

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

**Crowne Plaza**  
**North Charleston, SC**

**August 4-5, 2016**

**SUMMARY MINUTES**

**Law Enforcement Committee**

Mel Bell, Chair  
Anna Beckwith  
Ben Hartig

Mark Brown, Vice-Chair  
Zack Bowen

**Law Enforcement Advisory Panel**

Col. Chisolm Frampton, Chair  
Michael Freeman  
Lt. Warren Fair  
ASAC Jeff Radonski  
Capt. Grant Burton

Capt. Jason Walker, Vice-Chair  
Capt. Bob Lynn  
Nickey Maxey  
Karen Antrim Raine

**Council Members**

Chris Conklin

**Council Staff:**

Gregg Waugh  
Myra Brouwer  
Dr. Kari MacLauchlin  
Chip Collier  
Amber Von Harten

Dr. Brian Chevront  
Kim Iverson  
Julie O'Dell  
Mike Collins  
Dr. Mike Errigo

**Observers/Participants:**

Capt. Rama Shusta  
Jennifer Sletten

Jim Landon  
Kyle Ward

Other Participants Attached

The Law Enforcement Advisory Panel and the Law Enforcement Committee of the South Atlantic Fishery Management Council convened in the Crowne Plaza, North Charleston, South Carolina, August 4, 2016, and was called to order at 1:30 o'clock p.m. by Chairman Mel Bell.

MR. BELL: We will go ahead and call the meeting to order here. Do you want to go first or did you want to do that off the record or -- Kim has just a little administrative thing that she would like to deal with here before we get started.

MS. IVERSON: Good afternoon. My name is Kim Iverson, for the new folks that sit around the table. I'm the Public Information Officer with the South Atlantic Fishery Management Council, and, Mr. Chair, I appreciate the opportunity to just take a couple of minutes. I wanted to talk to you about some changes to the advisory panel at our last meeting and some opportunities that I am going to present to you.

The council has added two new seats to this advisory panel, to the Law Enforcement Advisory Panel, back at its June meeting, and one is a commercial fishing seat and the other is a recreational fishermen's seat. The purpose of that was twofold. It was to have representation not only at the Law Enforcement Advisory Panel, but also at the Information & Education Advisory Panel, have them at the table. As you know, if you look around, you see a lot of law enforcement personnel that are here, but the council felt it would be really practical to have input from recreational fishermen and commercial fishing industry representatives, and so there is one seat each, new seats that will be added to both advisory panels, to the Law Enforcement and the Information & Education Advisory Panel.

Today, we have our council members here, who are very full-time fishermen, as I look around the table, and I'm thinking, wow, well, we have fishing representatives, because all four of our Law Enforcement Committee members are full-time commercial or recreational anglers or charter captains, but that's not the norm, and so we have these two open seats, and I have brought homework.

I am going to give each of you a copy of the news release that was put out last month advertising these open seats, including the commercial and recreational representative on the Law Enforcement Advisory Panel, along with a hard copy of the application form, so you have it in hand as you leave, and I will also email you the information, so you have an electronic copy as well.

If you know of someone in your area that would be a good representative on the advisory panel, please encourage them to fill out the application form. You can just hand them this and explain to them about the advisory panel process and how important it is to have that grassroots representation at the table. These people are vetted, and so they have to go through, and we do a law enforcement background check on everybody that applies, but the new appointees will be selected by the council in September, during the September meeting in Myrtle Beach.

The deadline for applications is the 15<sup>th</sup> of August, and so it's coming up fairly quickly. If somebody is offshore fishing or you know that they can't possibly get back to me by that deadline, let me know, and we will work with them the best way we can. Sometimes the commercial fishermen are offshore for a week or two at a time. Anyway, I'm going to leave these with you at the table.

I also want to remind you that we are in the middle of our public hearings and scoping meetings for Atlantic cobia. We'll be on the road all of next week, starting in Georgia on Monday. We're going to be in Bluffton, South Carolina on Tuesday, and we'll be in Morehead City, North Carolina on Wednesday and Kitty Hawk on Thursday.

Then Amber and crew will be heading down to Florida. We will be down in Florida talking about mutton snapper. Myra will be there, and you will get an overview of all the topics that will be discussed at these public hearings, but I brought a copy of our news release for that. It has the schedule and an overview and links to our website, where you can get a lot of information about these hearings, and so, if you can help to publicize those and spread the word in your area, that would also be very much appreciated. Does anybody have any questions? I am just going to hand these out really quickly, and, again, thank you for letting me have a couple of minutes here to talk about that.

MR. BELL: Sure, no problem, and thank you for doing that. This is, again, as Kim mentioned, what we have today is a joint meeting of the Law Enforcement Committee and the Law Enforcement AP, and I know there's a lot of new faces here, and so that's why you won't necessarily see this whole group together every time.

Procedurally, here's what we've got. Colonel Chisolm Frampton is the Chair of the Law Enforcement AP. Colonel Frampton is not here, but we have, luckily, his Vice Chair. I guess you inherited that?

CAPTAIN WALKER: I did.

MR. BELL: Captain Jason Walker from North Carolina, and so he inherited the Vice Chair position, and Chisolm graciously kind of let him be in charge of the AP. What we're going to do is, running this jointly, I will, with Jason's concurrence, I will kind of just run the meeting, procedurally or whatever, but, at some point, if the AP members feel that the AP needs to do something, in terms of a motion or a recommendation or something, we can process that separately, but we'll just kind of work our way through this, but it is technically a joint meeting.

Even if Chisolm was here, one of us, either Chisolm or I, would be doing most of the talking, in terms of running the meeting, and so that's how we'll do it, if we're good with that. I have told Jason if I start off in the wrong direction or something, just nudge me or whatever. The first thing I would like to do though, since we do have a lot of new faces and all, is just go around the room and introduce ourselves. We'll start with me and then we'll just work around this way, and then we will catch the perimeter as well.

I am Mel Bell. In my day job, I am the Director of Fisheries Management for South Carolina DNR, and so I handle the marine fisheries issues. On the council side, I am the state agency appointee for South Carolina, and then one of my functions is Chair of the Law Enforcement Committee on the council, and so that's who I am.

MS. BROUWER: Myra Brouwer, South Atlantic Council staff.

MS. RAINE: I'm Karen Raine. I'm with NOAA General Counsel, the Enforcement Section, in St. Petersburg, Florida.

ASAC RADONSKI: Jeff Radonski, and I'm an Assistant Special Agent in Charge for NOAA Enforcement. I cover agents that are stationed in the Caribbean to North Carolina.

CAPTAIN LYNN: Bob Lynn, Georgia, and I'm the Regional Law Enforcement Supervisor for the Region of Georgia.

CAPTAIN BURTON: Grant Burton, Captain and Marine Law Administrator out of Headquarters. I was recently appointed to that position from the field. I was in the field for fifteen years, and a representative for the council and the commission meetings throughout the state and the Southeast Region.

CAPTAIN SHUSTA: Captain Rama Shusta, Florida Fish and Wildlife. I'm back in the field now and working out of the Crystal River Office.

MR. BOWEN: Zack Bowen, South Atlantic Council member and for-hire representative from the State of Georgia.

MR. BROWN: Mark Brown, and I'm a South Atlantic Council member, and I have a headboat here in Charleston that I operate.

MR. HARTIG: Ben Hartig, and I'm the commercial representative from the east coast of Florida on the council.

MS. BECKWITH: My name is Anna Beckwith, and I'm the recreational representative on behalf of North Carolina on the council. I have a charter operation out of North Carolina and a charterboat on the Pacific Coast of Costa Rica as well.

LT. FAIR: Good morning. I'm Lieutenant Warren Fair, Commanding Officer of the Southeast Regional Fisheries Training Center here in Charleston, at the Maritime Law Enforcement Academy, and also an advisory panel member.

MR. FREEMAN: Mike Freeman, and I'm a full-time commercial fisherman out of Florida.

CAPTAIN WALKER: Jason Walker, and I'm out of Wilmington, North Carolina. For those of you who knew Jim, he recently retired, so if you knew him and want to give him a call and tell him congratulations.

MR. BELL: Mike, we will just go around the perimeter. We'll start with you and work around this way. Everybody knows Kim already.

DR. ERRIGO: Mike Errigo, council staff.

MR. COLLIER: Chip Collier, council staff.

MS. VONHARTEN: Amber VonHarten, council staff.

MR. BELL: Good deal. Thanks. Now we know who all is in the room. That's always good to know in a meeting. The first item we'll attack would be the Approval of the Agenda. It's a joint

committee, joint agenda, and is there any -- I have one thing that I will mention in terms of a change or a modification to the agenda. Tomorrow, at some time, the new Director of NOAA OLE, Jim Landon, will be here, and we will just sort of fit him in, based on his schedule, whenever that comes up, and that would be good, just to be able to have a little discussion with him and some Q&A. That's the only other thing, officially, I think on the agenda that we might want to add. We will have, under Other Business, I think, some discussion of the cobia, moving forward with cobia and some of the new potential changes related to cobia management, but any other items to add to the agenda or changes to the agenda? Seeing none, then the agenda stands approved.

Then the next item would be Approval of the Minutes. Now, the last official joint meeting we had was in 2014, in March, and I believe that was in Savannah. There are minutes, which are in your briefing book. Are there any changes or modifications needed to those minutes? Can everybody remember back that far? I know you were there, but a lot of you guys have no idea. Seeing no changes to the minutes, then the minutes stand approved from that meeting.

Then Approval of the March 2016 LE AP Minutes, and, again, those are in there. This was down in Jekyll, and that wasn't a joint meeting. That was technically just the LE AP, but those minutes are in there, and it was held concurrently with the council meeting, and so there were council members there, but we were kind of running back and forth, but does anybody know of any changes that need to be made to the minutes associated with the last LE AP meeting? Then those would stand approved.

That takes us to our first actual agenda item for this meeting, which would be Proper Stowage of Spearfishing Gear. Now, are you going to introduce that, Myra or Rama? Do you want to explain the background, just because people are wondering what is that about, but you know it better than anybody.

CAPTAIN SHUSTA: As most of you know, we drafted the provision to allow fillets to be brought back from the Bahamas, and one of the pieces that changed early on was stowage of fishing equipment, fishing poles, et cetera, and it started off with all gear must be stowed, and it was brought to our attention that the smaller, faster boats were not interested in laying very expensive rods and reels on the deck or in under-gunnel storage or anywhere else on a small boat like that. The safest place for them is a rod holder, and understandably so.

At the last meeting, we were asked how we would handle spearfishing equipment, and spearfishing equipment with custom spear guns and some of the other high-dollar equipment that's on the market, people feel equally as passionate about that gear as well, and so I am going to let -- That's the back-brief on this, and I'm going to let Grant Burton here, my replacement and counterpart, give the briefing on where they're at in Fisheries now in Tallahassee.

CAPTAIN BURTON: So you're wanting to know about the stowage of the gear or you wanted to talk about the Bahamas?

MR. BELL: We were just noticing that it's sort of two separate items on there, but they're kind of meshed together. If it makes more sense to deal with the overall picture first with the Bahamas and then we can shift over to the spearfishing aspect.

CAPTAIN BURTON: That's fine. I reached out to the field and had numerous conversations about the concerns with the stowage of the gear, and I think one of their suggestions or concerns would be, like Captain SHUSTA had pointed out, how expensive some of the gear is, but you could equate that to fishing rods and reels as well as much as spearfishing equipment. A suggestion that we were fielding from the officers and the chain of command were separating the stringers or the bands or the rods entirely from the gear, and if they wanted to stow it like they normally do, but just not making it readily accessible for immediate use, as in what's defined in some of the CFR references that we provided for this meeting.

With regards to the Bahamas and the bringing back of the fillets, I have reached out to, again, numerous individuals. When the CFR adopted the change, we posted some literature on our website, and we provided a lot of outreach, and we fielded numerous questions from fishermen in that part of the state, where people were actually expressing interest in what the laws were and what the requirements were.

After talking to captains and majors and the field officers, for the most part, there is really no extreme cases or cases of where there is federal citations that are going to involve -- A lot of it had to do with outreach and education of the fishermen, and, in talking to the field, they also advised that the public was actually in favor of the new rule that was being passed, as far as doing away with the weight and applying the bag limit to two fillets for one fish, and there were very few occasions where there was fillets that did not have the skin intact.

Actually, some of the fishermen that were being checked coming from the Bahamas, the only time, for the most part, that they actually did have fillets were the ones that were doing multiday trips, and so the ones that were actually over there for several days and checking in with Customs. The only thing that they had mentioned was some of the people that were -- Of course, you can imagine some people that do slip through the cracks, and some of the people that were suspected that would go over to the Bahamas and not check in, they would be returning to federal waters and ultimately back to the dock, in state waters, and they would have the fish in whole condition, and so, as far as any kind of cases that require citations -- Obviously this is a new adoption of the CFR, and so we want to go for the education first and the outreach efforts before going into the enforcement action, but I think, overall, the officers are really in favor of the law as far as the skin having to be intact on the fillets.

In addition to that, our agency -- If I can pause for a second, I want to hand out some literature for all of you. It's got my contact information, obviously, because this is my first meeting, but it also has some literature on agenda items for a draft rule that was approved by our agency that actually mirrors the CFR and the regulations pertaining to all the documentation that's required in addition to the fillets.

As you can see, if you look at the draft rule, it's been approved. It was approved in late June, and all we're waiting for now is an effective date, which, after consulting with legal, it should be here within the month, and so that would benefit us as far as being able to take enforcement action and having the latitude to either go state or federal, depending on the severity of the case or a repeat offender or instances like that.

As you can see, there is consistency. It pretty much mirrors what the requirements are in the CFR. We basically adopted the language, and, like I said, there is very few violations that had to do with

this rule. I think what's good is the public and the fishermen are in favor of it, and it makes it easy to enforce, because there is consistency between the state and the federal regulations.

MR. BELL: Some additional background for folks that maybe aren't as familiar with this is that keep in mind that this -- This is about the Bahamas, and most of the traffic is Bahamas to Florida and Bahamas back and forth, but, in theory, people could transit from the Bahamas straight to South Carolina or Georgia or North Carolina, if they had the right vessel or whatever, but the thinking was that the real interest in this amendment really went back to Florida, and so Florida -- I know, when we went down this road, Florida was certain that they could manage this, but there still can be cases where a vessel could be encountered, I suppose, transiting from the Bahamas to another location other than Florida, but you guys probably have 99 percent or 95 percent of this going on, but that's -- As we mentioned, I can see where the fishermen were interested in it, and so the council went through the process and approved it, and so now the trick is in the details of the enforcement, and you guys obviously have that under control or are working with it.

It's really, while it is mainly a Florida/Bahamas sort of thing, it's technically not. It's the Bahamas to anywhere, in theory, and I don't know to what degree the Coast Guard might encounter folks out there with longer transits or whatever, but, really, the FWC folks are kind of the first line of defense, I guess, if you will, in this whole thing. Is that right, Rama?

CAPTAIN SHUSTA: That is accurate, and of the things that came up in the last meeting, or possibly two meetings ago, was how would we exercise discretion initially with these initial cases, and that's something I think we're all still learning. Were you able to get any additional how first-time offenses were -- On the fillets, how that would be -- If somebody had a single fillet that was for --

CAPTAIN BURTON: For state enforcement?

CAPTAIN SHUSTA: I think they're just issuing warnings right now. I mean that's pretty much -- I think, right now, there's so very few cases where the skin is not on the fillets. I would say probably 99 percent of the people that we come in contact with, they're either in whole condition or they have the skin intact, and I think the biggest thing there is the education.

The people are inquiring about the rules and regulations as it pertains to coming back from the Bahamas, and I think one of the big things -- One of the things that we're working on right now with the Division of Marine Fisheries and the field officers is we're reaching out to them and asking them to provide photographs for us on positively-identified fillets.

There are some species of fish that are coming from the Bahamas that we're not familiar with, and so we're working with the field and Marine Fisheries to have some sort of an internal training portal that's accessible to law enforcement, as far as being able to identify them, the marking and the pattern, because obviously, most of you know, or all of you know, that the color or the -- The identification of the fish, after it's been on ice for a while, is going to change. That's going to make it real difficult, and so that's one of the things we're working on.

Another thing we're working on is working with the other agencies and departments as far as target enforcement. Social media has revealed some instances of some areas where people are actually probably going into Bahamian waters and not coming back with the proper documentation, but,

like I said, there's been very few cases that we've made, but they are out there, and so our goal is to work with the field and maybe work with some of our larger vessels, high-endurance vessels, that have the capability to go forty or fifty miles offshore and just target that area and see what we come up with.

We're not just going to go out there and run amuck and write a bunch of tickets, but I think the biggest thing is education and working collaboratively with NOAA, the Coast Guard, and FWC officers.

LT. FAIR: A question, just for some back-pocket -- This is implemented already and it's already live on the books?

CAPTAIN BURTON: No, this is not. This is not effective right now. The draft rule that I showed you and I highlighted on the stowage of the gear, that's what was presented to our commissioners, and they approved it. As far as that being effective right now, no, it's not, but it's in the works. We're just waiting for an effective data.

LT. FAIR: Okay, and so there is no anticipated effective date or when it's going to go live that we would start to consider implementing it, number one, in training materials or help exercise that education piece?

CAPTAIN BURTON: We would prefer to wait for an effective date, and then we would push it out to the field, but this type of information is accessible. It's out to the public. It's on our website, and so anybody can access this. It's out there, but we have not gotten an effective date yet.

MR. BELL: Again, a little more background, I guess. When we're talking about other species with skin on, the skin on part became one of the things that I believe at the Savannah joint meeting that they decided that, because this applied to snapper grouper species, the skin was the only thing that was going to save you, in terms of the hope of identification. With the dolphin and wahoo, that's fairly straightforward, but that was the importance of the skin-on part. To the degree that it's easy to identify a fillet, and it's not necessarily, but that's what we hoped to achieve with at least the skin, was to allow some level of identification.

CAPTAIN BURTON: I would just like to add one more thing, just to clarify that the CFR is effective. It's the state Florida Administrative Code that we enforce, that's not effective yet, but the CFR, the federal regulation, is effective.

LT. FAIR: Can you say that one more time?

CAPTAIN BURTON: The federal regulation, the CFR, is effective, as far as the fillets and the skin needs to be intact and the documentation requirements. The Florida Administrative Code, our code, is adopting that, is mirroring that, and it's not effective yet.

LT. FAIR: Okay, and so, federally, it is --

CAPTAIN BURTON: It's effective.

LT. FAIR: So it's current. So, as far as the federal standpoint, we should or should not be enforcing that?

CAPTAIN BURTON: Yes, you should be enforcing that.

MR. BELL: To the degree that that ties into training, that's something to work through, I guess, the additional challenges there, and, again, getting back to this which species, snapper grouper species, is it, based on fillet identification, that's a tough one, I know, but, yes, it is in place.

LT. FAIR: Do we know when that went official on the CFR?

MS. RAINE: January 27.

MR. BELL: January 27, okay.

ASAC RADONSKI: Just one thought here, and, really, with the Nassau grouper now, it's listed as threatened. There are no corresponding regulations to it yet. However, in the Bahamas too, they already have a season established where they close in December through February, I believe it is. We haven't addressed that issue, coming across in the EEZ. It's a prohibited species already on us, but now, with fillets, especially with the Nassau grouper, it would be very difficult, I think, out in the field to examine those. If there is regulations under ESA, we might have something better to work with, but now -- That's just a thought.

MR. BELL: You're right that that picture is going to change over time with things like Nassau and other stuff popping up.

MS. BECKWITH: I thought we had addressed that prohibited species wouldn't be allowed, and so I think Brian can come clarify that.

DR. CHEUVRONT: I was the council lead on the amendment for this. What was included in this amendment is nothing that is illegal in the U.S. EEZ may be brought into the U.S. EEZ. At no time are Nassau grouper allowed to come into the U.S. EEZ, even if they're legal in the Bahamas.

ASAC RADONSKI: My point more is being in fillet form. From an enforcement perspective, it's very costly to go out and do that, if we're going to send it off to the lab to be looked at. We have to kind of weigh out the case and is it worthwhile, and we would like to have some strong indicators there that a prohibited species might be around and being able to send it off. One or two fish may not be worth sending to the lab and doing DNA on it.

MR. BELL: Good point. I think we knew from the beginning this wasn't exactly as easy as people might have thought it was, and Brian, God bless him, he stuck with this thing, and it was not an easy amendment to kind of work through, because you brought in two different plans and a lot of moving parts, but here we are and it's in effect, and the trick is to make sure that we have some assurance of being able to enforce it.

MR. HARTIG: I mean one or two from a prohibited species in the United States would be a strong argument for following through on a case, correct?

ASAC RADONSKI: Yes, but we wouldn't have fillets. We would have a separate violation there, and so we could go and have it examined and identified more, but, here, you have it coming from the Bahamas, and we're allowing for it. It's not a strong indicator, but if it was caught in U.S. waters in a fillet form, that's a different story.

MR. HARTIG: Yes, but I'm just thinking Lieutenant Burton was talking about having some way to go ahead and identify some field guide, more or less, that would help you identify the different species that you're going to be encountering coming back from the Bahamas with the skin attached.

Now, I know that's not easy, because most species -- If you scale the snappers, you take the scales off, you're automatically making it harder to identify that species, because the color patterns on the fish itself are being altered from just the scaling process, but the groupers aren't scaled, and so the skin on a grouper should help you, but the thing about a Nassau grouper is they have a saddle on their tail that would be, particularly in identifying, but, having said that, now, someone who knew that might cut the saddle off of the skin part. Maybe or maybe not you could see that kind of thing.

Particularly, the only real problem I see in identification is between probably a red grouper in the Bahamas and a Nassau grouper in the Bahamas. I mean, as far as the black grouper goes, you're going to have some identifying characteristics. There aren't any gags to speak of in the Bahamas and so tiger groupers are not that common in the catch, but, commonly, reds are encountered, and I guess Nassau. I haven't been over there in a long time, and so I don't know how common Nassau are anymore, but some way to really specifically get between the short-bodied animals, the red and the Nassau, and have some kind of distinguishing way to tell them apart. I think if you all work towards that, I think you might get to some kind of a way to be able to separate them.

MS. RAINE: I think one of Jeff's points is that -- Well, regarding fillets, for example, in the Gulf, fish are -- All finfish are not allowed to be filleted. In the South Atlantic, it's only certain species that aren't allowed to be filleted, and this is separate from the Bahamian issue, but just in general, and so, in the South Atlantic, we have to establish that whatever is in filleted form is actually one of the fish that's prohibited from being filleted, which puts an additional burden, if you will, on the government to establish that. Again, in the Gulf of Mexico, you're just not allowed to have finfish that's filleted.

Often, when we have cases that involve fillets, they do need to go to the lab for forensics, to determine that type of fish they are, and you might think, well, you know a fisherman says that he caught such and such a fish and that would be the end of it. However, I have had, and granted it's not many, but I haven't had many fillet cases either, but I have had, I would say, at least two, and maybe more, cases where fishermen identified the fillets and, low and behold, they weren't all the fish that he thought. One of the fish, I think, wasn't one of those that was prohibited from being filleted, and so sometimes even the fishermen have some problems, I will say, identifying the fish.

MR. FREEMAN: In regards to DNA analysis on the fillets, what is the penalty for bringing the fillet back with the skin off? Because, if you're trying to bring a prohibited species back into the EEZ and you just pull the skin off of the Nassau grouper, you would likely take a lesser penalty for it, unless they were go through and send it off to the lab to establish its species.

MR. BELL: Karen, do you want to take a shot at that?

MS. RAINE: I will take a shot. I think it depends whether you're talking about the state prosecuting a case or the federal government going forward with the case. For the federal government, we have penalty schedules and guidelines that are established, and they're on our Enforcement Section website, and they're, I guess, a multistep process. There are many violations that would fall under a summary settlement schedule, and there are summary settlement schedules for the Southeast Region and for the nation.

If something is specifically on the Southeast summary settlement schedule, then you would look at that. If a particular fact pattern is not on a summary settlement schedule and law enforcement didn't feel that a written warning, for example, was sufficient, that case would be forwarded to our Office of General Counsel, the Enforcement Section, for review, and we have a penalty policy. Again, it's on the website, and it's a multistep process of determining what a penalty might look like, but, essentially, you're looking at what the violation actually is.

For example, is it filleted fish or is it over the bag limit or is it in excess of a trip limit or whatever it might be, and so you're looking for the violation itself, and then, from our office's standpoint, you're also looking at intent, and I'm using "intent" in a very broad term, because, of course, intent is not a part of the Magnuson Act penalty scheme or violation scheme, and so we have a penalty matrix for each statute that we enforce, and we're looking at the gravity of the offense.

Whether it's undersized or whatever the violation may be, we have levels of offenses from one to six, and then the level of culpability, whether it be unintentional, negligent, reckless, or intentional, and we look at that, but, if you're looking at just for the Southeast Region summary settlement schedule, if you're looking at undersized and/or filleted and/or over the limit, including zero bag limit and closure violations, it will depend on how many fish you have for a recreational situation, for example.

A first violation, it would be a base of -- For one to ten illegal fish, it would be a base penalty of \$250, plus \$25 per fish, and then, depending on how many fish you have, the base penalty might be higher for that type of thing, and so a case might go through the summary settlement process, and I will just say quickly that if somebody doesn't pay a summary settlement ticket, then that case is forwarded to our office of the Enforcement Section for General Counsel to take a look at. The penalty is likely going to be higher, because we will be looking at the penalty matrix.

MR. BELL: Is that good enough?

MR. HARTIG: One more point to that. Karen, you didn't mention the -- The fish that are in a law enforcement case, they are confiscated?

MS. RAINE: They may or may not be. However, I will say that, if a case comes to my office for prosecution and the fish have not been seized, if we have information on the value of that fish, then that amount can, and generally is, added to the amount of the NOVA, the Notice of Violation and Assessment, but, of course, if the fish has been seized, we're not going to have an additional penalty added on to that, but we would be seeking -- Usually, we will be seeking forfeiture of that fish, if it's been seized.

CAPTAIN BURTON: As far as the Florida Administrative Code and the state charges, with regarding to landing in whole condition or what other violation you have, each charge is a

secondary misdemeanor, which is upwards of up to a \$500 fine plus sixty days in jail. Now, keep in mind that's for each charge, and so, if you look at the reef fish under Florida Administrative Code 68B, you have a person or vessel lawfully harvested in the Bahamian waters that transits through waters, they have to comply with the bag limit.

If they're in violation of the number of fillets, the bag limit, that's a violation. If they don't have their proper documentation, that's a violation. If they don't have their Customs stamped to when they enter and when they leave, that's a violation, and so it's compounded, and it could be upwards of well over \$1,000, and it depends. There is some cases where the skin must be intact, and so that could be a charge for each skin, each fillet that doesn't have a skin, technically, in addition to that.

There are some counties in Florida that have summary settlements, where the individual that's cited is given that basically, okay, if you plead to this case -- I'm writing you a ticket. If you plead to the case and mail in the fine, you don't have to go to court, but, if they want to contest it, then they go to court, and they could get the full amount, the full fine, and so that's as it pertains to state charges.

MS. RAINE: With that, I should probably add if someone is issued a Notice of Violation and Assessment, they, of course, do have the opportunity to request a hearing before an administrative law judge, and the administrative law judge is in no way bound by the penalty that NOAA assessed. That's an initial assessment. They could keep the fine the same or they could go higher or lower.

MR. BELL: Okay. So that kind of covers the briefing on how it's going in Florida, and so this is up and running. We have federal regulations in place. Florida is managing it, as they've explained, and then with no date yet for adoption of this, but Florida has a plan, and so that's just sort of a status report, really. Is there anything that the AP members or committee members feel that kind of -- I don't think there's really any action to take here at this point or any recommendations or anything related to that specifically. I do want to touch on the spearfishing part specifically, but, as far as it's up and it's running, and I guess we will learn more as people try to figure out how to work around it or you guys start running into creative folks with cases and things, but I guess it seems to be working fairly well right now.

CAPTAIN SHUSTA: One thing I think it would be a good idea to do, moving forward with Grant and Jeff Radonski and Lieutenant Fair with the Coast Guard, is to establish some type of timeline for enforcement action as far as how long is the educational period going to last. Many times, in Florida, on new rules or regulations, we can go upwards of a year of education and outreach before citations are issued, and I am not insinuating or suggesting a year in this case, but to establish something jointly together, so that basically everybody is receiving the same customer service regardless of what uniform they're dealing with.

MR. BELL: Yes, that is important. I mean the fact that you've got three different law enforcement groups that could potentially run into cases, I mean they all need to communicate closely. I mean the Coast Guard needs to know what you guys are doing, and know that this is even kind of in effect, and then you just came onboard at the school and all, and so now here's something new to deal with, as far as now we're going to identify fillets, and so that's a challenge related to training.

In terms of how the three agencies work together, I mean I think it is important to kind of all be on the same page. It makes sense to me. Now, that's coordination kind of really leaning on Florida a lot, to kind of push out and reach out to Jeff.

ASAC RADONSKI: One of the things, just so everyone kind of understands how it works on the federal side, the Coast Guard or our JEA partners cannot issue summary settlements, and so every case in the Southeast that comes from the Coast Guard or from a JEA partner has to go through our personnel, and we do have to evaluate stuff too on our resources and abilities. We have a backlog of cases right now, just trying to get through and reviewed, and so we have to kind of follow a certain procedure there of cases, and we also have to look at it amongst our priorities within OLE.

MR. BELL: Is there anything that needs to be done in terms of a -- I am kind of used to operating in the model where the AP will make recommendations to the council. I don't see any council or committee action necessary in this. It's really kind of a -- I would agree that the partners need to coordinate and kind of all be doing things, as best they can, in a similar fashion, but that doesn't really require any action on anybody's part at the council level or committee level. It's just the agency's need to know that this is what's going on and this is how we're doing it and this is the limitations that NOAA might have or the Coast Guard might have, and then you all just need to work closely together on this.

Again, I kind of keep leaning on Florida, because it's a Florida lead sort of issue, in terms of where this is, but I don't know of any particular action that needs to occur related to the council related to this at the moment.

LT. FAIR: Forgive my ignorance, but just one question. When they do bring the fillets back, do they have to declare that with Customs or is there any kind of Customs declaration if you're coming from the Bahamas back into the U.S. with the filleted fish that you caught over there? Is there any kind of declaration aspect to that?

MR. BELL: I will look at Florida. How does that actually work?

ASAC RADONSKI: Returning back from the Bahamas, yes, they're supposed to call into Customs. Whether they have to declare everything or specifically declare those fillets, probably not.

LT. FAIR: That was just my question. If you leave the Bahamian territory and you come into the U.S., part of that enforcement piece could be like I'm leaving with this many fillets, and I get it documented. If you come in and you have to declare at this side, because you're bringing the fillets into the U.S., you declare the same amount, if not less, and it would lean towards an enforcement aspect, so it's not poaching in the U.S. territorial waters. Does that make sense?

ASAC RADONSKI: Yes, but this really isn't -- CBP is really not in this game of the fishery part, but they are supposed to declare in and out of the Bahamas. A lot of them don't, but they're supposed to.

MR. BELL: Kim, did you have something?

MS. IVERSON: I did, really quickly. I just am really glad to hear about the outreach efforts, and the council staff -- I mean we get calls as well. We get quite a few calls, and so we try to help inform the fishermen and let them know about the rules and regulations, and FWC has the information on their website, and we've been working with FWC and our council members, as well as the staff, to, once the state regulations are implemented, to increase our outreach efforts, but it sounds like you've been doing a really good job, and I was really glad to hear that you're not seeing a lot of violations at this point. Anything that we can do or collaborate, we will be more than happy to do. Do you have any idea when that implementation date might be effective or be announced?

CAPTAIN BURTON: I was informed that it should be within the month, but I mean I can definitely let everybody know when it is effective or when the effective date is given to us.

MS. IVERSON: Very good, and two things that I get asked a lot when people call and they know what the regulations are, and we send them to our website as well as the FWC website, but they want to know if they can bring back multi-day limits. Like they're going to be there for four days and can they bring back four days' worth of their bag limit, and I kind of use this as a -- I'm like, no, if you were there for thirty days, you can't bring back thirty days. You can't bring back boxes of fish, and so it's a daily limit.

Then I was really happy to hear this discussion about prohibited species, and they talk to me and they kind of want to make that argument of, well, it's legal in the Bahamas and why can't I bring it back, and I use this example that someone very smart explained to me when these actions were being developed. You can go to Amsterdam and you can smoke marijuana all you want, but you just can't put it in your pocket and bring it home.

When I use that example, they kind of -- There is this silence, and then they go, oh, okay, and so that's been a really effective way of explaining that they can eat a speckled hind or a Nassau grouper or whatever when they're in the Bahamas and enjoy it, and they can eat a lot more fish while they're vacationing, if they're staying for thirty days, but they're limited to the vessel limit, the bag limit, and what species that are available in the U.S. EEZ, and so I thank you very much. I appreciate that, and if there's anything that we can help in working with you, once these regulations are implemented at the state level, please let us know.

MR. BELL: Thanks. That's an instructive analogy, too. Related to this topic, what I do want to do is kind of go over to the spearfishing part. When we kind of started out, we were talking about what does it mean for spearfishing gear to be secured or stowed in an adequate way, and so one of the things I had on here was that the LE AP was looking for eventually the council to kind of adopt something, or you were looking for some recommended language, I guess, from you all. Is that right?

MS. BROUWER: Yes, and my understanding is that, when this conversation ensued in March, there had not been language in the CFR specifically related to the proper stowage of spearfishing gear for this particular regulation, and so the LE AP thought about recommending to NOAA Fisheries proper language to eventually include, and correct me if that is not the correct interpretation, but Karen graciously provided citations to where I might find this example language that you have in your briefing book for how it is explained in regulations for, for example,

transiting through a National Marine Sanctuary and what the regulations are for proper stowage of various types of gear.

MR. BELL: So what we have is, I guess, a selection of some existing language that, if the LE AP found one that they liked, that could be recommended for inclusion as applicable to this particular regulation, if there's a language that works really well for you. I am not trying to lead you towards something, but if there's something that you think would actually be useful to just adopt that's already sort of on the menu, that might be the simplest way to put something in place specifically, and so -- You already have it in Florida. You've got a way you define that already, I guess.

CAPTAIN BURTON: Just the version that we have approved at the last commission meeting for the Bahamas trips. Aside from that, as far as stowage of gear, we have some rules set in place that don't apply to spearfishing gear, as far as transiting and stuff like that, but, as far as the stowage, pertaining to this, I don't believe we have any in our administrative codes or statutes.

CAPTAIN SHUSTA: I don't believe it does as well either.

MR. BELL: Okay. So then, if you encounter fillets on Bahamas trips and spear equipment, how do you kind of deal with that now?

CAPTAIN SHUSTA: We're provided with a great asset to enforcement by Mother Nature, and it's a couple of thousand feet deep water in between here and the Bahamas, where it makes it very difficult to spear fish, and so I hate to be the guy that always refers back to the commonsense approach, but we may or may not need this written in the rule, and so it's just something to think about. They can't use the gear between here and there.

It could be effectively used near shore in places, yes, when you get back inside 180 feet of water or so, but the likelihood, until you get into less than a hundred feet, is very slim, in which case it puts you back very close to shore and in a very enforceable location.

MR. HARTIG: That's a great point, Rama, and the other thing is that where most of this occurs, when they come back and they're actually transiting waters where they actually could spear fish, they're already in state waters, and so that's another thing that you guys could consider as well.

MR. BELL: So in terms of an action then, do we need to -- If we don't need to fiddle with anything in terms of additional language, if we're good to go, then that's fine. We were just kind of following up. That was something that came up at the last meeting, the suggestion that there be some draft language to review, but if it's adequately handled right now with what we've got in place -- Again, you guys are 99.9 percent of it, and I follow the logic piece, in terms of water depth, but, if we don't need to do anything, then that's fine.

CAPTAIN SHUSTA: The one question specifically I could see coming up repetitively is can I stick the butt of my gun in a rod holder or can I strap it in my overhead in a T-top. Those are kind of the two that I would see -- I feel it could be handled through discretion and proper enforcement action. However, if the panel or committee feels it needs to be addressed, then we can certainly look at it, but I don't see it truly as a problem right now.

MR. BELL: Okay. Again, this was something that came from the LE AP. We've got a lot of new folks on the AP right now, but if, again, kind of centering on Florida, and if you all feel it's okay right now, then maybe we don't really need to take any additional action at this point. If that's the AP's pleasure, not to worry about recommending any change to the language, then we can just move along with that. Does that sound good to you all?

If there's nothing else we really need to do then related to the two first items, we could transition to the third item on our agenda, which is the For-Hire Reporting Amendment. Just as a little bit of background, and Gregg is going to discuss this, keep in mind we -- In our commercial sector, to get data related to what we're consuming and what's coming out of the water, the commercial sector accounts for basically every fish they catch, through our reporting system. In a perfect world, we're actually accounting for everything.

You come over to the recreational side of the house and that's not the case. We use the MRIP, the Marine Recreational Information Program, to acquire data to figure out what our take is on the recreational side, and so, within the recreational sector, there is the private boat and then there's the for-hire sector. The for-hire sector are really professional people. We have several here today.

What this amendment is about is kind of turning to that professional piece of the recreational sector and saying, hey, here is a way we can have better data from that specific component of the sector through reporting, just like we do with the commercial, and so that's what this amendment is setting up, is a system which could be put in place for the federally-permitted for-hire sector folks to actually report what they are actually taking.

We would have much better data. I can say, as a state, South Carolina has had a reporting system in place for the for-hire sector since 1993, and so we've been doing this as a state agency for quite a while, and it's a direct reporting from our charter/headboat captains. On the headboat, it actually kind of goes to Beaufort, but we end up with the data, and so this would expand that concept into the federal side, and the quest being better data, and so I will let Gregg explain kind of where we are with this process, but there is an amendment right now that's moving forward.

MR. WAUGH: Thank you, Mel, and John Carmichael on our staff is the one who is heading this up now, but, again, as Mel pointed out, this would implement mandatory electronic reporting for our charter vessels. Right now, they have to have a permit, and this is on page 11 of your Attachment 2a, which is the draft amendment, so you will know where this information is if you want to look at it another time.

Charter vessels and headboats in the snapper grouper, dolphin wahoo, and coastal migratory pelagics, which includes mackerel and cobia, they have to have a permit if they're fishing more than three miles offshore. As Mel pointed out, we're doing this to improve the accuracy and timeliness of data collection.

We have to track our recreational and commercial landings to make sure they're below our annual catch limits, or ACLs, and so this will help us do that much more efficiently, and we're proposing to extend the same requirements basically that are in place now for headboats to the charter vessels and then modify the timing of headboat reports, and we'll talk about that in a minute. We've got approximately just under 2,000 charter vessels and about seventy-six headboats.

In terms of costs, if you have a computer or access to a computer, it will only cost you the time to input the data, and obviously that can be a significant amount of your time, depending on what is required, and we have tried to keep that to the minimum, and I will go through the core data elements that are being proposed now, so you will have an idea of what we're talking about.

The actions, one, it applies to charter vessels. Right now, the way the regulations read, is that, if selected, a charter vessel operator must maintain a fishing record for each trip or portion of a trip and submit those reports no later than seven days after the end of the week. The problem is that nobody has been selected, and so what the council is doing is making that mandatory for everybody now. Preferred Alternative 2 is weekly, or at intervals shorter than a week, they have to report, and we're going with weekly now.

This gives the Southeast Fisheries Science Center the authority that if, in the future, they find that for some reason we need to go to daily, that they can do that without coming back to the council. Those electronic reports would be due by the Tuesday following each week that ends on a Sunday. For a week ending on a Sunday, you have the two days until Tuesday to turn in your report.

For headboats, what we're doing is changing their existing deadline. Right now, they have a week after their trip to turn in their data, and we're going to propose -- We're proposing to change that to Tuesday. The reason for this is the commercial data has to be turned in by Tuesday from the dealers, and so we're trying to sync up all our data coming in for our quota monitoring.

Then the final Action 3, in terms of reporting catch location, which the fishermen are obviously very sensitive about. The proposal is that that charter vessels would report the same way that our headboats are currently reporting, giving the latitude and longitude in degrees and minutes or by clicking electronically on a headboat grid, and those grids have worked okay with the headboat participants.

They're not fine enough resolution to give away your fishing spot, and all of this data are confidential anyway, and particularly the fishing location information. That will be summarized even more than at the level it's turned in. Again, we don't want to be giving out specific locations of where people are fishing, but that fishing location information is extremely important so that we understand that, for fish that are discarded, what's the approximate release mortality rate.

Once we have that information, we can make adjustments into the mortality rates that are applied in our stock assessments, and our timing on this has shifted a little bit. We originally had hoped to finish this up by our June council meeting and get it in by the end of June, with an idea that it would start January 1, 2017.

Mike Errigo of our staff is going to go through our pilot project. We worked through ACCSP, the Atlantic Coast Cooperative Statistics Program, and they're the ones who we hope will be housing this data. We worked with them and got funding to do a pilot project using tablets for fishermen to input the data, based on a system that was designed for the Rhode Island for-hire industry, and it had a lot of input from industry.

The funding for that took a little longer to get in, and we wanted to coordinate with -- As Mel said, the State of South Carolina has an existing logbook program, and we wanted to coordinate on data elements with them. At the same time, the Mid-Atlantic Council is looking to revise reporting for

charter vessels as well, and it's being looked at in New England, and so we wanted to coordinate so that a fisherman would submit the data once and it would go to all the relevant agencies, and so that would minimize the reporting burden on the fishermen, and so we've slowed down a little.

We hope to finish this up at our December meeting, and the council will have to talk about when the regulations specifically start, because we want to have time to finish our pilot and make any adjustments there, and so it may be sort of a sliding timeline when this is implemented in 2017. It may be that the time change for the headboats could be implemented fairly quickly, and fishermen may be able to voluntarily start using the electronic system. Then, at some point, the council will indicate when they would like to see it become mandatory, and you will see why this matters when Mike goes through his report in a minute.

The other thing I wanted to show was just the core data elements, and this is an important item also, and this is Attachment 2b in your materials. Obviously this impacts the fishermen, and it's also a benefit to the fishermen and so it's a balancing act. You turn a bunch of scientists loose and they want every bit of information that they can get, and that costs a fisherman time, and time is money. We looked at what is being collected on the headboats in this first column, what's been collected for the past ten years or longer in South Carolina.

MR. BELL: Since 1993.

MR. WAUGH: Since 1993. Again, we want to make sure that we have one system that covers both of those, and so we've had technical groups meet, and involving fishermen as well, and so here is what we're proposing in these core variables, and we don't necessarily -- I am not going to walk through these, but certainly I think it would be helpful for you all to take a look at them, maybe over the evening, and get back to us and raise issues tomorrow morning if you see anything in here that, from a law enforcement aspect, is missing or an item or two that could be added that would make things more easily enforced, we would certainly want to hear about those.

You can see that we've got information about the trip, the identification of the vessel and captain, and then getting into the effort information and the depth that is critical, location. Then, of course, species, the number kept and the number released, what your target was, and a little bit of economic information, and there is more details there, but, again, we've tried to keep it as short of a list as we can, because everybody will be filling this out, and some of the additional information that the scientists want, that we could certainly use, we'll work with on a sampling basis, voluntarily work with a sample of the fishermen, to get them to provide more detailed information.

That's an overview of the amendment. When we get to Item C, where we're talking about recommendations to enhance compliance, I will walk you quickly through Attachment 2c, which has some information on the headboat survey, but I would be glad to answer any questions about the amendment that you have now.

MS. RAINE: Just a quick question. In looking through the document in 2a, I have some comments on it, and who should I submit those comments to?

MR. WAUGH: Give them to Myra, and she will take them back to the office and give them to John, and we can get those addressed before it goes into the briefing book.

MS. RAINE: Okay. Great. Thanks.

MR. WAUGH: Thank you.

ASAC RADONSKI: I know we're going electronic throughout the Fisheries Service, but do we have electronic signatures on here, where we can identify who put the data in?

MR. WAUGH: That's a good question. I don't know.

MR. BELL: Rama, do you know?

CAPTAIN SHUSTA: I think possibly, going in the same direction Jeff is going, is this form or this data admissible for law enforcement purposes?

MR. BELL: I follow the logic, but --

MR. WAUGH: What you all are raising is that it needs to have some sort of electronic signature on it so that then it can be used for law enforcement purposes.

ASAC RADONSKI: Maybe a step before that is can it be used for. That may be something I would want to know first.

MR. BELL: Karen, did you have something to that?

MS. RAINE: I believe I raised a question, at least in my own mind, if not at a meeting, about electronic signatures as well and how can we determine who is actually inputting the information. I know, at least from my perspective, I don't have so much of an issue with whatever information that council wants to collect. That is a management issue that you all need to determine.

My issues, from a civil prosecution standpoint, come in how can I prove a report is late, for example, or that it wasn't filed at all, and I think, from what I have at least picked up, I think that's what a lot of the concern of the council is, the late reporting or the non-reporting, and so I've been sort of thinking about, okay, what do I need to be able to prove that, and I think I've mentioned this before.

When I started looking at this, probably about a couple of years ago, I was surprised that a fisherman or a dealer doesn't hit a button on the computer and the report goes straight to the Science Center. That, in my own naïve way, I thought was happening, but apparently it takes a path through many different portals, and I will call them portals, for lack of a better word, and so we will need to prove that the report either did or did not make it to that portal and when it did or did not happen, and so the more portals you go through -- It's not impossible, but it's just more time consuming for the investigator to gather affidavits and information from the different portals as to when the report actually got to the first place, if that's what we're counting as being timely, or, if it didn't, could it have been lost somewhere along the way.

Almost a couple of years ago, I sent a little checklist out to the Center and to our Office of Law Enforcement for the types of information I would be looking for. I think my email had the caveat

of when we get more experience with this that this might need to be adjusted, and so those are some of the things I know that I'm looking at.

MR. BELL: Yes, and that's perfect. That's actually the core of what I wanted you all's input on that is compliance, and so if we could kind of -- I mean that's a perfect example, from your perspective, but I do want to spend a good bit of time just focusing on compliance and talking about the moving parts, because that was really what came up at Jekyll that caused me to realize, and having experience with our own system in South Carolina and working closely with law enforcement and the management to LE handoff on things, but I want to make sure that we really cover that and you guys have a chance to think all of this through, but that's kind of a special item that I want to kind of hold on a little bit and not deal with compliance right now, but we could kind of move through the general description of things and then any input related to this or whatever. Then we'll come back and we'll deal with all of the compliance stuff at once.

MR. WAUGH: That's all I had, if you all don't have any other questions about the amendment itself. As Mel indicated, once Mike goes through the pilot, then we'll talk about the compliance and any other recommendations you all might like to develop.

MR. BELL: Any questions about the amendment itself right now, just in the general sense?

MR. HARTIG: I had some enforcement questions. From the federal perspective, Karen, a recreational fisherman gets a violation, and what can you guys do to make them pay that fine? What steps can you take to make that enforceable from -- You want to collect the fine.

MS. RAINE: You mean for somebody who doesn't have a permit?

MR. HARTIG: Right.

MS RAINE: Okay. Really, this applies I will say across the board. When folks have permits, there can be additional steps, but, essentially, many cases go through the summary settlement program, and I think it's probably been fairly successful, and most people pay the penalty that they are being issued through a ticket from law enforcement, and so that's good.

Sometimes those folks don't pay and those cases, again, come to my office for review and determination of whether a Notice of Violation and Assessment with a penalty from our office would be issued. Then, of course, we have cases that come directly to our office that don't go through the summary settlement process, and so we issue a Notice of Violation and Assessment with a monetary penalty, let's say.

Well, of course, everybody has the right to a hearing before an administrative law judge, whether they go to a hearing. The administrative law judge, of course, is going to look at the facts and determine whether or not there actually was a violation, and, if so, what the appropriate penalty is, and, again, the judge is not limited or constrained by whatever penalty NOAA might have thought was appropriate.

Let's assume that somebody was found to have violated the law and an administrative law judge assesses a penalty. Whether a penalty becomes final through that process or folks have the opportunity to sign settlement agreements, enter into a settlement agreement, for usually a

compromise penalty that's a little bit less than the NOVA amount, or whether they just simply ignore us and don't respond, and, of course, we want to look to collect that penalty, regardless of how it becomes final.

What our office does, and this is around the country. It's a standard practice and policy. We send the cases to our Finance Department, and this is even if we've entered into a settlement agreement. We don't collect money in our office anymore. The Finance Office will send out a bill, whether it's an administrative law judge decision or whether somebody has ignored us or whether it's a settlement agreement or whatever.

They will send out bills, and hopefully folks will pay through that process. If they don't, one avenue that we take, that the Finance Department takes, and has been, I think, fairly successful is the penalty that is final and owed is sent to the Department of Treasury. If someone is expecting some sort of a tax return, for example, a refund, they may not be getting it, and it will go through that process for several years. I know that we have collected sometimes through that process.

I know definitely the thing that comes to mind is our income taxes, but there may be other programs that somebody is a part of, and there may be some collection that way. I will say that my understanding is that, when monies are collected that way, they go to the General Treasury, I believe, rather than to, if it's a Magnuson Act violation, the Magnuson Act Fund. If it's a Marine Sanctuary violation, they have a separate fund.

That is a way of collecting some penalties, and, unfortunately, sometimes people don't pay at all, and there can be write-offs, but, if a penalty is written off, then that becomes income to the person, and that is reported to the IRS, is my understanding.

There are also provisions under the Magnuson Act where, if someone doesn't pay a penalty and they have a permit, that permit can be sanctioned for failure to pay the penalty, and I don't know how much that's used right now, but I know that has been used, and that also can be a way to remind people, let's say, that they have an outstanding penalty that they need to deal with. Now, I don't know all the ins and outs, but I believe that there may be ways to report those debts, when they become debts to the government, to credit agencies or whatever, but I am not really familiar with how that's done, because that's not done in our office.

MR. HARTIG: I will say that answer has evolved over time. I mean that's a much better answer than I got however many years ago that I asked the question before, but I mean you do have ways, actually, using other government programs, to actually --

MS. RAINE: It's been the same answer over the years. Really it has.

MR. BOWEN: To Ben's point, and if we are going to wait or postpone the enforcement issue and I'm getting off on this tangent, please stop me and I can bring it back up, but we had some public testimony at our last couple of meetings when this amendment was being brought forth, along with some ideas of limited entry on the federal for-hire permits, and some testimony we heard during that time series was that, and this particular individual that I'm speaking of has his business off the east coast of Florida, but at some point he mentioned, and I am not quoting, but I'm paraphrasing, that he felt that the people that -- First of all, the people that don't have a federal for-hire permit won't be subject to this electronic reporting.

He also noted in his public testimony that, because there was not a limited entry program, that the officers that he was aware of from Florida were not issuing citations for them not having a permit, and can you all add to that or take away? Again, Mr. Chairman, if I'm getting off on a tangent, I will be glad to revisit this, but Ben's comment kind of brought this to my forethought.

MR. BELL: That's a Florida specific question related to enforcement of either you have a permit or you don't and how they're handling that. Is that what you're getting at?

MR. BOWEN: Yes, sir.

MR. BELL: Could we maybe wait on that? We can come back to that, if you will indulge me.

MR. BOWEN: Sure.

MR. BELL: What I would like to do is Mike Errigo is going to give a quick briefing on the pilot project in place, and then maybe we will take a break. Then we can come back, and I really want to hit the enforcement and the compliance stuff really heavy, because that's the key to this. That's kind of a related, but sort of not issue, but we can come back to that, if you don't mind.

MR. BOWEN: Yes, sir. Thank you, Mr. Chairman. That sounds like a great idea.

MR. BELL: Mike, do you want to go ahead and walk us through this?

DR. ERRIGO: This is a fact sheet that we put together. It's very basic, just describing what this pilot project is for the electronic logbook reporting, and it should have been emailed out to everyone. I'm sorry it didn't get into your briefing book or anything, but we just developed it. Basically, there are three different points of this project. This pilot is not piloting whether electronic logbooks are feasible or anything like that. There's plenty of that done. We know how they work and all of that kind of thing, but this is piloting a specific program to be used, a specific tool to be used for logbooks.

It's a tablet-based logbook program based off of the SAFIS eTrips/mobile, which has been in use now in the Northeast for a while. Something like that was piloted in Rhode Island. That is the logbook portion of it, and it's a tablet-based program. We're working with those core variables that Gregg pulled up before, to try to incorporate those into the tablet program in a user-friendly way, drop-down menus as much as possible, rather than trying to type in numbers and things like that, as much as we can.

That is the first part of that program, and, in conjunction with that, we're also -- With the logbooks, there are these electronic measuring boards, and we're hoping -- We're going to pilot just a couple of the charter boats that are involved in this to maybe measure some of their discards with the electronic measuring boards. All you do is you put the fish on the board, and it sends the measurements over to the tablet.

This is the kind of program that could be used on the boat. We want to see what the feasibility is of having an electronic logbook on the boat, so that you can record your trip as it's happening. There is also the web portal. There is a SAFIS web portal that you can just enter everything when you get back.

The other part of this, which more directly affects law enforcement, is we're looking at putting together a law enforcement application to check reporting compliance and things like that, and so it's like a phone-based or tablet-based app. If you were to intercept somebody coming in, you can pull up information based on the vessel number, the vessel ID, or the captain's license or something like that. You would type it in, and it would pull up whether they are up to date on their reports or not and if there are any outstanding violations or things like that, just to make it easier for law enforcement to do its job on the water.

AP MEMBER: Where is the information coming from that's going in the app?

DR. ERRIGO: It's coming from the states, and the reason why we can do it for the reporting compliance is, if we go to electronic reporting and it's weekly, reports are submitted and that automatically updates the state's database of, okay, their report is in, and so it should be very fast and quick to know whether this person is in compliance or not. They use something similar in the headboat electronic reporting, where they submit their reports and then they generate that -- These people are late, and so then they generate emails saying, hey, you didn't turn in your reports and you need to turn in your reports, and so that's part of the electronic logbook program.

We have to track whether people have submitted their reports or not, in order to say, hey, you didn't submit your report, and you need to turn that in, as soon as you can, please. Then, if it keeps on going, then they can make a big deal about it, and so that's already happening. This app links to that database. If you're in South Carolina, you would link to the South Carolina database.

MR. BELL: I know what you're thinking, and that's part of the compliance piece. The more moving parts, the more portals, the more things, but keep in mind this is just a pilot project right now to kind of look at technologies that could be applied. We're not saying we're doing this, but keep that in mind, as we talk about compliance and issues associated with compliance and interacting with law enforcement, what would be some of the issues associated with this way of doing it versus this way, and that's what we'll spend a good bit of time talking about, but this is just a -- Keep in mind that National Marine Fisheries Service has an electronic monitoring plan.

I mean the idea is to incorporate electronic monitoring and reporting more and more, and this is just looking at some technologies to see how we can do something a little different than just going back to the home computer and punching a button on Tuesday or whatever. This is like real time as an option, and so it's nothing we're committing to at this point. We're just looking at it.

DR. ERRIGO: Right, and we're hoping to give options to fishermen, so if they want to report during the trip they can. If they want to just come back and log in and report, they can do that, and so this is an option, and the law enforcement -- Like I said, this is a pilot. We're going to develop it and we're going to send it out to -- We have certain law enforcement guys, I think, throughout each of the four states that are going to use it and see how it works and see what they like and what they don't like and what needs to change and what could stay the same. That's what this project is for.

The final piece is there is an intercept app that we're working on to try to turn the MRIP datasheets into a tablet-based electronic form, to make them a little easier to QA/QC. Right now, MRIP writes down everything. Then it has to be transferred from paper writing into electronic form on the computer. That step has -- Sometimes it has problems. We have found sometimes like this

was written down with this code and it turns out that it was accidentally transferred as a different species of fish or stuff like that or, gee, I can't make out this number and is that a 1 or is that a 7. We're just seeing, is this a feasible way of doing the MRIP intercepts? Those also will work with the electronic measurement boards.

As for timing, where we are, the project was approved early this year, but we just got the funding last week, and so app and program development is going to start within the next week or so, I would think. That depends on our partners, Harbor Light, who is developing the software. They're going to start working on that, and we should -- We're hoping to have working prototypes to go for the fall, for people to actually be logging and using the programs and logging their data. Then we will start data collection, and we're actually going to work through until next spring, but we should have preliminary data I'm hoping by December, by the December council meeting, to show how things are going.

MR. BELL: So there's a lot of things going on. This is, again, just a way of looking at some technology and improving things eventually for perhaps incorporation in the future or something, but, as we've -- You all know who have been around for a while, but we're transitioning from the paper world to the electronic, and the electronic is even -- I mean there is the potential of making things almost -- You push the button and, boom, it goes in immediately from wherever you are, and so this is just, again, looking at things. Any questions to Mike right now about this specifically?

MR. BOWEN: Mike, great presentation. A couple of questions have come up. Is this going to be presented to any form of the public in any of our upcoming hearings, or is this just a presentation for us?

DR. ERRIGO: That's why we developed this fact sheet. When we go out to public hearings, the for-hire amendment is going to be in the public hearings, and so we'll be able to present this fact sheet, saying, hey, we're also doing this pilot and here's what we're doing. It's a basic description of what's going on. It doesn't go into very much detail, because we don't have a lot of details at this point, but --

MR. BOWEN: That kind of leads into my next question, because if I was the general public attending a meeting and you presented this, the questions that initially come through my head were, and I kind of jotted them down as you were presenting it, was it's not real specific of who is involved. It's not real specific on, of those involved, how many for each of the four states. It leaves that out, and it's just some curiosity questions that I had that I think will probably come up when this gets presented to the public. The ones that are involved in this pilot study, how were they selected? That's just some questions that came up in my head as you were presenting.

DR. ERRIGO: I can have that information for people to answer, if those questions come up. In terms of exactly who is participating, I only have -- I have some of the participants, but we're still trying to nail down a few in the Keys area, I think. Number though, I have that for each state. They're not like the same for each state, but we're trying to balance it the best we could, but it's not a ton of people. Then, how they were chosen, I can also do that. They're mostly AP members or people suggested by AP members who have a lot of influence in the community, so that they can relay their experience to other people and get the word out about here is what I did and here is how I felt about it and all of that. Those are the kind of people we tried to get onboard.

MR. BOWEN: Thank you. Cool.

MR. BELL: Any other questions for Mike right now about the pilot project? You all have been really good. Let's take a break. Let's take a break, and we'll be back in our seats at 3:15.

(Whereupon, a recess was taken.)

MR. BELL: We will get started now. A little bit of an introduction to this particular piece of the topic. This came up, and it was just like a light bulb, I guess, went off in my head at the meeting we had in March, and the reason is -- South Carolina has had a logbook reporting system in place for twenty-three years. Over that twenty-three years, we've had ups and downs in terms of compliance, but I know first-hand that enforcement and management have to work hand-in-glove on this for it to work, and we can speak from experience.

These officers behind me can tell you that, the way our system works, when we have an individual who does not report in accordance with state law, we can ticket that individual if we deem that necessary, but we go through a process of checks to make sure that when management hands over and I sign -- When I put my signature on an affidavit list that says these individuals are late, I need to make 100 percent sure, on my side, that what I'm handing them is actionable. Then they have to have confidence that that's the case.

From that point, law enforcement handles it however they choose, in terms of using discretion of whether to write a warning or whether to just get the individual motivated and onboard or to write tickets, and they do write tickets. Then the other piece that management comes back and works with this is that we actually -- This goes before a magistrate, if it comes to that, but we will actually go to court and be there to explain to the magistrate how this works and here is the documentation, and all that documentation is on us, but that's how we've come to an agreement where this is how we kind of do it in South Carolina.

Then when I started thinking, okay, now we've got something in place that we're discussing here, and how is that going to work on the federal side of the house? How will that work, because I've had fishermen tell me, over and over again, that if you're going to do this, you've got to be able to enforce it, because fishermen get fed up, whether they're commercial or recreational, they get fed up when they're doing things exactly by the book and they know three other guys over here that aren't doing it by the book and they're getting away with it.

Whatever we put in place, ideally, we should be able to enforce, and so that's a lot of the detail that -- I mean we can create this system to collect data, and that's what it's for. These data are necessary for management of the species that we're dealing with, but you can create a great system to collect the data, but, if that's going to be mandatory, that's, again, and this is where it engages enforcement at some point, and that's what I really want you all's input on, and to kind of brainstorm this and imagine that we've got this system in place and how exactly is that going to work. Gregg, you've got some comments you want to lead off with here? Then I would like to just have some good discussion and input and really think this through, from your perspective.

MR. WAUGH: Thanks, Mel. As you can see, this is the same presentation that those of you that were at the March Law Enforcement AP meeting received. It's put together by the Southeast

Fisheries Science Center, and Bonnie Ponwith, who is the Center Director, gave this at the meeting, and I just wanted to hit on a couple of the slides in there.

This is the current headboat process for non-compliance. The reporting requirement is one week after the fishing week, and they allow themselves one week to determine compliance. Fifteen days after the end of the fishing week, an email notification to the owner. Twenty-two days after the end of the fishing week, a delinquency notice, a warning letter, is sent, and the vessel permit is placed on hold, and we can talk about what hold means in a few minutes. Then greater than one month of continued non-compliance, the Office of Law Enforcement is notified, and this was worked out with advice from NOAA GC and the Office of Law Enforcement.

MR. BELL: Karen, did you need to say specifically to that?

MS. RAINE: I do want to make comments.

MR. BELL: Why don't we let Gregg get through it and then we will --

MR. WAUGH: This just shows some of the reporting, the number of trips per month, and this is looking at 2015. You can see that you've got an obvious peak during the summer, and, if a vessel is going to be inactive, they can report that they are going to be inactive ahead of time, and so you can see those there as well.

Then, in terms of looking during 2015 at the delinquency rate, this is number of weeks late and the number of trips, and you can see that we've got fairly good compliance, but there are some that are trailing off, even five-plus weeks late. Looking at what was done in the Gulf versus the South Atlantic, you can see that there is a little bit of higher compliance, in terms of timing in the Gulf, and this is attributed in part due to the fact that they have a limited entry program in the Gulf, and so there is more impetus to comply with the reporting, because the permit can be taken or can be put on hold.

At least there is something you could go after, whereas our fisheries right now are open access. We have just -- At our last council meeting, the council approved a control date, and so that request is into the National Marine Fisheries Service, and we're starting on an amendment to look at a limited entry program for the for-hire sectors. There is also some argument that in the Gulf there is a lot of experience with reporting for red snapper, and so they're more used to reporting, and so there is more incentive to report on time.

Then the rest of this looks at compliance with the minimum size limit from the samples that have been collected, and that's not really something that we're talking about here, and so what we did is I talked with Mel yesterday and sort of put together this to help facilitate you all's discussion, and, again, it's got the rough timing down here of what's being done for the current headboat reporting, but this is something we would like to get you all to talk about here and provide a recommendation to the committee. Then the committee would discuss it further at our September meeting, when the Southeast Fisheries Science Center is there, and get their input as well.

Right now, weekly electronic reporting is required for dealers and headboats, and, as you know, it's proposed for charter vessels. The proposal is to have all reports due by Tuesday following

each week ending on a Sunday, and so what we would like to talk about is setting up a process where some notification is sent out, and this is just a draft.

This is you all's opportunity to construct this however you want to, but the suggestion is that, if the reports are due on Tuesday, then maybe Wednesday, if a report hasn't been received, the system automatically generates an email to that individual, a very polite email, saying, hey, maybe you just forgot, but we didn't receive your report. Then if you don't get it by Thursday of that week, again the system would automatically send a second email, just notifying them that, according to the regulations that are in place for dealers and headboats and that we're proposing for charter vessels, that if you don't report, then you're not -- If you haven't reported for the previous week, then you're not authorized to fish or, in the case of a dealer, purchase and sell fish.

Those two would be automatically generated. The thought is that this would indicate to those participants that it's important that we get the data and increase that voluntary compliance. Then, at some point later, perhaps a week later, or maybe it needs to be longer, an official letter indicating that you're out of compliance and not authorized to fish, and it should be purchase or sell fish, and that, I think, has to be sent via certified mail, but, again, you all can talk about that.

Then, at some point after that, law enforcement is notified and requested to visit, and, again, that would require in-person, and whether two weeks is too soon, that's where we're looking for you all to have some discussion or recommendation.

Something that has always troubled the council is that an individual can go through the whole year and not report anything. Then, when they go to renew their permit, they get a notification that your permit application is incomplete because you didn't turn in any reports, and so then they can step away and turn in real data or make up data for that whole year and provide it and then get their permit.

What we would like to have is some input, and I've talked with Karen about this ahead of time, and I think she has some suggestions for how we can word this, but what we would like to do is, if at the end of the year, even after all these notifications, an individual has chosen not to report, that then administratively that permit is not eligible to be renewed, and I don't know that that's the exact wording, but if we can come up with the wording, but that's the idea.

We have had individuals that are on the radio talking to other people who are reporting and joking with them and making fun of them and telling them, why are you reporting? I never report. We want to definitely eliminate that, and whatever input you all have would be really appreciated and any other steps that need to go in here, and this is where Mel was talking about getting into the details. If there are other steps, we can put them in here and you all can give us your input on how this should work.

MR. BELL: Keep in mind this is just a strawman, for purposes of discussion and kind of capturing the flow of things, and so some of these things are occurring on what I will call the management side of the house for us, the reminders and that sort of thing. Those are functions that would have to be handled by not LE. We haven't reached that point, and so, at some point, we will cross a line, and then we're looking for some sort of LE involvement. Then there are pieces that just kind of need to pass the legal sniff test, in terms of can you do that. Then that may require regulatory

changes. I don't know, and we will lean on you for that, Karen, but kind of just think of this whole process of how it might work in a practical sense.

I mean what's missing and what would work and what could be added or tweaked? We captured sort of the flow of this. It's similar to what we use in South Carolina, in that, if we do not receive a report by the 10<sup>th</sup> of the month, and our reporting right now is monthly, and so we're working on a slower time scale.

This is a weekly time scale we're talking about, and so that even ramps it up a little bit more, but, on our monthly time scale, if we do not receive a report from a dealer or one of our for-hire sector people by the 10<sup>th</sup> of the month, then we issue them a letter, and it says, hey, we don't seem to have your report here and get it in. Then there is a little grace period there for them to get it in. If we don't get it, if we don't have your report, you're in violation. Then eventually they go on a list, and we have built in -- Over the years, we've had to build in some kind of like a fudge factor for timing. Even on a monthly system we've done that, because, again, I am going back to the statement I made earlier.

When I eventually put my name on an affidavit list and turn it over to law enforcement, I want to be 100 percent sure that it's accurate, in other words there is not a glitch that has occurred on the statistics side of the house or somebody's report got stuck over here. I mean we want to make sure it is squeaky clean, because I'm going to potentially ask an officer to go out and locate an individual and deal with it, and I don't want to send him out there and have it be, oops, sorry, it's a boo-boo on our part.

That level of quality control, if you will, needs to be integrated into the system somehow. That's kind of on the management side, and how that works within National Marine Fisheries Service and handing over -- That's kind of for you all to deal with, but we, in twenty-three years of dealing with this at a state level, on a slower system, we have seen all kinds of issues, and the guys can tell you. I mean we've had to work through this, but I think we're very comfortable in the way we do it now at a state level.

Then another thing is if you're wondering the state reporting and the federal reporting, where we would envision taking our state reporting is to match whatever the federal system does, and so when somebody like Mark reports on his federal, the way we would set it up, he would be reporting for the state as well, and so, boom, one report or one button, however that works, and he would cover his state obligation for us.

I realize the other states do not have logbook systems right now, but that would meet his state obligation as well as his federal obligation, and he would be good to go, and so kind of think this through. I mean what do you all -- Is something missing or is something -- Where is the holes in this?

ASAC RADONSKI: First, are you trying to put this into a regulatory scheme, because what I see here are really policies and procedures within National Marine Fisheries Service and OLE and not really the council.

MR. BELL: Correct. It's not. This isn't something the council can make happen, but, as the Law Enforcement Advisory Panel, we wanted to get you all's input and be able to pass that along to

whomever. I mean if there are concerns you have or ways to improve it or things that definitely need to happen, we just want to document that, as a group of experts. Again, realizing this is more of a NOAA world thing, but it's just trying to capture where the concerns might be and the things to make sure we cover.

MR. WAUGH: Just one quick thing, because Jeff is right, but we do have a section in our amendments that is recommendations to NMFS, and I think it's helpful there, and the idea here would be that, depending on what recommendations you all come up with in the AP, that if the council is interested in making this recommendation to the agency, then this is something that would go into a future amendment. It could go into the charter boat amendment, if that's the decision, but it would only be a recommendation to the agency indicating here is how the council would like to see this run, something like this.

MR. BELL: Yes, and so that would be the council's recommendation based on the input of our technical experts in this area, and here's what we recommend, and that's as far as it could really go.

ASAC RADONSKI: Yes, because, just looking at this, it is policies, and I understand the recommendations, and I just wanted to clarify that the council is not dictating to us that we have to do this a certain way, but one of the things too that the council has opportunity with with OLE is to present their priorities, what they think the priorities should be.

I think it's very difficult when I sit there and when it comes to law enforcement in person in two weeks. That's putting a very tight parameter on us, because we are dealing with a lot of other issues. Even in late reporting, a fishery that's going to close is going to trump going after headboats or -- We have so many other priorities that are coming up, and so labeling a specific timeframe to something is very difficult, but I do agree with you that permits and -- Agents are just as frustrated that we see that somebody is late reporting and still is able to get a permit, and we have no idea if it's good or bad data that they're producing at the end.

CAPTAIN SHUSTA: Just for my clarification, are we thinking that this is a system that NOAA would manage or are we thinking this is what we would like all the states to implement, because that entirely changes our opinion, from Florida's stance, with the amount of infrastructure that it takes to create this. You have been doing it for twenty-plus years, and you're still probably learning things. That's something I was not really clear on at the last meeting, and I'm still not fully clear on it right now.

MR. BELL: This would be associated with the federal permits. The reason it might work a little differently in South Carolina is if that federal reporting becomes our state reporting. Then we've got some options either through JEA or just state. We could actually deal with it just like we're dealing with it now, but, for the states, everybody else, who does not have a reporting requirement for this, it's totally a federal -- It's basically how do we enforce that requirement with that federal permit to do this, and that would be chiefly a NOAA function, to the degree that it works for us, in that if the State of South Carolina says that requirement is our requirement, then we could -- We've been doing it, and we have the luxury, I guess, of having been doing this for so long, but you're absolutely right that this would be brand-spanking-new to any of the other states and what involvement would we expect or would there be, from the state LE perspective, and so it's chiefly

Where this could eventually evolve is if other states adopt some sort of similar requirement for reporting for state -- Keep in mind that our reporting system is everything. It's federal waters and state waters, and so our reporting system includes the charter boat guys just going out for inshore species and that sort of thing, but it also includes the offshore component as well, and so we are rather unique in that, but it is really about the federal permits and a requirement of that federal permit, and so, to the degree that a state could help with that, it depends on the state, I guess.

MR. BOWEN: Mr. Chairman, if you will just bear with me and have a little leeway with me here, but, back to your state, and I fully am behind this, but you mentioned earlier in your statement about the worst-case scenario, I guess would be going to the magistrate judge, and you're on a monthly reporting system.

To broaden my thinking to what is up on the screen, what kind of timing, in a worst-case scenario in your state, would it be from start to finish, in a worst-case scenario, and I'm assuming the worst-case scenario is in front of the magistrate judge. On a monthly reporting system, how long would it take if somebody didn't report and said, I'm not reporting and take me to court, blah, blah, blah. What kind of timeframe are you looking at, and then I have a follow-up for that as well.

MR. BELL: Full disclosure on our system, I mentioned that we're monthly, and we're building in a buffer on that, and so we will not -- I will not hand law enforcement an affidavit list until we're basically into month two. That builds in some buffer, and it allows us to make sure we have QA/QC'd this to the Nth degree, and so you have already -- You basically are acting at the two-month point, to just go write the ticket. Then whatever happens after that, whether they pay out or they want to go to the magistrate or whatever, and then that depends on scheduling.

It could be several months. Now, so that's a monthly system. We're talking about a weekly system, and so that's where I'm saying that obviously there is going to have to be some buffer built into this, because, as Jeff mentioned, this is a lot of work, and it's a lot of work for our officers.

From my perspective, I would rather our officers be in the field and doing enforcement of commercial and recreational fisheries in the field. That's where I would rather them be, but this is a necessary part of a requirement we have, and so they do spend time, and it does take time to actually go find an individual and talk to them and write a ticket or whatever, go to court, if it comes down to that, and so it's time consuming.

MR. BOWEN: I guess it goes without saying that, of course, the longer time it goes, the more money it's costing, the warning violation in the state. The follow-up is that, as we saw on the other screen, right now it's approximately 1,984 for-hire participants in the South Atlantic. How many participants, because I know that you are not only dealing with federal waters, but you're also dealing with state and inshore species that are not necessarily federally managed. Roughly how many participants are in your state, again, just to give us some correlation with what's on the screen?

MR. BELL: The system we're managing is 500-ish for-hire vessels. Then, on top of that, we also use the same system for our commercial reporting requirements, and so it's our wholesale dealers, state and federal wholesale dealers, and they're the same, but a hundred and -- It's over six-hundred-and-something, or maybe pushing 700 people or entities that we're dealing with in our system on a monthly basis.

2,000 for the whole federal, it's a lot more, but then also keep in mind that we're already -- The system exists for the headboats right now, and there's only so many headboats, and now we're talking about adding on the charter boats, and so it's a lot more work, but we're managing something probably 700-ish or whatever ourselves. Then, in addition to that, there are other reporting requirements we have associated with permitted fisheries, and so, by the time you add all those in, it's up there a good way.

MR. BOWEN: In my opinion, South Carolina needs to be commended for their work on that, and I have one last thing, and then I will hush for at least a few minutes, but, to Jeff's point, and it's very valid, about the law officers going out to -- They have other things that they could and probably need to be doing, and, when this is designed, I would -- The officer visit to the person that is out of compliance, somehow I would think that that should be labeled as a courtesy visit and not a mandatory visit, so if they are busy doing other things, and just because they haven't had a visit from the law enforcement that if they're still not wanting to comply, that the later or the other things that could happen to them -- Basically, what I'm trying to say is I wouldn't want it where a law enforcement officer had to visit them before something else could happen, if they still weren't compliant. Does that make sense?

ASAC RADONSKI: I can address that.

MR. BOWEN: Jeff, do it as a courtesy.

ASAC RADONSKI: It's not a courtesy, and, generally, if it's at that point of enforcement, we're doing investigation into it. Either we're proving that they didn't commit a violation or they did, and then we would refer it to -- I think there's summary settlement, and, even with the summary settlement, it could be egregious enough that we don't even go that route and we go to General Counsel for a summary settlement, but I wouldn't want to put it in there as a courtesy visit, because it's not. It's the agent or the enforcement officer doing their work and following up on that by the time it gets to us.

MR. BOWEN: Maybe I worded that wrong. Maybe I should have said that I wouldn't want the officer visit to be a prerequisite before they didn't fill their reports out and their permit didn't get renewed. Does that clarify it?

ASAC RADONSKI: Yes, and I think that should be two different ends, but, once we get in there and we do it and approve it, they can do sanctions on the permit, if we prove the case and go through all the mechanisms of the civil process, and so I don't see where that has anything really to do with enforcement and what we do. I think it's going to have to be probably more proper wording on whether or not they can fish or they can buy fish when they don't report.

MR. BELL: That gets back to that thing in the data we were talking about. At a certain level, you can't buy or sell fish or operate. You can tell them that, and then that goes into a database, and we got into this phone application thing, but that goes into a database, and now an encounter with that individual on the water, if he's on that database, then you can write something there, I suppose, but you've got to have real confidence in that database. It's got to be a real-time database, if you're going to ever do something like that.

ASAC RADONSKI: One of the things I see here is you're having internal, automatic in the system, kicking a notice to them by email. There is no person there. It's just in the system, and we don't know if the system correctly identified it or not. Then a second email is automatically generated from the system. From an enforcement standpoint, if we went to a hearing, we don't have a body yet to go testify to this stuff. It's all internal to a computer program.

MR. BELL: I'm assuming that -- This is what I was describing for us. This is how we do it, and so I mean the interaction with management and LE, if you go to court or something -- I mean it's useful for us, and that's how we do it. I don't know if that would work as easily on the federal side of the house.

ASAC RADONSKI: Yes, and I'm looking at, before it's getting to enforcement, we at least have those covered, before they even come to us.

MR. BROWN: Mel, you know we have port agents that come around and measure our fish, NOAA port agents. In the past, we've gone through a few of them, but we've got one now that's been hanging in there for a while, and they seem to be getting more duties added to what they're doing, and one of the things that they're actually doing is that they're monitoring the reporting, and they are checking to make sure that the people that they're responsible for checking in their region are doing the reporting in a timely manner. I have actually been called in once on that, but I do know that they are checking and going behind and making sure that people are reporting in a timely manner.

MR. BELL: Our folks, whether they're creel clerks or port agents that interact with the industry, they are not law enforcement. They can remind and then can educate, but it's quite clear that they are not law enforcement. If we have reached a point where a law has technically been broken, then law enforcement can deal with that, but we try to go above and beyond to educate, to do outreach, to work with folks to make sure they understand the importance of the system and why it's important to comply, but, at some point, there is the stick, and you would rather not have to use the stick, but that's what this piece is really about.

MR. BROWN: I know that a lot of people, like myself, you just get so busy sometimes and things will happen. You may have engine problems or something, and you just kind of -- There's priorities. You have to prioritize what's going on with the situation, and things will get away from you, and so it's kind of good that we have these backups that are letting us know, hey, did you send that report in or anything, and kind of keeping us on task.

MR. BELL: Something that Jeff said, I think the automated nature of the upfront piece, and so there is perhaps some hazards associated with being totally automated. That might be something -- I am not putting words in your all's mouth, but that might be something to -- Where is the QA/QC there or where is the double-checking or how would they incorporate that in there? We do it with just working with people and staff. We are not that automated yet in our system, but I think it's important to suggest perhaps that that needs to be incorporated in there, to make sure, again, that whatever eventually comes to the point of law enforcement's attention has been checked, double-checked, or triple-checked, whatever.

MR. HARTIG: Gregg, do we have a provision in this if someone wants to report on a daily requirement that they can report daily? When I sit down and fill out reports, that's a time block,

and it takes several hours for me to fill out my stuff for the week. If I could do it on a daily basis, it's probably the same amount of time, but it's not three hours every day. I want to be able to do it on a daily basis. I want to get in there and report my information and be done for that day everyday, so I don't run into these problems where life happens, where you're operating on a weekly time schedule.

This week, say I left for British Columbia on Friday. My statements go there on Saturday, and here I am today, and I will be on next week's before I even start to be able to report my fish for the past two weeks, and so there are things that happen in life that won't allow you to be able to meet all of these requirements, but, on a daily basis, you have really -- You miss all of that, problems with trying to sit down with a block of time that you have to delegate to reporting. If you made a trip, I mean you're in that trip for that day and you're coming home that night, and if you get into the rhythm of every day you can report -- To me, it just seems to be much more workable.

MR. WAUGH: That's an excellent point. It is trip-level reporting, and so we want the reporting for each day of fishing, and, yes, you can report daily. In fact, remember that we had one of our AP members demonstrate this at our recent meeting, and he said he takes him about ten minutes, and so, yes, that's the way to do it, is just finish it at the end of the day, and then you keep up. Again, these two auto-generated, if you will, emails, it's just a friendly reminder for those two, but, yes, that's a good point, Ben.

MR. BROWN: That's the way I do it. I do it trip-by-trip. If we have a week where we only operated one time, then I only reported that one trip, and the only time I would only have to send anything in if we didn't fish would just be reporting a no-fish week.

ASAC RADONSKI: I agree with a courtesy and sending it out, but I'm also thinking, as law enforcement, that's building a case, if it get to me at that point, and so I think the framework within here is more thinking like the cops than the fishermen or the managers or anybody else. Through this whole process, we have to be thinking that every one of these steps is part of a case, if that's where we end up. We could easily come up and find out the guy had some other reason and really did not need to have a penalty and close out the case or he thought he sent it out, but it's still in his outbox. I have had that happen on my emails, and so there is stuff that happens, and agents need to do that, and that's why we give agents discretion.

MR. BELL: To that, I mentioned that a person from our shop will go to court with the officer, and part of the documentation in front of the magistrate becomes first reminder and second reminder. I mean it's boom, boom, boom, boom. It's all there, and we've got a 99.99 percent success rate in front of all the magistrates we deal with, because it's very cut and dried. We're confident in the data and we're confident in what we're showing him, and we also, after a while, we have educated all of our different magistrates, and they understand what this is all about and it's pretty simple, but that's the ability to -- This is management kind of helping with that piece of it, and I don't know how complicated that might be on the federal side or how that would look, in terms of, again, that handoff being a real clean handoff and then law enforcement has got something clear to work with, but I would think that's what you all would want to make sure was in place.

MR. BOWEN: Just to back up a minute, I just want it on the record that I completely, 100 percent, agree with Ben. That daily, when this gets implemented, that's exactly how I'm going to do it.

MR. BELL: I think it's set up that we're looking at weekly as the absolute minimum. If you can do better than that, and then, eventually, if technologies are involved and it's even simpler and you want to do it in your boat, that would be an option as well, but it all still comes back to, at some point, did you meet the minimum, and then that triggers a response.

MR. BOWEN: We're in a law enforcement meeting. I do not text and drive the boat.

MR. BELL: Noted. Karen, did you have something?

MS. RAINE: There are a lot of moving parts to all of this, and I'm not quite sure where to begin. If I'm all over the place, it's because there are a lot of moving parts. First, with the language from the presentation about what's currently happening, I think I know what the Science Center is meaning by its reporting non-compliance process, but we have to be so careful when we use words, because they can mean different things in different contexts.

Step 3 that indicates that twenty-two days after the end of the fishing week that a delinquency notice, warning letter, is sent to the owner, I am going to think that that is just the Science Center's way of reminding people that they need to get the reports in, because we have written warnings in the law enforcement world, and this letter is not that. It's no official action.

Then vessel permits placed on hold, I know I have heard from -- I am aware that perhaps some fishermen are being told this, or at least that's my understanding, and, again, we have to be really careful about the way we use words. The Science Center does not have authority, on its own, to place a permit on hold. That sounds like some sort of sanction, and sanctions are -- The authority to issue sanctions is to the Office of General Counsel. It's not to the Science Center and it's not to the managers.

We just have to be really careful when we're thinking about these concepts. I think what possibly is meant is that they're letting the Permits Office know that someone is delinquent in the reporting, so, as an administrative function, if they're coming in to renew, the application will be considered incomplete until all of the reports are in. Maybe it's just semantics, but sometimes words are really important, and we have to be sure that we're all understanding what the process is, even if we're using different words to explain it.

Even though, when I look at this, I think, oh my, that looks like they're trying to say that there's some sort of enforcement action taking place, it isn't at that point. With the suggestions up there, I think Jeff has raised some really good points, and I will say, for the polite email reminders, I understand, I think from a manager's perspective, why you're doing that. However, I have to agree with Jeff that I think, from a legal perspective, it's not going to hold as much water as perhaps we would like, in that automatically-generated information is not as vetted, I will say, or perhaps credible as notices that are individual.

From a law enforcement perspective, I think it's probably fair to say that we're dealing with the individual and not with the mass, and so we need to be careful, if we want to rely on some form of communication, we want to be careful that that communication was actually sent, was actually received. It's an email, and so there can be email receipts, I suppose. I haven't really dealt too much with that, or really at all, in the legal sense. I am used to dealing with certified mail being

sent out and getting cards back or some sort of verification that somebody actually received a notice.

Again, I think it's likely that the Science Center and law enforcement and my office are going to be working together, because I wouldn't want to tell the Science Center what their timeline should be, and I guess I'm not so concerned about the timeline, but just that when, whatever action is taken, that we know that a letter was actually sent and received or an email or whatever, and I am not that comfortable with the idea of just something being automatically generated, particularly because we may not know at that point whether the report was actually sent or not sent, and that's why I was talking about sort of all these different portals and needed to be sure that a report really was received or not, and trying to work through that process.

At least when I've been in my office or wherever listening to the council meetings and listening to Bonnie talking, it has sounded to me as if they're still trying to work some of this process out themselves, so that they're sure that that's all in place. I do like the idea of something going out, because, that way, the agency is showing that, even though it's not required, that they are trying to work with the fishermen and remind them, but that is not a legal requirement to there being a violation, and I wouldn't want anyone to get that confused.

At some point, if it works out that the Center wants to send a letter indicating that we still believe they're -- Again, it's not an enforcement action, and they cannot tell somebody that they're actually in violation, because, for example, if somebody was not reporting, yes, in the regulations, it discusses that if you are untimely with your reports that it becomes a prohibition to fish. However, it's up to the agency, the government, to prove that. First, we have to prove, in a legal sense -- If I got a case, I would want to see that there was proof that they actually didn't timely report, and then I would want proof that they were out fishing before they had submitted their report, and so it's sort of a two-step process, and so we would have to have information and evidence on all of that. Let me just stop and ask if there are any questions or comments so far, before we go on.

MR. BOWEN: Maybe I am saying this again, but the emails really, the way we have this on the board, the emails would not be really an active -- It wouldn't be an enforcement action. It would just be a courtesy reminder, whereas -- Believe me, I want everybody to be 100 percent compliant, but we may consider having more of a time in between the first and second email courtesy reminders to when the official certified letter goes out that they're out of compliance. I'm just thinking out loud, I guess.

MS. RAINE: Right, and, again, for myself, I am not so concerned about what the Center or what law enforcement thinks might be an appropriate time period. My concern is that we're building a case, and so even the first reminder letters that go out -- To me, that's all part of building a case, because I'm looking at this, and Jeff and I are probably looking at this differently than you are from the management perspective, but, when I see this, I think, okay, how can we build the best case to ensure that someone really has violated the law, or you know it may turn out, as Jeff said, that they didn't or that there may be some extenuating circumstances or whatever, so that they would deal with it, because, once I get the case, we're looking at it to do something with it.

To me, when we're sending out even these courtesy, if you will, emails, I want to be sure that I can use them and say, look, they were sent this and they got it, and we know that we were sending it to the right person or whatever. Now, does that prove that they violated the law? No, but it's

helping to build the case that they were on notice and that they had knowledge and that type of thing, and that doesn't go maybe to the exact requirement that they failed to file, but it does go to the whole of the situation.

When I see these things, I think, well, I'm not that crazy about the auto-generated. We don't really know if that's getting to the right person or not, but something that somebody has looked at and we know and is sort of verified -- But, you know, I suppose too if somebody gets an email and they have filed, hopefully they would be on the phone saying, wait a minute, I did file. That's the other part of it too, and so we're looking at it somewhat differently, but I think all with the goal of getting the information, and that's the most important thing.

MR. BOWEN: As a federal for-hire permit holder, I am going to know if I reported or if I didn't. Does that make sense?

MS. RAINE: It makes sense, but --

MR. BOWEN: If you write me a ticket because I didn't report, I am going to pay the ticket, because I know that I didn't report. I mean maybe I'm the --

MR. BELL: You're an upstanding character.

MR. BOWEN: Not really, but I would pay the ticket if I -- That's like I get a speeding ticket and I'm stopped on the side of the road and a state patrolman writes me a ticket for doing seventy. Yes, I was speeding, and I would just go pay the ticket.

ASAC RADONSKI: But I think you have to look at a broader context on this and not just reporting in the headboat surveys. We need to have standardization on reporting throughout the Fisheries Service, and you are a small operator, I'm assuming, but we deal with huge corporations too that may have a secretary somewhere filling out these forms, and they decided that they weren't going to report and the bosses didn't know, and then all of a sudden we show up, and so I mean there could be a hundred different things going on here, and so whatever you look at, you can't build it just to one specific group or size.

MR. BELL: So what you see here is there is a real obvious tension between, again, from the science side or the management side with timely reporting, and it's real critical in the commercial sector, where we're making decisions about perhaps moving into the ACL or we're pushing the edge there and we're going to shut a fishery down.

Right now, with the for-hire sector, we're not taking that kind of action, because we're still using -- The for-hire component is only a part of the recreational sector, and so we're still waiting on that MRIP piece to work that out, but, in the for-hire part, that immediate urgency for we've got to have that report and we've got to have it this week is maybe not quite the same as the commercial side, where you're talking about keeping a fishery open for another week or not.

There is this tension between that urgency to get the data as quickly as you can, accurate data as quickly as you can, but then, once you get to where something is maybe going to become an enforcement issue, you want to make sure you have crossed all the Ts and dotted all the Is and double-checked, and that's why a little more time -- We have found that in our own system, even

though it's a monthly system. We have incorporated a whole month of buffer in there. Perhaps, by the time it gets to an LE action needing to occur, you have built in maybe a few more weeks or something, and it's had a chance to sort out.

MR. BOWEN: Like Jeff said, I'm trying to -- I wasn't thinking real broad, in terms of that, but, to your statement, as I am trying to sit here and think in a broader picture, I have made no bones about it. There are several -- I am one of a select few on the council that really have a vision or are looking forward in the future to a visioning of one day maybe getting the for-hire sector away from that recreational aspect of it, so that our numbers are not overestimated or underestimated or inflated or not inflated, where they are somewhat pretty much accurate, so we can actually pull away and have a third sector.

That's the vision that I have, and that's the reason maybe I'm more of wanting an immediate report, a daily report and this, that, and the other. On the broader perspective of that, that's my line of thinking. I am probably in the minority right now, but hopefully, in the near future, that will come to fruition.

MR. BELL: I follow your logic, and we've talked about that, and that's kind of down the line. What we're going to need to get up and running soon is something that will work for the reality of where we are right now, but you're absolutely right that eventually that could be a goal, and you could get some really good data, just like your commercial data, that sector, and then we will still be trying to figure out the hard part, the private boat piece.

MR. BOWEN: I agree 100 percent.

MR. HARTIG: I struggle a little bit. I mean we haven't talked a lot about this at the council level, and we're kind of getting into council discussions in this realm. One of the things you said, Mel, was it's more important on the commercial side. Well, we don't monitor quotas using logbooks. We monitor quotas using dealer reports, and so, yes, it is the commercial side, but it is a different entity, and they are, taking a deep breath back, you know these timelines are much too restrictive for life happens, for something that you're not using on a real-time basis, in my opinion. Having said that, that's a conversation to have at the council level and not waste these guys' time and having input into what we need them to really focus on, and that's -- I see us getting away a little bit from --

MR. BELL: Good point, and I appreciate that. Ben is absolutely right, and so, again, from you all's perspective, it's sort of, again, what works and what doesn't work and what needs to be in there and what considerations.

MS. RAINE: Another thing that I did want to respond to is Zack was asking about the timelines for action and sort of worst-case scenario. On the federal level, I will just give you a very brief overview of what happens and how much time it can take, say the worst-case scenario on this. Say that the Science Center does refer a case to the Office of Law Enforcement for investigation for non-reporting, and this is whether reminders have gone out or not, because reminders are not a legal requirement, but a case is referred to the Office of Law Enforcement.

Then law enforcement will do an investigation, and some of the investigation, I'm sure, will be gathering affidavits and making sure that we know whether somebody actually reported or didn't

report through the different portals or whatever, and so, after the Office of Law Enforcement, after an agent reviews it and it goes through their review process, it will go to the office in St. Petersburg for the Southeast Region. In that office, additional work is done on the case, some more administrative-type of things, checking for prior violations and getting a certified copy of whatever vessel documentation and whatever might be needed or anything on that line, and they will go through a review at the Regional Office as well.

Then it will come over to our office, my office, for review, and we do pretty well at getting these cases reviewed, and our process, of course, now includes that we write basically a brief for our headquarters to take a look at the case and give us authorization to go forward as we're recommending or not. Assuming that all of that goes through and we get the recommendation, then we issue a Notice of Violation and Assessment with a penalty, and I'm just going to use monetary penalties for right now, and we'll get into the other possible penalties in a moment.

Then we issue a Notice of Violation and Assessment, and then that needs to be served on the person, and usually it's by mail. Sometimes it's by overnight or by personal service, and then the fellow has thirty days in which to respond, to request a hearing or whatever, and sometimes they might ask for an extension of time to respond.

Let's say someone requests a hearing. Then we submit a hearing request to the Office of Administrative Law Judges for the Environmental Protection Agency, because they are the judges who are hearing our cases now, and so then the case will be put on a docket, and we will go through a period of time where generally for us now we will have kind of a -- I will call it kind of a mediation series of phone calls, if both parties agree, to see whether the case can be resolved short of a hearing.

If not, then the case will go to hearing, but, also, we will be doing briefings and that type of thing in between time, and so you can see this is not a couple of week process on the federal side. It can take some amount of time. Then, if a hearing is held, the administrative law judge -- Generally, they are not going to issue a decision at that time. There will be more briefings after the hearing, and, of course, then we'll be bringing in all of our witnesses. In this type of case, it would be someone from law enforcement, and there would probably be someone from the Science Center or the different portals where the information went through, so that we could show that the fellow hadn't reported.

Then, after a written decision is issued, the parties have the opportunity to appeal that as well, and a respondent can appeal it, as can the agency. They can ask the judge to review it or they can appeal it to the Administrator for NOAA. After that point, if it gets to the Administrator, the agency cannot appeal it further. However, the respondent has the opportunity then to go to district court, federal district court, for a review and then appeal that, theoretically, up to the Supreme Court.

Now, most of our cases obviously don't go that route. Most of our cases settle. We do have some that go to hearing, but not that many, but we do have to prepare each case as if it will go to hearing, but most cases are resolved much more quickly than that, and so, when you're asking for like the worst-case timeframe, that's what we're looking at, but most cases, thankfully, are resolved much more quickly than that, and so that's on that score.

Before I sort of move into the issue of if somebody doesn't file a report, can the council basically prohibit them from getting a permit, are there any questions on the process of the enforcement part of it or the prosecution, civil administrative prosecution, part?

MR. BELL: I've got one, and maybe it's more of a Jeff thing, but I was just thinking, when you were describing that process, and then I was imagining that there are 2,000 individuals, and let's just say 15 percent of them don't report and we get to a point where the Science Center hands you a pretty lengthy lists and says, here. From an asset standpoint, I mean how would you manage that? Do you have the assets to manage that or is that just like overwhelming, to get to the part that Karen just described? I mean that just seems like you would be overwhelmed.

ASAC RADONSKI: Honestly, we would have to prioritize cases. If it came in and they gave us a huge list of names, we may sit there and say we will do X number out of that list. We may not be able to do it all, because it could shut us down, but, to the Science Center, we do talk with them, and we are telling them that they've got to send the more egregious -- The guy that forgot one time, one week, don't send it to us. That's an outreach issue to deal with at the Fisheries and the Science Center levels, and that doesn't have to be an enforcement action.

We are dealing with observer issues and HMS reporting issues and South Atlantic reporting issues and the Gulf reporting issues. There's a lot of different issues that are going on there, and even with those sometimes we have to prioritize where we can put our time and effort to do the work, and so we understand that sometimes the councils see something as really important, or the South Atlantic, just like the Science Center. I know the Science Center wants the data from yesterday today. I understand that, but our process is not quick, and I tell everybody that.

We are not going to have a quick solution to a problem. We have a process to go through, and we have to be working to ultimately be able to have the prosecutor be able to present this case before an administrative law judge, and so it's not just that simple, and a lot of people think it's simple. We don't solve crimes like they do on TV, in a half-hour or an hour, but a lot of people come to us and they want immediate satisfaction, and I can't just send somebody out there because the Science Center wants us to just go talk to somebody, and that's the response we actually get a lot in the agency. Well, you guys just go talk to them and just get them to comply. No, that's your outreach side. Our side, if we're going into it, it's to look to see if we can sustain a violation or not. If we can't, it's closed down and we move on to the next thing.

MR. BELL: I think that's really important to get on the record, in terms of what you can and can't do, in reality. At some point then, perhaps what you end up with is the Science Center handing you the five more egregious people that have been basically for the whole year giving them the finger on the reporting. Then it comes to the part that Karen is talking about, and that's where we would say, okay, now what other sort of consequences might there be of these egregious violators? Can you then say, okay, you don't get a permit?

MS. RAINE: Okay. I'm not sure where to start, but let's start with first sort of a fundamental fact. The authority for penalties has been delegated to the Office of General Counsel, and that means monetary penalties, permit sanctions, and that type of thing. There is a delegation of authority, and the Office of General Counsel is the delegated office for penalties.

In the Magnuson Act, we do have processes set out for issuing penalties or permit sanctions, and, of course, all of this is in line with the Administrative Procedures Act, because we do have to give people, obviously, a right to a hearing if we're going to be looking to sanction them, whether it's through monetary penalties or a permit sanction.

As I mentioned before and as you know, we do have penalty schedules for violations, whether it's late reporting or whatever. I will tell you that we do have summary settlements set up for reporting violations, and you're not going to see a permit sanction there for someone who is late reporting. There is not a permit sanction that is going to be under the summary settlement schedule.

Also, under our current policy guidelines, for the most part, when I look through this, it appears that permit sanctions are going to be either a Level 1 or a Level 2 violation, depending on maybe the fishery or the type of violation it is. Under our matrix, a Level 1, Magnuson Act Level 1 and Level 2 penalties, do not include permit sanctions. We really don't have that many permit sanctions that are included on our penalty matrix, if you take a look at it.

Depending on, for example, a Level 1, depending on whether it's considered an unintentional violation, the range that's given in the matrix is written warning to \$2,000. Just sort of as a standard, if we're going to be in a particular box, we're going to start in the middle and go up or down, and you will see all of this if you take some time to read our policy. It's all explained.

Generally, we're going to look at regulations and violations -- If we don't have really aggravating circumstances to show otherwise, we're generally going to look at something as being negligent for a Level 1. The range is written warning to \$4,000. If you're looking at a reckless violation, it's \$2,000 to \$6,000, and an intentional is \$6,000 to \$8,000. If it's considered a Level 2 violation, the range is, for unintentional, is \$2,000 to \$4,000. For negligent, it's \$4,000 to \$6,000. For reckless, it's \$6,000 to \$10,000, and for, intentional, it's \$10,000 to \$20,000.

MS. BECKWITH: That Level 1 and Level 2, that's not a lack of reporting though? That's not an option or is that an option for lack of reporting?

MS. RAINE: No, the lack of -- Okay. Let me get to that part. It's a many-level step to look at different things, and so let me get to that part. As part of the policy, we have a listing of various types of violations, and hopefully we've covered the ones that we see the most. We may not have them all, but we have certainly most of them on this. There is section called violations regarding permits, reporting, documentation, and permit requirements, and that starts on page 34 of our penalty policy that you can find online.

A Level 1 -- I will just read off some of these, and I might miss some, but let me read off a few that you might be interested in for this. Fishing for, taking, retaining, receiving, processing, or possessing fish without a general open access permit or without a required letter of authorization. Fishing for, taking, retaining, receiving, processing, or possessing limited-access entry or catch share species without holding a valid permit if the permit is expired by renewable. That might come into play with some of the things we're talking about.

Failure to report changes in permit information and providing inaccurate information in connection with the application declaration record or report of the information is immaterial, and then here I think gets to the key of what we're really talking about. Failing to comply in a timely fashion with

logbook reporting, record retention, inspection, or other requirements, including failing to submit affidavits or other forms in a non-quota fishery, and then there's a footnote to that.

Failing to comply in a timely fashion with logbook reporting, record retention, inspection, or other requirements, including failing to submit affidavits or other required forms in a non-quota fishery, may be either a Level 1 or Level 2 offense. It is an offense Level 1 where the adverse impact on the statutory or regulatory program is insignificant and there is no economic gain from the violation. It is an offence Level 2 where the adverse impact on the statutory or regulatory program is minor or there is some economic gain from the violation. Then there are others, such as failing to provide legible logbooks or other reports and that type of thing.

Now, Level 2 has some fishing for, taking, retaining, receiving, processing limited-access or catch share species without holding a valid permit, if eligible for the permit, and failing to comply in a timely fashion with logbook reporting, record retention, inspection, or other requirements, including failure to submit affidavits or other required forms in the quota fishery. Again, that could be a Level 1 or a Level 2. Purchasing, possessing, or receiving catch when required reports are delinquent, and so those type of things are covered, failure to provide accurate logbooks or other reports and that type of thing, and so that is the penalty schedule as we have it now.

As far as -- There are more details, and so don't rely just on what I've read, because that's sort of an abbreviated version, but I certainly have heard, and this isn't the first time that the council would like some way to prevent somebody from getting a permit if they haven't been filing their reports and not doing sort of the data dumping at the end of the year. Well, of course, I know you know that right now -- Again, with the permit renewal process, if somebody hasn't filed their reports, it's considered incomplete.

The renewal application is considered incomplete until they get all of those reports in, and the Permits Office at some point might consider the renewal abandoned if the reports aren't in at a certain time, and I think some fisheries you might have up to a year to submit those reports. Now, that does not mean that we can't take an enforcement action for the untimely reporting during that time period. That doesn't preclude that.

The thing is, as far as the council being able to take some action, and we had a discussion last week in my office with Monica and myself, obviously for this council, but the attorneys who go to the other council meetings are responsible for other fisheries, and also a paralegal at our office about some of these issues. Because it appears that what the council is looking to do is basically to deny somebody a permit for failure to report, correct?

MR. BELL: In essence, that's the suggestion.

MS. RAINE: That is a sanction related to enforcement of the Magnuson Act, and that's been delegated to the Office of General Counsel, and so I don't know that there is an avenue for you to take an enforcement action, an action that would be considered an enforcement action, because you're looking to deny somebody a permit.

I will say that my understanding is that even if you wanted to deny somebody a permit, you would still have to go through some sort of hearing process, due process, and so I don't know that you

can actually -- It doesn't appear to me that you actually deny somebody a permit for failure to report, because that seems to fall under enforcement of the Magnuson Act.

MR. BELL: Gregg, did you want to weigh in something there related to that?

MR. WAUGH: Yes, and it's just a clarifying question. If the council was to put in an amendment a recommendation to NMFS and to NOAA that that's their intent, is there an avenue that -- Obviously we can't do anything besides that, indicate that here is what we would like to see. We consider it an egregious violation that damages our data that's going into our stock assessments and so forth and so on, and we feel -- The council concluded that that permit should not be eligible to be renewed, and we made that recommendation to you all. Then is there a process that you could consider this in how you would modify your guidelines such that you could come up with a process to make that permit non-renewable?

MS. RAINE: Well, first, I will say that it's very helpful to my office when you all make comments on the record of how you feel about particular measures, particularly when you're very concerned about them and consider them to be very, very important. I will say that I certainly have used your language from FMPs and that type of thing to help bolster my arguments before judges as to why the violation might be egregious or that type of thing, and so that's a very useful discussion on the record, when you all have that, and so certainly that is taken into account in individual cases.

I mean certainly if the council said that -- I mean obviously we would look at it, but, in my way of thinking, that's kind of giving the death penalty to a fisherman, if you don't want them to ever get a permit again because they failed to report. Maybe that's what you do want to do, and I don't know, but that -- I will just say that seems -- Well, let me put it this way. There are very few instances that I am aware of, and there are some, but very few over the course of my many, many years where people have actually been permanently denied a permit. That is rare. It happens, but it is rare, and is that really what you're looking at?

MR. BELL: I think, ultimately, what we want are the data, and that does sound rather harsh. I can tell you, again, how we do it is we have a state law that says if they don't report and we reach the end of the fiscal year, because ours are always on the fiscal year, that the law says that we must not issue them another permit until they have met the satisfaction, but we don't have the authority to tell them, no, you can't have a permit again.

MS. RAINE: Okay, but that's basically what you have, I think. That's basically what you already have in the regulations with the -- Administratively, if somebody has not provided the documents, the reporting, then they can't get another -- They can't have their permit renewed until they complete -- It's considered an incomplete application, and so they need to get the documents in so that they have a complete application.

MR. BELL: Right, and the problem with that is that you could have somebody that somehow manages to blow you off for the whole year and you get to the end of the year and then they hand you garbage, but they handed you something and that's it. I think that was the concern, to try to fix that, if you could.

MS. BECKWITH: I think one of the things we will get into is one of the arguments to actually move to limited entry on some of these permits is to be able to have some additional teeth that we

currently don't have on these open-access permits. If I'm hearing you correctly, outside of potentially mandating a settlement schedule fine for some of these folks, that would be sort of the max amount. Someone could theoretically, if we had limited entry, pay the violation and get their permit renewed, but I guess I'm struggling to see what -- The path that we're looking for is how do we make our open-access permit or our limited-access permit more viable or have more teeth or more enforceable than our current open-access permit, and so that's what I'm looking for.

MS. RAINE: We're talking, I think, about two different types of actions. One is the enforcement action, which really is separate from the administrative function of whether or not a permit is considered complete, and so the enforcement action can take place totally apart from that administrative action, and so whether -- Really, the enforcement action is to have consequences, monetary consequences, essentially, for the failure to file the reports.

The administrative function, as far as considering that application incomplete, is more of a practical -- Well, I don't want to say the enforcement process isn't practical, but it's more you need to have your reporting in in order to get your permit. A difference, I think, between the limited entry and the open access, as far as that function is concerned, because I don't know that that's such a big difference on the enforcement side of it. Somebody reported or they didn't report.

From the administrative side of it, if somebody has an open-access permit and they did not file their reports and a year went by and so that permit was considered abandoned, I think it probably is possible for them to get another permit, but, if it's a limited entry, they can still, I think, get another permit, but they would have to buy it from somebody, whether its two-for-one or one-for-one or whatever, and so they would have an extra step to go through.

MR. BELL: Right, and that's kind of another level up. That's more of something the council is - - But you're right. From an enforcement standpoint, that looks the same. It's either you didn't or you did.

MR. WAUGH: Very briefly, the objective isn't to take someone's permit. The objective is to get the data, and I think if you had this as a consequence, if they understood that upfront, we would be getting data, and we wouldn't be running into this issue. As Karen just said, it isn't that they can't ever get another permit.

It's just that they would then, if this was under a limited-entry program and that permit was deemed non-renewable, then they would to go out and buy another permit, and so what it does is it elevates the importance of reporting, because I think, up until now, and if you listen to the guidance that's in here now, there is not much consequence to not reporting, and that's not meant as a criticism at all, but it's just a reality of where we are now, and this would be an attempt to ratchet that up, so people understand how important it is.

If someone were to find themselves in that place, presumably they would have gotten multiple notifications throughout the year and enforcement action taken throughout the year, such that, once you got to the end of the year, if they had not reported, then there's a long history of opportunities for them to have reported, and so it isn't like you're picking on somebody. They have earned not having that permit renewed.

MR. BELL: Karen, do you want to respond to that?

MS. RAINE: I don't know whether this can be done, and certainly I would want Monica to weigh in on this, and it may not really solve the problem you're trying to solve, but say somebody -- Right now, in order to renew your permit, you have to provide the information, but, if you're concerned about people who let their permit lapse and then go and buy another permit or whatever, I don't know whether there can be a requirement then that they provide the information that they didn't previously provide. I don't know that it really gets to the current information. That probably doesn't solve that, and, again, I would defer to Monica as to whether as a council you could do that, but if you're concerned about getting the information at some point, I don't know, and that might be an avenue that may not.

ASAC RADONSKI: I'm just wondering. Why cannot a condition of the permit be there that you have to be in compliance with the reporting for that permit to be valid? You're not taking it away from them, but you're putting a condition there saying this is what you have to do to keep it as a valid permit.

MS. RAINE: I would just say it's kind of there, and not maybe in -- I haven't looked at the permit itself in a while, but certainly the regulations are such that if you have failed to report on a timely basis that you are not supposed to be fishing, and that's already there. If we prove all of that, then you are in violation of that too, and so it's a different way, I think, of approaching what you're saying. You're saying to have it maybe on the permit, but, in a practical way, it is there right now.

MS. BECKWITH: Thinking along Jeff's point, I was going to suggest -- I wonder if we could create a mechanism that said late reports would not be accepted after a certain amount of time, and since those would not be accepted, then the application would be considered incomplete by definition, and therefore non-renewable. If there was some caveat that you could put in where if your reports are four months late that they're no longer accepted, and therefore your application is automatically considered incomplete and non-renewable. It's complicated, but --

MS. RAINE: I don't know, and I don't know if Monica is listening in right now or not, but certainly that's something that I will raise with them.

MR. BELL: The data person in me will say, oh, God, no, we want the data, we want the data, but looking for consequences.

MR. FREEMAN: Just to try to add a little bit of context to the need for timely reporting, I happen to be fairly heavily involved in the golden tilefish industry, and we open January 1, and we're usually closed February 14. We're open for about a month-and-a-half.

What we've seen in recent years is certain dealers either waiting until basically after the season is already closed to report or just not being timely and the season getting cut short or big overages, but essentially the lack of enforcement on timely reporting has resulted in people just saying, hey, I'm not going to report until the season is already closed, so that I can catch more fish and end the season with an overage, after my numbers are incorporated in, and end up taking money out of everyone else's pocket who did report on time the next season. I'm not sure how that could be addressed, as far as law enforcement action, but it's a very real problem, specifically in our industry and in the vermilion snapper industry, that I think needs to be addressed.

MR. BELL: Yes, and that's a good example from the commercial side and why that timeliness is so critical. Then, if the data don't come in, then that forces the Science Center to create data, and then that can cause an early closure or -- I mean there's all kinds of problems, but that is a good example of why timeliness is so important, particularly for the commercial.

MR. BOWEN: I am going to pass on what I was going to say earlier, but, to your point, we're seeing that on the recreational side with the cobia fishery. With the states being left open, it's going to hurt the federal guys next year, and so I feel your pain.

MR. BELL: Okay. Kind of back to the -- Is there anything -- Again, for the state guys, we're kind of focusing this around a federal thing, and just kind of bear with us, but is there anything we're missing in terms of a concern, from an LE standpoint, or legal? Again, all we would be doing as a group, or as the committee part, is making recommendations to NMFS, but if there are things that would be helpful for us to recommend -- I've made a lot of notes here, and we've had a lot of good points, but I just want to make sure we capture that.

MS. RAINE: I will just say another idea that has come up, and Monica I think needs to research more on, is whether the agency could charge more for a permit where someone hadn't reported. Again, not an enforcement action, but sort of an administrative fee. I think the thinking currently is that any proposed fee attached to processing and renewal with late reporting, assuming that you could find a legal basis to do it, and I don't know whether you can, but it might be a nominal fee. It might not really be that much, and I don't know what legal basis there might be to do that, but that is something else that has been thrown out as an idea to look at as well.

MR. BELL: Anything else you can think of?

MR. BOWEN: You saw the smoke coming from my ears, but I was just thinking about what Karen said there, and I think some fees and things have come up in the past, and I am trying to recall from memory, but I'm not sure if it was Dr. Crabtree or Monica, either one, that said that would just go to the U.S. Treasury. I think we talked about in an operator card subject or something, and so, again, Mel saw the smoke coming from my ears, and so I wanted to --

MR. BELL: I'm used to reading his expressions. Keep in mind there's a lot of stuff we've talked about, and this is not about taking action against fishermen and penalizing people and pulling permits. It's really about getting good, quality data which will benefit these same fishermen, and that's the importance of it, but there's a balance between our chief legal counsel and -- The state constantly refers to us as we're bipolar.

It's like on one hand you want the data and you will be nice and you will do anything to get the data. On the other hand, we're going to whack you over the head with a stick, and so we're constantly dealing with, no, we want the data, and, no, we want you to report the data now, and so there's this constant tension, but that's similar here, too. It's really about getting the good data in a timely manner, so we can use it for effective management, which benefits everybody. A lot of what we've kind of talked about is sort of the stick part of this a little bit, but it's not just to penalize people for the sake of penalizing them, and we're certainly not raising money. That's not the idea, but it's about good, quality data in a timely manner that can be used in good decisions.

LT. FAIR: I just want to go back to what was said earlier here and to the point of accepting late reporting. If the trend was that your application -- Reporting is not going to be accepted after four months or whatever the timeline is -- The comment you made was, well, we want the data, but I think it's important to acknowledge the fact that garbage in, garbage out.

If we're going to let them go all the way to the end of the year and then give me your data, it's garbage in, garbage out, and it really serves no purpose, but I think, by putting a stipulation on if you're past ninety days that we're not going to accept it and you don't get the permit, and, therefore, your application is no longer valid, you're going to change a culture that is going to compel compliance over time, and so the data will be more valid, because you're changing the culture and not getting a wag at the end of the year.

MR. BELL: That's a good point. This really is about behavioral change and culture, and you will see that even with our guys. I mean it started out as why do we have to do this, but, after a while, I mean we were able to demonstrate good utility of the data, and this is at the state level, where we've used the data to make decisions regarding state fisheries and things and provide input into federal fisheries. Cobia is a good example of where our data from our charter boat sector for cobia, I would stack it up against any data, a lot of our data, related to a lot of fisheries.

It's really about getting the people to realize at some point, and that takes a little time. At some point, maybe you have to have some consequences there to get them to realize that, okay, I get it, but that's, again, why we're talking about consequences. It's not that we're trying to be just overly forceful about this. It really is important.

MR. HARTIG: To that point you made about the data and the importance of it, I mean if somebody hasn't reported for the entire year and they send their data in at the end of the year, that data is not incorporated in the stock assessments. It's flagged and set to the side, and so, yes, it's a loss to the system of data that could have been used at some point, but I mean we really need to get back and look at how many of these people it really is causing this problem.

We've spent a lot of time on a really small percentage of the actual people who are reporting on how to get these few people, and it's about 15 percent of the people who are on longer reporting schedules. To me, I would get away from removing their permit for not reporting. I mean maybe a permit sanction, if you got into an investigative case and you looked at somebody that, okay, the Science Center said to you this vessel hasn't reported any logbooks for this time. Then you would have to go and look at his trip tickets.

If he had trip tickets over the year and no reporting in logbooks, then that's obviously a violation that you could pursue by investigation and then have some kind of penalty, based on whatever it was, but to remove somebody's permit for non-reporting, to me, that's pretty strong, because I have dealt with people in the past who have lost their snapper grouper permits because they missed the deadline, and life happens, believe me, for a number of these cases, and there isn't leeway within the system to allow these people hardships for not having to apply for a permit on time, and so I would be a little bit -- I would go the other way on that.

MR. BELL: Any other feedback on this or, again, anything we're missing? Again, a lot of this is recommendations, and it's really a process -- In terms of getting into the weeds of this, it's a process that NOAA is going to have to work out, and you've got a little bit of an extra -- There's

an extra complication. There's the Science Center, there's sort of management and permitting, and then there's law enforcement.

The way we're dealing with it at the state, it's just two entities. We don't have that kind of third entity involved in the process, and, like you said, wherever you've got a handoff or wherever you've got an interface or wherever you've got a place where something has got to transition, those are all places where mistakes can happen or the QA has to be really tight. Anything else?

MR. HARTIG: The clarity of this conversation has helped tremendously. It has really helped us, and I wish the whole council was here to hear what you all have said today about how we're moving forward, and I think we'll try and educate the rest of the council in discussions from here on about how we move forward, and so thank you.

MR. BELL: Yes, and I think really understanding what limitations and things are and getting all that on the table is important.

MR. FREEMAN: Just to clarify, as far as the Excel sheet we've had up on the screen for a while now, it's my understanding that everything beyond the first item, that polite reminder, is outside of the authority of the Science Center or the council and that falls strictly on NOAA?

MS. RAINE: No, and I mean certainly the Science Center and managers can send out letters telling people what the state of the law is, and the Science Center has and can send out a letter indicating that somebody is not in compliance, but that is not an enforcement action. That's the managers, the Science Center, letting people know that this is what we see going on, but that is in no way any kind of final enforcement action.

MR. FREEMAN: As far as the idea to send an email indicating you're no longer authorized to fish or sell fish, that's outside of that capacity?

MS. RAINE: No, and I wouldn't say it's outside of their capacity send a letter saying this is what we see. Now, that does not mean that a case of non-reporting or late reporting has been proven, and so they can say, you know, we haven't received your report, for example, but somebody isn't considered to have violated the law until they've gone through this process and they've been charged and they have either settled or they've gone before a judge or they have ignored us.

When people ignore us, they may think we're going away, but we don't, because, if you ignore us and don't do anything, after a certain time period, after you've received the notice of violation and assessment, that penalty becomes final, and so it's after -- It's after the penalty becomes final and the time to appeal has passed, and assuming there's no appeal, that's when, at least under my consideration, that's when somebody is considered to have violated the law and not beforehand, at least legally. For example, I would not use a letter going out from the Science Center that they think they're in violation as evidence of a prior violation. Now, it might be evidence that they were on notice that they had to report, but is it a finally-adjudicated action? No.

LT. FAIR: I think, if I'm understanding what Mr. Freeman is saying though, is the official letter that's being sent out says that they're not authorized to fish or sell fish, and do they have the authority to say that, or you will be referred to OLE, as you may not be able to sell or continue to

fish, because that tells me that we've sent you a letter and, effective immediately, you're not authorized to fish or sell fish.

MS. RAINE: Well, the regulations do say that if you are untimely in reporting that you are not authorized to fish, but that's why I say it's sort of a two-step process as far as finding them to be in violation. I mean certainly they --

LT. FAIR: But have they been found?

MS. RAINE: No, because the Science Center certainly can quote the regulations to them, and I think they would be well served by sticking to this is what the regulations say, rather than going further than that, but, no, they will not have been found to have -- They will not be found to have violated the late reporting until they've gone through this administrative process, but it could be, time-wise, that perhaps somebody failed to report and, before they sent in their reports, they were out fishing. Well, we might -- I could foresee that I would get everything about that case at one time, the failure to report in a timely manner and they were out fishing. We would certainly have to prove all of the different elements to that before they could be found in violation.

ASAC RADONSKI: I was just going to say that, in that case where they're out fishing, we have to prove the non-reporting first and then the secondary violation would be out fishing in violation of it. We can't work the other way backwards. As far as the notifications from the Science Center, we want them to do the outreach.

We want those contacts made, even with the observer program and protected resources and all of them. We try to get them to do as much of that outreach as possible, because we don't have the capabilities of doing all the outreach that's really necessary, and not necessarily all the expertise. We aren't digging through the permit files to try to find violators or anything. Most of it comes to our attention from somebody else in those types of cases.

MR. BELL: Yes, and, just, again, kind of I view this is don't take that wording up there as the specific wording that might be used, but what we do and what I would expect the Science Center would do in terms of reminders is simply state the law, state the law. I mean that's what we do. We say, in accordance with South Carolina fifty-dash-five-dash-umpty-squat, reports are due in this office no later than the tenth of the month and we don't have your report. It just states the law.

Then the second reminder might be a little bit more of, per the law, you're subject to penalty or to being -- Then, after a couple of warnings and then we go through our process, then the next thing that might happen is the friendly officer shows up and says, hey, and then he either writes a ticket or whatever, but what the Science Center or management -- It's just simply state the law, and then you're not trying to insist that, yes, we're going to do this to you. No, you just state the law. I mean I think that's the way we approach it, and it works. Anything else?

MR. HARTIG: Just one thing. Jeff, I know that it's kind of worrisome to look at this from a long-term perspective. If I have to do this every year on a whole bunch of different permits, that's going to take a lot of time of my resources and things of that nature, but it seems to me though that it hasn't been done in the past, and that if we did it like one -- If we took one particular year and made a presence known and this is what's going to happen, you would get the people online, and then you wouldn't have the problems.

If they knew that there was going to be an enforcement action, because there hasn't been any taken so far in the whole history of the permit process, and so, if we pick one particular year and utilize some of you guys to go out and get to the real people who are not reporting long-term, and maybe had an enforcement action or two, I think we would be good and not take up a whole lot of your time, but then get a lot of bang for your limited interaction with a few fishermen. That would hit the telegraphs pretty quick, and then we would get reporting, maybe.

ASAC RADONSKI: Right now, I can tell you that we just issued a NOVA in a shark case, and that person had a big impact on the shark fishery. We sent a NOVA out on that one. We just got another case the other day on somebody who is failing to report, from HMS again, but I'm not saying we're not working on it and we're ignoring it. I am saying if it becomes a huge influx that we are going to have to prioritize, but we are relying on the complaints that are coming to us.

In reality, just like I got a complaint the other day from HMS, and it was just a very broad email, and I had to send it back saying I need more specifics on it and not just broad terms, because I'm not going to send an agent and say, hey, go through a year's worth of data and see if you can find it. They have the data of when they did report and when they didn't report, and I need that.

Don't think that I am trying to say that we aren't working this. We realize the problem, but it's what comes to us that we're actually working. Like the observer program right now, they send out a quarterly statement to us on who is non-compliant with the observer program, and I have an agent who is assigned to that tasking, and they evaluate each one of these. It may be a telephone call or it may be reassignment to another agent who is closer to where the boat is, an investigation done there, or a written warning might be given out. I mean we're going to use our suite of options to look at it, but we are evaluating it.

It's similar to what we do with these as well. We look at the information, but, for us, it's very information-driven. Somebody that fails to report one time isn't going to be something that's going to hit on our radar screen. A habitual person hits our radar screen. Like the recent one that I got from HMS, it was numerous times throughout the year, and so it's really information-fact-driven per case. It's harder to put it out in broad terms that we can do everything. I don't know if it -- I have heard so much about the non-reporting, but I haven't seen actually how bad is it. How late is late?

MS. RAINE: Yes, and I think the point is too that law enforcement doesn't originate the cases. In these type of situations, it would be the Science Center who would be providing information initially, and then, of course, law enforcement would have to investigate, and I kind of wonder too how many people are really a problem, and I'm sure there are some, because we hear reports of it, but I don't know the extent of it, and, of course, there can be cases out there that I would never hear of, because there's summary settlement or something else that didn't get to our office, and so there can be action being taken that I wouldn't necessarily know about either.

MR. BELL: Yes, and that gets back to the importance for the Science Center to communicate. Like you said, at some point, what it may become is these are our egregious people and can you help us with that, or you try just doing the reminders and working with them as much as you can and reach out and educate and try to pull in, but, at some point, you get a handful, and hopefully it's a handful, of egregious violators.

You make a few cases, and, after you make a few cases, perhaps that helps change the culture. It's like, okay, we get it and we see that bad things can happen. There at least has to be a possibility that I could get in trouble for not doing this and bad things might happen. If that exists, then eventually you change how people think.

MR. BOWEN: I know we're running short on time, or probably even over, but I agree with Ben, and it's like you said earlier, at the beginning of the meeting. The radio chatter is why are you reporting? I'm not reporting. Well, it wouldn't take very many of that radio chatter to switch that to saying I lost my permit or I got a visit from a law enforcement officer about reporting, and so I'm making sure I'm going to report. It wouldn't take long, I don't think, or many cases for that radio chatter to turn 180 degrees. That's just my thoughts. Thanks.

ASAC RADONSKI: Even within the headboat community, we have received a lot of complaints of non-reporting. The problem is they're not federally-permitted boats, and so we're at no go and no start. Now, I have referred them down to the state, saying, hey, we also found out that they aren't currently permitted under your state requirements, and let them work it at their end, but I don't have an avenue. Unless we can prove that boat went out in federal waters, we don't have where we can prove a case on them that they're fishing in federal waters. We have to physically see them out there operating.

MR. HARTIG: (The comment is not audible on the recording.)

MR. BELL: Undercover work.

ASAC RADONSKI: We've done that, too. We did that in the Gulf, and that's actually a limited-entry permit, and people didn't want to go buy the permits, and we had a lot of rogue people out there doing it, and we've seen people even start saying that we aren't fishing and we're trading. I'm not getting paid in a paying business. I'm helping him with real estate and he is doing this for me, and that's why I'm out on the boat. I mean people are always going to find a way to get around the rules and regulations, headboats or any other ones. Permitting is the key in a lot of points, but we have to be able to control it and make it more difficult for them to renew it if they're not complying.

MR. HARTIG: Only some people.

ASAC RADONSKI: I tell everybody all the time that my job is I'm not out there to look over the universe of commercial fishermen. I'm looking for that 1 percent. There is too many people out there working that are abiding by the law, and I don't care about those people. They're doing their job.

MR. BELL: Mike, did you have something?

MR. FREEMAN: Yes, and sorry to drag this on, but it's a fairly widespread belief in the commercial fishing industry that catch shares are coming at some point in the future, and that has led some people to decide to over report what they catch, in a belief that, once catch shares do come in, that increased number of landings will result in a larger allocation for them. It's been going on probably a couple of years now, but it's a very small portion of people, and I'm not sure

who they are, but is there some kind of avenue in place or would this be a Science Center thing, where reporting fraud is happening?

MR. BELL: So you're talking the logbook part reporting is overinflated, as opposed to the dealer end of it?

MR. FREEMAN: In some instances, it's both. There is instances where the fish house would own the vessel, and they're filling out both.

MR. BELL: Our law specifically says accurate reporting. I don't know how in the world you would chase that down.

ASAC RADONSKI: We've done a lot of cases on fraud. It could be USC 1001 for false information to the agency. It can be wire fraud. We've done a lot of those type of cases, especially in the IFQ system with fraud, doing different avenues of it, and we're interested. We hear those specific things, that it's overinflated, and I have come across that. I don't know if you follow -- I think it was up in New Bedford that the IRS went undercover, but that guy had major fraud in that part. In the Northeast, they've had several huge fraud cases dealing with fisheries, and so we do have avenues for it, but, like anywhere else, I mean we have to have a starting point to know.

MR. BELL: That type of thing, like you said, undercover or a lot of records digging and very intensive and trying to sort things out, and it can be done. It's just not necessarily really easy. Anything else related to the topic? If there's nothing else, I think have overworked you for today. I am trying to think -- Is it 8:30 for tomorrow morning or what we were thinking for tomorrow?

MS. BROUWER: 9:00 is on the agenda. I can't make it at 8:30, and so --

MR. BELL: 9:00. Boy, you all can sleep in tomorrow, and we will basically pick up the agenda where we left off at Operator Cards. Thanks a lot for some good input. I'm glad we captured a lot of this. Thank you.

The Law Enforcement Advisory Panel and the Law Enforcement Committee of the South Atlantic Fishery Management Council reconvened in the Crowne Plaza, North Charleston, South Carolina, August 5, 2016, and was called to order at 9:00 o'clock a.m. by Chairman Mel Bell.

MR. BELL: I will call the joint meeting of the Law Enforcement AP and Committee back in session here. Notice that Colonel Frampton is here with us this morning, and he will be handling whatever part he needs to handle, but, again, it's a joint meeting, and it worked well yesterday, I think. We were just kind of collectively a group here, but if at some point we reach some actions where the LE AP wants to make a recommendation or a motion or something, we will handle that accordingly.

We will see how this goes today. We have a number of things left on the agenda. It's scheduled to go until 3:00. If any of you have flight issues or something with that, we'll just kind of deal with it. Checking out, I don't know if the check-out time is 10:00. We can try to take a break around there or something, if you need to check out. We will figure that out. We will make sure you're not stuck here. The first thing I would like to do this morning is Chisolm is going to going to make an introduction for us, and then we will kind of move into the actual agenda.

COLONEL FRAMPTON: Great. Thank you, Mel. I apologize for not being here yesterday. I had a prior commitment, but I'm glad to be here today. I am glad to see my friend here, Director Jim Landon, who is the Chief of NOAA Law Enforcement. If we can get you to come up and join us at the table, but Jim has been with NOAA since 2012, and so welcome. Thanks for coming. Thanks for taking time out of your schedule to come and be part of this and hear what the states have to say and the industry has to say, and so we're appreciative of you doing that, coming down, and so thank you, and I will turn it over to you for a few comments.

MR. LANDON: Great. Thanks, Chisolm. Good morning, everybody, and thank you for having me. As Chisolm mentioned, I am the new Director of the Office of Law Enforcement. I don't know when I get to drop the "new" title, but soon I will. I'm actually coming up on my one-year anniversary, and so I think maybe after that I can drop the "new", but, prior to that, I was Chief of the Enforcement Section in the General Counsel Office, and so I was responsible for basically all the enforcement actions. The cases eventually made it across my desk, and my role was really basically to review those for national consistency purposes, to make sure that we were treating like cases in a like manner, to make sure that we were as fair as possible when we were issuing civil penalties and to also make sure that process was as transparent as possible, by things like posting all of those actions on the OGC website, for everyone to kind of see how we are endeavoring to make sure that we are treating, to the greatest extent possible, those violations as similarly as possible.

Some of the things that we've been doing, and I don't have a whole lot of formal comments. I like to keep it informal and kind of make myself available for you all for questions and answers as things pop up, but one of the things that we have done is we recently concluded a pretty comprehensive staffing analysis.

We actually engaged many of the councils, in order to actually provide that what we would call stakeholder input, and the basic task was we actually hired an independent third-party consulting firm who has experience in doing these types of things, and the basic premise that we posed to them is if the NOAA Office of Law Enforcement didn't exist, what would we have to look like? Where would we have to be stationed and what sort of issues would we need to deal with and what type of job composition -- How many special agents and how many enforcement officers and how many VMS enforcement techs, and on down the line, would we need to actually kind of cover the waterfront, no pun intended.

The result of that process led to what I think is, for the first time, a very comprehensive, functional analysis of what the Office of Law Enforcement staffing needs need to be. Kind of cutting to the chase, what it means for the South Atlantic region is some shifting of some resources. We're actually in the process, nationwide, of hiring thirty-one new uniformed enforcement officers. Seven of those will be coming to the South Atlantic region. We already have one in Charleston. We will be adding seven enforcement officers from Morehead City on down to the Keys, as well as adding a lieutenant, a supervisory enforcement officer, to be in charge of those new enforcement officers.

The mission that they will be performing is kind of twofold. A few of them will be tackling our new, and I could probably use air quotes around that, and that is our wildlife trafficking, seafood fraud, seafood traceability IUU mission, and those two officers will be stationed in Savannah, Georgia, and down to Miami, Florida, at basically the functional ports of entry, as we look at

essentially seafood product coming into this country and making sure that is marked properly and not having species substitution happening and generally compliance with kind of our import restrictions and things like that.

They were hired as the result of a budget increase that we received last year to do this IUU fair trade mission, and, like I said, those two officers in Miami and Savannah -- The locations were selected based on volume of seafood imports that are coming into the country, and those two ports of entry were listed as one of the top ten ports of entry. Basically, as I said, it's that functional analysis looking at where we have the mission, where we have the need, and those two officers will be deployed kind of behind the scenes, looking at containers and packages and shipments coming into the country.

The other five officers will be located throughout obviously the South Atlantic seaboard to do that core NOAA mission of fisheries enforcement, protected resources, sustainable fisheries, and, if you will, transitioning and allowing our special agents to focus on those more truly complex civil and criminal cases for which their skillset is most appropriate. That's the big thing moving forward.

The other thing which the council will be involved in is we are on the eve of our next five-year reprioritization, if you will, identifying what are our priorities, and we will probably be starting that process in late June or early July, and folks will be engaging certainly you all as stakeholders, to help us identify what our priorities are and what our enforcement priorities will need to look like going ahead.

We utilize those to not only focus our own internal OLE priorities, but we also work with the United States Coast Guard and have them, when their living marine resource patrol hours are reduced -- It's one of those everyone has kind of resource constraint issues, but we work with the Coast Guard in order to try to make sure that they're aware of what our priorities are, identified priorities, as well as incorporate those into our joint enforcement agreement with each of the states.

That's a big process, and when folks from NOAA or OLE kind of knock on your door and say, hey, can you help us with identification of what you see as priorities for the next five years, that's that process that we need assistance with, and so I appreciate that in advance. That's it for me. Like I said, I will be here, and I more than welcome questions and answers. If you see me in the lobby there, by all means, grab me and bend my ear. Once again, thanks for the opportunity.

COLONEL FRAMPTON: I guess right now, if anybody has got to depart early from the meeting, if you've got any questions for Director Landon, now is a good time to start it, and we'll have another opportunity when we talk about the JEA later in the meeting too, but we will open it up now, if anybody has got any questions.

CAPTAIN SHUSTA: One of the things that's more of a comment, and then I guess a question, but I would like your feedback on it or your perspective. Our JEA partnership is very important to us, and one of the things, and I just want to start with a compliment, is, looking around at the productivity and the development of our own officers, it's incredible in areas where we have basically strong leadership from your EOs or folks that were very hands-on with our guys in the field.

One of those that really stands out to me is Special Agent Rich Chesler. Everywhere where he has a good relationship with our folks, we have extremely strong teams and extremely effective teams, as far as federal fisheries is concerned. You know we would love to see a continued growth or development of that relationship, and I don't know if that's going to fall on the EOs now or if that's something that we will continue to have that relationship with our special agents. However, I think it's a very critical component of the joint enforcement efforts, and maybe if you can kind of elaborate on your vision of that in the future.

MR. LANDON: Sure, absolutely. My vision is I think your vision. That relationship that we have is absolutely critical. I agree with you that it is critically important that we maintain that, and, yes, the enforcement officers are going to be, if you will, kind of going forward, that interface with our JEA partners. That supervisory enforcement officer, that lieutenant, is going to be, if you will, the -- You will see that person take on more JEA coordination activities. We have used that model in other OLE divisions, and it's worked very well, if you will, the uniform-to-uniform kind of interaction.

Those enforcement officers will kind of serve as that single point of contact in kind of each of their areas of responsibility. They will be responsible for knowing what is within the joint enforcement agreement and the priorities for each of the states that they're in, and they will kind of work to, if you will, kind of coordinate and kind of be alongside you all, our state partners, as we kind of jointly enforce those federal laws pursuant to that joint enforcement agreement, and so you will definitely see -- I will just give you an example, because, like I said, this is a model that we've used up in our Northeast Division.

Just this week, we had an enforcement officer go up and work with a state to do a saturation patrol, a pulse operation, whatever you want to call it, to go out into the EEZ to enforce striped bass possession prohibitions out in the federal EEZ, and so that was kind of a perfect example of kind of the synergy that I think can be built by the enforcement officer, the NOAA enforcement officer, linking up with that state and going out and conducting those joint patrols, that saturation patrol, out in the EEZ, in order to enforce that federal regulation, and so that's kind of the model going forward.

CAPTAIN SHUSTA: Thank you. That was great.

COLONEL FRAMPTON: Any more questions? Thank you again for attending, and stay with us and we'll get into more when we talk about JEAs. Right now, let's move into the first presentation we've got, and, Karen, are you ready?

MR. BELL: Just to kind of tee this up a little bit, this is something that we're bringing to the LE AP. The Law Enforcement Committee has talked about this topic a little bit at a couple of meetings, and with sort of full council, but the question came up several meetings back about sort of the utility of operator cards.

In our region, and Karen is going to go into this in detail, in terms of background and the big picture, but the question has come up from the fishermen and from folks about, well, why do I have to have this operator card for this particular fishery and they don't for this one and then there are -- We'll see that there are differences from regions, but, from the council's perspective, the

question to us is what's in place, is that adequate? Is that something we want to maintain like it is, just leave it alone, or are there things that could be changed to make it more useful?

Before you go tinkering with something like that, what we really wanted to do was make sure we reached out to enforcement to see, from you all's perspective, is this useful or is it set up in way that it's adequate, or should it be expanded, or should it be decreased? We didn't want to even think about touching that until we really had some good feedback from the enforcement side, as to we're happy with it or we're not happy with it or whatever.

What Karen is going to do is kind of the 30,000-foot overview of operator cards, I guess, a little history and sort of what we have now. Then what we would hope to get is just some discussion on we like them or we don't like them or it works great or it would work better if it looked like this or looked like that, and so that's what -- Karen is going to graciously allow us to abuse her again today with providing this presentation, and so thank you.

COLONEL FRAMPTON: I'm not going to let that happen, Karen.

MS. RAINE: Okay. Thanks. I know that the council has had maybe a couple of presentations on this issue, and so this PowerPoint is going to look pretty familiar to you. We have a new paralegal at our Southeast Office, Steve Chappell, and he gathered, at Monica's request, he gathered information from other regions, to see what others were doing and that type of thing, and I know that the council had asked Monica to gather some information and make a presentation, and so you may get to hear this again in September from Monica. Maybe, depending on the discussion here, it will augment the presentation or what have you.

In any event, we only have two operator permits in the Southeast Region, the dolphin and wahoo operator permit and the rock shrimp permit. A permit is required, however, in the Greater Atlantic area for all of their fisheries, and, again, just two fisheries in the Southeast, and the operator permits are generic. One permit is good for all fisheries within the region that require them.

Now might be an opportunity to say that my understanding is that, if someone applies for an operator permit in the Southeast Permits Office and asks, the permits people there will let them know that the applicant can apply for the operator card either to the Southeast or the Northeast, and they're told that it's okay to use the cards in whichever region.

My understanding is that only the Northeast and the Southeast have any requirements for operator permits and, of course, in the Southeast, it's just on the Atlantic side for those two fisheries. Then an operator, as we all know, is the master or other individual onboard and in charge of that vessel, and the operator permits are good for up to three years.

The operator permits, there is a cost associated with them in the Southeast Region, fifty-dollars, and from the Greater Atlantic Regional Office, they're free. I don't know all the ins and outs of that, and so I don't know if that's a council thing or a regional thing, but that's just what it is right now.

MR. HARTIG: It's the region.

MS. RAINE: The region? Okay. I know we've been asked in the past, our office has, the Enforcement Section Office, how operator permits might be useful, and I believe that James Kejonen, an agent from the Gulf, spoke the council last fall and went over these as well, but, from an enforcement viewpoint, we think that the permits may be helpful in education and outreach, because, with the universe of operator names and addresses, the managers can provide information, such as the notices and bulletins and the federal regulations, and so the operators may have another opportunity to learn what the current laws are.

Also, in voluntary compliance, you have education and outreach, and operator permits are potentially subject to sanction for federal fishery violations. I know another slide talks a little bit about some of the reasons behind going to operator cards, particularly for rock shrimp. When there is a violation, both owners and operators are generally liable for fishery violation. Owners obviously, on the commercial end mainly, have some sort of permits. Not all, but most do, and so permits are potentially subject to sanction, but the operators, to the extent that they don't have a permit, they don't have that kind of sanction that might be placed against them. They would just be subject to monetary penalties.

To the extent that there is an operator permit, operators would also be subject to permit sanctions, and that's not just for the violation itself, but there is the opportunity, under the Magnuson Act, that if someone has a final penalty that's owed to the government and hasn't paid, there could be permit sanctions placed on the permit for failure to pay.

Also, because of the education and outreach component, that can help establish knowledge, on the part of an operator, of the regulations, to the extent that they receive the notices and bulletins. Again, the last bullet is helping to hold operators responsible. Any questions? No? Okay.

This is just a slide on the implementing action for the Dolphin and Wahoo FMP, just explaining a little bit behind it, and, again, going to potential sanctions, the last sentence is if an operator's permit has been sanctioned during the sanction period, that individual operator may not work in any capacity aboard a federally-permitted fishing vessel, which is another enforcement tool that we have.

In developing the FMP, the action analysis stated that the action would improve enforcement and aid in data collection, and you know it says that it should decrease cost to the vessel owners from fishery violations, and I am not exactly certain what was in mind, because, again, owners would still be responsible for the violations. However, perhaps owners might be paying a little bit more attention to they're hiring, as far as whether somebody has had a background in violations or not or has a sanction on their permit.

I will say that, and this is true even when there is not an operator permit, but if an owner is concerned about whether or not a potential captain has prior violations, they certainly are free to get in contact with our office and we can provide that information, but generally -- I haven't seen that happen too often, and I will just put it that way, but certainly if somebody is concerned about whether a captain has prior violations, there is a way to get that information. Our website does have a listing of cases and violations, but the names of the owners and operators are not on that page, although the names of the vessels are, and so that may also be a way for an owner to try and determine whether or not somebody might have a violation.

MR. BELL: I wasn't around at that time, but I believe part of the council's interest was in dealing with that sort of captain you had out there that was kind of a repeat offender and just kind of went from job to job to job, to just kind of help remove those people from the industry, because they can cause a lot of problems, but I think that was some of the focus there.

MS. RAINE: In any event, the council did conclude that requiring an operator permit would make vessel captains more responsible for complying with fishery regulations and helping in the management aspects of it. With the Shrimp Amendment 5, the industry, mainly the owners, again, were requesting the permits, because many in the fishery, of the owners, are not the operators, and the owners did want a way for the vessel operator rather than the vessel owner to be held liable for the violations. However, this is not that tool.

Again, the owners generally are going to be held responsible for a violation along with the operators. The operator permits does give a way for another sanction or perhaps to fine the person, bring them into the process a little bit better, and apparently, during that process, the council was leaning toward applying operator permits to all fisheries. However, as we know in the Southeast, that has not happened, and I think that's one of the questions of why is the operator permit required only in two fisheries and not the others, and I don't know why the council didn't go forward with requiring operator permits in the other fisheries.

Right now, the Southeast Region, at least as of the other day had 1,552 active operator permits, and the Atlantic Region has issued over 7,000 since 2012. The Greater Atlantic Region, the permits are required for anyone operating a vessel in a federally-managed fishery, and the permit database is linked with the electronic reporting system.

You can see that the system requires the operators to enter the permit holder's name and number, the operator permit number, and apparently they use the operator permit number to link an individual with every trip report, for compliance purposes. In the Southeast Region, apparently the operator permits are not currently used for gathering data, distributing information, or enforcement to a large extent, and the Permit Office processes approximately fifteen operator permits every day, issuances and renewals every day.

I know that some of you have seen this slide before, too. As you can see, we have not had many cases in the Southeast Region involving the operator permits, and these are just the cases that the Office of General Counsel for Enforcement has handled. I don't know whether the Office of Law Enforcement has issued any summary settlements or written warnings. This is just the information from my office, and you can see that it's also dated information. The last time there was an involvement with Enforcement was 2007, which that's been some time.

MR. BROWN: Karen, why do we need a Southeast Region permit when the Greater Atlantic Region permit covers all the fisheries?

MS. RAINE: That Northeast permit covers only the fisheries, in my understanding, for the Northeast region, for those fisheries. I suppose if -- My understanding is that if someone in the Southeast wants an operator permit that they can go to the Northeast to receive it, but the council has required permits in the Southeast only in two fisheries and not all of the fisheries.

MR. BROWN: So wouldn't it make it easier on law enforcement if an operator permit card, whether it was in the Northeast or the South Atlantic, was covering all of the permits, rather than just two fisheries?

MS. RAINE: I guess that's up to the council to decide. I think the Office of Law Enforcement -- Well, I will let Jeff speak for the Office of Law Enforcement, but certainly our office has indicated that there is some usefulness to having operator permits, but obviously there aren't operator permits in most of the fisheries in the Southeast, whether you're talking about the Gulf or the South Atlantic or the Caribbean.

ASAC RADONSKI: I think it would be helpful to have these cards, and whether we would get consistency where we would say, hey, an operator card is good in both the Northeast and Southeast, but still, regulatory-wise, we only require them for two fisheries, and so there would have to be changes from all the councils to adopt, I think, a rule that that card was acceptable for all fisheries.

MR. BROWN: I didn't have any problem with the cards when they came out. I mean I've had mine ever since they were established, but I just could not understand how you had a card that represented two fisheries that were on opposite ends of the spectrum, commercial and recreational, that did not include everything that was within the fisheries.

MS. BECKWITH: Mark, those are council choices that we've done through the fisheries management plan. I was actually the one that brought up this topic to our council, because most of my fishing guides were for-hire, are strictly for-hire, and everybody goes to the Greater Atlantic to get their free permit. That application actually doesn't require a Social Security number. Our application in the Southeast requires listing your Social Security and the fifty-dollar payment, and so everybody sort of goes up there.

My beef with the operator card, and one of the reasons I brought it up was, if you're strictly a for-hire and you're on a for-hire trip, you are required to have your captains' license available as your form of ID, and you have other things present. I sort of understood the utility for an operator card from a commercial perspective, where a commercial captain may not actually have a captains' license. They may not have a drivers' license.

It is conceivable that you have somebody operating a vessel as the captain that has no other form of identification, and so an operator card, if we were to retain it and sort of maintain it and expand it, then I see the sort of usefulness, but we just haven't sort of pushed forward and done it. A couple of other things is, for at least our Southeast Region, our operator cards are not listed online along with the other permits, and so they're really -- You're right that if somebody wants to check on a captain, they actually have to go through the extra step of calling the different offices to check if someone has had violations versus the website typically has a list of permits and who is active and when their permits are -- You know there's other information that's more accessible to folks.

The operator card was never -- That information was never made accessible to the public. I think it should. I think the operator card, who has it, should be listed, if there's closed violations. All that stuff is public information, and it should be made accessible easily for the average person.

I think my original question to the council was I don't see the utility for the for-hire industry to have the operator card. I can see the utility for the commercial side of it. If we are going to

maintain this, then we either need to expand it and make it useful and actually use it or we need to sort of be done with it, because people just don't understand why we have it, and so I think that's one of the reasons that I wanted to have this discussion here, is where would you guys see this usefulness? Is it more for the commercial or do you see the usefulness for the recreational?

I had not thought about linking the operator permit to our logbook, as an additional form of identifying an individual to the individual trip, and so that could be a utility for it, and so that's sort of the background of why the council was discussing this.

COLONEL FRAMPTON: Karen, if somebody wanted to find out that information, would they have to FOIA it? How would you get that information on somebody?

MS. RAINE: Probably technically a FOIA request, and I suppose it could be made to either my office or the Office of Law Enforcement, because the information should -- Let me put it this way. The information my office would most readily have is information on when somebody was issued some sort of action from my office. We wouldn't necessarily have if law enforcement had issued a summary settlement, but law enforcement should have the information on both the actions that my office has taken and their office has taken. Is that fair?

ASAC RADONSKI: Yes, and I do see where it would be a FOIA that would come across, and then there's going to be certain limitations on what information we could pass. Like active investigation wouldn't be passed out.

MS. RAINE: Right, but final actions could be.

ASAC RADONSKI: Yes, but we would probably send that over to your office too, and so it would be both.

COLONEL FRAMPTON: Kind of what I'm hearing the card is for is for people to check on people to see if they're a captain of the standing they want, whether they're a good captain or a bad captain or whether they've had all these investigations against them. I'm trying to make sure that what the card really is put in place for is doing that. That's my question. We have the card for this reason, and is it really doing what we want it to do, and how would an owner -- Not law enforcement, but how would an owner go about finding out that information, because we certainly wouldn't just voluntarily give it to somebody.

MR. BROWN: I'm sitting here looking at my card, and it has just plain information on it. It's very plain. I mean there is no way, other than just knowing who it is and giving a little ID on it, there is no way to know what they're doing. I mean you don't have anything other than just a -- To me, this could all be forged right there, and there is no number on it at all to ID who this person is or what his operator status is within any of the fisheries.

ASAC RADONSKI: I agree that card needs to be, if we go that route, more robust. Other areas where I think it could be useful is especially in the HMS fishery, where we're seeing that captains and crews have to go through certain training. Somehow that endorsement could be attached to that card, so enforcement would know, when they're out there, that they've had the training, but the card would have to be more robust, and that's just basic. I even realize that some people have tried to use that as an official ID, and it's not accepted as an official ID.

MS. BECKWITH: Right. The TWIC card used to be an official ID, but that card is not -- The Greater Atlantic Region does have an ID number to the card, where ours is not, and so you see why the conversation has come up for our council. The way we're doing it currently is -- I just can't understand the utility of it, and so we either need to figure out what it needs to do and how to change it and make it so or wipe it.

MR. BOWEN: Does the enforcement usually ask for the operator card, generally, when a stop is made or is that something that -- Is there somebody here that could tell me? Is that something you ask for along with other things? I know, in my state, every time I've been stopped, they don't usually ask me, but, again, I'm in a small state and everybody kind of knows me and so, again, I don't know the purpose of it.

ASAC RADONSKI: I really don't know. I mean we are talking about two relatively small fisheries down here, and so I'm sure on boardings -- I don't know if the Coast Guard asks or if the JEA partners ask. I don't see a lot of cases concerning it. I will be upfront about that.

MR. BROWN: I have never been asked for my operator card, and I will tell you something else, too. This year, when we started discussing this, there's a lot of the charter guys that had no idea. There's still, because of the outreach and stuff, and I don't know if it's just not touching them or what, but a lot of people didn't know they had to have them.

MS. RAINE: To echo Jeff, one of the reasons that, from an enforcement perspective, that we may not have had many sanctions is because, historically, I really haven't seen many cases out of the dolphin wahoo fishery, and it's been quite a few years since I've seen any out of the rock shrimp fishery. If these operator cards were required, for example, in snapper grouper, we would see more cases in those fisheries, and so one of the reasons you may not be seeing many numbers here is because we just aren't seeing that many cases from these two fisheries.

I think another reason, again, for an operator permit is from a management side. Enforcement may be one aspect, but I think, in the first instance, the idea to try to have the universe of operators and their addresses, so you can get information to them and let them know about changes to the regulation. That sort of educational component I think would be important, and, to the extent that the council wanted to link any kind of data request for information, to be able to track that. From what you're saying, obviously there's a difference even in the operator cards in what is being put on between the two regions, and perhaps the Southeast Region needs to look at what's being done in the Northeast. I know everybody likes to have consistency, and that's usually helpful.

MR. HARTIG: A couple of things. One reason the council chose dolphin wahoo and not the other fisheries is that almost all of our fisheries interact with dolphin wahoo, and so all your snapper grouper boats and all your king mackerel boats are going to have a dolphin wahoo permit, because they have bycatch of dolphin wahoo. If you look at the number, it's 1,500-plus number of operator cards, and that is going to cover most of our permits in the South Atlantic, broadly, and so almost everybody has one. Now, the thing that gets me is the permit sanctions versus an operator card sanction, and I don't see anywhere -- Everything is tied to the permit sanction, and maybe an explanation will -- Okay.

MS. RAINE: There apparently is a habit or a policy or whatever in the Southeast Region of calling this card that goes to the operators an operator card, but it's a permit. It means the same thing as a permit, and that's all, but the habit or tradition is to call it a card, but it's a permit.

COLONEL FRAMPTON: Who maintains the database for who has the permits? Is it NOAA?

MS. RAINE: That should be the Regional Permits Office.

COLONEL FRAMPTON: If you operate in the Southeast and then you go to the Northeast, do you have to have two cards?

MS. RAINE: My understanding is that folks are being told that one card from either region will cover. I personally think it could be a clearer in the regulations, but that's my understanding of the practice.

MR. BOWEN: This is anecdotal evidence, but I think the reason we see the numbers greatly increased in the northern section, as far as number of permits, is because of no money has to be transferred, whereas, in the south, it's fifty-bucks. I think that's the reason there's a big difference in the number of permits.

CAPTAIN SHUSTA: In Florida, our folks do look at operator cards. I remember in the field, when I was still down in the Keys and this program was first coming out, I was inspecting operator cards, but it was only do you have it or do you not. It was never a form or a method to identify somebody. I would never look to a card that's easy to duplicate as a form of ID. I fall back to an issued drivers' license or a passport.

Then, after the fact, any information on the card -- Again, now I've got name and date of birth and their Social, and so, from an enforcement standpoint, it's just another thing to check of do they have it or not, but I don't see it benefitting, from the law enforcement perspective, and I go back to it being more of a management issue than a law enforcement tool, from my perspective.

MS. BECKWITH: As I sat here thinking about it, I looked back at our core data for the for-hire logbook, and we will be identifying the individual to the logbook by their captains' license number, and so I think it is a permit, and that always goes back to my question of why are these individuals not listed on the website, because all permits should be listed on the website, and so there's a missing component there. Rama, have you never come across a commercial captain on a boat that has no form of ID, no captains' license and no drivers' license?

CAPTAIN SHUSTA: That actually happens quite frequently, yes.

MS. BECKWITH: At that point, wouldn't the operator card be -- What do you guys do? If the operator card is not a form of identification that's acceptable, then how do you guys identify that individual if they don't have a captains' license or a drivers' license?

CAPTAIN SHUSTA: We can run them through other systems that we have, but it's not an official ID. It can help with a picture on it, and we can check our --

COLONEL FRAMPTON: We start to ask a lot of questions at that point. I say the flags go up, and then we start using available tools to us, other databases, but, no, we wouldn't accept that as a legitimate form of ID either.

CAPTAIN SHUSTA: That's very, very accurate. You start cross-referencing drivers' licenses and the codes as to where your birth state was. There is checks in there to be able to see if somebody is telling you the the truth, and then you get into physical descriptors of height and eye color and hair and location of tattoos. Ultimately, you have fingerprints, but most of the time that is a last resort for us, because we have to take them with us back to shore to verify that. There have been times where we've missed things at sea and had to make a notation of, hey, somebody got one by me on that boat, and next time you see the boat, you go back and go, now we have you identified, and they turned out to be somebody else, and so we do occasionally miss one.

MS. BECKWITH: Does the Greater Atlantic ID also -- It's not any better? It's also not considered a form of ID, or is it just ours that is so bland? Is the Greater Atlantic operator card also not an acceptable form of ID?

ASAC RADONSKI: I don't think it is, but I have not seen the card.

MR. BELL: Let me jump in here for a second. I have been reminded that this is on the record and we're recording this, and so we need to know who you are, who is talking to who. The simplest way to do this is to let either Chisolm or I recognize you. If we say your name, then your name is associated with what comes after it, or just state your name for the record. This is just an administrative thing. Make sure you do that, please. Then I actually had a question, but I forgot it.

MR. BROWN: Karen, the fees that are collected for the operator card in the Southeast Region, are those fees used for producing the card?

MS. RAINE: That's a Roy question, I think. I really don't know.

MR. BROWN: I guess what came to me, in looking at the card, and, like I said, I passed it around. It's kind of plain. There's really not a good way to -- Other than just the information on the person personally, but not any background stuff, where it seems to me like a bar code or something, where you could actually see what boat maybe the person has been on before or what type of permits are actually being monitored.

I think that this could be modified a lot, I really do. Whether the council wants to do that or not, I don't know, but I see that there is room to -- Because it's so limited, doing just recreational with dolphin wahoo and not commercial and doing commercial with the rock shrimp industry, then it kind of -- Like you said, it's two different ends of the spectrum, and to close the gap with everything else and have it represent that, and then with having a better way to monitor the people, it seems to me like a better avenue. Then, like I said, the funding, I was kind of curious about that, whether that was actually being used to help with this or not or if that just went into the general fund.

MR. BELL: Were you finished with your presentation?

MS. RAINE: I am.

MR. BELL: Okay. I wanted to make sure we had that. We can do one of two things here. We could try to wrap this up and then take a break, for people that need to check out to check out, or if you would rather maybe take a break now and check out and have a little discussion about this and come back, and then, if there are some salient points that particularly the AP wants to make related to the council doing anything at all at any time in the future with this, then you could pass those along. We could go either route. Has anybody got a strong feeling one way or the other? Should we just push on? All right. We will do that then.

What I would -- Again, kind of bringing this back down to the input from the AP, again, as has been mentioned, if anything is going to be changed in this, it will require perhaps an amendment to a plan or recommendations to NOAA, and so it's not something that, from the enforcement standpoint, you have to worry about. What we're really interested in knowing is, is what we have in place of value?

Would your recommendation be to just leave it alone or, as you remember, at one time, the council was considering this for the full suite of fisheries. If that would be really good, from a perspective of enforcement and all, and you see value in that, and Karen listed all the benefits that exist, education and outreach and those sorts of things, if you see value in this in other fisheries in the Southeast, you could tell us that, but that's kind of what we're looking for.

If indeed we decided to take any kind of action regarding operator cards, we really want to make sure that you're comfortable with that and it's useful, and if you have specific recommendations about improving it, you could pass those along, and so that's what we would really like to try to capture, I think, and, again, things that would happen in the future wouldn't be for you to worry about. That's the council that would take that on as actions or whatever.

COLONEL FRAMPTON: I think there is value in it, but I think that we need to go back and determine, from the Law Enforcement AP, what we would need to be put on the card so that it would have more value to us when we see it, because, right now, I think we look at it and go, well, we don't know that any of this is legit.

Somebody already said how do you know you haven't forged the whole thing, but I don't know, from the law enforcement world, if we can do that in five minutes. That's a process for us to go back and figure out. I would recommend that we either re-take this up or you put a group of us together and let us say this is what would have to happen.

Maybe it needs your captains' license number on it or maybe it needs -- Just let us go back and figure out the bare necessities of what it needs and then -- The way I look at it is how would our folks on the ground, on the boats, what can they use the card for? When they ask for it, how do we validate it? Is it useful to them? Because if it's not useful to them, then it doesn't have much use, if you ask me, when we're talking about it from an enforcement perspective.

MS. RAINE: I would say, based on the discussion today, we probably need to look into a way to make the names of the operators, both who have the cards and who may have final adjudicated violations, more readily available, if that's one of the reasons for the permit, and I don't know how

that might be accomplished, but I can certainly work in my office to see what might be done about that.

COLONEL FRAMPTON: Maybe if we could get a copy of the permit application and let us see what's on the application and where does that fall into our world of things that we accept or we think are legitimate.

ASAC RADONSKI: It just came into my head, looking at how much different is it than the state saltwater products license or what other licenses states require of individual captains to have to sell fish. I mean do we need to catch up to that? I mean, federally, are we less or more than what's already being required of similar stuff to sell fish in the states?

CAPTAIN SHUSTA: I was thinking, just listening to the last comments, that we may even need to go back and look rule language on not only the federal side, but the state side, because so many things that are out there already say that you must carry a valid form of ID with you, and does it even make reference to this card being a valid form of ID? I don't think that the United States Coast Guard would accept an operators' license as a valid form of ID. I don't think that our state licensing system currently, and I have to review the language, would accept that as a valid form of ID, and so this has a lot of legs to it that can go really deep, far beyond today's meeting.

MR. BROWN: Anna brought it up too, about this reporting with the logbooks and everything. This seems to me like this all goes hand-in-hand and that it could be all incorporated together as part of what you're saying with the application, to make sure that the people are doing what they're supposed to be doing with the reporting and everything, and that you could find out if there's any violations or any people that are not doing that by their operator card whenever you check them.

MR. HARTIG: Mel, I think, originally, the council was sold on this in the rock shrimp fishery, and the reason we did it was to identify people who did not have an ID from another source. In my recollection, it was exactly that. It was intended to be used as an ID for people in the rock shrimp fishery who did not have any other way of identifying themselves on the water.

At least my recollection is that's how it was sold to the council originally, and now we hear that it's -- I mean most of you all have said that if I looked at this from something that I had to identify someone on the water, from an ID perspective, it would not meet the criteria of you all's law enforcement, and so I think it's a good idea, what you have said.

Let's get together and maybe get the different state heads to come and say what would you need to make this work for an ID in today's world, because things have changed a lot since we came up with the idea originally, and now the requirements for IDs are much more stringent than they were before, and so I think you all can come up with something that would work.

COLONEL FRAMPTON: I think we could go back and look at what you have to do to get a TWIC card. It's another parallel kind of program, but I agree with you. Jeff, did you --

ASAC RADONSKI: Ben got to what my point was going to be. It was, since 9/11, IDs have changed in the requirements and how they're validated, but too, if we look at this purely as a permit sense, saying that that captain is permitted to be in that fishery, then I think it's a different view than if we're sitting there going, this is an ID.

I think a more robust card could help enforcement, especially if councils come up with more and more training requirements that they may need to meet. Obviously captains or owners should be able to sit there and be able to say, hey, this guy is legit or not legit, and there is a way. Even though it's not an ID, it still has some validity for enforcement to use to check on somebody.

MR. BELL: Basically, I think the recommendation is to kind of chew on this a little while longer and let the LE AP and others kind of work together to come back with maybe some specific recommendations to make improvements. I would ask you a question, as a council member, of, okay, if this is useful for dolphin wahoo and useful for rock shrimp, and realizing those sort of evolved in different ways, is it then useful in other fisheries? I mean, if we're going to have it for those two fisheries, why just those two fisheries. or should we have it for others? That's just a question I would ask.

MS. BECKWITH: We can have that discussion at council, I agree, Mel, but, at the moment, I would say it's not useful for rock shrimp and/or dolphin. There's nothing that we have --

MR. BELL: Right, but I was asking them. We will have our discussion, but, from their standpoint, is it useful or not? If it is or isn't useful for those fisheries, then you just tell us.

CAPTAIN BURTON: I just had a question. When you first developed this operators' permit, why just these species? Why not other species? Why not just a catch-all for all species fished commercial or recreational?

MR. HARTIG: I think I was under the misconception that if you had an operator card and you had a violation in another fishery that you could be prosecuted for that, and I don't think, from the explanation I got, that that's the case, and that's something that in the clarity we need -- The council needs to know that.

I thought an operator card, to me, was something that you used to operate in all the fisheries, but it's not, as Karen is shaking her head, and so that's a critical clarity issue that I need to have and the council needs to have to know that that operator card cannot be used in the snapper grouper case. We couldn't sanction an egregious -- I am going to let Karen --

MS. RAINE: The requirement for the permit, for example, is in the dolphin wahoo fishery, and so, if somebody is in the snapper grouper fishery and doesn't have that permit, that's not a violation. If there is a different type of violation and somebody has an operator permit, it's possible that that could be sanctioned, but, when you look at our penalty matrix, as we were talking about yesterday, there aren't that many cases in which a permit might be sanctioned for cause. There are some, but there aren't many.

One thing that occurred to me as the discussion was going on, and I don't know the answer to this, is if one of the purposes is for education and outreach, and somebody in the Southeast is getting their permit from the Greater Atlantic, I am wondering whether they are getting information on the Southeast fisheries, and that kinds of defeats one of the purposes of having a list.

As I say, I think our regulations would be better served if it was clear about where you could get a permit and the effectiveness of that permit, but if one of the reasons is for this educational

component and people are getting their permits from the Greater Atlantic, I am just kind of wondering whether we're meeting one of the purposes, and I don't know, but I will try to find out.

MS. BECKWITH: To Grant's question specifically, our operator cards are required in our FMPs which require a plan amendment. They went through the process and included it in a plan amendment and added that requirement to the fisheries management plans for those two species, and then it just sort of got dropped, and so it never made it into the other plan amendments. One thing, to Karen's point, is it would be more useful, I think, if we somehow could merge the operator card for all the regions, rather than having a region-by-region. That seems like a logical move forward, but that's above my pay grade.

MR. BROWN: Karen, just so I get it straight in my head, does the Southeast Region permit cover both the dolphin wahoo both recreational and commercial or just recreational?

MS. RAINE: My understanding is that if you get an operator card in the Southeast Region that it will cover all the fisheries in the Southeast Region for which an operator card is needed, and so it's just one operator card for all of the fisheries.

MR. BELL: So you were asking if it's commercial and for-hire, and that would be specified in the plan, and I don't know the answer to that, if it's both, but my understanding was it's both, or otherwise Anna wouldn't have brought it up.

MR. BROWN: My understanding was that it was recreational, the for-hire sector, for dolphin wahoo and then commercial for the rock shrimp, but it did not cover the commercial side for dolphin wahoo. Is that correct?

MS. RAINE: That's my understanding as well.

MR. BROWN: Okay. That was -- I think that was another thing that I was trying to make a point of, about it reaching both ends of the spectrum and not really covering -- I mean here you have two fisheries, and I think it was covering the --

MS. RAINE: I'm sorry. The operator permit for dolphin wahoo is for both commercial and for-hire. Sorry.

MR. BURTON: I have a question. Why are one of the permits fifty-dollars and the other one is free? I don't understand. It seems that -- Zack made the point that everybody is getting the permit that's free, obviously, instead of paying the fifty-dollars.

MS. BECKWITH: It was explained to me that it's possible that because the Social Security Number is not required by the Greater Atlantic that they don't collect the fee, because there is some requirement in the federal government to now collect a Social Security Number, and that may be a way of getting around that requirement, but that's one gray area explanation that was explained to me.

COLONEL FRAMPTON: Why don't we do this? Why don't we take fifteen minutes and let folks check out and some people to do other things, and we will reconvene and try to finish this up.

COLONEL FRAMPTON: We're going to go ahead and get started, even if everybody is not at the table. Does anybody have any further comments on this before I make a suggestion? With no suggestions being made, I would say that what Myra has, the LE AP to provide recommendations to the council on how to improve the utility of operator cards, is pretty accurate from this group and that we take some time at another meeting to go through the process of the cards, and then we will make a recommendation back to the council or to this committee as to what we think.

MS. RAINE: How soon do you think that might happen? Sometimes we only meet once or twice a year, and I would think that maybe there would want to be a little quicker movement on that.

COLONEL FRAMPTON: I am going to look at Anna for this and get some guidance from you on that.

MS. BECKWITH: I mean, of course, I would love to see this discussion happen. I don't know if we have another meeting in -- We meet in March.

MS. RAINE: Is there a possibility of having a webinar or a phone meeting just on this particular issue, to help move it along?

MS. BROUWER: Yes, there is, and, of course, it's up to the LE AP and the LE AP Chair to give us guidance on when the AP would like to meet. Typically, that advisory panel meets twice a year. Well, it's been once a year for the last few years, and then recall that back in March, when you guys got together, you said we would like to start meeting twice a year. You don't have to meet in March. Normally, the LE AP has been meeting the Monday of the March council meeting, but my understanding was that that was creating some issues, and so we were going to try to look at a different date, and so I will defer to the AP Chair.

COLONEL FRAMPTON: Thank you.

ASAC RADONSKI: If the group is going to meet again, I think some of the things we need to have immediately is going to be what the application actually looks like and what's on the application at the federal level, but I would also like to see what applications, what information, is required for different state permits, whether it's a captains' license for-hire or if it's a saltwater products license to be able to sell and those type of things.

COLONEL FRAMPTON: Myra, this isn't a motion, but why don't you -- We will wrap this up, and, Jeff, I agree with you, and we will see if we can get one or two people from the LE AP to compile some homework as to what we've got, and maybe we can then go forth with a webinar or get that information out and we can all decide this is what it needs and try to move forward from there.

ASAC RADONSKI: Maybe we can design what the real purpose of the card is going to be down the road.

COLONEL FRAMPTON: Yes, but I would defer to the council to tell us what they want the purpose of the card to be. I think where we can fall into it is how do we make that valid to us?

MS. BECKWITH: I was just going to suggest that, Myra, maybe some of the GARFO folks be included in those meetings, so that we can move towards trying to unite these operator permits.

MR. BELL: The council can certainly have some discussion about that. You've just got to remember the council has sort of changed views, I guess, of these things over time, and so we can kind of do a check at the council level right now of what we see as value utility and what we would envision being a good use of the cards or something and then coming back with you all's input, and then we can do whatever needs to be done in the future.

MS. RAINE: You're going to be discussing this issue at your September meeting, correct? As far as the operator permits, is that going to be discussed at the September meeting?

MS. BROUWER: The agenda for the Law Enforcement Committee has not yet been developed for the September meeting. That committee would be looking at whatever comes out of this meeting, and so the summary report from this meeting will be presented to the committee in September.

MS. RAINE: I didn't know if there was going to be a larger council discussion, but I will try to have some sort of answer before the September meeting about what we might be able to do about transparency as far as the violations. I will do my best to have an answer to Monica to help with the discussion on whether you want to continue the permits or abandon them or whatever, but I will try to see what I can do before then.

COLONEL FRAMPTON: I am going to take some liberty as the Chair and ask that Lieutenant Burton and Corporal Henderson, who is sitting behind me, if we can give you guys a homework assignment to work together to come up with what the states do, what we accept, exactly what Jeff said, so that we can get all of this together and then represent it to us, and then we'll get the council involved in it. Does anybody see any issue with that or have any issues with that?

CAPTAIN SHUSTA: I feel like I should defend him, because he doesn't know what he can say yet.

COLONEL FRAMPTON: I asked him, in all fairness, if he was coming to the next meeting, and he said yes.

CAPTAIN SHUSTA: I will point out, I think in our transition period, I think his initial contact information may refer to him as Lieutenant, but he is now Captain Grant Burton, but I think he may be on old rosters or something still as Lieutenant, and so that's as much defense as I can give. I think that's a great homework assignment.

CAPTAIN BURTON: I'm excited about it.

COLONEL FRAMPTON: Thank you for volunteering, Captain. Moving right along.

MR. BELL: We're going to have a presentation now. This is tied to -- Recall that we have a number of areas, whether they are MPAs or Special Management Zones for spawning purposes or other Special Management Zones, but these are area-specific sites where regulations are perhaps

different, and so there is value in folks being able to look at a map or something and being able to tell where these boxes are.

Jennifer is going to give us a presentation on a product or I guess from your perspective of what one way or mapping or whatever and then we'll have some further discussion later, in other session, with NOAA here about what they can and can't put on nautical charts or how that works, and so, Jennifer, I will just let you go ahead and explain or do your presentation, and then we'll have questions afterwards.

MS. SLETTEN: Good morning, and thank you very much for inviting me to speak to you today. My name is Jennifer Sletten, and I'm here with my colleague, Molly Ogren, over there. We're a part of the legal team at the Anthropocene Institute. The Anthropocene Institute is a small conservation organization with projects in the areas of oceans and clean energy located in Menlo Park, California. One of our major projects is this map of marine-managed areas that I'm going to show you today.

A little bit of background, a while back, a couple of years ago, we encountered some fishermen out on the west coast who knew that there were marine protected areas around, but they didn't know where they were or what exactly was restricted, and so we thought that's kind of a problem, and so we decided, in an effort to improve access and awareness of marine protected areas, perhaps creating a map that not only shows the boundaries of marine protected areas, but also offers details on the restrictions, the exact restrictions and regulations, might be useful, and so we approached NOAA's MPA Center to seek a private/public partnership, which we now have with NOAA's MPA Center, in order to establish this map.

It's fairly new. We've been working on it for just over a year, and so it's still in beta. We're still working on it and perfecting it, and the reason we are here today is to, first of all, make you aware of this resource and also to seek your feedback, since you are the ones who are the experts, and we would love to hear back from you on our map and anything that you see that may be amiss as you click through it in your spare time.

Now, just a little bit about the process. We started with the NOAA MPA Center's data inventory of marine protected areas, which we took and we distributed on various spreadsheets for all of the coastal states, as well as the Great Lakes and the territories, and then we actually -- We went in and we verified that those sites still exist and are still accurate, and we filled in all kind of the detailed restricted language, and then we decided to expand on that, and we added areas that are beyond the scope of NOAA's definition of a marine protected area, to include species and gear-specific restricted areas as well as closures.

It's basically anything we can find in the state or federal code that has a boundary with gear or species take restrictions associated with that boundary, and then we also decided to include speed-restricted zones, the manatee zones down in Florida, because they also had a positive impact on conservation, and that is kind of our overarching goal.

That is what Molly and I do for part of this map. Then, after we are finished establishing all these sites and finishing the spreadsheet with the NOAA sites and the ones that we've added to that, our team of geographers go in and they start collecting the shapefiles that show the boundaries on the map, and so, of course, we had a lot of data from NOAA already, and then anything that we have

added, they approach the managing agency and ask if they already have shapefiles, which they very often do, and, if they don't, then they just digitize the area according to the regulation that we've identified.

Here is a little graphic they created for us to show that, and so the blue shows you what we received from NOAA already, which is really the largest chunk of all the areas we've mapped so far, and then the darker orange shows you what we got from the managing authority and then what they did to digitize is in that lighter color there.

Then, finally, they match up all their boundaries to the areas that we have found and put on the spreadsheet, using -- Every site that we have on the map has a unique code that links the boundary polygon to the metadata that Molly and I have collected from the regulations, and they import it into an online database, and then our software system engineer works his magic and it shows up on a map which looks like this.

Now, I'm going to show you the actual map online in a moment, but this is just kind of a screenshot of the end product. It's a little hard to see over on the right there. We offer details on the purpose for the marine protected area or the managed site, and then, of course, restrictions, which I will show you in more detail in a moment.

Then, on a monthly basis, we go through and we try to tie up any loose ends, correct any typos, of course. Molly and I try to stay on top of the law. Of course, we realize that is one of the biggest challenges, is making sure that all the information is always up to date, and so we have legal alerts set up, and we've signed up for listservs, and, most importantly, we like to connect with people who know that these changes are forthcoming, and so that's another reason we're here.

Because our goal is to spread awareness about marine-managed areas and make sure that it's accessible to as many people as possible, we look for partnerships with navigational charting software companies. One of the partnerships we've created is with Navionics. Navionics is currently in the process of implementing our data into their software, as an additional feature, and, of course, we're looking to establish similar partnerships with other software companies as well, and then, finally, we have our own free interactive map. The link is right there, [protectedseas.net](http://protectedseas.net), where you can find all of our data and you can find the maps that we have created so far. Right now, we've just finished the South Atlantic. We're moving up to the Mid-Atlantic and up to the Northeast after that, and then we're going to tackle Alaska.

The map is compatible with smartphones and tablets as well as desktop computers, and so the ultimate goal is that people can use it at home or on the water, and it's compatible with numerous phones and tablets, as you can see right there.

You can make a note of these links here. You can go directly to the Gulf of Mexico, Florida, or the South Atlantic through these links or you can see the complete map that I have brought up here, and so this is the entire United States map, and we're going to go ahead and zoom into the South Atlantic.

First off, you will see that we have some shading going on. A while back, we spoke to commercial and recreational fishermen, just to get some feedback on the map that we had so far. They said it would be useful to shade no-take and no-entry areas in red, and so we went ahead and did that, and

then, the darker blue an area is, the more restricted it is, just in terms of fishing. Then we have a scale of one to five that demonstrates that five is always going to red and one means there is no fishing restrictions, and we generally only use that for boating-restricted areas or discharge areas, things like that. Up here, you can see a little bit about our public/private partnership with NOAA as well as the readme and another link to our data download.

I am going to go ahead and click right into an area, once it loads up. There we go. A side panel opens up, and you will see any area that we have identified applies in this one spot, and so we have overlapping areas in this list here. The most restrictive is always at the top, and so, if we go into the red area, the research area should pop at the top. There it is. Then you can select one site, and you will see all the details that we've gathered on that.

We have the site name, of course, and the managing area, the purpose statement, like I mentioned. We usually try to grab that from the regulation, if possible, and then the most important part, the reason that we're doing this, is to make the restrictions more accessible on the spot, which is right here. Now, those of you -- I'm sure many of you are familiar with the Gray's Reef area, and so you will see that not everything is on there. We do edit it down. We have a disclaimer here at the top that notifies the user that they should go look at the regulation if they want the exact language, and so we try to make it a little easier to read for our prospective users, and we edit it down according to what we think would be most useful to them on the spot.

Then any exemptions that are written within the regulations or that we find somewhere else we put here in this allowed area, so they can see the restrictions separately, and then we, of course, offer details on the legal citation and where the user can report any violations they may witness, and then here's a link to the regulations and other information.

Important for our purposes today, we have a feedback button right here, and so if you find yourself looking through our map and you want to leave some feedback, you see something is amiss, please feel free to fill this out, and it will automatically come to our MPA mapping team and we will fix it. We have one more thing that I want to show you.

We have some layers here, so you can actually see the map as a marine chart here, and then we also have a layer for -- We have layers for no fishing and no-entry areas, so you can see that as well, and then, for example, no anchoring. The Gray's Reef area has a little no-anchoring dotted line around it that indicates what's going on there. We have some layers for additional information there.

That was it for my presentation. Thank you very much for allowing me to demonstrate the map. I have my card out on the table there. Please feel free to take one. You can email me directly or email us at this address right there, and I look forward to your feedback. Thank you.

MS. RAINE: I didn't see it, but do you have latitude and longitude for the boundaries?

MS. SLETTEN: We don't actually put the metadata, the written-out boundaries, on there, no.

CAPTAIN SHUSTA: That's very similar to what I was just going to ask. For the purposes of law enforcement, we have to go back and enter all these boundaries a second time, and so now we have additional clutter on our screens, and I'm actually talking about a boat on the water, and so having

these MPAs and closed zones on our chart preloaded is great. It's great for radar overlay. We don't have to do it the old-school way of syncing different units together, and it's very, very easy.

However, if we can't validate exactly where you entered those corner points on there, then we have to go back and do it a -- I guess now we have two layers, our own box that we draw actually to forming a route on the screen, in addition to the cartography behind it, to ensure where those corner points are.

Now, you can take your cursor and you can put it over where you think the corner is and zoom way, way, way in on it, but then you end up twenty feet this way or twenty feet that way, and, again, it's not exact, and so, if it's possible to actually, even if it were something written in the software where you put the cursor over it and then it, at that time, highlighted up and gave you that corner point, that would at least let us in law enforcement know that that cartography is drawn using exact corner points, and it would be very helpful for us. That's just a thought.

MS. SLETTEN: Thank you. That's great feedback, and I will talk to our software system engineer. I'm sure that's doable either if you hover over it or maybe an additional layer that you can click that shows the exact corners and coordinates. That's a great suggestion, and thank you.

MR. BROWN: I know that probably in the Keys and down in South Florida that you don't have -- I mean you all are fishing fairly close and you probably don't have even people that are as electronically advanced as some in other areas, and probably there is a struggle a little bit too with people in other areas, but I mean there's many things that are coming to mind when I'm looking at this.

I'm thinking about it, and I don't know if it's mandatory or if it could become mandatory that software providers for these electronics had to incorporate this into their manufacturing. With NOAA charts now, you can't -- I mean everything is electronic. You don't get a paper chart. You can go online and do everything, and so is it possible to incorporate into what we require that these manufacturers, and even go through the avenue of NOAA down to them, that they have to put these on the electronics when they are put out, because you've got to go through this learning curve anyway if you're going to stay advanced with electronics, unless, I like I said, you're fishing in areas where maybe it's not as required or necessary, but still, it would be available. Do we have an avenue or an approach to be able to make some sort of a suggestion or even some way to make it where it's mandatory that they incorporate this within the manufacturing of their product?

MR. BELL: I don't think you could require that of private companies, individuals, but certainly suggestions like Rama just made, I mean suggestions could be made to folks about improving things for better utility of the product or usefulness and expanding the usefulness to other groups, and so we can make suggestions and recommendations, but I don't see where anybody has the authority to tell private industry that they have to do that.

MR. BROWN: I understand what you're saying. I'm going through the hassle right now of learning a new piece of electronics, okay, and so it's sometimes -- You've just got to jump over that hump and get there, but, as we're moving forward, it just seems like that this is an avenue to be able to try to get the industry to go in that direction, since we keep running into these stumbling blocks with getting it incorporated onto a NOAA chart.

CAPTAIN SHUSTA: I think Chip might come around on this in a minute, on something else, but it's very applicable to this program or venture, and that is this also needs to involve some outreach at local stores or at your retailers and major providers, and so there could be any type of campaigning that promotes people, particularly, as Mark is pointing out, people that are not kind of techies with modern marine electronics. Who knew that you should update your chart card every year? Because I look at a lot of stuff that's six or seven or eight years old, and maybe it's the original card that was in the unit when they bought it, and it's still working perfectly fine, and so why would they ever update it?

If there was some type of outreach or campaign done, and it could be posters that your partner with local retailers or major players, like Port Supply or West Marine, but something hanging on their doors or somewhere in their electronics section, and I think they would be supportive of that, because it results in additional sales, but it would also kind of change the culture of people's attentiveness to their electronics.

MS. SLETTEN: That's a great suggestion. We are, at the moment, trying to partner, as I mentioned, with as many charting companies as we can, and, of course, we, at the moment, are only aware of the really big ones, and we would be very interested in spreading the data as much as possible.

It's a free public resource, and so we will definitely explore that. We want to go local as well, and one other layer that might come, or we're hoping to add in the future, are also local restricted areas, and so much, much closer to shore, of course, because, right now, we only have state and federal, and so thank you. I would love to speak to you afterwards about anything that could help us with that.

MR. BELL: A quick question. I noticed you had shellfish and other things on there. That's a tremendous amount of data, and so, from a state perspective in South Carolina, I don't know if like what you have on there are what we classified as prohibited or restricted areas for shellfish, and you probably don't -- You wouldn't need to necessarily have all of our permitted areas related to culture or mariculture, but things change on a -- That's a big challenge, is maintaining the accuracy of this database.

Things can change annually with some of this stuff, and so the farther down you kind of mine this thing, the more sensitive it is to fluctuations from year to year, and that's a lot of work to keep up with, but I didn't know if you really -- Then, for instance, at a state level, we have, for instance, trawl zones, where you can trawl, and, of course, that depends on when we open and close those. I don't know how much detail you've got in there, but I can see where, if you were covering all of those things you had mentioned, there is just a tremendous amount of detail and need to keep things constantly up to date.

MS. SLETTEN: Absolutely, and so, when we go through, we try only to identify areas that seem permanent, which isn't always that easy, especially with these shellfish areas. I saw that there are often three different kinds as prohibited. There is restricted and then there is allowed, and that seems like those can rotate or can just change, and one can go to a level up or a level down.

We do map those when we come across them, knowing that we'll probably have to look in every couple of months and make sure that we're on top of it. We do not -- We try to avoid mapping

areas that seem like just this year that we're going to close this area, and so that's why we almost exclusively look at just the regulations and look at regulations that have been in place for a few years, at least, so that we feel like there is some sense of permanency.

ASAC RADONSKI: Thank you. I am assuming your target audience really is the boating public and users and not fisheries managers or law enforcement, and am I correct?

MS. SLETTEN: That's correct. We can't really target law enforcement with this. However, if you would like to use it, that's up to you, but, yes, our anticipated audience we would see as boaters and recreational fishers and anglers. We realize that, of course, commercial fishermen know all of this already, but we do have many commercial areas of regulations in the map, because we're going through the regulations anyway, and so it's on there, but it would be most useful to the occasional boater and the recreational fisher, or that's what we believe.

MR. MAXEY: I use the Navionics, which you said that's what you're using, and that's one of the best software. It's actually free. West Marine will tell you that that's something you can get for free, instead of buying some of their large software, and so using that is probably a big advantage, because so many people are jumping on Navionics, and they update it very well.

CAPTAIN BURTON: When you talked briefly about the disclaimer on the website, is there somewhere where it's stated that it's updated on a monthly basis, and is there like a timestamp of when it was updated, so people have a reference?

MS. SLETTEN: We actually create a readme every month. They are available by region. Right now, our regional maps are not working, which is why I used the complete one, and so our general readme is up there, but every month when we update it, we add to our readme, and there is a timestamp on there of when the latest version was released, and that's always on the first of the month.

MR. HARTIG: Just following up, I think what I like to know is that it is a NOAA -- I mean you guys are working with NOAA, and so that goes above and beyond what some of the other stuff does. I guess the other chart manufacturers work with NOAA as well for the charts directly, but I mean, as far as enforcement goes, if I'm using this capability and you all come and say I'm in an MPA, I mean who wins?

ASAC RADONSKI: If I'm following your question, you're saying that they use some off-the-shelf or computer-based not official government product and it says that they're not in it and we say they are? Is that your question?

MR. HARTIG: No, I'm saying if I'm basing my location on this chart that they are producing and then, for some reason, it's not correct somehow, and you say -- You come in and say, hey, you're in an MPA and I'm going to write you a violation for being in an MPA, well, hey, listen, this is what I am using as my reference for that MPA. How does that work, if it's a NOAA-associated program?

MS. RAINE: I will say that there is case law within the NOAA administrative law judges that goes back at least to the mid-1980s that indicates that -- This is for the Brownsville shrimp cases out in the Gulf of Mexico, and many of them were using we refer to as hook-setter charts, and it

was certainly made clear that you cannot rely on something that is not a NOAA chart, and that is the standard that we have used. A NOAA chart is what we're looking at, and certainly fishermen use other charts, but, as far as the standard, that's going to be a NOAA chart.

COLONEL FRAMPTON: I think that's a good segue into our next topic with Kyle and an overview of the NOAA charts, and so if we can get Kyle Ward -- Is he ready? Hi, Kyle.

MR. BELL: That was a perfect segue into this, and this came up because of exactly kind of what Ben was talking about. You could have an individual out there in an MPA fishing away and they say, oops, I didn't know I was in an MPA, and here is my chart, and an MPA is not on the chart.

What you will find, for instance, in South Carolina is all of our artificial reefs offshore are Special Management Zones, but, because they're artificial reefs, they're considered obstruction fish havens, and so they have a little blue box. All the little blue boxes, and you saw them actually when she brought that up there. You saw those little blue boxes, and those were our artificial reefs, which are Special Management Zones and have particular regulations that apply to what you can and can't do in there.

We have evolved over the years into MPAs, a little larger, and then, most recently, the Spawning Special Management Zones, and so you can see, from the discussion we just had, there is some utility in having these actually on a NOAA nautical chart, perhaps, if that's possible to allow fishermen to look at the chart and go, oh, yes, that's a blue box, and I'm in the box, and, therefore, I have to do something differently or there's transiting restrictions or there's fishing restrictions. Kyle has graciously come from NOAA to help us kind of better understand, I guess, what NOAA can and can't do related to putting things on nautical charts.

MR. WARD: Good morning. I'm Kyle Ward with the Office of Coast Survey. NOAA is big, sprawling organization, and we have many branches that do many different things, but mine is the branch that is in charge of making the nautical charts and the official navigation product and distributing that to mariners.

One aspect I think that I would bring up at the beginning of that as well is we do that with the Army Corps of Engineers and the Coast Guard, as very close partners. They are the source for the majority of the data that goes onto our charts, as well as our hydrographic surveys, but the Corps of Engineers maintains the federally-maintained channels and dredging them and the Coast Guard does the buoys that are very important for keeping mariners safe, and so we work real closely with them.

The point I was wanting to make at the beginning is who is actually mandated to carry our charts, and that is those of the SOLAS class vessels and some just under that, as you see there, the smaller -- The top two areas that are on that pyramid chart. Actually, the Coast Guard just recently issued some new guidance on carriage requirements for ECSs and allowing them to use a specific type of ECS to have carriage requirements for commercial vessels that are non-SOLAS class. Larger fishing vessels and tugboats are the main ones that would fall into that group.

Our mandate is to create the charts for the largest of these vessels, and we know that they are the fewest out there, and then, on down the line, we understand that other people are using the charts for navigation and safety on the water, and we definitely want to support those and have been

reaching out to them a lot more, I would say in the past ten years, than our organization has in the past and wanting to meet their needs.

One interesting puzzle that we are trying to and have been trying to address over the past same amount of timeframe is how the small boaters are actually ingesting our charts and using them, because, typically, back in the day, that was the paper chart, and you could go down to West Marine and buy those, but now, as you can see, folks are using the mobile apps, and I actually --

As the discussion wasn't going on, because I wasn't exactly sure what to expect this morning, one of the things that came to mind was the whale alert app and the folks in another part of fisheries that deal with the charismatic megafauna. They have built an app for right whales and to alert mariners. It gives a mariner an opportunity to say if they've seen a right whale, and it also has some of their right whale restricted areas or speed limits on the app. Our nautical charts are built into that, and they can overlay those layers, very similar to the presentation that just took place, but that's a good one, because most everybody has the mobile, in some degree, on their boat these days, and apps like that also, you don't have to be within cell range. You can download all the information and you can cache a bunch of chart tiles on your phone and you can go from there, and so there are apps like that out there.

That is a free app, and, in fact, I use that app a lot whenever I want to just show people our charts. That is the one I have on my phone and I share with people, but, for our official product, and this is just one of our webpages, and the difference between maps and charts, and I know it's hard to read, and so I blew up the section that talks about charts, and I just wanted to highlight a few of those areas.

Our charts, in thinking about that pyramid as well, are critical to the navigator, and generally we're always thinking of the SOLAS class vessels, the very largest of ships, and making sure our product is meeting their needs. It is used to plot a course for navigators to allow to transit certain areas and to take into account special conditions required for one's vessel, such as draft, bottom clearance, wrecks, and obstructions, which can be hazardous.

Waypoints are identified to indicate relative positions and points at which specific maneuvers, such as changing course, must be performed, and then charts provide detailed information on an area beneath the water surface normally not visible by the naked eye, which can and is very critical to safe and efficient navigation, and so everything that we do is always in the mindset of what is critical to the navigator and efficient, safe navigation, and that's the lens that we're approaching everything that we apply to the chart, and we have hundreds of cartographers up in Silver Spring and contractors that do that work as well, and that's what they're trained to do, is think, okay, what's the navigator going to be looking at when we put any piece of information on the chart.

This is a section of our nautical charting manual, and it's actually relatively new. I believe this section got put on there in 2011. Before that, we were -- Actually, it was before that that some of the right whale areas were put on there. I think, right now, we have -- I'm familiar with the right whale issues, and so I can use those as an example, but I think we were putting those on there in like the 2009 or 2010 timeframe.

Right now, we have four different layers related to right whales. There is the actual speed restriction zone and there is, and I will show these on the chart in a little bit, and there is two-way

recommended routes. There is a right whale habitat area, and then there is one more area, but I am forgetting the name of it, and so there's four that we actually would have on the electronic navigation charts, and we have gone through discussions with them about is that too many or is that understandable to the mariner what they're supposed to do when they enter each one.

It's important to think about that when we're looking at it from the lens of, okay, what does the mariner need to operate their vessel safely, and so I think it was after that that we added this to our nautical charting manual, to help give guidance to the cartographers when they're making those choices on whether to chart something or not.

What we put on there, and this is for all federal -- There is a few different types in here. There is like national parks fall under this same section, but, generally, the guidance is all the same that falls under this, and this is the section on other federally-administered civil reservations, MMAs, and MPAs, and some of the things that we're telling them to keep in mind is it has to be requested by the federal agency, and so it couldn't be just any person, Joe Public. It would need to be the organization that created the MMA or MPA.

It would need to, as it says there, either restrict or prohibit entry by the vessel, and so a management zone that only restricted a type of gear wouldn't meet that criteria, as it's written right now, and then, dropping down there, charting of the area will not seriously impact legibly of important charted features, and so if this -- If whatever is going to be put on the chart is going to be right in the middle of the entrance channel to Charleston out here, it's going to -- If it's not pertaining to that large vessel and it's just a recreational or commercial fishing regulation, it would be harder to meet that standard to get put on the chart.

That would be a case-by-case basis, and we would be looking at the traffic in the area, and so we mine AIS data and we work with the Coast Guard to talk with them about what type of traffic is in that area, to make sure we're making an informed decision there.

Then, also, it would require that it be of a certain dimension. If it's a really small area and the only chart is a very small-scale chart, and it was only going to be a little blip on the chart, we wouldn't be able to fit all the information in there, and so that's more of a we need to think about scale when we're putting this on the chart.

For instance, Charleston Harbor is covered at a 1-to-20,000-scale chart. You could have a lot smaller area and it would make it on there than if you were on a 1-to-500,000-scale chart, as it's saying here, and that same function on chart space would just be a lot smaller, and so it wouldn't necessarily -- Then the last one was to not impact legibility or important other charted features, which we kind of already talked about.

Then I just had a couple of examples. This is the approaches to the St. Johns River down in Jacksonville, Florida. There is quite a few of the fishing areas that are on the charts. This section in here with the arrows on it are the right whale two-way recommended routes, and you see there is quite a bit of chart clutter on there already, as we like to call it, and if we put a lot more on there, it's just going to make things more confusing to the mariners, and so we're looking at it in the eye of, okay, the large commercial mariner, what is he looking at, and there is actually this box in here that's a danger area for the possible existence of mines in the area, and this is a leftover relic from World War II, and we have been trying to get the Navy to allow us take that off the chart.

When you put something on the chart, it's really, really hard to ever take it off without justification and without a survey, and so we are always leery to put anything new on the chart when we may have trouble getting it off the chart later. That was one example.

This is another one also from the right whale routes, and that is impossible to see. I apologize for that. I thought it would be a little easier, but actually the next one is -- You can see it a little bit better there, and so this is the approach to Brunswick, Georgia. This is the right whale recommended route coming in. It's the electronic navigation chart. The way it was initially set up, it was actually bringing the mariners right into this shoal, and it took us about five years to change the angle of that approach, and obviously not a lot of people were happy, but, again, just to show that when we put something on there that it takes a while to make a change, and we want to make sure we do it right and do it with the safety of navigation in mind.

This is just one other example. Actually, two weeks ago, we had a meeting with some folks from Florida DNR, and they have a great dataset of coral reefs in the region in Florida, and this is South Florida. I believe this is near Port Everglades, the Fort Lauderdale area, and they wanted us to chart their coral reef habitat areas, and, when you think about that with through the lens of chart clutter and what does the mariner actually need, there is stuff that we have to say no to, and I just give you that as an example from another perspective, and I believe that's it, and I imagine you have lots of questions, and I would be happy to take any of those at this time.

**CAPTAIN SHUSTA:** Again, going back to how this transfers into electronic equipment, quite often folks lose their natural resources boundary line, or the three-mile line or nine-mile line, whatever you call it respectively in your state, for your state and federal boundaries. As people go offshore, away from congested areas and channels, they typically scale out on their chart plotters. When they go out beyond normally about two miles, you lose, in a raster chart this way, you lose your boundary lines, your three-mile line or your nine-mile line or your twelve-mile line, respectively.

We'll be out offshore, very frequently, in a law enforcement scenario and people are going, well, I'm not sure if I'm in or out, but I'm scrolling my radar out here, and my radar shows me nine miles off the coast, and then you do something that's counterintuitive to them. You actually go, no, if you scale in on your chart plotter, to one mile or two miles, and they're like, oh, there's the line. Is there any way that we could keep, in those different scales, on the NOAA paper chart, that we could keep the boundary lines reflected as it goes out, to just help make sure that that data would cross over into the electronic realm as well?

**MR. WARD:** You were specifically mentioning the raster nautical chart, and so the paper-looking chart, I think.

**CAPTAIN SHUSTA:** Yes, versus the vector, which is more like your recreational Garmin display, or something on the mobile app. They seem -- Depending on the brand, there is different vendors that do a better job about displaying the state and federal boundaries than others.

**MR. WARD:** Yes, and so the raster nautical chart, unless you are zooming out to a different chart, the information on it actually doesn't change at all, and so there's not layers that are turning on and off on that. It could be that they're either scaling out far enough that they just can't see it, because they're zoomed out too far, but nothing turns on or off in that. They could switch to a

different chart, but I believe all the boundaries are on all the charts, and so I -- If it actually coincides with if the chart covers the boundary line. I would have to look at that and see a specific case.

CAPTAIN SHUSTA: You can use -- An example would be if you take a chart that covers the entire west coast of Florida. I am not sure that those lines are even reflected. It just shows a shallow shading of everything close to the coast, and then it kind of shows open water with actual nautical symbols and depths, to the best of my recollection. Then, if you take an inset of that, then it shows all the data to include those lines, I think, but it's definitely a problem in the electronic world.

MR. WARD: Okay.

CAPTAIN SHUSTA: It is for fishermen, because we're constantly correcting or helping them find the line, and it's right there in their plotter, but they just have to do the exact opposite of what their brain tells them to do.

MR. WARD: Okay, and so it is more of a problem with either a Garmin unit or an electronic navigation chart, and that does make sense. It's all operator usage of that, and so there are usually ways to keep those lines turned on in the electronic navigation. Whether they're going to do that or not is another --

CAPTAIN SHUSTA: I have spent years trying to do it, and I can't do it. You can scale out and you lose the state boundary lines.

MR. WARD: Maybe I'm not understanding it, and so maybe, if we find an example of that, I would be happy to --

ASAC RADONSKI: I just noticed in the one slide you had that it kind of bled out and didn't show things very well, and so I was wondering, since we're moving to the electronic age, is NOAA considering maybe changing the colors that are used for electronic charts?

MR. WARD: For electronic navigation charts and our official product, what we create as the actual ENC, and then vendors make an ECDIS or an ECS system that would meet the required needs, and there is a standard for display on those systems, and so that's actually called S-52, and those are all set at the international IHO level of how an ECDIS should display this specific type of information. There are ways to modify that at daytime view versus a nighttime view within the ECDIS or the ECS, but that's more on how the data is consumed, and we do work with the IHO.

One thing I didn't bring up is right now we're in the realm of S-57 as the international standard. We're going to be moving to S-100 and S-101 for nautical charting data. It will be very similar, but it will allow for additional overlays that aren't as easy to do right now, both weather information for mariners, but also overlays of non-charting data that would be able to be produced either by the hydrographic organization or another agency that could then be overlaid if the mariner wanted to have that.

All of those things, it was mentioned in the last presentation about Navionics and other vendors who are geared more towards the recreational boater taking those in and making them available,

and that's actually -- We recommended the Florida DNR to go to them, and they are in talks with them to get that information on there, because it is usually beneficial to have that out there out and so, yes, it's something we pay attention to.

ASAC RADONSKI: I just remember I used the red light at night, and the color shadings were there, but it doesn't seem to translate as well over to a computer screen, at times.

MR. BROWN: I see the fish havens and the obstructions and stuff on the chart, and my question is what would it take -- I mean how can we get the SMZs or the MPAs incorporated onto these charts?

MR. WARD: They would have to meet those standards, and there are a few others as well. As was mentioned in the previous presentation, any regulation, regardless of what it is, even moving of a buoy for navigation purposes, if it's temporary in nature, we're not going to, quote, unquote, waste our time in changing it, because we know it's going to be moved back in relatively short order, and so anything that had a timeline that it was going to expire would never be on the nautical chart.

MR. BROWN: So do you still have the minefield incorporated onto the NOAA chart that the military had off of Charleston?

MR. WARD: Yes, there is the one off of Charleston, and there is this one right here on the St. Johns River is on there, and it will -- Until some Admiral in the Navy tells us we can take that off, it's going to be on that, and it's unfortunate, but --

MR. BELL: Kind of following up on that, you put up there the requirements for something to be charted, and I guess what it kinds of boils down to -- I guess the one that says that it basically has to restrict or prohibit a vessel from coming in there, and I guess, looking at it from our perspective with our marine protected areas, if you're a vessel with certain fishing gear not stowed correctly or you're a vessel with certain fish onboard, you are -- I would say that's restricted. If you go in there, what will happen is you are subject to being ticketed, and so I guess I would interpret that as a restriction or a prohibition.

Looking the requirements, the four or five requirements, I mean I guess I would argue that I would say that we met all of those. It comes down to kind of interpreting what -- I get it. It's how you interpret it, and is that vessel really restricted from going in there or prohibited from going in there? It's not a navigational issue, in terms of safety. It's if you go in there and your vessel is rigged a certain way or you have certain fish onboard, you could have a problem.

From our perspective, from a regulatory standpoint in management, we need people to know where these -- In the case like the large MPAs that have been in existence now for a while, it's beneficial that people know where they are, whether they're recreational or commercial, and I believe -- The larger Oculina Protected Area, that's actually on the chart, isn't it? It's the same thing there. That's an area where you can't use certain gear, and that may be a grandfathered thing from way back, but so -- I guess it's a matter of interpretation.

I guess I would interpret vessels are restricted in their ability to go in there, if rigged a certain way or carrying a certain product or whatever, but, from the council's perspective, we just want people

to know where these boxes are, so they can abide by the law and not get in trouble, and I know -- I'm referencing a particular case off of South Carolina, where one of our Coast Guard cutters intercepted a fishing vessel in one of our large MPAs. They were in there fishing, and, well, we didn't know it was an MPA. It's not on their nautical chart, and it's not on their electronic charts, and how are we supposed to know it's an MPA?

That is what kind of started some of this initial discussion, I think, a couple of years ago, and so I guess what you're saying is that, from you all's perspective, the restrictions, if you will, that we have placed from fisheries regulations don't quite meet the test for being on the chart.

MR. WARD: I don't want to talk about a specific scenario, but any item that is in the CFR and is requested by NOAA Fisheries should be submitted to the Office of Coast Survey for their recommendation to be included on the chart, and I think each one, because of the way those are written, would be taken individually, and so I wouldn't say don't go forward with it or don't send it to us, but that's the lens we're looking at it through, and I would definitely -- Once one is written, I can give you the -- You can send it to me, or you can send it directly to our Nautical Data Branch, which ingests and looks at all of those things before it's registered as a source to be applied, and they would look at each one on a case-by-case basis.

MR. BELL: Okay, and so, following up on that then, I guess I don't -- I assume then that NOAA Fisheries hasn't officially applied, maybe. The larger MPAs that went into existence in 2012, they've been around for a while, and so they were established. They're in the CFR and the lat/long. It's all in the CFR, but I don't know whether or not NOAA Fisheries officially requested it, because they're the agency that would request that and then provide the information, and then you guys would thumbs-up or thumbs-down. I don't know that that has actually occurred. Maybe it hasn't.

MR. WARD: I can't answer that directly, because I don't know if they have done that in the past, and they already did the thumbs-up or thumbs-down, but I would --

MR. BROWN: I think that's one of the things, Mel, that fell through the cracks and then probably didn't get incorporated, because I know we've been requesting that and talking about it for quite a while now.

MR. BELL: That would be something as a council then, committee or council, that we could suggest to NOAA Fisheries that we do that, if we haven't done that, and we see how it goes, if we felt, as a council, that we really wanted these on the charts. Perhaps we haven't actually engaged the process the right way.

MS. RAINE: I know, from my perspective, I would sure like to see a lot of those closed areas on the charts. My question is what exactly is the deal with the paper charts? I like the paper charts for my world, and what is the status of paper charts?

MR. WARD: We don't have any plans to stop making them. The International Hydrographic Organization, which maintains the standards for international carriage requirements, has made it possible for SOLAS class vessels, and a recent Coast Guard regulation is pointing towards the way for non-SOLAS class vessels who are required to have nautical charts onboard, they all have options that will meet chart carriage requirements without having paper. The ability to be paperless

and be legal is there, but no one thinks that paper isn't going to be around as an official product for a long time.

MS. RAINE: Okay. So then where do we get these paper charts?

MR. WARD: I love questions like that. I can knock those out of the park. I did pull up our website, and so [nauticalcharts.noaa.gov](http://nauticalcharts.noaa.gov), and the little viewer that I was just on, you can go into an individual chart here and click on it, and then you can download it in a PDF format. You can view it and you can download a PDF, and we also have these booklet charts, which are really awesome, because you can print them on your own printer. If you want the full-sized nautical chart and to be official, we have print-on-demand providers that you can order your chart from them, and it will show up in a tube on your doorstep, and it doesn't cost any more than the ones that you would get from your local boat shop did in the past.

You can choose the type of paper that they're printed on as well, and so, early on, when we were doing print-on-demand and printing our own charts, the paper quality wasn't that great, but the print-on-demands, now we've got fourteen or fifteen different authorized printers, and you can shop around and get what you want.

MS. RAINE: We've tried the printing out of the charts, and it's a process, but, for government agencies -- I mean I'm part of NOAA. Isn't there a place within NOAA that I can go to and get a chart?

MR. WARD: I can't get a chart, the official product, without going through one of the print-on-demand providers.

MS. RAINE: They're all private companies?

MR. WARD: They are. There are limitations on the amount they are allowed to charge for the chart and whatnot, but -- Actually, NOAA hasn't printed charts for ages. The FAA was printing our charts for the longest time. They stopped, and that forced us to discontinue.

MR. BROWN: I will tell you, Karen, that printing the charts is a challenge sometimes. I have gone through it, but I get inspected every year by the Coast Guard with my boat, and it's been a requirement, even up until this year, that you had to have a paper chart. I don't know if we've quite gotten to the point where they have incorporated you being able to use the electronic stuff on all vessels, but they still -- It's mandatory that you've got to carry the paper one on an inspected vessel.

MR. WARD: That's true. The Coast Guard released the NVIC that stated how you could meet carriage requirements for a non-SOLAS class vessel, but it requires ECS providers like Navionics or the other ones that are out there to self-certify their system that it meets those standards. The NVIC was just released. They haven't had the opportunity to do the self-certification. Rose Point is one that they've come out with a letter saying that they will be doing that certification process, and so you're right that it's out there for it to be done, but it's not right now, until the self-certification takes place. You can't meet carriage requirements without having paper for those smaller-class vessels, unless you have purchased a full ECDIS system, which we know people wouldn't do.

MS. RAINE: Aside from my own what I think are needs and wants, it does somewhat concern me that there may be fishermen out there who might not have ready access to electronics while they're on their boat, and how are they going to get a paper chart? I'm not just talking about this region, but NOAA's authority is far and wide, and there could be fishermen that are having trouble, and they're expected to have some sort of official means for navigation on their vessel.

MR. WARD: I had the list up right there, and so these are all of our official chart redistributors. I just clicked on one, and I'm not advocating for them, but you just go in there and click on the chart that you are in need of, and you can order that. There you go. The paper chart is nineteen-bucks, and so they're available to be used, and the smaller vessels, recreational vessels, probably don't have a carriage requirement. If the Coast Guard were to board them, they wouldn't be asking for any -- Most recreational vessels wouldn't.

MS. RAINE: There may not be a Coast Guard requirement, but, from a fisheries standpoint, at least our case law with our administrative law judges is that fishermen are expected to know where they are, and expected to be using NOAA charts. I guess they could go to a library, but if somebody doesn't have a computer, then how are they going to find out where to get a chart, unless it's maybe someplace where they're used to going, and so are some of the things that sometimes cross my mind. How easy is it for fishermen to get a chart, so that they can know where they are?

MR. WARD: Yes, I understand that point.

MR. WAUGH: We have spent a lot of staff time, at the council's direction, chasing this down. This, for me, and it may just be my ignorance, but this is the first I've heard that we need someone from NOAA Fisheries to make a request. We can pursue that, but it would be good to hear from the Law Enforcement AP if that's a consensus recommendation that we pursue that.

COLONEL FRAMPTON: That was where I was getting ready to go right now. Can we go around and do we think, as a Law Enforcement AP, this is a request we would like to make to the council, to request that MPAs and these things be added to the official NOAA charts? I would think it would be. I would think it would be very helpful for us and the fishermen.

CAPTAIN SHUSTA: I think you're on track there, and it's a great recommendation. A couple of points that I want to make. I would think most of you flew here, correct? Does anybody have any qualms about sitting in an aircraft, taking off or landing, in snow, sleet, fog, anything else, that you're going to land safely on the runway? The world is going to GPS. It is extremely accurate, and I think, in fisheries, we need to place a little more trust in moving forward with the rest of the professional world in validating and trusting technology.

I think it's an archaic standpoint to continue to push fisheries back to paper, and Karen and I have disagreed over the years on this particular one. There is a case, and I believe it was Joe Scarpa who testified against one of the nation's leading navigators that was brought in as an expert witness, and it was a paper versus an electronic case, and I don't know if you know the details on that one. I don't know all the details personally, but I believe the state and NOAA prevailed on that case. Anyway, it's just a thought. I would hope that the LE AP and the council would continue to think progressively and not look behind as we're moving forward in talking about charts and navigation, because I feel very confident flying.

MR. BELL: Where Chisolm was going with this, this really isn't about paper or electrons. It's about is there value in having these particular areas where we have said -- We've created these areas, and we've created restrictions in them, and is there value in having those on nautical charts, whether they're electronic or paper. It doesn't really matter.

I am kind of like Karen. I'm old-school. I navigated in the Navy, and we used paper. That's what I'm used to. If I don't have paper, I get -- But that's my problem. It's not a matter of electrons versus paper. It's a matter of does the LE AP think that there is value in having these things on nautical charts, and, if so, then should the council kind of pursue that with NOAA Fisheries and the official way and ask for it?

ASAC RADONSKI: I see real value in it, but we are moving to electronics, and there's no question about that. Are there ways that they could be turned on and off in the layering, where the information is there. If you want it, you turn it on. If you don't want it, and you want to reduce the clutter on the chart, you turn it off.

MR. WARD: Yes, and especially with the S-100. That's where we're headed. That ability is -- S-100 was built with that in mind, and so that can be done with the S-57 right now, but it's a lot more difficult. The ability is there to do it, and so I guess the other thing that I would just give food for thought is the majority of -- I would say all of you are people that are impacted by these regulations. None of them are the cargo ships coming in. None of them are any of the other big ships that are mandated to have an ECDIS system, and so everybody is ingesting our chart in some other way.

Working with that system, either Navionics or whoever it is, to have overlays or an app, like the right whale folks did, that's already existing. I noticed you guys had an app as well too already out there, and being able to put a map into that app is pretty straightforward these days, but the ability is there. The official product, having that on there, having it printed on the raster navigation chart -- Once it's on the paper-looking chart, consumed electronically, you can't turn that off. You can only do that on the ENC, electronic navigation chart, and I would say the vast majority of individuals that you are trying to reach out to aren't using that version of our product.

COLONEL FRAMPTON: Thank you. Just one comment on it. I think that what we want in law enforcement is compliance, and any way we get it out there that you're going into a restricted zone is a good way. It lets the public know that, hey, I need to look a little bit further into where I'm going, and so I think, to recap, it is the recommendation of the LE AP to ask the council to pursue at least getting a thumbs-up or a thumbs-down on whether we can get some of these protected areas applied to be put on the charts, and is everybody in agreement with that? Now is your chance.

MS. RAINE: Yes, I am in agreement, but I want to, I think, clarify something, without belaboring the point. Certainly people are using electronic navigation, and I am not against that. When I am taking a case forward, for example to an administrative law judge, part of a piece of evidence is a chart to show where that violation took place, because often we have to prove the location, so that we can show that we have jurisdiction.

That's why a piece of paper, in my world, makes sense. Now, am I saying that folks need to navigate by paper? No, but I am concerned that some fishermen might not have access to electronic charts, and so I would be hopeful that paper charts are available to them, but I am looking

at it from having some piece of evidence that I can show to a judge or, when I'm reviewing a case, that I can look at a chart and know, in the review, that I can prove jurisdiction. I think perhaps what Rama is really referring to is what we have to do to verify the accuracy and veracity of any electronic unit that's used by law enforcement to prove the jurisdiction, and that's a different issue, I think.

COLONEL FRAMPTON: Thank you, Karen. Let's get the LE AP recommendation. Let's get the verbiage down of what we would like, so Myra can get that in the record for us. The LE AP would request that the council proceed with getting a thumbs-up or a thumbs-down and submit to NOAA these MPAs and areas that we wish to see on the NOAA charts. While Myra is working on this, Mr. Maxey, did you have a question? I don't think we answered it. Sorry.

MR. MAXEY: It's automatic to like Garmin or some of these guys. They will pretty much automatically pick up on these requests, right? Would those automatically be picked up for these other software companies, once this is put on? Would these recommendations automatically pick up from Navionics and Garmin and some of those, because that's what I think 99 percent of the people are using. I don't know anybody that uses a paper chart.

COLONEL FRAMPTON: Karen does.

MS. RAINE: At least a chart-let.

MS. SLETTEN: I can't speak to the recommendations being picked up by the private companies, but, since we are in close contact with NOAA, I'm in the process of even writing to my team about this, because, because of our public/private partnership, my understanding is that our data ultimately will end up with NOAA's MPA Center.

Now, I anticipate it will take a long time for them to go through and verify that it's ready for a federal agency to put their okay stamp on it, but my understanding is that the data will end up with NOAA and then they can do what they will with it, and so that's relevant to this discussion, I believe.

COLONEL FRAMPTON: Is everyone comfortable with the LE AP recommendation that the council requests that NOAA Fisheries request inclusion of the South Atlantic Fishery Management Council closed areas, MPAs, and proposed Spawning SMZs in the NOAA nautical charts? Is everybody good with that? Okay. Thank you, Myra. Now we've got a presentation by Chip. Chip, are you ready? Of course. Thank you.

MR. COLLIER: It's not going to be much of a presentation, but more of a discussion. Based on what we've talked about or what you guys have talked about so far, it's been focused largely on the recreational and also on MPAs. We have many other protected areas in the South Atlantic region, and it's not necessarily a recreational fisherman that's going to be impacted by it. It could be a deepwater shrimper that is impacted by the coral habitat areas of particular concern.

Those aren't going to be on a map, and now we need to figure out how to get that information to the fishermen in a useful format. Anthropocene could be one way to get that information. They have all these managed areas that they're going to be putting on there, but, when you begin to look at the number of managed areas and the amount of managed areas, it can be very difficult for

somebody to weed through and figure out exactly what they need, and so what is going to be the best option to think about some of the rock shrimp fishermen, the golden crab fishermen, the potentially longline fishermen, different things like that and the requirements that they have?

Would it be better to have a specific text file or other kind of file that we can provide them that would be legal and good for adjudication of a case if they are violating some of the protected areas? What we would like to know is we can provide text files on our website that could have these coordinates listed in them as well as the regulations with those.

Would that be beneficial? Does that begin to impact or have impacts on compliance and adjudication down the line, and what do you guys think about that? We definitely want to partner with Navionics and other products like Garmin and get our shapefiles to them, so they can get it out to the majority of people, but we also need to think about the other managed areas that we do have that are a little bit more difficult.

MS. RAINE: First, I would love to see everything on an official NOAA chart, and I know that's probably not going to happen, but, that way, everybody knows what's out there. I do want to point out that, just because something isn't on a chart, it doesn't mean that the fisherman isn't supposed to be aware of it and abide by it.

Even without these different areas being marked on charts, a fisherman is still responsible for knowing his or her location, and so we certainly have gone forward with cases regardless of whether is a box on a chart or not, and that would continue. I just think it's helpful for everybody, for fishermen and for all of us, when we can physically see on a chart, whether it's electronic or paper, what's out there and what they need to abide by. Notice of what you're supposed to be complying by, in whatever format or fashion, I think is a help to compliance.

MR. FREEMAN: This is speaking more to how difficult it is right now to find the MPA and the SMZ information through the council's website. As far as I'm aware, it's really the only place that it's available on the web, and, for some odd reason, none of the MPA pages are linked together and none of them link back to the main website. They're parts of the site, but I had to go to the site map to even find them.

The vast majority of guys are basically going to give up before that. We know the MPAs are there. Some of them have them on their units, but they've had to manually add in the corners of the boxes, but, for the most part, it's very difficult to find, and I think that could be remedied relatively easily.

MR. COLLIER: To that point, we do have a goal of making it less than five clicks in order to get the information that you need, and with a target of three, and so we are going to try to make it easier for people to get access. Do you think fishermen would prefer to have a file that they can download and put on a chip that they can put on their GPS unit or would they rather enter it themselves? Some of these aren't square boxes, even though the LE AP requested square boxes. Some of them are diagonal and different things like that, and so what would be the best way to get information to the public or have it available?

MR. FREEMAN: To that effect, there is no reason not to have it available in both formats. I don't think it would take very much time to have the text file prepared. It's just compiling it in one

location. As far as being able to import it directly to your GPS, whether that be Garmin or whatever software provider you use, I don't think it would be used as much as the text file, but I know a lot of guys would definitely appreciate it.

COLONEL FRAMPTON: I would just go back and reiterate, because we've had this conversation many times, this is why the LE AP thinks that straight lines are so important when we're doing this, because now we're starting to see how you're going to get this electronic data on a chart and how are we going to do enforcement on it. We don't care if the box is skewed, as long as it's straight lines in the box. We can deal with that, and I think that's what we're seeing here.

MR. COLLIER: Are there any problems with displaying this information? Do we need to have any disclaimers when we have a text file on there? One of the considerations we had was, if we have a text file, we would request an email address for that user. That way, if there are changes to coordinates, for let's say a habitat area of particular concern, if that area changes, we would be able to email that user and let them know that there are updates that they need for their machine.

COLONEL FRAMPTON: I think, from the enforcement world, all of that is great, but I am going to reiterate what Karen says. It's the responsibility of the captain of the boat to know where he is.

CAPTAIN BURTON: I think, in addition to that, just on the front home page of the website, and I'm sure they check it regularly, to have an alert, something that kind of stands out and gets their attention as far as accessibility into the MPAs, something that's really quick, and that's really one click. As soon as you get on the website, there's an alert, either on the left or the right side of the column, and it just pops out, and we have similar displays on our website, as far as law enforcement bulletins or alerts or maybe Executive Orders that we have to take immediate action on in Florida.

COLONEL FRAMPTON: Any other questions or comments or concerns on this?

MR. COLLIER: One thing that we will probably be doing is making sure that these are the accurate ones and you guys are good with them, our Law Enforcement Advisory Panel, and so we will probably be sending you the files and different things before anything goes live. We would like comments back. I'm not sure when I will get it done, but it shouldn't be too much longer.

ASAC RADONSKI: I don't know if that's really necessary. I mean, going back, it's the captain's responsibility, and you should be double-checking in making sure you're doing it, but it's not really a law enforcement function to condone it or bless it or anything like that. We don't need to do that.

MR. COLLIER: We're not looking for condoning or blessing. We're just looking for making sure it's accurate, another eye to review it, in that sense.

COLONEL FRAMPTON: I think you're going to find that that's not our responsibility to make sure it's accurate. I will let Karen elaborate on that.

MS. RAINE: To sort of echo Chisolm's comment, this kind of goes to the straight line issue as well, and I know there was at least one instance where the agency had to change a Federal Register notice because they put in a wrong coordinate with all the many listings. The simpler something is, I think the more opportunities the agency and the fishermen have for getting it right.

MR. BELL: Obviously the most recent occurrence of a non-straight line I guess was when black sea bass and right whales collided, and, to accomplish what we were trying to accomplish, there was just -- Straight lines were a -- They were as straight as they could be, but that was unfortunate, because we were having to work depth contours and things, and I certainly understand the difficulties in that.

When you actually get down in scale, the lines do sort of straighten out, but they're not perfectly straight, but sometimes you run into situations, in that particular case, where we were working depth contours and things, and it just didn't lend itself to straight, but we have heard that, and we do know that that is an issue. Our MPAs have straight lines and our SMZs have straight lines. We're trying to use straight lines whenever we can.

COLONEL FRAMPTON: Thank you. Any other thoughts or comments on that? I think we will adjourn for lunch.

MR. BELL: Right. Let's break for lunch and be back at 1:00. It's 12:00, basically. We will take an hour for lunch.

COLONEL FRAMPTON: Let's take an hour-and-fifteen-minutes.

MR. BELL: Okay. Then 1:15 we will be back here. We've got a presentation on some cobia, some stuff going on with cobia, and then the JEA discussions, and then any Other Business. Then that will be a wrap, and so thank you, and see you at 1:15.

MR. BELL: We're going to go ahead and get started, and a little adjustment to the schedule, of the order. Kari is going to provide us with a little briefing on some stuff that we're dealing with right now with cobia and changes to a plan which will affect cobia, just kind of go through some of the options we're looking at and things we'll be talking about, just so you all are aware that this is being discussed, and if you have any particular comments on preferred alternatives or things, that's fine, but it won't take that long, and it's of interest. Cobia has become a really big deal lately, and this is not just here. It's all the way up to Virginia and the Mid-Atlantic, and so it's definitely on the front burner as far as a fishery with some issues that we need to deal with, and so, Kari, do you want to go ahead?

DR. MACLAUHLIN: Myra sent you an email earlier this week, and it had an attachment, which was our public hearing summary for this amendment. It's Framework Amendment 4 for Coastal Migratory Pelagics. We also have on our public hearing page this presentation, if you wanted to look at it, and it's a PDF, and the summary document that you were emailed.

I'm just going to go through this. We are starting public hearings. We had a webinar and one here in Charleston this week, and then we go on the road next week. We wanted to go ahead and give you a heads up on the actions and get your input, if you have any, and answer questions. I'm not going to go through all of this, but the background is that Atlantic cobia, which is north of the Georgia/Florida line through New York, the recreational landings exceeded the recreational ACL, and so the season, recreational season, for 2016 was set to close on June 20, and that's the accountability measure.

We've had a lot of public comment from folks in North Carolina and Virginia, which is where the highest level of landings are, about how this early closure impacted them. Now, North Carolina and Virginia both decided to extend the season for their state waters, and so North Carolina will close on September 30 and Virginia at the end of August.

The South Atlantic Council wanted to look at some changes in management measures, to see if they could extend any future seasons and allow fair access to cobia for fishermen in all the states, and so this started in March of 2016. The council directed staff to start working on it. We did just some public meetings to get some input on potential actions and alternatives. Then, in June, the council reviewed that public input and they made some changes to the draft amendment we put together and approved it for public hearings, which we're having now, and then they are scheduled to approve this in September.

There are several actions in here, mostly for recreational, to modify the recreational harvest limits, and so this is bag and vessel limits, modify the minimum size limit for recreational, modify the accountability measures for recreational, and then establish a commercial trip limit with a step-down, and we have an action to change the recreational fishing year. However, we were advised that we cannot do that through a framework.

We have to do it through a plan amendment, and so the council would have to take that out in September, but we went ahead and included it in the public hearing document, just so folks could see how that was going to interact, and so be able to give their comment on how the fishing year interacts with those harvest limits, as far as extending the season or slowing down the rate of harvest. The council may decide to put the recreational fishing year in a plan amendment, or they may wait on that action.

This is only for the Atlantic group. The boundary between the Gulf and the Atlantic is at the Georgia/Florida line, and so this extends all the way through the Mid-Atlantic, and the current management in federal waters, there is a minimum size limit for commercial and recreational. It's thirty-three inches fork length, and the possession limit of two fish per person per day. There is no federal commercial permit, but you must sell to a federally-permitted dealer. However, in North Carolina and Virginia, there is cobia that are sold that are caught in state waters. Then we have the recreational ACL, which is 620,000 pounds for 2016 and subsequent years and then the commercial is 50,000 pounds.

We have the management here in state waters. Virginia, North Carolina, and South Carolina all made some changes pretty recently, and so Virginia has a bag limit of one, a vessel limit of two, and then their minimum size limit is forty inches total length, which is about thirty-five to thirty-six inches fork length. That's just for state waters. In discussions with them, that seems to be just -- The intent is for just this year, and then they may revisit that next year. They put these more restrictive measures in place because they did not close their state waters with the federal closure.

North Carolina also made a change. They have a one fish per person bag limit, and then they have some vessel limits for the for-hire, which is four per vessel, or one per person, when less than four people are onboard, and their private is a two fish vessel limit with more than one person onboard, and then they also had certain days that the private anglers could land cobia. Then they raised the minimum size limit to thirty-six inches fork length.

South Carolina recently had some new legislation for their state waters, and it created a management area south of Jeremy Inlet and Edisto Island, and, for that area, in state waters, the bag limit is one fish per person and then catch and release only for the month of May, and then a vessel limit for that area of three fish per vessel or one per person, whichever is lower. For the rest of the state waters in South Carolina, it's just the two fish per person bag limit and no vessel limit, and Georgia is the same.

For the LE AP, what we wanted to focus on was the minimum size limit, the bag limit, the vessel limit, these actions. Let me see if I can pull up the public hearing summary, and so this is the document that Myra sent you. I think it will be a little easier to be able to see these.

We have this separated into two sub-actions, just so they could be compared in combination, and so the current preferred alternative for the recreational bag limit is one fish per person per day. Then, under Alternative 3, this is a vessel limit, and the council has selected a preferred alternative for three fish per vessel per day, and this would apply to both private trips and for-hire trips.

Then they also looked at the minimum size limit, and this is only for recreational, and we did have this language in here from a previous version, but the council, at this time, is only looking at changing the recreational minimum size limit. Commercial would stay at thirty-three inches fork length, and then the council's preferred alternative is thirty-six inches fork length.

We have some tables available that show the combination with the minimum size limit here and then the options for bag and vessel limit here. What the dates are, they're the estimated dates when the recreational landings would hit the recreational annual catch limit, so that the public and the council members would be able to see how the minimum size limit and the bag and vessel limits could slow the rate of harvest for this. As the minimum size limit is bigger, it's going to slow the rate of harvest and the landings coming in. Then, of course, lower vessel limits will result in a slower rate of harvest also.

We also have the action that would modify the recreational fishing year. This is the one that the council is going to actually have to take out, because we are not going to be able to do this in a framework amendment. Here are some alternatives that they are looking at, and they did select a preferred alternative. Right now, it starts on January 1, and the preferred alternative would be to start it on May 1.

Then there were a couple other options to start on June 1 and April 1, and this -- The intention of this was that if the fishing year started a little later in the year that maybe the season would be extended or the landings would not hit that ACL until later in the fall, so that folks could all have an opportunity to catch cobia. We have some figures in there that show how this works. Usually the peak is around May and June and July and August.

I am not going to get into all the details of the recreational accountability measures unless someone has a question about it. The council is looking at modifying the AMs for Atlantic cobia. One thing is to take out the use of a three-year rolling average when they are evaluating an overage and then also looking at some kind of combination of post-season accountability measures to be able to maybe reduce the negative impacts of having to trigger it when an AM is triggered for a post-season when landings exceed the ACL, and also to not unfairly negatively impact a certain region over another.

The council is interested in AMs that keep landings under the ACL and the recommended acceptable biological catch with the minimum negative impacts, and so they are looking at a couple of different ones. They did select a preferred alternative. This is similar to the one that's in place now. That just reduces the length of the following fishing season when there is an overage, with a couple of different sub-alternatives for the different conditions, where the species is designated as overfished, the total ACL is exceeded, or both of those things.

This is another Alternative 3, similar to the one we have now, which would reduce the recreational ACL in the following fishing year. There is an alternative for an in-season closure when landings are expected to be met, and then this one was just added in June. It would set up as an AM a vessel limit reduction in the following fishing year, if there was an overage.

The point of the reduced fishing season and then also a reduced vessel limit is that it could be calculated so that recreational landings could meet the annual catch target, but not go over that ACL again, and the councils would want to look at those maybe as setting up a system of AMs, where they could specify that they would be applied in a certain order.

For example, they could select a reduced season length and a reduced vessel limit, but then specify that, if there is an overage, the first thing that NOAA Fisheries will look at for the next year is a reduced vessel limit. If that's not something that is going to slow the rate of harvest, then we will try a reduced season length.

The last action is establishing a commercial trip limit with a step-down. Right now, the possession limit is two fish per person per day for cobia that are sold, and we have a couple of alternatives that sets up the trip limit with a step-down when 75 percent of the commercial ACL has been met. Alternative 3 does that with a vessel limit of six and a step-down to three fish per vessel, and then Alternative 4 is kind of the combination. It's two fish per person, six fish per vessel, with the step-down when 75 percent of the commercial ACL has been met.

We did the first round of analysis, and what this shows is, comparing the actual cobia landings with when they would hit the trigger for the step-down and then when they would hit the current commercial ACL, so that folks would be able to see when the step-down could occur, and then hopefully that would extend the commercial fishing season, but one thing is, in 2015, the 75 percent was met in July, and the ACL was actually met in August.

Here are all the locations we're having our public hearings, and all the information is available online with video and the presentation and the summary, if anybody needs to take a look at that. It would be great to get your input, questions or concerns, that would like to let the council know about, especially for the bag limit, vessel limit, and minimum size limit, and the commercial trip limit step-down.

MR. BOWEN: Thank you, Kari. Just for clarification, when you gave the graphs for the projected closure dates, that was with a fishing year start date of January 1 and not any of the alternatives that we may or may not go through in September?

DR. MACLAUHLIN: Correct. The one that I did point out to you and look at, that was one that is for the current fishing year, starting January 1. We do have tables available in the document that show it under the different fishing years under consideration.

MR. BELL: So does this all strike you as logical? I mean, does it look within the realm of reason, in terms of your knowledge of the fishery and encountering folks and what you see will work or something?

DR. MACLAUHLIN: The Atlantic States Commission met this week, and they actually have agreed to start working on a complementary plan for cobia, because of this situation, and so the council will be working with the commission to hopefully have some consistency for state and federal.

COLONEL FRAMPTON: I think what you've got, at least from a law enforcement perspective, is enforceable. We can enforce size limits and that type of thing, and so, from our perspective, whatever the limit is, that's you all's call, but, as far as enforceability and the number of fish, I don't see where there is any issue in that.

MR. BELL: I guess at this point we will go around the room or go around the table and have some state JEA updates, and, Director, do you want to come sit at the table with us? Rama, do you want to start with the updates to the JEA, or your state update of JEA?

CAPTAIN SHUSTA: I am passing the torch to Grant Burton, and so he's going to lead the way here in this, and so he's ready.

CAPTAIN BURTON: I just wanted to start off by saying obviously we got the contract approved for the 2016/2017 NOAA JEA contract. We recently had an amendment to the right whale patrol. It increased hours just a little bit, but we're fine with that. The priority changed a little bit as far as it pertains to reef fish.

You know, in years past, we were focusing a lot of reef fish documentation on IFQ dockside, the inspections. Because the priority changed a little bit, we are focusing now more, as far as reef fish, into federal waters, EEZ waters, and focusing on actually out in the waters and making cases and conducting a lot of checks.

The goal, as far as the TED inspections, is there is a goal for numbers, broken down by month, and what we're doing is reaching out to NOAA and having some of their personnel meet with us in Florida and conduct training, on an annual basis, proficiency training, to make sure we're up to speed and everybody is knowledgeable, so we have consistency on enforcement, and they're all for that.

I just wanted to let you know some of our unique capabilities. Our offshore patrol vessel program, which was due largely in part by Rama. He put a lot of time and effort in establishing that and building that. Right now, as it stands, there is thirteen offshore patrol vessels that focus primarily on JEA. They are funded primarily by JEA funds and contract funds.

In years past, we had officers that kind of had a set goal in the field, and not the OPV program, not the OPV fleet, but they had set hours for conducting IFQ dockside inspections, in addition to other duties. With some of the hours, contractual hours, being pushed to EEZ waters, the OPV program has taken basically the majority of those hours and responsibilities under their belt, which in turn has produced a lot of good quality patrols.

When we had the meeting early mid- July, we had open discussion about that. At the end of the meeting we had with the OPV crew and the boat captains, everybody was clear on the responsibilities and what was expected of them. There was no backlash at all. Everybody was open arms, as far as actually getting in the boat and going out and conducting patrols. I think a lot of people were in agreement as far as how effective it can be and the quality of cases that you can make out in the federal waters.

One of the other things that we've done is, working with other divisions in FWC, a good example was Florida Wildlife Research Institute had reached out to us as far as assisting them in some research that was federally -- It was a federal grant, funded by NOAA, where instead of having to spend extra funds, extra money, that they got from that grant in contracting out vessels to take them out to MPAs in the Gulf, they reached out to us, and we worked in conjunction with them and used our high-endurance vessels and conducted a three-day patrol and went out into the middle of the Gulf, and so we accomplished a couple of things here.

We did JEA patrols on the way out. The researchers did the research, and we actually had several other assets out there that were on the OPV program, and we made several cases, good quality JEA and federal cases. In addition to that, they conducted research, and I think that was beneficial for both sides, because it enabled the researchers to conduct more research, instead of having to spend that money for contracting out to private entities, and it actually was -- The officers were actually able to see firsthand and get some education as far as how important the research is that's being conducted in the MPAs, and they learned a lot.

It was kind of a hard pill to swallow as far as not focusing primarily on LE, but, when everything was said and done, they were really grateful that we actually made that effort, as far as crossing those division lines, and I think our Colonel is really big on that, and I think it's very beneficial when the officers actually get firsthand experience on that, and I think it was really good.

In addition to that, another thing we're doing is, along with the TED inspections and the training, we're going to hopefully get to a point to where we're not going to have NOAA do it on an annual basis, but we get subject matter experts or people that are versed in the TED inspections and making sure that it's done with a lot of quality and doing it to where we do it in-house and we don't have to rely on NOAA to come and do the training on an annual basis.

This is going to be not just for OPV, but we're going to try to get other officers in the field that aren't assigned to these officer patrol vessels interested in it as well, to cross-train the officers in the field, as the new officers and officers beyond for years, to where we have -- When you have a certain number of officers that are assigned to a vessel, if something happens to where you can't get underway because of manpower, because we have standards and requirements, we can actually pull an officer from the field that's not assigned to that boat and he can broaden his horizons, and we can actually still get underway and not be restricted in that manner.

Just a little bit of what we've done with respect to the red snapper season, in the Gulf, I reached out to a NOAA agent to see if they could provide me with some stats, and, come to find out, I guess, from January up until July, there were 163 red snapper cases that were made in the Gulf. I think a couple of them were of other species, but, aside from I believe two or three of those cases that were made in Alabama, all of those were made by FWC officers, and so I think that was pretty impressive.

What they were doing is, during the red snapper closed season in federal waters, fishermen were going just outside of the boundary line and sneaking into federal waters and just going a little bit further, nine or ten or eleven or twelve miles, to try to get the red snapper and sneak back in. We utilized radar, and I believe some air assets, to accomplish what they did, and I think it was pretty impressive.

Another thing that we did was we amended the FWC tracking form that we had used in the past, just to tailor it towards what our priorities are now and what's under our contract. In addition to that, we also are documenting, on that form, the stuff that's not something that's on our contract or reimbursable, like IFQ dockside inspections, and we're also documenting the MMPA, the Endangered Species Act, TED inspections. We're documenting the administrative time and effort that it takes to prepare these cases, because, as you know, once you make a case, it's not over and done with, and so you have to take a lot of time in preparing that, and we're not expecting anything to happen, but we just wanted to show NOAA that this is what we're doing in addition to what they're expecting us to do, as far as meeting those contractual obligations.

Another thing we're doing is implementing a frequently-asked questions and fact sheet that we're going to provide to the field, and not just the OPV people, but the field in stressing and basically answering questions that we think they're going to ask as far as what exactly is JEA, what are our responsibilities, why is it important, and why is that partnership so important and beneficial to the resource. I think that pretty much does it, unless Rama has something to add.

CAPTAIN SHUSTA: I like him. He is long-winded like me. Thank you. Going back to my comments earlier, those areas where those red snapper cases -- This goes back to areas where we have good relationships with your troops. When you look at it from a management perspective, it is a direct correlation, and so we value that, and we're looking forward to future partnerships and seeing what we have in store for next year, and so thank you.

CAPTAIN LYNN: As you know, we just closed out our last JEA. We were successful in the amount of hours that we documented, and, of course, as usual, we had an overage in those hours, to make sure that we accomplish our goals. I will give you a rundown of what we accomplished over the last year under the Magnuson-Stevens Act.

We had three state warnings and one federal case package issued for violations. We contacted 459 recreational contacts and five commercial contacts under the Magnuson-Stevens. The Endangered Species, we had three state warnings and one state citation and two federal warnings for TED violations. We contacted 141 commercial and five recreational folks.

National Marine Sanctuary, which is Gray's Reef, right out our back door, we made twelve trips and contacted eighteen vessels. We had sixty-two recreational contacts while conducting those patrols to Gray's Reef. Under Marine Mammal, we made four state warnings and one state citation and sixty-six recreational contacts and twelve commercial contacts, just to kind of highlight our enforcement action for the past year.

Of course, we have just signed our new JEA as well, and we're working on that. We're working on adding some new whale hours, as Florida did. We had the opportunity to increase more whale activity, and so we took that opportunity, while we were already out there, to obtain some more funding.

We continue with our TED inspections and our TED boardings. We will be on track with those. We conducted TED training in the month of April with the NOAA gear guys. They come down and we do that annually, just to continue to bridge that relationship. It's a good relationship with them coming down and talking to our folks and kind of getting updates from them. We take that opportunity along with our non-game state folks as well that are on our loggerhead turtles program. We all kind of get together and put our heads together and make sure everything is running the way they want it to run and we're doing what they expect us to do to get the numbers that they need for turtles to continue to -- Our nesting turtle population has reached an all-time high this year, and so they're well satisfied in the area of the loggerhead turtle enforcement.

We continue to educate the public, going to our captains' meetings. Of course, face-to-face contact is where you get most of that by recreational and commercial folks, just getting out and talking with folks and continue to educate on recent changes. The cobia closure was our last biggest challenge, just to make sure everybody was aware of the closure date. If they weren't -- Of course, it came pretty fast, and so just to make sure they were aware. If we did catch some violations, of course, it's always education first on our hands before we start issuing citations, and so we do appreciate the opportunity to participate in the program, and it seems that everything is going well.

COLONEL FRAMPTON: Thank you. Director, welcome to South Carolina. It's good to see you again. I had an opportunity to go up to Silver Spring and meet with the leadership team of JEA a month or two ago, and we had a pretty productive meeting, and so, on behalf of all of us, thank you for carving time out of your schedule to hear our concerns about the program and also to hear our successes and where we think we are in the program, because we all know that the JEA program is pretty vital to enforcement efforts within the Southeast Region. I think we're in about our fifteenth contract, somewhere close to there, and so we're pleased with that, and thank you for that opportunity.

A lot of what we've heard today and we see in South Carolina -- You know, we talk about MPAs and we talk about charts, and I think we don't need to overlook the fact that our outreach efforts are huge with JEA, that our whole mission in it is to have voluntary compliance, so that we rebuild our fisheries and our fisheries are where we want them to be.

I think South Carolina has always strived to do a lot of outreach and work hard at that, but I think that we'll continue to do that, because I think that's where we need to be, and sometimes I think that hurts you, because, when you do a lot of outreach and you want voluntary compliance, that hurts you on the number of tickets and citations you write, but, in my opinion, tickets and citations aren't everything, and that's not what we're judged on, and that's not what the program is all about.

The program is about our fisheries and enforcement efforts. Of course, we've got our challenges with it, and we've been down that road with the council many times with the MPAs, with how far they are offshore, and I think we're all manpower restricted, to some degree, and we're all weather restricted. We're not quite as fortunate as Florida to have -- They have a lot of big boats, but we put a lot of effort in getting out there and doing that.

I'm appreciative of all that, and we certainly couldn't do it without the JEA funds. There would be no way that we could do MPA patrols and those types of things without the funding from the JEA, and so we're pleased with that. We just, like everybody else, got our 2016 contract approved, and we're working through some of the new nuances in the contract, and I appreciate you being

flexible and willing to hear the states' concerns with it, and we'll do the best we can with it this year and see how it goes, and we'll talk about it next year and see the successes of it or the problems of it and work through it.

My main thing is that you know that we value our partnership. We've been in this partnership a long time, and the states -- I don't think you can do it without us, and we certainly can't do it without you, and, like I told you in Washington, I think it's important that, as we move forward in the JEAs, that we have the input from the council as to what the council priorities are for fisheries, and we see how we work those priorities into our state priorities, because our fishermen and our law enforcement folks I think know firsthand what's best in South Carolina or what our issues are.

We will continue to work hard at offshore fisheries and inshore fisheries and do those things, but I think things are going well. South Carolina is like everybody else. We were supposed to do about 2,500 hours of JEA, and we did 3,600 hours of JEA, and I'm proud of that. I'm proud that that's what we do every year. That's what our officers are known for, is doing what they're asked to do and doing a good job at it, and so we'll continue to work hard on it and just see how things go, but I appreciate you coming and being open to hearing what goes on in the council and what our concerns are and how we think we move things forward, and so thank you very much. Jason, do you want to give us an update on how North Carolina is coming? Not to put you on the spot, but you know --

CAPTAIN WALKER: There's not much to update as far as JEA, but I would like to build off of what Rama was saying. My officers in North Carolina, even though there is no joint enforcement agreement, we do work a lot with you guys, with the Coast Guard, and those relationships do produce great cases and great officer safety benefits, and so, even though there is no agreement, North Carolina does participate, and we thank you for your guys' help with the assistance we've had in cases in the past.

COLONEL FRAMPTON: Comments from you?

MR. LANDON: Sure. Thanks. I would like to take the opportunity just to thank you for all of your support, and I will echo that this is an extremely important program, and we could not do it without all of you, and so I look forward to continuing to improve upon the process and the relationships.

You perhaps have hinted or picked up that there are some changes that took place. Grant mentioned some of them. In a nutshell, really what we're talking about for us is putting our money where our mouth is. You heard Grant talk about shifting of priorities and things like that, that's some of the, if you will, the process and policy improvements that we've been working towards and implementing, in that if we have said that something is a priority, we have to look at actually what's our plan to actually put some of those resources to those priorities.

This is a program that we fully support. For every \$3 that I get, I give \$1 to our state and territorial partners to assist in the federal law enforcement, and so that's a fairly sizeable commitment, and we are in the process of -- Chisolm kind of already mentioned that we're all resource constrained, so that we are in NOAA are in this process of basically making sure that we are putting our resources to where we have said our priorities are, and whether it's our species in the spotlight program on the protected resources side or with those species that are in critical need or are

threatened of going extinct, whether it's the resident right whales in Washington State or it's turtles or abalone or monk seals or beluga whales and a number of other species.

The mandate for us is we have identified those species, but what are we doing about it? The what are we doing about it comes at a lot of different levels. There is a science side, there's a regulatory side, but there is also a very important enforcement component, and so, really, what we're talking about is making sure that we are dedicating the appropriate enforcement resources to those areas that we have identified are a priority. I mentioned earlier this morning about that priority-setting process and how critical it's going to be kind of going forward, and I certainly would need the council's support in helping us get those priorities right.

The other thing that Grant mentioned is the other part of this, is we can't be expected or we can't expect our state and territorial partners to do this without having the appropriate training, and so that's another area that we've committed to increasing, is to make sure that we're providing you all the training that you need in order to assist us in this federal enforcement for the protection of that resource, and so that's only going to continue, and, like I said, once again, I just look forward to improving upon what we've got and building upon it. Gentlemen, thank you.

COLONEL FRAMPTON: Any comments or concerns or questions from around the table?

MR. BOWEN: Just a question. You mentioned red snapper, and my ears and everything else perks up, but you made 160 cases roughly, estimated, on the west coast of Florida. I know there is probably effort on the east coast, in the South Atlantic, but you didn't mention it. Was there some effort going on there to see what's going on in terms of people that may or may not be harvesting red snapper?

CAPTAIN BURTON: I had actually -- The day I got here, I was trying to think who I could call just to kind of get some stats to see where we're at as far as the Gulf, but I called the person -- The agent that I called, he was responsible for that area in the Gulf, but that's just the stat that I pulled up, but I could look at the stats or what is going on on the east coast as it pertains to red snapper, but I didn't have that available to me.

MR. BOWEN: Okay. No worries, but I just --

CAPTAIN SHUSTA: That's a good question, and when Grant looks at that, he will be able to differentiate numbers-wise, but we are not species-specific on patrols unless it's a very targeted mission, like TEDs. Anytime one of our boats is running, they're looking at grouper, they're looking at red snapper, they're looking at kingfish, they're looking at stuff coming back from the Bahamas. It is focused federal fisheries. It's not focused red snapper, and so, without even knowing the stats, I can assure you that our guys are out working and that is in the group of many things we're focusing on, but Grant can get you some good, solid data.

MR. BOWEN: Since I'm speaking and have the mic, I just want to personally thank every one of you for doing a job that I know I couldn't do, and not many people can. It's a tremendous effort. Captain Lynn, I see your agents around my dock and around my creeks and things, and we've said several times at this meeting that presence means a lot, in terms of people just knowing that law enforcement is around, and your agents have stopped me several times, and they're always

respectful and always polite, and I would like to thank every one of you for what you do. It's a tough job, and thank you.

CAPTAIN LYNN: Thank you for your comments. Thank you for saying that, and Rama brought up a good point, and we've had this conversation with Jim before. You know, it is difficult to -- It's not difficult to do the enforcement, but, when we leave, we do enforcement on a multitude of species. We don't generally go -- There are some things that we do targeted patrols for, but, for the most part, when we go out, we check a lot of different things, and so to have all those stats and be able to pull all those numbers out, it sometimes can be challenging.

When you go out, you don't know if you're going to check a king mackerel fisherman, and you don't know if you're going after pelagics. You don't know what you're going to run into. That's part of our challenge of doing all this and figuring out where we are in it, is recording those numbers.

CAPTAIN SHUSTA: Something, going back to partnerships too that I want to point out, is we talked about we all have gratitude for our partnership with NOAA and the agents and the new uniforms, but, if we didn't have good neighbors in Georgia and they didn't have good neighbors in South Carolina and this team didn't exist, we wouldn't be where we're at, and so we're just as important to each other as neighbors, and also everybody's participation in the JEA is highly valued by us.

Sometimes I think we all look at the way change affects our neighbor with some caution as we're moving forward, because it's not just about the way it affects us. It's about the way it affects Georgia and South Carolina, and hopefully North Carolina some day. I had to throw that in. Anyway, that's just something I wanted to throw out there while we were on that topic.

COLONEL FRAMPTON: Any other business? Mel, did you tell me that you had one more topic that you wanted to cover?

MR. BELL: It's not even a topic to cover. It's just kind of a question or something to point out. We know that the existence of these MPAs and soon to be Spawning SMZs is an additional challenge, and particularly the ones that are fifty, sixty, seventy miles offshore are a real challenge. All of these are designed as what we call Type II, which means that there are people that can be out there fishing on these sites perfectly legally, and that is trolling.

The concept that I have always thought would work with this is you've got eyes and ears out there. You've got members of the public out there that are out there legally and like to see the laws obeyed, and so they represent, perhaps, actionable intelligence or a heads-up or phone calls or documentation, and I mention this because one of the MPAs that was originally established is the Charleston Deep Artificial Reef MPA.

We have now had materials out there for over two years. What we are seeing now is they are working quite well. The last cruise from Research Vessel Pisces that went out and did ROV work on the bottom documented some very impressive things on the bottom. They also documented a lot of monofilament on the bottom and, recently, they have become extremely popular sites for blue water fishermen, billfish, billfish tournaments, and so there have been, recently, encounters

with anglers who could be out there legally and noticing a bandit boat or somebody who wasn't supposed to be out there, let's say.

The question to us from these folks is how do we -- Who do we tell and how do we do that? Can we take pictures or can we provide documentation? How do we help? I guess the thing to just kind of think about, and maybe this has legal ramifications, in terms of, if folks are willing to collect information on violations, is that useful? Is that helpful, potentially? It certainly is an intelligence sort of thing.

You know you kind of know who maybe to watch, but just how can we -- I know the council is going through a process now where we are developing this citizen science, and so we know that we're resource limited, just like law enforcement is, and how can we use the public, the fishermen, to help us with the science component.

Something to think about is can law enforcement use the public to assist in that capacity, being resource limited and all? I don't know much about this, but I think on the west coast, related to MPAs, there is some effort to kind of link at least education and outreach maybe with the public and these MPAs and what you can and can't do, and perhaps there is a linkage to law enforcement as well.

It's just something to think about. As we move down the line here, these MPAs -- I have very, very high confidence that they will do what we are expecting them to do and we will see some really amazing things out there, in terms of fish that are out there, and then that, of course, creates a temptation for people that are looking for good fishing.

It's just something to think about, I guess. Are there ways that in these Type II situations that the public can interact with law enforcement and help and be -- Certainly in South Carolina, we have a twenty-four-hour number. We have our Operation Game Thief or Coast Watch, and those are numbers that people can call and information can come into the state level that way, but then, recently, when we sort of engaged at the state level with that, we didn't have assets we could get offshore that fast, and so then you need to kind of reach over to the Coast Guard or whatever, to try to maybe bring in Coast Guard assets or something, but it's just something to think about.

As time goes on, I think there will be more and more temptation to visit these sites in a way you're not supposed to, perhaps, by some people, and, since they are Type II, you will have the public out there taking advantage of what they can legally take advantage of, and so just think about that, I guess, as a group, and, if you have any ideas or suggestions, feel free to feed that back through the committee or the council at some point.

COLONEL FRAMPTON: Thank you, Mel. I will say that, yes, law enforcement will always take information. We will always take pictures and what people see is going on out there. I think what you're saying -- What I am hearing is that MPAs are going to be a priority, and it's going to be a challenge for us. It's a challenge for us now to get out there on a regular basis, and those are types of things we need to talk to Jim about as we do our priorities in our contracts and where the money goes and what is funding what, and so I think your point is well taken.

As we see success like we've seen on the artificial reefs out there, we're going to have to be more and more concerned with having a presence out there, and we'll have to figure that out, and so all

these things, I think, are important as we move our JEAs forward and we look at our priorities and how that money is divvied up in the contract.

MR. LANDON: I will absolutely reiterate that, and since this is going to be for the record, I am going to give everyone a number, and hopefully someone reads the transcripts and uses it. The OLE hotline is 1-800-853-1964. It's pretty easy to remember. It's the year of 1964 and then the first three is odd numbers subtracting two or I guess it's not. Eight minus five equals three. It's 853-1964. That is the OLE hotline, 1-800.

MR. BELL: That's 24/7?

MR. LANDON: It's 24/7. Somebody will answer it, absolutely. Thanks. I appreciate that.

COLONEL FRAMPTON: Did you get that, Mark?

MR. BROWN: Check.

COLONEL FRAMPTON: Any other business? Any other items we need to take up?

MR. BELL: From the committee or the AP standpoint, is there any other business?

COLONEL FRAMPTON: We should check with Myra on that. We don't have permission to do that without her.

MS. BROUWER: You don't need my permission, Mr. Chairman, but I would like some guidance or ideas for when the LE AP would like to meet next. As I mentioned earlier, typically, we schedule that meeting for the Monday of the March council meeting, but my understanding is that you wanted to move away from that, and so not to do anything right now, but just to throw that out there. Be thinking about when you guys want to meet and give me a heads-up, so that we can schedule that for next year. Thank you.

COLONEL FRAMPTON: We will certainly do so. Myra, thank you, as always, for all your help and the agendas and all you do for the committee. I don't think we would get very far without your help, and so thank you.

CAPTAIN BURTON: I would just like to thank the committee and the support staff for taking care of everything. I think the accommodation I've had -- This is my first trip to one of these meetings, and it's been great. It's been real seamless, as far as the communication and letting us know that, hey, Grant, you're a day late and I'm reserving your room, but it's been great with providing meals and putting us up in a nice hotel and communicating.

As far as the arrangements for the flight, it was as easy as you could possibly get. I called somebody up and told them where I was leaving out of and when I wanted to come back, and it was just like that, and so I wanted to thank the support staff and everybody that I've met. I am excited about participating in the future council meetings and working with you guys in the future.

MS. IVERSON: Just one quick thing, since we've made your life so much easier. Would you please make our lives a little easier and don't forget to solicit applicants for this advisory panel for the commercial and recreational sectors?

As you go back home and you're sitting in your vehicle or on your flight, kind of keep that in mind, if you would, and everybody has the news release. The applications are due on the 15<sup>th</sup> of this month, and so just kind of keep in mind somebody in your area that might make a good advisory panel member.

Mike, this is your first meeting, and I told him yesterday that I apologize. I was like, it's not that we don't have commercial representation at the table, but the seat that Mike currently has is an at-large seat, and so we've had people in the past that were attorneys or had a law enforcement background, et cetera, and so, please, I didn't mean to take away from that, but if you know of another commercial representative that would be a good addition to the table, I think having those two additional seats are going to really help with future discussions, and so thank you all again.

COLONEL FRAMPTON: With no further ado, I am going to adjourn the meeting. Thank you, all.

MR. BELL: I guess it's co-adjourned.

(Whereupon, the meeting was adjourned on August 5, 2016.)

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

Transcribed By:  
Amanda Thomas  
August 19, 2016

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\* Denotes year of appointment

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**South Atlantic Fishery Management Council –  
Joint Law Enforcement Committee & Advisory Panel Meeting  
North Charleston, SC**

**Date: Thursday, August 4, 2016**

**PLEASE SIGN IN -**

*In order to have a record of your attendance at each meeting and your name included in the minutes, we ask that you sign this sheet for the meeting shown above.*

Name:	Mailing Address/E-mail: <i>(If your information is currently on file, just check the box.)</i>	How do you participate in South Atlantic fisheries? <i>(Check all that apply)</i>	
Mike Freeman	<input checked="" type="checkbox"/> On File	Commercial <input checked="" type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Michael Paul Thomas SCDNR	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Adam Henderson	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>

**South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201**



**South Atlantic Fishery Management Council –  
Joint Law Enforcement Committee & Advisory Panel Meeting  
North Charleston, SC**

**Date: Friday, August 5, 2016**

**PLEASE SIGN IN -**

*In order to have a record of your attendance at each meeting and your name included in the minutes, we ask that you sign this sheet for the meeting shown above.*

Name:	Mailing Address/E-mail: <i>(If your information is currently on file, just check the box.)</i>	How do you participate in South Atlantic fisheries? <i>(Check all that apply)</i>	
Adam Henderson	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input checked="" type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Kyle Ward	<input type="checkbox"/> On File <i>Kyle.Ward@NOAA.gov</i>	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input checked="" type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>

**South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201**