It doesn't say when the National Academy study has to be completed, but the report to Congress is due six months after the study is completed.

MS. MCCAWLEY: Okay. Got it. Thanks, Jack. Any other questions?

MR. BELL: Well, related to that, there is a number of reports and a number of things due or whatever, and I was just thinking that it might be useful if we had like a simple little table or something that these are the different things, and these are when they're due, and, like you just explained with that one, there's not really any time certain, and it has to do with when the --

DR. MCGOVERN: That's a good idea. I will put one together.

MR. BELL: That would be useful, just in trying to --

DR. MCGOVERN: I will put one together and send it to Kelly to distribute to the council.

MS. MCCAWLEY: Did I see more hands in the air?

MR. WOODWARD: I am not on the committee, but I appreciate the presentation, Jack. Section 102, I think that's the one that has probably got everybody sort of scratching their heads more than anything, in the Modern Fish Act, and what it really means on a practical basis, and you referenced a report that is being prepared that will be due at the end of the month. In that report, I guess you're going to address where this is already taking place and management actions where these tools are already being used, and is that report also going to identify opportunities to expand the use of some of these tools in fishery management approaches in the Gulf and the South Atlantic?

DR. MCGOVERN: I think the report is mainly going to be talking about how these tools are already being used and provide examples of those from councils throughout the country.

MR. WOODWARD: That's good, and I think that will help us, because I think we're all trying to figure out where to go with this. We've been given this authority, so to speak, which may or may not have already existed, depending on what context you take it in, but I know the recreational fishing community is going to expect of us that we do something with this, and I think we're all struggling to know what can we do with this and what opportunities really exist to change an approach, so that we address the band-aid of the MFA, and so I think it would be helpful in that report, if possible, to give us some guidance on what opportunities might exist to expand the use of this provision of the Modern Fish Act.

DR. MCGOVERN: I can share that, and our Headquarters folks are developing the report, and so I can share those thoughts with them.

MR. HEMILRIGHT: Thank you, and I have a couple of questions. These reports that are sent to Congress and other various groups, are they going to be species-specific, or are they going to be a broad overview, at the ninety-foot level, versus down at the bottom with actually what's happening?

The second thing is are -- For each of these species in this report that's given to Congress, if they're using individual species, would there be also a mechanism that shows what the PSE is? I call it the believable account or not, and that PSE will be given, to be able to demonstrate to Congress that, even though the information might be accurate as particularly recorded, it shows there's a wide variance of unbelievable, and so that's the two -- One more question.

Is there a pecking order that takes priority when you have these laws, to where the Magnuson-Stevens Act and accountability and something like that was number one, and, as you get further with these new laws, like it's -- I guess you've got to follow everything, but is there like a pecking order that this is the top priority and these were later, and so we've got to worry about this first, instead of that? I am just afraid, with these reports to Congress, that it doesn't reflect the actual fishing on the pond, because, once it's disseminated and put together and it gets a few levels of bureaucracy going up to the chain, it doesn't reflect what really happens in the reality of the fishing world, and I know that's probably a lot to put in there, but I hope you can respond to that.

DR. MCGOVERN: I couldn't hear, and I missed your first question.

MR. HEMILRIGHT: My first question was, in these reports to Congress, is it going to be put in there species-specific? Also, the PSEs of these MRIP surveys, to show the level of -- I call it believable or not believable, because that will give -- If you show a PSE in your report, it gives the members of Congress a little bit of a chance to look at this. Even though the information, per se, at the ground level was accurate, once you do these expansions, and the PSE, it shows a little bit of lacking, and so I guess that was my two things.

DR. MCGOVERN: You are talking about the report to Congress on MRIP?

MR. HEMILRIGHT: Yes, and how in-depth is it going to go? Because, the more in-depth it goes, the more that it's going to be accurate at the fishing level of the fishers.

DR. MCGOVERN: I can tell you that I don't know. I am not going to be doing that report, and our Office of Science and Technology will be doing the report. I don't know.

MR. BREWER: Jack, kind of following up on what Spud said, and this is more of a statement than a question, but, first of all, when it comes to Section 102, my reading of Magnuson is we have always had the authority to do these perhaps different management -- Utilize these different management techniques, but now we've got it in writing that, yes, you do have that authority.

I want to brag on my state a little bit. I think that some of these management measures are already utilized by the State of Florida very successfully, through the FWC, and I would like to contrast I guess you would say the view of management at the FWC, as opposed to perhaps at the council level. The recreational community in Florida loves the FWC, and they trust them to do the right thing. There is a very good working relationship between the recreational community and -- In fact, all the fishermen in Florida and the FWC.

To me, a lot of these measures that are being discussed here are related to the credibility of the national council system, and I would love to see what I have seen with the FWC, and for us to have that same sort of relationship with the people that are fishing under our direction, I guess I will say, and so I -- At the end of the day, finishing up on what Spud said, we might take a look not just at what other councils are doing that have worked, but you might take a look at some of the state actions that appear to be working and are popular and effective. Thank you.

MS. MCCAWLEY: Thanks, Chester. Thanks for the shout-out for FWC there. Are there other questions about the Modern Fish Act?

MS. SMIT-BRUNELLO: Good morning. Not a question, but an answer to Dewey's couple of questions. We could pass your comments along to the S&T division. Like Jack said, they're the ones doing the report, and so we can pass that along to them and suggest that at least that comment came from the council, and that would be a good idea, as far as you're concerned. We would be happy to do that.

The other one, I think you kind of answered your question as you were asking it, but there is no one part of the Magnuson Act that takes more precedence than another because it's more newly implemented, and so, for example, this act amends the Magnuson Act, and we have to comply with the whole act and not just the newer portions of it first, if that makes any sense, and so we have to abide by all applicable law and not just Magnuson, but all the other laws we have to deal with.

MS. MCCAWLEY: Thanks, Monica. Any more questions or comments?

MR. GRINER: Jack, the section on the cooperative data report, who puts that report together, or who is working on that? It just seems like December 31 of 2019 is coming in a hurry, and I was just curious who is --

DR. MCGOVERN: That will be the Office of Science and Technology that is putting together that report.

MS. MCCAWLEY: More questions?

MR. BELL: In addition to the timetable, maybe I would call them who is the responsible entity, and I'm not trying to create work for you, but that would just be helpful, I think for everybody.

DR. MCGOVERN: I can do that, when it's due, who is doing it, and what it is.

MS. MCCAWLEY: That sounds great. Thanks, Jack. Any more questions for Jack?

MR. WOODWARD: Just to add to that, in that table, if there is a report that you all are doing that's not mandated by the act, to also acknowledge that that's being done, like the one on the alternative management. That's not mandated by the act, per se, but it's something that is being done internally, and so it would be useful for us to know that that's going to be available too at some point.

MS. MCCAWLEY: Good point.

DR. MCGOVERN: There is one that's guidance, and I will include that.

MS. MCCAWLEY: More questions? All right. Thanks, Jack. Thanks so much, and sorry we gave you another little project there, to create a table for us, but we really appreciate this presentation, and we look forward to seeing some of these things come out. Next up, we have the CCC working paper, and I'm going to turn it back over to Gregg.

MR. WAUGH: Thank you, Madam Chair. We have been through this document a number of times, and I don't intend to walk us through it again. I called your attention to the three consensus

statement changes, but, again, we have -- We can change our regional perspective sections at any time, and so, if there is any interest in changing any of that information now, we can talk about it. A revised document will be put together shortly and posted to that all fishery council website by Dave Witherell, and he's the Chair of that Legislative Workgroup now. As the need for any additional changes surfaces, that comes up through the Legislative Workgroup that Jessica and I serve on, and so that's another opportunity for input, but I would open it up for any discussion.

MS. MCCAWLEY: Once again, the CCC made modifications to the Aquaculture section, and what was the other section?

MR. WAUGH: Fisheries data and -- I will find the other one. It was Stock Rebuilding, Topic 1, Stock Rebuilding, was the other one.

MS. MCCAWLEY: Any comments or questions about that CCC document? We can change it at any time.

MR. BREWER: I am probably beating a dead horse, but, Gregg, on exempted fishing permits, to me, the position, consensus position, here is that the EFP framework works great, and, in my humble opinion, it, for the most part, does. There are, however, no -- I am not sure exactly how to call this, but we've had some rogue EFPs that weren't necessarily granted by the council, but that were granted by the National Marine Fisheries Service.

Of course, we don't really have any say on that, but I think of one in particular that was extremely controversial here that originally got granted, and it should have never been granted in the first place, and the kibosh eventually got put to it, but there was a lot of gnashing of teeth over that thing, and I would like to see some sort of language in here about, in this section about -- For extremely controversial EFPs, that there be a heightened -- I will use the sort of legal term, but a heightened level of review, because it's just -- I have seen too many times that the EFP process is used not for research, but for one individual, or a group of individuals, financial advantage.

When you see that kind of thing going on, and it's allowed to happen, the whole system loses a lot of credibility, and it begins to look like the system is favoring one group of people or one person, and that is not a look that we want, and so I would really like to see some language in here about some sort of heightened review when you've got something that pretty clearly goes to someone's financial advantage. Thank you.

MS. MCCAWLEY: I want to clarify, and so are you talking about in the overall CCC consensus position that you're wanting an edit, or you're wanting an edit in the South Atlantic portion of this document? It's unclear to me.

MR. BREWER: Optimally, it would be the overall, and that's what I'm reading here, and I'm just asking that our representatives to the CCC make that point, or at least bring that topic or issue up, because I just -- I can count on probably my ten fingers the times that this process has been abused, but it has been abused, and it doesn't look good when it happens.

MS. MCCAWLEY: Thanks, Chester. Gregg, I don't know if you want to add to that.

MR. WAUGH: Yes, and there is also some language in the Senate staff bill that would establish a requirement that, should a state, and I believe also a commission, object, that then the agency would have to write an explanation of why they did that, and so what I can do is draft up some language for us to look at at Full Council, because I think it would be helpful to get some more specific guidance, and I will look at our regional perspective, because we can be a lot stronger there, but then, also, I will bring some options for some wording that we could carry forward and try to get changed in the consensus position as well.

MR. BREWER: Yes, and I think, if there was language that if there -- If there was a requirement that the EFP -- That at least notice be given to the state commissions that might be involved and/or the regional -- In other words, like the South Atlantic Fishery Management Council, or the Mid-Atlantic or whoever, and then, if there was an objection, some heightened level of review would be triggered, and the vast, vast majority, and I will say 99 percent of these things, there's not going to be any objection to them, because, for the most part, the system works well, and it does encourage and allow for scientific study that's needed, and so who in the world is going to object to that?

MS. MCCAWLEY: Thanks, Chester. Any more comments or discussion?

DR. MCGOVERN: I just wanted to point out that the EFPs do go to the Science Center for review before they go out in the Federal Register, at the same time.

MS. MCCAWLEY: Thanks, Jack.

MR. WAUGH: Jack, and I guess Clay too, those reviews, we don't generally see them, and is that internal that can't be shared, or is that some review and comment -- Because I think, particularly for these controversial EFPs, I think it would be helpful to know what the Center comments were.

MR. GRINER: Jack, is that review before or after it's already been approved?

DR. MCGOVERN: It's before it's approved.

MS. MCCAWLEY: Is it before it comes to the council?

DR. MCGOVERN: Well, it depends on the timing. Usually it is, but every single EFP goes to the Science Center, and they provide comments, and they determine if it's based on the best available science.

DR. PORCH: Just to clarify, we're looking at whether we're likely to get useful information out of it. As you know, a lot of people submit EFPs, and they want to do something, and we look at it and say, well, it's not going to provide anything useful, and then, of course, we look at issues like are they likely to take protected species, et cetera, something that would be particularly problematic.

MS. MCCAWLEY: Thanks, Clay.

MR. BELL: Just so I'm clear, I guess maybe what Chester was saying is sometimes there appears to be a significant financial benefit to people, and I think, in some of these, there's going to be a



financial component, or folks wouldn't be interested in doing it, but then there's sort of a threshold, I guess, for when that maybe seems a little over the top, and that was sort of the example I think he was kind of giving, but I don't know how you determine what's reasonable or what is -- Because, if you can acquire data that you need, what's the threshold for that, and I get it that some fisheries are a little more potentially controversial than others, but, if you're going to use measuring financial benefit from it as a factor in deciding, I don't know how you sort of -- Who sets that threshold of how you do that?

MS. MCCAWLEY: Right, and some fisheries are controversial and more lucrative than others, and so, yes. Other folks have other comments here? Gregg, do you feel like you have enough direction to prepare something for Full Council?

MR. WAUGH: Yes.

MS. MCCAWLEY: All right. Anything else on this CCC report? Let's take a ten-minute break, and then we're going to come back in Executive Finance and look at the budget.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: We're going to get going again, and so we are going to move into the budget, and I'm going to turn it back over to Gregg.

MR. WAUGH: Thank you. As we discussed, we've got the budget table that tracks the five-year grant categories, and, at the CCC meeting, a part of the management and budget presentation, we got our final funding for Fiscal Year 2019, and that total is \$3.9 million, \$3.855, and, last year, we got some monies for deregulation and regulatory reform, \$108,000, and, this year, the council's line item budget that comes out of the congressional budget from the councils and commissions line, that portion increased, and we were hoping to get that plus what we got before on the additions.

The agency's view is that part of that increase in the line item was to address deregulatory and regulatory reform, and so they have not -- They did not give the councils the additional \$1 million that they did last year for this topic, and they felt that was included in the increase in the regional councils PPA, the line item, and so we went up one category by \$231,000 and down in one category by \$108,000, and so we net a \$124,000 increase.

In terms of putting the budget together, Kelly and I looked at it, and remember that, when we do our budget, part of it is our fixed costs, with office space and staff costs, and the other is your variable costs, which come out of the activities schedule, and you've got the two activities schedules in here for SEDAR and for the rest of our activities, and so we have looked at those numbers, and, generally at the start of the year, we budget at a higher attendance rate, to make sure that we don't get caught short, and we refine that throughout the year.

That number was about \$3.9 million, and so we didn't feel there was any need to go in and change these major categories for the budget this year. We still will monitor this, and we have some carryover funds, and then the \$3.855 million this year, and this is the final year of our five-year grant, and so we can get a no-cost extension for work that was previously planned this year that

wasn't completed, and we can use up those monies next year, but we can't just simply roll those monies over and use them for new activities in the next five-year grant.

Let me just mention that, separate from this, we are continuing to prepare the next five-year grant document, and that's where we will use the materials that the various states have put together to show that higher cost. Now, we had hoped that we would get a higher amount of funding in Fiscal Year 2019, because we had conflicting advice on what number to use for our next five-year grant. At one point, it was use the money you got this year, and, at other times, it was that plus, or to take the year-five figure from your current five-year grant and use that.

The final guidance was we use what we got in Fiscal Year 2019 with no increase, and there's a little bit of inconsistency here, because, in each year, we build in for some increase, 5 to 10 percent, but we're not building in any increase going from 2019 to 2020, and so the first year in our five-year grant will be this \$3.855 that we got this year, and so, coming back to this budget, you did approve this budget at the last council meeting, and the intent was, once we got our final budget numbers, we would come back and look at it. We are so close that Kelly and I felt like that there was no need, at this time, to adjust those categories, and we have updated the expenditure to date, and some additional details have been provided to council members, as was requested, and so, Kelly, did you want to add anything at this stage? We will be glad to answer any questions.

Our approval of the budget at the last meeting was sort of as an operational budget, until we got our final numbers, and so we would be looking for a motion to approve this, after our discussion, and we would be glad to answer any questions.

MS. MCCAWLEY: Thanks, Gregg. Are there questions? Any questions about the budget that was presented? All right. If folks don't have any questions, then I would be looking for a motion to approve this budget.

MR. BELL: **So moved.**

MS. MCCAWLEY: It's seconded by Doug. It's under discussion. **Is there any objection to that motion? Seeing none, that motion stands approved.**

MR. WAUGH: I don't know of any other business, but what we do is we would recess. If we are finished, we would recess the Executive Finance, and then we'll pick up at two additional points during the meeting itself, where Brian will go over -- Wednesday afternoon from 3:45 to 4:00, that's where Brian will go over the ranking of amendments for the work schedule with you, and then we'll pick up again with Executive Finance on Thursday afternoon from 3:30 to 4:00 to do that prioritization process.

MS. MCCAWLEY: All right. Any other business to come before Executive Finance right now? All right. Seeing none, we'll go ahead and adjourn Executive Finance, and I guess we will take a five-minute break. We're going to go into closed session, and we're going to do the SSC Selection Committee, and we're going to do AP Selection, and we're going to do Law Enforcement Officer of the Year, and all of those are closed, and so we need a little bit of time to turn off the webinar and get folks out of the room, and then we'll go back into closed session.

(Whereupon, the meeting recessed on June 10, 2019.)

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June 12, 2019

WEDNESDAY AFTERNOON SESSION

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The Executive Finance Committee of the South Atlantic Fishery Management Council reconvened at the Marriott Hutchinson Island, Stuart, Florida, on Wednesday, June 12, 2019, and was called to order by Chairman Jessica McCawley.

DR. CHEUVRONT: For the council members, I just wanted to remind you that you're going to get an email from me this evening to do the Survey Monkey thing to rate the amendments as to what you want to be worked on for the next council, and two have been added at this meeting, and one is an SG 1 and lobster tailing issue that was discussed earlier under Snapper Grouper, and the other is I just added the bullet and frigate mackerel ecosystem component species as a potential amendment as well, and so, when you get the email from me, please do it overnight. If you don't do, I will know who you are, and I will come track you down tomorrow morning. We need this to have the discussion later on, when we get to Executive Finance. Thank you.

(Whereupon, the meeting recessed on June 12, 2019.)

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June 13, 2019

THURSDAY AFTERNOON SESSION

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The Executive Finance Committee of the South Atlantic Fishery Management Council reconvened at the Marriott Hutchinson Island, Stuart, Florida, on Thursday, June 13, 2019, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: All right. We are back in Executive Finance to talk about priorities. Just so it's clear, if we need to make a motion, only the people on the Executive Finance Committee can make a motion, but we want everybody to participate in this discussion of priorities, and remember what we're doing here is we're looking at the results of the survey, and we're figuring out what's coming to the September meeting and to the December meeting, and I'm going to turn it over to Brian.

DR. CHEUVRONT: Thank you, Madam Chair. Everybody did the Survey Monkey, and I am pleased to say that Doug Haymans was first this time getting his done and in, which is nothing short of a miracle in itself. I do have to say though that we did stop the allocation discussion, and we didn't quite finish it up, and we're going to talk about it probably some tomorrow, during Full Council, as well, related to the trigger policy, and it didn't get on the list to be voted on, because

it happened today, and so, at the very bottom of the list, I added the allocation policy with question marks, and I'm not sure when you want to bring this back and talk about it some more, or if you have more things you want to talk about, but I just didn't want it to get lost, and so I added it to the list.

What I did was I took all the results from everybody, and I rank-ordered them from your score. The higher the score, it meant the greater a priority it was for you collectively to be discussed, presumably at the next meeting. The one that came out on top was Snapper Grouper Regulatory Amendment 29, the best practices and power-heading amendment, with a score of seventy-six, and the Snapper Grouper 46, recreational permits, came in just below that, at seventy-five.

Now, Snapper Grouper Regulatory Amendment 30, the red grouper rebuilding, presumably you're going to have your codified text and all that you need to finish this up tomorrow and approve it, but I left it on there, because it hadn't been recommended yet for approval for Full Council, and so it's highlighted in yellow, and that also means it basically has a statutory deadline, because it needs to be done.

Behind that, you have the blueline tilefish ACL amendment, which is now probably going to be Snapper Grouper Abbreviated Framework 3, whereas it was formerly Snapper Grouper Amendment 38. CMP Amendment Framework 8, which is the king mackerel trip limits in Season 2, basically what you would codify, what you're trying to do with the emergency rule, came in after that, and then you have Dolphin Wahoo 10, and I just put dolphin wahoo actions, because there is so many of them, and I also wanted to let you know that this is a really huge amendment. I mean, you all went through about two-thirds of the actions in the amendment, and it took you five hours to get through them, and so we're thinking that there's a good chance, if you want to work on this some more, this could be a day-long thing just for dolphin and wahoo, and so you've got the goals and objectives and all this other stuff, and so you all have quite a bit to talk about with dolphin wahoo, and just realize that it could take up a huge chunk of time.

Regulatory 33 is the red snapper seasons, and bullet and frigate ecosystem is a little bit lower than dolphin wahoo, but that could be thrown in that whole dolphin and wahoo day, whatever you want to do, and then we start to get into some of the things that we have been working on some before that haven't been a real high priority lately, and that's the yellowtail long-term management, commercial electronic reporting, recreational AMs, the North Carolina and South Carolina SMZs, Spanish mackerel allocations, and that actually came in a little bit lower than some might have thought, but that was prior to the discussion that you all had today.

The wreckfish ITQ, that's really the low-hanging fruit, even though it's got a relatively low score, but that's something you probably want to just take care of pretty quickly in September, and this DW, and it's bad to use the same acronym for two different things, but this is the deepwater regional allocation, and you have the ABC control rule and then the SG 1 lobster tailing permit issue that you all were talking about, and that came in fairly low.

Then bycatch reporting, and, the transit and allowable fishing, this is something that's been on the back burner for quite a while, and this is that coral, shrimp, and golden crab amendment that, at some point, folks are going to start to get antsy on this one again, because you've done some work on it and then just stopped, and so you're going to need to decide how you want to handle that,

and then the issue of taking up more allocation discussions, when you want to do that, and so however you want to handle that.

MS. MCCAWLEY: I don't see aquaculture, and I don't see the shrimp permit zones, and so the shrimp and golden crab areas.

DR. CHEUVRONT: It's way down here, the transit and allowable fishing. That's the golden crab and shrimp stuff.

MS. MCCAWLEY: Didn't we already pick a meeting -- Is there any way that we can look back to this table that we did at the last meeting, because we suggested that there were some things that we wanted to come back at this meeting, and I would love to look at that. While we're waiting for Brian, I am going to call on Monica, and so a question just came up about aquaculture and where are we on that, and something was definitely filed, and so I'm going to turn it over to Monica to talk about that.

MS. SMIT-BRUNELLO: You recall there is a Gulf Aquaculture FMP, and there was litigation over whether aquaculture could be regulated under the Magnuson Act, so to speak, and so that case was filed, I believe, in the Eastern District of Louisiana, and there was a ruling, and I think it was maybe late last fall, and I don't have it at my fingertips, but there was a ruling by the district court that indeed aquaculture could not be regulated under the Magnuson Act.

June 6 or so, the Department of Justice, on behalf of the defendants, the Fisheries Service, all those sorts of folks, filed an appeal in the 5<sup>th</sup> Circuit Court of Appeal that I believe I sent the brief to Kelly and Gregg, and I think they sent it out to you all.

MS. MCCAWLEY: Can you just pause on that discussion, because the webinar went down, and so can we just stand by for a second? Monica, sorry. Okay, Monica.

MS. SMIT-BRUNELLO: The Department of Justice, on behalf of the federal defendants, the National Marine Fisheries Service, Roy Crabtree, NOAA, everybody who was sued, filed an appeal in the 5<sup>th</sup> Circuit Court of Appeal to appeal the district court ruling, and so the brief was filed, the opening brief, our first argument, and there will be a series of -- I believe that was sent around to you all, and there will be a series of other arguments filed by each side, going through the summer, I am thinking, and hopefully we would get some kind of decision on that perhaps in 2020. I am sure the court -- It's a very large record to review, and I'm not sure that the appellate record is all that large, but, at any rate, the court needs time to look at it, and so we may hear about that this next coming year.

MS. MCCAWLEY: Great. Thanks, Monica.

MR. BREWER: Monica, this might be a better question for Dave Whaley, but it seems that it could also be fixed legislatively, and is there any move afoot in Congress, that you know of, to do that?

MS. SMIT-BRUNELLO: Well, I would defer to Gregg on that, and Dave Whaley, like you said, and I think there were some aquaculture bills being batted about in Congress, but I am not sure where the status of any of those are right now. You're right that Congress could come along and

say it's better suited under another law that they make, but I really can't give you any update on that, but I will look through some things, and see, by Full Council, if I can get to be any more specific for you.

MR. BREWER: Thank you.

MS. MCCAWLEY: Thanks, Monica. All right. We're back up to the Executive Finance Committee from the last council meeting and then the Full Council, and this is, I guess, what we voted on last time, and I'm going to turn it over to you to talk about some of the things that we thought that we were going to bring back to September, and then we'll go back to our survey.

DR. CHEUVRONT: What you said you wanted to bring back in September was Regulatory Amendment 29, because your plan was, and I think you're still on track to finish that amendment for best practices and powerheads, and you had said that you wanted to have recreational permits and reporting in Snapper Grouper Amendment 46 in September, the regulatory AMs amendment in September, the ABC control rule in September, commercial electronic logbooks, the wreckfish ITQ review, the coral/shrimp/golden crab amendment with the golden crab allowable areas and the Oculina extension and transit and all that that we talked about briefly. You wanted an update on bycatch reporting, and you wanted to discuss the SMZ amendment.

MS. MCCAWLEY: Remind me of the SMZ amendment again.

DR. CHEUVRONT: I think that's the request from North and South Carolina to establish some SMZs, and is that correct, Steve? Yes.

MS. MCCAWLEY: Okay. I've got it now. Okay.

MR. HAYMANS: What the Mackerel Committee just added, with regard to that white paper, is fairly significant, in my way of thinking, and we were talking about bringing it back in September, but, just being cautious of Christina's time, that may need to get pushed to December, seeing how much we've got there in September. I just wanted to bring that up.

MS. MCCAWLEY: I guess, also, we should go to the new list and start -- I mean, I made a list of all of the things that we said that we wanted to come back, and, based on all the new stuff, the statutory deadlines and everything else, maybe we go to the survey and start populating September and December from our survey.

I am going to throw some out there. I think that wreckfish needs to come back. I am going to pose some questions for the committee and the council. The red snapper season, if we want to get something done by 2020. To me, yellowtail does not need to come back. The council already made a decision that it's not coming back until after the stock assessment, and so I'm not worried about that one.

Dolphin wahoo, in order to get finished by 2021, I believe that it had to come back to September, and so I'm just throwing out some things that we've talked about here, and we talked about how that dolphin wahoo was probably going to take an entire day to get through that. Also, in September, we have to conduct the interviews for the new Executive Director, and we have a

parliamentary course on the first day of the council meeting, for the morning of Monday, and so think about that, and can people offer some suggestions of what they would like to see come back?

MR. POLAND: I am just going to kind of throw out the things that I think that absolutely have to come back in September, or that we can go ahead and probably potentially knock out, and so Regulatory Amendment 29. I mean, can't we finish that up in September?

MS. MCCAWLEY: I can barely hear you, and I'm sorry. I heard best fishing practices.

MR. POLAND: Yes, best fishing practices, and you already said Dolphin Wahoo 10. Bullet and frigate mackerel, as much as I would like to see that, does staff think they have enough time to get us an options paper back, or can we just get an update during the Dolphin Wahoo Committee on that?

DR. CHEUVRONT: That would probably be part of the dolphin wahoo day.

MR. POLAND: If we scroll down a little, personally, I would like Regulatory Amendment 34, the SMZ one, to come back, if at all possible. I mean, I recognize that we've got a lot going on in September, but if we can squeeze it in there, and I don't know how much discussion and work that will take at the committee level. That's all I've got right now.

MS. MCCAWLEY: Brian, I think you need to go right there and put an X there.

MR. WOODWARD: I just have a question about DW 10, and we're waiting on a resolution of the SSC concerns about the MRIP recalibrations. Are we going to have -- I don't see us having anything new by September, and so that's going to stall us from doing anything with several of those action items, and not that we shouldn't deal with part of DW 10, but we just need to go into it knowing that we're not going to -- We're going to have those same roadblocks that we have at this meeting.

MS. MCCAWLEY: While John Hadley is coming to the table, go ahead, Steve.

MR. POLAND: That's a good point, and the MRIP workshop is in August, and then the SSC is not going to meet again until the second week of October, and so we might not have anything to work on, but there are other actions in Dolphin Wahoo 10.

MR. HADLEY: As part of 10, I don't think we could really do much on Actions 1 through 8, and so those would probably be excluded from the discussion, just because they are the ones that tie into the new catch level recommendations. We could work on the remaining actions in Amendment 10 and also come back to you with revised goals and objectives, and that would also include recommendations from the Dolphin Wahoo Advisory Panel.

MS. BECKWITH: We haven't even sent this out to scoping yet, because we haven't kind of solidified the actions, because we keep adding and changing stuff, and so I think, if we can solidify the actions at some level, we should be able to look at it in the next meeting and then send it out to scoping.

MS. MCCAWLEY: I am wondering if, Brian, we need to clarify that Row 7 -- When we say, “dolphin wahoo actions”, we also mean the goals and objectives. That’s good enough.

MR. CONKLIN: We’re definitely bringing Regulatory Amendment 30 back, and we have to, and is that right, Brian, the yellow one?

DR. CHEUVRONT: Well, that may be taken care of tomorrow.

MR. CONKLIN: I understand. Then I had a question about the king mackerel trip limit in Season 2, and is that something that needs to come back, or is that something we just took care of with this emergency action?

DR. CHEUVRONT: You didn’t take care of it for the long-term, and remember that you’ve got a year to get -- If your emergency action goes through, you get six months, and it can be renewed for another six months, but, if you don’t have permanent actions in place, it reverts back to what it was before. I was going to recommend that, if you are moving ahead on this emergency action, it’s probably a good idea to work on Framework 8 as well.

MS. MCCAWLEY: Okay.

MR. CONKLIN: To that point, when we convene the Mackerel Committee, do we need to look at more of this Spanish mackerel white paper that’s supposed to be coming, or should we wait until December? Also, Item Number 3 is something that we have been begged to start for a while, and people are starting to beat the drum pretty loud, and so I think we need to begin that.

MS. MCCAWLEY: I am going to just kind of make a little list here of some of these things that we’re talking about as we’re going through here, because I don’t want to overload the agenda.

MR. BREWER: Just a clarification. Brian had said that maybe bullet and frigate mackerel would be part of quote, dolphin day, but, if we’re not going to have dolphin day in September, or we’re going to have a shortened dolphin day, would we still be bringing bullet and frigate mackerel in September?

DR. CHEUVRONT: Yes, and I think one thing I would like -- Christina, if you’re doing that white paper on Spanish mackerel, you would be able to also bring back the CMP Framework 8? So she’ll be able to do both of those, if you want, if you consider the two of those things priorities.

MS. MCCAWLEY: Okay.

DR. MCGOVERN: For CMP 8, would the intent be to go final in September? I am thinking of the timing of the emergency rule, and I don’t think it’s a big amendment.

DR. CHEUVRONT: Which one were you referring to, Jack? I’m sorry, but I didn’t hear you clearly.

DR. MCGOVERN: CMP 8, and would the intent be to go final in September on that?



DR. CHEUVRONT: No, and I think there's still has to be some work that has to be done on CMP 8. Christina, why don't you come up to the table?

MS. WIEGAND: The timeline that I had in the document did have us going final in September, but that was just the fastest the amendment could possibly roll, and, now that you guys are presumably going to approve this emergency action tomorrow, it does not need to move that fast. It just needs to move fast enough to be in place by October of 2020, and so it doesn't have to run quite so fast, and we could bring you back analysis. Based on the discussion you guys were having, it seems like you might want the Mackerel Cobia AP to weigh-in on this in a bit more detail, once staff has done some analysis, and so it does not need to go final in September, and it's a smaller amendment, and so it's not a huge staff burden.

MS. MCCAWLEY: Can you scroll down so I can see some of the ones down a little bit lower? Let me read off the list of some of the ones that we had checked last time, and so we had best fishing practices, which we've checked for this time, and we had the recreational permit, and we had recreational AMs, and we had the ABC control rule. We had logbooks, wreckfish ITQ, and we had the coral/shrimp/golden crab area, a bycatch reporting update, the SMZ amendment, which we've added that one, and so I am concerned about all of recreational permit, recreational AMs, ABC control rule, logbook, and bycatch reporting. I think that that's too much, and so I think that, if we're going to pick some of that, it needs to be a subset of that.

Me personally, I would love to see what you're calling transit and allowable fishing, which is the golden crab/shrimp, and I would like to see that come back, and we've been waiting for over a year to see that come back, and so I would like to see that added to the list.

MR. CONKLIN: The commercial electronic reporting doesn't require any of our staff, does it? Isn't it all coming out of Headquarters?

DR. CHEUVRONT: John, you are the lead on commercial electronic reporting, correct?

MR. CARMICHAEL: Yes, I think I am.

DR. CHEUVRONT: I think you are, too.

MR. CARMICHAEL: My understanding is that it will take some action to make the reporting that happens now electronic, and so it will require an amendment, but we need to hear, I suppose at some point, from the agency of just what kind of actions are required to make that electronic, and then, when you got into that headboat reporting and the charter boat, you got into things like changing some of the aspects of the reporting, and so, if you didn't do those things, then hopefully it would be pretty straightforward to do it, but still my understanding is that we are talking an amendment.

MS. MCCAWLEY: What about blueline tilefish ACL? Why wouldn't we want that to come back? We had the timetable listed, and it was coming to September, and then finalized at December, and so that's the blueline tile ACL increase, and I don't know why we wouldn't want to keep that moving.

DR. CHEUVRONT: Yes, that's probably good.

MS. MCCAWLEY: Okay. Let's talk about the red snapper season. Do we want to keep that moving? We're asking staff to do some webinars, and are we wanting to do this? That will keep us track to possibly have this in place for the 2020 season, and are we wanting to bring that back? Doug is shaking his head.

MR. BELL: If you've kind of set up the expectation that that's what we were trying to do, we might want to make sure that we can do it, if that's the expectation.

DR. CHEUVRONT: I did, and then we had talked about doing the CMP Spanish white paper as well, but, you know, to be honest with you, Madam Chair, this is getting pretty full, especially with so much dolphin wahoo, and we still need to discuss the allocation policy and whether you want to have time to discuss that.

MS. MCCAWLEY: Can we re-look at this when we get to Full Council? Maybe we can put Executive Finance after the Committee of the Whole and figure out if we want to add the allocation policy to this. I agree with you that I'm concerned about adding anything else here.

MR. BELL: Don't forget, and you mentioned it, and we've got training, and we've got the ED stuff.

MS. MCCAWLEY: Yes, and I'm afraid to keep adding things. I mean, I felt like this week was jam-packed, and we thought we were doing really good and we were ahead of schedule, but I think we had under-budgeted time for dolphin wahoo, even though we kept that moving, and we just didn't really have enough time for it, even though we got ahead of schedule, and so, yes, I'm concerned. If we start having robust discussions on items, which is good, then sometimes we start getting behind, and we can't get to everything, and so this might be about it. Brian, do you mind scrolling back to the top, and we'll call out where we are right now, and do you want me to read it?

DR. CHEUVRONT: That would be good.

MS. MCCAWLEY: Okay. For September, we have the best fishing practices, we have the blueline tilefish ACL, we have the king mackerel trip limits in Season 2, and this is the framework action, and we have dolphin wahoo actions, and so this is part of Amendment 10 that we can work on as well as revising the goals and objectives, and we have the red snapper season, we have the bullet and frigate ecosystem, and we also have the North Carolina/South Carolina SMZs, the Spanish mackerel white paper, the wreckfish ITQ, and then the transit and allowable fishing, which is the coral/shrimp/golden crab amendment, and so that's quite a lot.

This might be about all we can do, and I don't know if we really need to start checking boxes in December, unless people are really convinced that we need to start planning for December and making -- I see heads shaking in the no. Sometimes it helps staff that are working on some of these things to know our intent, that we intend to bring something back two meetings from now, and so I think that, if there's some items that you really wanted to come in September, but we can't really get it in, and so you definitely want to see it in December, then if you could raise your hand now, and we'll get it on the list for December.

MR. POLAND: I say, for September, definitely the recreational AMs amendment. For December. Sorry. The recreational AMs for December, I guess the ABC control rule, and we probably need to keep moving forward on that. That's all I've got right now.

MS. MCCAWLEY: Okay.

MR. WOODWARD: We keep hearing a lot about something other than what we're doing on recreational accountability, and so, to me, we've got to get back on this recreational permits thing. I mean, I would like to see that in December.

MS. MCCAWLEY: Okay.

DR. CHEUVRONT: Madam Chair, you had, earlier in the week, said that you would like to be able to try to finish up the blueline tilefish in December, and, since that's a framework, an abbreviated framework, there's probably a pretty good chance that you could get that done in December, too.

MS. MCCAWLEY: Okay. Let's mark it. What else?

MR. DEVICTOR: Do you need to see Framework 8 in December?

MS. MCCAWLEY: Got it. Thanks. What else?

MR. BELL: What about the commercial electronic?

MS. MCCAWLEY: Number 11, commercial electronic reporting. Okay. Anything else?

DR. CHEUVRONT: You probably won't finish the red snapper seasons, and, if you're looking to try to shoot for 2020 --

MS. MCCAWLEY: Yes, we definitely need to mark red snapper.

MR. HAYMANS: Rick, why did you just move 8 to December? I mean, we're going to try to finish it in September, right?

MS. MCCAWLEY: No.

MR. HAYMANS: No?

MS. MCCAWLEY: I don't think it can be finished in September.

MR. HAYMANS: Okay.

MS. MCCAWLEY: Anything else that we want to -- Tailing. Got it. What else?

MR. POLAND: North Carolina's request for SMZs, in our letter, we requested that we have in-person public hearings, and we'll be in North Carolina in December, and so maybe bring that back also in December.

MS. MCCAWLEY: That's Number 13, Regulatory 34, and that's the one you're talking about? Okay. Is that okay, Mel? Okay. Now we're getting full in December. I'm afraid to keep adding, and so are we good for September and December? Okay. Brian, is this --

DR. CHEUVRONT: This works for me, and then we'll get into the Executive Finance Report.

MS. MCCAWLEY: Okay. All right. We're going to try to go until 5:30, and we are a little bit behind.

MR. HAYMANS: Are we still in Executive Finance?

MS. MCCAWLEY: We are still in Executive Finance.

MR. HAYMANS: Okay. Before you end it, I wanted to throw out an in-person AP for Mackerel and just to put it on the record. Since we didn't have an in-person in April, we're going to have it in October-ish, and so an in-person, and the expenses were already budgeted for it.

MS. MCCAWLEY: I guess my -- In other words, we would have another meeting, another look at the amendments, in September, but then the AP wouldn't meet again until October, and they would meet in-person?

MR. HAYMANS: Yes, and so I think, in my opinion, I think the main thing that's going to happen is we, the council, will see this white paper and kind of make -- Not make some decisions, but give some input to it, and then the AP would weigh-into that in October, and then we might see it again in December or March.

MS. MCCAWLEY: Okay. I don't know how to capture that, and I would look to Gregg or somebody, but, yes, I feel like we need to capture that, because it wasn't part of the budget, and so we're talking about having an in-person AP meeting.

MR. HAYMANS: The April was for an in-person, and we didn't have that. We did a webinar, and so that same money should be there.

MS. MCCAWLEY: Okay. Got it. Wonderful. Thank you for that clarification.

MR. CONKLIN: Thanks for bringing that up, Doug. That's why I asked Ira earlier about the hands-up and down, and I meant to get to the point that I sure would like to see those guys, especially for important stuff like that, have face-to-face meetings, and so thank you.

MS. MCCAWLEY: All right. Any other business for Executive Finance? All right. Then we're going to conclude Executive Finance.

(Whereupon, the meeting adjourned on June 13, 2019.)

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

Transcribed By:  
Amanda Thomas  
July 22, 2019

Day 1

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