

OUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

EXECUTIVE FINANCE COMMITTEE

Hutchinson Island Marriott
Stuart, FL

June 13, 2013

SUMMARY MINUTES

Executive Finance Committee:

David Cupka, Chair
Dr. Michelle Duval
Charlie Phillips

Ben Hartig, Vice-Chair
Martha Bademan

Council Members:

Steve Amick
Dr. Roy Crabtree
Doug Haymans
Anna Beckwith
Dr. Wilson Laney

Mel Bell
LCDR Scot Gibson
John Jolley
Tom Burgess
Tom Swatzel

Council Staff:

Bob Mahood
Mike Collins
Dr. Kari MacLauchlin
Kim Iverson
Julie O'Dell
Anna Martin
Myra Brouwer

Gregg Waugh
John Carmichael
Amber Von Harten
Dr. Mike Errigo
Roger Pugliese
Dr. Brian Chevront

Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Lt. Morgan Fowler
Otha Easley

Dr. Jack McGovern
John Sanchez
Jennifer Lee

Additional Observers Attached

The Executive Finance Committee of the South Atlantic Fishery Management Council convened in the Plantation Room of the Hutchinson Island Marriott, June 13, 2013, and was called to order at 1:15 o'clock p.m. by Chairman David Cupka.

MR. CUPKA: Okay, I want to call the Executive Finance Committee Meeting to order. First on our agenda is approval of the agenda. Are there any additions to the agenda? I have one item I want to include under other business. That is the assessment peer review process. Seeing no other changes; our agenda is approved.

The order of business will be the approval of the March 2013 Executive Finance Committee Meeting Minutes. Are there any changes or corrections or additions to the minutes? Seeing none; then those are approved. That brings us down to the status of council funding for this calendar year, and I am going to ask Bob to go over that with us.

MR. MAHOOD: Attachment 1 is a presentation that Gary Reisner made to the chairmen, vice-chairmen and executive directors at the last CCC meeting. I put the whole thing in there instead of just the table pertaining to the council just to maybe give you some overview of what NOAA is looking at in their budgeting.

If you look at Page 8 of the PowerPoint, it basically shows you what we are – well, it actually shows you what every council is supposed to get, but it shows you specifically what we are supposed to get this year and it compares it to what we got last year. If you look under the South Atlantic, which is about in the middle, you will see the Regional Council PPA.

That is the line item that congress actually puts in for the councils. The other items where you see funding under; those are NMFS line items that they share funds with the councils out of those programs. Then if you put your finger down to the bottom there or look down to the bottom, you will see the shaded area. It says FY-13 Total.

That is what we're proposed to get in FY-13. Below that is a comparison of what we got last year, so you see there is a reduction. The reduction on this table, anyway, is about 10 percent, but this table is based on their spend plan that had to be approved through congress. We still haven't got a final number.

Although we did get another infusion of money the other day; we think it is still going to be about a 10 percent reduction. If you look across the lines, you will see some of the categories where we get money. I think every category, as I recall, was reduced about 10 percent. If you look at the categories towards the bottom, council peer review and expand annual stock assessments, those NMFS line items are where our SEDAR funding comes out of.

Although it shows a reduction in SEDAR funding; I understand we may be able to be a level funded for SEDAR, hopefully, anyway. That is kind of an overview of not only what we get but what some of the other councils get. For the new members, where I've never really talked about this, the way the councils have worked out who will get what of the NMFS budget or a percentage, about ten year or twelve years ago – when I first came on as executive director and

went to my first meeting talking about budgets; it was like blood-letting between the councils to decide who would get what.

What we did is over time we came up with a formula of whatever was appropriated for the councils, each council would get an agreed-upon percent. Our percent is 10.75 of whatever; so that way if the budget goes up, we get an 10.75 percent increase. If the budget goes down; we get decreased. Some of the councils that have more members have more meetings and what have you get a higher percentage than we do. Anyway, this is how all this is arrived at; and with that, Mr. Chairman, it shows what we're looking at this point in time as far as our budget.

MR. CUPKA: Are there any questions for Bob on our current year budget? John.

MR. JOLLEY: Where is Alaska?

MR. MAHOOD: They're the North Pacific. The North Pacific Council is made up of Alaska, Oregon and Washington. There is an overlap because the Pacific Council is California, Oregon and Washington.

MR. HAYMANS: We still have enough to cover most of that shortfall, right, from the past?

MR. MAHOOD: Right; I am going to go into that in the next item.

MR. CUPKA: Okay, let's go into the next item, Bob, whenever you're ready.

MR. MAHOOD: That is Attachment 2. That is the status of our current spending. If you will look at the first column where it says "FY-13 Budget in Dollars", you go down to the bottom; our budget for this year, based on the amount of activity that was proposed starting back on January 1st, it was just a tad over \$4 million.

We anticipate funding, as shown on the previous table, of \$3,170,000, which basically leaves us a shortfall, obviously; and to make up that shortfall, we had a carryover from 2012 of a little over a million dollars. We have this year about \$4.2 million available, which gives us a little bit of a surplus of about \$160,000, which we would anticipate carrying forward next year.

Also, if you go all the way over to the right-hand column where it says "CY-2013 Balance," you will see that at this point in our expenditures for the year we're looking at \$64,000 plus. If you add that together, right now we're looking at about \$224,000 to carry into next year. Obviously, if we get funded at the \$3.1 million again next year, it would be tight.

We're hoping in the President's 2014 Budget the councils are funded at a higher level. Now, obviously, we don't know whose budget or what budget or anything is going to be approved for 2014, but at least in the President's Budget we're in better shape next year in the councils overall. I'm not going to go into specifics. If anybody has got any specific questions, I'll be glad to answer them.

MR. CUPKA: Are there any questions for Bob on current year budget? Ben.

MR. HARTIG: Regardless, we're going to be carrying over significantly less money next year, and it is all going to hinge on what the budget is for the council for the next year.

MR. MAHOOD: Right; and what will happen is when we do find out or get a good feel for what the budget is going to be next year, if we see it is going to be painful, we will put in some stronger austerity measures to try to carry more money over. Remember, a lot of our activities are funded at a hundred percent participation.

Obviously, we don't have a hundred percent participation of every advisory panel or every group that meets, this type of thing. I think in talking with Mike – and Mike is the one that keeps track of all this, and he feels like we will be in pretty good shape through next year, which is the end of our five-year grant period for this last five-year grant. After that, it is kind of like up in the air. We're not sure where we'll be.

MR. HAYMANS: Bob, you said the President's Budget for '14 looks okay; so at least for the allocation to the states, hopefully, depending on what congress does, we will be somewhere in the same neighborhood?

MR. MAHOOD: Well, right now we're looking at that. I think we have a good relationship and those cooperative technical grants have worked very well. Hopefully that will continue.

MR. HAYMANS: I think I see more web meetings in our future.

MR. CUPKA: Are there other questions for Bob? Seeing none; then we will go to our next agenda item, which is an update on the Joint Committee on South Florida Management Issues Activities. Actually, there are three attachments on this. Two of them deal with Goliath grouper, which really is kind of a separate issue, but we anticipate a lot of comments when they start having the public meetings on South Florida Management Issues.

Let me just briefly mention the Goliath grouper situation. As you know, Goliath grouper have been under a moratorium for quite a while, but there were some indications that maybe the population is rebuilding. The Gulf Council is getting some inquiries from people about is there any possibility that it could open back up, and they were complaining that Goliath grouper were eating all the lobsters and whatnot and everything.

The Gulf Council took the lead on this, but they involved us since obviously we have Goliath grouper in our area. They formed a steering committee, and Gregg Waugh and I serve on that steering committee. Of course, one of the first things we wanted to do was find out if it is even possible to do an assessment on Goliath grouper.

The second part was to find out what public opinion was in regard to Goliath grouper and whether or not they should be harvested or what the benefits were and things like that. The steering committee asked that we have a couple of workshops. One was a science workshop which involved all the scientists who have been working on Goliath grouper and we pulled those people together to see what we could update in terms of what is known about Goliath grouper and whether there are ways to obviously do an assessment and whatnot.

Then the public aspect, the Gulf contracted with somebody I guess from one of the universities in Florida to get public input. Both of those workshops have been held and you have their preliminary results, although I think Bob said we just got the final workshop reports from both workshops here just within the last 20 minutes from the Gulf Council.

I think the bottom line in terms of science is that there are some non-lethal ways to get information on these Goliath grouper, including materials to age them. Even though the methodology is there, really nobody has done a lot of work to age those things. Anyway, that is kind of where we are in the thing.

I guess the Gulf Council will be talking about it at their next meeting. I think Bob has set aside some time in our September agenda to go over this and possibly have a presentation from some of the people that the Gulf Council has used to hold these workshops. That is kind of where we are I think with Goliath group, but I will ask Bob if he wants to add anything to that.

MR. MAHOOD: No, I think you covered it. The other item is our council is covering and working with the state of Florida on the South Florida Issues. We had our first webinar, which went very poorly, but we did muddle through it. I guess the main result of that was the state of Florida volunteered to set up a series of workshops to get the public's input before we took any further action on what they would like to see done relative to the interaction between the state of Florida, the Gulf Council and the South Atlantic Council in southern Florida.

Our chairman named our executive committee members to be our side of the workgroup, and Doug Boyd named five folks from the Gulf Council to be from their side. Martha is actually included. Martha does dual duty here. She is actually on the Gulf side of the South Florida Issues' Group. Jessica is on our side of the – but then I guess if Martha is there and Jessica is not, Martha does both of them.

Anyway, it is set up and under Attachment 3 it has a list of all of the workshops that have been set up. We expect to have some pretty good input at those workshops. We then, as Chairman Cupka said, at our September meeting we will more time to go over the results of the workshops as well as the Goliath grouper material. I think at that point we will try to make some decisions of what the next steps will be. In the interim, too, the Gulf Council will have met and talked about the Goliath grouper material, and they will pass their recommendations on to us. That is all I have on that, Mr. Chairman.

MR. CUPKA: Are there any questions regarding South Florida? We will be hearing a lot more about this in the future. Seeing none; then we will move on to our next agenda item, which to address the council followup on priorities. I assume Gregg is going to cover this and walk us through it. There was an e-mail that went out with an Excel that lists all of our activities.

MR. MAHOOD: One of the things we decided several meetings ago that we would kind of get official council blessing on the followup and what has been laid out for our next level of activities between our staff and the Southeast Regional Office staff and Southeast Fisheries Science Center staff. It is all pretty well laid out in the followup. That way everybody knows what everybody is doing. Also, I think the other thing that has been very interesting about this;

as some of you may recall, we actually tried at one point in time to have an official agreement which has the signatures of the council chairman, the regional administrator from NMFS and the NOAA General Counsel.

That official document never really went anywhere because NOAA General Counsel was unable, for whatever reason, to sign on to an agreement like that. We then set more of an informal agreement with our staff, and Jack has been the main mover down in the regional office to have our own regional operating agreement.

We call it "The Followup". Lo and behold, we have been given kudos by a number of people and now there is a big push for everybody to have a regional operating agreement as the council and the region have developed it. I think you have it for the Gulf Council, also. No, okay, Jack is shaking his head no.

Everybody is kind of coming to us and wanting us to send them copies of what we do. I was actually appointed to serve on and I guess head up a group to look at how all the councils can come in line with this regional operating agreement process. It has been very interesting. With that, I am going to turn it over to Gregg. Gregg is the mover from our side and Jack is the mover from the regional side, and they do a good job of bringing it all together.

MR. WAUGH: This is what our staff and the regional staff use. The process is after the meeting, next week we will get together and go through all of our details. I will walk you through just a couple of parts of this to help orient you. This is very much a cooperative effort amongst all of our staff and the regional staff.

We update this after every meeting, so this one you have now is from the March meeting. You can follow through the table of contents to give you a good overview of what is in here. This has all the specific details for any particular amendment. You can see where we are in the process, and we keep it updated on who is responsible for which particular amendment.

Then you get towards the end and we have a section for the Scientific and Statistical Committee; our public hearings and scoping, which we will touch on that in a minute; and you have got your future council meetings, date and locations. After each council meeting, we update these specific items. This is where the timing and task motions fold into.

Then we have our council meetings. Generally we have the more detailed June Council meeting here, but we have also got in here a pretty detailed September agenda and then just a couple of items for December, which I will touch on. Then the last section is an abbreviated priorities and timing. This only has some of the major milestones, but this does reflect the priority that you gave us.

The one that was sent around to you electronically has been updated in the section and tracks now your priorities. Before we get to the spreadsheet at the end, I wanted to touch on a couple of items. On Page 67 is where we have got our hearings, because that is the next sort of big item coming up. We have got our public hearings, and these have been set now. Assuming you approve the six amendments that we have got up, we will be taking six amendments out for

public hearings. The one in Florida on August 6th, the lobster season opens on August 6th, so the Key Largo one, we scheduled that on August 8th.

Then I just would like for you who have said before that you're going to attend and/or chair – this is shown on the bottom of Page 68 – let me know today or tomorrow if you do plan on attending so that we can finalize that attendance. Then you can look ahead to see where our council meeting dates and locations are not just for the rest of this year but also 2014.

As I said, the September meeting is pretty much detailed. We updated that and that is on Page 81; but also you might want to take a look at the September – I sorry, the September one starts on Page 81, so this is what we as staff have roughed out based on what items you have us working on, so you may want to take a look at that, particularly committee chairs, and make sure we have got everything there.

One item I wanted to touch for December – and we're starting to try to show a couple of meetings ahead what we have got coming up. We know that we are getting some SEDAR assessment updates. The SSC will be reviewing them. Assuming that our framework that is contained in Snapper Grouper Amendment 27 is approved by that time; then we would be discussing the ACL values with the exception of gray triggerfish.

As we discussed earlier, gray triggerfish will fall over into next year. We would be doing this under a modified framework; and so what you see is a document that has social, economic and biological analyses using your existing formulas for calculating ACL; so it will have a no action alternative, which is the formula based on the existing stock assessment information; and what you're proposing to do, applying your existing formulas with the new assessment information.

The process under the framework is that we will send a letter to the regional administrator advising him of the council's action, and then we will have this document with the analysis attached, but it will only have the no action and then what we're proposing. If you choose to modify your formula similar to what we did for black sea bass, then that would be done a regulatory amendment.

Then the final section in the written part of the document, before the spreadsheet, is your priorities. The version that was e-mailed out to you now is in priority order. What we will do is jump to the spreadsheet that was sent around, and I've got this projected up here as well. What I did in this spreadsheet is insert a column that has the council's priorities.

I have tried to address the changes that we have made so far. This is the document that we would like to go over and get your approval on. If we work in terms of priorities, the number one item was Regulatory Amendment 19, and that has been done and submitted. Item 2 is Regulatory Amendment 14; you have taken action here and that is scheduled to be approved for public hearing.

Three is the Joint South Atlantic Amendment for Logbooks; we will talk about that this afternoon in data collection. I'm not going to go through all of these. I wanted to touch on the changes and you can see which ones have been completed. The ones where we just need to

reaffirm your guidance is Item five, which was Regulatory Amendment 16 dealing with golden tilefish.

We're not going forward with the golden tilefish, so we discussed using that Regulatory Amendment 16 to craft a regulatory amendment that would propose to remove the black sea bass closure. In terms of timing, we would bring an options paper to you at the September meeting, assuming that Regulatory Amendment 19 that establishes the closure has been put in place. If it hasn't, then it will flip over to December.

If it gets done soon enough, then we may have a draft amendment that you can look at during the September meeting. We will pick up with Regulatory Amendment 17 on MPAs. The next change was to Amendment 29 that previously had allocations and the ORCS revisions, and you split out the allocations to a separate generic amendment.

The ORCS provisions to the control rule is what Amendment 29 would become. Then we discussed that dolphin wahoo – we have ORCS values for dolphin wahoo, and so we would address dolphin wahoo here, so that would be a joint amendment, Snapper Grouper Amendment 29 and Dolphin Wahoo Amendment 6 or 7, whatever it is.

There is some interest in perhaps addressing the issue of bringing in dolphin and wahoo from the Bahamas. Our suggestion would be to add it to this amendment to the Dolphin Wahoo Plan and not to the one that is currently being prepared to go out to public hearing. We have stopped development of Amendment 30, so we have got that X'd out.

At the September meeting we will get a report from NOAA GC on how we're meeting our bycatch reporting and then you will give us further guidance on how to proceed with CE-BA 3 that dealt with bycatch reporting. Coral Amendment 8 is scheduled to go out to public hearing. The Joint Mackerel Amendments are scheduled to go out to public hearing.

As I said, we will be talking about the Commercial Logbook Amendment during the Data Committee. The Gulf Regulatory Amendment; this basically implements headboat reporting in the Gulf. It amends their Coastal Migratory Pelagics FMP, so we have to approve that and we will be approving that here today.

The Generic Amendment to reexamine sector allocations, you have indicated that you want that developed; so in terms of timing that would be approved for scoping at our December meeting and then go out to scoping in January and February. I would open it up for any questions that you might have about these priorities. This basically allows us to focus on finishing the six amendments that you will have us take out to public hearing here and try to wrap those up in September. If any of them do slide over one meeting, then we will finish them up in December.

MR. CUPKA: Thank you, Gregg; that was an excellent presentation. There is a lot of information there, and I have pointed out before that it is really important for the committee chairmen to especially look at this and make sure that everything is included in there and that you're in agreement with what is going on. Are there any questions for Gregg? Doug.

MR. HAYMANS: Gregg, do we need a motion or anything to make sure that the Bahamian Issue is included in 29 or is that enough staff directly already given.

MR. WAUGH: I think if that is the consensus; I think that is good enough. We have just basically gotten guidance, and it wasn't done via motion, I don't believe, to deal with it in ORCS. If that is the wish, then we will add that. For dolphin wahoo, we will add that issue of how we deal with the fish coming back from the Bahamas.

MR. CUPKA: Is there any objection to that approach? If not; then we will proceed that way, Gregg. Are there other questions for Gregg? All right, seeing none, then we will move ahead to our next item. Let's have a motion to approve that followup on the priority table.

DR. DUVAL: Mr. Chairman, I move that we approve the followup and revised priority table.

MR. CUPKA: Okay, I have a motion; is there a second. Seconded by Doug. Discussion on the motion? Is there any objection? Seeing none; then that motion is approved. Doug.

MR. HAYMANS: Just one quick thing; Gregg, when we come back in September, I guess maybe you could drop the "dones" off. I don't know how often we were going to look at priorities again, but just a cleaned-up version.

MR. WAUGH: That is a good point because this document right now tracks – and some people have said, "Well, why is this document so big and can we drop a lot of stuff?" We tend to keep the history of a particular amendment until it is completed. But, yes, we can bring back – because what we will need to start thinking about is in September we will have a better idea of how many of those six amendments we're finalizing and then start working on what we're going to do in 2014. You have already identified several items, but, yes, we can remove all the "done" items and then perhaps that is the time to start looking at priorities for 2014.

MR. CUPKA: All right, are there any other questions for Gregg? Seeing none; then we will move on to our next agenda item, which is to address the Florida Tarpon Issue that you will find in Attachment 5 in your briefing book. At our last meeting I had literally got an e-mail from Jessica one minute after I adjourned the meeting that addressed the issue of tarpon.

The Florida Fish and Wildlife Conservation Commission is considering extending management of tarpon into federal waters if the council doesn't have any plans to do so. As you know, there is a provision in the Magnuson Act that if there is not a federal management plan in place or any regulations, then the state can extend their ability to manage those fisheries out into federal waters.

That is what the Florida Fish and Wildlife Commission would like to do in regard to tarpon. The timing of this was kind of unusual. Like I say, we weren't able to move on it at the last meeting, and I guess it was already on the agenda for the Fish and Wildlife Commission Meeting, which happened here recently. If you wish, Martha, you can bring us up to date on what happened at that meeting.

MS. BADEMAN: Yes, our commission met yesterday to discuss marine issues. One of those was tarpon. Our commission did approve extending our rules out into federal waters off of Florida if the councils are also okay with that. They made tarpon a catch-and-release-only species. It kind of already was because of the tagging program, but it is even more so now and now it is official. They made a couple of other changes, but that is the broad picture of what happened. Assuming the council gives us the okay; all the changes would take effect on September 1st.

MR. CUPKA: Thank you, Martha. What I'd like to do is we need to have some discussion on what the council wishes to do in regard to this issue, and then we will send a letter back to the Florida Fish and Wildlife Commission informing them of any decision we make today. With that, I will open up the floor for discussion on where you want to go with this issue.

Are there any comments? I'm assuming that we don't intend to get involved in tarpon management. It is primarily a state waters fishery; but at the time, like I say, I couldn't respond. It has got to be a council decision and a council response. I will leave it up to you as whether or not you want to proceed with that or how you want to proceed. I would suggest that we write them back and say that we don't have any intention of managing tarpon in federal waters, but that is just a suggestion. Wilson.

DR. LANEY: Mr. Chairman, I just had a question of Martha; and that is I know we get – and Anna can speak more to this than I can, but I know we get tarpon in Pamlico Sound during the summertime. I was wondering is there any indication that the tarpon off Florida do migrate to North Carolina, back and forth.

So they do; so I was wondering if it would be desirable at some point to suggest to the other states that they might want to put similar catch/release-only regulations in place. I don't whether that is – I guess it is beyond the jurisdiction of the council; but certainly if they're interjurisdictional or migratory like that, that would seem to be a good idea.

MR. CUPKA: Did you want to respond to that, Martha?

MS. BADEMAN: I know they do migrate; where exactly they go I'm not certain if they're going all the way up to North Carolina. They have them in Louisiana and Texas as well. I don't know if it is one giant stock that is running all over the place. I'm not so sure that it is. I think Louisiana has regulations and I think Texas does as well, so certainly we're good with other states regulating their waters.

MR. HAYMANS: I was simply going to let Wilson know we have a 68-inch minimum size in Georgia, which basically puts it well over the state record, so it is effectively catch and release now.

MR. BELL: Our legislature just passed a 77-inch, I believe it was, fork length minimum size. We already had it established as a game fish, and there was a retention of one fish only. When you look at the data, 99 percent of the fish are released, anyway, already without that, so we're pretty tight.

DR. DUVAL: Yes, similarly, it is unlawful to sell or offer for sale tarpon in North Carolina. It is a one-fish bag, and the only allowable gear is hook and line, so I think that is pretty tight.

MR. CUPKA: All right, is anyone prepared to offer a motion in regard to this issue? Ben.

MR. HARTIG: The motion would be to send a letter to FWC stating that the council has no objections for the state to manage tarpon in federal waters; is that what you want, off of Florida?

MR. MAHOOD: Yes, I think just a generic that the council has no intent to manage tarpon, and that way every state can deal with it however they want to deal with it.

MR. CUPKA: I just think we need to respond to Florida.

MR. HARTIG: The motion is to send a letter to Florida indicating that the council has no intent to manage tarpon.

MR. CUPKA: Seconded by John Jolley. **Is there discussion on the motion? Is there any objection to the motion? Seeing none; then that motion is approved.** That brings us to our next agenda item, which is the sustainable certification motions. As I indicated earlier, the New England and the Mid-Atlantic have both passed motions in regard to this issue.

As you are aware, the Magnuson Act is up for reauthorization and both the House and Senate committees are starting to have hearings. One of the issues that New England and the Mid-Atlantic are suggesting be a part of that reauthorization process would be to authorize NMFS to develop a Sustainable Certification Program.

There was some talk about this issue at the Managing Our Nation Fisheries Conference the other week in Washington, D.C.; and as you heard from some of the public testimony we had last night and also during our Q&A Session, there is some interest in our industry people to have a program like this enacted. I think it is behind Attachment 6 you will find a copy of the motions that New England and Mid-Atlantic passed on this issue. I will open it up to comment. Bob, did you have something?

MR. MAHOOD: Yes, this has been talked about for some time, as you know, around the country. Primarily I think in Alaska is where it started. I think we even had a lady come and made a presentation to us several years ago that there are various organizations that you can pay and they put you through this certification process, and then they certify that it is a sustainable resource.

I think the industry is very much interested in having an overarching program developed through the federal government that would be kind of like USDA inspected on orange juice, which I did once in my career. I think there was a feeling that it would help promote our domestic seafood both in the country and for export.

It would be uniform in how sustainability was applied, and it would be more of a government endorsement than just the individual NGO or whatever endorsement. That is just a little

background. I think there is a move afoot to move this forward. I know two of the councils have already taken action and I think some of the other councils are also talking about taking a similar action.

MR. BELL: Mr. Chairman, just for information, we're currently working with our own State Department of Agriculture and our industry to try to figure out if we can do sort of a state certification. Already our Department of Agriculture has a South Carolina Grown Certification and they have a South Carolina Seafood sort of version of that. We're just trying to I guess sort of fine tune that a little bit, so we are interested in that at the state level, but having a higher level kind of overarching would be helpful as well. It is something of interest I think to the industry and folks.

MR. HARTIG: I thought I saw some reference to some information that came out of NMFS since the meeting talking about this; am I wrong? Bob, I thought I saw something.

MR. MAHOOD: Yes, I saw something. I don't know if Jack or Monica or anybody are familiar with what is going on, but, like I say, I think there is a move to kind of go in this direction. It certainly wouldn't hurt if our council endorsed it. I know a number of our fishermen and I know Tom brought some of it to my attention earlier on that it would be good if the council could maybe endorse the effort to do such.

MR. JOLLEY: If private enterprise is already providing this service in some way; has there been thought to any extent about how much additional good is going to occur as a result of developing another program at NOAA? I mean this is a perfect example of how government grows. It may be just in little steps and little pieces that seem to be benign, but it is a perfect example. I always think if private enterprise has already doing it and maybe they can do a better job – and I understand the idea that maybe NOAA's certification might be a little bit better. I just raise that question. It always comes to my mind.

MR. CUPKA: Well, these other councils that have passed that; I am sure they're aware of some of these other programs. Like Bob said, we even had one come by and make a presentation. There are at least two or three of them I think that I'm aware of out there charging various amounts to provide this service.

I am sure the fishermen are aware of these, too, and yet they still seem to want some sort of national certification thing and feel like it is going to help. I don't think it would have passed particularly New England if there was a concern about that. Apparently whoever is providing this service for whatever reasons – I don't know what they are, but there is still interest in having NMFS move in this direction. Bob.

MR. MAHOOD: I think it works the other way, John. We have got some groups out there that put out a lot of literature saying don't eat these fish. For whatever reason, they're not being harvested in a proper manner; they're overfished or whatever; and there is a lot of misinformation.

It is very interesting when we held the CCC meeting here in Charleston, it was the first year that our aquarium downtown opened. We went to set up – we wanted to have seafood. They wouldn't let us serve shrimp because shrimp are being harvested in a way detrimental to the environment. There were a number of species we couldn't have on the menu.

Then they actually put out a card to the chefs, and the chefs got in an uproar because it basically didn't leave them any fish they could serve to their customers. You have it from that side, too, to where if you had a federal program and through NOAA if was deemed to be or certified to be a sustainable fishery being harvested in a sustainable manner, then you wouldn't have all this other stuff out there.

I am not big on growing government either, believe me, but I think instead of having different programs in a different part of the country that have different criteria and this type of thing of what is sustainable or the kind of deal of, well, you pay me and it will be sustainable type thing. I think we need one umbrella that would do this for our fishermen.

We have been through this for a number of years, and it is not only sustainability. Probably Ben remembers this and David back when the wreck fishermen wanted us to change the name of wreckfish to some kind of grouper – wreck grouper is what it was – because it had a different connotation relative to what it was, price-wise and type of thing. There are a lot of facets to this I think that we need some standardization to.

DR. DUVAL: I was just going to say I think, John, there is concern about perhaps some of the unbiased nature or objectivity of some of those reviews coming in that the sustainability of the fishery may be directly proportional to the price that the consultant is receiving to review it. I agree with Bob; I am not in favor of growing government either, but I think having a nation-wide consistent approach to that is something that needs to be considered.

Right now some of the third party groups that are doing these consultancies have been – their methods or certifications for different fisheries have been reviewed and found to be fairly inconsistent between fisheries. I think it certainly doesn't commit the government to doing something like that, but making it a priority in terms of discussion I think is a good thing.

MR. JOLLEY: Well, in hearing those kinds of things I think of maybe a role that could be played is it would be as a consultant where we might provide advice on a one-time basis and not build another bureaucracy however small and inexpensive we might think that might be. Anyway, that is just my line of thinking.

MR. BURGESS: David, I'm not a member of your committee, but this came to my attention from Dewey Hemilright from the Mid-Atlantic Council. He was nice enough to send me an e-mail sharing his thoughts and these two motions. You have heard the discussion around the table and the support for some sustainability I guess label to be put on seafood.

Many people, when they go to restaurants, they will look on their computer or phones or whatever we have now, and there are some sites there that judge seafood, as Bob had spoke

about, and whether it is sustainable or not sustainable or they have maybe a green light, a yellow light, red light type of approach to that.

As Dewey shared his thoughts with me, he thought that we were doing a great job in harvesting seafood sustainably and working in that direction and are going to continue to, so it seems appropriate to have maybe a green light if we're working in a fishery such as black sea bass that considered rebuilt. I do support this and I think it would great to support the other councils and have everybody on board, and it really might mean something if everybody is on the same page.

MR. HARTIG: Would you like to entertain a motion?

MR. CUPKA: I would.

MR. HARTIG: I would move that the council recommend to add to the list of reauthorized priorities the need for a sustainable certification that would authorize NMFS to provide the U.S. Industry with a sustainable certification program and certification mark, which would provide the industry with the ability to promote and sell its seafood products in both domestic and export markets as sustainable based upon the requirements of the Act.

MR. CUPKA: We have a motion; seconded by Charlie. Discussion? Charlie.

MR. PHILLIPS: Mr. Chairman, to Bob's point, I talked to a friend of mine that was selling Georgia Wild Caught Shrimp, for instance, and he was thinking about pulling out of the program because it was so expensive. I forget how many thousands of dollars it was going to cost him just to keep that wild caught certification.

Again, there are a lot of fishermen and businesses that lose money because you've got one group or another saying you shouldn't eat something that we say is sustainable, and we have already done regulations for and things like that in other countries. Yes, I hate to grow government, but I think putting it all under one hat would be a good idea.

MR. BADEMAN: One question I have about this is like state commercial fisheries that aren't under MSA; how do we figure that those are meeting the requirements of MSA to be certified as sustainable? I wouldn't want to see those lose out necessarily; like blue crab fisheries and things like that. It is just a thought.

MR. CUPKA: Well, I think as Mel has indicated, some of the states are working on their own program for state waters fisheries, and that is probably the proper place to do that. Are there other comments? Mel.

MR. BELL: Yes, to that, ours is kind of geared more towards marketing and the quality of product and things and not so much sustainability. This is kind of a higher level thing, which would be helpful, but the interest in our industry is trying to find ways to better market their products and kind of tag it because we know our shrimp are better than Georgia shrimp and that kind of thing.

MR. CUPKA: Are there any other comments? All right, you have heard the motion. Is there any objection to the – Michelle.

DR. DUVAL: Mr. Chairman, all I was going to say in response to Martha's comment is that similar to South Carolina, North Carolina has similar marketing programs with the North Carolina catches. There is the Outer Banks Catch; there is Okracoke Catch; there is Carteret Catch that is marketing based.

We have had requests from some of our fishermen for our state-managed fisheries to undertake some certification program. We don't have that capacity at this point, and what we have done is kind of steered people towards the annual stock status report that we put out where fisheries are listed as viable, depleted, depleted but undergoing rebuilding, et cetera, et cetera assessments as to the sustainability of the fishery.

MR. MAHOOD: Martha, as you look at it, it is pretty generic. I would assume that just because a fishery is in state waters it would not be precluded from being certified under this.

MR. CUPKA: **Is there further discussion? Is there any objection? Seeing no objection; that motion is approved.** We will work with staff to figure out the proper way to respond to this and who to send this motion to. That brings us down to other business. The only other business I had was that assessment peer review process.

We discussed it the other day during the SEDAR Committee. I know Monica had a little bit of concern about one small part of it, and I'll call on Monica to brief us on that. She was going to work on some wording, but I think where I would like to go with that is to have some kind of motion from the council approving that, understanding that it is going to be a living document.

While the SSC has tried to lay this process out, I am sure that once we actually implement it, should we approve it, we're going to find other ways that it needed to be tweaked or changed to better accommodate the situation. With that, I will call on Monica.

MS. SMIT-BRUNELLO: Again, I would like to reiterate my thanks to the SSC. I really liked this and the work they put into it shows. I think it is a great process. As I mentioned before, I had one issue with one sentence in the process. I really think the way to fix that is simply to remove that sentence and maybe renumber the other sentences.

It has to do with Section 4 under the peer review process for completed work. The sentence I would ask to be removed is under Section 1B, which currently reads, "Because this is not a SEDAR Review Panel, reviewers need not be members of the SEDAR Review Pool." I think if you strike that sentence out of it, what they have in the rest of that section discusses the peer review and who could be on the peer review, and it provides the council enough flexibility to meet any FACA requirements and other Magnuson requirements. I would strike the sentence in Section 4.1.B; then renumber C, D, E to be B, C, D, and it's done.

MR. CUPKA: Does anyone wish to make a motion? Michelle.

DR. DUVAL: I move that we approve the SSC-provided Peer Review Process with the exception of Section 4.1.B. I guess that would mean we would just strike that, then.

MR. CUPKA: We have a motion; is there second? Seconded by Ben. **Is there any discussion on the motion? Is there any objection to the motion? Seeing none; then that motion is approved.** And with that, that brings us down adjourn; so we will go ahead and adjourn.

(Whereupon, the meeting was adjourned at 2:15 o'clock p.m., June 13, 2013.)

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Mid-Atlantic Liaison, Pres Pate
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Roy Crabtree
John Jolley
Wilson Laney
Staff contact: John Carmichael

South Atlantic Fishery Management Council

2012 - 2013 Council Membership

COUNCIL CHAIRMAN:

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

VICE-CHAIRMAN

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

Steve Amick
6902 Sandnettlles Drive
Savannah, GA 31410
912/429-3537 (ph)
912/898-0361 (f)
SteveAmicks@aol.com

Mel Bell
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9007 (ph)
843/953-9159 (fax)
bellm@dnr.sc.gov

Anna Beckwith
1907 Paulette Road
Morehead City, NC 28557
252/671-3474 (ph)
AnnaBarriosBeckwith@gmail.com

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

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

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

LCDR Scot Gibson
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6768 (ph)
305/415-6791 (f)
Mario.g.gil@uscg.mil

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

John W. Jolley
4925 Pine Tree Drive
Boynton Beach, FL 33436
561/732-4530 (ph)
jolleyjw@yahoo.com

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

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

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

Robert E. Beal
Executive Director
Atlantic States Marine Fisheries
Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
rbeal@asmfc.org

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-4423 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

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

OTHA EASLEY
JACK MCGOVERN
MONICA SMET-BRUNELLO
JOHN SANCHEZ
MORGAN FOWLER
BONNIE POWWETH
JENNIFER LEE

South Atlantic Fishery Management Council Staff

Executive Director

✓ Robert K. Mahood
robert.mahood@safmc.net

Deputy Executive Director

✓ Gregg T. Waugh
gregg.waugh@safmc.net

Public Information Officer

✓ Kim Iverson
kim.iverson@safmc.net

Fishery Outreach Specialist

✓ Amber Von Harten
amber.vonharten@safmc.net

Senior Fishery Biologist

✓ Roger Pugliese
roger.pugliese@safmc.net

Fishery Scientist

✓ Myra Brouwer
myra.brouwer@safmc.net

Coral Reef Scientist

✓ Anna Martin
anna.martin@safmc.net

Fishery Biologist

✓ Dr. Mike Errigo
mike.errigo@safmc.net

Fisheries Social Scientist

✓ Dr. Kari MacLauchlin
kari.maclauchlin@safmc.net

Staff Economist

✓ Dr. Brian Chevront
brian.chevront@safmc.net

Science and Statistics Program Manager

✓ John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators

Dr. Julie Neer - julie.neer@safmc.net
Julia Byrd - julia.byrd@safmc.net

SEDAR Admin/Outreach

Andrea Grabman
andrea.grabman@safmc.net

Administrative Officer

✓ Mike Collins
mike.collins@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing & Grants

✓ Julie O'Dell
julie.odell@safmc.net

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Thursday, June 13, 2013
11:00 A.M. to 12:00 P.M.

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Leba Dunmore	305-393-0934	LDunmore@Ptrusts.org	
Emiliu Helmicks	501-670-3397	ehelmicks@Ptrusts.org	
Russell Johnson	386-239-0948	RJ572009@aol.com	32120-9351
Liam Carr	843-819-8169	lcarr@Ptrusts.org	P.O. Box Chas. SC 29402
Brian Keenan	FECA		
Holly Binns	Pew 850-322-7245	hbinns@PewTrusts.org	

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

62	Bresnen, Anthony	anthony.bresnen@myfwc.com...	255 min
56	DeLancey, Larry	delanceyl@dnr.sc.gov	135 min
56	Malinowski, Rich	rich.malinowski@noaa.gov	172 min
53	Mehta, Nikhil	nikhil.mehta@noaa.gov	323 min
53	MacLauchlin, Bill	billmac@charter.net	146 min
49	raine, karen	karen.raine@noaa.gov	424 min
49	holiman, stephen	stephen.holiman@noaa.gov	312 min
43	gerhart, susan	susan.gerhart@noaa.gov	35 min
41	brennan, kenneth	kenneth.brennan@noaa.gov	287 min
40	steele, phil	phil.steele@noaa.gov	200 min
37	Powell, Jessica	jessy.r.powell@gmail.com	136 min
34	Clemens, Anik	anik.clemens@noaa.gov	451 min
33	Helies, Frank	fchelies@verizon.net	111 min
31	Buckson, Bruce	bruce.buckson@noaa.gov	400 min
31	DeVictor, Rick	rick.devictor@noaa.gov	357 min
31	Byrd, Julia	julia.byrd@safmc.net	448 min
30	c, m	mec181@yahoo.com	436 min
30	pugliese, roger	roger.pugliese@safmc.net	264 min
29	sandorf, scott	scott.sandorf@noaa.gov	328 min
29	Neer, Julie	julie.neer@safmc.net	333 min
29	Eich, Anne	annemarie.eich@noaa.gov	261 min
27	McCoy, Sherri	sherrim@wildoceanmarket.c...	332 min
27	michie, kate	kate.michie@noaa.gov	33 min
27	holland, jack	jack.holland@ncdenr.gov	29 min
27	Gore, Karla	karla.gore@noaa.gov	325 min
26	Mahood, Robert	robert.mahood@safmc.net	26 min
25	Stump, Ken	magpiewdc@gmail.com	205 min
24	Herndon, Andy	andrew.herndon@noaa.gov	150 min

23	g, a	andrea.grabman@safmc.net	151 min
21	FARMER, NICK	nick.farmer@noaa.gov	31 min