

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **JOINT SNAPPER GROUPER & DOLPHIN WAHOO COMMITTEES**

**Doubletree by Hilton New Bern/Riverfront  
New Bern, NC**

**December 4, 2014**

### **SUMMARY MINUTES**

#### **Snapper Grouper Committee:**

Dr. Michelle Duval, Chairman  
Mel Bell  
Dr. Roy Crabtree  
Ben Hartig  
Doug Haymans  
Anna Beckwith  
Chester Brewer

Jessica McCawley, Vice-Chair  
Chris Conklin  
Mark Brown  
Jack Cox  
Zack Bowen  
Charlie Phillips  
Pres Pate

#### **Dolphin Wahoo Committee:**

Anna Beckwith, Chair  
Zack Bowen  
Doug Haymans

Mark Brown  
Chester Brewer  
Pres Pate

#### **Council Members:**

Lt. Morgan Fowler

Dr. Wilson Laney

#### **Council Staff:**

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

Gregg Waugh  
John Carmichael  
Amber Von Harten  
Dr. Mike Errigo  
Chip Collier  
Dr. Brian Chevront

#### **Observers/Participants:**

Monica Smit-Brunello  
Dr. Bonnie Ponwith  
Kevin Anson  
Dr. Marcel Reichart  
Tracey Smart

Tracy Dunn  
Phil Steele  
Rama Shuster  
Amy Dukes  
Joey Ballenger

Additional Observers Attached

The Joint Dolphin Wahoo/Snapper Grouper Committees of the South Atlantic Fishery Management Council convened in the Grand Ballroom of the Doubletree by Hilton, New Bern/Riverfront Hotel, New Bern, North Carolina, December 4, 2014, and was called to order at 8:30 o'clock a.m. by Chairman Anna Beckwith.

MS. BECKWITH: All right, I am going to go ahead and call the Joint Dolphin Wahoo/ Snapper Grouper Committees to order. The first thing on the agenda is the approval of the agenda. Are there any changes necessary to the agenda? Seeing none; that agenda is approved by consensus. Next is the approval of the minutes. I had the opportunity to reread all 42 pages at five o'clock this morning and relive the entire experience. Are there any changes necessary for the minutes? Seeing none; the minutes are approved. Now we will have the status of the commercial and recreational catches.

DR. McGOVERN: The status of the landings for commercial landings is in Attachment 1A. Dolphins are at about 66 percent of the commercial ACL through the end of November, which is a little bit more than last year. The quota is not expected to be met. Wahoo is at 76 percent of the ACL, and it is a little bit less than last year; and about 94 percent of the quota was met last year. Nick Farmer went over the recreational landings earlier this week. Through the end of August, dolphin is at 31 percent of its ACL and wahoo is at 13 percent of its ACL.

MS. BECKWITH: Okay, we are going to start with Amendments 7 and 33, the fillets issues from the Bahamas. I am going to turn it over to Brian.

DR. CHEUVRONT: Just to give you a recap; we did start on this amendment in September, thinking that we were going to finish this amendment then with the goal of voting to send it to the secretary for review. We got through a little bit of it.

We got through some issues with the purpose and need and at least partway through the first action in the amendment when it was decided to delay the amendment until we could get some more information from folks, particularly Florida Fish and Wildlife Law Enforcement, to see if they had some things that they could add to the development of this amendment and how this amendment was going to help them in what they were going to do.

We do have Rama Shuster here from Florida Fish and Wildlife. What we're going to do is we're going to go through the decision document that I've got projected here. As we talk about different issues and the different actions, I think it might be good, Jessica, if you can suggest when you have something that you want to add to the discussion at that point. We will just do it that way unless there is some other way you would like to handle it; but I think at this juncture that is probably a good way to go.

We have been through this amendment now – I think this is the fifth time this amendment in some form has come up. Just to give you the brief history; the council gave direction to staff to develop an amendment with one action in September of 2013, come back to them in December and just have it match what was currently allowed for snapper grouper. Staff went back and developed the one-action amendment, and we started identifying lots of different issues that needed to be addressed.

We brought those back to you at December of last year. You all agreed there are lots of things that we need to take care of here. Things had changed in the snapper grouper fishery, so we used that as an opportunity to address some of the issues in snapper grouper that could help with enforcement and trying to get the dolphin wahoo fillets regulations to match the snapper grouper fillets as closely as possible.

We've done that, we've gone out to public hearings; actually twice we've done public hearings on this amendment. We are now here at this point where I think we are going to be able to get all the way through the document today, but we're still identifying a few needs and changes that need to be considered by the council.

The first is with the purpose and need. The need that you have now says the management measures are needed to increase the social and indirect economic benefits to recreational fishermen by allowing the possession of fish in the U.S. EEZ that were legally harvested in Bahamian waters.

As we looked at that even more, we realized there are a couple of inaccuracies in there. We have some suggested revised language. That revised language here says, "The management measures are needed to increase the social and economic benefits to recreational fishermen and aid enforceability by modifying the regulations in the U.S. EEZ regarding the possession of fillets from fish that were legally harvested in Bahamian waters."

Now, there are three reasons why we wanted to suggest these changes. First is that in further analysis have actually identified some direct as well as indirect economic benefits, so we needed to pull indirect out of the language. It really wasn't accurate what we were saying before. Fishermen were allowed to possess fish from the Bahamas in the U.S. EEZ. The issue was they couldn't possess them – or dolphin and wahoo they could not possess as fillets.

Really, what we're modifying with this amendment is how fishermen are allowed to bring fish back from The Bahamas. Then we added the information about enforceability, because the enforceability of regulations will increase with this amendment from what they were currently. What you need to decide now is whether you want to consider accepting the IPT-recommended language changes, modify that language, or continue with what you had before. I think it would be helpful if you had some discussion about that and how you want to handle that.

DR. DUVAL: I think it is a much-improved need statement. Definitely, it makes it much clearer that this will improve the enforceability, which has clearly been a huge topic of discussion around the table. I think it is much clearer to the public regarding why we're doing this and why we're making some of the changes we are to the existing exemption for bringing snapper grouper fillets back into the country. **I would make the motion that we accept the IPT's recommended changes for the need.**

MS. BECKWITH: Chester seconds. Is there any discussion on this motion? Mel.

MR. BELL: Is the enforceability increase related to improvement in the snapper grouper part? I am just trying to figure out how enforceability is better. Is that what would be better, because that is all that exists I guess in terms of right now.

DR. CHEUVRONT: Yes, it would improve the enforceability of snapper grouper regulations through things like requiring skin on the fish, which would prohibit species that are currently prohibited from possession in the United States from coming in, because they wouldn't be able to detect what species they came from just by looking at fillets.

Also allowing only two fillets per fish will help with the actual amount of fish that is coming back. Law enforcement has said repeatedly they can't weigh fish accurately at sea, but they can count much better than they can weigh. I think law enforcement is happier, particularly with those two provisions.

DR. CRABTREE: Brian, the way it is laid out, though, we could choose the alternatives that accomplish those but not choose the alternative that allows dolphin wahoo fillets to come in; and that would give us the biggest gains in enforceability, would it not?

DR. CHEUVRONT: I can't speak to that specifically, Roy, whether the biggest gains in enforceability will be on dolphin wahoo.

DR. CRABTREE: Okay, but we could make those changes to the numbers, the skin intact and all those, without changing the status quo in dolphin wahoo the way it is structured, right?

DR. CHEUVRONT: The status quo on dolphin wahoo is you have to bring the fish back whole.

DR. CRABTREE: Right, and the way the alternatives are structured, couldn't we continue that but require that the snapper grouper fillets coming in have skin attached and only two?

DR. CHEUVRONT: Sure, you can pick and choose among all these.

DR. CRABTREE: Right; so what I am saying is we can accomplish those improvements in enforceability without allowing the dolphin wahoo to come in filleted.

DR. CHEUVRONT: You certainly could accomplish it for snapper grouper without allowing dolphin wahoo.

MS. BECKWITH: Okay, any further discussion on this motion? **Is there any opposition to this motion? Seeing none; that motion carries.**

DR. CHEUVRONT: Okay, now we are on PDF Page 3, Action 1. You actually made some changes in Action 1 that you approved in September; and that had to do with what the definition of gear stowage was; that language was removed. Some of the language was removed, not all of it, about where the rods and reels had to be placed.

This language that you see here is basically what you have already approved in September. I just want to make sure, because this was about the time we got into this and everything kind of went crazy, and the wheels fell off the discussion. I just want to make sure that we finished our discussion of the action before we move on to Action 2.

Action 1 is the one that allows the exemption for dolphin and wahoo lawfully harvested in The Bahamas by recreational fishermen. It exempts them from U.S. regulations that require them to

be landed with head and fins intact in the U.S. EEZ. Then, of course, the status quo is for Alternative 1 is that they must be landed with head and fins intact and otherwise be maintained in a whole condition.

Alternative 2 would allow dolphin and wahoo legally harvested in The Bahamas brought into the U.S. EEZ from The Bahamas as fillets. The vessels must have stamped and dated passports to prove that the vessel passengers were in The Bahamas as well as current valid Bahamian cruising and fishing permits on board the vessel.

The vessel must be in continuous transit in the U.S. EEZ when dolphin and/or wahoo fillets are on board. A vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ, and no one on board the vessel fishes in the EEZ. All fishing gear must be appropriately stored while in transit.

Two fillets of dolphin or wahoo, regardless of the size of the fillet, would count as one fish towards the possession limit. Then there is the note there that explains what appropriately stowed means. This action applies only to the recreational sector. The fishing gear appropriately stowed means terminal gear, the hook, leader, sinker, flasher or bait used with an automatic reel, bandit gear, buoy gear, handline or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the downrigger and stowed separately.

MS. BECKWITH: Jessica, did you want to go over some of the letters of support? I know you wanted to reference the letter from the Bahamian government that we received and also I believe something that you sent around from Marlin Magazine.

MS. McCAWLEY: I sent around an article that came from Marlin Magazine where someone had written an editorial about this and about how leaving the skin on the fish would aid in the enforceability. It also described the captains that had been fined in coming back from The Bahamas with fillets of dolphin and wahoo on board. I actually couldn't locate the letter from the Bahamians, but I think maybe Gregg Waugh said that he found the letter.

MR. WAUGH: We can look through the administrative record and get the letter. I don't have it with me, but I believe that came, Brian, from the Director of the Division of Marine Fisheries. It was a letter expressing on behalf of The Bahamas the positive impacts to the economy over there from this provision and their support of it.

DR. CHEUVRONT: I believe that letter was in the September briefing book materials. If you have that handy, you might be able to find it there.

MS. BECKWITH: We currently have a preferred for this action. Is there any desire from the committee to further discuss this preferred or can we move forward to Action 2?

MR. BELL: Just for purposes of getting this over with; I would move that we adopt Alternative 1, status quo, as our preferred action. If someone would like to second, we can discuss it and then be done with this.

MS. BECKWITH: Okay, so there is a motion; is there a second? Charlie seconded. **Mel's motion would be to deselect Preferred Alternative 2 and select Alternative 1.** Are there any questions for Fish and Wildlife, since we have them at the table, about enforcement?

MR. BELL: I figured we could have all that discussion if you want to have all that discussion or whatever now.

MS. BECKWITH: Okay, do you guys have any specific questions about your concerns of enforceability for this that Fish and Wildlife could answer for us?

MR. BELL: My whole point in this – and I appreciate the potential improvements in the enforceability from the snapper grouper part. I just don't see where this has – at the end of the day how are the resources in the fisheries that we are responsible for stewardship of, how are they better off for this?

Then, two, there are some benefits to fishermen; a few fishermen are going to be happy, maybe The Bahamian government is a little happy. There are some limited social economic benefits for a relatively small group of folks. But, weighing the costs associated with that is now you are going to have a complex system of new law in place that are going to have to be enforced – and maybe we can hear from Florida on that.

But there are costs associated with that. There are only so many law enforcement man hours available to us in our region in a given day. Every man hour that is spent trying to kind of tease somebody doing this right, wrong, encountering this; it is man hours that are taken up that could be used in other areas. That is a big cost, I think.

You just have to ask yourself are the limited benefits worth the costs associated with enforcing these? Part of the reason this has taken so long to try to put together, it is complex and we're trying to make something work that doesn't quite fit. We have to go to a lot of trouble to work out the details; and I appreciate that folks have spent a lot of time trying to figure out how to do this.

But at the end of the day I would just say the cost benefits just don't make sense to me. Again, I am looking at it from a standpoint of primarily from a law enforcement aspect; but also it is the time and all that we've invested in trying to make this work. Some may want to comment on, yes, it is enforceable or, yes, they can do it or whatever.

But I would just ask us to consider whenever we do these sorts of things, there are always costs associated with implementation of new laws and things. Once it is the law of the land, then Coast Guard, National Marine Fisheries Service, whoever encounters these things are going to have to deal with it. They can't just say, well, you know, we will let Florida deal with that.

The law is going to be the law. Just keep that in mind, and I know I am probably the minority here in this, and that is fine; but just so we understand there are significant costs I think associated with this in terms of how we employ our limited law enforcement assets and what we ask our people to do out there. We're doing things that are going to make life a little more complex for them on the water.

That is time that they are going to have to invest in that versus doing other things that we also ask them to do that we feel are important that have more to do with our own resources. I've spoken my piece. If we want to have some additional information from folks, that is great. Thank you.

MS. BECKWITH: Did you guys want to respond to that? I put the map up there for you guys to reference if you would like.

MR. BREWER: We've got FWC here who, quite frankly, are the ones that would be enforcing this. They've always been the ones to enforce it.

CAPTAIN SHUSTER: Good morning. Thank you for providing us the opportunity to travel up and speak on this matter. Something I would like to point out, digressing a little bit, is that law enforcement has been involved with Florida Fish and Wildlife since the inception of this. We have worked closely with our Division of Marine Fisheries and Director McCawley on this issue.

In terms of extra effort to enforce this; we really don't see a great deal of effort involved with this new amendment and any increased enforcement. The basic inspection will remain the same. Dolphin and wahoo are very distinguishable species and can be readily identified in a filleted condition with skin on.

MS. McCAWLEY: Also, Rama, I don't know if you have these numbers, but it is the number of boats that are going over to The Bahamas, it is not just large boats. Especially in the summertime you've got small boats, you've got sailboats, you've got jet ski clubs going over there.

Not everybody is going to fish; but of the people that are going over there and that are fishing, it is quite a number of folks that would like to bring back fish as fillets. These aren't just Florida residents. You have a lot of people that travel to Florida and then leave from a port that is in Florida and go to The Bahamas and then bring their fish back through to the state of Florida.

MR. BROWN: Since September I have talked to two or three different boat operators out of Charleston that actually go down to South Florida in the wintertime and then they go over there and spend some time and come back and forth. They would like to see the ability to be able to bring back some dolphin and wahoo if they have been over there for a few days with the skin on. There is a favor towards that with even some of the fishermen that are in our area.

MR. COX: I have reached out to the Coast Guard, Admiral Dean Lee who is in charge of the Southeast or the whole East Coast Sector. Well, I invited him to the meeting, but his schedule wouldn't allow him to come. I just asked him; I said, "What are your thoughts on all this?" I would just like to read real quick just something that he sent me back.

What he says is regarding the transport of fillets from the Bahamas: transporting unmarked fillet catch into the U.S. is an enforcement challenge. I understand why state and federal law enforcement have been discouraging it. Species identification; some species can't be filleted at sea, catch reporting to The Bahamas." He goes on to say, "It is ideal to have regulatory consistency on the water where possible. Transport of fillets is not easily traceable; one of the enforcement rules of thumb. For all these reasons I am against it."

I think it was last year at this time we were in Wilmington. We had a whole law enforcement team tell us that they were not encouraging this. They asked us to discourage for moving down this road.

MR. HARTIG: I appreciate that, Jack, but still I think FWC is going to be doing most of the enforcement on this. Rama mentioned that – and I would like him to elaborate a little bit; just in your normal operations and intercepting people on the water, certainly, there are special ops that occur at different times to look at different things.

But most of this enforcement, I believe, you are just going to be intercepting people. If they have fillets of dolphin and wahoo, in my opinion you would be looking to see if they had the correct documentation – correct numbers and the correct documentation that they were in The Bahamas for that period of time.

To me, I see how this is going to work from an enforcement standpoint. It is not actually allocating extra resources to do this; but in your normal operational procedures of intercepting recreational fishermen, when you come across someone coming back from The Bahamas; that you would follow up on that with all the legal aspects of doing that. Is that correct, Rama?

CAPTAIN SHUSTER: That is correct; there is nothing in addition to perform on these inspections that we wouldn't do normally. My comment back to the letter from Coast Guard is these are not unmarked fish. They are fish with skin on. That is very clearly marked.

MR. COX: To that point; it is just such a no-no in the commercial sector to have any kind of fillets on the boat. Being that I represent the commercial fishermen; that is just why I have heartburn with it, because I know things that go on and things that happen. I definitely want to work with the folks in Florida, the small group of fishermen, to satisfy this issue. I am just scared it might end up moving throughout the range of our fishery. That is my biggest concern.

DR. CRABTREE: I have some of the same concerns that Mel and Jack raised. There is a reason we don't allow fish to be filleted at sea and people to bring fillets in because it creates enforcement problems. I think this is going to put more of a burden on enforcement. I am also concerned, if you read in the document, we are going from two per person to eighteen wahoo per person per vessel.

I know they are coming from The Bahamas; but I suspect that eighteen wahoo per vessel, I believe the wahoo we're talking about are the same wahoo we're catching in our EEZ waters. I don't have any reason to think there is a separate stock of wahoo. I am just not sure that we want to increase pressure on all these species.

We put out a proposed rule to list Nassau grouper under the ESA. Part of that, when we looked at it, was looking at what is going on in The Bahamas. That is a big center of abundance for Nassau grouper, and they are having all kind of problems there with enforcing their regulations and maintaining closures and things. I think what we're doing here is going to contribute to fishing pressure on stocks over there. I have concerns with it. I guess most it seems to me what we've heard from enforcement has been opposed to this. I guess I would ask Tracy Dunn to give us NOAA Law Enforcement's view on this.



MR. DUNN: I think most of our opinions are well documented, but I do want to reiterate – and boy, I really hate to speak against Rama, because I have a great deal of respect for him – but I have trained people the first half of my career, and I am telling your right now skins on is not going to really help a whole lot for the average boarding officer.

It is not just Florida that is going to come across these vessels. I actually think the Coast Guard will probably be there. They are very interested in any vessel trafficking from The Bahamas or in from that direction. They will be heavily involved in this. It is a bigger issue than just Florida. The whole concept goes against all of the enforceability best practices we have brought forth to this council.

Normally I live with whatever the council provides us to enforce, because that is your job and our job is to enforce it. This one, as you can see from the last meeting when I had Special Agent Radonski here, really hit home. This is the slippery slope we are always concerned about. We have the snapper grouper regulations or exemption that started off and now we're trying to get something that complies with that.

This just could go right down the road, and it will affect more than Florida because other people are going to see this and want their opportunity to get the same sort of benefit. If you are coming from the Dry Tortugas, you've been down there for several days, why don't you get fillets? If you are coming from some other place or can stay offshore for a long time, why don't you get fillets?

What I'm saying is this has a great deal more to do with just this instance. Fillets in the EEZ is not an enforceability best practice by any means; and opening the door for that when we had worked so hard to work to shut that door – like in the Gulf we have no fillets on any species – it is really taking us a couple steps back.

CAPTAIN SHUSTER: Tracy, thank you for pointing that out. I also have a great deal of mutual respect for Tracy, and we work together quite regularly and very well. Can you zoom in on this map of South Florida for me, please, particularly from about Brevard County down? I would also like the Dry Tortugas in there, if possible, please. That is good enough.

One thing I would like to point out is nobody else has The Bahamas. That is very unique to South Florida. Albeit somebody else might want to bring in fillets; I ask fillets from where? We have the Dry Tortugas, again unique to Florida. Now that is not in discussion now, but again that is a South Florida issue. The Bahamas are a mere 42 miles away from the coast of Florida.

The Tortugas are 70. It is 120 nautical miles from Fort Myers to the Tortugas. Again, only 42 miles to Bimini and the entire southeast coast can access it. That is just something to think about there as far as the accessibility and the great deal of numbers of small boats that are fishing in the Bahamas.

MS. McCRAWLEY: I also wanted to point out that there are exceptions in place in the state of Maine to bring things back from Canada by boat. I just wanted to let you know that there are exceptions in other states.

MR. HARTIG: You've got to remember South Florida. With all due respect to the Coast Guard; I have never expected or never asked that the Coast Guard enforce the fishery regulations in South Florida, because, frankly, they are too complicated, too many species, too many identification problems for the Coast Guard on the short time that they have on their duty rosters to be able to enforce them. They cannot do it.

I don't know that any Coast Guard – and I have been boarded a number of times. Most of the time they come on my boat they ask what is that spotted grouper thing you've got in there, you know, snowy grouper. Every time they get on there, I go through and try to tell them what species are what.

But basically with the mission of the Coast Guard in that area, which is not primarily fisheries, it is other missions. It is drug interdiction, it is migrant interdiction, and fishery is not the top priority of the Coast Guard in South Florida. Having said that, most of the fishery regulations that are done in South Florida are done by the FWC in concert with the deputized capacity that we have with NOAA Law Enforcement.

To say that the Coast Guard is going to be able to really do this, I mean they can't tell the difference from the whole fish, to be honest with you; in a lot of cases in just snapper grouper. I will say just snapper grouper. They would be able to do dolphin and wahoo; they would be able to tell those two species apart.

But for snapper grouper they have never been able to do much of an enforcement presence in South Florida; and that is not their primary mission. It is the FWC who will be doing this, and the FWC will be able to have a much better idea of what the species are than the Coast Guard would.

The other thing, the fillet issue about snapper grouper; we haven't had people crashing the door asking to have fillets from other parts of the area as long as we've had the fillet issue for snapper grouper in effect from The Bahamas for snapper grouper species. We haven't had other jurisdictions asking for this. It hasn't come up in other areas and I don't think it will. This is a pretty cut-and-dried issue for me, and I think we can move ahead with it.

MR. BOWEN: A couple questions for the FWC officer. First of all, thank you for attending today, I appreciate it. How many officers would be at any given time trying to enforce this from the FWC? How many guys and gals will be enforcing this?

CAPTAIN SHUSTER: We are approximately a thousand strong in the state of Florida. We have approximately 450 of those that are assigned to coastal counties. Given a little bit of time, I can provide a number for the officers in that exact area, but I do not have that number available at this time.

MR. BOWEN: That is close enough; thank you. Can you tell me how you would visually tell the difference between a filleted king mackerel and a filleted wahoo?

CAPTAIN SHUSTER: A wahoo, once it is removed from the water and is in a cooler, the stripes are less evident. There are some similar characteristics between fillets in those two species, without a doubt. What we see, though, is folks transiting over are targeting wahoo. You

do have a bag limit of two kingfish and two wahoo. We find it highly unlikely that somebody would want to substitute a king mackerel for a wahoo.

MR. BOWEN: That is not what I asked. I said can you visually tell me what the difference is between a filleted king mackerel and a filleted wahoo?

CAPTAIN SHUSTER: Without the stripes being clearly prominent, no, I could not.

MR. PHILLIPS: Back to Roy's point about the number of wahoo and it more than likely being the same stock that we're fishing on; I would have a lot less heartburn on the fillets if we were actually bringing back what is legal in the U.S. That is just an awful lot of fish. Even if this goes through – and I know Ben says we haven't had anybody asking to bring stuff back from the Tortugas.

But I would be surprised if we don't get that some time, maybe a year, maybe two years. We've talked about it in other fisheries. I think they talked about it in lobster and stuff, tailing and stuff like that; commercial guys making longer trips, if I remember. I am concerned about the slippery slope, too.

I am also sensitive to, yes, we need to make it clean where people can go fish, bring back stuff and handle it in the proper manner. I think one of the biggest things that give me heartburn is one – well, two. One, we're not listening to our law enforcement experts from NOAA and the Coast Guard. Two, we're allowing so many more fish from the same common stock to come back from The Bahamas that we will not allow in the U.S.

MS. BECKWITH: Brian, do you want to clarify to that point?

DR. CHEUVRONT: Charlie, you realize that it is eighteen fish per vessel as opposed to two wahoo per person per day in the U.S. Regardless of how many people are on – I am assuming you are talking about your reference to wahoo about so many fish coming back? I am not on the council anymore, so I can't rebut that.

MS. BECKWITH: I think the point is it is not necessarily more fish, eighteen fish per vessel versus two per person per day in the U.S. – if they have been over for a while, then on balance.

DR. CRABTREE: Well, I was just going to say some of what Charlie said. We talk about how we want to improve enforcement and we've got our two principal enforcement agencies, the Coast Guard and NOAA Law Enforcement asking us not to do this. I think if we really do want to have better enforcement, we ought to really listen seriously to the concerns they are raising.

MR. BREWER: A couple of points; there is a difference between the Dry Tortugas and making the crossing over to West End. With the Dry Tortugas, most of the boats that are going – that is a pretty good ways and you've got some pretty rough water between Key West. There is a channel – I've forgotten the name of the channel that runs through there, but it gets ugly, and it gets ugly in a hurry.

The boats that are going over and fishing around the Dry Tortugas are really headboats. They are bigger boats; they've got the storage facilities. They've got big freezers on board. This is

not an issue with them. A lot of what we're talking about here is really a storage issue. The storage issue is if you catch a big wahoo, it is not going to fit in 160-quart Igloo.

The smaller boats that are making this 42-mile crossing, which I have made I can't tell you how many times, those smaller boats that are many times only going over there for a day or maybe two because they are going to be sleeping on board; they are not even going to check into a hotel. But those smaller boats cannot safely store a lot of times wahoo and dolphin if they are in a whole condition. They won't fit.

That is a reason and one of the things that is really pushing this. I just wanted to kind of draw the distinction between the Dry Tortugas and making a crossing from West End. Part of the deal here, by the way, is to me you've got the folks that are going to be enforcing this – and as someone who fishes in this area, I've been stopped and checked several times by the FWC and the Marine Patrol before them.

I have never in my life seen a federal officer on the water in these areas that we're talking about. The only time I ever see those guys is when they come over to our lunchroom in the building that I'm in because they are over at the Federal Courthouse. That is the only time I've ever even seen them.

Coast Guard, the only time that I was ever stopped by the Coast Guard, we were fishing out of Key West out by the Marquesas. A cutter pulled up on us, we were obviously fishing. They've got a training station down there in Key West. There was a bunch of 17 and 18 year olds with M16s standing on the deck.

They looked at us, pretended that they were going to board us and then they left. They didn't even ask us what kind of fish we had. That has been my only encounter, by the way, with the Coast Guard. The people that are actually going to be enforcing this are represented by the man that is sitting right here, and he is telling you that there is no increased burden on them and in fact this will be an aid to them. I think that is who you should be listening to.

MS. BECKWITH: We're going to Charlie to that point, Mark, Morgan, and then we're going to start wrapping it up, folks on this one, because we've got four more actions. Charlie to that point, then Mark, then Morgan and then Jack, and then we're voting.

MR. PHILLIPS: Chester, I've spent a lot of time on the water commercial fishing shrimping, and I've been boarded quite a few times. I've fished in Florida a lot, Tortugas, Rebecca Shoals, and Rebecca Light. That is a nasty channel, you are absolutely right. I have been boarded by the Coast Guard more times than I want to count.

They were nice. Most of the time everything worked fine; and you are right, sometimes you have to help train them a little bit. But I have been checked for fishery stuff, lobster tails if I was shrimping and things like that. Unless they have changed since I quit shrimping – and that was a while back – then maybe so, but they do fisheries. And to Ben's point; yes, maybe they – and I've had them come to my dock and try to get their hands-on species' identification in times past. We're all in a learning curve, all of us, but it is their job.

I fully understand if you catch a fish that is a five-foot, six-foot fish; it won't fit in a four-foot cooler. Maybe there are some things we could do to make it work. Maybe there is a compromise in there between what NOAA sees and what the fishermen need; I don't know. Coast Guard actually does plenty of fisheries from my point of view.

MR. BROWN: Our fishery has changed a lot over the years. We've got situations now, a lot of people have fast boats; they are in that 30-foot range. They trailer them all over the place. We've got guys here in Charleston, they go fish all these different tournaments and stuff and they will drag their boats down there to South Florida.

They like to run over to The Bahamas and fish. Some of them like to bottom fish and some of them like to troll. They would like to be able to bring some fish back home, and they will come back to Florida and put them on the trailer and trailer them back to Charleston. I guess from my viewpoint on this, too, we've got this snapper grouper fillet situation that has been in place.

If that wasn't there, if that wasn't part of the equation, I would have a completely different opinion on this. But what my question is to law enforcement here is that over the years since this has been in place, how much of a problem has that been as far as the snapper grouper fillet being landed? Have you run into a lot of problems with this?

MS. BECKWITH: I am assuming you are referencing that question to Rama?

MR. BROWN: I am referencing it to both Tracy and to FWC.

MR. DUNN: I couldn't really tell you off the top of my head if it has been a problem. Just the mere fact that we have fillets is a problem. We constantly comment that having fillets on the water is not an enforceable provision. Just having the fillets – and exactly what you said is what has concerned me.

If that was not in place, you would look at this dolphin wahoo issue completely differently. That should never have come into place. I am not sure how that happened, but I would have spoken against it. Now we have that; we'll have dolphin wahoo, and then the next thing will come down the line at some point.

As I've said before, and I think Roy made a good point, is your federal partners have said fillets on the water are not a good enforceable best practice. Coast Guard, OLE and the Law Enforcement Advisory Panel have expressed concerns on it. One state and obviously the state that would have to deal with it, but that state works on federal cases based on our cross-deputization. We are your voice. I just ask you to remember that. Again, with all due respect to Rama, the federal partners and the LEAP have said this is not a good idea.

CAPTAIN SHUSTER: I agree with Tracy with the snapper grouper as far as the difficulties we face with identifying a bag of fillets with no skin on it. It is very difficult. That is the main reason for needing the skin back on the snapper grouper. We did talk about this in the LEAP, as you know, and we did not come to a unanimous decision, but there was also support for it within the group as well.

MR. COX: I think we should be promoting accountability in our fisheries, and I don't think this really does that. But, you know, we've spent a lot of time on this and I am ready to move on. We spent way too much time on it, and we've got other issues to deal with that I think are more important. This is to satisfy a small group of fishermen in a small area. I am all about helping our fishermen any way I can; so for that reason if you guys think you can manage it, I don't want to do this, but I will support it. I am ready to move on.

LT. FOWLER: Well, first of all, I want to say I am real sorry that you had that bad experience with the Coast Guard, but M-16s are only used for PWCS. That is a Ports and Waterways Coastal Security Mission. That would have been a pulse op to protect homeland security. That would be a totally different mission than fisheries.

MR. BREWER: Morgan, I'm talking about before you were born. (Laughter)

LT. FOWLER: Okay, well, in that 30 years things have changed a lot. We are boarding every small boat that is coming from that vector from The Bahamas to the U.S. because we are looking for drugs; we're looking for Haitian migrants that are coming from Haiti up to The Bahamas and then using that route to get into the U.S.

If we're boarding all these boats that are coming from that direction, anyways, don't you want us to also be aware for fish that they might be bringing? If we're already on board, don't you want us to also check for their fish? To the economy point, it is not the duty of the council to aid the economy of The Bahamas.

If it is these small boats that aren't checking into hotels, are we really assisting the economy all that much? Are we really doing a lot to stimulate it? I think that should not be an issue in making that decision. Again, you are aware that our species' identification is not great. We are not fishermen; we are not exposed to that as much as you all are. If you are aware that we are real bad at species' identification, why would you go down the road of making it even harder for us to tell?

MS. BECKWITH: Great points, Morgan; thank you very much. The motion on the floor is to select Alternative 1, no action as a preferred alternative. **Those in favor of this motion please raise your hands. Remember this is everybody, because it is Snapper Grouper and Dolphin Wahoo. I am counting five in favor of this motion. All opposed to this motion, seven; the motion fails.** Let's move on to Action 2.

DR. CHEUVRONT: Action 2 is at the top of Page 4 of the PDF document. Action 2 looks at exempting dolphin and wahoo harvested lawfully from The Bahamas from the bag and possession limits in the U.S. EEZ. Vessels may possess on board two wahoo per person and ten dolphins per person with a maximum of sixty dolphin.

Alternative 1 is to keep in effect these U.S. bag limits. Alternative 2 is to exempt dolphin lawfully harvested in The Bahamas from the regulations for bag limits in the U.S. EEZ. Preferred Alternative 3 exempts wahoo lawfully harvested in The Bahamas from regulations for the bag limits in the U.S. EEZ. Actually the possession limits in the U.S. EEZ for dolphin are higher than they are in the Bahamas. Remember, coming back from The Bahamas you can have only 18 fish in any combination of dolphin, wahoo, tunas and king mackerel.

The concern here was that some fishermen say that they sometimes go over and just do wahoo trips. To be able to come back with 18 wahoo from The Bahamas into the U.S., they would have to have nine persons on board. The council had looked at exempting wahoo from the U.S. bag limit and not considering any exemptions for dolphin.

MS. BECKWITH: Our current preferred alternative is Alternative 3. Is there any desire by this committee to change this preferred alternative? Okay, going once, going twice; Action 3.

DR. CHEUVRONT: Action 3 is the action that requires skin to be left on the fillets of dolphin wahoo as well as snapper grouper. Preferred Alternative 2 is the requirement for snapper grouper fillets to have skin intact and preferred Alternative 3 is to have skin intact on dolphin and wahoo.

There is a minor modification to the language in Alternative 1, because right now is that snapper grouper fillets possessed in the U.S. EEZ from The Bahamas are currently not required to have skin, and it said "or scales intact". Well if you are going to have skin on, you can't have scales without skin. You have to say we changed the "or" to an "and", and I just wanted to make sure you were all aware and okay with that language change.

MS. BECKWITH: Is there any interest in discussing this or changing any preferred alternatives?

MR. HARTIG: Just a question, Brian, so I am straight on this, is now we have to have scales or not?

DR. CHEUVRONT: Currently now you do not have to have scales, because right now you are not required. It was a matter of you were kind of in a descriptive situation here. It said skin or scales. Well, you can't have scales without skin. In the no action alternative, you can fillet them now and take the skin off and everything is okay. It is simply an English thing and nothing to do with regulations.

MS. BECKWITH: I am not seeing any desire by this committee to reconsider these preferred alternatives. We will move on to Action 4.

DR. CHEUVRONT: Action 4, which is on PDF Page 5, is an action that right now the way the wording in the regulations is, is that if you are coming back from The Bahamas with fillets of snapper grouper species; you just have to have current valid Bahamian cruising and fishing permits on board the vessel.

There is no requirement to have passports on board the vessel, the passports that show that you have been in The Bahamas. Your preferred Alternative 2 requires that you have passports on the vessel that show that the passengers have been in The Bahamas. It has been tacked on here, and we also want to get the council to approve this language on here that says that all fishing gear must be appropriately stowed while in transit, because that is not in any of the provisions for snapper grouper.

If somebody is coming back from The Bahamas with just snapper grouper species and none of that 18 fish mixed bag limit species on board; if you didn't put this in here, we would not be able

to require that this gear be stowed. One is we need to get the approval of the language change as well as whether or not folks want to reconsider their preferred alternative.

**MS. BECKWITH: I would entertain a motion to include the language “all fishing gear must be appropriately stowed while in transit.” Made by Chester; seconded by Jessica. Is there any discussion to that language? Any opposition? Seeing none; that motion passes. Is there any discussion for changing our preferred alternative under Action 4? Seeing none; let’s move on to Action 5.**

**DR. CHEUVRONT:** Action 5 is an action that is designed to bring parity with the snapper grouper fillets to what your current preferred is for dolphin and wahoo. Right now the way the regulations are, the fishermen coming back from The Bahamas bringing fillets of snapper grouper species can bring them back basically in any condition that they want to.

Action 4 requires the skin to be on there, but they can bring back as many fillets as they want to, as long as they don’t exceed the 60-pound limit that was set by The Bahamas. What this action is going to do is going to specify that each snapper grouper species coming back can only be brought back as two fillets equal one fish; again to help law enforcement count fish as opposed to trying to weigh them.

In other words, the way the Bahamian regulations are written is that you can either have 60 pounds of snapper grouper species or 20 fish. Since we’re counting fillets now under your current preferred, you would be allowed to have up to 40 fillets of snapper grouper species coming back from The Bahamas.

But the language change that has been recommended for preferred Alternative 2 looks at taking out the 40 fillets because the Bahamians could change their regulations. If they did that, then we would have to go ahead and change the regulations here to match theirs. As a way to get around this possible conundrum, the recommended language change is a fisherman must abide by both U.S. and Bahamian bag and possession limits; in other words, the more restrictive of the two when in the U.S. EEZ.

This also is designed to prohibit people from bringing prohibited snapper grouper species from The Bahamas into the U.S. For example, I don’t know if Nassau grouper is allowed to be harvested in The Bahamas, but they would not be allowed to bring Nassau grouper fillets into the U.S. EEZ because they are a prohibited species. That would be a violation; and any snapper grouper species that is closed in the U.S., for example, like a shallow water grouper during that season would not be allowed to be brought into the U.S. EEZ during the closed period in the U.S.

**MS. BECKWITH: We need a motion to accept the recommended language changes. Chester; seconded by Jessica. Is there any discussion? Any opposition? That motion carries.**

**DR. CHEUVRONT:** Okay, Madam Chairman, you are at the point now where this committee needs to decide whether they want to recommend to full council whether they want to approve this amendment for formal secretarial review and deem the codified text as necessary and appropriate. I actually have on Page 6 a draft motion for you to consider. If you don’t mind, I will just go ahead and read it and you all can decide whether you want to do that or not.



MS. BECKWITH: Just really quick; we didn't discuss Action 5. I just wanted to give the committee a quick second. Is there any desire by this committee to change the preferred on Action 5? Okay, seeing none; we'll move on.

DR. CHEUVRONT: Okay so we have a draft motion for approving – I will just go ahead and read the motion; that might be the easiest thing to do – approve Dolphin and Wahoo Amendment 7 and Snapper Grouper Amendment 33 for secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document and codified text; and give the council chair authority to approve the revisions and redeem the codified text.

MS. BECKWITH: I did have the pleasure of reading through the codified text this morning, and did make a note with Monica that the codified text does refer to a valid U.S. passport and that in fact it was not the intention of the amendment. We simply required a valid passport. I am suggesting that be correct in the codified text.

MS. SMIT-BRUNELLO: I agree with that.

DR. CRABTREE: Before we vote, I just want to confirm what I believe to be the case with Monica, which is that our current regulations are sufficient to prohibit these fish, which are recreationally caught in The Bahamas, from being sold when they come in; is that correct, Monica?

MS. SMIT-BRUNELLO: I believe that is correct. As I read the restrictions on sale and purchase; at least for snapper grouper it says that basically a snapper grouper harvested or possessed in the EEZ – and these fish would be possessed in the EEZ – may not be sold without a commercial permit. I don't think they could be sold; that is correct.

MS. BECKWITH: **We still need to have someone make that motion. Jessica would like to make that motion; seconded by Chester.** Is there any discussion on this motion? This has been a long, hard road.

DR. DUVAL: Monica, do we need to leave out the part of deeming the codified text until full council just because of the typo?

MS. SMIT-BRUNELLO: I think that someone could make a motion that you strike U.S. from the codified text as it terms to passport so it just reads that you have a passport. With that, you have reflected of what you wanted in the codified text. Then I think you can deem the codified text as you have just amended it now, and you don't have to wait to do it at full council.

MS. BECKWITH: I believe necessary editorial changes to the document and codified text within the motion likely covers that change.

MS. SMIT-BRUNELLO: I think that is right, too. It is on the record as to what you want to do, so I think we're good.

MR. PHILLIPS: Monica, can you possibly, by full council, let us know for sure if the dolphin wahoo fillets; what that status would be?

MS. SMIT-BRUNELLO: Yes.

LT. FOWLER: We were just talking about bringing back – Nassau would be prohibited – into the U.S. How are we supposed to tell if we've got fillets with no skin on if they are bringing back a Nassau or not?

MS. BECKWITH: We are requiring skin on all the fillets.

LT. FOWLER: I stepped out for a second so I wanted to check.

MR. HARTIG: Certainly, Nassau have a saddle, that when you fillet them, there would be a piece that would be diagnostic from the other groupers in The Bahamas on the skin that you could actually tell. They have a saddle towards the caudal fin. There would be a different color. I am saying that if I filleted the fish, there would be a different color. All right, I will leave it at that.

MR. BOWEN: To Ben's point; that is correct, Ben, but the 450 FWC officers, there is no way for them to tell that at all.

MS. BECKWITH: Yes, skin on the fillets; that is what we are approving.

MS. SMIT-BRUNELLO: Well, Charlie, you have raised an interesting question, because I am looking at the dolphin wahoo sale and purchase regulations. They don't use the word possession like the snapper grouper regulations do, so they state that a dolphin or wahoo harvested in or from the Atlantic EEZ – that would be U.S. federal waters – or adjoining state waters by a vessel that has a valid commercial permit may be sold or transferred only to a dealer who has a valid permit.

The way I read that right now, and I will look into it further, is that the restrictions on the sale for dolphin wahoo fillets wouldn't be the same as it would for snapper grouper. I think snapper grouper is clear that you cannot sell those fillets coming in from The Bahamas. Dolphin and wahoo, I think you perhaps can. I will look into it further by full council, but that is what I believe.

MR. MAHOOD: Not really pertinent to everything, but a little bit, I want to stick up for our Coast Guard. A lot of those guys do know how to identify the fish, because they go to the Law Enforcement Training Center in Charleston where they are taught fish identification. Well, obviously, you have a large turnover of young Coast Guard guys, so maybe everybody can't; but we're making it sound like the Coast Guard doesn't know how to identify fish and that is not true. I just wanted to point that out, Madam Chair.

MS. BECKWITH: I'm sure Chester did not mean to offend Coast Guard.

MR. BREWER: I was trying to compliment her.

DR. CRABTREE: In that case, I guess if these fish come back in with recreational fishermen and they are sold, they are potentially counted against the commercial ACL. I don't think any of us want to allow that to happen. My question to Monica is what do we need to do to fix the

language in the regulation such that it is consistent with snapper grouper and doesn't allow that to happen?

MS. BECKWITH: To that point, Michelle I think might have an answer and then we'll go to Monica and then to Chester.

DR. DUVAL: I don't know if I have an answer, but we prohibited bag limit sales of dolphin in the Comprehensive ACL Amendment; and that has been, if you recall, one of the sagas we've lived through and dolphin wahoo was reconsideration of that. I understand that it doesn't say possess in waters of the EEZ like the snapper grouper regulations do; but we did prohibit sale of those fish unless you have a commercial permit for those bag limit sales. In other words, if you are a permitted dolphin wahoo charter captain, you cannot sell fish that your clients may have harvested on board their vessel. I am getting a little confused, because we prohibited that in the ACL Amendment.

MS. BECKWITH: Okay I think Brian also had something to add, but, Monica, go ahead.

MS. SMIT-BRUNELLO: Right, Michelle; and so when I look at that restriction on sale and purchase for bag limit, it does talk about the prohibition of selling dolphin or wahoo possessed under the recreational bag limit harvested in the Atlantic EEZ. I think we get into the whole idea again of it doesn't say "possessed in". To Roy's question, I am going to have to think about how we fix this at this meeting. Perhaps it is as easy as making it clear in the document. Before I go into that, I am just going to have to think about it a little bit more.

DR. CHEUVRONT: Two points; one, I think at least at some iteration of the document – and it has been a while since I have read the whole thing – there was a discussion of prohibition of sale. The other thing is isn't it illegal to sell filleted fish? The other thing is that if it is illegal to sell filleted fish, nothing has changed by this amendment that is allowing something to happen that isn't currently allowed, anyway.

They are already allowed to bring dolphin wahoo whole fish back from The Bahamas. Any prohibitions on sale would have had to have occurred somewhere else, anyway. There may be a loophole or something there, I would think, if it is now allowed because of the wording that went in under the Comprehensive ACL Amendment. I think there are prohibitions on selling filleted fish, right?

MS. BECKWITH: While she mulls over that; Chester, did you have a comment?

MR. BREWER: Just a quick one; there should never, ever, ever be sale of recreationally caught fish, period. I don't think anybody's intent here was to somehow or other create a glitch where somebody could bring fish back from The Bahamas and sell if they were caught recreationally. I would be happy to follow up with Monica and make a motion at full council to try to fix what may be a glitch here and get it straightened out, because I would never, never, never want to see sale of recreationally caught fish.

MS. BECKWITH: Mark, did you have a comment in reference to this or no?

MR. BROWN: When you were talking about the sale of them, I was thinking about that operator card. I didn't know if that had anything to do.

MR. PHILLIPS: Like I say, this is complicated and we put a lot of work in it. If we're going to go down this road, let's fix everything. I am looking forward to seeing what our options are.

MS. BECKWITH: Okay, so Monica is looking for an answer. We have a motion on the floor. We should probably go ahead and vote on this; and then if we have to change it, we can change it at full council. I am assuming by full council we'll have an answer that we can react to in terms of how to deal with the dolphin wahoo fillet sale of.

Motion on the floor, we've read it; we've had lots of discussion. **Is there any opposition to this motion? Okay, seeing none, that motion carries;** and if we have an issue with it, we can certainly reconsider it at full council. We are moving on. I am going to give Brian a minute to get ready for the next amendment.

DR. CHEUVRONT: Okay, the last of the amendments that we need to deal with as far as this committee needs to go – actually if this amendment gets approved for sending to the secretary for formal review, this Joint Dolphin Wahoo Committee will probably cease to exist at least at this point. That might be something worth celebrating. I don't know; it depends on your perspective.

But what we've got here, you remember this amendment has two actions in it. You got e-mailed the codified text I think on Tuesday. This probably sets the record for the longest codified text you have ever seen. I believe it is 51 pages long. The regulation writers, it took them several days, much longer than normally occurs for a codified text to be written, because they had to go through everything with a fine-tooth comb.

Let me tell you, they did a great job going through this. It was very convoluted, and again it was 51 pages long. What has transpired through the course of this, as they were writing the regulations, they identified a few things that the council needs to consider that tweaks some of the language in the first action.

But before I jump ahead of myself, we're going to discuss the purpose and need for the actions. The first action is an action that was going to look at modifying the trigger mechanisms for when AMs would go into effect. We already have similar language in place for the CMP species and dolphin and wahoo; and I believe that the deepwater complex already has language I think that is under review right now, but hasn't been approved yet. We took out the deepwater complex and all that.

Then the second action looks at the allocation of dolphin among sectors. But first you've got a purpose and need that you looked at, and I want to remind you that you went through this amendment in September and you basically approved the actions and alternatives that were in place then. You said get the document ready for submission to the secretary.

Well, one of those steps is that writing of the codified text; and that is where we identified some changes that need to occur. We'll talk about those as we get into that. But you've got a purpose and need here, which you've looked at a couple of times and has not been changed I believe the

last two meetings, but this is your last whack at it. If you want to review it and decide that you need to consider any changes – and it looks like Monica is ready to raise her hand.

MS. SMIT-BRUNELLO: Brian, on the purpose; it says the purpose for these three amendments is to modify certain things, including accountability measures for unassessed snapper grouper species. I just want the council to be clear that it is not for all unassessed snapper grouper species; isn't that correct, Brian? It is for those unassessed snapper grouper species that are not in the deepwater complex.

DR. CHEUVRONT: That is correct. One of the things I was going to ask for is that we have some suggested language for Action 1. We were going to ask the council to give us editorial license to go through and make sure that these changes that you see in Action 1 get carried throughout the document.

One of the things that Monica just mentioned, this clarification that unassessed species does not apply to the deepwater complex, and make sure it goes through; so, yes, that would be one of the places that we would have to find. You have to realize some of these changes we weren't even aware of even until this week. We just simply haven't had a chance to go through the entire document and make sure that they are consistently in place there.

MS. BECKWITH: Okay, is there any desire by the committee to edit the needs actions, any part of this section? Okay.

DR. CHEUVRONT: Okay, that first action – and I have a document here. Jack just handed me another version of it with some other recommended language. We've got several things we need to consider here. There are two species that we need to look at. One is gray triggerfish, which is an unassessed species.

Remember at the time that we started developing this amendment; we thought we were going to get an assessment of gray triggerfish, but that was not able to happen. It is listed already in the document in two tables. One is listed as an unassessed species and then in another table it was listed as being excluded because of the impending, at that time, stock assessment.

What we need to do is remove it. Actually, the latest draft that we're working on has it removed from the table that lists species that are not included, because they were covered under a stock assessment. We just need to leave it in there. I guess we need to make sure that you all understand that because we don't have a gray triggerfish assessment that it needs to stay in that group of unassessed species.

Now there is a table in the document, and I forget which table number it is, but it is in there. Table 2.1 in the document has it listed in there. The other species that we need to consider is red snapper. Red snapper doesn't fit very well in doing this AM trigger, because remember the length of the season, both commercial and recreational, if there is going to be one each year, is set differently. There is no specific opening date.

The recommendation is that we go ahead and remove red snapper from this action. Now what that is going to do, though, is that if red snapper does start at some point getting managed like the other species; it is going to be different when it comes to what triggers the accountability

measures. The council may need to reconsider it at that time. It just doesn't really apply very well, these accountability measure triggers to red snapper the way you are currently managing it. The recommendation is to go ahead and remove red snapper from this action and deal with it later should management change for red snapper in the future.

MR. HARTIG: I am not on your committee, but –

MS. BECKWITH: Yes, you are.

MR. HARTIG: Okay, I am on your committee. I think that is prudent what you've done, Brian, is to keep gray triggerfish in there. There have been issues with the aging. I think we got some of those worked out, but still it has got to go through review. If it doesn't pass muster through review, the assessment doesn't go through, we still wouldn't have an assessment.

I think it is prudent to keep it in there. On the part of red snapper, I think we can remove it. We're going to be looking after that assessment on another amendment to deal with red snapper; so hopefully when we deal with that, we could put in what we need to for red snapper in that regard.

DR. CHEUVRONT: It would make it clearer if we could get a motion directing us to remove red snapper from that first action.

**MR. HARTIG: Motion to remove red snapper from Action 1, is it?**

DR. CHEUVRONT: Yes.

**MS. BECKWITH: Seconded by Jessica. Is there any discussion? Any opposition? Seeing none; that motion carries.**

DR. CHEUVRONT: There are a couple of issues here. Also in looking at this, golden tilefish is included in here. Remember, the commercial AM for golden tilefish is slightly different than the others, because we have sort of these sub-commercial ACLs. We have the separate one for longline as opposed to hook and line.

In talking about this – and Monica reviewed this document and she had made the suggestion that when you are looking under your preferred Alternative 2; we have the language here. It says, "If the commercial landings as estimated by the Science and Research Director reach or are projected to reach the commercial ACL, the Regional Administrator shall publish a notice to close the commercial sector."

But because of this split nature of the commercial ACL for golden tilefish, Monica had suggested that you consider putting in after "projected to reach the commercial ACL" "or quota component"; meaning should the longline component reach it, you can close that subsector. That is just making it clear that this is what you mean.

I would like for you to consider including that language in there. I don't know that you need a separate motion. We might just be able to deal with all of these in one motion, these language

changes, but I just wanted to put that one out there. But if anybody has any discussion about it, let's go ahead and maybe do that now.

DR. DUVAL: I think that is a great idea. We have sub-quotas now for mackerel species. If down the road, depending on what happens with black sea bass, we decide that we wanted to establish a sub-quota allocation for the hook-and-line sector, we wouldn't have to go back and change the accountability measures. As usual, Monica is saving us and thinking ahead.

DR. CHEUVRONT: Then there was from the regulation writers, if you look here on preferred Subalternative 2C, we've got some species that are covered in a species complex here. The language that we have now – and this is your preferred Subalternative 2C – “if the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage only if the species is overfished and the total ACL, commercial ACL and recreational ACL, is exceeded.”

But the suggestion was to add in there “only if the species or one or more of the species in a species complex”, because right now the triggers – the AMs are put in place when one of the species in a complex reaches its ACL. We wanted to have comparable language here as to what already exists in the regulations. By adding this “one or more species in that species complex”: it just brings parity to the language is basically what we're asking for.

MS. BECKWITH: Are there any comments on that potential language?

DR. CHEUVRONT: Okay; and the other thing is that the IPT has recommended that currently you just have preferred subalternatives. For example in Alternative 2; Alternative 2 is actually a preferred alternative as well so we wanted to add “preferred” in front of the alternatives. If you will just give me a second, I made some notes for myself to follow here.

Okay, I think that captures the changes that I know that we need to deal with here. There is one thing I will have to mention. This amendment also applies to golden crab; but when we get to that committee, I will just have a quick statement to make there. Actually I want to check with Jack real quickly. Jack, is there anything that I needed to mention that you think that I haven't brought up? There have been so many things that have been going around on this, because Jack has been working very diligently on this with us as well.

DR. McGOVERN: Under 2A, it says “only if the species is overfished” there, just like in 2C; and that could be “or one or more species in the species complex is overfished.”

DR. CHEUVRONT: Yes, what we're going to do, Jack, is we're going to ask the council to give us the editorial license to include that language as appropriate throughout the document, because Monica identified a change about the deepwater complex; that the deepwater complex is not included in this action. That needs to make sure that that gets carried throughout the document as well. I think there are multiple places where we need to go through and verify that it is in there. This Action 2A, you are right, is one of those places where it needs to be included as well.

DR. McGOVERN: Then 4B is similar, too.

DR. CHEUVRONT: Thank you; 4B is the other language thing that we do need to talk about. Thank you for reminding me of that.

DR. McGOVERN: And 3C as well.

DR. CHEUVRONT: Under preferred Alternative 4, you have preferred Subalternative 4B. Your current language says, “This is to allow the Regional Administrator, if their landings reach or are projected to reach the recreational annual catch limit, the National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, unless using the best scientific information available the Regional Administrator determines that a closure is unnecessary.”

Subalternative 4A is only if the species is overfished. Your original language and preferred alternative is regardless of the stock status. Now, the regulation writers wanted to include “regardless if the stock status is overfished”. That sounds a little bit awkward as well. I think one of the things we need to make clear and get you to have on the record – because I think it has been discussed before – is that this regardless of stock status, if the stock is overfished or if it is not overfished is irrelevant under your current preferred alternative.

If the RA can close the fishery even if the stock status has not been determined to be overfished, if it is known that the recreational sector is going to exceed its ACL and there is time to get it closed; and we’re thinking in terms of species largely like snowy grouper where it is such a small recreational ACL, it probably would get caught up in the first wave of MRIP.

You get the reporting, and you still have several more MRIP waves to go; that more of the fish could still be caught if the fish was not determined to be overfished, if something like that should happen. This is basically allowing the RA to close the fishery regardless of stock status if they know that they are going to exceed the ACL, just like happens with the commercial fishery.

MR. COX: Something that I brought forth to the council before – and as I read through these alternatives, it goes on many times over throughout the range of them. When the RA closes the commercial sector, it still allows for the commercial fishermen to have their bag and possession limit. I would just like somewhere to bring up a conversation on how we feel about that. Is that something we want to continue to allow them to do, because we know those fish are not being counted?

DR. DUVAL: We had a little bit of a discussion about this at the last council meeting in September during Snapper Grouper, I believe, and I think the plan was to look into that situation. I am looking at Bonnie to see if there is any way those fish get included in some data collection system through the Science Center.

I am thinking it might be no unless the particular commercial fishermen also are carrying a recreational license or something. I think I recall that the conversation was that the MRIP port samplers are not running around to commercial docks necessarily; and if they know that someone was actually on a commercial trip, that they were coming back with the recreational bag limit of fish which they are legally allowed to keep; this is like one of your worst nightmares, I’m sure.



DR. PONWITH: The way that would work is under MRIP the current methodology for estimating effort is the coastal household telephone survey. If a commercial fisher went out recreational fishing and were called and asked did you make recreational fishing trips in the last two months; theoretically if that were the case, their answer would be yes.

In a situation like that, their effort would be accounted for, but their probabilities of being intercepted in the dockside intercept would be pretty close to zero, because you are right, the recreational samplers wouldn't be targeting commercial vessels and saying do you have commercial landings? Basically any effort that was picked up via the effort phone calls would be linked to what the average catch was for the people who were sampled. From that standpoint, it would be accounted for, but it does create kind of a challenging situation.

MR. PHILLIPS: Bonnie, from what we heard from some of the fishermen at visioning, some of these guys don't even have houses much less phones with the money they're making commercial fishing. To me the simplest way philosophically would just be if we could add something on the logbooks where they just did it.

Changing logbooks is a huge thing; but if you really want to know what they were doing, just have it done just like they log everything else and just have another section. But that would be my thought if you really wanted to get it, because I don't think you are going to get it otherwise.

DR. ERRIGO: I just want to make sure I clarify. You are talking about they keep the recreational bag limit when they are on a commercial trip? That actually would not be picked up in the MRIP telephone survey, because if they called and they said did you make any recreational trips, I don't think you would count those trips as recreational.

I think all that goes completely uncounted. I don't think you would count that on the logbook, because the logbook I believe counts anything that was landed and sold and not anything that was kept and eaten personally. I think right now it goes uncounted.

MS. BECKWITH: I think Jack's point is are you saying that these recreational bag limits are being kept on commercial trips and sold even though the commercial season is closed?

MR. COX: You know. I'm not going to say that. You can decide that on your own, but I don't encourage it. I see a lot of fish come in. Some of these commercial boats have as many as 2 or 300 pounds of recreational landings, because you figure 20 triggerfish per person on a crew of four or five and 20 fish a person; it is a lot of fish. I think we ought to just decide what we want to do here.

DR. DUVAL: I think what Jack is trying to say is that the temptation is there. If there is in the 20 fish aggregate bag limit, if you are allowed to keep those fish, certainly the temptation is going to be there. Obviously, I am assuming that the council put this in at some point long ago in order to eliminate discards when people are fishing and they would encounter species that would be commercially closed in order to do that.

But as this has progressed, it is probably something that we need to reconsider, particularly when you have such large bag limits for certain species. The time to do it is not in this amendment right here, but I think that is something we definitely need to tackle in the upcoming year.

MS. BECKWITH: Okay, Ben, and then we are going to get back on topic.

MR. HARTIG: There is a piece of the logbook that could be used for this if fishermen were told to report their recreational bag limit. The fish they kept from a recreational bag limit on a commercial trip, there is a field in the discard portion of the logbook that says if you kept them to eat; that you could report those animals there. If Bonnie's staff wanted to send out a memo to commercial fishermen with logbooks; that if you keep recreational bag limits, please report those numbers here. That could be done.

MS. BECKWITH: Okay, so back on topic. We are in preferred Subalternative 4B. We need some clarification for the record that our intention is that once our ACLs are estimated to be reached; that we are interested in closing that season regardless of if the species is overfished or not overfished, so regardless of status; recreational only.

DR. DUVAL: Just to add to the record; I think that it creates parity amongst the two sectors that you are closing when an ACL is reached or projected to be reached, as well as the fact that you really don't want to dig yourself into a situation by not closing if your ACL is projected to be reached where you might end up in an overfished or overfishing status. I think it is just prudent management.

DR. CHEUVRONT: The question now is do you want – I just made it larger so hopefully that will make it a little easier for you do see. The strike-through text is what is currently in the document. The yellow highlighted text is the suggested text that the regulation writers thought clarified it. We need to know which text do you want us to use. Do you want us to continue with the text that you already have or do you want us to go ahead and change it to the highlighted yellow text? I think you've clarified your intent here and what you meant.

MS. BECKWITH: Does anybody have a preference, because I certainly do not. Doug says the way it is, so our original, then, regardless of the stock status.

DR. DUVAL: I guess, Monica, do you see a problem with regardless of stock status or do you think it is more airtight if it is regardless if the stock status is overfished? It sounds awkward to me; but I think we just want to make sure that there is not another fix-it that we need to come back to similar to dolphin.

MS. SMIT-BRUNELLO: I think I understand what you mean. It is awkward language, but I believe it is clear. The question is also, Brian, do we need to do some tweaking if a species is in a complex? We need to discuss that, too. Maybe that is one of the edits you are going to make throughout the document.

DR. CHEUVRONT: I had mentioned that, Monica, earlier; that would be one of the things that we would be going ahead and doing. The other thing here is that Myra just reminded me that the language in preferred Subalternative 4B, "regardless of the stock status", is what you approved in Amendment 32 for the deepwater complex.

MS. SMIT-BRUNELLO: We could have a good discussion in the document as to what that means; stock status. I think that will be fine.

DR. CHEUVRONT: That is fine; I think it is probably already there. What would be a good thing to do at this point would be to get at least direction to staff or maybe even a motion directing staff to make the language changes that we've discussed here. I've got them all written down, so we know what that is. It has to do with the one or more species in a species complex.

It has to do with the quota component addition to address the issue in golden tilefish. It also is to clarify that this does not apply to the deepwater complex species, but not to Preferred Subalternative 4B. If we can get some kind of specific direction or a motion to staff, either through a motion or somehow, that you want us to go ahead and make those changes.

**DR. DUVAL: I move that we direct staff to make the appropriate editorial changes as discussed.**

**MS. BECKWITH: Seconded by Mel. Any further discussion? Seeing none; that motion carries.**

DR. CHEUVRONT: Let's move on to Action 2, which is on Page 9 of your PDF document. This is the one that modifies the allocations for dolphin. Currently your preferred alternative is to set the commercial allocation at the average of the percentages of the total catch over the past five years, 2008 through 2012.

This means that the recreational sector allocation for dolphin would be 90 percent and the commercial sector allocation would be 10 percent. If you look at Table 2 at the bottom of that page, which I am showing you here now, it shows you roughly what the ACLs would be by sector under the different alternatives.

Preferred Alternative 4 gets you to about that 1.5 million pounds, which was pretty equivalent to what the soft cap was. Now, in the discussions with the Dolphin Wahoo AP, which was really pushing for this, I made sure that they understood that the ACL for dolphin could change over time and this is based on percentages; so that percentage could either go up or down depending on what the total ACL is; and they seemed to be okay with that. They understood that was a condition here, but they liked the idea of the council selecting Preferred Alternative 4. It matched what they were hoping the council would do.

MS. BECKWITH: Is there any interest from the committee to discuss an alternate preferred? Okay, seeing none; Mike had a question.

DR. ERRIGO: It just doesn't set up where you have to automatically change allocations or whatever based on a formula if historical landings change or anything.

DR. CHEUVRONT: No, this says that it is 90 percent and 10 percent. That is the way the alternative is written.

MS. SMIT-BRUNELLO: I do have one comment on that, Brian, which is just the alternative reads, I believe, "set the commercial allocation at the average of the percentages of the total catch over the past five years", and I would strike out "past", because "past five years" is not 2008 to '12. It just shows that this document has been worked on for a while. It could read "at

the average of the percentages of the total catch over the five years”; and then parentheses, 2008 to ’12.

DR. CHEUVRONT: Yes; I think maybe this is something that once again you can give us editorial license to fix that language. I think that would be a good thing to do. We understand that you want the years 2008 through 2012 to be used, but we might need to change the language describing those years in the alternative. As long as everybody is okay with that, I am sure we could work that out.

MS. BECKWITH: We’re okay with that, right, folks? Yes.

DR. CHEUVRONT: One of the things that we need to do now is to have you decide whether you want to approve this Dolphin Wahoo Amendment 8/Snapper Grouper Amendment 34 for secretarial review. What I am going to do like I did last time is I’ve got this suggested motion, but I am going to have to modify it slightly because I need to remove golden crab, because golden crab is not part of what you are doing.

**The suggested motion that maybe somebody might want to make is approve Dolphin Wahoo Amendment 8 and Snapper Grouper Amendment 34 for secretarial review and deem the codified text as necessary and appropriate; give staff editorial license to make any necessary editorial changes to the document or codified text and give the council chair authority to approve the revisions and redeem the codified text.**

**MS. BECKWITH: Would anyone like to make that motion? Doug; seconded by Michelle. Is there any discussion on that motion? Seeing none; that motion passes.**

DR. CHEUVRONT: That is it for the two amendments. Just to be sure you know, the plan on these two amendments is to get them submitted as soon as possible for secretarial review. I am thinking in terms of work plan and what time I have, as well as a little vacation time over the holidays, I am hoping to get this amendment that you just approved; ideally, we would like to try to get it submitted before the holidays. It has been reviewed by a lot of folks.

There are a lot of good comments in there. I don’t think it is going to have a lot more to go. It is going to depend largely on what Ben and Gregg can do in terms of getting it done. Then the fillets one might take a little more effort and still has to go through some more reviews, so that will be after the first of the year. The goal is to get them in and hopefully through the process that maybe sometime this summer that they would go into effect. That would probably be the earliest that it could possibly happen.

MS. BECKWITH: Sounds great! Great work! We really appreciate the effort. Doug, did you have an additional comment?

MR. HAYMANS: I do; if I could have just a second to ask Monica a question on the record. It goes back to recreational limits on a commercial vessel. Maybe I got it confused somewhere, but regarding licensure; at least in the state of Georgia licenses are separate and distinct from each other. That is a commercial license can’t recreationally fish. In the EEZ, if you’ve got a commercial vessel permit, does that allow you to take recreational limits or does that person also

have to be licensed? At least in Georgia's standpoint they would have to have a Georgia recreational fishing license to keep a recreational bag limit.

MS. SMIT-BRUNELLO: I guess I am going to have to think about that further, but my initial thought is that in federal waters unless we prohibit those commercial vessels from having a bag limit, maybe they can have one; but what I would like to do is talk with my enforcement colleagues. Maybe I can do that before full council, because I think they have probably dealt with this issue before and have looked at the regulations for that particular issue more closely than I have.

MR. HARTIG: I know for a number of species in our actions it is expressly allowed. I think for one or two of them we don't allow it, and I can't remember what those are, maybe king mackerel. I think king mackerel is the only one that we actually in the regulations don't allow a bag limit to be kept on a commercial vessel.

DR. DUVAL: I was just going to confirm what Ben said, because this came up with a recent Fishery Bulletin on cobia. We just had a couple of our law enforcement folks asking can you please confirm that commercial vessels will not be allowed to retain a recreational limit of cobia once the season closes next week.

MS. BECKWITH: Okay, if there is nothing else, I am done. Jessica.

MS. McCAWLEY: Since we are in Dolphin Wahoo and Snapper Grouper, a question came up yesterday from the AP about whether or not if species are removed from a fishery management plan, if the state of Florida can then require the federal permit. The answer to that question is that we would no longer be able to require commercial harvesters to have a federal reef fish if it is the Gulf or snapper grouper permits if it is the Atlantic if the species is no longer federally regulated.

MS. BECKWITH: Okay, thank you for that. Does that spark any other discussion? Michelle.

DR. DUVAL: I was just reminded that there were a couple of motions at the end of the AP report that we didn't actually address. I just wanted to bring this to everyone's attention. The first one of those was what Jessica just mentioned, recommending that if species were going to be removed, that the state of Florida require a permit. Obviously, that can't be done.

One of the other motions was to recommend to the council that South Florida become a separate management zone. We've already had some discussion about that and I just wanted to acknowledge that the AP made that motion. There was a bit of discussion about it. We will be talking about South Florida issues in Executive Finance, which will be coming up later, but I wanted to make sure to acknowledge it while we were still in joint committee and that would be taken into consideration.

The next motion was that the council considers implementing a limited entry program for the for-hire sector. This is something that has come up as comments during visioning. I think we would address that during our future conversations regarding visioning. Then the final one we already dealt with yesterday, which was looking at changing the start of the fishing date for the

golden tilefish bandit sector. That was it; I just wanted to bring those up on the record and acknowledge that I forgot to bring them up yesterday. Thank you.

MS. BECKWITH: You can do no wrong. Is there anything else? Okay, then am happy to adjourn this committee.

(Whereupon, the meeting was adjourned at 10:25 o'clock a.m., December 4, 2014.)

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

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December 22, 2014

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# South Atlantic Fishery Management Council

## 2014 Council Membership

### COUNCIL CHAIRMAN:

#### Ben Hartig

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

### VICE-CHAIRMAN

#### Dr. Michelle Duval

NC Division of Marine Fisheries  
3441 Arendell St.  
(PO Box 769)  
Morehead City, NC 28557  
252/808-8011 (ph); 252/726-0254 (f)  
michelle.duval@ncdenr.gov

#### Robert E. Beal

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

#### 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

#### Zack Bowen

P.O. Box 30825  
Savannah, GA 31410  
912/398-3733 (ph)  
fishzack@comcast.net

#### W. Chester Brewer

250 Australian Ave. South  
Suite 1400  
West Palm Beach, FL 33408  
561/655-4777 (ph)  
WCBLAW@aol.com

#### Mark Brown

3642 Pandora Drive  
Mt. Pleasant, SC 29466  
843/881-9735 (ph); 843/881-4446 (f)  
capt.markbrown@comcast.net

#### Chris Conklin

P.O. Box 972  
Murrells Inlet, SC 29576  
843/543-3833  
conklincc@gmail.com

#### Jack Cox

2010 Bridges Street  
Morehead City, NC 28557  
252/728-9548  
Dayboat1965@gmail.com

#### Dr. Roy Crabtree

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

#### LT Morgan Fowler

U.S. Coast Guard  
510 SW 11<sup>th</sup> Court  
Fort Lauderdale FL 33315  
morgan.m.fowler@uscg.mil

#### Doug Haymans

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

#### Deirdre Warner-Kramer

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

#### Dr. Wilson Laney

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

#### Jessica McCawley

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

#### Charles Phillips

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

CAPT. KAMA SHUSTER  
PHIL STEELE  
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MONICA SMIT-BRUNELLO  
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PRES PATE  
TRACY DUNN

# South Atlantic Fishery Management Council Staff

## Executive Director

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

## Deputy Executive Director

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

---

## Public Information Officer

✓ Kim Iverson  
kim.iverson@safmc.net

## Fishery Outreach Specialist

✓ Amber Von Harten  
amber.vonharten@safmc.net

## Senior Fishery Biologist

Roger Pugliese  
roger.pugliese@safmc.net

## Fishery Scientist

✓ Myra Brouwer  
myra.brouwer@safmc.net

## Fishery Biologist

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

## Fisheries Social Scientist

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

## Fishery Scientist

✓ Chip Collier  
Chip.Collier@safmc.net

## Staff Economist

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

## Science and Statistics Program Manager

✓ John Carmichael  
john.carmichael@safmc.net

## SEDAR Coordinators

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

## Administrative Officer

✓ Mike Collins  
mike.collins@safmc.net

## Financial Secretary

Debra Buscher  
deb.buscher@safmc.net

## Admin. Secretary /Travel Coordinator

Cindy Chaya  
cindy.chaya@safmc.net

## Purchasing & Grants

✓ Julie O'Dell  
julie.odell@safmc.net

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South Atlantic Fishery Management Council  
**Jt. Dolphin Wahoo and Snapper Grouper Committee Meeting**  
Thursday, December 4, 2014

NAME & SECTOR/ORGANIZATION:    AREA CODE & PHONE NUMBER:    EMAIL ADDRESS:    MAILING ADDRESS:

Obert Timney    910 820 7784    Capt Obert P. Overhush@uscc.com    330 3rd St. Winton NC

THOMAS HEWES    657 777    THOMAS, BK

Brian Kees    FRCSA

Gratisha Martin    252 646 5041    Martin1639@aer.com    Winton, NC

Emily Helmer    ehelmer@permtrusts.org

Rick Hawks    910 772 2234    Rick.Hawks@uscc.com

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