SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

GOLDEN CRAB COMMITTEE

Charleston Marriott Hotel Charleston, SC

September 13, 2012

SUMMARY MINUTES

Committee Members:

David Cupka, Chair
Dr. Michelle Duval
Dr. Wilson Laney
Charlie Phillips
Ben Hartig
Martha Bademan
John Jolley

Council Members:

Steve AmickMel BellTom BurgessDr. Roy CrabtreeDr. Michelle DuvalAnna BeckwithLt. Mario GilDoug HaymansJohn JolleyTom Swatzel

Council Staff:

Bob Mahood Gregg Waugh
Dr. Brian Cheuvront Mike Collins
Kim Iverson Julie O'Dell
Dr. Kari MacLauchlin John Carmichael
Roger Pugliese Anna Martin
Amber Von Harten

Observers/Participants:

Monica Smit-Brunello Dr. Jack McGovern
Dr. Pam Dana Otha Easley
Dr. Bonnie Ponwith Vince O'Shea
Anne Marie Eich

Other observers attached to the end of the document.

The Golden Crab Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, September 13, 2012, and was called to order at 10:20 o'clock a.m. by Chairman David Cupka.

MR. CUPKA: We're going to go right into the Golden Crab Committee. The first order of business will be approval of the agenda. Are there any changes to the agenda? Seeing none, then that agenda is approved. The second order of business is approval of our June 2012 Committee Meeting Minutes.

Are there any changes or corrections to those? I have one on the bottom of Page 8 and the top of Page 9. Monica made reference to a letter going to Sam Rauch from the Council Executive Director and a response from Sam to the Council Executive Director. Actually the letter went from the Council Chairman and the response was received by the Council Chairman.

That was dealing with the request to allow council members to see confidential information in the golden crab fishery. Are there any other corrections or additions? Seeing none, then the minutes are approved? Before I call on Brian to give his report on the Golden Crab Permit Holders Meeting that was held last month, August 10, in Key Largo, I'd like to take just a few minutes to make some comments and some observations if I may in regard to this fishery and where we are.

I want to do this for a couple reasons; one, we have a number or new council members. When I say new, I mean people who have been on the council a year or less. Out of the 17 council members, seven of those are new. Out of the 13 voting members, five of those are new. We've had quite a bit of turnover on council composition or membership.

Some of those people have certainly not had an opportunity to be privy to some of the discussions we've had in the past on golden crab. Also, let me say right off the bat that none of my remarks are intended in any way to support or push any particular viewpoint in regards to Amendment 6 of the Golden Crab FMP or the catch share issue.

This council went on record some time ago with saying we would not support catch shares unless the fishermen supported them. We also recognized that it was very important to have the fishermen involved in the creation of any catch share program; and that without their support that catch shares were not going to work.

Now, that was the position of the council several times. I would remind particularly new council members though that nothing this council does is written in stone. Any decision that is made can be changed at any time as long as we follow the procedures called for in the law. If people change their mind on a particular issue or if we get some new people with perhaps a different perspective on a particular issue, those things could change.

But that has historically been the – I won't say policy – but where our council has come from in regard to catch shares. I think this council made a good faith effort in going down this particular road to develop a catch share program. We were approached several years ago by several members of this fishery wanting us to look into a catch share program and begin developing it, which we did trying to work closely with the industry. Then, as you know, back in March of this

year at our meeting in Savannah, all of a sudden it became apparent that there were some people in the industry who were opposed to catch shares.

At the time I guess a number of us were surprised. Although in a reflection I'm not sure that we should have been because up until about that time we hadn't chosen a lot of preferreds and quite frankly some of the industry members didn't know what the impacts were going to be on their fishery in regard to some of those preferred alternatives and options.

Since then they've had a chance to look at that and see how that would impact them. Now we did have that meeting, like I say, in Key Largo. It was a remarkable meeting from the standpoint it is the first time that we've had all the participants in the fishery at one table. It was their meeting. Well we convened it.

Ben and I attended as observers, but the only people sitting at the table were the fishermen themselves plus Brian, who was there to facilitate the meeting and to answer questions, as well as Karla Gore and Andy Strelcheck who was there to answer questions also. I think everyone at that meeting made a good faith effort to keep an open mind, to have their discussions.

They all had an opportunity to let the other ones know what their position was; and importantly why they held that position. It was an attempt to try and get all the industry people together to see if they could work out some differences, come up with some compromises so that we could move ahead with Amendment 6.

Also for those of you who are new, I'll point out the fact that there are seven people active in this fishery and those seven people hold a total of eleven permits. It is limited access, and so until and if and when this council takes action, it will remain at that level. As I say, I think they had some good discussions. It was a full day meeting, but unfortunately they were not able to reach consensus on how to move ahead on some of these issues.

The vote at the end of the meeting was four individuals opposed to moving ahead with Amendment 6. There were two who supported it and the seventh one was sitting on the fence, and he would go either way. That was the outcome of that meeting. Since that time, these fishermen have continued to, at least my understanding is to have discussions and see if they can resolve any of these issues and at least communicating among themselves.

In discussions that I've had with industry representatives and fishermen, it seems to me where we are at this particular junction is that the industry wants to put Amendment 6 on hold and not move ahead with it at this time. There are a number of concerns that have been expressed relative to markets, developing markets. There are a number of times that they have expressed concern on whether a derby fishery is going to develop or not.

Some of them feel like it has already started; others feel like it is not going to happen. If we did give it some time to see how some of these issues shake out, we and the fishermen might be in a better position to decide exactly how we want to move ahead with this. It seems to me that we are at a point where there are three alternatives we could consider.

One is to go ahead and move ahead with Amendment 6. It was pointed out to the fishermen several times during that meeting that the final decision is up to this council. That is an option;

we could move ahead with Amendment 6. We could move ahead with those elements of Amendment 6 that don't deal with the catch share, and there are a couple of action items in there that aren't necessarily related to a catch share program. That would be a second option.

The third option would be to put this plan on hold and see how some of these other issues shake out. Again, we've spent some time working on this plan. I don't consider it wasted time. We've learned a lot. I think down the road, if we decide to go the route of putting it on hold, it would be a matter of taking it and dusting it, off so to speak, maybe updating it a little bit, but we would have it available to do that with.

I think that is where we are. At least my read on it as chairman of the committee and with discussions of the industry is that they would prefer at this time perhaps to put it on hold and see how it goes from there. That is my read of where we are in this whole issue. I'm going to ask Brian to give his report on the meeting that was held down in Key Largo.

Then the next agenda item is to try and decide what we're going to do with Amendment 6. I think before we get too far into the weeds on that, this committee and this council needs to decide exactly what direction we want to go in from here in regard to the three alternatives that I outlined earlier that I see as the way we could go.

I personally know where I'm at on this decision, but it is up to each of the committee members and ultimately to each council member to decide how we want to move ahead with this issue. With that I'm going to ask Brian, if he will, to give his report on the meeting that we had down in Key Largo and then we'll see where we want to go from there.

DR. CHEUVRONT: I think maybe before we get into that report, I think this would be a good time, because one of the issues that is relevant to this entire discussion is whether or not a derby fishery is developing; and something that we've not typically done in the past on golden crab is to talk about at these meetings where we are in terms of meeting that ACL. I had asked Jack if he would be willing to spend a moment and talk about where we are now this season towards meeting that ACL. Jack, if you can do that.

DR. McGOVERN: There are landings for golden crab that we get from the Science Center as part of the quota monitoring system. Based on landings through yesterday, we are about 25 percent of the quota, but that includes a lot of expanded landings. There are a lot of landings from dealers that haven't been reported.

Andy Strelcheck looked at logbook landings for golden crab, and through July there are about a half a million pounds landed. He projected what the landings would be towards the end of the year and he projected that there would be about a million pounds landed through December. In comparison to 2011, that is almost about 300,000 pounds higher than in 2011 and maybe about 400,000, 350,000 higher than 2010. Landings this year are a bit higher than in previous years.

DR. CHEUVRONT: Just to remind folks, especially the new folks, that this fishery, which may be projected right now to hit about a million pounds, has an ACL of two million pounds. That is only about half of the ACL is projected to be met this year. I am projecting the Golden Crab Permit Holders Meeting Report. It is in your briefing book. It is Attachment 1A under golden crab.

The first part of the report basically gives the background as to how we got to that point where we had the meeting last month in Key Largo. As Chairman Cupka had said – and actually he had summarized much of what is in the report in his remarks, but just to bring everybody up to speed on where we are with this, at the March meeting this year in Savannah we were getting pretty close to finalizing this amendment; and at the public comment period several folks came forward and said, "Wait a minute, we're not in favor of the catch shares as it is here", and some are not in favor of catch shares under any circumstance.

The council had asked staff to get an idea of the interest that catch share permit holders had in the fishery. At that time we were dealing with landings through 2010. The direction to staff was that they wanted to find out the interest in pursuing a catch share among those permit holders who had had at least one pound of landings in 2008, 2009, or 2010, in two of those three years.

At that time only five of the eleven permits qualified to express their interest in a catch share program, so the majority of permits did not qualify. When that came back, three of the permits were in favor of pursuing catch share and two were not. The council in seeing that and hearing more discussion that, really, when you are talking participants in the fishery, there were some people who are just ramping up participation in the fishery.

You may remember at their last meeting in June when you were looking at the actual landings, there were some permits that had not been used much in those previous years, but really hadn't started to get used maybe in 2010, and certainly considerably more in 2011, and are continuing into 2012.

To help get through the mire of the problem of what to do, the council at the June meeting had requested that prior to this meeting we try to get the permit holders together. As Chairman Cupka said, while there are eleven permits, those eleven permits are held by seven individuals. It was a rather remarkable and almost historic event for this fishery that we got all of the permit holders and participants in this fishery in one room at the same time. We talked for an entire day as to what to do about this fishery.

Now what we tried to explain to everybody was that the council needs to know what are your opinions about catch share in general as well as there are all these actions that the council is considering; so let's try to get through what everybody thinks about catch shares and then let's talk about the different actions. I propose that is kind of the approach that we take with this.

One thing I want to mention, before I forget it, is that also at the June meeting several new people were appointed to the Golden Crab AP. Every fishing operation that is in this fishery now has at least one representative on the AP. You also have a scientist, you have a crew member and you have somebody on there whose family had historical participation in the fishery but is not actively participating in the fishery right now.

At the meeting those who were against the idea of catch shares presented a written document. That document was read into the minutes and you have a copy of the minutes. Those who were in favor of the catch shares also had a document that they presented and were read into the minutes. In the report, on the second page, which I've got projected up here on the screen, I have a summary of what was said by each of those documents.

Now this report was written about a week or so after the meeting. It was sent out to all the meeting participants. They were given an opportunity to respond to what was in the report. I received one comment back from one of the participants at the meeting who said thanks but offered no corrections.

I received no other comments from any of the other participants in the meeting. I had given them – I had told them that they had up until today literally to get comments to me, and I had not received any from anybody about this report. Four participants were adamant that they felt there were no problems with the way the fishery is currently being managed.

They gave some reasons as to why they thought that a catch share was not needed at this time. First, that they felt that there was no biological reason for this. There is no overfishing and the fishery is not overfished. There are no gear conflicts, and that is largely because the fishery is managed by zones.

Those 11 permits are assigned to one of the three specific zones so you don't have more than a handful of permits in any one zone. There currently is no derby going on in the golden crab fishery and they felt that there were no safety at-sea issues that needed to be addressed at this time.

The council and the SSC both must have felt that the stock is pretty healthy as they set the ABC equals the ACL at two million pounds, which even now, even though the production is ramping up, it is about double what we are probably going to be able to land this year in a fishery that is growing.

There was a feeling that the implementation of a catch share program would require a number of the permit holders to either have to lease or buy shares to maintain or grow their business. Now, it is true that the way the shares would have been distributed under most every alternative under Amendment 6, there was at least one participant in this fishery who is going to have to get more shares than would have been allocated just to stay at that current production level that they had up through 2010. Like everybody else that entity has been increasing production.

There was a philosophical concern about catch shares would convey private ownership of a publicly held natural resource to just a few individuals. There was some concern there from those folks about catch shares. Now those who were in favor of catch shares on the other hand say that, well, there are some issues that need to be addressed, and it could be addressed quite well through a catch share program. For example, they felt that there needed to be more monitoring and enforcement of the fishery. You'll remember that part of that catch share program included things like establishment of VMS and approved landings sites.

They felt that the landings were not being adequately monitored. Some of the rules were kind of irrelevant for the way they fish now. There is a small vessel subzone in the southern zone that is specifically set aside for smaller vessels, but apparently now most folks seem to be ignoring that, anyway. There is an action in there to get rid of that small vessel subzone.

The fishery is capped with an ACL but there were no other management measures to ensure that landings stay under that ACL. It was just going to have to be keep an eye on the quota; and if a

derby did develop, then it would be up to NMFS to keep tabs on that and then shut it down in time to keep from going over that ACL.

Also it was felt that a catch share would prevent a derby fishery from occurring and that would afford protection for habitat and the biomass in the future. Now through all the discussion, it was a really good discussion. I mean, clearly, there were people who were in favor and some who are not, but everybody got to speak their piece.

We were very careful to make sure that happened. We didn't take votes. What we did was we wanted to get all the ideas on the table and bring them back to the council so the council could sift through them and figure out how they wanted to handle things. It was really clear that there was no overall support among the permit holders for a catch share at this time. It just does not exist.

Those who were in opposition weren't all universal in the reasons for their opposition. I think there were some who, if they had been allocated enough shares for where they felt they wanted to go in the fishery, that they might have been willing to consider a catch share. But we didn't really discuss that fully, but that was sort of an indication of where they were going.

The problem was that even with the two million pounds there wasn't enough shares to be allocated to make sure that in an initial allocation everybody would have felt comfortable. That said, there were still some who were just adamantly opposed to the idea of catch shares on principle. Nothing, no matter how much the allocation would have been to them, it would not have persuaded them to want to participate in a catch share program for this fishery.

After we had had all that discussion, we had gone to lunch and we came back and the fishermen wanted some time alone, the seven entities in the room, to discuss some issues in private. They got about a 45 minute time period to see if they could work out some things on their own. When that was done it was clear that, no, they were not able to come to agreement on what they wanted to do.

Everybody was still in the same camp that they were before they went to lunch. But one of the things that we asked them to do was to let's go through each of the 15 actions that are in Amendment 6. If you look on Page 3 of the report, we have the actions. Now what you have is Actions 1 through 7. Action 9, and Actions 12 through 15 really are pretty much specifically related to catch shares.

Now included in that is also the VMS action. The council does have VMS in a fishery, rock shrimp that is not part of a catch share. VMS itself is not a requirement only in a catch share. It is necessary if you do have a catch share program, but you can institute it for other reasons. But the only reason why it came into this fishery initially was because it was included as part of the catch share. There were some fishermen who are in favor of having VMS in this fishery regardless of whether or not there is a catch share, and there were some who are very much against it largely for the same kinds of reasons that you heard when it was discussed earlier as a part of CE-BA 3.

Of those catch share specific actions, those who were not in favor of the catch share, all wanted Action 1, no action on those – my goodness, there is a dozen of them or so actions. Action 8,

which was to revise the boat length limit rule, I think the concept was agreeable to just about everybody, but there was no agreement as to how it should be done.

There were some ideas that were put out there that are not currently in Amendment 6 as potential alternatives of how to do this. There wasn't universal agreement as to how large a vessel should be, but they were all sort of in the same ballpark. Then there wasn't total agreement on how to transfer a permit from one vessel to another vessel that was larger.

There were some details I think that the permit holders felt needed to be worked out. One of the suggestions was that this would be something that would be very good for the AP to take up in the future and let the AP hammer out a range of alternatives for the council to consider. Basically there was some feeling that this action needed to be revised.

Action 10 was to modify the small vessel subzone restriction. There were a few folks who felt that should only be done as part of a catch share program. There were others who felt that they would just like to see the council's Preferred Alternative 2, which was to get rid of it, but there was no universal agreement on the timing of how that should be done.

The same was for Action 11. This was the one – currently Action 11 deals with the issue of one vessel – excuse me, one permit on the vessel at a time. Some of these entities own more than one permit for different vessels. Currently what they have to do, if they want to fish in different zones, they have to come back in and call in and then transfer the permits, because you can only have one permit on the vessel at a time.

What this action was going to do was to allow people to have more than one permit on the vessel at a time. The council's current preferred action was to allow the vessels to fish in any zone for which they had a permit. There was not universal agreement on how to go about doing that. Then this Action 12 with catch shares; there were some folks who thought that catch shares could – excuse me, the VMS and the catch shares could go forward without the catch share provision. There were others who just did not want it.

There seemed to be pretty much universal agreement that a hail-out/hail-in provision would be acceptable to everybody. There are issues with using VMS in this fishery. It tells you where the vessel is but not necessarily where the gear are. There have been some discussions with NOAA OLE about that. They understand that. But the idea is that it could give some idea that could help with future fisheries management as well as potential law enforcement issues.

In Action 15, the approved landings sites, that was really considered to be a catch share issue; and if you go to VMS without a catch share, you may not need to have the approved landing sites. But if the council did decide to do this, this was an action where everybody agreed with the council's preferred action is that the fishermen want to chose the landings sites pending law enforcement approval. That was the one thing that they basically all agreed on. I think the take home message to me from this meeting was it was great to get everybody to talk there. We got a lot of issues on the table. Some things could be worked out by the AP in the future.

As a matter of fact, a couple of other things came up. One of the fishers in the northern zone would like for the council to reconsider the HAPC line that is at Latitude 29. He would like to have that considered to be moved further north, because that is some prime golden crab fishing

area, but that is something that would have to be reviewed by more than just golden crab, because you are now getting into habitat issues and so that is a wider issue.

The golden crab folks might want to consider that in future AP meetings. The boat length limit rule needs to be discussed in further detail. I have confidence that the AP working together could come up with a new action and alternatives for the council to consider to deal with this issue. They all agreed they like the three fishing zones that exist.

They may not agree on allowing people to put more than one permit on a vessel, but they like the idea that the fishing zones work to help keep people from being involved in each other's gears. Some people thought that some actions should move forward without catch shares; others were not so sure.

I think in my talking with folks – and it was not exhaustive; I did not contact every single permit holder and ask them of this opinion. My impression was that folks would prefer the council not do anything at this point rather than do the wrong thing. What people think is the "wrong thing" is determinate on who you are talking to at a given moment.

I think some folks who think that there is no derby going to develop, think that unless there is there is no reason for us to consider catch shares on this in the future. Others think, well, a derby is going to develop and we'll probably see it within the next few years. There is some reason behind wanting to wait to see what could happen in the future.

Somebody had suggested having a voluntary catch share for those who might want to participate in it. That had been brought up in the context of some other fisheries, not quite sure how that would work. That had been brought up. Somebody had suggested consider reducing the number of permits even further from 11 and start getting rid of some of those that are not active.

They might want the council to look into the idea of localized depletion, see if there is any problem where crabs have sort of been fished out. Some people wanted to look at the purpose and need a little bit better. That is one of the things that this council has struggled with in this amendment is coming up with a purpose and need for why they wanted to go to the catch share right now in the first place.

Mr. Chairman, that concludes sort of my report. I would just like to say in talking with some of these guys recently they want to continue working on management issues; but now with the AP structured as it is I'm not sure that we need to have a permit holders meeting in the future since they are all represented on the AP at this point. I think maybe at some point in the future the council might want to get that AP together to discuss some of these issues, but I'm not sure what the timing on that ought to be at this point.

MR. CUPKA: I meant to point out earlier for the benefit of the new people that this council has a long history of working very closely with the fishery. Not only do the fishermen, but I think the council wants to maintain this close working relationship in the future. Are there any questions for Brian in regard to his report? Wilson.

DR. LANEY: Well, Brian, you didn't mention it or at least if you did I missed it, but in the recommendation to the council made by the permit holders, it did indicate that all permit holders

agreed on the need for a stock assessment for golden crab. I know the stock assessment schedule is full.

I did want to mention to everybody else on the committee that I did have some discussion with one of the permit holders, and also with John Carmichael about that. It strikes me that for golden crab, if an assessment could be done – and I think based on my conversations with John it would probably have to be done in some kind of a survey approach and probably by somebody with expertise. I think Steve Cadrin's name was mentioned, because he has done work on crustaceans before.

One thing that is a little different about this fishery is that there are large areas of golden crab habitat that are closed for habitat reasons. My sense is, and John generally confirmed this, that if you are doing an assessment for golden crab throughout its range; given that you have those closed areas, you sort of have a built-in buffer there in that golden crabs would be produced in those areas but they are not subject to fishing pressure. At such point in time as an assessment could be done, that would be a slightly different wrinkle and I think a beneficial one as far as the fishery goes and the fishermen themselves to have those areas included in that assessment.

DR. CHEUVRONT: Wilson, you are absolutely right. I had thought about it at one point while I was giving the report and it escaped me when I got towards the end. But you are right, all the fishermen agreed that they would like to see an assessment made of golden crab at some point in the future.

It was stressed to them at that time that while they were optimistic that an assessment would show that there are more crabs out there that could be made available to harvest; don't get too excited because there has been other times in the past when we thought that was going to happen when in fact the exact opposite occurred and they ended up with a lower quota or ACL. That sword cuts both ways.

DR. CUPKA: Other questions for Brian? That is a good point you bring up, Wilson, and I'm glad you did mention that because there are golden crab protected areas out there and a considerable amount of bottom that is protected from harvest that could provide a source of crabs. If there are not other questions for Brian, then we need to decide where we are going to go in regard to this. There is no sense in spending a lot of time on the amendment itself if the committee doesn't want to move ahead with it. I'll ask the committee. Charlie.

MR. PHILLIPS: Mr. Chairman, I would move that we postpone anymore work on this amendment until we bring it back at the March meeting. Hopefully, in January or after our December meeting, when staff would have some time to work with stakeholders, see if they can work out some stuff and look at it again in the March meeting. Then I have another comment or two if I can get a second.

MR. CUPKA: Okay, we have a motion to postpone more work on Amendment 6 until after a meeting of the stakeholders, which would be held some time prior to the March 2013 meeting. Was there a second; Michelle seconds? Discussion on the motion? Wilson.

DR. LANEY: I think Charlie had some more comments he wanted to make, but in view of Brian's comments about the AP, would it be appropriate to say and/or advisory panel?

MR. CUPKA: Do you accept that as a friendly amendment and the seconder agrees, then we can do that. Yes, as Brian pointed out, we've revised the AP and it is essentially pretty much all the stakeholders, so that's a lot better. Further discussion on the motion? Charlie.

MR. PHILLIPS: The reasons to do this have been gone over very adequately. Staff has done a great job of trying to pull people together and pull some consensus together. It hasn't happened. We will have the total landings for the year by then so we can look at that. We can look and see if there might be a trend toward a derby fishery.

I am hearing they are going to be looking for golden crab possibly in the Gulf. That could change the equations on things. The council also has more – we have to make sure that the corals are protected and that this public resource is available to the public. It is more than just what the fishermen want. There is a lot more to it. We worked with the fishermen.

They've been very good at working with us; but should there not be a consensus, then it is going to be up to this council to decide how we want to go about handling this, how we want to make sure the corals are protected and how we are going to protect this resource as making it sustainable and having the public have access to it. That is about all I have to say and I'd hope we can get a little further down the road with some consensus.

MR. CUPKA: Okay, and as I had mentioned earlier, Charlie, during that meeting it was pointed out to the stakeholders that as much as we want to work with them, and a lot of good has come out of working with them in the past, that ultimately the decision of what to do is this council's. Further discussion on the motion?

DR. CHEUVRONT: Yes, I'd like to clarify one thing about this motion that you have up there. You have stakeholders and stakeholders are more than just the folks who participate in the fishery. You've got crew members, you've got restaurant owners, and you've got buyers. Is it the decision of the council that you want us to reach out to those people and include some of them in this meeting as well or are you really talking about the AP, which is made up of nearly all of the permit holders, as well as there is a crew member, there is a scientist and there is a historical participant in the fishery? There are no restaurant owners there. The main buyer is not part of this AP, et cetera; so if you give it some clarification, that will help me.

MR. CUPKA: Charlie, as the maker of the motion; what was it?

MR. PHILLIPS: I meant the AP; but when it comes time for public comment then, yes, I would love to hear some input from the buyers and those type people.

DR. DUVAL: Mr. Chairman, I was going to mention following the same lines as Charlie that we could at least make sure that the other stakeholders are aware that the AP is going to be meeting and make sure they get notice of that so that we can get some kind of input. I seconded the motion; I support the motion.

I am a new member to this committee, but it seems like from reading the minutes that all the permit holders were happy to finally be in the same room together and have an opportunity to discuss their concerns. Rome wasn't built in a day, and I would not expect that one day worth of

meetings would build consensus on everything. I think it would be wise to let the AP hammer out some of the issues that they think they can move forward.

MR. CUPKA: Our AP meetings are open to the public. This particular meeting was not strictly an AP meeting, but it was strictly for the fishermen to discuss the issues. Wilson.

DR. LANEY: Mr. Chairman, I certainly support Charlie's comments relative to the concerns about the habitat impacts. I think clearly Brian alluded to the fact that the Habitat and Coral APs both would probably need to be involved if we're talking about changing the boundaries of the allowable fishing areas. I don't have any concerns about involving other stakeholders. I think if staff wants to do that, I think that would be fine.

The other thing I had was I wanted to ask Bonnie relative to the possibility for a golden crab stock assessment, I know it is not high on the radar screen and it has to compete with a whole lot of other species, but does the Center have the expertise to do a - or I guess a more pertinent question would be do we have any data of any sort of invertebrate survey I guess would be the appropriate way to ask that question that could lend itself to conducting a stock assessment.

If not, then what I had encouraged some of the permit holders to do was to try and seek some sort of a partnership with somebody in the academic community that might have expertise on this animal or similar animals and see if they couldn't find maybe some external funding to do the estimations that would be needed to feed into a stock assessment.

DR. PONWITH: Certainly, having available data is the biggest challenge. We've got the fishery-dependent data. The thing that is a struggle is any sort of fishery-independent data across the geographic range of those animals, so it's challenging.

To that end though, I've been in good communication with some scientists up at the Alaska Fisheries Science Center who are conducting fairly regular stock assessments on the lucrative crab fishery that they have up there in Alaska; and continue those discussions in terms of transporting the types of analyses that they use down here.

We had talked earlier about at the next council meeting showing a table of the status of the stocks that we manage in the South Atlantic relative to how accessible they are using data-poor or more quantitative stock assessment tools. What I can do is make certain that I include the golden crab in that table in terms of what we have and what we could do with what we have and what it would take to do something more sophisticated than that.

MR. JOLLEY: Mr. Chairman, just briefly, if we approve this motion, does that mean we would move on and we wouldn't attempt to discuss opening up areas further north or VMS or boat size?

MR. CUPKA: That is my understanding; that we would postpone any further work on any of the actions and give the AP an opportunity to get together and see if there are actions in there they would like to consider moving ahead with or additional actions as Brian has pointed out. I think that is where we are going with it. Further discussion?

DR. CHEUVRONT: Yes, we need to have the motion read again I believe because we changed the motion from what it originally was and we dropped the stakeholders and and/or.

MR. CUPKA: Okay, the motion is to postpone more work on Amendment 6 until after a meeting of the AP to be held prior to the councils March 2013 meeting. Okay, Monica.

MS. SMIT-BRUNELLO: I just have a question. Will you have all the golden crab landings for 2012 by the March council meeting? I see nothing wrong with this motion at all. I'm just kind of asking a question as to when you'll get all the landings.

DR. CRABTREE: Probably March/April. I suspect that you won't have the final landings by the time the AP meets. If you want to be sure you are going to have those, you might want to push this off to more like before the June council meeting.

MR. CUPKA: Well, if we're going to want to look at that information, then I think we're pretty much locked into doing something like that. It is Charlie's motion so I'll ask Charlie if he wants to leave it like that or amend it?

MR. PHILLIPS: Would we have preliminaries that you just have to fine tune or do you really need to wait until June?

DR. CRABTREE: Well, we'll have some landings, but you may have to do some projections to get an estimate for the year. It depends on how incomplete they are. If they are incomplete, they could be an underestimate.

MR. JOLLEY: We've only got eleven permits and seven participants. I would think that even if we had to make some telephone calls, I would think we could get those numbers pretty close to what it is going to be here at the end of the year. I don't think we need to move it to June. I think we can stay on this motion and I think we can probably get most of the landings, anyway.

MR. PHILLIPS: I agree with John; I think there are ways that we can get most of the landings. It might not be something cast in stone, but I think we could get most of them and know pretty much where we are.

MR. CUPKA: Okay, well, I'm going to go ahead and call the question. Is there any objection to the motion? **Seeing none, then that motion is approved**. I guess, Brian, there is no other business to come before this committee at this time.

DR. CHEUVRONT: I don't have any other business, Mr. Chairman.

MR. CUPKA: Okay, the committee is adjourned then.

(Whereupon, the meeting was adjourned at 11:12 o'clock a.m., September 13, 2012.)

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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) palmettobooks@bellsouth.net

VICE-CHAIRMAN

Ben Hartig

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

Steve Amick

6902 Sandnettles 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 tbburgess@embargmail.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

Lt. Mario Gil

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) Doug.Haymans@dnr.state.ga.us

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 R. 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

Acting 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 912/832-3149 (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

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

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 Cheuvront

brian.cheuvront@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

Amber Von Harten

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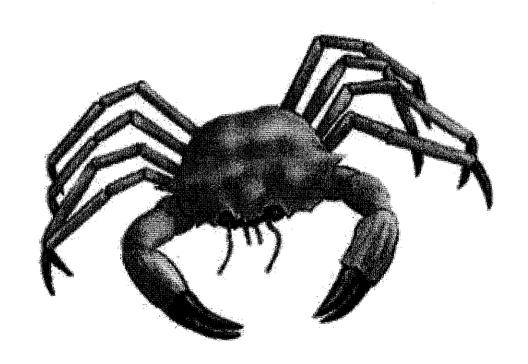
GOLDEN CRAB SAFMC AMENDMENT 6/EA TO THE FISHERY MANAGEMENT PLAN FOR THE GOLDEN CRAB FISHERY OF THE SOUTH ATLANTIC REGION

AN ANALYSIS OF THE 15 PROPOSED ACTIONS AND POSITION STATEMENT

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GOLDEN CRAB PERMIT HOLDERS

NUNO ALMEIDA TONY COPPA ANTONIO PAAN ROBERT PALMA



Introduction

There are a total of 15 proposed actions in SAFMC Amendment 6/EA. The most controversial and troublesome to certain permit holders are provisions to implement a catch shares management plan in the fishery. As permitted participants in the golden crab fishery, we register our formal opposition to a catch shares program in the golden crab fishery and any associated action items for the following reasons:

First, we believe the establishment of a catch shares program in our fishery is totally inconsistent with the stated purpose and spirit of NOAA's Catch Shares Policy. We are experiencing a process that is actively removing or severely limiting working fishermen from a fishery that does not currently harvest to its full potential. We are also experiencing a process that is removing working fishermen who have made substantial financial investments in their businesses simply by a subjective choice of qualifying years and landing criteria.

Second, we believe implementation of new catch shares programs in any fishery in the United States is premature until complete, transparent and thorough assessments of existing catch shares plans have been conducted.

For example, transactional analyses of catch shares being conducted by GMFMC staff, while incomplete, indicates potentially serious negative impacts resulting from a catch shares program in the red snapper fishery. Developing trends indicate a consolidation of shares and share holders to non-fishing entities who in turn are leasing those shares to maximize profits and reduce costs. This is resulting in depressed prices to fishermen (instead of increases), and increased costs to consumers, which in turn reduce demand for fresh, domestically produced seafood.

Neither the Council nor the fishermen in support of a catch shares plan in the golden crab fishery have provided sufficient rationale for its implementation. The golden crab fishery fails to meet any of the criteria by which one would fairly evaluate their need and purpose including the following:

- 1. There is no biological purpose for the action. Golden crabs are not undergoing overfishing or overfished.
- 2. There are no gear conflicts and no user conflicts because permit holders fish by zone.
- 3. Assertions that a derby fishery has already begun and safety at sea is compromised are patently false. Consumer demand and a limited market for the product have developed at only a slow to moderate pace and wholesalers expect this trend to continue.
- 4. Concern the SSC will reduce the ACL without a stock assessment is nothing more than speculation. The SSC felt confident enough about the health of the stock to set the ACL=ABC.

- 5. Implementation of a catch shares program in the golden crab fishery would force the majority of the permit holders to lease or buy shares in order to grow their businesses.
- 6. A catch shares program in the golden crab fishery would convey private ownership of a natural resource to just a few specific individuals.

The South Atlantic Council and the permit holders have approximately 5 years invested in development of this amendment and we believe it would be appropriate to preserve certain proposed ecological and operational elements of the plan, provided we can reach consensus for approval without a catch shares provision.

We, the undersigned, hereby register our formal opposition to a catch shares program in the golden crab fishery and any associated action items for the reasons outlined and offer our support and/or alternative recommendations for other proposed actions contained in SAFMC Amendment 6/EA.

Nuno Almeida

Date

Гопу Сорра

Date

Data

Robert Palma

Date

Proposed Actions

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Action 1. Establish eligibility for a golden crab catch share program

We support Alternative 1. No Action. Do not establish eligibility for a golden crab catch share program.

Action 2. Initial apportionment of catch shares

We support Alternative 1. No Action. Do not specify a method for initial apportionment of catch shares.

Action 3. Establish criteria and structure of an appeals process

We support Alternative 1. No Action. Do not specify provisions for an appeals process.

Action 4. Establish criteria of transferability

We support Alternative 1. No Action. Do not establish criteria for transferability. (Our support for a 'No Action Alternative' pertains to transferability in a catch shares program. We do support a transfer of permit within the fishery due to a mechanical failure, or other catastrophe which would render a permitted vessel unable to engage in the fishery.)

Action 5. Define quota share ownership caps

We support Alternative 1. No Action. There should be no catch limits placed on fishermen other than an ACL for the fishery as a whole.

Action 6. Use it or lose it policy

We do not support any of the proposed alternatives. With regard to a 'Use It or Lose It' policy, issues may arise in which a permit holder is not able to fish, such as a medical emergency, loss of vessel, decrease in market demand, biological or environmental issues affecting the stock or other extenuating circumstances. In that regard, permit holders should have an option to temporarily 'suspend' use of their permit. Anyone applying for a suspension of their fishing privilege would be required to state the reason for the request; the period for which they are requesting the suspension; maintain the eligibility of the license by paying the annual renewal fees; and have a maximum term of the suspension not to exceed three (3) years.

Action 7. Cost recovery plan

We support Alternative 1. No Action. Do not implement a cost recovery plan.

Action 8. Establish boat length limit rule

We can support a boat length rule but do not support any of the alternatives presented in the amendment. The length of the vessel does not necessarily correlate to one's ability to catch

golden crab. It does, however, increase the amount of gear one is able to accommodate on board that vessel which could afford the potential for increased harvest. We consider a boat length rule to be an accountability measure and as such would recommend the following: A maximum 20% increase in boat length per occurrence with a minimum interval of 2 years between replacements. This proposed alternative is in compliance with the Magnuson Act and National Standard #10 regarding Safety at Sea.

Action 9. Restrictions on where permitted vessels can fish for golden crab

We do not support any of the proposed alternatives. We suggest that a vessel with a permit for a specific zone (northern, middle, southern) only be allowed to fish within that zone. This will eliminate gear and user conflicts and serve as an accountability measure to reduce the likelihood of a derby fishery developing in any one area or any encroachment on benthic habitat of critical concern such as deepwater corals.

Action 10. Modify the small vessel sub-zone restriction

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

Action 11. Establish criteria for permit stacking

We support Alternative 1. No Action. Allowing permit holders to stack permits will create user and gear conflicts within the three fishing zones and may contribute to a derby fishery within a particular zone.

Action 12. Monitoring and enforcement

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

Action 13. Establish criteria for new entrants program

We do not support any of the alternatives offered in the amendment. We suggest capping the fishery at the existing 11 permits in a limited entry FMP. New entrants would buy permits from existing permit holders at the prevailing market rate.

Action 14. Annual pounds overage

We support Alternative 1. No Action. Do not allow fishermen to exceed their allotted annual pounds. The total annual harvest should be controlled by the ACL. Overages should be deducted from the following year's harvest.

Action 15. Approved landing sites

We support Alternative 1. No Action. Do not establish approved landing sites for the golden crab catch share program. We also recommend the Council not establish approved landing sites

for the golden crab industry. The golden crab fishery has transitioned to a nearly 100% live product fishery due to marketing efforts and consumer demand. Limiting landing sites creates the potential for significant harm to industry in the event of mechanical breakdown, loss of cooling capability on live-wells, inclement weather and other unforeseen circumstances. Vessel operators should have the flexibility of landing their catches at any licensed seafood dealer capable of adequately handling live product located within the zone in which they are authorized to fish. We believe these changes are appropriate to comply with National Standard #10, Safety at Sea, as set forth in the Magnuson Act.

An alternative fishery management plan to catch shares

Establish a limited entry FMP

100

- Monitor trends and fishing effort
- Schedule a stock assessment
- Develop additional amendments to the golden crab fishery as warranted
- If appropriate, examine purpose and need for a catch share plan at a later date

REFERENCES

Crosson, Scott B., Trends in the South Atlantic Golden Crab Fishery, November 2010, NOAA Technical memorandum NMFS-SEFSC-608

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Golden Crab Committee Meeting Charleston, SC Thursday, September 13, 2012

NAME &

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Total Attended

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Session Details

Session De	talis		
Attended	Interest Ra First Name	Last Name	Registratio Join Time Leave Time
Yes	29 Karla	Gore	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	37 larry	Delancey	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	60 Nikhil	Mehta	Aug 22, 20: Sep 13, 201 Sep 13, 201
Yes	31 phil	steele	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	37 susan	gerhart	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	22 andrea	grabman	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	24 Julia	Byrd	Sep 13, 201Sep 13, 201Sep 13, 201
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Yes	41 rick	dewey	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	20 Vincent	Bonura	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	34 David	Gloeckner	Sep 13, 201Sep 13, 201Sep 13, 201
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Yes	39 Kate	Michie	Aug 28, 20: Sep 13, 20: Sep 13, 20:
Yes	26 Christina	Package	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	76 trevor	mcmahan	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	25 michael	travis	Sep 10, 201Sep 13, 201Sep 13, 201
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Yes	70 Peter	Barile	Sep 13, 201Sep 13, 201Sep 13, 201
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Yes	47 steve	branstetter	Sep 13, 201Sep 13, 201Sep 13, 201
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Yes	70 Janie	Thomas	Sep 13, 201Sep 13, 201Sep 13, 201
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Yes	33 Helen	Takade-Heumacher	Sep 13, 201Sep 13, 201Sep 13, 201

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No	Richard	Malinowski	Sep 10, 2012 08:06 AM EDT
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No	Joseph	Ballenger	Sep 13, 2012 03:36 PM EDT
No	Tracy	Yandle	Sep 07, 2012 02:58 PM EDT
No	ira	laks	Sep 13, 2012 04:29 PM EDT
No	roger	pugliese	Sep 13, 2012 05:34 PM EDT
No	Nick	Farmer	Aug 22, 2012 12:56 PM EDT

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Yes	22 Helen	Takade-Heumacher	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	8 Anik	Clemens	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	6 Julie	Neer	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	13 andrea	grabman	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	19 David	Gloeckner	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	10 Jeanna	Merrifield	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	50 rick	hart	Sep 10, 201Sep 13, 201Sep 13, 201
Yes	24 todd	phillips	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	9 Mike	С	Sep 05, 201Sep 13, 201Sep 13, 201
Yes	49 Nikhil	Mehta	Aug 22, 20: Sep 13, 20: Sep 13, 20:
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No	william	mccaffity	Sep 13, 2012 01:40 PM EDT

No	Janie	Thomas	Sep 13, 2012 08:33 AM EDT
No	Michael	Merrifield	Sep 13, 2012 08:28 AM EDT
No	rick	dewey	Sep 13, 2012 08:49 AM EDT
No	David	Player	Sep 13, 2012 02:44 PM EDT
No	wayne	mershon	Sep 13, 2012 02:21 PM EDT
No	ira	laks	Sep 13, 2012 01:01 PM EDT
No	john	carmichael	Sep 13, 2012 10:29 AM EDT
No	stephen	holiman	Sep 13, 2012 08:06 AM EDT
No	roger	pugliese	Sep 13, 2012 05:34 PM EDT
No	Luiz	Barbieri	Aug 24, 2012 01:45 PM EDT
No	ira	lals	Sep 13, 2012 08:04 AM EDT
No	steve	branstetter	Sep 13, 2012 08:52 AM EDT
No	Peter	Barile	Sep 13, 2012 08:13 AM EDT
No	michael	travis	Sep 10, 2012 10:57 AM EDT
No	Tracy	Yandle	Sep 07, 2012 02:58 PM EDT
No	Christina	Package	Sep 13, 2012 02:17 PM EDT
No	Cindy	Chaya	Aug 22, 2012 11:55 AM EDT
No	K	M	Sep 13, 2012 02:10 PM EDT
No	phil	steele	Sep 13, 2012 08:50 AM EDT

^{*}If an attendee left and rejoined the session, the In Session Duration column only includes their first visit

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Sep 17, 2012 06:22 AM PDT

General Information Webinar Na Webinar ID SAFMC Cou 1.7E+08

Actual Star Actual Duration (minutes)

Sep 13, 201 94

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129 47

Total Attended

14

Session Details

Attended	Interest Ra First Name	Last Name	Registratio Join Time Leave Time
Yes	31 Julia	Byrd	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	50 Donald	Steamer	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	70 Nikhil	Mehta	Aug 22, 20: Sep 13, 20: Sep 13, 20:1
Yes	31 Helen	Takade-Heumacher	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	45 roger	pugliese	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	70 Michael	Merrifield	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	80 ira	lals	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	37 andrea	grabman	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	68 trevor	mcmahan	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	33 Jeanna	Merrifield	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	24 Joseph	Ballenger	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	69 Fan	Tsao	Sep 12, 201Sep 13, 201Sep 13, 201
Yes	30 Anthony	Austin	Sep 13, 201Sep 13, 201Sep 13, 201
Yes	29 Mike	С	Sep 05, 201Sep 13, 201Sep 13, 201
No	stephen	holiman	Sep 13, 2012 08:06 AM EDT
No	john	carmichael	Sep 13, 2012 10:29 AM EDT
No	rick	hart	Sep 10, 2012 03:26 PM EDT
No	ira	laks	Sep 13, 2012 01:01 PM EDT
No	wayne	mershon	Sep 13, 2012 02:21 PM EDT
No	David	Player	Sep 13, 2012 02:44 PM EDT
No	rick	dewey	Sep 13, 2012 08:49 AM EDT
No	Janie	Thomas	Sep 13, 2012 08:33 AM EDT
No	william	mccaffity	Sep 13, 2012 01:40 PM EDT
No	Vincent	Bonura	Sep 13, 2012 09:43 AM EDT
No	Heather	Blough	Sep 10, 2012 12:37 PM EDT
No	jeff	barger	Sep 13, 2012 04:15 PM EDT
No	Nick	Farmer	Aug 22, 2012 12:56 PM EDT
No	Pete	Barile	Sep 13, 2012 08:44 AM EDT
No	scott	sandorf	Sep 13, 2012 09:28 AM EDT
No	nicholas	hill	Sep 13, 2012 08:20 AM EDT
No	Richard	Malinowski	Sep 10, 2012 08:06 AM EDT
No	larry	Delancey	Sep 13, 2012 03:15 PM EDT
No	Karla	Gore	Sep 13, 2012 08:57 AM EDT

No	deb	buscher	Aug 22, 2012 11:52 AM EDT
No	Rick	DeVictor	Sep 13, 2012 08:36 AM EDT
No	susan	gerhart	Sep 13, 2012 07:50 AM EDT
No	Anne	Eich	Aug 22, 2012 02:27 PM EDT
No	Luiz	Barbieri	Aug 24, 2012 01:45 PM EDT
No	Julie	Neer	Sep 13, 2012 11:53 AM EDT
No	steve	branstetter	Sep 13, 2012 08:52 AM EDT
No	Kate	Michie	Aug 28, 2012 08:43 AM EDT
No	Peter	Barile	Sep 13, 2012 08:13 AM EDT
No	michael	travis	Sep 10, 2012 10:57 AM EDT
No	todd	phillips	Sep 13, 2012 04:23 PM EDT
No	Tracy	Yandle	Sep 07, 2012 02:58 PM EDT
No	ira	laks	Sep 13, 2012 04:29 PM EDT
No	Christina	Package	Sep 13, 2012 02:17 PM EDT
No	David	Gloeckner	Sep 13, 2012 01:28 PM EDT
No	Cindy	Chaya	Aug 22, 2012 11:55 AM EDT
No	K	M	Sep 13, 2012 02:10 PM EDT
No	Anik	Clemens	Sep 13, 2012 09:26 AM EDT
No	phil	steele	Sep 13, 2012 08:50 AM EDT

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may be included in the minutes, we ask that you sign this sheet for the meeting shown below. So that we will have a record of your attendance at each meeting and so that your name

Golden Crab Committee Meeting Charleston, SC Thursday, September 13, 2012

Ando Kil	Sugar Shioner	Melissa Lucke	TONH COPPA	THERESA COPA	BARBARA KELLY 305-857-8108	Bin Kour 305-619-0039	ROBERT Palma (Muno Klineida (Gulden C.	NAME & ORGANIZATION
954-612-3176	912-222-19206	919-881-2909	609-374-2783	TEE OSO DA COMAIL. COM	,	FILLERA POSSOITO	Goldancears) man	en (ab)	AREA CODE & PHONE NUMBER
	Susanshipman @ att. net	infocked edt. org	POBOD 2153 Jupital FL 3345-8	SAM	129 TEQUESTAST, TAV, PC 33070	Vacanton FL 33050	marahon F(33050	W8B FC 33413	P.O. BOX/STREET CITY, STATE & ZIP

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