

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT LAW ENFORCEMENT COMMITTEE AND ADVISORY PANEL

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 3, 2010

DRAFT MINUTES

Law Enforcement Committee:

George Geiger, Chair
Robert Boyles
Ben Hartig

Mac Currin, Vice-Chair
Duane Harris
Lt. Charlie Gris

Law Enforcement Advisory Panel:

Capt. Chisolm Frampton
Kim Connolly
Lt. Charlie Gris
Mike Kennedy
Karen Antrim Raine

Capt. Stephen Adams
Special Agent Otha Easley
Capt. Jim Kelley
Major Brett Norton

Council Members:

David Cupka
Dr. Brian Chevront
Rita Merritt
Charlie Phillips
Tom Swatzel

Dr. Wilson Laney
Dr. Roy Crabtree
Vince O'Shea
Mark Robson

Council Staff:

Bob Mahood
Kim Iverson
Myra Brouwer
Mike Collins
John Carmichael
Julie O'Dell

Gregg Waugh
Roger Pugliese
Kate Quigley
Rick DeVictor
Kari Fenske
Anna Martin

Observers/Participants:

Dr. Nick Farmer
Monica Smit-Brunello
Dr. Jack McGovern
Jennifer Lee

Hal Robbins
Phil Steele
Dr. Bonnie Ponwith
John Gauvin

Additional Observers and Participants Attached

The Joint Meeting of the Law Enforcement Committee and Advisory Panel of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, March 3, 2010, and was called to order at 2:00 o'clock p.m. by Chairman George Geiger.

MR. GEIGER: I'm going to call the Joint Law Enforcement AP and Committee meeting to order. For the benefit of the Law Enforcement AP members who have not sat through a joint meeting before, let me just establish the ground rules for you, if I may, please. We have an overview and on that overview, which is in the mailout, we have a series of issues that we're going to walk through.

What I'll do is I'll turn each issue over to Frampton and Frampton will conduct basically an AP meeting. Then when you guys finish your discussion or if there are no questions from council committee, then if you make any motions you can do so and then the council committee will take up the issue and also make motions if and when required.

With that, we've got Myra, who is our staff person, and who is to walk us through the overview. I guess I was remiss in not welcoming everybody. This is a great opportunity to have all law enforcement partners here with us this afternoon and to have council members see how they interact and how they discuss issues in business forum. The first area, Myra, is the closed area enforcement.

MS. BROUWER: What I'd like to do first is give you an overview of some of the issues that the committee and the AP will be discussing at this meeting. I'll catch you up on what has been happening a little bit regarding area closures. I've give you some background on the issue that we discussed back in June of '09 regarding waypoints for the largest of the proposed Coral HAPCs.

I'll just briefly touch on how the northeast regions handles area closures, how the northwest region handles that. Then Roger will present a little bit about tools that are available on the internet through our mapping system. Then Rick will go through some of the area closure alternatives in Amendment 17A to the Snapper Grouper FMP.

In the spring of 2009 NOAA Law Enforcement indicated that perhaps the 220 waypoint boundary for this large HAPC would create an enforceability issue. In June we had discussions about this issue, and the regional office had prepared alternatives for the council to consider regarding the shape of that proposed CHAPC. They presented us with a 60-waypoint boundary and a 19-waypoint boundary.

At that time the council chose to not make any changes, but they recommended that we hold consultations with the APs and NGOs and to consider minimizing the number of waypoints in a future plan amendment. In August the Law Enforcement AP met and they recommended that the council present specifically the 19-point alternative to other APs for their consideration. Attachment 4 is the motions from that AP meeting in August of last year.

In September of this past year CE-BA 1, which contains the action to establish the CHAPCs was approved for submission to the secretary. In December the FEIS published and the comment period went through to the beginning of January. We are still awaiting the Notice of Availability for the amendment and the proposed rule to publish in the Federal Register. That's basically where we are with that amendment.

This is a picture of the original 220-point boundary that was discussed in June. One of the recommendations was to take the points that are along the EEZ away, and so that was done before the FEIS was filed. This is the 19-point line that the regional office came to the council with. There is loss and gain of habitat, of course, because it doesn't follow the contours as well as the boundary with the numerous waypoints. Particularly in the north area you can see up there how it deviates from that original contour.

Then here along the southern portion, which would create problems because this is where the rock shrimp and royal red shrimp fisheries are operating, we had, as you know, a lot of discussions with the industry to come up with the boundaries for those proposed CHAPCs. Before I proceed, are there any questions on that issue?

Okay, then in conversations with the northeast region, I went to them and I said, well, how do you guys handle area closures; do you have any enforcement issues; do you have any issues with the number of waypoints for your closed areas, and that sort of thing. They do have several closed areas. They're not as extensive as what we are proposing here.

All their vessels are required to carry VMS, and so for them the number of waypoints is not an issue at all. The fisheries staff develops the shape file and provides this to a VMS contractor to put this information out on a GIS. They said enforcement of closed areas in their region has been effective and they have successfully made cases based on VMS information.

In the northwest region they have had a lot more experience with closed areas. They've been doing this a lot longer. In 2002 there were rockfish conservation areas that were established off of California and discussions took place about expanding those. Those were the very beginning of many rockfish conservation areas that are currently in existence.

The council approved establishing two of these areas. They were rectangular polygons, you know, four points, and it was pretty straightforward. At that time they also agreed to establish additional areas but contingent on requiring VMS on their vessels. They formed an Ad Hoc VMS Committee to help them through this process.

In consultation with NMFS and the Ad Hoc VMS Committee, they prepared an environmental assessment for a pilot VMS program that took place in '03. Then in '04 VMS was implemented for the limited entry fleet for the groundfish fishery. After that, more rockfish conservation areas were established, including many depth-based closures that run along the entire coast from Canada to Mexico, so you can imagine that these boundaries have many, many waypoints that define them.

For example, the 125-fathom depth contour line is defined by 350 waypoints, and they're all published in the Federal Register, so there are pages and pages and pages of coordinates. They have since expanded the VMS Program to the open access portion of that fishery. Attachment 2 in your briefing materials is the environment assessment that was done to do that, so there is some useful information there as far as the alternatives the council looked at and how the information was analyzed.

They do have different closures for the recreational and commercial sectors. Enforcement is not that big of a problem because the recreational vessels, even though they're not required to carry VMS, are fishing in different areas than the commercial fleet, but they do have depth contour-based closures for the recreational fishery. They make those coordinates available online, which simply comment their limited files that can be downloaded and put directly into a vessel's GPS system.

These are just to show you some of the closed areas. I believe the AP has already seen some of these maps. They were shown in August during the AP meeting. The number of coordinates is right there displayed on the right; hundreds of additional pages of published coordinates for each of these EFH closures.

This is the Northwest Hawaiian Islands National Monument. The boundary there is defined again by numerous waypoints up to 368. The Channel Islands is another one; the number of coordinates, 113. Before Roger talks to you about the mapping system, are there any questions or clarifications that need to be made?

MS. RAINE: Although I'm not anxious, I think I do need to point out a couple of items. I've talked to my colleagues around the country about their closures, and I can tell you that certainly it is not GCEL's position that the more waypoints the better. In fact it's the opposite. The fewer waypoints, the straighter lines the better.

That has generally been the advice offered to councils or to whomever might be setting up closed areas. There are issues involving the complexities of regulations that come up, and in the context of closed areas one way to simplify a closed area is to have fewer waypoints. Of course, one of the things we're concerned about is whether the regulated community truly is helped in abiding by the regulations by more waypoints.

There is concern of inadvertent violations and that type of thing, and we certainly don't want to see fishermen being put in kind of a gotcha situation when there are a variety of waypoints that might lead to irregularities. Again, there certainly have been issues. I know there is a variety of technology available, but one thing to consider is whether all the fishermen truly have the technological capacity to input all the information or if they make an inadvertent mistake, that type of thing. These closures of many waypoints are not without issues, and I just want to point that out. Thank you.

MR. PUGLIESE: Karen, that actually kind of leads directly into some of the discussion I'm going to address. In order to facilitate the ability to translate the intent of the council and what the council is proposing in spatial format, one thing that happened, when we first started our

activities under CE-BA 1, was really trying to ramp in any of the proposed activities, so all the HAPCs, the shrimp areas and the golden crab allowable areas were all presented in our Habitat and Ecosystem Internet Map Server.

We worked very cooperatively and closed with the Florida Wildlife Research Institute, who actually is the service for the council. What we do have is in our page we have a connection to a jump page here that connects to the actual mapping location. That presents a lot of information beyond just the proposed activities of the council, but it does present all the different spatial existing regulations as well as proposed regulations and a lot of other things that have pertinence relative to special management zones and marine protected areas, a lot of things that you can look in context of these.

The information that is included in this is FGEDC compliant. One of the key things that Florida is very on top of is making sure that what is presented on the internet and through multiple IMS or Arc services that have created have metadata and other fully supported information. We do have that presented in those formats.

You're able to download either fixed maps or you can download, as I mentioned, a lot of the existing and proposed areas. It includes the Deep Water HAPCs, MPAs, as well as some of the newer things such as the red snapper proposed area. To address some of the availability, we have provided it in multiple formats. You can download the Arc GIS shape files. You can actually even download or access by clicking – you don't even have to download it necessarily – to KMZ files.

You can go into their – click on it and it will bring you right into Google and you'll see either existing management actions or some of the proposals in Google as well as potentially a list of tables and coordinates and potentially and any other formats. We've had excel tables as well as – we had talked about putting tab limited – whatever multiple formats we can present. The intent is to have as available both visually as well as in formats that can be imported or brought directly into individuals' viewing platforms, fishermen's platforms or other people that are reviewing when they're looking at the issue.

One of the more recent activities – now that is the Habitat and Ecosystem Internet Map Server. That technology is evolving to the background. What is happening now is you're seeing a shift towards what are called services, Arc GIS services. These capabilities actually have a lot more functionality even beyond what is there. Right now ours is based – and one of the ones that supports this activity is the regulation service, and again it does present all the existing regulations, proposed regulations, things such as bathymetry, different things that are connected to that information to facilitate again being able to do it.

It does have a lot of more interesting capabilities where you can go in and be able to look at areas and a number of different things, and it's only limited by how much we actually input into the system, so it's an evolving system, but again another level of information and accessibility to view and be able to access the information.

Now is a quick snapshot of the Habitat and Ecosystem IMS showing, in this case, the Coral Habitat Areas of Particular Concern, the Oculina Banks, some of the different areas, and those are just a number of different layers. You have all types of tools to be able to go in and manipulate and look then actually print maps, save maps, do things beyond that and the ability to go in. If you look on the right you have a list different, in this case, proposal areas, and you can pull up one such as the red snapper proposals.

It provides the ability to look at it and then actually query information on it. In this case if you go in and identify, it will give you not only the location but it can provide you the information on the actual area, and you can actually add a lot of other fields, and right now it could provide you area information, location of the areas, and you can just add all those different layers in as you're developing or looking at this information.

Now this is the regulation service that essentially is getting to a focused effort on regulations. It does have a lot of other areas besides this, marine sanctuaries, danger zones for military, all the fixed boundaries of the EEZ, the state boundaries. In this case, because of some of our – especially on red snapper, looking at a lot of the areas relative to impacts on our understanding and information on catch. It includes the logbook grid systems so you can look at the area relative to individual logbook areas.

You'd be able to look at it in different formats. This is a base format. You can look at one that has all the street areas and then even some of the inside areas. But, again, other council restrictions such as gear restrictions is included in here so you can see the areas that are closed for gear-specific – fish trap prohibitions, bottom longline prohibitions, those all can be viewed in this whole context.

The intent is to be able to provide as much access to information existing and proposed regulations. As I mentioned, this actually will have the ability to do some tool capabilities because of the new technology, and that is something that is evolving beyond this. In this case what we're looking at is just some of the presentations, and I think this is the transition that we've got discussion on red snapper. These are some of the – the shape of that would be available on the internet site, but I think this is where Rick is going to jump in and talk about specifically some of the GIS and the issues relative to red snapper.

MR. DeVICTOR: Okay, the LEAP last talked about Amendment 17A when you met in August. We went through the actions, so I won't go into any sort of detail especially, but I will point out that alternatives have been added by the council since the last time you all discussed it. There are few more alternatives with following the depth contour. I believe the last time you saw the alternatives there were some going from 98 foot to 240 foot.

Since then the council has put in some more options; one 66 foot to 240 foot, following approximately those depth contours; and another alternative between 98 to 300 foot depth contour. What Myra has up here is the council's current preferred alternative, which is Alternative 4D. If you want to go find the whole list of alternatives, it's Attachment 3 to your briefing book, and it's PDF Page 244; or hard copy 199, but I think this shows a good picture here.

With each of these alternatives we have two maps, and this is what went out to the public for the DEIS filing for comment period. Each of the bathymetric closures have two maps to them; one showing more waypoints and one showing less waypoints. You can see the one that's to your right actually I believe has 19 waypoints and the one to your left has 44, so you can compare the two maps. Basically one has more acute angles and one has more obtuse angles. For example, one more closely follows the bathymetric. That contour, of course, there are biological repercussions with that. One follows it not so well.

What we're looking for right here are comments in terms of enforceability. You sort of touched upon it already, but which one would you prefer in terms of enforcement, for example, which of these? So, again, each of the alternatives has two of these maps, and they're shown in the document. This is just the preferred alternative.

CAPTAIN FRAMPTON: Rick, on the right preferred alternative you said there are 19 waypoints on that?

MR. DeVICTOR: Yes, there are 19 waypoints. The document also has tables showing the lat/longs for all of these points.

CAPTAIN FRAMPTON: I think the one on the right would be preferable to other one purely from an enforcement standpoint of trying to enforce it because of the straight lines. You know, even if we to straighten up the eastern boundary a little bit just to make sure that it's – like you said, straight lines and acute angles going up makes it easier.

MR. DeVICTOR: Could you provide a little justification as to why? I understand the one on the right is preferable in terms of law enforcement, but we're going to put the Law Enforcement AP's recommendations into the document, and so we would like to have a lot of justification for it as much as possible.

LT. GRIS: One thing that comes to mind, obviously, is that with a fewer waypoints, it's less likely that someone could inadvertently sail across an area with gear deployed and then find themselves in a closed area. We're talking about regulating inherently illegal activity here, so it's not just ease of enforcement that we want to talk about. We want to also talk about the ease of the average person to comply with this. As you start adding more and more points, it becomes more complicated. It's easier to sail across areas.

Another point that I'd like to discuss a little bit is, Rick, maybe you can give me an idea on what the distance offshore is for the western edge of that closed area. The reason I asked that is as I went on the record at the last meeting to discuss was some of these closed areas may be very well be outside the geographic range of shore-based assets.

I'll just talk about Coast Guard assets. For small boat stations, sometimes that means a distance of 50 miles is the maximum direction that they're going to be able to go offshore. That may leave the only enforcement presence in that area to some patrol boats, some medium and higher endurance cutters. The reason that is important is because you have to take a look at what your assumed level of voluntary compliance is.

Since the margin of error is so small with this area closure, you have to therefore assume that you're going to have minimal enforcement assets on scene to provide that deterrent presence; so if you have a degree of voluntary compliance that you're assuming and you also do not have a high degree of assets to be on scene, your ability to enforce that area is going to be diminished. So, getting back to the initial question; do you know how far offshore the leading edge is of that closed area? I know that it ranges as we go from the Carolinas down to Florida.

MR. PUGLIESE: When you looking at, say, off of Charleston, it is approximately 33 miles. There is some variability but between 30 and 34 miles along that whole area.

LT. GRIS: Okay, so that's getting close to the limit of shore-based assets. I won't speak for the state guys; they can speak for the capabilities of their own assets and whatnot. That just gets us to the western edge, so as we go deeper into that area you're beyond the capability I think in some places to get there with a shore boat, and that's on a good day, you know, great weather. Bad weather obviously diminishes that endurance.

MR. HARRIS: A question for Charlie; define shore-based asset for me.

LT. GRIS: What I'm talking about there is a small boat by Coast Guard standards between 25 and 47 feet that goes offshore and is based out of a small boat station. I'm not talking about a coastal patrol boat, either 87 or 110 foot. I'm talking about between 25 and approximately 50 feet.

MR. HARRIS: That is at least as large if not larger in most cases than the recreational boats that are fishing boats that are fishing off the coast of Georgia in that Snapper Bank area 40 miles offshore. I mean we're talking about similar-sized boats; one U.S. Coast Guard boat, which is certainly more well equipped than perhaps most recreational fishing boats except for GPS, and I would suggest that the GPS systems on most of these recreational boats that fish off the coast of Georgia are pretty sophisticated because my GPS on my 18-foot boat that fishes only inshore was about \$1,200. It can do just about everything and it does a lot more than I know it can do.

LT. GRIS: Yes, sir, I understand that. My point here is not to say whether or not people should be going out that far offshore in boats of that size. It's just what the Coast Guard is willing to do.

MAJOR NORTON: One of the things that concerns me about this body of water – and I'm comparing it to what we deal with in the Keys and in the Gulf – is from my navy experience you've got some pretty heavy water out there. That's one of the things – and it goes to Mr. Harris' point, what size boat. There are many times that we go out there on patrol to see if there is a boat out there.

Now, obviously we plan those days, we plan it around seasons and things like that, we use good common sense, but there are other times where we need to be out there to check. One of the things that most concerns me about – and I'm speaking for the state of Florida right now – is we don't have any large assets in that Northeast Florida area to touch this or the MPA, which I know that we've gone on record before as saying that we've got no assets to enforce the MPA.

To Rick's question of are the lines better; the lines are much better in what you've drawn out now. One of the things we talked about – and Chisholm brought it up – could we possibly straighten that eastern boundary to make it a little better for us? Yes, but it comes down to the enforcement or the understanding of the fishermen. To the point the gentleman made about what FWRI has done as far as our mapping, the Fish and Wildlife, FWC, has got some phenomenal mapping technologies.

They're only as good as what we've got on our computers and we're actually rolling them into our state computers. Does every fisherman have that; does he know where he's going? No, and I'm going to use the Gulf as an example. The boats that we boarded in the Gulf recently are still using LORAN-type devices, the commercial boats.

There is still a lot of old technology from the fishermen's point. The easier we make it for them the easier it's going to be for us for enforcement of those areas. I'm going to go on record again for Florida and say that's a huge closure for us; and to try to do any type of enforcement is going to be extremely difficult just as it is with the MPA.

I made a point at the last meeting to talk about the last MPA detail we did. It was the only one we've done. We flew it with a twin-engine aircraft. To get to the edge of the MPA, which is basically the edge of this box, is 60 miles from the inlet in Jacksonville. When we got out there, there was one boat just to the west of the box. How many assets did it take us on a three-hour boat run to get out there and check that one boat? It's a very difficult thing to do.

MR. KENNEDY: You know, I'm a recreational angler and I don't profess to have the kind of skill that the commercial folks or law enforcement people have to find those points. Simple is better. I am not validating that inspector general report, but the only possible valid takeaway from that report said it's too complicated, so you're going to expect a bunch of folks that may not be familiar with their GPS to try to download this stuff.

We're just going to have more complaints and that report was generated from the northeast, and they were complaining. I would I guess mirror what Karen has said and what Lieutenant Gris has said and what everyone else in the group has said. I think fewer waypoints is a lot easier for the average person at least from a recreational angler standpoint.

CAPTAIN KELLEY: When you look at all those waypoints, as far as the state of North Carolina we've always gone with the most direct lines. The less waypoints you've got the better, and the straight line is the only way to go. Nine times out of ten all the fishermen are the same way; they want it nice and simple and direct.

MR. CURRIN: Just to kind of turn the coin over for a second, because it's also what the council has to deal with, look very closely at the depth contours along the western edge of the box. They're primarily captured in the figure with the larger number of waypoints. I understand and I appreciate from your perspective the ease that it provides not only for you guys to enforce, but it's cleaner. It helps you make a better case.

I think I would agree also that it's simpler for the fishermen when you've got straight lines and assuming they've got some capability of knowing where they are, which most do, then that becomes easier for them as well. From a biological perspective and particularly with regards to this amendment, where the council is striving to prevent interactions with every red snapper that we possibly can, they don't care whether the line is straight or not, they're going to orient to a depth.

Their numbers based on a lot of the science we have indicates that these shelf break areas and depth contours are going to provide more habitat, more fish, and by excluding some of these by drawing these lines straight, I fear that the estimates that we're looking at now to try to put together an amendment that minimizes the impact on the fishermen yet preserves the habitat and fish and protect those fish as much as we can would be compromised to perhaps a large degree by excluding many of those habitats down the western boundary of that figure on the right. I say that only because I think – and I know you guys appreciate, but that's kind of the balance that the council has to try to make in this issue.

MS. CONNOLLY: I think that what I'm hearing as an academic is a conversation about resources versus resources. It does take enormous amounts of resources to enforce more waypoints and that is definitely something to think about and definitely I'm hearing and very sympathetic to the iteration between voluntary compliance and ease of voluntary compliance versus enforcement.

The balance of that is the resource that this council is bound to protect. The question that I would have is whether or not this is something that could be move forward. We just heard earlier today the conversations about the council moving into the world of social media. You know, Facebook wasn't a reality a couple of years ago, and, yes, the mapping software is somewhat new and are more complex than days of yore, but I think that this is something that should be considered strongly is how far can this be pushed while recognizing the reality of federal budgets and the reality of state budgets and balancing that and so just having an open conversation about what this is, which is financial and human resources for enforcement and helping comply versus the underlying resource that we're seeking to protect.

CAPTAIN ADAMS: I guess I want to point to two documents and I've got copies of both. The first one is "Guidelines for Resource Management on the Enforceability of Fishery Management Measures". It was developed by the Atlantic States Marine Fisheries Law Enforcement Committee, dated October 2000 and revised November 2002. It's speaking strictly from an enforceability standpoint here, and when it talks about closed areas – and I'm not going to read it verbatim, but it says overall they're reasonable when you're patrolling to enforce these; it's very impractical from dockside.

This we all know; you have to go on a voluntary admission during an interview to get somebody to tell you they were fishing in one of these closed areas, which they can retract in court. If you're at sea, you can see whether somebody is in or out. There are a couple of recommendations that this document has, and I'll just go through a few of them; but clearly defined areas, which you can do through GPS; regularly shaped areas; and large areas. The more regular shaped, you're in, you're out, you're not half in or half out is something that's important.

The second one is the same type document and it was developed by the NOAA Office of Law Enforcement and GCEL, with input from the Coast Guard in October 2007; and just a couple of comments on that on closed areas. It says clearly defined areas, use exact lat/long and straight lines, regularly shaped areas and large closed areas.

Out at this distance – and I'll speak for Georgia – as Mr. Harris said we can get out there on some days. We've got boats about the same size as some of the fishermen, but we're going to depend a lot on voluntary compliance. The cleaner you have so that somebody who wants to obey the law can obey the law the better it's going to be because I don't know that enforcement is going to be the biggest deterrent here. We talked earlier about some of the northeast states, and I think it was specifically mentioned about VMS in some of those commercial fisheries, down here the recreational boats and commercial boats are not VMS boats, so there is not a way to monitor that remotely. Going out there on a patrol, whether it be an aircraft or by vessel, is weather dependent, very weather dependent.

CAPTAIN FRAMPTON: I speak to what you're saying. I certainly don't think the Law Enforcement AP wants to be an obstacle to the scientific, but I think we're looking at it purely from enforcement capability and what we can do and what works for enforcement, for making a case, taking the case to court and being able to win a case.

When you see jagged lines going in and out, we're trying to get past reasonable doubt. We're trying to get past to you're in the wrong place and this is where we are. In simple terms we're really trying to get it boiled down to it's black and white, this is the way it is and not hurt the resource any, but be able to go out there and feel like we can actually make a case if we catch somebody. That's where we are. It's not trying to be in the way but we've got to take a case to court and we've got to be able to prove, and that's what it comes down to.

MR. CURRIN: Yes, Chisholm, we heard from folks from Florida indicate with the assets they have, that they might get out there on occasion. I think the folks from Georgia said that weather dependent, they might get out. Is your case pretty much the same as those guys as well? You don't expect to have a huge presence out there and I would assume that you were going to have to rely primarily on voluntary compliance as well.

CAPTAIN FRAMPTON: Yes, sir. I mean, we've got boats that can go out there, you know, weather dependent, the same thing with an aircraft. We can send an aircraft out there, but if we don't have a boat ready to respond to an aircraft, what good was it to send the aircraft out there? When you're looking at trying to do it on a coast-wide level and an entire state, you've got to have boats up and down the coast ready to go, you know, sitting there waiting on a call from an aircraft. Then you've got every bit of an hour and a half transit time out there. Those are just all factors we factor into it.

MR. HARTIG: To that point about using aircraft, we can certainly put in the regulations that if you decide to fish in this closed area trolling, that you cannot have any snapper grouper species on your boat when you come back to the dock. We could do that. Therefore, you wouldn't necessarily have to have your assets at sea. You could have a flyover, identify vessels in the closed area.

You would have to make some judgment as to what inlet they were out of, hopefully have a vessel in the inlet and check some of those vessels to see what kind of species they had on board. That can be done. I know the Coast Guard flies up and down the coast on flyovers on a regular basis. This isn't something that I haven't brought up before; I have brought it up before. I think we kind of need – as we get to this giant closed area business, we need to think outside the box and some way we can better allow law enforcement to use their assets in best way that they can.

And it's not you guys driving 50 miles offshore; that's not the best use of your assets, period. We know you have a lot to do besides fisheries management, which is another important consideration when we do this. If the aircraft technology is such and the identification is such that we can identify vessels on the water, if we can know what the number of that vessel is, and if he's in the closed zone, if you have the GPS in aircraft available; I mean, we could go another route with this. I just wanted to hear what you guys thought about that. I'm always looking to simplify law enforcement the best we can and anything we can do inside the inlet helps you guys an awful lot and doesn't put you in jeopardy when you're offshore.

MAJOR NORTON: I think probably Florida has done the most aircraft enforcement with some of the stuff. We've done the lobstering and things like that. It can work, but it requires a lot of time, money, huge money. I mean, our operational cost on a twin-engine aircraft is a lot of money to keep that aircraft in the air. It requires personnel. You can't just have a pilot; you need to have an observer because it's a safety-of-flight issue.

Then you've got to make sure – and I'm looking at Karen, the attorneys agree – and it takes a lot of work to explain – and Steve just leaned over and asked me; he goes when you fly over do you get a lat/long? Sure, you can get a lat/long and you can figure out they're in the box; but then relaying that information to have a ground unit available or a boat unit available to stop that boat when it comes back in the inlet. It's not something that occurs everyday and it's one of those things that you have to detail orient just like we talked about doing the MPA detail.

We had three patrol boats and an aircraft. That's a lot of resources. We're talking six officers. We probably spent a couple thousand between fuel and operational costs just for that one detail. Yes, it can be done but it takes some work. I'm going to discuss VMS real quick because that's another technology that everybody thinks it's great.

It doesn't fix everything. I have said it a couple of times – boots on deck. It requires getting an officer on the deck of a boat and looking in the box and looking at the fish. I don't care what kind of technology, whether it's video, whether it's VMS, aircraft, it takes that person to get on the boat and check. It can be done but it takes a lot of work, time, effort and money.

CAPTAIN FRAMPTON: Anymore discussion on this? Anybody prepared to make a motion on the preferred alternative?

MR. KENNEDY: I move that we adopt what is depicted on the materials as Figure 27, which I believe is the 19-waypoint alternative, the 98-300 foot generalized area.

MR. EASLEY: I second the motion.

CAPTAIN FRAMPTON: Any further discussion?

MR. DeVICTOR: And just to be clear, you're not comparing 4D to 4C or 4D to 4A; you're just comparing the two options of 4D. I just wanted to make that clear.

MR. BOYLES: I want to follow on Rick's comment. You're looking at the smaller number of coordinates for the closed areas; is that the intention of the motion?

MR. KENNEDY: It was and I'm looking at what is depicted on the right hand of the two, and it was Figure 27 according to my materials.

MR. GEIGER: If I may just jump in here, one of the problems that we might have with this, if the council were to pick a different preferred as a result of this meeting this motion would kind of go by the way. I think what we would like to see is a more generalized motion that the Law Enforcement AP would recommend possibly the option of lesser waypoints as opposed to more waypoints in selecting geographic boundaries.

We've got a motion on the floor, but what you can do is you can offer an amendment to that motion and amend it however you see fit and make it okay with the seconder.

CAPTAIN ADAMS: I would like to amend the motion made by Mr. Kennedy that we prefer the alternative with the lesser number of waypoints of the available options.

MR. ROBBINS: I'll second the substitute motion.

CAPTAIN FRAMPTON: Any discussion on the substitute motion.

MAJOR NORTON: One concern I've got is we had a lot of discussion back in Charleston about making the box much larger because of law enforcement. I do not want that to occur. The box does not need to get any larger because of us. When I say "larger" I mean there was one of the alternatives that was extremely large that went all the way to the coastline and out 50 miles. We don't want to go there.

MS. CONNOLLY: Would it be possible if people would be open to adding a clause in here that explains the rationale behind this motion, which would say because of enforcement limitations or something like that that would make it clearer to readers who aren't in this room the nature of the discussion that led to this motion.

CAPTAIN FRAMPTON: I think we have already done that, though, in the discussion of this; haven't we?

MR. KENNEDY: Again, I guess my intent to the extent it matters is the size of this particular depiction in 27 and the fact that it is not the big four-pointed box that we saw earlier; we were looking for something that was enforceable and something that was reasonably sized and followed the bathymetric as straight as possible.

MS. CONNOLLY: My only point is that some people don't read the entire record. They merely read the motions and so having a couple of sentences in there explaining that this decision is based on experience and resource management. With just a small motion, it would be something that I think would be helpful to add.

CAPTAIN FRAMPTON: Does anybody want to make the amendment to the substitute motion to include that?

MAJOR NORTON: I think if we refer back to the documents that Captain Adams referred to earlier, it is the best way. It will be the standard for this council on law enforcement opinions. The only thing that we'll need to add is my point of don't make the huge box; keep the box as small as possible for the resource reasons. If you need that size of a box to protect the resource, then that's the size the box it needs to be. It doesn't need to be any bigger because of us. I don't know how you write that, Myra.

MR. BOYLES: In deference to Professor Connolly, my sense of things is the record from the discussion is fairly clear that certainly from the perspective of law enforcement that the minimum number of waypoints to get the job is desirable, and keep whatever box we end up with as small as possible is also desirable. I can certainly appreciate and support that.

CAPTAIN ADAMS: I'm not offering anything yet, but I think what we're trying to do is use the alternative with the least number of waypoints that most closely resembles the area while only protecting the habitat intended. I'm trying not to let the box get too big, either. In discussing this, we were talking earlier about excluding areas. I don't think that's the intent of this. If the line had to be moved a little bit to include some areas that would otherwise be out, we're fine with that; to include everything and not to draw the line that would exclude part of it or whatever because we understand the need for that.

CAPTAIN FRAMPTON: Let's call for a vote. All in favor; any opposed. The motion carries. All right, we need to vote on the main motion again. The substitute motion is now the main motion, so we'll vote on the main motion. All in favor; any opposed. The motion carries.

MR. GEIGER: Okay, we'll turn it over to the South Atlantic Law Enforcement Committee at this point to continue discussions. We have a motion made as everybody has just heard from the AP. Discussion or questions? Duane.

MR. HARRIS: Mr. Chairman, I really don't have anything else to add. I think Mac summarized it earlier when he said that this straight line area as depicted on this particular preferred alternative does allow fishing in some areas that probably have a fair number of red snapper. Now, I'm more inclined to give the fishermen more area in a lot of respects than I am less areas because of the impact of the total closed area, anyway. I don't have a motion. I would recommend the committee take it under advisement and report it out to the Snapper Grouper Committee.

MR. GEIGER: Well, we certainly have the option of –

MR. HARRIS: We do.

MR. GEIGER: – voting on the more waypoints versus the lesser waypoints. We can also include in our motion that we can request staff adjust the line east and west to incorporate those biological areas that are made available or exposed by virtue of the straight lines and lesser waypoints. Do you understand what I'm saying?

MR. HARRIS: Yes, and I don't like that option, but I understand what you're saying.

MR. GEIGER: All right, what are the druthers of the committee? Mac.

MR. CURRIN: Just a question maybe for Rick or for Roger, and that's regarding the development of the Figure 27 there. At least at the northern end of that, you know, I could envision a straight line that would capture more of that habitat. It would be give and take, of course, but if you shifted that line on the northwest corner toward the northwest a little bit, at least in that section it would seem to capture more of that depth contour down through Block 32/80; is that what that is?

I don't know that it couldn't be smoothed and perhaps moved a little west further down as well. I guess what I'm getting at here is the rationale that was used for drawing that line and if it's feasible or not feasible to consider – and I know Duane doesn't like it because it would add more area to the closed area than Figure 27, but it still would be less than the figure on the left, 25, I guess, if we were to shift those lines to the west. Why that line was chosen to the southeast of the depth contour there in the northern section?

MR. PUGLIESE: Yes, actually the generalized construction was provided by the National Marine Fisheries Service as their generalized recommendation for this. We had picked and tracked the bathymetry a little closer in terms of trying to capture those habitats. What we've got are those two variations, and, of course, if there is a desire to change that, what you do is you effectively can capture more areas, but then one of the other issues is you start including other areas that are shallower.

I would recommend looking closely at Appendix G that includes things such as looking at the distribution of artificial reefs, the distribution of other management areas because then you start shifting it – I know by moving that northern area you start moving into some of the other South Carolina SMZs immediately. There are other things that happen as soon as you begin to move those.

MR. HARRIS: Even if you do shift it, you're shifting the depth that dramatically, so the red snapper that are caught in that area are going to have to be released, anyway. Since the depth change is not that significant, probably the mortality is not any different between those fish they released in that area whether you shift it or not. So if you leave the area more open as is depicted in Figure 27, then I don't think you're going to have a mortality rate on the red snapper that have to be caught and released in that area because you're not changing the depth that dramatically.

MR. GEIGER: Rick, addressing the concerns that we've heard from Duane and from Mac, has there been a biological comparison between the two areas in terms of how much you lose or how much you gain either way?

MR. DeVICTOR: I'll let Roger address this and see – it's not in Appendix G – is it a habitat map showing the hard bottom, but we have that information I think somewhere.

MR. PUGLIESE: There hasn't been a direct comparison. What we've looked at is distribution of habitat where we have some information. One of the things I'll kind of go a step further from what Mac had indicated in terms of trying to track those habitats. Those areas that are essentially protruding out into these areas, many of those areas have significant habitats that were either sampled by MARMAP or have been identified in the SEAMAP areas as hard bottom distribution. Those areas have been both identified in many cases as habitat distribution as essential habitat or whatever for snapper grouper, but also have been target sites for some of the sampling areas.

MR. HARRIS: To that point, Mr. Chairman, and to Roger's point, most of the area off the coast of Georgia that's right at that 40-mile point offshore and 95 to 130 feet deep, most of that is hard bottom area off the coast of Georgia. It's what we call the Snapper Banks.

MR. GEIGER: And Gregg just informed me that the finite nature in terms of landings in those areas is only by the major grids that we have identified, so we really don't have finite data that would have been able to compare the two. All right, what is the desire of the committee? Do we want to take a position or pass? Do it now or do it later; we're going to have to address this issue. Yes, Robert.

MR. BOYLES: We've heard clearly from enforcement. I apologize because I think I inserted myself prematurely in that earlier discussion, Mr. Chairman, but my sense of things is we're heard clearly from enforcement about the preference for a smaller number coordinates. I think that would certainly help with not only enforcement but voluntary compliance.

I also heard from enforcement, and something that I think many of share, is the concern that the areas be sufficiently big enough to get the job done but not any bigger than that. I think we can take that to the Committee of the Whole that sentiment as we work to flesh out how we move forward. Given some concerns about some the specifics that we're heard expressed from the committee, I think we can just take that sentiment without a motion.

MR. GEIGER: Thank you, Robert, good advice. Mac.

MR. CURRIN: Another question for perhaps Roger; did you do a calculation, Roger, on the absolute aerial difference between those two figures because that would impact the estimates of the red snapper catch and discards and all that?

MR. PUGLIESE: Yes, that was included in Appendix G. If you'll bear with me one half a second I can pull that up.

MR. DeVICTOR: While Roger is finding that, I will point out Figure 4-20 in your document that 17A does contain MARMAP red snapper landings and also contains red snapper locations by that Moe '63 study, so there is some information you can use.

MR. GEIGER: All right, we we'll take Robert's advice and move forward. Everybody knows my propensity for liking to back up, and I've got to apologize. I got so excited with the issues that we were going to address in this committee and having the AP and committee meet together, I completely ignored the fact that we didn't approve the agenda or the minutes. If I may, Frampton, why don't you go ahead and approve your agenda and your minutes and then turn it over to me and I'll do likewise.

CAPTAIN FRAMPTON: All right, objections, deletions to the agenda, changes? Seeing none, the agenda is approved. To the law enforcement minutes, any additions or deletions to the minutes? Any objections? Seeing none, the minutes are approved.

MR. GEIGER: And likewise for the committee, the agenda is before you. Any changes or additions?

MR. CURRIN: Just one, Mr. Chairman; I'd like to suggest that we move the discussion of the Law Enforcement AP regarding the waypoints before we approve the minutes and the agenda.

MR. GEIGER: Any objection to the agenda? Seeing none, the agenda is approved. The minutes; any changes, additions or deletions to the minutes? Any objection to the minutes? Seeing none, the minutes are approved. Okay, the next order of business is the allowable gear in the proposed snapper grouper closed area.

MR. PUGLIESE: John's presentation is next.

MR. GEIGER: John Gauvin's presentation, okay.

MR. PUGLIESE: Just to respond to the question with regard to the 4D bathymetric versus general is 10,293 miles versus 9,591 square miles. That's in Appendix G.

MR. GAUVIN: I'm John Gauvin. I work for the Best Use Cooperative in Seattle. The staff asked me to give a little outside perspective on management of habitat protections in Alaska. I sat there listening and I think we had the exact same debate. In many ways the sites were shifted with the industry actually, oddly enough, looking at a more discrete smaller closure and in some cases inability to do that came up both from an enforcement point of view as well as some of the advocates of the original closed area disliked the shape of the boxes they had and didn't want to even move off that, so it's interesting to see the industry sort of arguing for what effectively was a smaller open area to them.

That might appear as an irony here, but hopefully you'll be able to follow that. I'll just go through this. I'm going to talk about the Aleutian Islands, which is a very, very remote area even by Alaskan standards, so it's an archipelago. There are fewer than 500 people living in that stretch of 600 miles of small land mass but very important fisheries out there.

One of the things that became obvious when they did some transect surveys out there is this area has an abundance of cold water corals and yet these areas have been fished for 40-plus years or 50 years, really, if you count foreign fishing, so they are considered one of the biggest resource areas for cold water corals and yet have had abundant fisheries that are healthy and the corals are still abundant.

It's an interesting case. These are trawl fisheries as well as fixed gear, longline, et cetera. The boats that fish out there, given the three-day steam to get out there, are relatively large even by Alaska standards. These are sort of big boats by your standards. These are small shoreside delivery boats. They can't fish out in the Aleutian Islands. The fish quality would be too low bringing that back to shoreside, so you're looking at catcher/processors in the 180-foot range, 160-foot range that fish for atka mackerel and rockfish out there.

When these video transects became well known to the public, a lot of issues were raised of what are the fisheries doing to these corals out there? Some of the ages of these corals are biblical, I guess, is one way to put it, you know, 500, 600 a thousand years old, so it really came down to are we affecting these very long-lived species, some of these tree corals out there?

The public started to ask that; the NGOs were asking that, and the fishing industry really was saying, well, you know, from the perspective of our fisheries, we're not catching corals, and so we don't really know what our effects are, but we don't think we're having effects. If you're seeing a lot of corals, we've been fishing there for 40 years, but certainly everybody took a very sort of precautionary approach to where should we allow fishing to occur out there? As you may have seen, the North Pacific is already very accustomed to a carved-up map of open and closed areas.

If you looked at what is sort of left open to trawling, it's these areas that don't any color in the Gulf of Alaska. The rest of these have either complete closures or nearly complete closures to trawling. We've already wrestled with a lot of these, but the area out here in the west represent very patchy areas of corals and very patchy areas of fishing, so it was a new challenge in terms of the linearity of measures that might be put in there, the very things you're wrestling with right now.

I'll kind you of an idea of sort of the evolution of these measures. One of the points I want to make is it's good to have your advisory panel involved to start with this. I think the industry buy-in here is going to be the biggest important factor for what you can do. I think there is also some maybe outside technology approaches that your council might want to look at down the line, some of the things in play that we're using, and I'll talk a little bit about the limits there.

This is what eventually ended up being in place. I've got to explain this because this is opposite to flip your thinking around here. What is left open to fishing are these little green patches here. The rest in the whole Aleutians is closed. If you look at sort of the depth stratum in the range of shallower than 200 fathoms where all the fish is going to be in this whole area here, a large percentage of that is now part of what would be the closed area, and this is really where you're allowed to fish, so flip your thinking around.

The green isn't the closed area; it's the open area. This was the notion of freezing the footprint of fishing out there, and this was, as far as I know, the first time this had been implemented in sort of this kind of a patchwork before. If we were able to zoom in on these you'd see they're a little bit more intricate than this particular presentation.

I won't give you all the marvelous stats. You always hear from Alaska about how big the closures are and how big the fish are and all that, but anyway basically 65 percent of the fishable depths are closed to trawling by this action. The overall extent of this closure, if you considered the whole Aleutian's area, is 279,000 square nautical miles. That's several thousand Rhode Islands.

How this came about, though, is this whole zoning process where the group that was advocating for freezing the footprint, which didn't start with the industry – we were sort of reacting to this – got some NMFS data and asked for what blocks, if you will, or ten by ten kilometer areas had historical fishing at different levels, and it sort of came up to sort of watching each block clicked off or not based on whether the NMFS data identified where you hauled back, and it was a really stressful process.

The industry was very concerned that this was a huge area that all these blocks had some fish in them but it didn't necessarily represent where fishing had occurred historically; the crux of the matter for this particular long-live coral issue. I'll show you how the fishing industry looked at this, a wholly different spatial scale. These are the blocks that were being proposed to be open to fishing by the environmental group that proposed this, and you did this by haul-back locations for reported catch from observed catch.

These boats have observers on them so we had these kind of records, but the actual industry compiled fishing history was this, so it was, in many cases, a lot smaller than the areas proposed to be opened. The fishermen kind of looked at this and said why would they want to leave that open; that's completely untrawlable, we wouldn't do that, and we wouldn't want that open if you're trying to corals, but why are they leaving this part out.

It was because when they fished this area, this guy hauls back over here so it didn't get any credit outside those boxes. This was a huge problem for a process working with fishermen simply because they didn't want their competitors to know how they fished these areas. I sort of became, unfortunately, sort of pooling everybody's trawl tracks, which were all very confidential, sort of one by one, and I had to compile all this data. It took a very larger computer than I was used to using.

We put together a composite of the fishing industry's sort of open area based on drawing really kind of bands around this very curvy linear or non-linear, whatever you want to call it, and proposed that alternatively and said a hundred percent of our catches come out of this and we're fine with just having that as the open area, and it sort of then became the council process taking over what was a sticky issue with a lot of vested interests by groups to have this be the open area in this particular area, we're proposing this and how do we resolve that.

Well, in the end the fishery management council had also to deal with the enforcement people saying what is possible and we wrestled with this very issue before you. In the end I think what they did was to come up with even a bigger open area by saying, well, we'll give you all the blocks that had any fishing in them at all, which made a much bigger area than anybody wanted, and it was sort of the way it worked out, so the open area became even bigger by the imprecision of the two different methods of looking at this.

Then there was a process over the next year to sort of remove areas where the industry – this one was interesting. It became part of the opened area, but we had proposed it as a habitat area of particular concern because of coral, so we figured, well, that shouldn't really be there, and things like that were kind of adjusted around this. But it was an interesting case of the very thing that you're wrestling with here.

What I wanted to talk about on the enforcement side of this is a real dichotomy between what is actually possible and what ended up being in place. These boats have, by virtue of being Amendment 80 vessels, two NMFS-trained observers on board all the time, so you have the boots on the deck or whatever that term was in terms of these are not enforcement agents but they know when fishing occurs and the boats are required to carry a VMS unit.

In this case it's an ARGOS VMS, which is a polar-navigating, whatever, circling the polar – orbiting – not an equatorial one, and also they have electronic reporting. The interesting thing about the ARGOS is there is very little room in that system for data because of – I don't know if you call it bandwidth or not, so the reporting on this VMS system that these boats have to carry is a position every 20 minutes, which is very imprecise by the standards of how you would fish these areas.

You would get linear connect-the-dots between the points when the fishing would never go linearly in many cases. It would be along the bathymetry so that was real problematic for the industry. I wanted to mention that we have fishing cooperatives in these fisheries, and these are basically voluntary co-ops that have formed a pool of catch shares with a number of vessels. Basically the co-op administers individual allocations and trades, and NMFS oversees this and audits this.

The reason this is important is the co-op actually has in fact higher standards of monitoring, we believe, than the actual NMFS enforcement with the CMS system. Now I'm going to tell you a little bit of how they do that. The co-ops obviously can't exceed their cumulative catch, but they have also what is called joint and federal liability whereas all the members of the co-op are a legal entity for purposes of the regulations that are in place.

This extends to not just exceeding the overall amount of catch pooled into that co-op, but also area violations. The co-op may have vessels that fish out in the Aleutian Islands and some that don't and are really concerned about its liabilities if vessels are not in compliance with this. Because of this imprecise ARGOS VMS system, there is a real chance that you would look like, by connecting the dots, that you're in violation when in fact you wouldn't be.

The co-op, through its civil contract, actually enforces its on penalties, if you will, under civil contracts for enforcement and oversees the members in this area closure as well. Under these co-op contracts the actual co-op requires the members to use a suitable GPS or GIS plotter system with embedded open area delineation, so these data file that Roger was talking about are actually built into the software and a notification to the co-op vessels are staying in the open areas.

Basically the co-op is managing to make sure its vessels aren't in violation so that it can not be exposed to the liability of having members out of compliance with this, but is concerned in many ways about the imprecision of the actual VMS units in play for the official enforcement and the dichotomy between that and the more specific reporting positions at a much higher level of resolution that the boats' units use.

Interestingly, there has never been any violations – it has been in place for three years – from the Best Use Cooperative, but there is now a case in play of a boat that's in a Limited Access Amendment 80 Sector, is not part of the co-op and it has been determined I guess in this case that there is enough evidence that the boat was fishing outside of the open area. This is going to I think raise all these issues of the standards of evidence.

We've been told that this case is reasonably black and white because of e-mail correspondence with vessels in the co-op with this non co-op boat saying we think you're in the open area and the boat saying we don't particular care, so that may be where the case plays out, which would be in some ways – I mean, it's black and white for enforcement maybe, and there is a record there through e-mails boat to boat.

But it's unfortunate from the sense of we were hoping that this would illustrate the risks that this imprecise VMS system has relative to really where the boat is fishing. Anyway, I don't know where this will go, but it is certainly going to raise a discussion of the spatial tolerance as in buffers with this thing, and certainly we remain concerned about the limitations of the VMS units, the official enforcement, if you will, with the position every 20 minutes and sending the data at a lower level of detail than we actually used to enforce it as a co-op.

I just want to give you a few thoughts on this. I think the only way you can do this is with industry buy-in. You're even talking a little bit about voluntary enforcement. Maybe over time if there are boats that are not thought to be doing this, you're going have to look at the next level of this. It's really important that you develop the measures in the areas that is precisely – and I think there is a real tradeoff in what you're talking about when you start saying fewer waypoints, that may or may not be good for the fishing industry.

My point is that when people say, well, you've left habitat that is the kind we're trying to protect out by doing that, people are going to raise that as a concern; it is not as protective. At the same time if you make the closed area you're talking about smaller and say, well, we know we're leaving some out, you know, that may benefit the fishermen in the short run but will that really be the way this ends up when people say we need a bigger box to make sure all of this habitat – our conservation concerns are stronger.

Our view of it is to try get this area as precise as possible in the development of it and then worry about the tools available to delineate it and enforce it, because I think that should be the conservation objective as well as probably best for everyone. I think you can have a highly complex open area. It's workable at least with the tools we have. But, you know, even with VMS I don't think that is necessarily that easy.

I think that a higher level of spatial specificity was possible because of the industry buy-in. We didn't really push the limits of how non-linear this could be, but I think we would rather do that to make it as precise as possible and then make the enforcement meet that objective. My advice would be to look at the limitations of your available monitoring tools and look at those carefully as you develop these areas, and then also delineate the areas and see the best fit between the available monitoring and the best meeting of the objectives of habitat conservation.

I think if you are at some point looking at catch share programs, these co-op mechanisms allow for civil contracts to potentially get at ways of generating compliance that may not exist for the kind of fishery where you don't have these contracts. I certainly think that the National Marine Fisheries Service looks to the co-op's enforcement in some way on this as probably a better deterrent to non-compliance than some of the measures in place, realizing the limitations of the VMS system that we have.

These private sector approaches may provide some innovative ways of achieving your objective in making these areas as protective as you want it to be and at the same time allowing the maximum fishing opportunities available, and you may be able to achieve that objective more with these tools of private sector agreements over time.

I know you're not there or even close to that now, but over time I think with an eye to that you would be amazed what small boat cooperatives in the Gulf of Alaska do on these things. They're not necessarily big boat, sophisticated associations that work on this, but they have been able to master the technology and examples from the other fisheries and put that in place very effectively at a smaller-scale fishery. Hopefully, that thinking out of the box is useful to you as you think about these coral measures that you're talking about or red snapper measures.

MAJOR NORTON: I've got a comment and a question. Our fishery, our biggest concern is the recreational side of it. Obviously, we have hundreds of boats that go out in that closed area, hundreds of boats each day fishing in that area. Some of the stuff we've heard from the fishermen – and we've got a lot of recreational boats that are going to go out there. And you talk about co-ops, which are great for the commercial side, but for the recreations side we've got nothing right now. Has Alaska done anything with the recreational side or do you even have a recreational fishery similar to what we have in the southeast?

MR. GAUVIN: That's a great question. We don't have a recreational pollock fishery; that would be interesting. We do in southeast Alaska have quite a bit of recreational fishing for halibut, for rockfish and lingcod, and there are closures to all bottom contact fishing, be it recreational or – in fact, we have some Sitka Pinnacles that are very close to sportfishing areas that have delineations that are around them.

I don't know if they've made cases on the recreational boats. I totally appreciate your struggling with how to do that. I think from my knowledge of the technology available and the cost – I think Mr. Harris' comment about the level of technology on his very small boat, 18 foot, is pretty common – whether there is a way to work voluntarily with sportfishing organizations to make those plotter type chips like the NavStar or whatever chips that commonly come with the software in these things, to actually have some of these areas in them and updates and stuff, that may be a way to go.

But in terms of the pure enforcement on that, I think you've got real challenges there. But at least on a developing voluntary compliance, having these tools available, that if they feel like their closed area has not been made bigger because of the imprecision, they will step up to the plate I think to some degree and say, well, if we're willing to do this, then we're not going to get the bigger closed area that just founds off all the corners that we're worried about. There may be some, but we've never dealt with this on a scale that you would have here with the recreational fishing. Most of this stuff is for-hire, partyboat, charterboat stuff, and they have a little bit more sophistication.

MAJOR NORTON: Just as a followup, it's interesting you bring up the chip issue because we've partnered – our lab in St. Petersburg has partnered on the Manatee chips, and we have thousands of miles of manatee zones in Florida. Unfortunately, not everybody is going to go buy a plotter to put that chip into, and we would have the same issue with the chips unless we required everybody to go out and buy a couple thousand dollar plotter with this as well.

MR. GEIGER: Thank you, John. Any other questions? Okay, that certainly helped us on the council. We will move on to our next order of business and that's the regulations in the proposed snapper grouper closed areas; allowable gear. Rick DeVictor is going to give us an overview.

MR. DeVICTOR: This is pretty straightforward, and, again, you all talked about it in August when you last met. The council is considering right now, and it's their preferred alternative to allow certain fishing activities to occur in the closed areas; one being allowing the harvest of black sea bass or black sea bass pots; and also to allow spearfishing activities to occur in the closed area.

The justification behind this – basically why they don't have these closures off North Carolina is because basically that's not where red snapper are, so harvesting black sea bass or black sea bass pots, you do not have a lot of red snapper bycatch with that, so, again, they're allowing that. And also with the spearfishing, that someone could go down there and not shoot a red snapper. Again, those are the council's two preferred alternatives at this point, and I think that they're looking for feedback from the advisory panel.

CAPTAIN FRAMPTON: Any discussion on this? Rick, are you saying that – I think the LEAP has gone on record before saying that they were opposed to the spearfishing; am I correct in that?

MR. DeVICTOR: Yes, that was the motion in August.

MR. KENNEDY: It was Motion Number 6 that we've just adopted earlier today that's opposing the spearfishing.

DR. CRABTREE: Can you just briefly explain to us why?

CAPTAIN FRAMPTON: From an enforcement perspective, going back to simply the enforcement perspective, how would we know that the fish was speared and not actually caught on hook and line and brought to the boat and had a spear put in its head?

DR. CRABTREE: To enforce this you're going to have to actually catch them in the closed area, anyway, right, and if we did not allow them to have any hook-and-line gear on board the vessel when they're out there; all they can have is spearfishing equipment on board; would that get around that concern?

MAJOR NORTON: Mr. Crabtree, not all fishermen are honest. That's a terrible thing to say, but the ones that want to violate will. Just because you say they can't have fishing gear on board, it doesn't mean they won't hide the fishing gear. The other thing is I'm coming over the horizon 30 miles to get to them. That's to get to the edge of the closure, and then I've got 20 miles to get to the other edge.

There is no telling what they're going to do as they see me coming over the horizon. Now, obviously, they could hide the fish, too. It's part of our enforcement role – and I think what Captain Frampton had said, it comes down to if you want to make it easier for us to enforce, spearfishing is not going to make it any easier.

Obviously, and we said it earlier, trying to get out there to do any enforcement at all is going to be very, very difficult. You're going to try to promote compliance by encouraging people to voluntarily do the right thing. There is going to be a percentage of the fishermen that are not going to. They're going to find a way around it no matter what you put into the rule.

CAPTAIN FRAMPTON: I second what you said, Brett. It's just another loophole, another way for them to be in there to be working on it, which makes our job that much harder.

LT. GRIS: I concur with my colleagues from the states.

MR. BOYLES: It's probably a stupid question, Mr. Chairman, but I'll ask it, anyway. From the AP is there any way to document or any studies or any analyses of cases that were adjudicated or thrown out – I guess what I'm trying to get at is can we build a record – I understand the concerns among law enforcement, but in so many ways we're between a rock and a hard place. Spearfishing isn't an issue, bycatch is not an issue, bycatch is one of the factors driving the red snapper problem.

On the one hand, well, if spearfishing is not the issues let's deal with the issue, but then on the other hand it does present this huge loophole. Is there any kind of data that we could build into the record that would suggest the problems that are afforded by allowing the spearfishing loophole, if you will? Do you follow what I'm saying, any of you follow what I'm saying?

I thinking specifically have there been cases made on gear restrictions or size limits things that have been thrown out and not been able to have been prosecuted as a result of, well, I'm sorry, Your Honor, I was using a speargun; I was using a legal and authorized gear. Do you follow what I'm saying? I'm sorry, it's late in the day and I'm not very artful in asking it.

CAPTAIN ADAMS: Spearfishing was just prohibited at Grays Reef, if that was the question. Going back to the document that I had, I was looking to see if there is any written guidance on that. I did find this and I'll just briefly share it. This is gear vessel restrictions in the enforcement considerations of fishery management councils.

It basically talks about the recommendations if a specific type of gear is prohibited for use in a fishery, then carried to the type of gear should also be prohibited. They should be standardized across state and federal bounders. Those are the only two written recommendations in this document that I see.

MR. HARRIS: Mr. Chairman, we had an extensive discussion about this at our meeting in North Carolina, and I spoke out against the prohibition on spearfishing because when you're off the coast of Georgia, to get to this closed area you're going 40 miles. There is spearfishing in this area as the present time, especially at the Snapper Bank area, because they're 95 to 130 feet deep, so they're will within reasonable diving limits of scuba diving.

They have to run so far, they could legally spearfish for legal species that are open at the time in that otherwise closed area, and then they've got a 40-mile run back to shore. If you prohibit them from having otherwise legal gear, hook-and-line gear on board their boat, you're taking away an opportunity for them to fish for king mackerel or something like that on the artificial reefs or other live bottom areas on the way in.

For that reason I just want to let you know why I spoke out so vehemently against prohibiting spearfishing. I'm going to continue to speak out against that, but I want the law enforcement community to understand why.

CAPTAIN FRAMPTON: I appreciate that I don't think we want to be the obstacle to people enjoying the resource either. I think we want to be the ones to promote people to fish. That helps us. We want people to enjoy the resource. But, going back to purely from we've got to able to make a case and we're trying to tell you this is the best way for us to make cases and enforce the law.

MR. HARRIS: I understand that perfectly and that's why you're here. We appreciate all the advice you give us. I just want you to know why I take the other approach to that.

CAPTAIN FRAMPTON: Well, I think we're on the same sheet of music, and we both want people to enjoy the resource. We just need to figure out how we can enforce the policies and laws.

MAJOR NORTON: What is the allowable loss for lack of enforcement? I mean that seriously; how much loss of the fishery can you take because we're not there, because it's too far off or

because the regulations are written in a way where we're not catch everybody? I'm going to use that 5 percent number that we play with, you know, 5 percent of the fishermen are not going to do the right thing.

The other 95 percent are going to do it right; they're going to be right on; they're going to follow the rules; they're going to read the books before they go out there. How much of that loss – and this comes to this point because I completely agree with this; I don't want to shut down the fishery. I have a lot of friends that spearfish; I spearfish, but at what point do you allow that type of take to potentially occur?

I think to Chisholm's point, if you guys are comfortable, if the council is comfortable with a 5 percent loss, then, yes, it's going to make our a job a little bit harder, but we're not the scientists. We're the ones that have to deal with the boater out there. I can honestly say from an enforcement standpoint from the state of Florida, we give you the benefit of the doubt. We're not going to hard-time you. I think all four states sitting here would be the same way.

When we stop the boat, we're going to walk through it. Okay, the guy has got a hole in the side of the fish. Okay, we dig around the boat and we find a fishing pole. He says, "You know, I put the fishing pole away, I hid the thing because I knew you were coming," but he says, "I didn't catch that hook and line." We're going to give the guy the benefit of doubt. When you ask us the question is spearfishing something that we should allow, we're giving you the answer to make it easier for us. That isn't the bottom line answer.

MR. GEIGER: And, Brett, to go beyond that a little bit, when we looked at the gains we were going to have from having these closed areas, enforcement and compliance was considered. There is a method and there is a model that you can plug in have a hundred percent compliance, 95 percent compliance, 80 percent compliance, and you get a resultant reduction required as a result of using that amongst a number of other entries that you can make into this model.

So, non-compliance or degree of compliance has been considered as we've gone through and gone about designing these closed areas. It would be interesting now that you've kind of let the cat out of the bag that you think the compliance is 95 percent in Florida; on what do you base that? I would like to hear the other states if they have a compliance estimate?

MAJOR NORTON: I made that number up. That's 20 years of experience of dealing with fishermen, and honestly the people that I've caught and know have caught, I don't know that there is any empirical data or scientific data that says that number. That is just purely out of experience. Most people are good, but you have a percentage that are no; they are not going to comply.

MR. GEIGER: I appreciate your honesty and I kind of had an inkling, and I'm not going to put the other states on the spot. I think everybody has to kind of draw there own conclusions as to compliance. Yes, Steve.

CAPTAIN ADAMS: Just to put another wrinkle in this, we were talking in an earlier conversation about observing a boat with an aircraft and checking at dockside, if we allow a

method for them to take a species or to fish there, it just adds another wrinkle. For this type of enforcement you have to board the boat while it's at sea to determine compliance. You can't do that dockside.

MR. GEIGER: Okay, if I may, we have a motion from the Law Enforcement AP based on their last meeting to not allow spearfishing, and I guess it's up to you guys if you want to modify that motion or have it stand as it is. You can take an informal poll if anybody wants to change it. Why don't you do that and see anybody wants to – I don't see anybody who is jumping forward to say they want to change that. I would ask our Law Enforcement Committee members from the South Atlantic Council does anybody want to make a motion to carry forward based on the motion made by the AP or do we want to wrestle with it in snapper grouper as we move forward?

MR. CURRIN: We will wrestle with it in the Snapper Grouper Committee.

MR. GEIGER: And we will wrestle with it. If we do it now we'll probably wrestle with it twice.

MR. BOYLES: Never mind.

MR. GEIGER: Thank you, Robert. Yes, Mac.

MR. CURRIN: Before we leave this issue – and I plead ignorance. I don't know whether you guys have talked about allowing black sea bass pots in those closed areas as well and whether that causes you any problems over and above the ones that you've stated already. We're not talking about anything but the black sea bass pots in that respect.

Have you guys talked about that before? Most of that, as I think Rick indicated to you earlier and some of you may well be aware that about 87 percent or roughly over 80 percent of that fishery occurs in North Carolina and South Carolina outside the closed areas. Correct me if I'm wrong on the numbers, but I think it's roughly 80 or a little more that occurs outside the proposed closed areas, but there is some that could occur there.

CAPTAIN FRAMPTON: To my knowledge we have not discussed the issues of black sea bass pots, and I don't see anybody – Charlie.

LT. GRIS: I think it is contained in Substitute Motion 2 if I'm reading from the correct spot here.

MR. GEIGER: Okay, the last issue on the agenda is enforceability analysis; Myra.

MS. BROUWER: This is something that I had brought up in discussion or at least ran it by Chisholm and by George, and they agreed that it would be interesting to hold a discussion with the AP and the committee on potentially adding a second to our documents to analyze the enforceability of proposed regulations, much like we do analyze administrative effects and such, perhaps some sort of analysis on enforcement would also be useful for the council.

MR. GEIGER: Basically, we have a number of sections that are standard in every FMP, and what we would be doing is adding a section in the FMP on enforceability. If we could make a determination as to the enforceability and quantify it in some way or analyze it some way to allow us to quantify it, it would be included as part of the document. I don't know if that's possible; it was just a thought. Duane.

MR. HARRIS: Well, I would just ask the question, Mr. Chairman, if we do add something like that to an amendment to a fishery management plan and we say it has very likelihood of enforceability, is the Secretary of Commerce going to disprove the fishery management plan or amendment as a result of that? That's why I think it's a slippery slope that we go down if we put something like that in a fishery management plan. We all know that it's going to be very difficult to enforce a closed area like what is being proposed. I just question the wisdom of that.

MR. CURRIN: I guess my first question would be is there such a model or type of analysis that is routinely done elsewhere that could serve as a model or are we talking about trying to develop something from scratch? If we're talking about developing it from scratch I think that would be extremely time consuming and a long process.

In fact, when you look at it, meeting with the Law Enforcement AP and having you guys comment on this stuff, is in effect some sort of enforceability analysis. It's not quantified as you've suggested and that may present some problems, but in the absence of a formal process, identified and acceptable process, I think the process we have now that will bring you guys in to provide advice to us is perhaps as good as we can get at this point.

CAPTAIN FRAMPTON: The Law Enforcement AP appreciates the opportunity to meet with the Law Enforcement Committee like this, and we would encourage more of this. We definitely don't want to be the naysayers in the group, but we get back to what it takes to do enforcement of it, and I think that's a good idea.

MR. GEIGER: Well, I don't hear any support for that idea and we'll just table it and move on.

MAJOR NORTON: Chisholm brought up a point a minute ago about encouraging this combined LEC/LEAP meeting. I think maybe not to a point of building it into your plan, but we need to formalize what is occurring today. I think this is very important that these two groups are meeting together to present our side's information in this forum.

One of the things that is occurring in D.C. right now, Lieutenant Colonel Bruce Buxton is presenting in front of congress on the IG's report. In his comments, which are available online, one of the things that he has said is how far we've come as far as the states being involved at the table if we're going to be involved in doing the enforcement. From the state of Florida and I think the four states sitting here we appreciate the fact that you're asking.

For many years – and I wasn't here then but Bruce talks about it – I don't know that the states were involved as they are today. If there is a way that we can formalize this in this particular council so that we are involved and we do have a voice at the table, we would greatly appreciate that.

MR. GEIGER: I can tell you that during Bruce's involvement with the council he did sit in the audience and participate. We certainly have Otha and Hal here at every meeting. We have our Coast Guard representation. We have the prosecutorial office and without exception they have come to the table many times during council deliberations and council discussions to provide extensions of your recommendations made in your AP meetings.

We kind of put them on the spot a lot of times to comment on discussions that we're having relative to issues that just pop up during our council discussion. Don't you guys feel left out; you're being well represented. I hear what you're saying and I appreciate the fact – what has happened is the council has gone through kind of a cycle where we used to meet as committees and APs, and some of the APs requested to be able to meet alone.

It's kind of working its way now to find out which APs probably it would be best meet together with their committee and which APs do a better job and have a more easy facilitated experience by meeting alone and then having the committee take their input and vote on it that way. I appreciate your comments and I think we'll take them to heart and try to see that we do have joint meetings in the future, if that's what you guys really want to do.

MAJOR NORTON: And nothing against our NOAA partners and our Coast Guard partners, but it is important that we're together in this. We definitely respect them presenting to you, but we appreciate being here as well.

MR. GEIGER: Thank you, Brett. Now, those comments in regard to Bruce testifying up in Washington what you wanted to talk about under other business with the NOAA IG Report?

MR. KENNEDY: If I may, I earlier mentioned that report, and I want to make it really clear that I was extremely dissatisfied and disappointed when I read that report. I thought it was unfair. We always get slammed for not listening to anecdotal information and that report was nothing but a bunch of anecdotal information that castigated our enforcement folks and our litigators.

I truly hope it doesn't impact enforcement and it doesn't litigation and the prosecution that we need in these fisheries. I read it and I read it three or four times. The first time my comments were not particularly nice or Christian or polite. It also overlooked the significant and essential functions that our partners in the Coast Guard have and our state partners have because they are out there everyday. NOAA has a limited number of enforcement people. As a lay person who is not involved in the law enforcement – I'm here as a recreational fisherman – I was extremely disappointed in that report. That's it.

MAJOR NORTON: If I may, I just want to read – and this from Bruce's testimony that he should be giving to congress right now, but one of the things that's concerning to us is some of the discussion about – and I'm going to use the word declassifying, I don't know the correct work, but basically taking agents and making them inspectors.

And Bruce's statement, "that NOAA agents have skill and expertise that go beyond the state jurisdictional boundaries and sometimes beyond the training and experience of state officers. This has proven critical in addressing violations that have significantly impacted Florida's

fishing industry and resources. This is exemplified by a NOAA LE case involving a seafood dealer in the Florida Panhandle who mislabeled hundreds and thousands of pounds of Vietnamese catfish as grouper.

“Grouper is locally caught and a popular Florida fish for markets and restaurants. This mislabeling was done to avoid paying tariffs on the imported fish but also significantly impacted Florida fishers by undercutting the price of locally caught grouper” the point being is NOAA Law Enforcement still needs teeth.

One of the things that may be occurring in Washington today through congress and through this IG’s report is they may lose some of those teeth. I think as the states we’ve created a huge partnership. Bruce describes it as a city police department where you have patrol guys that go out and write traffic tickets and then you have detectives that work crime.

That’s what we’ve got here now; we’ve got the NOAA guys that are doing the deep cases and then the state that is doing that everyday enforcement, and it’s a good partnership. When I say the state, I’m not leaving Charlie out with the Coast Guard, but that’s our role working together. I just want to offer the support of the states with NOAA as they go through this process to make sure that it comes out and we can continue to fairly and equitably enforce the laws on the fisheries regulations.

MR. GEIGER: Thank you. Okay, that wraps up our agenda’s business. Any other business to come before the Law Enforcement AP and the committee? Seeing none, thank you all for your attendance. We appreciate your input. We’re adjourned.

(Whereupon, the meeting was adjourned at 3:58 o’clock p.m., March 3, 2010.)

Certified By: _____ Date: _____

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
April 5, 2010

South Atlantic Fishery Management Council 2009 - 2010 Council Membership

COUNCIL CHAIRMAN:

Charles Duane Harris
105 Demere Retreat Lane
St. Simons Island, GA 31522
912/638-9430 (ph)
seageorg@bellsouth.net

Dr. Brian Chevront
N.C. Division of Marine Fisheries
P.O. Box 769 (3441 Arendell St.)
Morehead City, NC 28557
252/726-7021 Ext. 8015 (ph)
252/726-6187
brian.chevront@ncdenr.gov

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-3149 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

COUNCIL VICE-CHAIRMAN

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

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

Mark Robson
Director, Division of Marine Fisheries
Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399
850/487-0554 (ph); 850/487-4847(f)
mark.robson@myfwc.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

Benjamin M. "Mac" Currin
801 Westwood Drive
Raleigh, NC 27607
919/881-0049 (ph)
mcurrin1@bellsouth.net

Spud Woodward
Director, 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)
Spud.woodward@dnr.state.ga.us

Robert H. Boyles, Jr.
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9304 (ph)
843/953-9159 (fax)
boylesr@dnr.sc.gov

George J. Geiger
566 Ponoka Street
Sebastian, FL 32958
772/388-3183 (ph)
georgejgeiger@bellsouth.net

Lt. Brian Sullivan
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6781 (ph)
305/415-6791 (f)
Brian.A.Sullivan@uscg.mil

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

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

Rita G. Merritt
38 Pelican Drive
Wrightsville Beach, NC 28480
910/256-3197 (ph); 910/256-3689 (f)
miridon@ec.rr.com

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

John V. O'Shea
Executive Director
Atlantic States Marine Fisheries
Commission
1444 Eye Street, N.W., 6th Floor
Washington, D.C. 20005
202/289-6400 (ph); 202/289-6051 (f)
voshea@asmfc.org

* JOHN GAUVIN

PHIL STEELE
JACK MCGOVERN
JENNIFER LEE
NICK FARMER
MONICA SMIET BRUNELLO
BONNIE POWELL
HAL ROBBINS

* present

South Atlantic Fishery Management Council Law Enforcement Advisory Panel

✓ Captain Chisolm Frampton, Chairman
Law Enforcement Division
S.C. Dept. of Natural Resources
P.O. Box 12559
Charleston, SC 29422-2559
843/953-9307 (ph); 843/953-9321(f)
Operation Game Thief
1-800/922-5431
Framptonc@dnr.sc.gov
6/05*
(Designee for Major Alvin Taylor)

✓ Capt. Stephen Adams
GA Department of Natural Resources
Law Enforcement, Coastal Region
One Conservation Way, Suite 201
Brunswick, GA 31520
912/264-7237 (ph); 912/262-3166 (f)
Stephen.Adams@dnr.state.ga.us
(Designee for Lt. Commander Robert
J. Sires, Supervisor)
9/05*

✓ Kim Diana Connolly
Asst. Professor - USC School of Law
Main & Green Streets
Columbia, SC 29208
803/777-6880 (ph); 803/777-3401 (f)
connolly@sc.edu
3/03, 3/06*

✓ Special Agent Otha Easley
NOAA Fisheries
Office of Law Enforcement
263 13th Avenue South, Suite 113
St. Petersburg, FL 33701
727/824-5344 (ph); 727/824-5355 (f)
otha.easley@noaa.gov
2/08*

✓ Lt. Charlie Gris
USCG - SE Region Fisheries Training
Center
1050 Register Street
Charleston, SC 29405
843/740-3178 Ext. 1 (ph);
843/308-0162 (f)
Michael.C.Gris@uscg.mil
6/04*

✓ Captain Jim Kelley
127 Cardinal Dr. Ext.
Wilmington, NC 28403
910/796-7215 ext. 7220
Jim.m.kelley@ncdenr.gov
6/08*

✓ Mike Kennedy
902 Turner Quay
Jupiter, FL 33458
561/685-0315 (ph)
seahawkmjik@aol.com
3/06*

✓ Major Brett Norton
FWC Division of Law Enforcement
620 South Meridian St.
Tallahassee, FL 32399-1600
850/212-6396 (ph)
Brett.norton@myfwc.com
3/08*

✓ Karen Antrim Raine
NOAA General Counsel - SERO
263 13th Avenue South, Suite 177
St. Petersburg, FL 33701
727/824-5360 (ph)
Karen.raine@noaa.gov
11/97*

Craig Whitfield
167 Clark Ave.
Charleston, SC 29412
843/795-8488 (ph)
Craig905@bellsouth.net
(At-Large)
9/06*

* Denotes year of appointment

South Atlantic Fishery Management Council Staff

✓ Executive Director

Robert K. Mahood
robert.mahood@safmc.net

✓ Deputy Executive Director

Gregg T. Waugh
gregg.waugh@safmc.net

✓ Public Information Officer

Kim Iverson
kim.iverson@safmc.net

✓ Senior Fishery Biologist

Roger Pugliese
roger.pugliese@safmc.net

✓ Staff Economist

Kathryn (Kate) Quigley
kate.quigley@safmc.net

Cultural Anthropologist

Open Position

✓ Environmental Impact Scientist

Rick DeVictor
richard.devictor@safmc.net

✓ Science and Statistics Program Manager

John Carmichael
john.carmichael@safmc.net

✓ Outreach Assistant

Anna Martin
anna.martin@safmc.net

✓ Fishery Biologist

Kari Fenske
kari.fenske@safmc.net

SEDAR Coordinators

Julie Neer - julie.neer@safmc.net
Dale Theiling - dale.theiling@safmc.net

✓ Coral Reef Biologist

Myra Brouwer
myra.brouwer@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/Adm. Assistant

Julie O'Dell
julie.odell@safmc.net

SEDAR/ Staff Administrative Assistant

Rachael Lindsay
rachael.lindsay@safmc.net

South Atlantic Fishery Management Council 2009 – 2010 Committees

ADVISORY PANEL SELECTION

Mark Robson, Chair
Robert Boyles
Brian Chevront
Roy Crabtree
Ben Hartig
Spud Woodward
Staff contact: Kim Iverson

DOLPHIN WAHOO

Tom Swatzel, Chair
Robert Boyles
Roy Crabtree
Ben Hartig
Wilson Laney
Rita Merritt
Charlie Phillips
Red Munden Mid-Atlantic Council
New England Council Rep
Staff contact: Gregg Waugh

ECOSYSTEM-BASED MANAGEMENT

Brian Chevront, Chair
Spud Woodward, Vice-Chair
Roy Crabtree
David Cupka
Mac Currin
George Geiger
Ben Hartig
Wilson Laney
Rita Merritt
Charlie Phillips
Mark Robson
Staff contact: Roger Pugliese- FEP
Myra Brouwer- Comp. Ecosystem-
based Amendment

EXECUTIVE

Duane Harris, Chair
David Cupka, Vice-Chair
Mac Currin
George Geiger
Robert Boyles
Staff contact: Bob Mahood

FINANCE

David Cupka, Chair
Mark Robson, Vice-Chair
Brian Chevront
Duane Harris
Mac Currin
Staff contact: Bob Mahood

GOLDEN CRAB

David Cupka, Chair
Mac Currin
Wilson Laney
Charlie Phillips
Tom Swatzel
Staff contact: Gregg Waugh

HABITAT & ENVIRON. PROTECTION

Mark Robson, Chair
Robert Boyles
Wilson Laney
Rita Merritt
Vince O'Shea
Charlie Phillips
Staff contact: Roger Pugliese
Myra Brouwer- Coral

HIGHLY MIGRATORY SPECIES

David Cupka, Chair
Rita Merritt, Vice-Chair
Roy Crabtree
Mac Currin
George Geiger
Duane Harris
Brian Sullivan
Staff contact: Gregg Waugh

INFORMATION & EDUCATION

Robert Boyles, Chair
Mac Currin, Vice-Chair
Duane Harris
Mark Robson
Brian Sullivan
Tom Swatzel
Staff contact: Kim Iverson

KING & SPANISH MACKEREL

George Geiger, Chair
David Cupka, Vice-Chair
Mac Currin
Brian Chevront
Duane Harris
Ben Hartig
Rita Merritt
Charlie Phillips
Mark Robson
Tom Swatzel
Ron Smith, Mid-Atlantic
Representative
Jack Travelstead, Mid-Atlantic
Representative
Staff contact: Gregg Waugh

LAW ENFORCEMENT

✓ George Geiger, Chair
✓ Mac Currin, Vice-Chair
✓ Robert Boyles
✓ Duane Harris
✓ Ben Hartig
✓ Brian Sullivan **CHARLIE GRIS**
Staff contact: Myra Brouwer

CATCH SHARES

Rita Merritt, Chair
Robert Boyles
David Cupka
George Geiger
Ben Hartig
Vince O'Shea
Charlie Phillips
Spud Woodward
Tom Swatzel
Staff contact: Kate Quigley

PERSONNEL

Robert Boyles, Chair
David Cupka
George Geiger
Duane Harris
Spud Woodward
Staff contact: Bob Mahood

PROTECTED RESOURCES

David Cupka, Chair
Wilson Laney, Vice-Chair
Rita Merritt
Mark Robson
Spud Woodward
Staff contact: Myra Brouwer

SCI. & STAT. SELECTION

Roy Crabtree, Chair
Robert Boyles
Brian Chevront
Mark Robson
Spud Woodward
Staff contact: John Carmichael

SEDAR Committee

Duane Harris, Chair
George Geiger, Vice-Chair
Brian Chevront
David Cupka
Ben Hartig
Vince O'Shea
Mark Robson
Tom Swatzel
Staff contact: John Carmichael

PLEASE SIGN IN

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

Joint Law Enforcement Committee and Advisory Panel Jekyll Island, GA Wednesday, March 3, 2010

| <u>NAME & ORGANIZATION</u> | <u>AREA CODE & PHONE NUMBER</u> | <u>P.O. BOX/STREET CITY, STATE & ZIP</u> |
|------------------------------------|---|--|
| Robert Johnson | 904-794-2628 | 804 Shoro Dr St Augustine FL 32086 |
| Kevin Coley | 252 216 7041 | 202 Manns Harbor N.C 27953 |
| Michelle Owen EDF | 919-309-5397 | Sarasota FL |
| Chris Colson Shell Creek Sup Pool | 437-4711 | Darien GA 31305 |
| Wayne Mershon | 843-421-6440 | P.O Box 385 Murrells Inlet, SC 29576 |
| Jeese Nani | 843-950-1116 | 1299 Murrells Inlet 29576 |
| Eaton Dougherty | 843-242-7591 | Charleston, SC |
| MARK BROWN | 843-881-9735 | Charleston, SC |
| David Muller | 386-767-2883 | Daytona Bch, FL |

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

PLEASE SIGN IN

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

**Joint Law Enforcement Committee and Advisory Panel
Jekyll Island, GA
Wednesday, March 3, 2010**

| <u>NAME & ORGANIZATION</u> | <u>AREA CODE & PHONE NUMBER</u> | <u>P.O. BOX/STREET CITY, STATE & ZIP</u> |
|---|---|--|
| Sean Harris | 561-277-5331 | 19866 Sea Brook FL 33469 |
| Sandra Harris | 561 277 5707 | 19866 Sea Brook Rd. 713 3469 |
| Curtis Bayley | 850 698 7414 | 7625 Real Bayley Rd Milton FL 32570 |
| Len Bayley | 850 698 0946 | 6776 Summit Dr Milton FL 32570 |
| Sera Nevenak (Pew Env. Grp) | 910-685-5705 | Wilmington, NC |
| Holly Binns, Pew Environment Group | | Tallahassee, FL |
| Laurilee Thompson Dixie Crossroads Restaurant | 321-268-5666 | 1475 GARDEN ST Titusville, FL 32796 |
| Steve Amick | 912-397-6759 | SAV. GA 31410 |
| Kathy Knowlton | 912-262-3122 | GIA DVR |

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

PLEASE SIGN IN

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

Joint Law Enforcement Committee and Advisory Panel Jekyll Island, GA Wednesday, March 3, 2010

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Capt Geoffrey OWENS Rolling Thunder Fisheries 904-240-9146 11356 Avery dr. Jax, FL 32218

Ken Fox 910-620-5847 907 W yacht Dr

McK Merrifield Cape Canaveral Shrimp 321-383-8885 688 S. Park Ave Titusville FL 32796

Brock ANDERSON ^{BOTTOM DOLLAR} CHARTER FISHING 321 536-0802 4320 HORSESHOE BEND ³²⁹⁵³ MERRIT ISL. FL.

Susan ANDERSON ^{BOTTOM DOLLAR} CHARTER FISHING 321 452-1800 " " " " " "

John Smith 252-287-5987 P.O. Box 157 Merry Hill, N.C. 27957

Capt. Mike Baker 772-233-5352 P.O. Box 1048 Port Salerno FL 34992

Steve ENGLISH 772-286-4358 P.O. Box 814 Port Salerno, FL 34992

Jason Shigman (912) 638-1349 920 Rose Cottage Rd. St. Simons Is 31522

ZACK Bowen (912) 398-3733 32 Bull River Bluff DR. SAV, GA. 31410

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