

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**  
**JOINT LAW ENFORCEMENT COMMITTEE & ADVISORY PANEL**

**Savannah Hilton DeSoto**  
**Savannah, Georgia**

**March 3, 2014**

**SUMMARY MINUTES**

**Law Enforcement Committee**

Mel Bell, Chair  
Jack Cox  
Ben Hartig

Chris Conklin  
LT Morgan Fowler

**Law Enforcement Advisory Panel**

Col. Chisolm Frampton, Chair  
Capt. Doug Lewis  
Capt. Rama Shuster  
Mike Kennedy  
Tracy Dunn

Col. Jim Kelley, Vice-Chair  
Nickey Maxey  
Karen Antrim Raine  
Charles Renda Jr.

**Council Members**

Dr. Michelle Duval  
Zack Bowen  
Doug Haymans  
Dr. Wilson Laney  
Charlie Phillips

Anna Beckwith  
David Cupka  
John Jolley  
Jessica McCawley

**Council Staff:**

Bob Mahood  
Gregg Waugh  
Mike Collins  
Dr. Kari MacLauchlin  
Kim Iverson  
Anna Martin  
Dr. Brian Chevront

John Carmichael  
Roger Pugliese  
Dr. Mike Errigo  
Amber Von Harten  
Myra Brouwer  
Julie O'Dell

**Observers/Participants:**

Dr. Bonnie Ponwith  
Monica Smit-Brunello  
Pres Pate

Phil Steele  
Dr. Jack McGovern  
Pat O'Shaughnessy

Other Participants Attached

The Joint Law Enforcement Committee and Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto, March 3, 2014, and were called to order at 1:40 o'clock p.m. by Chairman Mel Bell.

MR. BELL: We will convene the Joint Meeting of the Law Enforcement AP and the Law Enforcement Committee. &&Okay, the first item that we have on this agenda would be approval of the March 2013 Law Enforcement Committee Minutes. Are there any changes to the minutes that need to be made? Okay, seeing none, then the minutes stand.

The first item is actually approval of the agenda. We'll stick to the agenda as written unless anybody has an issue with that. Okay, we will actually be a little briefer. Since we had some of the presentations this morning, it will go a little quicker. We have the agenda approved and we have the minutes approved. That would take us to Law Enforcement AP recommendations, which is kind of right back to where we left off. If we could revisit the agenda, I believe there is an item that the LEAP would like to add to the agenda.

COLONEL FRAMPTON: Charles, do you have an item that you would like to add to the agenda for us to discuss?

MR. RENDA: Yes; I would like to bring up something, and maybe I can go on with this?

COLONEL FRAMPTON: That will be fine.

MR. BELL: Well, what we were thinking to do is just putting it under other business at the end; would that be okay?

MR. RENDA: Yes.

MR. BELL: Okay, we'll just put whatever it is that Charles has under other business. I'll tell you want, since the bulk of what we're going to end up talking about is Item 4 on our agenda, why don't we go ahead and move other business to now and get that out of the way, and then we can kind of work through that. We will deal with Item 3 and then we'll do other business and then we'll go back to Item 4.

COLONEL FRAMPTON: On Item 3, we have not had the Oculina Experimental Webinar yet; so at this point the AP won't be able to comment or give recommendations on that.

MR. BELL: Okay, so noted. Then what we'll do is skip Item 4, go to Item 5, which would be other business; and, Charles if you'd like to go first with whatever it is you'd like to cover under other business, we'll do that first.

MR. RENDA: Okay, fine. Just reference here, I happen to have a commercial fishing vessel operator's permit. It was issued in 1986; and it came from the Northeast Regional Office. The only reason why I had this permit was I was lobstering in the FCZ at the time; and it's federal waters.

I used to catch bait; and in order to catch bait, I had to have what they call a multispecies finfish permit. So, lo and behold, I get the permit. It was free of charge and it had a life expectancy of two years. Now it has changed and I kept that current. Presently it is now three years, still no fee coming from the Northeast Regional Office.

I have a dolphin wahoo commercial permit. They said they were just starting to do logbooks with it and you had to have a permit. At one time you didn't need the permit, but you had to have a commercial fishing vessel operator's permit issued by the Southeast Regional Office. The fee was fifty dollars I guess for the first issue; and then every issue after that, it was twenty-five dollars. I don't know the life expectancy of the permit.

I have brought this up with a member saying that you're getting the same permit which is issued by the National Marine Fisheries from two different regional offices; and the person had told me, "Well, that's the way it is and that's the way they want it to be." I said, "Well, that's fantastic; because if I was fishing in the Northeast Region and I had a lot of violations and they took my permit away, fifty dollars later and in the Southeast Regional Office I'm back in business."

So, it got back to me that they are accepting the Northeast Commercial Fishing Vessel Operator's Permit in the Southeast Region in the dolphin wahoo group. Now my idea is, as I said, in 1986 I had it and it has been current ever since. I've never been challenged about this permit, if I had it, what it is being used for.

Is there any way we can get up with the council and find out what their intentions are with this permit – there are very few species that require it – what their intention is, what they intend to do with it, is this going to be a rule of thumb, is the National Marine Fisheries going to say every regional office has the right to issue these, but they have to accept them all. If you have one, you have to be accepted into the fishery. It is kind of confusing. The fact that somebody is charging for it and other people aren't charging for it; I would like to know what the status is, where they're going with this and if there is going to be any benefit to it. Thank you.

MR. BELL: Okay, that's certainly not anything I can answer. Is anybody here familiar with the permit that he is talking about? Monica.

MS. SMIT-BRUNELLO: I am familiar with it. When the Dolphin Wahoo FMP was first implemented, one of the requirements was to have an operator permit; and that's still a requirement. I will look to see what the exact regulations are for the northeast, but my recollection – I could be wrong, but my recollection was that this was based in some respects on the operator permit that was required in the Northeast Region. I thought that if you had an operator permit, for example, in the Northeast Region, that would suffice to have an operator permit in the Southeast Region. You wouldn't need two. If you one, that would cover you in both areas, but I'll check the regulations. I was just trying to look real quick while you were talking and I didn't quite get there yet. Was your primary question as to whether you needed them in both?

MR. RENDA: No; it seemed like my – I was speaking to a person who had a little influence, and I guess it would be with National Marine Fisheries. He thought about it for a minute and he

says, “Wow!” I know you can’t have two driver’s licenses from two different states; but now to have two permits for the same National Marine Fisheries, it seems like the word “national” just got thrown out and it is becoming regional. It is for a very few selected fisheries. It is not even a wide thing, if you have any federal fishery, you have got to have this thing. If we can elaborate and see where they’re going with this, what is the purpose of it; and if we can standardize the fees, thank you.

MR. BELL: So I guess what he is getting at here is what is the purpose of the permit – I again am not familiar with it – and then the way things are set up now, it is not like having one or the other. Apparently the system allows you somehow to get your hands on both potentially, which I don’t know if that is a good idea. It would be kind of like having two driver’s licenses, I guess.

The first question being, well, what the purpose of the permit in the first place; is it something that – I guess is it an artifact from something the way things were organized long ago and just is still there or is it still a valid reason to have that permit? I guess that’s the first question. I don’t think that’s anything you can necessarily answer right off the top of your head, I understand. I guess where we could leave that, Monica, can you research that and just maybe get back with us, not in the next five minutes or something, but is that something that you could kind of give us some feedback on? Charles, would that work?

MR. RENDA: Yes; that would work fine; but I’m just saying after 36 years and commercial fishing and everything and never once being challenged, I think it outlived its usefulness.

MR. BELL: Yes, that would make you wonder if people aren’t even aware of it, what is the point of having it? Is it kind of an artifact from the way things were constructed in the past, maybe?

MR. RENDA: And not only that, what happens is if I don’t renew it on my birthday after three years, now I’m in violation of something and all of a sudden somebody says, “Where is your permit?” And you say, “Man, I forgot to renew it” and here is a \$5,000 fine. It’s crazy.

MR. BELL: Right; so I think this is going to require a little bit of research maybe and we figure out an answer, but that is a valid question. Okay, moving along under other business still, we’ll get back into the order of the things that were in there for other business. \*\*The first item we had was a discussion of the cannonball jellyfish fishery.

COLONEL FRAMPTON: Do we have a presentation on that or the background?

MR. BELL: There isn’t any kind of presentation on the jellyfish. Okay, this was just something that has come up, and I can speak to it specifically for South Carolina because it has come up in our state. Georgia, of course, has the most experience with it. From our perspective in South Carolina, it is something we’re looking at right now on an experimental level, but I know Georgia has had an experimental fishery for something like 11 years; and then it was just established a year ago I believe as a fishery. Doug, if you want to tell what you know about it, that would be helpful.

CAPTAIN LEWIS: Well, we've just got a couple of boats that is doing it mainly out of McIntosh County. It seems to be a growing industry; but other than that.

MR. BELL: And just to follow up on that, my understanding of how it has worked in Georgia and how we envision it could work in South Carolina is that it is kind of a pre-shrimp season downtime niche fishery sort of for some of the trawlers. Not every trawler can participate in it and not every trawler would want to participate in it apparently because when you harvest these things, you find yourself carrying literally a liquid cargo.

You have to take special measures to ensure your holds are reinforced or have baffling from the cargo shifting; and so not every shrimp boat can do it physically. There is some investment in re-outfitting your boat, perhaps. The issue that would come to us at the council level would be a good bit of the fishery at least in Georgia, as it has been prosecuted thus far, occurs in federal waters.

My understanding from talking to folks in Georgia, the majority of their landings are probably from federal waters although the state permits it in state waters as well. What we're looking at in South Carolina right now experimentally is the feasibility of harvesting in state waters. If the animals are in federal waters, the fishermen would desire to go there as well.

One of the big issues with federal waters is that because of how regulations are written pertaining to TEDs, since these trawlers are not trawling for shrimp and not participating in the shrimp fishery, there is no TED requirement. I know both Georgia and South Carolina, experimentally we have required the use of TEDs in state waters.

But if you go back to the origin of TEDs, they were originally jellyball excluders; so you can see where the requirement for the use of TEDs runs counter to efficiency in the fishery. The fishermen, of course, would prefer not to use TEDs, but right now I know Georgia and South Carolina, as far as our state waters go, are requiring them.

One of the issues that kind of comes up – and I hear it from the turtle people sometimes if folks kind of focus on turtles – is that they're concerned that are going to be a lot of takes or potential for takes and not necessarily pleasant takes of turtles in federal waters. That is sort of the federal tie-in here is that there is a federal component to it potentially.

This is really just kind of for information or anybody has any concerns about the fishery. It is an existing, allowed fishery in Georgia; and as far as South Carolina goes, we are simply experimenting with it in terms of doing some evaluation of the feasibility of the fishery. Karen, do you want to go first and then Wilson.

MS. RAINE: Just to clarify one issue, TEDs under the Endangered Species Act are required not only in federal waters but in state waters. That federal law covers all of the waters. The issue of whether TEDs are required really depends on the definition of a shrimp trawler and whether one of these vessels would meet the definition; but there is also for federal waters BRD requirements. The definition of a shrimp trawler for BRDs is a little bit different than for a TED.

DR. LANEY: Mr. Chairman, I'm not on your committee, but I was wondering if anyone had ever done any work looking at whether or not you could adjust the grid spacing or the bar spacing, whatever the appropriate terminology is, for the TEDs to let the jellies go through but still keep the turtles out?

MR. BELL: Yes; we actually are doing that. What we allowed last year for the 26 drags that we did I think off South Carolina was we allowed them to use the standard 4-inch bar spacing in one net and then in the other net pull a 6-inch bar spacing. I believe Georgia DNR cooperatively with Sea Grant will be looking at some of that in the next couple of years as well. Just very preliminarily speaking, obviously you catch more jellyballs with the 6-inch bar spacing than you do the 4. David.

MR. CUPKA: I can see where the turtle people have some concerns because I think jellyfish are one of the dietary things that turtles eat. I know we used to see a lot of turtles around when there were jellyballs in the water, so I can understand their concerns on it.

MR. BELL: Yes; they're particularly a dietary component for leatherbacks, which is a very sensitive subject. The other thing is just concern about the turtles themselves I guess having another fishery to interact with; but that has come up as far as the food. Also, we've been asked questions about, well, what is a reasonable level of harvest, how many jellyballs are too many and those sorts of things.

We've been trying to do some estimates of potential jellyball biomass, if you will, in our waters from SEAMAP data that we have. I notice that Georgia has 12 or 13 years I guess now of fishery-dependent data that they can look at in addition to SEAMAP in terms of estimating the population of jellyballs. Roy.

DR. CRABTREE: Do you have any feel for what the typical tow time is in this fishery?

MR. BELL: I know we limited them to 30 minutes; and I think Georgia may have done that as well in state waters; but then in federal waters there is kind of nothing. We limited tow times to 30 minutes and required TEDs. The 30-minute tow time limitation was again to be cautious about turtles.

The other thing for us, anyway, it is a little easier for Georgia maybe because their fishery occurs a little earlier in the year. The abundance of jellyballs is probably about the time the turtles really start showing up in our waters; so for us, anyway, there is more of a co-occurrence potentially with the turtles and the jellyballs; although in the tows we did last year there weren't any turtles caught in the jellyball nets.

We will see what happens this year. Also, the population of jellyballs from SEAMAP data appears to vary from year to year. It kind of spikes every few years; and why that is we don't know, but that may be a limitation on the fishery as well. If the animals aren't there, then you can't harvest them. Yes, Jim.

COLONEL KELLEY: Would there be an advantage to going to a larger mesh size?

MR. BELL: Yes; they're already using a 4-inch – we allow them to use 4-inch mesh. Again, from the work they've done in Georgia, they've got this down to a science in terms of the net. It's more of a floating net or a high midwater type net. It is not a bottom net. It has extra floats on it. I think mechanically they've kind of got all that worked out after 12 or 13 years.

It is kind of the point that Wilson was making about TEDs or TED bar spacing or something that might be a potential variable. Really, again kind of coming back to law enforcement, if you guys kind of put on your law enforcement caps; are there particular issues that might arise that you might think of related from a law enforcement perspective or things you need to be aware of?

COLONEL FRAMPTON: I'm not aware of any at the moment. Looking at Doug, I don't think they've got any issues doing it; so I would not say at this point we have any recommendation to the council.

MR. BELL: Okay, thanks. The only thing I could think of is right on that state/federal boundary if there is a TED requirement, no TED requirement. It's just like with the other aspects of the shrimp fishery, you always need to be careful which side of the line they're on, and that's no different from dealing with the shrimp fishery right now, perhaps. Okay, any other questions or anything on jellyballs?

Then the other thing is for-hire fishing as contractual services. This was an attachment you would have had in the LEAP materials this morning. I'm not sure which one that was technically. Do you recall what number that was – Attachment 3, okay. That was in their materials from this morning; so we're actually kind of going back and touching on this.

The LEAP didn't get to this; so we'll deal with this jointly now, and I think that would be fine. Attachment 3 in your handout from the LEAP materials; is there someone that wants to tee this up because I'm not familiar with it other than the attachment. That was a Gregg thing. Myra says it is basically for information purposes. The gist of it is I think, if I read this correctly, what it boils down to is how they're law is structured down there where it defines a charterboat trip as basically – Gregg, would you like to help us out with this.

MR. WAUGH: The Gulf Council, Carrie Simmons, when we spoke after their last meeting, they said this is a situation that has developed in the Gulf, and they've been talking about it for a while now. The difference in the South Atlantic versus the Gulf is that in the Gulf they are under a limited access program for their for-hire sector.

What is happening is fishermen are going fishing and they're bypassing the requirements for the for-hire sector by fishing under these contractual services; and so it falls through the cracks. That way they don't come under any of the existing regulations that apply to the for-hire sector. It also extends to their ability to harvest species.

It appears to be a way or around the existing regulations. Their question to us – they're going ahead with an amendment to address this, and that's the document that you have here. That's the document that they looked at during their last meeting. Their question to us do we want to work with them and address this for the Atlantic as well.

In talking with some folks in the Atlantic, it doesn't appear to be a problem in the Atlantic; again, because they can just go out and buy an open-access permit. In the future, if we were to impose any limits, that could be a factor and what is to stop an individual now from wanting to fish under different regulations and apply to the for-hire sector in the Atlantic just by going under this contractual services approach.

This surfaced again just after the Gulf's meeting; so we figured since we had the AP here, we would get their input and then for the Law Enforcement Committee to provide any recommendation. Again, it is just whether we work with the Gulf and develop this amendment at this stage or not. I would be glad to answer any questions.

CAPTAIN SHUSTER: Can you go a little more in depth into the loophole, possibly a scenario, and maybe you can just talk us through a simplified version of that, please.

MR. WAUGH: If you look on Page 7, in the middle there it talks about in cases where different state and federal regulations, permitted vessels must follow federal regulations if they're more restrictive. This only affects federally permitted vessels fishing for reef fish and down not affect vessels operating under contractual services agreements.

We have that requirement as well and, say, I bought a boat and I'm fishing and I take some people out. I'm doing this contractual services so I'm not getting paid for it, but I'm basically bartering. They're going to take me on a hunting trip to hunt turkeys; and so even though the regulations may have me prohibited from – have the for-hire sector prohibited from harvesting a species, I could then take those guys out and go fishing and not be subject to those regulations.

It also affects our data collection in that it can't define whether it is a – we need to be able to define what is a recreational trip so that MRIP can sample those individuals. The basic problem is there is no definition for for-hire fishing; and so law enforcement is having difficulty determining whether they are fishing as a for-hire vessel or not.

It just seems to be a loophole that can be used to bypass our regulations. Also, it would apply to regulations that for-hire vessels have to have certified captain's trained, captain's certain gear on the boat. They can bypass those. I'm sure some of the folks that are familiar with law enforcement in the Gulf, this has been an issue that has come up there quite a bit and they could perhaps add some more.

MR. BELL: So if I'm following this, basically I could go out, have a boat, I could take people out in the capacity like a charterboat; but because they're paying for my gas or there's some other barter thing going on, there is no fee paid and therefore it is technically not considered a charter trip so I don't have a permit and so it is kind of wide open and no way to track it. I can see where the data becomes confusing. This has been going for a while? Roy.

DR. CRABTREE: Remember in the Gulf there is a moratorium on these permits; and we have some real issues with state waters being open for red snapper and federal waters closed. Because you can't just take your permit off your vessel and then get another permit, there is a lot of



incentive for funny things. The other things we've heard about are guys getting on non-permitted vessels and charging a consulting fee to go out on a trip.

I think the problem is in both areas; and as you move towards things like electronic reporting requirements and all of these types of things, it is going to make enforcement more difficult and you may have a subset of trips that gets of the requirements in that way. I just think it is more of a problem in the Gulf because the permit moratorium makes a bigger incentive for these kinds of things to happen.

That is where we're hearing about; but I think it probably is something that we ought to address on both sides. Now, we're trying to be careful not to create a situation where if four guys go out on a boat and they're going to split the cost of gas or something like that, that we get into that kind of question. That is not what this about; and that made the wording and exactly how to write this tricky to figure out; and so they're still working on it. I think if they can come up with language that would cover this; it would probably be a good idea for us to look at it as well.

MR. BELL: So while we don't necessarily have the same degree of an issue here in our region, we could, and so any repairs or adjustments to the language would benefit us potentially down the line as far as clarifying things.

DR. CRABTREE: Yes, if you, for example, required on-vessel electronic reporting or something that put an expense and a burden on the charterboat guys, then you may create some incentive for folks to get out of that; and that results in these perceptions that if I've got to do it, why isn't he doing it; he is just taking advantage of loopholes.

MR. BELL: Just another question I guess is in terms of how the Coast Guard looks at this; I guess the Coast Guard would see it same way. You've got people that are going out; technically it is not a vessel for-hire; but if there is a captain, do they have to have a license and all?

COLONEL FRAMPTON: Let me see if I can help you, Mel. It says, "This includes charter fishing, sightseeing, diving, transportation, teaching or any use which is considered a passenger for-hire." That "any use", can the Coast Guard expound on what they would consider "any use"?

MR. BELL: We can take as an I don't know?

LT. FOWLER: That is going to be an I'm not sure and I don't want to go on the record saying something wrong, but I can look into it if you like.

MR. BELL: That's fair enough. I guess then the Gulf Council is asking us a straightforward question. Karen.

MS. RAINE: I just wanted to bring to your attention another possible scenario that we've heard about where an unpaid crew would go out on a commercial trip and then they buy back the fish at an inflated price after the fish go through the dealer. That's just another example of ways that we've heard that people might be trying to get around the requirement.

MR. BELL: People are very clever; aren't they? I haven't heard that one. Going back to what the Gulf has asked us about – this is their document and what they have in here; is there anything that we need to comment on? I realize you haven't had a chance to look at this, but are they on the right track? Then we need to decide I guess is this something that we would want to engage in a similar fashion on it. I'm not sure how we would do that. Gregg.

MR. WAUGH: The top of Page 10 has their proposed action; and I'm sure this wording is the same in the Atlantic. For the most part I think we track the wording; so I'm sure there isn't a for-hire definition for the Atlantic either. It seems to me we need some committee to raise this to the council; so the Law Enforcement Committee could recommend that we work with the Gulf Council and that we use similar language – this would be a joint framework – use similar language to the Option 2 there – well, Option 1, too – and just indicate that there is no definition in the Gulf or the Atlantic and that we would propose this modification to the definition for the Gulf and the Atlantic.

MS. BECKWITH: I'm thinking to Karen's point a minute ago. The last scenario she gave, that would be for commercial but not for for-hire because you're going to be selling your catch to a dealer; so an unpaid crewman repurchasing – I don't think that issue would be corrected with the clarification in this language.

MS. RAINE: Yes, I think that's probably true. In talking with a colleague who is working on Gulf issues, I think we're both thinking the broadest language that we can have to address these issues without impacting the poor fellows that go out and split gas or whatever, it would be something that would be helpful; but how to get there is difficult, I think.

MS. BECKWITH: I have heard of commercial fishermen that are taking kind of a type of tourism now where they will take folks fishing with them and have them a day on a commercial fishing vessel; and there are some concerns from for-hire folks that is kind of a type of recreational fishing, per se, but they think that's a crafty business plan potentially and not something that we've thoroughly discussed here. I want to make sure we're not mixing issues.

MS. RAINE: Well, my understand is that these crew members – I mean, it's really not a commercial venture but maybe it's really a for-hire, but they're going on as crew members for the experience and then they're buying the fish later.

DR. CRABTREE: Partly it is dual-permitted vessels; but what happens is the recreational fishery is closed; so a vessel goes out with a commercial permit. He gets the crew to volunteer and go for free. They go out and catch a whole bunch of fish. They come in, the fish go to the dealers, the crew pays five times the per pound price for the fish and the money then goes to the commercial fisherman. He is getting paid \$2,000 to go out and catch 150 pounds of Species X weigh above the price. He is getting compensated to take these guys out fishing. Is that a for-hire trip or is he commercial fishing and getting a really good deal? That's where the problem comes in.

MR. BELL: We could probably sit here and figure out all kinds of ways around this; but I guess in terms of making some progress here, is the simplest thing for us to do to agree to work with

the Gulf Council to explore appropriate language or changes? Are they on a timeline here? They're early on in the process with this, right, Gregg?

MR. WAUGH: Well, they've been talking about this for several years now; so I imagine their intent is to move forward with this framework. To me, if we want to do this with them, then it would be appropriate for us to say, yes, we would like to do this as a joint framework action to change the definition of for-hire fishing in the Gulf and the South Atlantic EEZ.

MR. BELL: And do you think they'd also be open to just discussion of other things or nuances here? In trying to repair the language, we just want to make sure we kind of cover the broadest area of things that could go wrong.

MR. WAUGH: Well, if we have something, yes, but I think what has been raised thus far would be addressed by changing that definition.

MR. BELL: Okay, as they have recommended.

MR. WAUGH: We can look at the wording on the top of Page 10. Myra, can you pull that up so everybody can see it. If you see some modification that you would like to have Gulf consider, that's fine. What we can do, too, is if the committee is interested in moving forward, approve a general motion now and then between now and full council look at this a little more, talk about it a little more; and if there are specifics you want to add in changing their wording, let's do that. I imagine the Gulf is interested in moving on this pretty quickly because it is causing quite a bit of trouble.

MR. BELL: As far as moving forward procedurally, right now we're convened as a joint meeting, but this would be a motion from the Law Enforcement Committee to do this?

MR. WAUGH: Yes; that would be my suggestion. Otherwise, you'd have the AP making a motion and then the committee would have to make a motion, so just let the committee make the motion. Certainly, if the AP has any suggestions, incorporate those.

MR. BELL: Okay, for just discussion purposes now amongst both groups; does seem like a logical thing to do is for us to work with the Gulf to try to repair some language that would – even though it may not be a big problem here for us right now; would that be useful to go ahead and do? Are there any other ideas, comments, anything from the committee on this right now?

MR. HARTIG: Mel, we've got the options and you've got Preferred Option 2. Is that a preferred option by the Gulf Council now, Gregg?

MR. WAUGH: Yes; it is.

MR. HARTIG: And can we move that to be our preferred option?

MR. WAUGH: Yes; we can.

MR. HARTIG: Okay, so I would make a motion that the South Atlantic Council have a Preferred Option Number 2.

MR. BELL: Second from the committee?

MR. CONKLIN: I'll second that, Mel.

MR. BELL: Thank you, Chris. Let's make sure we get the wording.

MR. WAUGH: Mel, while Myra is putting that up there; one thing that applies to all our motions, all motions from a committee are recommendations to the council. It really causes a little bit of procedural issue if you have in the wording of the motion you're recommending to the council. Because then when the council approves that motion, the council is approving a motion that says "recommend to the council". It would be better if we just had – there you go, "approve the Gulf Council's definition".

MR. BELL: Okay, Ben, is that good?

MR. HARTIG: Yes; that's fine.

MR. BELL: Chris, is that good?

MR. CONKLIN: That's good.

MR. BELL: So we have a motion and a second. Any discussion of the motion? I will ask one just again procedurally. I guess we're using the word "approve", but I guess we're really kind of agreeing with them, because it's not our document, right, or is that okay?

MR. WAUGH: Well, my understanding of the committee's intent is if it is approved ultimately by the council, we would contact the Gulf Council and say our council is interested in working with you on this; we'd like it to be a joint framework; apply to both; and we've adopted the same preferred alternative. We would work with them to get appropriate descriptive information into this framework; and then we would have to hold a hearing perhaps at our next meeting, depending on what the timing is from the Gulf Council.

MR. BELL: That simple motion then, with additional instructions to staff, would be all we'd need to do to make that happen?

MR. WAUGH: Yes; and we would show that intent in the timing and task draft motion that you'll see.

COLONEL FRAMPTON: So if we're looking at Preferred Option 2 and it's talking about modifying the definition; are we putting forth a motion that we don't know what the definition is going to be modified to?

MR. CUPKA: They've got a definite definition they want to go with. I've been to several Gulf Council meetings in the last several years; and I can tell you this was an issue that's near and dear to their heart; and they're not going to want to probably fool around with changing that or adding other possible nuances or something.

They're going to want to move with this. I think the definition you see there is the one that they're going to go with. They've already approved it as their preferred. I think to try and do anymore than that at this point; they're not probably going to want to work with us, because they want to move with this thing.

MR. BELL: All right, so their train is already going down the track and we can jump on board, I guess. We're not going to a new destination. Gregg.

MR. WAUGH: And the current definition is shown on Page 4 of your document. At the bottom of Page 4 and the part that is underlined, the who pays a fee, the preferred alternative would add after who pays a fee, insert "or provides or services". That would be the modification to the existing definition; and that would cover this contractual services.

MR. BELL: Yes; it looks like a fairly simple fix because goods or services provides a whole number of things. Rama.

CAPTAIN SHUSTER: I have a concern about how this could possibly affect a company owns for fish where you want to provide a service to, say, your members or your employees with a paid captain. Your employees are naturally not paying to go on a boat. You're rewarding them with that; however, you are paying the captain and the crew to maintain your boat. Where would they fall in this scenario?

MR. BELL: Gregg, have you got an idea?

MR. WAUGH: Is that vessel – the sole purpose is for providing fishing opportunities for this business?

CAPTAIN SHUSTER: Well, it is typically personally owned by, say, the owner of the company, which they frequent, but they also provide that to their crew or their employees, say, as a morale boat we'll call it.

MR. WAUGH: To me, that would fall under private recreational; it is not a charter.

CAPTAIN SHUSTER: Okay; and that is what I just needed clarification on as far as the contractual services from that captain and crew. Thank you very much.

MR. BELL: Any other discussion on the motion that is on the table? Just so I'm following the process right; so if we do this and we agree to work with them, then we will – what would we then actually do? Would one amendment from the Gulf change the wording necessary or do we have to retool this thing as a joint – it becomes a joint amendment then or something; how does that work?

MR. WAUGH: This would be a joint amendment; and it would apply across the board to for-hire; the definition of charter vessel for-hire. This is amending reef fish and coastal migratory pelagics; and so it would apply to the snapper grouper. I guess we would need to indicate whether we also want it to apply to dolphin and wahoo.

MR. BELL: And that's not something they have included, Gregg? It is just coastal pelagics for them?

MR. WAUGH: The Gulf's right now is just reef fish and coastal migratory pelagics; so we would need some guidance on which of our FMPs you want this to apply to.

MR. BELL: Right; and they wouldn't have any interest in changing that likely?

MR. WAUGH: Yes; in the Gulf dolphin comes under their coastal migratory pelagics, mackerel plan. On our side we have a separate FMP for the Atlantic Coast.

MR. BELL: Anna, did you have something you want to add?

MS. BECKWITH: Yes. I'm not on your committee so I have no official say in this right now, but I'm a little bit concerned about some unforeseen consequences that we just haven't had time to really think about.

My personal preference would be to let this baby lay until our issue come to be regardless if it's we're discussing limited entry permits for the for-hire industry. If we're talking about electronic monitoring, my personal preference would be to see how this reacts in the Gulf for a while, because I don't see this as a problem right now.

COLONEL FRAMPTON: I think from the Law Enforcement AP, I think we're trying to vet this at the moment, and I think no motion and no recommendation for us is just making sure that we've thought this through and unforeseen consequences of where it goes is another thing. That's why we're quietly listening.

MR. BELL: Okay, so I kind of detect some discomfort on their part at least in terms of going along with this in terms of a recommendation at this point. I'm also reminded we've only got half an hour left to kind of dispatch the other thing we need to. Is this something that we could – well, we've got to vote on the motion here.

Could we also revisit this at the full council or would that be – well, let's vote on the motion but keep in mind that we could kind of give this a little bit more deliberation and maybe bring it up at full council rather than feel committed like we've got to do something right now. Is there anything else? All right, let's vote on the motion then.

**MS. BROUWER: Okay, the motion reads approve the Gulf Council's definition of what constitutes for-hire fishing.**

MR. BELL: All right, all in favor of that motion right now, 2 in favor; opposed right now –

MS. RAINE: I have a question; is this just the LEC voting on it or is the LEAP and –

MR. BELL: Yes, since this is a – yes, that’s why I asked that earlier. This is just the committee. I had two in favor. Opposed raise your hand. Okay, so three opposed; two in favor. There’s only five of us.

MR. WAUGH: Mel, excuse me one second; were you counting AP members, too. This is just council committee, right?

MR. BELL: **Correct, just the five of us I guess are on the committee; so it would be three to two. The motion fails.** Okay, we can bring this up at full council again; that is what I was getting at. In the interest of time here, Item 4; this is where we left off before lunch. Do you have in the form of recommendations because the way this is kind of would work is if you guys have recommendations, then we’ll hear those and then have some discussion.

COLONEL FRAMPTON: The recommendations from the Law Enforcement AP, after a little bit more discussion of this, is that I think we feel like there are some intended consequences to this that we haven’t totally thought through. Obviously, a matter of fact is it is always better to have head and tail intact when identifying fish.

I think we all agree on the council that we need to go back and give this some serious consideration as to the ramifications of it and what other aspects it may open up for law enforcement. I think that’s we are. I believe we can get back to you in a relatively short order of time, but we’d like to take this back to our respective agencies and vet this out and make sure that it’s where we need to be.

MR. BELL: Okay; and kind of switching gears back to the committee – that’s the recommendation of the AP – everybody on the committee was here for the discussion as we went through the document that Brian presented this morning. We can go back through this again. Remember, there are six actions.

Just to kind of flow this along again from the committee’s perspective, Action 1 – and again this is the document that would be 2B – from the committee’s perspective; is there anything that we want to add or any additional discussion. You were all privy to the discussion that the AP had this morning, and we kind of participated in that a little bit.

Action 1 basically deals with exempt dolphin and wahoo harvested lawfully in the Bahamas from regulation that require them to be landed with head and fins intact; so it’s back to that heads and fins intact. I think we heard that the FWC – not putting words in their mouth – were reasonably comfortable I guess with the two-fillet aspect or the fillets. But again we heard that there was some discussion about it’s always easier to enforce from the standpoint of the heads and fins intact.

COLONEL FRAMPTON: And just to add on to the fillets, that the fillets would have all the skin intact on the fillets.

MR. BELL: Okay, yes, and remember we had that discussion about all the skin, some skin, no skin, but I think the preference from the AP would be all the skin on the fillet. From the committee's perspective; is there a desire to make a motion related to Action 1 as far as that would be a preferred alternative or just moving forward with it?

Does the committee have a strong desire? Yes; keep in mind there are a whole lot of subalternatives in there. That's something else that the staff has put a lot of work into in terms of fleshing this out. We can also just do away with subalternatives. This is the point where we would be modify this document, taking things out or whatever we want to do. Any desire on the committee's part to do that?

MR. COX: Mel, I was just going to say it sounds to me like it is down to whether we keep the fish whole or we just do fillets like the council had talked about at the last get-together where we said that we would keep the two fillets per fish. To me that sounds like we ought to look at those two, the fillets.

COLONEL FRAMPTON: And that's 2A, right?

MR. COX: I think so, yes.

COLONEL FRAMPTON: Okay, I'm just making sure on the right page.

MR. BELL: Keep in mind anything we leave in, they're going to have to do a lot of analysis on. If there is no desire on the committee's part to retain Subalternatives 2B through 2E, we could strike that; and then what we're left with is 2A, which gets back to the fillets. That might be a possible motion. Chris.

MR. CONKLIN: Mr. Chairman, I'd like to make a motion to remove Subalternatives 2A through 2E from the alternatives and to have proposed actions of the –

MR. BELL: You mean 2B through 2E; leave 2A in place?

MR. CONKLIN: That's right; do I need to say that again. **Mr. Chairman, I'd like to make a motion to remove Subalternatives 2B through 2E under Action 1 of the amendment.**

MR. BELL: All right; do I have a second on the motion; Jack seconds. Any discussion of the motion? Ben.

MR. HARTIG: I heard a lot of discussion from the AP this morning about leaving the skin intact and trying to have some kind of identifier on the fillets. I think that's a rational way to proceed; so I would at least like to see B left in there as well. Given in the end that the Law Enforcement AP would rather have heads and fins intact, yes, that is a default fall-back position that they went to; but, given that we are trying to deal with this issue and we're going to deal with the issue, at least leave that skin left intact on the fillet part of what the law enforcement brought before us.

MR. BELL: That's a different action; isn't it?



MR. HARTIG: It is?

MR. BELL: We're looking at Action 1 on Page 5 of the document. This is really just about fillets. There is no discussion of skin at this point. We will get to Action 4; that will be skin. Do you see where we are?

MR. HARTIG: Okay, I'm on Page 4, sorry about that.

MR. BELL: So right now where we are, the motion would basically remove 2B through 2E under Action 1 on Page 5 of the document. We would retain 2A, which is basically just about fillets. That's the motion. Any further discussion on the motion? All in favor of the motion raise your hand, 5 in favor. **Okay, motion passes.**

All right, let's go to Action 2; and this I recall again FWC had indicated that Alternative 1, which would be no action, was probably their preferred; and I would assume you all wouldn't deviate from that, probably. On the part of the committee is there a desire – there are only two alternatives there, one or two. Do we want to modify it in any way? We don't have to choose a preferred; we can just let it go like it is. Any thoughts on that; strong feeling one way or the other? Ben.

MR. HARTIG: Mel, I heard the discussion this morning about these bag limits and about whether or not we used Bahamian bag and possession limits. If we don't use the Bahamian bag and possession limits; that means that someone from the Bahamas could have 60 dolphin per boat coming back into our EEZ; is that correct or not?

DR. CHEUVRONT: They would be in violation of Bahamian law; so they couldn't have 60 dolphin in Bahamian waters. They could have 18 fish, no matter what; so basically what happens is if we keep the rules that they have to meet both the Bahamian law when they're in the Bahamas and then the U.S. laws when they're in the U.S. EEZ, that means that they could have as many as 18 fish on board and no more than 2 wahoo per person on board that vessel even though the Bahamian law allows them to have up to 18 wahoo if they don't have any of the other species there.

They could only have two per vessel because they have to meet both the Bahamian rules and the U.S. EEZ rules if you all select Alternative 1, no action, as your preferred. You don't have to have a preferred. I'm just saying are there any other alternatives that you would like to consider under this action or is this worded okay the way it is and however you want to treat it.

MR. HARTIG: To Brian's point, we heard from some people today about what was the major fish that was being brought back from the Bahamas, and it was wahoo. If we limit them to the bag limit of two wahoo per person per day coming out of the Bahamas – on a multi-day trip to the Bahamas, I don't know how that's going to help them very much.

If wahoo is the main fish coming back, somehow – and I liked Tracy's idea earlier. I know his counterpart didn't care much for it, but talking about what is the difference if you're in the

Bahamas and you have the 18 fish and the 36 fillets and you bring them back, whatever combination that is, if they're all wahoo, in my estimation that is not a big deal.

DR. DUVAL: Mr. Chairman, I'm not on your committee. I guess you could split it out if you wanted to and have subalternatives for dolphin and for wahoo within this action if you were just concerned about two fish or not. Do you see what I'm saying; like you could exempt vessels – you could have subalternatives that exempt vessels from bag limits in the EEZ for dolphin; and then you could have another subalternative that just exempts them for wahoo. But I agree with you; I think if the big money fish is really wahoo, then just complying with the Bahamian regulations is going to get you what you want.

MR. JOLLEY: I'm not on your committee, but a little clarification. There is a lot of seasonality to these two fish. They don't always show up in greatest abundance together in the same season. Wahoo, for example, are going to be most abundant and you're going to get those high catches of wahoo by the private U.S. fisherman when he goes over in November and it runs through, say, February or maybe March. Because of the weather, of course, those are not all small boats.

Now, for dolphin it is going to be primarily the spring and summer some time, starting in April and running through into July; and by that time it is pretty much over for big numbers of both of those species until the next year. I'm not sure that for at least these big numbers of boaters that go across primarily in the summer when it is calmer are bringing back mostly wahoo. I think it's mostly dolphin because that's what is most prevalent at that time. We still catch a few wahoo, but they're not nearly as abundant as they are in the winter.

MR. BELL: All right, so if we just move forward with the alternatives as we have, we've got all that covered, still? Mike.

MR. KENNEDY: Let me clarify my comment. My comment was the one that presently is causing the most pain is the wahoo; because if we were under a U.S. limit, it wouldn't be an issue. You've got 60 fish, 20-inch, per boat, so it is the wahoo that seems to be the issue. Just to respond to Mr. Hartig's point.

MR. BELL: Right, so could that be dealt with in a subalternative or we split out or –

DR. CHEUVRONT: It is not split out; but if somebody would like to – who is on the committee would like to make a motion to split out dolphin and wahoo or change Alternative 2 to be dolphin and Alternative 3 to be wahoo, that would get at that; and then the council could consider the two species separately and then select one or both if they decided, you Alternative 2 or Alternative 3, if they decided to exempt both of those, or just one species.

MR. HARTIG: **Yes; so I would make a motion to Alternative 2 be exempt dolphin; Alternative 3 exempt wahoo.**

MR. BELL: Okay, let's get that down. Ben's motion would be to add Alternative 3 to exempt wahoo and modify Alternative 2 to exempt only dolphin. That just splits them out and then that

gives us the flexibility later. Is there a second to that motion; Jack Cox. Rama, do you want to talk to that?

CAPTAIN SHUSTER: Yes; regarding that last comment, I have a little concern initiating a stop where half of the group or species is going to be exempted and the other half is not. It will raise another level of difficulty in enforcement and interpreting the rules. It would be much cleaner to leave dolphin and wahoo together in either direction that we go with that.

DR. CHEUVRONT: However, there is nothing to stop the council from selecting both Alternatives 2 and 3 as preferred, which would achieve that goal. What we're doing here is just giving them more flexibility if the council decides to go ahead and select one species or another, but they still can select both if that's what they choose.

MR. BELL: That's noted as far as the recommendation. All we're trying to do is just give ourselves a little bit of wiggle room or flexibility, but we can come back to both again. That's not a problem. Any additional discussion from the committee on the motion?

**MS. BROUWER: The motion reads add Alternative 3 to exempt wahoo from U.S. bag and possession limits and modify Alternative 2 to exempt only dolphin.**

MR. BELL: **All right, all in favor of the motion raise your hand. Five in favor; the motion passes.** All right, Action 3, this deals with reporting requirements. This is the one we had a little bit of discussion about here. Does the AP have anything specific on that regarding reporting requirements.

I know we said earlier this morning that sort of nobody wants to be on the receiving end of the reporting requirements, I guess, whether it's NMFS or FWC or even the Coast Guard, I guess; so it's kind of hard to have reporting requirements if nobody feels capable of receiving the reports. Then there is also particularly in Alternative 3 if we bring up VMS again – and as Brian had mentioned this morning if it's not the council's desire to kind of go down that road now, that would be something we could always take out because further analysis of that would require an awful lot of work I gather. Any discussion about any of the alternatives? Ben.

**MR. HARTIG: Mr. Chairman, would it be appropriate to make a motion to move Action 3 to the considered but rejected appendices?**

MR. BELL: Yes; that's appropriate. Any second on that? This would basically take it off the table to considered but rejected.

MR. CONKLIN: I'll second that.

MR. BELL: Okay, second from Mr. Conklin. Discussion on that? Ben.

MR. HARTIG: Yes, the discussion we heard from Rama this morning talking about this; they focused on the no action alternative. Doing that, I thought there is no way we're going to move forward with this and we should move it to the rejected appendices.

MR. BELL: And that makes sense to me, too. It seemed like we were trying to build something and we weren't going to get there. Okay, any further discussion on the motion? The motion is to move Action 3 to the considered but rejected appendix. All right, all in favor of the motion raise your hand, 4; all opposed to the motion. Okay, that is four and an abstained I guess. **The motion passes.**

All right, Action 4; now we're back to skins. This is the discussion we had earlier about skin intact, Ben. This would be the top of Page 6 in the document, Action 4. There are three alternatives. You heard earlier from the LEAP that the entire skin intact – if you're going to leave skin intact and go that route would be the best option. That would be their preferred.

I know in other fisheries I think you can use like a three inch or so piece of skin, but the LEAP's recommendation would be all the skin. Any discussion of that? At the top of Page 6, Action 4, and one option would be to take the LEAP's endorsement or recommendation and run with that as far as the skin.

You see on the screen the LEAP's recommendation is to consider adding clarifying language that would indicate that skin must be intact on the entire fillet. Now, that's clarifying language, but that would also be their preference, I guess. We could accomplish passing that along just as a recommendation to staff if we agree with the LEAP on the skin on the entire fillet.

We'd need some sort of motion from us to move on this. Okay, Brian says it is simple enough if we just make it a recommendation to staff that we move in that direction and take the LEAP's recommendation to put in clarifying language about the skin being on the entire fillet. Is that good? Chris.

MR. CONKLIN: Mel, are we talking about snapper grouper species as well to where we're going to have to make the anglers leave the skin on those fillets as well now; am I correct?

MR. BELL: Yes; the way that is written it says dolphin, wahoo and snapper grouper species. Does that sound workable or are there issues with that? Okay, so we don't need a motion right now; that is the direction we're going to move in based on their recommendation and staff has direction. Okay, Action 5; this is the one that if we went down this road, it would basically reverse what has been in the past related to snapper grouper as far as coming back heads and fins intact. I know the LEAP's preference would be to have I gather –

COLONEL FRAMPTON: No question; it is easier to identify fish with head and tail intact. That is just a statement of fact from us.

MR. BELL: Okay, from the council's perspective, though, is that something you want to do or is that what you desire? That would be a shift in course, I guess. Ben.

MR. HARTIG: Well, I certainly appreciate the law enforcement's discussion; and I appreciate their positions that, yes, it is much easier to deal with head and fins attached. **I would move that we move Action 5 to the considered but rejected appendices.**

MR. BELL: Okay, Ben makes the motion that we move Action 5 to the considered but rejected appendix. Is there a second on that motion from the committee? Brian.

DR. CHEUVRONT: Ben, that is fine; your motion is okay; but when we move it to the considered but rejected appendix, we have to put in a reason why it was rejected. If you wouldn't mind elaborating for us as to why you would like to reject this action and put it in the appendix just so that I can write up the justification for doing so.

MR. HARTIG: Yes; basically I don't think this council is going to remove the exemption for snapper grouper fillets coming back from the Bahamas. We went through and I was involved in the painful exercise similar to what we're going through now with snapper groupers and trying to solve that problem. We solved it the best we could at that time.

It alleviated the problem for people that travel back and forth to the Bahamas to be able to bring back those snapper and grouper species in a filleted form. To go back out and tell them that we're going to disallow that at this time would alienate the public to such a degree that I'm not willing to go in that direction.

MR. BELL: All right, we don't have a second yet. Would someone like to second Ben's motion? We have a motion; we need a second. All right, Jack Cox seconds. Any further discussion on the motion. I understand Ben's point that this would be an abrupt about-face I guess in terms of the direction we've been, but I fully understand what Chisolm and the AP are saying is that ultimately the best way to identify fish is if you have the – if you're not dealing with fillets, if you're dealing with in essence almost a whole fish.

I fully understand that we've been on this road though for a while. It also would have the effect of a new group came to us with a legitimate question and a concern and asked us to consider something and then we said, oh, yes, fine, and then now we're going to reverse course on this other thing that we were already doing. I could see where that would be rather uncomfortable and we would probably be accused of being a little bit schizophrenic, maybe.

We still don't have a second on the motion; anybody willing to second it?

Oh, I'm sorry, Jack seconded it. All right, any further discussion of the motion? Okay, all in favor of the motion raise your hand. **Five in favor so the motion carries.** Any opposed; none opposed. All right, Ben.

MR. HARTIG: Mel, I would just add that when you give your committee report at full council, we can certainly have a full deliberation on all of these things if you would like. Some of this stuff that is coming up, having seen a lot of it, it is not like I've seen this for a long period of time, so some of this to digest between now and full council may help.

DR. CHEUVRONT: Ben, you're going to get two more times to consider this under two different committees. Snapper Grouper and Dolphin Wahoo both need to go through this amendment.

MS. McCRAWLEY: I'm not on your committee but I just have a procedural question. If all those committees go through this document and make changes that conflict with each other, what happens?

DR. CHEUVRONT: We've discussed that among staff already; and part of my job is when we get to full council is to bring it up and bring them all together and saying this committee made this recommendation on this action, whatever, and then at full council there will be resolution to what the council as a body wants to happen.

MS. BECKWITH: I may have missed the discussion earlier today, but did we discuss how many enforcement issues we previously had with the 60 pounds for snapper grouper fillets? Has it been a major issue or concern?

DR. CHEUVRONT: I believe that there have been some cases. I think there was something that was sent to us. Monica, do you know of some cases where somebody was prosecuted under the 60-pound thing; but it was also a much more complex case. The one that I'm thinking of, there was a bunch of other violations as well, and that was just one of the violations that they got.

I don't recall – I mean, I think this was passed on to me as, yes, there have been successful prosecutions of exceeding the 60-pound snapper grouper coming from the Bahamas, but I can't recall that anybody has told me anything about the numbers of times that has happened, but just that it has happened.

MS. BECKWITH: I would have added that to Ben's further justifications for moving Action 5 to the considered but rejected; that there has not been a significant history of issues.

MR. BELL: All right, Action 6, exempt snapper grouper species harvested lawfully from the Bahamas from the bag and possession limit in the U.S. EEZ. There are two alternatives; one, no action; and the other would be to exempt snapper grouper lawfully harvested in the Bahamas from regulation bag limits in the EEZ.

Your recommendation; you would prefer no action I gather on that one. Okay, so the LEAP would prefer no action or leaving it as it is. Okay, any discussion from the committee on that? We can just move it along as it is and have further discussion later or we can add things if someone is prone to add something at this point. Any ideas?

MR. HARTIG: Mel, personally I would just like to see the Snapper Grouper Committee; they're going to see this; they're going to comment; I would like to see what their comments are.

MR. BELL: All right, then why don't we move it along as it stands right now with not touching it and that would get us through this action. Rama.

CAPTAIN SHUSTER: We had some comment earlier regarding the Bahamian permit, the cruising permit and also the passport. It seems to me like those three go together in order to have a valid fishing trip here, but I don't see any reference to the passport in any of this

documentation. Is there somebody in here that could elaborate more on all three components of those working together in order to have a valid fishing trip?

MR. JOLLEY: Again, I'm not on your committee. Well, to reiterate, there are three important documents that you get when you travel to the Bahamas. You get a stamped and dated – every passport for every person on the boat, their passport is stamped and it's dated. That's one document. There is a stamped and dated cruise permit. That's the second document. The third document is a stamped and dated fishing permit that is good for 90 days. You have to have those on board the vessel in order to be fishing legally in the Bahamian waters. You bring those back with you, bring copies of those back with you to the United States when you return.

DR. CHEUVRONT: I think the point that Rama is trying to make is that we don't have anything in there that says you have to have that passport with the stamp in it. If this committee would like to consider, you can modifications to Action 1 that under Alternative 2, that you would like to modify that alternative to include a passport with the stamp showing that you've been in the Bahamas. I mean somehow that could be worked in there. Also, the language, as it is stated now under Alternative 2, Action 1 is exactly the same that is current for snapper grouper and so snapper grouper doesn't say that you have to have a passport with a stamp in it showing that you have been in the Bahamas.

MS. McCRAWLEY: I'm not on your committee, but I would hope that if we're going to require these three documents, that it would be for both dolphin and wahoo and snapper grouper would be my recommendation, but I'm not on the committee.

MR. BELL: Is there any desire to do that now or can we come back and add that later?

DR. CHEUVRONT: I think it would be good if we got a motion right now from this committee because that means it has to be considered later on, and we're not going to forget to bring it up later. When I take the other committees through this, I will bring up what the Law Enforcement Committee has said, and then that might move it along a little more quickly in some of these other committees if they concur with what the Law Enforcement Committee has done.

DR. DUVAL: Mr. Chairman, I'm not on your committee. I guess I would just say that we always add during the Snapper Grouper Committee snapper grouper to that, too, and ensure the kind of consistency that Jessica was referring to.

MR. BELL: Okay, so for right now would someone on the committee – is anybody interested in making a motion to add that language at this point to kind of expedite things. Ben.

MR. HARTIG: Under Action 1, Alternative 2 I would move that we add a description of a dated passport.

DR. CHEUVRONT: Proving that you were in the Bahamas.

MR. HARTIG: Proving that you were in the Bahamas.

MR. BELL: All right, so the motion is under Action 1, Alternative 2 add language to require a passport – okay, I’ll read it in a second. Ben’s motion would read under Action 1, Alternative 2 add language to require passports to provide that vessel passengers were in the Bahamas. Is there a second to that motion from the committee?

MR. CONKLIN: I’ll second that.

MR. BELL: Thank you; Chris Conklin. Any discussion of the motion? Jessica.

MS. McCAWLEY: Shouldn’t it be “passport stamped” instead of “passports”? I’m not on your committee, though.

MR. BELL: Ben and Chris, is that acceptable? **Okay, so now it reads under Action 1, Alternative 2 add language to require passports stamped to prove that vessel passengers were in the Bahamas.** Any discussion to the motion? Ben.

MR. HARTIG: Mr. Kennedy, when you get a cruise permit, how long is that cruise permit valid for?

MR. KENNEDY: I don’t know; I’m sorry.

MR. BELL: John, do you know?

MR. JOLLEY: I’m going to say 90 days because I think the fishing permit and the cruise permit really come together even though they’re separate sheets of paper. It is 90 days because otherwise you’re going to have to pay that \$150 again. We get to make two trips to the Bahamas on a \$150 fee. They give us the fishing license, but you pay for the cruising permit, so that is 90 days.

MS. McCAWLEY: I was just going to say that I thought it was 90 days and you could make two trips with a single cruising permit.

MR. BELL: All right, I’ve read the motion and we have a second. Any further discussion on the motion? All in favor of the motion raise your hand; five in favor. Anybody opposed to the motion. **None, so the motion carries.** Is there anything else from your perspective?

COLONEL FRAMPTON: No, sir; we just thank you for having us.

MS. SMIT-BRUNELLO: Just to clarify two things. One, the operator permit question you asked earlier; that is a requirement under the Dolphin Wahoo Plan. I don’t have any other additional information for you right now. We could get some additional information as to how many operator permits are issued and those sorts of things and whether you’d use one in both regions and some of the questions that were asked earlier.

On the second point – and I’m sorry because I missed a lot of your discussion this morning on the cannonball jellyfish, but I was a little unclear where we left it this afternoon in terms of



people's understanding as to whether TEDs were required on board those vessels. The way I read the ESA regulations is that, yes, a TED would be required on board those vessels if they were going to fish.

The definition of shrimp trawler under the ESA Regulation means any vessel that is equipped with one or more trawl nets and that is capable of or used for fishing for shrimp or who is on board or landed catch of shrimp is more than 1 percent by weight. If that vessel with a trawl was capable of catching shrimp, then they would need to have a TED.

MR. BELL: My guess is they're probably not because of the nets that they're pulling are 4-inch mesh nets. They're also pulled high in the water column if not on the surface; so they might argue that they're not capable at all of catching shrimp. Yes, they are a trawler that during the rest of the year does trawl for shrimp when they put their shrimp nets on; but when they put the jellyball nets on, they can't catch shrimp. That is probably how they would argue that, I would imagine.

MS. SMIT-BRUNELLO: Okay, I just wanted it to be clear.

MR. BELL: Doug, did you want to add anything to that or something else?

MR. HAYMANS: No; that is correct, Mr. Chairman. Again, I'm not on your committee and I apologize for not being in the room for the cannonball discussion because I did have something I wanted to put on the record regarding cannonball. Your points are exactly why we hadn't been required to have TEDs in the nets. They're surface trawl, 4-inch mesh.

To that point, I wanted to just note a couple of numbers from our biologists. We have observed nine trips over the last couple of years that represented 89 tows. Of those 89 tows, 25 percent had zero bycatch. That 4-inch mesh is the best bycatch reduction device you can have. Of the tows, the other 75 percent, we're talking harvest fish, Atlantic bumper, butterfish and cownose rays; the greatest of which was seven fish per tow. That's virtually nil on the bycatch issue.

DR. CRABTREE: And this is observer data on vessels actually fishing?

MR. HAYMANS: That is correct.

DR. CRABTREE: What were the tow times generally?

MR. HAYMANS: I do not have that information in front of me.

DR. CRABTREE: They collected that?

MR. HAYMANS: Yes.

DR. CRABTREE: If you could provide that to me, I'd appreciate it.

MR. HAYMANS: Can do.

MR. HAYMANS: Can do.

MR. BELL: The other thing we did; last year required them to – we didn't have observers last year but they required them to GoPro Video all of their haul-backs; so we have video documentation of what Doug is describing in terms of the catch dumping out. I will give them that; it is a really clean catch. It is about as clean as you can imagine, but we saw some sharks and things in their well. Ben.

MR. HARTIG: Just a question for Monica. I was interested in the operator permit discussions this morning because for me I would like to hear what the usefulness of that is in the southeast. I haven't had a situation where Coast Guard or anybody has asked me for it. I don't know what it is used for.

We have gone down the line as far as income requirements from some fisheries getting rid of them because they're not useful. If this operator permit isn't being used by NMFS for any kind of enforcement action or anything else, I think we ought to get rid of it. It takes a day out of my life to go have a passport photo made to get this permit; and if it is not being used, then we don't need to have it anymore.

MS. RAINE: I thought I would bring to everyone's attention that an informal notice and comment period has begin on a draft revised penalty policy. If you look at our the General Counsel's Enforcement Section's Home Page, you will have a link to the Federal Register Notice and the draft revision if you want to make comment.

MR. BELL: Any other business to come before the joint meeting? If there is no other business to come before the joint meeting, on behalf of Chisolm and I, the Joint Meeting of the Law Enforcement AP and Law Enforcement Committee is adjourned.

(Whereupon, the meeting was adjourned at 3:25 o'clock p.m., March 3, 2014.)

Certified By:  Date: 6/10/14

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

Transcribed By:  
Graham Transcriptions, Inc.  
March 26, 2014

# South Atlantic Fishery Management Council

## 2013 - 2014 Council Membership

### COUNCIL CHAIRMAN:

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

### VICE-CHAIRMAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BONNIE BONWITZ**  
**PHIL STEELE**  
**MONICA SMIT-BRUNELLO**  
**JACK MCGOVERN**  
**PRES PATE**  
**PAT O'SHAUGHNESSY**

# South Atlantic Fishery Management Council

## 2013-2014 Committees

### ADVISORY PANEL SELECTION

Doug Haymans, Chair  
Chris Conklin  
Jack Cox  
Ben Hartig  
John Jolley  
Staff contact: Kim Iverson

### CATCH SHARES

Ben Hartig, Chair  
Zack Bowen  
Chris Conklin  
Jack Cox  
Doug Haymans  
Robert Beal, ASMFC Representative  
Staff contact:  
Kari MacLauchlin / Brian Chevront

### DATA COLLECTION

Mel Bell, Chair  
Jack Cox  
Roy Crabtree  
Michelle Duval  
Wilson Laney  
Jessica McCawley  
Staff contact: Gregg Waugh

### DOLPHIN WAHOO

Anna Beckwith, Chair  
John Jolley, Vice-Chair  
Zack Bowen  
David Cupka  
Doug Haymans  
Mid-Atlantic Liaison, Pres Pate  
Staff contact: Brian Chevront

### ECOSYSTEM-BASED MANAGEMENT

Doug Haymans, Chair  
Anna Beckwith  
Chris Conklin  
Michelle Duval  
Wilson Laney  
Jessica McCawley  
Charlie Phillips  
Robert Beal, ASMFC Representative  
Staff contact: Roger Pugliese- FEP  
Anna Martin- CEBA

### EXECUTIVE/FINANCE

Ben Hartig, Chair  
Michelle Duval, Vice Chair  
David Cupka  
Jessica McCawley  
Charlie Phillips  
Staff contact: Bob Mahood

### GOLDEN CRAB

David Cupka, Chair  
Ben Hartig, Vice-Chair  
Roy Crabtree  
John Jolley  
Jessica McCawley  
Staff contact: Brian Chevront

### HABITAT & ENVIRONMENTAL PROTECTION

Wilson Laney, Chair  
Anna Beckwith  
Chris Conklin  
LT Morgan Fowler  
Doug Haymans  
John Jolley  
Charlie Phillips  
Robert Beal, ASMFC Representative  
Staff contact: Roger Pugliese  
Anna Martin- Coral

### HIGHLY MIGRATORY SPECIES

David Cupka, Chair  
Anna Beckwith  
Zack Bowen  
John Jolley  
Staff contact: Brian Chevront

### INFORMATION & EDUCATION

Anna Beckwith, Chair  
Mel Bell  
Zack Bowen  
Chris Conklin  
LT Morgan Fowler  
John Jolley  
Staff contact: Amber Von Harten

### KING & SPANISH MACKEREL

Ben Hartig, Chair  
David Cupka, Vice-Chair  
Anna Beckwith  
Mel Bell  
Zack Bowen  
Jack Cox  
Roy Crabtree  
Michelle Duval  
Doug Haymans  
Jessica McCawley  
Charlie Phillips  
Robert Beal, ASMFC Representative  
Mid-Atlantic Liaison, Pres Pate  
Staff contact: Kari MacLauchlin

### LAW ENFORCEMENT

✓ Mel Bell, Chair  
✓ Chris Conklin  
✓ Jack Cox  
✓ LT Morgan Fowler  
✓ Ben Hartig  
Staff contact: Myra Brouwer

### PERSONNEL

Jessica McCawley, Chair  
Michelle Duval – Vice Chair  
Mel Bell  
David Cupka  
Ben Hartig  
Charlie Phillips  
Staff contact: Bob Mahood

### PROTECTED RESOURCES

David Cupka, Chair  
Wilson Laney, Vice Chair  
Anna Beckwith  
Michelle Duval  
LT Morgan Fowler  
John Jolley  
Staff contact: Kari MacLauchlin

### SCI. & STAT. SELECTION

Michelle Duval, Chair  
Mel Bell  
Roy Crabtree  
Doug Haymans  
John Jolley  
Wilson Laney  
Staff contact: John Carmichael

### SEDAR

Ben Hartig, Chair  
Zack Bowen  
Jack Cox  
Michelle Duval  
Charlie Phillips  
Robert Beal, ASMFC Representative  
Staff contact: John Carmichael

### SHRIMP

Charlie Phillips, Chair  
Mel Bell  
Roy Crabtree  
Wilson Laney  
Jessica McCawley  
Staff contact: Anna Martin

(Continued)

# South Atlantic Fishery Management Council Law Enforcement Advisory Panel

✓ Colonel 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  
(Agency – SCDNR)

✓ Colonel Jim Kelley, Vice-Chairman  
NC Division of Marine Fisheries  
Marine Patrol  
127 Cardinal Dr. Ext.  
Wilmington, NC 28403  
910/796-7215 ext. 7220  
Jim.m.kelley@ncdenr.gov  
(Agency – NCDMF)

✓ Capt. Rama Shuster  
Offshore Vessel Coordinator  
FWC Division of Law Enforcement  
620 South Meridian St.  
Tallahassee, FL 32399-1600  
850/617-9545 (ph); 850/544-4033 (c)  
Rama.shuster@myfwc.com  
(Agency – FWC)

Special Agent Jeff Radonski  
NOAA Fisheries  
Office of Law Enforcement  
263 13<sup>th</sup> Avenue South, Suite 113  
St. Petersburg, FL 33701  
727/824-5344 (ph); 727/824-5355 (f)  
Jeff.radonski@noaa.gov  
(Agency – NOAA OLE)

Lt. Mike Mastrianni  
USCG - SE Region Fisheries Training  
Center  
1050 Register Street  
Charleston, SC 29405  
843/740-3178 Ext. 1 (ph);  
843/308-0162 (f)  
Michael.A.Mastrianni@uscg.mil  
(Agency – USCG)

✓ Nickey B. Maxey  
197 Rose Hill Way  
Bluffton, SC 29910  
843/247-0001 (ph)  
nmaxey@scdnr.net  
12/13\*

Mike Kennedy  
902 Turner Quay  
Jupiter, FL 33458  
561/685-0315 (ph)  
✓ seahawkmj@comcast.net  
3/06, 3/10\*, 6/13

✓ Capt. Doug Lewis  
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)  
doug.lewis@dnr.state.ga.us  
(Designee for Lt. Commander Robert  
J. Sires, Supervisor)  
(Agency – GA DNR)

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

✓ Charles Renda Jr.  
405 Pelican Harbor Road  
Beaufort, NC 28516  
252/504-2791  
charlesrendaj@yahoo.com  
9/12\*

Representative  
US Fish & Wildlife Service

\* Denotes year of appointment

TRACY DUNN

# South Atlantic Fishery Management Council Staff

## Executive Director

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

## Deputy Executive Director

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

---

## Public Information Officer

✓ Kim Iverson  
kim.iverson@safmc.net

## Fishery Outreach Specialist

✓ Amber Von Harten  
amber.vonharten@safmc.net

## Senior Fishery Biologist

✓ Roger Pugliese  
roger.pugliese@safmc.net

## Fishery Scientist

✓ Myra Brouwer  
myra.brouwer@safmc.net

## Coral Reef Scientist

✓ Anna Martin  
anna.martin@safmc.net

## Fishery Biologist

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

## Fisheries Social Scientist

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

## Staff Economist

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

## Science and Statistics Program Manager

✓ John Carmichael  
john.carmichael@safmc.net

## SEDAR Coordinators

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

## SEDAR Admin/Outreach

Andrea Grabman  
andrea.grabman@safmc.net

## Administrative Officer

✓ Mike Collins  
mike.collins@safmc.net

## Financial Secretary

Debra Buscher  
deb.buscher@safmc.net

## Admin. Secretary /Travel Coordinator

Cindy Chaya  
cindy.chaya@safmc.net

## Purchasing & Grants

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

# 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.

## South Atlantic Fishery Management Council March 2014 Meeting – Savannah, GA

### Joint Law Enforcement Committee & Advisory Panel Meeting:

Monday, March 3, 2014

<u>NAME &amp; SECTOR or ORGANIZATION</u>	<u>AREA CODE &amp; PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>	<u>P.O. BOX/STREET CITY, STATE &amp; ZIP</u>
<i>Pushy Johnson SFA&amp;CFs</i>	<i>386-239-0948</i>	<i>psf2009@aol.com</i>	<i>POB 9357 32120-9357</i>

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

MARCH MTG DAY 1

80	L, I	<a href="mailto:captaindrifter@bellsouth...">captaindrifter@bellsouth...</a>	154 min
74	Mehta, Nikhil	<a href="mailto:nikhil.mehta@noaa.gov">nikhil.mehta@noaa.gov</a>	195 min
71	holiman, stephen	<a href="mailto:stephen.holiman@noaa.gov">stephen.holiman@noaa.gov</a>	119 min
70	Gore, Karla	<a href="mailto:karla.gore@noaa.gov">karla.gore@noaa.gov</a>	80 min
70	Merrifield, Mike	<a href="mailto:mikem@wildoceanmarket.com...">mikem@wildoceanmarket.com...</a>	115 min
36	Hudson, Rusty	<a href="mailto:rst2009@aol.com">rst2009@aol.com</a>	110 min
32	DeVictor, Rick	<a href="mailto:rick.devictor@noaa.gov">rick.devictor@noaa.gov</a>	185 min
31	Michie, Kate	<a href="mailto:kate.michie@ncas.gov">kate.michie@ncas.gov</a>	118 min
31	Eich, A	<a href="mailto:annemarie.eich@noaa.gov">annemarie.eich@noaa.gov</a>	195 min
31	sandorf, scott.san...	<a href="mailto:scott.sandorf@noaa.gov">scott.sandorf@noaa.gov</a>	195 min
30	gerhart, susan	<a href="mailto:susan.gerhart@noaa.gov">susan.gerhart@noaa.gov</a>	173 min
28	Byrd, Julia	<a href="mailto:julla.byrd@safmc.net">julla.byrd@safmc.net</a>	172 min
27	Reed, Michelle	<a href="mailto:readmich16@gmail.com">readmich16@gmail.com</a>	11 min
24	., fisherynation.c...	<a href="mailto:bfisherynatio@gmail.com">bfisherynatio@gmail.com</a>	30 min
23	Helies, Frank	<a href="mailto:fhelies@verizon.net">fhelies@verizon.net</a>	108 min
20	Austin, Tony	<a href="mailto:rodross@eo.rr.com">rodross@eo.rr.com</a>	7 min
20	Dale, David	<a href="mailto:david.dale@noaa.gov">david.dale@noaa.gov</a>	11 min
20	Takade-Heumacher, ...	<a href="mailto:htakade@edf.org">htakade@edf.org</a>	0 min
20	Amick, Steve	<a href="mailto:steveamicks@aol.com">steveamicks@aol.com</a>	0 min
20	Abeels, Holly	<a href="mailto:habeels@ufl.edu">habeels@ufl.edu</a>	31 min