SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION I The Beaufort Hotel Beaufort, North Carolina

December 6, 2021

TRANSCRIPT

COUNCIL MEMBERS

Mel Bell, Chair Chester Brewer LT Robert Copeland Judy Helmey Jessica McCawley Tom Roller Laurilee Thompson

COUNCIL STAFF

Myra Brouwer John Carmichael Dr. Chip Collier John Hadley Allie Iberle Kelly Klasnick Roger Pugliese Dr. Mike Schmidtke Suzanna Thomas Dr, Carolyn Belcher, Vice Chair Chris Conklin Tim Griner Kerry Marhefka Trish Murphey Andy Strelcheck Spud Woodward

Julia Byrd Cindy Chaya Dr. Judd Curtis Kathleen Howington Kim Iverson Dr. Julie Neer Cameron Rhodes Nick Smillie Christina Wiegand

ATTENDEES AND INVITED PARTICIPANTS

Rick DeVictor Dewey Hemilright LT Patrick O'Shaughnessy Monica Smit-Brunello Dale Diaz Dr. Genny Nesslage Dr. Clay Porch Dr. John Walter

Additional attendees and invited participants attached.

The Full Council Session I of the South Atlantic Fishery Management Council convened at the Beaufort Hotel, Beaufort, North Carolina, on Monday, December 6, 2021, and was called to order by Chairman Mel Bell.

MR. BELL: Good morning, everyone. This is Mel Bell, Council Chair, and I'm actually looking at some of you, and so that's great. We're going to call the council back into session, and this is Full Council Session I, open, and so welcome to folks, and I do want to make a few, since we're actually look at people, a few introductions. John Walter is here from the Southeast Science Center, and normally that would be Clay, but John is here today, and have you actually been to a physical meeting, or is this the first time we've -- I swear I've seen you at a physical meeting.

DR. WALTER: I think I may have, in a former job as an analyst, but it would have been a while ago.

MR. BELL: Well, welcome.

DR. WALTER: Thank you.

MR. BELL: It's good to have you here. Dale Diaz from the Gulf Council, Chair of the Gulf Council now, and congratulations, Dale. Welcome. Dewey Hemilright from the Mid. Hi, Dewey. It's good to see you. Then we have a few folks that we've actually had new staff that we've hired that you have probably never seen, and so Judd Curtis is back there, and Judd is an actual living person. Allie Iberle and Mike Schmidtke, and so they're real people, and so thank you, guys. Did I miss anybody that we need to introduce? Trish Murphey is our newest council member here, and so welcome to Trish from North Carolina, and it's good to see you in person.

MS. MURPHEY: Thanks.

MR. BELL: All right. Cool. So that's introductions. Now we have the agenda. Any changes? This is Full Council Session I. We just need to approve the agenda for this meeting this morning. Any changes to the agenda for Full Council Session I? I don't see any. All right, and so the agenda stands approved then for this now.

We've got Approval of Minutes for five different meetings there, and so I'm sure you've all read those in detail, but, if you have, are there any changes to any of the September 2021 Full Council Session I or Full Council Session II and then March of 2020 Committee of the Whole, March 2020 Shrimp Committee Meeting, and September 2019 Joint Meeting of the Habitat, Shrimp, and Golden Crab Committees? Any changes or edits to those minutes? I don't see any hands, and so those minutes will stand approved. That takes us to our first actual item of business then, which will be reports. Do we have NOAA OLE onboard virtually?

MR. O'SHAUGHNESSY: Mel, I'm here.

MR. BELL: Hi, Pat. Welcome.

MR. O'SHAUGHNESSY: Sorry that I couldn't be there in person, as my schedule was changed on me at the last minute.

MR. BELL: I understand. We'll get you queued up here, and you fire when ready.

MR. O'SHAUGHNESSY: Okay. The OLE council report for the fourth quarter of Fiscal Year 2021 was provided for the briefing book, and all twenty-three pages are available there for review. As always, I am available for questions, now or after the fact, or via email, and I'll get back to you as soon as I can.

Those twenty-three pages cover the South Atlantic, Gulf, and Caribbean regions, and this is just a short South Atlantic summary. There were 433 open incidents in the South Atlantic, and forty-two were processed as actual violations. Those consisted of thirty-five summary settlements, which is the equivalent to our ticket, the lower-level offenses, and there were eight cases that were forwarded to General Counsel or the U.S. Attorney's Office, and the remaining were either not violations or were handled with fix-its or compliance assistance or written warnings, and those summary settlements range from \$250 for lacking descending devices to \$1,875 for retention during a closure.

Of those thirty-five summary settlements, a quick overview, so you can sort of see what we're seeing out there, and there were ten fishing and sanctuary and preservation areas down in the Florida Keys, and I will cover that op separately. There were seven summary settlements issued for illegal, unpermitted charters in the South Atlantic, six summary settlements for retention during a closure, three for lack of descending devices, two for TED violations, two for undersized fish, two for prohibited gear, one for no commercial permit, one for exceeding the commercial trip limits, and one for exceeding the recreational possession limits.

Of the eight cases that were forwarded to General Counsel or the Assistant U.S. Attorney's Office, two were for right whale speed violations, two were for seafood import monitoring program requirement issues, one was for gear prohibitions, and there were three Lacey Act violations for improper seafood sales, international harvest regulations, and harvesting lobster from artificial habitat.

There was one major operation that took place last quarter for the lobster mini-season in the Florida Keys, and NOAA OLE had five vessels patrolling the Florida Keys National Marine Sanctuary, including all of the sanctuary preservation areas. There were 248 vessel stops made, 1,161 people were contacted, and there were violations ranging from undersized, over-the-limit lobster, fishing in the sanctuary preservation areas, some groundings, vessels lacking dive flags, illegal moorings, and there were some charter fishing violations, lack of permits, that were made.

Finally, the last few pages of the OLE quarterly report highlight NOAA General Counsel charges for cases OLE has previously forwarded to them for processing, and those notice of violations totaled \$461,048. Then, finally, I'm sorry we couldn't be there, but myself and Matt Walia, our Compliance Assistance Liaison, will be online for the rest of the council meeting, and we hope to be able to make future meetings in person, and that's all I have, Mel.

MR. BELL: Okay. Thanks, Pat. Everybody, that was the voice of Pat O'Shaughnessy. Okay. Thank you. Any questions for Pat right now? Like he said, they'll be available if you think of something, if something comes up. All right. Then let's shift to the Coast Guard, and do we have Lieutenant Copeland onboard?

LT. COPELAND: Yes, and good morning, everyone. This is Lieutenant Bobby Copeland, the Living Marine Resources Officer for District VII, located in Miami. Apologies as well for not being able to make the meeting in-person, but I will be here all week virtually. I just wanted to highlight some of the great stuff that our assets are doing downrange. Just going a little bit -- We've done more than this, but I just want to highlight some of the bigger cases.

In the Sector Jacksonville AOR, one of our stations conducted a joint boarding with NOAA, where a fishing vessel was offloading 372 pounds of red snapper out of season and 440 pounds of vermilion snapper above their catch limits. Shifting over to the Sector Charleston AOR, we had the Coast Guard Cutter Pompano with two separate cases issued on fishing vessels for bycatch reduction device violations. Both of those were located inside of two nautical miles, and so they're working with the local agencies to issue the fines.

Then, in the Sector Key West AOR, recently, this past weekend, one of our fast-response cutters, the Isaac Mayo, boarded a fishing vessel that had 24,000 pounds of pink shrimp located in the Tortugas shrimp closure, and so they escorted the vessel and turned it to over to NOAA. Pending any questions, that concludes some of the highlighted cases that we have from the past quarter. Thank you.

MR. BELL: All right. Thanks, Bobby. We appreciate you presenting. Nothing for you right now, and, again, if you guys think of anything you need to ask either Pat or Bobby, we've got all week. All right. That takes us to state agencies. Okay. North Carolina, do you have anything that you want to mention? It's just anything right now, and, obviously, we'll all be here all week, and so if you have anything.

MS. MURPHEY: Okay. Just what's going on? Is that what --

MR. BELL: Welcome, Trish.

MS. MURPHEY: It wasn't on the agenda.

MR. BELL: It's a state agency thing. Just if there's anything going on worth mentioning.

MS. MURPHEY: Well, just some -- We did finalize the shrimp FMP, and it was working on bycatch, and now it's going to the secretary and the legislature. The commission approved it, and our commission had also approved our coastal habitat protection plan, and that's on the same track, heading to the secretary and the legislature for approval, and both of those will come back to the commission, to our Marine Fisheries Commission, for final, final approval. Flounder, I guess you guys might be interested in that, and our flounder FMP has gone out for public comment, and we caught a state-record red hind last week. Anyway, there's a state-record red hind out there of like seven pounds, and so that's something off-the-cuff for North Carolina.

MR. BELL: Very good. We put you right on the spot there. I could have started with Florida, but I just figured we're here. Okay. For South Carolina, nothing really major to report. Obviously, we're at the end of the field season for MARMAP and SEAMAP. That's wrapped up, or wrapping up, and we're doing some interesting things.

We're going to do another deployment on the Charleston Deep Reef MPA, and that will hopefully be maybe the first week or January or something like that, but around January-ish, and that will be a 250-foot ship, and, again, with total support from the Governor's Billfishing Cup folks. I mean, they just raised the money, and it's great, and so it's a really neat relationship, where the reef is out there, and there's no bottom fishing allowed, and it's there for deepwater grouper, but there is plenty of good fishing out there for dolphin wahoo and billfishes, and so it's a really neat reef, and I'm really happy to be able to make another significant addition to material out there.

Then just some things going on with -- It's interesting with blue crab right now, and we're kind of having a shortage of blue crab. Of course, that's not something we manage, but it's got some attention. You know, we're dealing with our flounder fishery, and we're actually engaging in the development of the ability to stock flounder, and so we're starting that initiative with support from a recent fishing license increase, fee increase, and we hope to be working that. That's going to take, obviously, a number of years to develop, but it's something that we'll be hearing about later, and so that's really it for us right now, I think, of any interest. Georgia, have you got anything?

DR. BELCHER: Just some things that are going on with us, and the shrimp season -- Our shrimp advisory panel is projected to meet the week of 12/20 to discuss our season closure, and state waters generally close automatically on the 31^{st} of December, but we do extensions if the size allows for it, and so we generally get with the shrimp fishery, to see what's going on, to see if they feel that we should extend and for how long.

We are -- Actually, Doug, right now, is getting ready for the board meeting to take up a rule change that we're looking into which will allow for landing of billfishes in Georgia. We've had prohibited -- Basically, what happens is you can have all of the permits and all you need to be able to participate in the billfish fishery, but there's no way for you to successfully bring them back into the State of Georgia, and we prohibit them in state waters, and so there's been a few people who fish out of Savannah that want to participate and recognize that there is no way for them to actually do that through Georgia, and so we have been asked to revisit that and basically just make it so that, if they are -- With the federal regs, they can bring the fish in, and so it gives an opportunity that we currently don't have for those fish to be landed.

Yes, it's a small fishery, and it's only 250 fish for the whole Atlantic coast in that group that can be landed, but at least it gives the opportunity for people who want to do that to transit through Georgia, as opposed to having to go to Florida or South Carolina.

The R/V Glenn, our second research vessel, finally, after I don't know how many years, and Spud can probably talk to that, and I think we're into five years almost now with getting research vessels replaced, but the Glenn came in just before Thanksgiving, and it looks a little odd for our fleet, because it is actually a lobster skiff, to start with, and so it's got a little bit of a different house look to it, but we're looking forward to getting her out and getting sea trials done in the local area with her.

Artificial reef activities, our restructure on that group, which we did about three years ago, where it's just a different approach of how people are really being active in addressing these opportunities with vessels that are needing to be rehomed, reclassified, however you want to put that, and we've had some really heavy activities with some of our offshore reefs, which have included dry docks, steel-hulled vessels, and there have been at least four deployments since our last council meeting,

and so they're really being active with taking up on those opportunities as they present, where we haven't had that ability in the past, either for funding reasons or just staff reasons.

Then our last update, which is probably the one that you all have been wondering how it's going, with the Golden Ray, and the final section was removed from the bottom on October 25, and so that was -- We were waiting to see how much more of it was going to fall apart, but they were able to successfully get that off the bottom, and we're now at that point where they are basically breaking down and doing the cleanup within the environmental protection barrier.

They have pulled over 770 cars from the bottom, and so that's what fell out of her as they were cutting it up, and they were doing the hydrographic survey last Friday, with the understanding they had gotten everything from inside the barrier off the bottom, which included pieces of the hull. There was nothing outside of the EPB, and so that was a good thing, that they didn't have anything flow out. We had a couple of conex boxes to help offset the scour around the vessel while it was still sitting there, and so those boxes were coming off the bottom as well.

The total cost of cleanup and salvage so far is about \$800 million, and, obviously, they're not finished yet, and then our Environmental Protection Division assessed them a \$3 million pollution fine, which has not been contested by them. We're starting our sign-offs on the evaluated segments that have been done for shoreline cleanup assessment, and we'll be checking off the boxes. Basically, we're going to all the low-hanging fruit first, of areas that we know were not impacted, and then we'll go back to areas that had been impacted, to make sure that the cleanup has been mitigated appropriately, before those will be signed-off. If all goes well, their expectation is we could be done with all of that activity by February, the end of February, and so we'll keep our fingers crossed that all of that continues in a positive manner.

MR. BELL: All right. Thanks. That's an expensive boo-boo. Any questions right now? Okay. Again, Carolyn will be here all week, if you have any questions. Jessica, have you got anything?

MS. MCCAWLEY: Just a couple of things from us, and so I wanted to mention, since we're back in-person now, and normally Erika Burgess travelled with me, and she supported the South Atlantic items, and now it is Kristin Foss, and so she is here with us this week, and she will be helping on FWC items. Erika has moved over to the analysis and rulemaking section, which is the state rulemaking side, and she's going to ASMFC and other things like that, and so she won't be a stranger to these types of issues, but just in a different seat on the bus.

Also, at our recent commission meeting, we gave out some lionfish awards, and so, each year, we crown the commercial lionfish champion and the lionfish king or queen, and so the commercial champion was Rachel Bowman, and I would have to look up what the lionfish king, which is recreational harvester -- I would have to look up his name, and I don't have it on the tip of my tongue there, but we do that every year, and there's a contest that spans for many months, and people compete to win those awards, and there's a lot of donated items that those winners receive, as well as articles around them in our recreational and commercial regulations publication.

Another thing that we're working on is redfish management, and so we had a big redfish summit over the summer, and now we are working on revamping some of our management goals for redfish, and so this is one of the big things we're working on on the state rulemaking side. MR. BELL: All right. Thanks, Jessica, and welcome, Kristin. All right. That takes us to the liaison reports. Dale, do you want to go first? Do you have anything, briefly?

MR. DIAZ: Yes, sir, Mr. Chairman. I will be glad to. First off, I'm glad to see you all are back in-person, and so the Gulf of Mexico Fishery Management Council has had three in-person, and I'm going to call them hybrid meetings, because folks still have the option, and, if for any reason they need to, they can participate virtually, and I foresee us keeping it like that for a substantial amount of time. There is just going to be a need to have that option for people.

We're also doing in-person public hearings, and our APs have been doing the hybrid thing. Our SSC is basically operating the same way, and, all in all, things are going well, and I appreciate our partners. NOAA has been a good partner in helping us get back to where we can have these in-person meetings and allowing their people to travel, when it's very difficult to do, and so we appreciate that.

Out of the report that we sent over for your briefing book, there's a lot of stuff that I think we're going to cover during the course of the meeting, and so I'm just going to hit some things through here that I don't think we're going to cover in the meeting, and the first thing I wanted to talk about is we're trying to use focus groups to help us with some things we've been stuck on, and we're doing it in two areas, and I will talk about both of them, while I'm talking.

The first one is we had a system, a 3G cellular system, that tracked our shrimp fleet's effort, and 3G is not available through any carrier anymore, and so that got phased out a couple of years ago, and we've been trying to come up with a new system that we can implement, and we've been just struggling with that. We did set up a focus group, and we gave that focus group a charge, and they are currently working on that, and so we're trying to tackle that from a little different angle, and we'll see how it all works out, but the focus group is basically trying to look at technical specifications, data collection, security needs, and the needs of the industry, and so we'll see where all of that goes.

Amberjack, greater amberjack, the council was presented with the results of a recently-completed greater amberjack stock assessment, and the assessment showed that greater amberjack is both overfished and experiencing overfishing. NOAA's Southeast Science Center will complete the projections for different allocation scenarios being considered by the council, and our SSC is also looking at this, and so we're already pretty far down with amberjack, and we've got a one-fish limit on it, and we've been adjusting the seasons, and we're doing a few things, and it looks like we're going to have to do some more work with amberjack, and so that's coming on the horizon.

For gag, the council with presented with the results of a completed gag stock assessment, and the stock assessment showed that gag is both overfished and experiencing overfishing, and there is a lack of males in the gag population, and that is believed to be a big part of affecting productivity of this stock, but, out of the discussion, there's a real concern that we might have to shut the gag fishery down. I know you all are familiar with that, and I see Mel rolling his eyes, and we're very concerned about that, because, as you all well know, if you have to shut a fishery down, it stops the flow of data, and that causes other problems.

The council has made it very clear that they want to do everything humanly possible to not have to do a full closure on this fishery. However, having said that, I really don't know that there is

going to be -- I don't know how this is all going to work out, but the council wants to do everything humanly possible to not have a full closure, and so, right now, the SSC is reviewing that stock assessment, and we'll get some more information from them in January.

The other focus group that we've got is we've been working on some changes to our IFQ programs, and literally we've been working on these for about seven or eight years, and, over the course of that seven or eight years, it's not like we haven't made some progress, but, basically, we've pulled the low-hanging fruit out, and we've dealt with the low-hanging fruit, but, the more difficult issues, we just don't see to be able to get traction to either move them on or get rid of them or whatever, and so we're going to use a focus group here also to try to help us, and we're trying to use some people with different roles, I guess, in the industry, and so some large shareholders, some medium shareholders, and some small shareholders, some dealers, some fishermen that don't hold shares, and so we've got nine different categories of people that we're trying to put on this focus group.

Anyway, we're hoping that they can help give us a little bit better focus and help us move forward with something that we've been struggling with for a long time, and, really, the only reason I mention that, and I know you all are probably not that interested in IFQ, but we're just trying to tackle it from a little different angle, with things we're struggling with, and, in the future, we can report if these focus groups are actually successful or not, and so it remains to be seen how it's all going to work out.

Vermilion snapper, right now, vermilion snapper is not overfished and not experiencing overfishing, and, actually, we had some really good recruitment on vermilion in 2015 and 2016, and a lot of those fish are out there in the environment now, and so we've been looking at potentially raising the ACL on that fishery, and we do have a document that we're working on with that right now.

Public comment has cautioned us against doing that, and we're going to be looking at this again in the next couple of meetings, and see where exactly we could go with that, but it's good news. When you get something that's a rosy report, and then the comments are kind of discouraging us from giving more opportunity, and so, again, we'll be dealing with that in January. I think that's all for now. The other stuff that I have in my report, I think we'll touch on during your meeting, and, when we get there, I will speak up, and so thank you.

MR. BELL: Thanks, Dale, and remember that one reason we're kind of doing these sorts of things upfront is we've got all week now to talk to Dale, if you think of things or you want to follow-up on some of that, and the focus group thing is kind of an interesting concept, I agree.

MR. DIAZ: I think that's one of the best things that I get out of coming to these meetings. I mean, there's several things, over the course of being here, that we've tried to do things a little different with our council, because we see some things that you all are doing, whether they're fisheries-management-related or how you run your SOPPs and different things like that, and so, anyway, thank you.

MR. BELL: Great. I'm glad you're here. Dewey, what's going on in the Mid?

MR. HEMILRIGHT: Thank you. We had a short council meeting on October 5 and 6, a two-day webinar, and the topics of discussion were Atlantic mackerel rebuilding, chub mackerel, spiny

dogfish limits, northern right whales, the scoping process, the 2022 implementation plan that our Executive Committee met and discussed.

The HMS diet study that had to do with chub mackerel was determined to be an exceptionally small component of the diet of tuna and marlin, and Ilex squid was one of the most important prey items for the yellowfin and bigeye tuna, and bullet mackerel was the most commonly occurring prey species for marlin stomachs. We also had a presentation of the 2021 scallop biological FMP opinion.

Also, we had a presentation on the private tilefish reporting update and it was where GARFO and the Mid-Atlantic implemented a private recreational reporting app for both golden and blueline tilefish. As of that day, I think there was like over 850 folks that had signed up, and then it's been happening for a year, except there was probably less than twenty folks that had actually reported fishing, and, yet, you could go on social media and see hundreds of fish being landed.

We offered that we need some more compliance assistance to be implemented to help the folks out, and they know they've got to have a permit, but also report, but also help them to report, and maybe they will decide to report, instead of posting it on social media or something, and so we had a shortened, hybrid meeting, and our meeting next week is going to be a hybrid meeting, both in-person and also by webinar, and so we're looking forward to getting back in-person, and that's all my report. Thank you.

MR. BELL: Thanks, Dewey. We appreciate you being here, again. Anybody have a follow-up with Dewey on things? He'll be here. All right. That is it for our reports. That shifts us to our actual first item after that, which would be a presentation on standardized bycatch reporting methodology, and that's queued up, and who is doing that?

MR. DEVICTOR: Frank is online, and he's prepared to do that, and this stems from the 2017 rule, and you know we've been talking about SBRMs for quite some time now, and we've given you a few presentations on it. It should be a finalized review at this stage.

MR. BELL: All right. Great. Frank, welcome, and just take off when you're ready there.

MR. HELIES: Thanks, Mel. I am going to keep this short and sweet. As Rick mentioned, we've presented this information to you all a number of times already. This presentation, real quick, will go through the review, real quickly, talk about some timing, and then, as Rick mentioned, we would like the council to ultimately bless the review today, and then we can discuss any next steps.

Just to remind the council, we need to review our SBRMs every five years. This first iteration is due next year, in February, and the criteria is characteristics of the bycatch, the feasibility of the methodology, the uncertainty of the data, and how the data are used.

What are SBRMs? They are an established, consistent procedure to collect, record, and report, and ultimately, to assess the amount and type of bycatch, and it's important to remind the council that we do have SBRMs on the books for each FMP, and so this presentation -- I have put together this table in the next couple of slides, and it basically outlines what amendment implemented the current SBRMs and what the language looks like. For instance, snapper grouper was initially -- The SBRM was initially implemented through the Comprehensive Sustainable Fisheries Act, and

you will find, for many of our FMPs, that is the amendment that implemented the SBRMs. Snapper grouper was also updated in Amendment 15B in 2009.

For many of the FMPs, the original SBRM is to adopt the ACCSP release discard protected species module, and, until it's fully funded, to use a variety of methods, such as observer coverage, logbooks, electronic logbooks, et cetera, and so we're going to utilize these other methods for many of our FMPs, since the ACCSP release, discard, and protected species module has never been fully funded, and it's unlikely to ever be fully funded.

These are all from the Comprehensive Sustainable Fisheries Act, as you can tell, and this goes for the joint FMPs as well. Dan Luers is going to be giving a presentation to the Gulf Council, I believe at their next meeting, on the SBRMs as well.

That's a good table, and, if we go to the next slide, I have included the bycatch standards from the ACCSP, which were included in the bycatch module, and these still apply. These were updated in 2012, and it has a variety of methods, the logbooks, observer coverage, and it does still reference MRFSS, and so I'm not sure if these will ultimately be updated to include the new MRIP-FES or not, but I'm sure that it probably will be.

This is the timing, and this is our meeting, and we'll review and finalize. After that happens, we will take your comments, and we will put together a decision memo and send it up to HQ to finalize the SBRM review, and then the council can have further discussions on if they want to take a look at the SBRMs that are on the books and how do we want to deal with reporting bycatch, and then, ultimately, we need to do this every five years, and so we can probably postpone that discussion until a later meeting, but we need to come up with a plan of getting these reviews done every five years.

This is my last slide, and the presentation is short and sweet, but these are just some general questions that we can discuss, and I know Genny is going to provide a brief update on the SSC's discussion on the SBRMs, and I did try to address their comments in the latest draft, and so those edits are applied to the draft that's in the briefing book, but, if anybody has any general questions on the review, I will do my best to answer them.

I would like to probably have a motion on the table, eventually, that says that the council is satisfied with the review and approves it for finalization. Whether or not we talk about the next reviews, we can potentially postpone that discussion, unless council staff wants to put it on their workplan, and then, as we get to the SSC discussion, we can talk about potentially modifying SBRMs or different ways of looking at bycatch in future actions. That's all I've got. If anybody has any questions, feel free. Thanks.

MR. BELL: All right. Thank you, Frank, and, like Frank mentioned, the SSC took a look at this in October, and we're going to hear from Genny Nesslage, the Chair of the SSC, but are there any specific questions for Frank, based on his presentation, right now, or we can turn around and come back and have a lot more discussion, obviously, before we move towards any kind of motion, but anything for Frank right this second? Okay. All right. Then maybe we could go ahead and go to Genny. Genny, if you are with us, whenever you would like to get started, we'll hear from you.

DR. NESSLAGE: Great. Thank you, Mel. The SSC had the opportunity to review the SBRM report at our October meeting. I will just kind of hit on, touch on, the highlights of our review, and we had a great discussion, and I think I look forward to the revisions and future work on this, and so the first thing that the SSC discussed was the importance of discards and discard mortality and quantifying how much discarding is going on in our region, given so many of our species -- A large component of the mortality, we believe, is coming from discarding, and so we recommended that the council consider making this a high priority in the South Atlantic research and monitoring prioritization plan.

That was just kind of an aside, but it was something that really came up, and we felt this is a very high priority, and any way in which bycatch reporting can be elevated in the prioritization of tasks, the many tasks, in this region, that that would be beneficial for reducing uncertainty in our assessments and management advice.

Then the other thing that really jumped out at us was the report discussed how no discards is frequently being reported in the South Atlantic region, in logbooks, and that that percentage of this reporting of no discards seems to be increasing over time, which doesn't seem to align with our understanding of the actual discarding that's going on on the water, and so this indicated to us that there might be substantial enforcement challenges going on within the collection of logbook data in the region.

We spent quite a bit of time talking about alternative survey methodologies that could be considered, as well as mechanisms for incentivizing better logbook data collection, more accurate logbook data collection, and I will talk about that a little bit in my next slide, but, basically, this could be leading to substantial data gaps, especially given the fact that most of the bycatch reporting that's going on in the region is self-reported.

We also noted, and I haven't seen if you addressed this, Frank, and perhaps you did, but the one thing that did pop out at us, in one of the tables, was that the observer coverage for headboats, the breakdown by state, I guess the percentages by state, looked a bit odd to us, at first glance, but we're not experts in that, and so we just raised that flag for folks to take a look and see if that's actually representative of the headboat fleet distribution along the coast in the South Atlantic region.

We also noted, regarding observers, that there is limited observer coverage for commercial vessels in the South Atlantic, and this is largely due to the makeup of the fleet. It's smaller vessel sizes and concerns about safety-at-sea and so on, and this is perhaps inevitable, given the nature of the fleet in our region, but we just wanted to point out that this could be creating some potential bias in the sampling design, and so, if observers are only on vessels that can accommodate them, and that those vessels fish differently than smaller vessels, that that might lead to some bias in the estimates of discarding, and so we talked a lot about that.

We also talked a bit about how observer presence on a vessel can bias the data and reporting, if the fishing practices that result are different than if there wasn't an observer onboard, and that's been noted in other regions, with various studies, and the behavior changes might be intentional or completely unintentional, but it's just something that has been raised as a concern in other reporting systems, and so we talked about some ways that that could be alleviated, if that is a problem, and we talked about using ancillary data to quantify compliance and potentially revise and inform our estimates of discarding.

We also talked about the potential for the council to do targeted or increased citizen science programs or outreach programs that could help improve compliance, and we also talked about alternative data collection methods, and so perhaps considering full-retention trips, using exempted fishing permits, where, instead of self-reported logbook discard information, if folks would just bring everything back to the dock and it would be sampled by monitoring folks.

Then, lastly, we talked about examining -- Some of the studies that are out there where they have put electronic observers onboard, either video or some other method for getting that bycatch information and seeing how that information could potentially be incorporated or used in our region.

Then we also talked a bit about possible ways that more accurate and compliant reporting could be incentivized to try and reduce uncertainty in our estimates of discards, and we talked about increased stakeholder involvement, and, like I mentioned before, citizen science programs, possibly, that could improve data collection, and we also talked about -- In particular, our SEP folks talked about how it's important to use language in our communications with stakeholders that is productive, and so the SEP actually volunteered, if you were interested, to provide kind of a positive lexicon, or a set of words and phrases that could be used that would not set people off and possibly encourage folks to be more engaged in the data collection process, so we have a productive bycatch reporting program.

We also highlighted that it would be good, whenever possible, to highlight positive case studies and success stories from fisheries management, where stakeholder data collection led to better management and better fishing outcomes, and then we also recommended revising the text, and perhaps Frank has already done this as well, to reflect the range of impacts that different types of discards can have both on the stock itself and on the broader ecosystem.

Then the last thing that we requested, or recommended, was that, as the SSC goes through, over the next few years, and I guess this happens every five years or so, this review, but, as we go through each of our reviews of various assessments, we often comment on how to improve discard data collection and bycatch estimates, and perhaps that information could be compiled by staff or others and then, when the next review comes around, we could compare that with the report and see what kind of progress has been made and where there might still be data gaps. I think that's all I have, but I would be happy to answer any questions on our review and our discussions.

MR. BELL: Okay. Thanks, Genny, and, Frank, I apologize. I just saw your name pop up on the left side, and I was staring at the right side of the screen, and so did you want to respond to some of the -- You may have wanted to respond earlier, but, if you've got something, go ahead.

MR. HELIES: Thanks, Mel, and thanks, Genny. I just wanted to speak to the few items that the SSC commented on for the review. I did reach out to Ken Brennan on the headboat observer percentages that we do list in the review, and he told me that the numbers and funding for that program hasn't changed, and so the percentages there in the review are what is currently occurring. Thank you for that, Genny. Then there was some problematic language there in the ecosystem effects section that we did revise. Thank you.

MR. BELL: All right. Thanks, Frank. Then I guess we've had the presentation on the review, and we've got the SSC comments, and Frank had mentioned some of the things, I guess, that the SSC had brought up, and they have kind of adjusted and made some tweaks, I guess, and so we're tasked with potentially approving the review, and so is it -- Has all the back-and-forth that has needed to happen happened, and we're in a position to do that, or do some additional things need to happen? That's just a process question that I have.

DR. COLLIER: I feel like I would leave that up to Genny and Frank, probably, to respond to that question.

MR. BELL: Okay. Frank, what do you think?

MR. HELIES: Thanks, Mel. Rick is in the room with you, and so he can speak to this, but I think, from a back-and-forth standpoint, we've made the adjustments to the review that the SSC recommended, and I'm not going to put words in Genny's mouth, but she could speak to that. In my mind, this is similar to what we did for the wreckfish review, and I think -- I'm not sure if we need a formal motion, and Rick may want one, but how about Rick speak to that? Thank you.

MR. BELL: Okay. Thanks, Frank. Rick.

MR. DEVICTOR: I think a formal motion would be good here.

MR. BELL: Okay. Then, again, Genny, do you have anything else to add at this point, or are you guys comfortable that you have been heard and that they've adjusted, according to the input?

DR. NESSLAGE: Thanks, Mel. Yes, I think we definitely have been heard, and I appreciate that. We did have a really, really good discussion, and I would, obviously, have to bring the wording back to the SSC if I wanted official approval, but I appreciate that folks have been responsive, Frank, and thank for getting back to us on those table numbers, as well as the wording, and so I think we're good to go for the moment, yes. Thank you.

MR. BELL: Okay. Great. Council, any questions or comments for Frank or Genny? Are we ready to move towards a motion, perhaps? Rick.

MR. DEVICTOR: I think the motion would be centered around that you believe that the review satisfied the requirements in the final rule, and what the final rule outlined was to look at those four factors that Frank went over of the characteristics, feasibility, uncertainty, and how the data is used, and then, of course, and Frank already went through it, but this will go to the region, and that's where we will determine if the SBRMs are consistent with the final rule, and then you will hear back from us a thumbs-up or thumbs-down.

MR. BELL: Okay. Do you want to go ahead and type something up there, Chip? Is that sufficient, or do we need more detail in there? Would someone like to make that motion? Carolyn.

DR. BELCHER: I would like to make the motion that the review -- That we recommend that the review satisfies the language in the final rule for standard bycatch reporting.

MR. BELL: All right. Kerry seconds. Is there discussion? It took a while, but we're here. Okay. No further discussion? Any objection to the motion? I don't see any, and I don't see any hands. All right. Then that motion carries. Thank you. We will go to the next item, which will be discussing exempted fishing permits, or a briefing. That will be you, Rick?

MR. DEVICTOR: Thank you, Mr. Chair. Yes, I will go through that. We have had three applications for EFPs since the last council meeting, and so I will go through, briefly, two of those, and then, the third one, you'll be getting a presentation from the EFP applicant on that. This is all in your briefing materials, and the first one that I will go through is the South Carolina Aquarium. This is Attachments 3c and 3d. We sent the letter to John on November 18 that we received this EFP application.

Again, just kind of walking you through the high points of this, the South Carolina Aquarium is requesting a five-year exempted fishing permit for the purpose of collecting specimens for public educational display, and they want this to run through July 1 of 2022 through June 30 of 2027, and so these are five-year EFPs. As you can see in their application, this isn't the first time they are requesting this, and we gave the first one back in May of 1998. More recently, we gave the EFP from June of 2017, and so it's going to expire this summer, in June of 2022, and so we're a little bit ahead of the curve here in getting this through now, and, of course, we will publish a Federal Register Notice and seek comment.

The EFP application clearly outlines the location and frequency of collection, and, mainly, they're going to be off the coast of South Carolina once a week during the months of May through September and twice a month for all other months. They do highlight that they will do limited collection off the coast of North Carolina, but, again, it will be mostly off the coast of South Carolina.

In terms of species, they clearly outline what species they are requesting in Appendix A, and so they go by species and by number. The total five-year is 7,180 fish and 2,275 invertebrates. However, as they highlight in their application, the actual catch is much lower than this, and they highlight that annual collections, since 2013, generally did not exceed 200 fish, and almost no invertebrates, and so, even though they have that high number in their application, they don't go near it.

The final thing I guess I would like to point out are the methods that they are looking to collect. There is scuba diving at depth with small handheld nets and dip-netting on the surface around sargassum mats, vertical hook-and-line, and trolling with rod-and-reel, and they outline the hook size and the methods in the application. Sea bass pots, spiny lobster pots, and golden crab traps that meet the requirements of 50 CFR 622.40, they do highlight that they will not be setting traps between November 1 and April 30 of each year, of course, due to concerns with the North Atlantic right whale, and no more than five traps at a time will be set. Finally, the last two methods are bait traps and minnow traps, and they have pictures of those, and octopus traps. That's it, and, again, we've been giving this EFP for a number of years now for display at the South Carolina Aquarium.

MR. BELL: I will just add that, I mean, we work with them closely at the state, and they're fantastic conservation partners and all, and they do things right there, and so I have no objections from South Carolina's standpoint. Again, all we're doing is we're just -- We're not officially

approving anything, and we're just -- If we feel that that's something that we're -- Go ahead, Jessica.

MS. MCCAWLEY: I think I saw where they were going to collect goliath grouper, and do we know what size the goliath grouper -- I didn't see that in there, and I think maybe it said up to two per year.

MR. DEVICTOR: I'm not aware of that information being in there, but we could certainly followup with that and find that out, and I think that would be good information.

MR. BELL: All right. Any other discussion of that particular EFP? Is everybody good with it? I don't see any hands or objections, and so okay. Now, do we actually -- We just -- Okay. Good deal. All right. Let's go to the next one. Public comment will be on all of these, potentially, when we have that. Go ahead, Rick.

MR. DEVICTOR: All right. EFP Number 2 here is called Strengthening the Supply Chain for Lionfish to Promote Fishing and Protect Native Species, and so this is in your briefing materials, Attachments 3a and 3b, and they want to test non-containment traps, which they're calling NC traps in their application, in the South Atlantic to harvest lionfish aboard commercial spiny lobster fishing vessels and state research vessels, and so you can see the applicants, and they are REEF, Reef Environmental Education Foundation, based in Key Largo, Florida.

The project partners, you can see it includes Dr. Steve Gittings of the Office of Natural Marine Sanctuaries, and he's the one who actually developed this trap, this non-containment trap, and Tom Mackey of the Florida Fish and Wildlife Conservation Commission, and you will see ties later on, as I go through that, with the work they already have in an EFP that's ongoing right now with the Florida Fish and Wildlife Conservation to test spiny lobster traps and modified spiny lobster traps.

Just kind of walking through this, like I just did with the last one, again, they want to test these non-containment traps to harvest lionfish, and they're really looking at beyond the limits of scuba diving, and so beyond thirty meters is where they want to try dropping these traps. They want to design and test modification to these, to make them more effective as lionfish trap while reducing bycatch, and that's a big part of this, is to kind of prove that they do not get a lot of bycatch in these non-containment traps, and they outline what species they have been getting in a Gulf of Mexico study, and it's jackknife fish, tattler bass, burrfish.

You can see, in the application, what the traps look like, in Figure 1 further on, and you can see it just kind of drops down closed, and then it hits the bottom, and then it opens up, and it's got a FAD in the middle, and so there's no bait in these traps, and lionfish like to go towards those FADs and collect there and hang out with each other, and they leave it down there, and then they simply just pull it up and scoop up all those lionfish. There is other really good pictures that kind of give you a good idea of what the FAD looks like.

In terms of the lobster trap comparison, like I highlighted, they're going to be working with Florida Keys lobster trap fishermen on the study, with the idea that these lobster trap fishermen know where the lionfish are, and they know how to set traps, they know how to avoid losing these in currents and such, and so they said let's consult with these fishermen and use their boat time to

know where to go, and so they will also be working with FWC also on some of those, and FWC would put down spiny lobster traps, and so there will be also -- Besides the non-containment traps, they will be using some spiny lobster traps right next to the non-containment to compare the two and which is better at catching lionfish and which is better at minimizing bycatch.

In terms of the location and -- Well, before I actually jump to that, I will just give out the numbers of what they're looking at, and so, again, I talked about they want to compare both of those traps, and a maximum of thirty-two traps will be deployed per trawl, and no more than a hundred non-containment traps will be deployed in the water at any given time, and there's some information on the soak times in this application, and they say here that it will not exceed twenty-one days per deployment, but, from talking with people, I think that that's going to be considerably less than that, and maybe on the order of like one week to one-and-a-half weeks will be the soak time. They're going to use these non-containment traps, again, to see if the lobster fishermen can retrieve them and do these type of traps work on how they currently fish for spiny lobster with their retrieval system.

The study site, and so, like I highlighted, it's going to be in waters deeper than thirty meters, and, of course, one of the purposes of that is to avoid coral impacts, and they generally set this in sand next to a reef, and the lionfish will move off those reefs into these FADs. It's going to be between Alligator Reef and Looe Key.

The timeline, they want to start on January 1, 2022, and go through September 30 of 2023, and they anticipate thirty trips per year on the FWC vessels and twenty trips per year on commercial lobster vessels, and so that concludes my report to go over this.

MR. BELL: Obviously, you've got to be able to move to deeper water if you're going to try to catch these things, and Florida has been very imaginative about shallow water. Jessica.

MS. MCCAWLEY: We're supportive of the EFP, but I just had a couple of questions that we were hoping to get some more information on, maybe later in the week, and so we were wondering if there was going to be an observer aboard each vessel, and that was one of our questions. Are they going to record the bycatch data in all of the traps, because I think that would be useful, and it wasn't clear if there will be out-of-season sale of reef fish, unless I missed that, and then we're also assuming no possession of lobster during the closed seasons, and are they baiting those lobster traps with shorts? Just a few questions for you.

MR. BELL: Thanks, Jessica.

MR. DEVICTOR: I've got those, and I will definitely follow-up with you.

MR. BELL: Okay. Any other questions or concerns or comments on that one? Chester.

MR. BREWER: I was just raising my hand to remind everybody that lionfish are absolutely delicious. Eat as many as you can, and then, also, I had a question, because I didn't see it in the briefing book, but you said there's a third application for an EFP, and I'm curious as to what that third application is.

MR. BELL: Well, funny you should ask. Rick.

MR. DEVICTOR: Before we jump there, I was going to supply some responses to some of the questions that Jessica raised, but, yes, there will be a third one.

MR. BELL: Okay. Anything else on the second one with the lionfish traps? Go ahead, Rick.

MR. DEVICTOR: Okay, and so what I'm hearing is no observers, and it will not be baited with shorts. Lobster season -- During the closed lobster season, only lionfish will be sold, and lobster traps will not be baited during the lobster closed season.

MS. MCCAWLEY: Thanks, Rick.

MR. BELL: Are you good? Okay. Cool. All right. Well, let's hear about the third one.

MR. DEVICTOR: That's not me this time. The applicant will be giving a presentation.

MR. BELL: Sorry.

MS. SAWICKI: Hi, everyone. My name is Kim Sawicki, and I'm the President of Sustainable Seas Technology, and also a PhD student at the University of Massachusetts Dartmouth. To begin, I would like to express my apologies to the council for the lateness of our EFP submission. We have been working for about three years on this, with SERO's Protected Resources Division, and we're awaiting some really important details required to complete our application, and so we owe a big thank you to the folks at the council, NMFS, and PRD for their help in getting it submitted for your consideration today.

We would also like to thank the council for their support of our pilot project last year that began investigating alternatives to closures in the commercial black sea bass pot fishery, and the pilot was very successful, and it allowed us to try out a variety of the systems and get feedback from ten different fishermen. All of the systems we tested worked exactly as designed and were 100 percent reliable, when operated as directed, and we also used a variety of virtual gear marking products, all of which allowed us to mark and relocate the gear reliably.

Our upcoming research will continue to look at the systems that were favored by the black sea bass pot fishery and how we can optimize the use of these gears and the gear configurations, to allow them to access the closed areas safely and economically. The research is really important, not just for the black sea bass pot fishery, but also other pot fisheries that have similar conflicts with endangered species.

Our upcoming work, funded by Georgia Sea Grant, includes a more detailed look at the gear available and will allow anyone interested in the ASBRS and black sea bass pot fishing to participate in a knowledge exchange in Townsend, Georgia. We also plan to liaise with various OLE staff, to gather feedback on the virtual interoperable gear marking system, which is a part of our project that's funded by the Marine Mammal Coalition. We will also begin to take a more detailed look at the on-deck ergonomics for the ASBRS, as well as the 4bys systems, to allow for comparison with the traditional single-pot system.

We're in the process of seeking additional funding, and we also plan to perform work required for a cost-effectiveness analysis for this gear and our various pot configurations. For managers and fishers to accept these devices as legitimate gear options for the South Atlantic black sea bass pot fishery, a detailed a cost-effectiveness analysis that incorporates industry input will be required. We plan to perform a survey of permit and endorsement holders, and we hope to expand the work in the Georgia project to include partners in Florida, North Carolina, and South Carolina.

We will need to access the inshore closed areas to perform the necessary fishing activities to compare the results of our initial pilot fishing areas, which were inshore and during the allowable season. All of our data will be used to determine how well the gears and gear configurations perform and, further, what scenarios would be best to offset the costs associated with fishing these innovative gears. We will also take a look at when our fishing partners could begin to expect to see positive financial returns using these devices.

Some of the factors we will consider and gather information on include labor cost considerations, fuel cost considerations, current catch values, and any potential future equipment costs. We are including in this trial the gears that were very favorably reviewed by fishers during the pilot project. All of our fishing partners will be trained thoroughly on these devices and the configurations they are testing. We will continue to use our dockside and harborside trainings, to ensure that fishers are fully capable of operating the systems on their own. Researchers will accompany fishing partners when they first begin deploying and retrieving the systems in their fishing activities.

We have worked very closely with Protected Resources to determine best practices when deploying the gears in the closed areas, to ensure there will be no interaction with North Atlantic right whales. Those pre-fishing practices are listed in the full application, and they also include detailed information on soak times, research methods, and transiting the closed areas. We will also provide information to NOAA on any sightings of marine mammals in the closed areas. We do encourage anyone not listed in this application to contact any of the listed fishing partners or myself if they are interested in participating in the project. In particular, we would like to include fishers from South Carolina and northern Florida, if possible.

In conclusion, I would like to personally thank all of you here today for supporting this work. In a world where so many have the perception that the fishing industry is reluctant to adopt new approaches and technologies to fishing, the members of the black sea bass pot fishery have shown that not to be true. I am proud and honored to work with them, and I hope to be able to continue to do so for many years. Thank you.

MR. BELL: Great. Thanks, Kim. Great presentation, and it's interesting work, and our council has some history with working through issues related to the black sea bass fishery and whales and going way back, and we spent a lot of time on an amendment once, but this is a great concept. Any questions for Kim or comments at this point? Laurilee.

MS. THOMPSON: I met with Kim and Julie Albert from the North Atlantic right whale -- She's our coordinator for the Southeast Atlantic, and I was really impressed. I saw the gear, and I didn't actually get to go out in the boat with them, but I helped them get set up with Jimmy Hull, and Jimmy took them out, and Jimmy was impressed with it. I think this type of gear is the future for

us, because we can't just keep entangling whales and other animals, and so I think Kim definitely deserves a chance to prove that this will work.

MR. BELL: I agree. The whole vertical line issue is just going to be an issue until it's dealt with. If you can do away with vertical lines that are present, then that's -- And the technology now is such that it's more affordable, and things are more reliable, and, if you've got industry buy-in, that's what you're looking for, and so I agree. Any other questions or comments for Kim at this point? Trish.

MS. MURPHEY: I was just going to just comment on, when you're working off of North Carolina, you might want to check with DMF, to make sure, if you need an education and -- It's called a scientific and education collecting permit, and so you might just want to contact them and make sure if you need one or not.

MS. SAWICKI: Thanks very much.

MR. BELL: All right. Anything else at this point? Again, all three of the EFPs that you heard will be potentially commented on at the public hearing here, and we may get some additional feedback. Okay. I don't see any. Wow. We actually made up a little time. All right. Well, that's all I had for this particular session, and so we're fifteen minutes early. We could come back fifteen minutes early. We're not giving up fifteen minutes. I appreciate you all's participation and attention this morning. What we'll do then is we will reconvene at 1:15 instead of 1:30. We'll see you back here at 1:15, and we'll pick up with Mackerel Cobia, and Spud will take us through the rest of the day. Thank you.

(Whereupon, the meeting adjourned on December 6, 2021.)

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SAFMC December Council Attendee Report: Meeting (12/6/21 - 12/10/21)

Report Generated: 12/07/2021 06:15 AM EST Webinar ID

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Attendee Details

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Yes	Antonaras	Manny	
Yes	BROUWER	MYRA	
Yes	BYRD	01JULIA	
Yes	Batsavage	Chris	
Yes	Bianchi	Alan	
Yes	Blough	Heather	
Yes	Brame	Richen	
Yes	Bubley	Walter	
Yes	Burgess	Aurora	
Yes	Calay	Shannon	
Yes	Candelmo	Allison	
Yes	Chaya	01Cindy	
Yes	Cheshire	Rob	
Yes	Conklin	The Real Chris	
Yes	Copeland	00 Robert	
Yes	Cox	Derek	
Yes	Crosson	Scott	
Yes	Curtis	01Judd	
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Yes	Diaz	Dale	
Yes	Dukes	Amy	
Yes	FRANCO	DAWN	
Yes	Finch	Margaret	
Yes	Foor	Brandon	
Yes	Foss	Kristin	
Yes	Gentry	Lauren	
Yes	Godwin	Joelle	
Yes	Gore	Karla	
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Yes	Guyas	Martha	
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Yes	Karnauskas	Mandy
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Yes	Kittle	Christine
Yes	Klasnick	01Kelly
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Yes	LARKIN	Michael
Yes	Laks	Ira
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Yes	Lindh	Ryan
Yes	MTARVER	TIM
Yes	McCallister	Kevin
Yes	McCoy	Sherylanne
Yes	McLemore	Michael
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Yes	Records	David
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Yes	Schlick	CJ
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Yes	Stemle	Adam
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Yes	Thompson	Laurilee
Yes	Travis	Michael
Yes	Vincent	Matthew
Yes	Walia	Matt
Yes	Wamer	David
Yes	Whitten	Meredith
Yes	Wyanski	David
Yes	Zoodsma	Barb
Yes	brewer	00chester
Yes	rindone	ryan
Yes	sandorf	scott
Yes	thomas	01suz
Yes	vara	mary

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Mel Bell, Chair SCDNR-Marine Resources Division P.O. Box 12559 217 Ft. Johnson Road Charleston, SC 29422 (843)953-9007 (ph); (843)953-9159 (fax) bellm@dpr.sc.gov

Dr. Carolyn Belcher, Vice Chair GA DNR - Coastal Resources Division One Conservation Way, Suite 300 Brunswick, GA 31520 (912)264-7218 (ph); (912)262-3143 (f) Carolyn.belcher@dnr.ga.gov

Robert Beal Executive Director Atlantic States Marine Fisheries Commission 1050 N. Highland St. Suite 200 A-N Arlington, VA 22201 (703)842-0740 (ph); (703)842-0741 (f) rbeal@asmfc.org

Chester Brewer 4440 PGA Boulevard, Suite 600 West Palm Beach, FL 33408 (561)655-4777 wcbsafmc@gmail.com

Chris Conklin P.O. Box 972 Murrells Inlet, SC 29576 (843)543-3833 conklinsafmc@gmail.com

LT Robert Copeland Seventh Coast Guard District 909 SE 1st Ave. Miami, FL 33131 (305) 415-6781(ph); (786) 457--6419(c) Robert.R.Copeland@uscg.mil

Tim Griner 4446 Woodlark Lane Charlotte, NC 28211 (980)722-0918 (ph) timgrinersafmc@gmail.com

Or. Clay Porch (Guep) -T Pattick O'Shaughneory

Judy Helmey **124 Palmetto Drive** Savannah, GA 31410 (912) 897-4921 JudyHelmey@gmail.com

Kerry Marhefka 347 Plantation View Lane Mt. Pleasant, SC 29464 (843)452-7352 (ph) KerryOMarhefka@gmail.com

Jessica McCawley Florida Fish and Wildlife Conservation Commission 620 South Meridian St Tallahassee, FL 32399 (850)487-0554 (ph); (850)487-4847 (f) Jessica.mccawley@myfwc.com

Trish Murphey NC Division of Marine Fisheries P.O. Box 769 3441 Arendell Street Morehead City, NC 28557 (242) 808-8011 (0); (252)241-9310 (c) Trish.murphey@ncdenr.gov

Tom Roller 807 Deerfield Drive Beaufort, NC 28516 (252) 728-7907 (ph);(919)423-6310 (c) tomrollersafmc@gmail.com

Andy Strelcheck Acting Regional Administrator NOAA Fisheries, Southeast Region 263 13th Avenue South St. Petersburg, FL 33701 (727)551-5702 Andy.strelcheck@noaa.gov

Laurilee Thompson P.O. Box 307 Mims, FL 3274 (321) 794-6866 thompsonlaurilee@gmail.com

attendes

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL 2021 COUNCIL MEMBERS continued

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

Spud Woodward 860 Buck Swamp Road Brunswick, GA 31523 (912)258-8970 (ph) swoodwardsafmc@gmail.com

> U.S. Fish and Wildlife Service Representative TBD

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ATTENDGE LIST COUNCIL SESSION (OPEN) 12/6/2021

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL **COUNCIL STAFF**

Executive Director John Carmichael john.carmichael@safmc.net

Deputy Director – Science Dr. Chip Collier chip.collier@safmc.net

Deputy Director - Management Myra Brouwer myra.brouwer@safmc.net

Citizen Science Program Manager Julia Byrd julia.byrd@safmc.net

Admin. Secretary/Travel Coordinator **E**indy Chaya cindy.chaya@safmc.net

Quantitative Fishery Scientist Ør. Judd Curtis ludd.curthis@safmc.net

Fishery Economist & FMP Coordinator ohn Hadley john.hadley@safmc.net

Fishery Scientist Allie Iberle Allie.iberle@safmc.net

Public Information Officer Kim Iverson kim.iverson@safmc.net

Administrative Officer Kelly Klasnick kelly,klasnick@safmc.net Mabitat & Ecosystem Scientist Roger Pugliese

roger.pugliese@safmc.net

Outreach Program Manager **Cameron Rhodes** cameron.rhodes@safmc.net

Sishery Scientist Dr. Mike Schmidtke mike.schmidtke@safmc.net

Citizen Science Project Coordinator Nicholas Smillie Nick.Smillie@safmc.net

Staff Accountant Suzanna Thomas suzama.thomas@safmc.net

Fishery Social Scientist Christina Wiegand christina.wiegand@safmc.net



SEDAR

SEDAR Program Manager Dr. Julie Neer [ulie.neer@safmc.net

BEDAR Coordinator Kathleen Howington kathleen.howington@safmc.net



South Atlantic Fishery Management Council Meeting

Monday, December 6, 2021

Beaufort, NC

PLEASE SIGN IN -

In order to have a record of your attendance each day of the meeting we ask that you sign in.

Name:	Mailing Address/E-mail: (If your information is currently on file, just check the box.)	How do you participate in South Atlantic fisheries? (Check all that apply)	
Thomas E.	On File	Commercial	NGO 🗆
Thomas E. Newman III		Recreational 🗌	Govt. 🗖
		Charter/ For-hire 🛛	Other Describe
	On File	Commercial	
		Recreational	Govt. 🗖
		Charter/ For-hire	Other
	On File		Describe
		Commercial	
		Recreational 🗌	Govt. 🗖
		Charter/	Other
		For-hire —	Describe
	On File	Commercial 🔲	
		Recreational	Govt. 🔲
		Charter/	Other
		For-hire	Describe
	On File	Commercial	
		Recreational	Govt. 🛛
		Charter/	Other
			Describe
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		Charter/ 🔲 For-hire	Other Describe