

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

**JOINT SHRIMP COMMITTEE AND SHRIMP AND DEEPWATER SHRIMP ADVISORY
PANELS**

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

March 2, 2010

DRAFT MINUTES

Shrimp Committee:

Spud Woodward, Chair
Dr. Roy Crabtree
Dr. Wilson Laney

Dr. Brian Chevront, Vice-Chair
David Cupka
Charlie Phillips

Shrimp Advisory Panel:

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Fred Dockery
Henry Skipper
Janie Thomas
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Deepwater Shrimp Advisory Panel:

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John Carmichael

Observers/Participants:

Nik Mehta
Monica Smit-Brunello
Christopher Liese

Dr. Nick Farmer
Phil Steele
Dr. Bonnie Ponwith

Andy Strelchek
John Wallace
Glen Delaney

Dr. Mike Travis
Jennifer Lee
Richard Baldwin

Additional Observers and Participants Attached

The Joint Meeting of the Shrimp Committee and Advisory Panel and Deepwater Shrimp Advisory Panel of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, March 2, 2010, and was called to order at 11:03 o'clock a.m. by Chairman Spud Woodward.

MR. WOODWARD: Good morning, everyone. I'm Spud Woodward. I'm the designee from the Georgia Department of Natural Resources and the Chair of the Shrimp Committee. On my immediate right-hand side is Jake Flowers, the current chair of the Deepwater Shrimp AP. I want to welcome you all to a meeting of the Shrimp Committee.

Our first item of business is an approval of the agenda. Any additions or modifications to the agenda? Seeing none, we'll consider the agenda approved. We also have three sets of minutes from previous meetings, the March 2009 Shrimp Committee Minutes; the 2004 Joint Shrimp Committee and AP Minutes; and then the 2007 Deepwater Shrimp AP Minutes.

I know it is probably reaching back for some of you, but are there any modifications or corrections to those minutes? Seeing none, we'll consider those minutes approved. The next order of business – and this is usually one that clears the room faster than a fire alarm – is looking for leadership in our Shrimp Advisory Panel.

We've not had a chair and vice-chair for quite a period of time, and we definitely need to fill those positions. At this time I'll certainly entertain any nominations from the AP for the position of chair. There is no real heavy burden with this; I can promise you. We only meet, what, every four years, so that's not too painful. Any incentives?

MR. DOCKERY: I'm Fred Dockery, and I'll be glad to do it even though I'm sure somebody is more qualified than me.

MR. WOODWARD: Okay, how about that we close nominations for chair. I know somebody is willing to do that. All right, any opposition to the nomination of Fred Dockery? All right, congratulations; you're our chair. Now, he has set the pace; how about a vice-chair?

MS. THOMAS: Janie Thomas, and I'll volunteer for the vice-chair.

MR. WOODWARD: All right, do I have a motion to close nominations for vice-chair?

MR. VENDETTI: So move.

MR. DOCKERY: Second.

MR. WOODWARD: All right, any opposition to the nomination of Janie Thomas for vice-chair? Seeing none, congratulations. That was the hardest part of this entire agenda, so thank you very much for stepping up. I appreciate it. All right, at this time I want to call on Dr. Christopher Liese to do a presentation on an economic collection program that will be of interest to all of you.

DR. LIESE: Thank you; my name is Christopher Liese. I'm from the Southeast Fisheries Science Center in Miami. I'm a resource economist working for Jim Waters and the Social Science Research Group. I'm here today to tell about an economic data collection we are starting in the South Atlantic that has been in the works for a while.

We've been doing it in the Gulf for the last three years, so it's really an extension so I can present a little bit more than otherwise. The outline of my talk will be I'll talk a bit about the history of the data collections in these fisheries, the southeast shrimp fisheries; the objectives of this data collection survey design; the population of who is going to be surveyed; and our sampling protocol.

I'll present some example results from the Gulf to give you an idea of what we're going to do with the data and I'll end with sort of a timeline of how the data collection will happen this year. The background to economic data collections in the southeast shrimp fisheries, there have been very few and scattered over the years, especially given the size of the industry. They've often been sort of very local, one state here, another state there.

Sometimes they were not statistical designs but sort of more convenient samples and otherwise very small sample size. Overall it's extremely hard to compare anything or track anything through time. Another big problem we had – and this was earlier this decade – is that the industry often has not been very cooperative with these economic-type surveys.

If you look at the numbers at the bottom there, you see that the refusal rates were very high and sort of the overall response. In the rest of the Gulf, not counting Texas, it went down to 3 percent. Numbers like that from a statistical survey you can't really use. I mean, the results are pretty much meaningless.

Seeing what had been done in the industry, we decided that pretty much a completely new approach was needed. For that, one of the central things was we tried to make it a requirement for basically the permit to comply with these economic data collections. That, of course, had to go through the council process and it went faster in the Gulf, so in 2007 we started the survey there, but in the South Atlantic it was only passed with Amendment 7 recently.

The new approach was to basically ask for only the minimal data that we really needed, sort of the bread and butter of economic data. We also tried to standardize it across the entire southeast, the same survey from Texas through North Carolina. We wanted to do it repeatedly so we would have some trends over time and not just sort of a snapshot one.

We tried to turn it around fairly quickly by I guess our standards. Another thing is in the past they were often in-person interviews, which took a lot of time to schedule; and also this type of financial information, people often have to consult their records to fill them out. We decided to try something new, which is a mail survey, which in a way is more convenient because people can do it at their own schedule and can consult their records and is a little bit less intrusive than in-person interviews.

Then we wanted to basically produce a simple annual report each year for the industry. With the survey design, the questionnaire, we basically worked backwards from sort of company financial statements, basically their minimum of economic data that would allow us to do some good economic analysis still.

The first thing is sort of an economic balance sheet, which is a snapshot of the invested capital in the company. The green fields here are always things that we wanted to add to this questionnaire. On the left side we have the assets invested. We focus on the harvesting component so basically on vessels and not on shrimp businesses or processing, so this is a survey of harvesting components of the industry.

On the right-hand side we have loans on the vessel and we can calculate the equity of the owner in the company. The balance sheet is sort of a snapshot in time. The next two statements, the cash-flow statement and the income statement, they look at flows of finance across time. In the cash-flow statement we're looking at basically actual cash payments or receipts, something where there is actually money sort of transferred.

We limit ourselves on the cost side to fuel costs, the cost of hired crew and then all other supplies sort of summarized so it doesn't get too complicated. We looked at these were the variable costs sort of on the more like spent on a per trip basis and then the fixed cost of investment in vessel gear, overhead and loan payments.

On the incoming side we have the shrimp revenue and then other revenue from commercial fishermen, and especially on the Gulf side government's payments from the tariffs was a big part when we designed the survey. These green fields all represent again one question on the survey instrument. This allows us to calculate the net cash flow of the industry, which will be sort of the question of is it an ongoing concern, is it the liquidity situation.

As economists we're a little bit more interested actually in the income statement. The difference is that the focus is not so much on actual cash flows as it is on actual economic costs, so things like owner/operator's labor; the value of owner/operator's labor need to be added. Similarly, the valuation of the depreciation on the vessel needs to be added to the expenditure side.

But, things like investments which last for many years need to be subtracted, and also things like principal payments need to be pulled out of loan payments. On the income statement you can separate it between operating expenditure, which look really at the operation of shrimping on the water, versus non-operating expenditures, which will look at financing or basically other things like government payments, which to me as an economist this net revenue from operations is very interesting to see what is the health of the industry.

The profit, or course, is the most interesting thing to the fisherman himself or herself. All these green fields were one question. We had just under 20 questions that we needed. I know you can't see this but in the briefing book this survey – this is the 2009 survey and it should be in there. These are two-page survey instruments. The first page is these cash flows that were shown. I think other than the economic values we had showed you in the table, we asked for fuel

quantity and price, and we ask an insurance question, how much the vessel is insured. Everything else is the same.

We needed to ask a question of the type of – if you are active in other types of fisheries as well, just to simplify matching this up. We asked for no revenue data on that. We basically get all the shrimp revenue data from the dealer report so there is no redundancy there. Again, this is not the first survey instrument. We've have been doing it for three years in the Gulf so we have learned some lessons in the process.

This should be fairly problem free, but there are always some problems, of course. We've asked fishermen – we'll ask them to sign it just to raise the data quality a little bit, to take it a little bit more seriously. Turning to the population and sampling frame, the past surveys always had a big problem of defining the population, finding the population and getting contact information for the people doing the shrimping.

With all the permits these days, that has become much, much simpler and why these surveys are being much more successful than in the past. In the Gulf of Mexico our population was – basically we were interested in the vessels shrimping in the EEZ, and we proxied that with basically vessels who had federal Gulf shrimp moratorium permits.

That was about 1,935 vessels originally when the permits were issued. We sampled about a third of the population in the last three years. Since we're collecting annual data, in '07 we sent out the survey forward to collect 2006 annual data, so in this year in 2010 we're going to be sending out a survey that collects 2009 data. Obviously, since we want the whole annual data, we can't start collecting it until the year has passed.

The response rates have been pretty good. One, of course, is because we made it a mandatory thing, but we have also tried to make it short and simple. For instance, we have a telephone number you can call and get information and help, and we send out quite a bit of communications, and I will get to that in a second.

On the Gulf side we have basically sampled every permit once at this point in time. This year we are extending it to the South Atlantic. It gets a little bit more complicated because on the South Atlantic there are more permits. There is the penaeid shrimp permit, then there is the open access rock shrimp permit, and then there is the limited access rock shrimp permit.

First, there is the difference between the nature of the permits, which is the open access permits versus the moratorium permits or limited access permits which are fixed and really they can only disappear and no new permits can join the population. In a way the simpler ones are the Gulf of Mexico moratorium permits. This year there has been quite a bit of attrition.

In February 2010 we have 1,700 of those permits still valid or renewable. The limited access rock shrimp permits, there are about 112. The open access permits, the penaeids, there are about 624; and then the open access rock shrimp permit, about 300. This is the population of permits we want to sample. One problem is they overlap quite a bit. A bunch of boats have all four permits or have three permits or two permits.

Within this the total number of vessels is actually just about 2,100 vessels, and that will be the sampling frame for this year. The data for that comes from the permit office. The 2009 sample, we will treat it as a single population. In the Gulf we have always stratified by the states. It gets a little bit more difficult since there are many more states added in the South Atlantic and the sample size is actually smaller, so we're still figuring out if we're going to combine some of these states just from a statistical perspective.

Generally we want to stratify by state. The sample size will be between 20 and 33 percent of the population each year. I think this year going to start with 33 just because it will be the first time we get that data, and it will just be statistically more significant and more meaningful. In the future I hope as we sort of get more data and can have a history, we can cut it down to about 20 percent a year or something like that.

Because of the importance of the limited access rock shrimp permit from a management perspective and because it's such a small population, even 33 percent of a sample won't really suffice so we will probably have to sort of in an ad hoc way sample further up to about half the population. All sampling in principle will be the random sampling each year.

Just coming to some results from the Gulf of Mexico, just give to you an idea of the products we intend to generate and how we sort of standardize the results so that each year they're comparable. Obviously, this information is going to be confidential since it's personal and financial information, so all the results and anything that's published will always be summary statistics.

On the Gulf we have been putting out a technical memo each year with sort of descriptive results across the fleet by state and by different vessel types and that sort of stuff. These technical memos are available on our website and it's up there at the top, southeastfisherysciencecenternoa.govshrimpecon.jsb.

We've also generated a fact sheet that sort of summarizes the most important points from our results. That is available on the website. Again, this is probably too small to see, but it's also in the briefing book. Within the sampling there are always inactive vessels and active vessels. There are also some vessels which are scallop vessels but they have a shrimp permit, so part of the work on generating the results is sorting through the vessels and coming up with sort of meaningful subpopulations.

These results are usually for the – in this case the active Gulf Shrimp vessels, Gulf shrimp fleet, basically Gulf shrimp vessels that actually fished in – this was the 2006 fact sheet so in 2006 and similar results we would be generating probably for the penaeid shrimp fleet in the South Atlantic and for the limited access rock shrimp fleet in the South Atlantic.

To show a little bit more detail on the results, one thing I should mention is basically we only collect cost data in order not to be somehow redundant since the dealers are already reporting all the revenue and catch, and we basically then have to combine this data with the dealer reported data, which is always a bit of a trick to get it all to work together, and in the process we always do lose some sample size because we can't find vessels in one data set or the other, so I don't

know how that will work out on the South Atlantic. These results are for the active Gulf shrimp fleet in the Gulf. I just wanted to show like if we do it regularly each year we can start having some sort of – look at trends over time.

These are my standardized tables. First I start with vessel characteristics. This information is basically from the permit applications. As we would expect, since this was the same population being randomly sampled each year, these vessel characteristics should pretty much stay the same each year, which they more or less do.

Coming to the balance sheet, again, we had to look at assets. We look at liabilities. We calculate the equity, the insurance coverage – just as an example again, insurance coverage of the tough economic conditions seem to have gone down over those three years quite substantially. The value of the vessels, the estimate either from the insurance documents or by the fishermen just directly of the market value of the vessel, has stayed fairly constant, just a slight decrease.

The liabilities have actually decreased very much, which is probably what we see in the economy as a whole with the financial crisis – but, again, examples of results. Another table is the vessel operations. From the dealer reports we see that the shrimp price has gone actually up from 2006 through 2008. Fuel prices which we collect on the cost survey, we can see that they've actually gone up substantially more proportionally.

Fishermen have adapted their fuel use more than actually the shrimp catch has gone down. The cash-flow statements, these are numbers on the landings, non-trip landings, government payments, fuel – I'll just skip down. We can calculate the net cash flow at the bottom. Generally we would expect for any business this could be positive because otherwise a company is facing severe liquidity constraints.

So the 2007 numbers, that it was minus 6,000 is a bit problematic, but looking at the percentage, this is the income statement, the percentage of cost – we noted that prices for fuel basically went up in 2007, and you can see the percentage here of fuel as a total cost has gone up significantly, 6 percent points.

Fishermen seem to have only been able to adapt their fixed costs savings such as insurance and other things on the vessel only in 2008, so that might be the reason why they had the negative cash flow in 2007 because they weren't able to reduce the fixed costs fast enough after 2006. Again, this is not the South Atlantic; this is Gulf, just to give an impression of what these numbers can be used for.

This is the summary income statement; net revenue from operations is sort of how productive is the enterprise. Sadly it has been negative for these three years; 2006 and 2008 have been sort of the same, but when we go over to adding non-operating activities they actually look pretty different from basically breaking even in 2006 to minus \$10,000. The reason for that is that the government payments in the form of those tariff kickbacks have significantly decreased over those three years. That was an idea of the results.

As for the implementation in the South Atlantic this year, we're planning to start sending out the surveys soon. The first thing we'll send out is a selection letter in March that tells fishermen that they have been selected followed fairly quickly by the first survey package. The survey package will have a cover letter. It will have some information material. There will be the survey itself and instructions to the survey and will include a postage-paid return envelope to send it back. Originally, we started sending this out in May, but in the Gulf we heard that basically March would be a better time.

It is tax time, people's financial concerns are at the top of their minds, and some people hand these surveys to their accountants as well to just fill out. We try to send them early mid-March so people have them and can process them with their taxes. We ask people to return them to us by April 30th. In general that is a pretty soft deadline. If people call and say they needed an extension, we always grant that.

In the Gulf so far we usually get back about 60 percent, two-thirds of the surveys by the deadline. Then in May we send a second survey package and also make some reminder calls to the people telling them that these data are important that they go into the fishery management process and so on.

In June we start entering the data. Because of the complexity of the financial data, there is a lot of – basically in the Gulf in the first year I'd say only about a third of the surveys were complete when we originally got them. These days it's probably like 50 percent to two-thirds of the surveys as people have started getting some experience with them, but basically we do a lot of verification calls and calling people back and saying like what was this question.

I always we're looking for ballpark numbers and not rocket science. I mean, at the end of the day it's going to be averaged across a lot of vessels, so we need to get the numbers about and not exact. Finally, In July we send a third survey package to usually something like 20 percent of the respondents that we haven't received back yet.

In the first year we actually sent out by certified mail, but since the response rate has been so good we just send it out these days. Then towards August I want to wrap up the survey, so then in the fall and the winter we can process the data, get the revenue data from the dealer data bases, and then analyze and produce the report. That was it basically. Any questions?

MR. WOODWARD: Thank you, Chris; are there any questions. Some of you may be receiving this so this is your chance to get answers from the source. I don't see any. Thank you very much for coming and providing that presentation.

DR. LIESE: Can I use this opportunity to ask some questions?

MR. WOODWARD: Sure, we have some time.

DR. LIESE: In the Gulf we basically – and this is probably directed to the shrimpers in the room – in the Gulf we promised people originally that we wouldn't sample anyone two years in a row, so that's a bit of a departure from a random sample. As an analyst ideally I would basically

randomly sample each year with replacement, which means that on average people will be picked – there is always the chance of being picked two years in a row.

If we basically sample without replacement, then people who have been picked one year won't be picked again the next year. I just wanted to get an impression on how people feel about the chance of being – again, the general approach is random sampling, so we don't know, but if we are really random sampling without replacement people could be picked two years in a row or a small minority might even be picked three years in a row. Is that something that people think is an unreasonable burden?

MR. WOODWARD: Any feedback for Christopher? Fred.

MR. DENNIS: I would just like to know what is the purpose of this; why are you doing this; who is this supposed to help, the fishermen?

DR. LIESE: Hopefully, the numbers will be interesting to fishermen as well, but I think we need the data for the fishery management process. When amendments are being discussed, we need to do the economic impact parts, so for that we need data. If there is no data, then it's all pretty much guesswork.

MR. DENNIS: So you're going to sit there and tell me that you're going to look at the shrimp fisherman's economic standing. Some of the laws that are passed, this is going to affect some of the rules that are made because of the economic standing of the fishermen? I doubt it.

DR. LIESE: There might be people who are better – I mean, basically being in the science center, we collect the data and then we pass it on and make it available to the industry but also to the regional office. When amendments are being sort of discussed and processed, then for those analyses we need data.

I mean, say like a regulation on TEDs or something, the biologists generate information on what the impact will be on the various stocks of fish, but our tasks also generate information on what is the impacts of these regulations on the shrimp industry. Now, if it has an impact, I don't know, but basically without data we can't do much. So if we have good data we can show like these proposed amendments will have these impacts on the industry, financially speaking, the economics of it.

MS. SMIT-BRUNELLO: Fred, just to remind folks, too, that the Magnuson Act has a number of requirements, one of which is the consideration of economic information, and that's really what this is getting to, the economic effects on the fishermen and of various fishery regulations and things the council have proposed, and that is what this is getting to.

MR. DENNIS: Okay, that makes sense. Thank you.

MR. WILLIAMS: I was wondering if Roy or Monica or someone here from the council or NMFS could give us an example of how the economic data has been used most recently in a fishery management plan.

DR. CRABTREE: Well, I can't specific to shrimp necessarily, but we have to do an economic analysis for every action we do, so every plan amendment, every regulatory action we do has an economic analysis. You all know I do these question-and-answer sessions and all those kinds of things, and the thing that fishermen complain to me about – well, most often they complain about fatally flawed science, but the second most often thing they complain about is that we're underestimating the economic impacts of the actions that we're taking or that we don't have the proper economic analysis.

That's really what we're trying to get at when we do these surveys and things is more information so we can give more economic analysis. Then usually in the management plans we'll have a series of alternatives under each action, and they'll go through and rank them in terms of the economic analysis as to which is going to have the greatest economic impact and which is going to have the least, and so you try to choose an alternative that will achieve what the law requires you to do based on the biology of the animal you're dealing with but has the smallest economic impacts on fishermen. It's hard to know how to do that when your economic analysis is incomplete because you don't have the data that you need.

MR. BAKER: I guess I just want to make a comment, too. I think the reason why the response rate is probably 7 percent in the South Atlantic is because the industry, like this gentleman said, is they're not aware of how this data is used and they don't understand the importance or why it is being collected, and any way that can be condensed into some bullets or any type of descriptive information and the importance of that in the cover letter that accompanies these surveys will be very beneficial I think.

DR. LIESE: Yes, we have that.

MR. DOCKERY: I have an answer to your first question, which I don't know about statistically, but I would think that your first proposal of not having people do the same survey two years in a row would give you a hundred percent sample of the population, and I think that would have some value as opposed to the random selection. I also have a couple of questions.

One is you mentioned the final 20 percent that you send the third mailing out to fill out the form, I'm sure people back home will ask me what happens if you don't do that? That's one question. The other question is how much faith do you have in the data that people put on these sheets that you use?

DR. LIESE: Your first question, basically the amendments both for the Gulf Shrimp Fishery Management Plan and the South Atlantic Amendment 7, they made it a requirement for the permit eligibility. In principle, non-compliance means that your permit application could be held up when you go back. Now, because we're introducing this data collection, we've been very sort of flexible on that so far because people need to get used to the data collection and figure out how it goes.

The sampling frames, the data, it's all not perfect, so in principle it's a requirement and we hope that people – if it wasn't a requirement people in the past basically took the survey and threw it

in the bin, and that just doesn't give us anything to work with. If you have a 7 percent response on a random sample, it's not a random sample.

It's a completely biased sample because those 7 percent are very unlikely to be representative of the population; so even if you have the numbers, they don't tell you anything about what is going in the industry. The Office of Management and Budget basically says that surveys should get something like 80 percent in order to be meaningful, so that's why we needed to add that requirement.

Again, personally I always think that this economic data is more on the side of the fisherman rather than against him because it demonstrates the value of the industry itself, and it's a bit of a counterpoint to the biology or at least it is supplemental to it, that there is the fish stock that needs to be assessed but we also need to assess the industry and the economics of it. Sorry, your second question was?

MR. DOCKERY: The second question was how much faith do you have in the data that is turned into you?

DR. LIESE: I've run a lot of different sort of plausibility checks, and none of this data should be interpreted – in the technical memos we calculate confidence intervals for these averages. I just presented the averages, but statistically speaking the midpoint of the confidence interval in which the population average actually is, and that's how they should be interpreted. If it says something like 298,452, then I would say like we know that the value of the vessel is about \$300,000. That's how the data should be used; it's not exactly that number.

If you're thinking about some sort of strategic bias that people are giving us wrong data or trying to manipulate the process, I don't feel that we're getting that. I mean, of course, there are some times we get surveys that are not filled out or they look very questionable and we mark them as such and they don't go into the final data. In general I think most people seem to be trying to fill them correctly. I would say if you use it properly, which is not looking at details but the general qualitative results, then I am pretty confident in them.

MR. DOCKERY: You mentioned the value; you have the values of vessels on there and show them not changing which that is what made me wonder because I would think a lot of people would still value their vessels at what they thought they were worth, but if you actually tried to sell a boat today you would think the values would have dropped. That's kind of what was prompting my question.

DR. LIESE: I completely agree. The technical memo would describe what this data is. Again, we don't know the market value until a sale actually happens, the true market value, so technically it is the guess or the estimate of the fisherman who is probably the best person to estimate this, and that's how we can interpret it. Yes, it might change over time.

Some problems are – for instance, I think on fuel costs, we run the survey in 2010 and ask about average 2009 data, and we ask what was sort of the average fuel price you paid in 2009, and that's a very vague question. People buy this individually and I've noticed that I think it always

sort of lags, so people tell the prices are – sorry, it leads it, so basically in 2010 people remember 2010 prices more than 2009 prices, but that is part of survey research; that's recall, and that's about as good you can do it.

MS. SOLORZANO: I fish in the Atlantic mostly, but I have a Gulf shrimp permit, and I've been picked two years in a row to fill them out. They're not hard to fill out. It takes like 15 minutes. It's not probably a really big deal. Most of us are pretty honest about what is on there. I'm not going to have no reason to tell you otherwise, so I think we're pretty much straight on it. If you fill one out you're probably going to tell them what is there.

I don't mind being picked for a third year if that was your earlier question on that. I was really confused because I got them the second year and I thought, well, I didn't work in the Gulf so maybe I shouldn't have to fill it out. It was kind of late and I called and they said, no, you've still got to fill it out. Even though you had no landings or anything, you still had to fill out the information.

DR. LIESE: You were selected for the same vessel or you have multiple vessels?

MS. SOLORZANO: I have multiple vessels but I did get picked for the same vessel.

DR. LIESE: The same vessel?

MS. SOLORZANO: I had to do it for both vessels, yes.

MR. WOODWARD: All right, any other questions. Has this discussion prompted any other questions? All right, thank you very much. We have 15 minutes before our scheduled lunch break. I think instead of diving off into another agenda item, if it's agreeable to you, we'll go ahead and break now and come now back at 1:15. We will recess for lunch and reconvene at 1:15.

MR. WOODWARD: All right, if I can get everybody to come back to the table, we'll reconvene the Shrimp Committee and the Advisory Panel and the Deepwater Shrimp Advisory Panel. We will get back into our agenda. The next item is recommendations of the Shrimp Review Panel, and I'm going to turn it over to Myra.

MS. BROUWER: What you see up on the screen is part of the Shrimp Review Panel Report. The Shrimp Review Panel convened via conference call on February 19th to discuss the issue of possibly requesting a concurrent closure of the EEZ waters off of South Carolina and Georgia to protect overwintering white shrimp and also to discuss the stock status of pink shrimp.

Rather than go through the entire report, I'm going to direct you to the conclusions. At the time of the call, South Carolina was not yet sure whether a request would be warranted. They were still going to conduct some more sampling to determine whether the state would request that closure. Georgia stated that they did not intend to request a closure. Their data showed that abundances off of the beaches were actually high.

Right now, however, South Carolina has decided not to request a closure of the EEZ waters. You have in front of the conclusion of the review panel as of February 19th. The review panel, however, did recommend that the council discuss a mechanism to allow state managers to request immediate closure of the adjacent EEZ waters under certain circumstances.

For example, this past year we not only had the cold water event but we also experienced a lot of rainfall, which apparently drove the shrimp outside of the creeks and they were being caught in the EEZ. We've received a lot of input from fishermen and also from the state management agencies that perhaps this is something the council needs to discuss at this time.

MR. WOODWARD: All right, as Myra said, the recommendation has been to not request the council close the EEZ in the springtime, which has been an action taken in the past in response to cold kill, but yet this issue of a more responsive mechanism is something that we need some feedback on in terms of what are the intended and unintended consequences of that. We know in this particular situation that has just occurred over the last 60 days or so we've had a big push on very small shrimp outside of state waters, shrimp that were of very low value, but folks continued fishing on them because they did produce some return back to the boat, but yet those are shrimp that at least conceivable could have returned back into the estuaries, some portion of which would have survived and become roe shrimp into the spring. I'm not sure what our options are but I would like some feedback from the committee and from the APs on how do you feel about an approach of something like that? Robert.

MR. BOYLES: Mr. Chairman, I'm not on your committee but I wanted to clarify something that Myra said. The state of South Carolina is not prepared to request an EEZ closure at this time. Regarding the timeliness of this, our staff looked at our catches per unit effort and tows between December and January. We've looked at some reports of landings in January.

Right now it's preliminary data, which means it is incomplete, so the numbers are likely to go up, but we had 12,000 pounds of shrimp landed in South Carolina after state waters had closed. These were 46-50 count. Our staff discussed the strong desire to be able to respond more timely because I think had we had the ability to request a closure that second week in January in federal waters we would have done so.

I'd be curious to hear the feedback from the AP and some of your wisdom as well. The other thing is – and I don't know if we can do this as a council, but this has been an odd winter; and if we get just terrifically cold weather in March and see further declines in the catches per unit effort, we may in fact have to come back to the council and seek an EEZ closure. It is certainly not looking like that now, but I don't want to take that completely off the table. Thank you.

DR. CHEUVRONT: I have a general question here. Do we have any scientific data that show what percentage of those fish that end up out in the EEZ would actually end up back in state waters, inside waters, somewhere where they would be harvested? My thought on this is if that percentage is extremely low when you do the economic value of these shrimp; wouldn't it be better to have them be caught when they're even small than to let them go completely if a percentage that returns is really, really small. I don't know; can anybody answer that question?

MR. WOODWARD: Anybody want to take a stab at that?

MR. FLOWERS: Yes, we unload quite a few vessels and we're the neighboring county to Georgia. We're on the Florida side in Fernandina. Our channel divides Georgia from Florida, as everybody knows. We had vessels that actually fished up to around Doughboy Sound. When the shrimp flushed, they didn't even stop in state waters. The water temperature drove those shrimp immediately offshore, and, yes, there were some of the boats that target of them.

A lot of them out of Central Georgia, the smaller vessels targeted those shrimp in the five to six mile range. I've got some captains here that could tell you more than I can about it. The reality of it is the shrimp were caught at the low dollar value to the boats, but in past history, according to our biologists in the state of Florida, those shrimp return to the estuaries.

We already have quite a few of them back in our estuaries right there. The river, the Bell River in front of me is loaded. Janie has got boats right there. She deals with little riverboats that catch quite a few of them. This is not really a setback to our shrimp roe. Florida, as you know, is opposed to any kind of closure because of it, after talking to our biologists. I called them myself trying to see where this was going to go before this ever got this far.

But since we're on this question, I still want one question answered to me. I've been in this business and grew up my whole life. In '89, the only time in history in my lifetime that I've seen this closure; and don't hold me to it, it might have been '88 or '87, but some reason '89 sticks in my mind. We saw a whole different system. We saw temperatures hit seven and eight degrees overnight.

Then, again, we also had some cold temperatures a week or two before. They had risen and then they fell instantly and we had a trapping of shrimp that could not withstand the shock effect according to the biologists. I'm going on biologists' information at that time. They said they actually kill these shrimp. I haven't heard of these shrimp killings during this freeze.

I've questioned myself, personally, for several years why Georgia and South Carolina – it doesn't affect us as bad. You need to understand on the north end of the state we don't have as many nurseries or shallow water holding cold water spots they have for the wintering shrimp, you all call them. I have yet to figure out why they haven't been quicker to react in the two weeks at the state level.

I don't see that as a federal issue near as much as I do the states. Most of the time those shrimp will stay in the three to four mile range. I know three miles is state waters. The federal issue getting involved in this doesn't seem to me to be as prevalent as just the states reacting quicker. Apparently the gentleman from South Carolina has got the same deal, that this takes so long to get this thing enacted, that the damage is done.

By the time they actually do these closures when we have these just weird weather patterns, it seems like most of the shrimp are already destroyed. And the economic impact, which is what I am concerned about from my fishermen and myself, is really devastating. The shrimp are caught at small-sized shrimp, very low economic value to the fishermen, to the fish house, to processors,

anybody, but the economic damage is really seen in March and April on the spawning end of this thing.

Those shrimp are worth in essence six times what they get paid for them at dock level when they catch them as cold water shrimp. There is just no money there for them. It's just a few dollars. The return in April and May and the fact that we get a bigger spawn for our fall season, which is where most of the people in Georgia and South Carolina make their money on the white shrimp, is seems to me is where we need to address this issue. We fought with it for years and that is where it always comes from. We're more interested in the spawning shrimp getting spawn to get the fall crop which is the larger of the crops. The economic impact to these cold water shrimp is minimal, to say the least. Thank you.

MR. WOODWARD: Does anybody want to add anything in terms of opinions about an EEZ closure being done concurrent with state water closures? Roy.

DR. CRABTREE: Well, the way the FMP is set up right now when a closure is requested, it says the council will evaluate requests prior to closure and then it lists criteria, which include convening a review panel and all those things. I think we could change the procedures such that if a state requests a closure, they provide the supporting data and then the Fishery Service just make the decision to close or not to close without going through the panels and coming back to the council, but I guess, Monica, we'd have to amend the procedure in the plan in order to do that.

We could do that and we're probably going to need to work on some things to amend some things in the shrimp plan, anyway; and so if the council wants to do that they could, and then this whole thing could happen a lot quicker. But if you've got to wait for a council meeting and convene a review panel, it's going to take months to do that.

MR. WOODWARD: The thought that I've had in talking with the folks who work with me is it needs to be temperature driven and not shrimp abundance driven, and that we've learned enough about shrimp response to cold weather and high periods of precipitation and other factors like that, that we could probably build something that is reasonable where if you had a certain set of conditions, then the EEZ would close; and then if I understand this correctly, the states could request the EEZ be opened back up by letter at some point past that closure.

DR. CRABTREE: I think you can do that and I think we handled the Texas closure in the Gulf along those lines. Texas requested us to close and then they requested us to open. I think that's all doable. I think you could lay out criteria any variety of ways and the states would just request it and say here is the criteria, they have been met, and it could happen real quickly.

MR. WOODWARD: So what is the feeling about that approach, because, as Roy said, that would require us going into a plan amendment, which we probably need to do, anyway. Jake.

MR. FLOWERS: I've just got one more question that is still puzzling me. Back in that closure, whatever year it was, I thought the law was clear that the states had to petition the feds. I have

no idea why this looks to me – I can't find anybody at the state levels other than maybe South Carolina, which I haven't talked to, that says they initiated this conversation with the feds.

It seems to me to be to the contrary, just the opposite, that the federal people have called them and asked them if they wanted a closure. I thought that the states had more control over that three-mile zone which is where in a normal year would be affecting these cold water shrimp, we call them. They've been catching them since Christ was a child, unfortunately, with the cold temperatures.

But, I'm adamant about the federal government not getting involved in this unless it's cleared at the state level. My question is, again, we have to address the state level. In Georgia it seems to take 12 to 14 days from the time that the biologists contact Atlanta, get the information – I've been told this over and over again now – that it takes 10, 12, 14 days to actually get a closure in place from when they actually physically need to do it.

My question is let's go ahead and address the issue. I want to see the states put something in place to where they've got the tools – if this is a closure, just like happened to us then, 14 days after the shrimp have flushed, it's too late to worry about a closure. The damage is done within hours. These boats catch them within hours. My question is how do we speed up the states and put a mechanism in that the state level can ask for this closure?

DR. CRABTREE: Well, that you will have to ask the states, and I expect it will be a different answer for each state. Let me just say that I'm not contemplating us doing anything on our own in federal waters with this. I'm just saying that if the council wanted to do it we could set this up so if a state came to us and asked us to close, we could do it much more quickly.

Now there is no way we can find a way to close in a matter of hours because we've got to write a notice and it has got to go to the Federal Register and published, so it's going to take us a week or so to do it. I don't know if the states could move that quickly or not, but you'd have to ask them. I'm not envisioning any system where the feds would unilaterally make a decision.

MR. WOODWARD: All right, I can hopefully clear up a little bit about Georgia. It's realistic for us actually to have as quick as probably a three- or four-day turnaround time if we made a recommendation to headquarters. What we typically do is sample the first two weeks of every month and that gives us our information to determine whether some deviation from status quo is necessary.

We typically decide in early December whether we want to extend our season past the cut-off on December 31. This year what we did is we – nobody knew what was coming in early January. We met and decided to extend through January 18th, and by the time the event happened we were so close to the season going out anyway it was not an advantageous thing for us to do it. We can turn it around faster than Roy's shop can, so there is a mechanism there. I don't know about Robert, now. I'm going to let him interject here and then we'll get back to my list.

MR. BOYLES: Mr. Chairman, I'm not on your committee and I appreciate you letting me jump in front of Charlie and several others. Mr. Flowers, to answer your questions, when we started

seeing these really depressed water temperatures that first week of January, our staff was on alert to start looking for cold kills for all kinds of things.

As I understand the shrimp plan, the triggering mechanism is a reduction in catches per unit effort of over 80 percent. I'd just like for the committee and the AP to consider that's a fairly resource, manpower and boat time intensive process, and I would certainly advocate the fact that we know a lot about shrimp, you guys know a lot about the shrimp around the table and how they respond to water temperatures, and I would certainly be supportive of us moving to amend the plan to allow states to request a fairly quick turnaround time on the basis of water temperatures.

It took us several weeks to compile that catch-per-unit effort data and in fact we had a turnaround in CPUE data in certain parts of the state after the water temperatures bounced back the third week in January. Mr. Flowers, to get to your point, we started looking at this as soon as we were getting depressed water temperatures but recognizing we were bound by the plan to live within the rules, because obviously it has a big impact on not only the resource but by the folks' livelihoods as well. Thanks, Mr. Chairman.

MR. PHILLIPS: Well, if it's going to take you three or four days and it's going to take Roy's bunch ten or twelve days, we may not be able to get there from here. I mean, if the damage is done in two weeks, it takes two weeks to do it, so we may be trying to be well intentioned but chasing our tail, unfortunately. The other thing is it seems like years ago when I used to shrimp that they used shrimp counts for a reason to close because there are probably some places where shrimp are not 40-50 head-ons. There are going to be some places in the EEZ where there are still bigger shrimp, so I don't know that you necessarily want to close the whole EEZ.

You may want to piecemeal it and leave some places open where there are some bigger shrimp, which would be something to consider if you wanted to try to go that route. I'd consider both of those, but from what I just heard, the fact that it's going to take two weeks to do it, even though every now and then you might be able to close something in time to really get some help out of it, I've got a sneaking suspicion more often than not and a lot more often than not the timeframe of just trying to do it is going to make it not very effective.

MR. VENDETTI: I agree to some extent with what Charlie was saying. It just seems like expediting the process at the state level would be certainly beneficial, rapid response, but I would caution against changing the process we have right now. It seems to work. If it happens, the damage is already done. I would like to take a longer look kind of for what Robert just said a few minutes ago.

In the middle of January South Carolina was about to recommend to close and maybe they would have. Now, here we are several weeks down the road and nobody is recommending that at all. Because of that very type situation happening again, I mean, shrimp are resilient, and I think at the federal level, anyway, step back, work through the standard process we have right now and look at everything over several weeks, anyway, a month or so and make the decision if it's really warranted.

MR. CUPKA: If my memory serves me right, when we first set this up it wasn't because we were worried about the small shrimp being flushed out. It happened in a year where we really couldn't even find any shrimp. I mean, we had shrimp mortality; people were catching dead shrimp in their nets; and there wasn't anything there.

I think what it was originally set up for was to protect what few shrimp were still there so that we would have some spring spawners. That's what we were really trying to do. We weren't concerned so much about the small shrimp being flushed out. It was we were maximizing protection for those few surviving shrimp so that they could spawn in the spring and create our fall crop. That was the real intent behind this whole thing.

I know the first time we did it or the one time we did it, it was the result of a state request. It wasn't something initiated by the federal people. It was state people who asked for it. Again, the whole idea was to protect those few shrimp that survived so that we would have something to spawn in the springtime.

If I may to Robert's point, we do have a lot of data. We worked for a number of years looking at what that critical water temperature is versus the number of days of continuous occurrence at that temperature, and you can pretty much tell when you're going to get a big mortality just based on the temperature.

MS. SOLORZANO: Having boats that are out working right now, economically we're not going to catch – if there are just a few shrimp there, it's not in our pocketbook to go catch them. We're going to go somewhere else. We're sending the boats to Key West. We go offshore red shrimping. The few shrimp that are there, there is not enough for us to go work on. There is not any need to close anything. We're going to mandate ourselves. If we can't afford to go catch them, we're not going to burn the fuel up to go do it.

They're not worth that much money. We'd rather leave them alone. The beaches are going to close and protect themselves, anyway, and they stay inside of the three miles, most of them do. There is just no reason to close it, I don't see, other than the normal closures that we regularly do because most of the fishermen aren't going to go out there and work on those small shrimp. There is not enough money for us to do it at this time of the year. There is no reason for the government to come in and mandate anything. We're going to do it ourselves.

MR. WOODWARD: Okay, I'm not hearing a lot of enthusiasm for any deviation from the status quo, but I do think it's important to remember that we are in a situation to where if we don't make a decision at this meeting there is no other option until June to do anything. I think what would be – is just think it through; do we want anything different than status quo?

Do we want something in the shrimp plan that allows temperature to control this more than the catch of shrimp? I'm not advocating for it one way or the other but just think, you know, do we want something different than this 80 percent below some reference point catch to be the driver for this versus – I mean, this is your chance to weigh in on that yea, nay, don't care. Fred.

MR. DOCKERY: It sounds like most of what I'm hearing is that protecting like the financial value of the crop isn't a concern. It's not like something that we can physically do and that's all the change would really help us do. As far as protecting the few surviving shrimp, it sounds like there is no need for change. That's what it sounds like to me. Plus, the people I asked about this back home were concerned about closures because closures lead to openings and openings lead to floods of people coming in. That was the one bit of feedback I got.

MR. WOODWARD: Yes, sir, if you'll come to this corner microphone right here and identify yourself and ask your question or make your comment.

MR. BALDWIN: My name is Richard Baldwin. I'm a shrimper for 38 years in South Carolina. What happened this year was a shame. When the beaches closed, the shrimp were already 48 count in state waters and we had a fleet of out-of-state boats that stayed out there and drug for two or three weeks on 48-50 count head-on shrimp. They didn't get nothing for it.

It warmed back up like Robert Boyles said; the shrimp moved back in; but they had done caught – you know, I've heard different rumors – a thousand boxes that would have been worth something in the spring. It's too late to close anything down this year, but I think you need to look at something that when the temperature gets down like 45 degrees or whatever it got to the critical level, to give the states authority to where they can go ahead and close it on out to ten miles.

You know, if the water is back up like this year they can go ahead and lift that federal closure by the end of March or April, whenever the boats would be able to go out there and catch a few roe shrimp. But, I mean, it's just a shame to catch – these boats that drug on these 40-50 count shrimp wasn't worth nothing. Right now we're looking at 10 percent of what a normal roe shrimp crop would be in South Carolina because a lot of them got wiped out after the beaches closed because they wasn't protected. They were in federal waters. That's my statement.

MR. FLOWERS: I would like to address some questions back to the gentleman just speaking. Our concern is the same as yours, having fished my whole life, too. I sold my last boat in 1980 before I got in the processing end of this stuff. My question is don't you have a cold line or something off of South Carolina? All my fishermen tell me that thing actually exceeds out to about six miles off the coastline in most places, which is dictated by states instead of the feds; is that not correct?

MR. BALDWIN: Yes, sir, in South Carolina they go by the federal scallop line, but the St. Helen's area where we work – I was out the day before the season closed, dragging just outside that line and the shrimp were already 48 count, so they didn't have any protection out there. Of course, it had stayed cold a few more days so they moved further offshore, you know, and that's when they got caught up, which I think, you know, they move in and out of that channel, but St. Helen's is a lot shallower than – like Charleston Harbor, I don't think they ever moved out of, which is north of us about 50 miles. In our area, those boats catching those cold water peewees and selling them for sixty or seventy cent a pound or whatever they can get; I feel like economically it hurt me because I didn't have a market and I didn't drag on them. Does that answer your question?

MR. FLOWERS: Yes, sir, I appreciate it. The reason I asked that question, apparently your state biologist is here and I haven't had the honor of meeting the gentleman, but that's my whole issue with my conversation when I started. I think this is more a state issue. I think the states somehow or another have to initiate whatever – it goes forward, stays as is or what, by big grief, being a neighboring state to Georgia, which where my shrimp come from, most of those shrimp historically, when they've had these closures, has taken them so long to enact something with a weird weather pattern or whatever, that the damage is done.

It was done within 18 hours this year. When those shrimp hit the ocean, they never stopped. We had boats up there before Georgia could close the beaches. They weren't even dragging in Georgia waters; they were in federal waters. The shrimp had clean passed there to get to a water temperature that they could survive the shock.

I'm basing this on what biologists tell me that the shock factor becomes a play. If not, it kills the shrimp. In '89 we had this problem and we found just dead shrimp. Georgia was full of them. Our shrimp trawlers in the ocean were full of them. That's 180 degree opposite of what we've seen on our end of this thing this year.

We have had no death mortality in our sounds according to our biologists in Florida, which I've talked to myself. But, the economics, with the fuel in our area, the young lady is 100 percent correct, my boat is sitting tied to the dock today. We tied him up because it's not economically feasible for him to drag at two dollar and forty cent fuel for what we could put back across the dock. Economics is something that really – I've asked this question earlier today in private – the economics seems to me to be a determining factor more than anything else we're doing today.

MR. BALDWIN: I agree with that.

MR. FLOWERS: When fuel was sixty cents you could make a living and it didn't matter if they were sixty cent shrimp, but when shrimp get to where they're worth of fourth of what the fuel cost is, you've got to catch four pounds just to equal a gallon of fuel, it's almost hard to economically come out as a boat owner. The economics have changed the whole complexion of what we're dealing with today.

MR. BALDWIN: I agree with all that; that's right.

MR. FLOWERS: I deal with the economics at my dock everyday where all the vessels are unloading and buy product from, so that is something I have to deal with. I'm here trying to figure out what we can do to protect the wintering shrimp, as Georgia has referred to them forever, because that is a mainstay. As Mr. Cupka said, I'm more worried about that spawning shrimp. That shrimp raised thousands of eggs.

I'm not a biologist, but when you catch a 40-50 count head-on shrimp, by the end of May when that shrimp is fixing to spawn, that shrimp is a 13-15 with the head on. You have now taken a shrimp that at my dock we've been paying 2.75 before Christmas at the boat level and you've him from eighty cent to 2.75. Not only have you multiplied the weight of the shrimp by three or

four times, you do the mathematics, it's logically no sense in catching these little small shrimp. I just can't make the economics work, but I appreciate you answering my question about that line.

MR. BALDWIN: I want to agree with everything you said. A lot of years the small shrimp don't make it out to where they were this year because the cold come so fast, like you said, they show up right in the bottom of the sound, they get caught or either they die. This year the cold came gradual.

Actually I wanted them to close season a season a week or two prior to when they did because we didn't work on those shrimp. I went out there the day before the season closed and had a basket and a trinet, and I drug on off and left them because they was 48 count. Another boat, he comes right in there and drags there all day and catches 70 boxes. Everything is economics.

The little shrimp, 70 boxes of them would have been 280 boxes of roe shrimp and would have brought three or four times the money, and what we got to look at in this day and age is the money. We need to protect the overwintering shrimp better than we've been doing. We need to close the season as soon as possible and try to close it out – I thought at one time – now I might sound stupid, but I thought there was some kind of 12-mile out.

If they could give the states authority when the temperature got down critical like this year, when they closed the beaches, they closed it the 12th, and like I said if it warms back up and we got plenty of roe shrimp, lift this closure, you know, the 1st of April or whenever anybody decides, you know, we're going to go out there and drag on some roe shrimp, because they're worth something. We need to protect the shrimp on the front end more than on the back end, I think.

I was involved in the first 25-mile closure or whatever it was. It was in 1990; I can tell you exactly what year it was. The winter was '89 and we had all that snow and ice at Christmas. I was against that. They kept it closed through June and whatever and we had a real good fall that year, and they've done it one time since then. I think it's 2001 and we had a good fall that year.

You know, it was necessary them years because there wasn't anything left. This year the cat is out of the bag, so to speak. They've done killed what little shrimp they're going to kill, and what is living now I think is going to make it on through the winter. You know, we don't need to be worried about closing it now, but we need to look at future years. If we have situations like we had this year, you know, we could do something to protect those little shrimp before they get caught up. Anymore questions?

MR. FLOWERS: Yes, I want to keep you one more second since we've got you. We're on the same page; you and I are, and we might have a lot of enemies out here arguing with us, but that's why we're here. The question I've got is do you not agree that this starts in your home state? Does your state biologist not need to have a mechanism that whether it's temperature drive or what, I don't know – we all know South Carolina and Georgia are not like Florida.

Florida is mandated under state law to shut on March 31st and open midnight June 1st. It has been like that since Christ was a child. That was enacted to protect our roe shrimp. That three-

mile closure, most of the roe shrimp, unless we get a lot of northeasters to pull the shrimp off the beaches, stay inside that three-mile line so we get a natural spawn in what few shrimp we've got.

My question is do we not need to get the states involved? Before we worry about the federal entering, do we not need to get the states involved and help them get some kind of mechanism to protect these shrimp? There is no doubt the economics will bear this out in anybody, the fall shrimp is where our fishery is made or lost every year.

It is our fall white shrimp from September on. We don't make enough money in Florida on brown shrimp to worry about the summer. We don't make a lot of money in the roe shrimp. Every now and then we'll have a big year, but economically the roe shrimp, as a seller of the product, is not a high dollar item.

People do not like them because of the eggs in them and it's just not a very pretty shrimp in the showcase or anywhere else so it doesn't arrant the money. My question is with that said, how are we going to get the fall shrimp to get the maximize out of the resource, and I think that's what we're all about here because the resource is where the money revolves back to us, and we're in the economic end of it. Thank you.

MR. BALDWIN: I think as far as the closures it is a state-by-state thing, because Georgia is further south. Of course, you don't have the colder temperature. That is why said if this panel could come up with some kind of proposal where the state had the authority to go ahead and request and do it coinciding with the seasons, and maybe they could push the season closures up a little bit to try to save more of these small shrimp at the end year.

The guy that mentioned the count law, when I fished down in the Florida Keys in the late seventies and early eighties, they had a count law down there. It was 42 count. If you brung a shrimp littler than 42 count to the dock, the man would come down there, he'd take your shrimp and give you a big fine. You know, something like that might need looking at. Then, again, you're got people nowadays that they're after the dollar.

If they've got the count law, they're going to go out there and catch 40 baskets of peewees and pull five baskets of big ones out and push the rest back. I don't know; my whole idea is this year I would have liked to have seen when the beaches close, even if the beaches could have closed a little sooner, if they could have closed it on out a little bit further offshore and kept these boats from catching these 48-count shrimp, but they worked on them right on for two or three weeks after the beach closed. I heard of a thousand boxes was unloaded on one dock. I haven't seen any documentation, but that's a lot of roe shrimp that I could have probably made a little money on in May.

MR. WOODWARD: Thank you, Mr. Baldwin.

MS. THOMPSON: I had one more question for the gentleman that just was up. I'm sorry to make you feel like a yo-yo. Mr. Flowers pointed out that economically the big boats won't go fishing on seventy cent shrimp, so what size were the boats that were fishing on the shrimp that were seven miles off of South Carolina? Were they big boats or little ones?

MR. BALDWIN: Well, there was one about an 85-foot steel hull that was out there for a little while, and there was like 60 foot. One boat that I know of that was out there was a 72 foot. They were big rigs.

MS. THOMPSON: So apparently there was no economic disincentive for those boats to go out and fish on the small shrimp. Mr. Boyles, with the technology that we have today, you know when you're going to get a really, really bad cold front days before it gets there. I agree with Mr. Flowers that maybe there is some mechanism that the states could use to get your state waters closed earlier, and it would be based a cold prediction rather than a sampling.

I guess my third comment is that I would not be opposed to initiating something, you know, if the feds have to step in and stop the boats from fishing in the same situation that they had in South Carolina this year. I would not be opposed to having that mechanism in place if that's the only way. If the states can't extend their jurisdiction further out into the EEZ and the only alternative is for the feds to step in, I think that's better than killing a bunch of potential roe shrimp. Thank you.

MR. DENNIS: Spud, I just wondered where you were going to hide if you closed this thing down on a weather prediction when everybody is catching 21-25's. I just wondered if you've made any plans.

MR. WOODWARD: Well, I used to think I'd go to Chile, but I'm not going to go down there. Actually, my vice-chair was reminding me of that. I think weather meteorologists are about 33 percent accurate, I believe, and the biologists are, what, about 5 percent accurate; and so if you add all that together, but I think that is sort of the conundrum we face here.

We can expedite decision-making at the state level. We can do that; we can speed it up, but I think we are sort of in a precarious position when we do it based on weather predictions because we've all seen predicted lows end up being much less than they were. Again, I think the gist of this is, is there a need for something different than the status quo in the shrimp plan? That's what I'm trying to tease out of this discussion, is there something that we need to do differently than we're doing right now. Fred.

MR. DENNIS: One year not too far back you did close us down and you expedited it. You took the paperwork up there and it was within three or four days. Do I remember correctly? I don't think you're going to beat it. I don't think you're going to find any way to beat that.

MR. BOYLES: Mr. Chairman, let me be clear. I'm not on the committee but if I were, I would likely make a motion that we initiate the development of a plan addendum or amendment, rather, to allow the states to request a closure of adjacent EEZ waters on the basis of rapidly declining water temperatures. This is the kind of year that the current plan, status quo, does not work for.

Mr. Baldwin is correct. As I mentioned to the committee and AP, we've got documentation that at least 12,000 pounds of shrimp landed after state waters closed. Not commenting on the economics of it, but being very, very concerned about roe shrimp and next year's crop I think it would be – as a resource manager, in South Carolina we'd like to have the ability to respond

more rapidly to the kind of conditions that we saw this year. Were I on the committee, I'd make that in the form of a motion, but I'm not, so thank you.

MR. WOODWARD: Thank you for your subtlety there, Mr. Boyles. Fred.

MR. DOCKERY: I guess I kind of have a question pertaining to that, which is Mr. Flowers said the damage is done within a few hours. Mr. Baldwin said they kept on catching shrimp for two or three weeks. If the answer is somewhere in the middle of that, then what Mr. Crabtree said about being able to have a closure in four or five days, something like that; if Mr. Flowers is right, well, four or five days plus three or four days for the state, that's too long. But if Mr. Baldwin is right – I guess my question would be is it feasible to have a closure within a timeframe – is there anything we could propose that would have a closure within the timeframe that would make a difference?

MR. WOODWARD: Well, I'll take a stab at responding to that. I think there are two elements of this. There is a magnitude of the cold; there is the direction of the cold – and actually there are three elements – then you've got this precipitation thing thrown on it in terms of what forces shrimp out of the estuary. I think in this situation we have just experienced, you had a combination of cold, persistent, with precipitation on top of it and it drove shrimp out of the estuary that were not killed.

It just drove them out of their typical overwintering habitat, and so you ended up with lots of very small shrimp outside of state jurisdiction for a prolonged period of time. If they had not been there, nobody would have been fishing on them. I think the gist of this is can you do something different than status quo that allows responsible flexibility to that and can NMFS do something that's fast enough to complement what the state is doing to justify an action like Mr. Boyles has suggested. Roy, do you want to respond to that?

DR. CRABTREE: I don't think we would have to wait until the state actually closed. If the state notified us, faxed a letter or whatever to us, we could start our process; so if takes the state three days to close, we could be running our process simultaneously with that. It's hard for me to see how we'd be able to do it in less than five days, really. Now if the states told us we may be asking you to close and gave us a heads-up this is coming, then we could frontload it and get ready on it and see what we could do.

MR. WOODWARD: Thank you, Roy. But then that brings us back to what is going to trigger this because then that becomes the issue for consideration is how long do we need documentation of conditions before we pull the trigger on something, because everyday you wait to document the severity of something, then you're that much deeper into it. It becomes an informed judgment call at some point.

MR. PHILLIPS: Well, Roy has answered part of the question that I was going to have; how quick could they do something. If we had a freeze or whatever event, whatever you want to call it, and you could do something in a week, you're going to lose some of the small shrimp because somebody is going to catch some of them; they're hungry, but you could probably save a significant amount for roe shrimp.

Then you may be getting a little bit of bang for your buck. If you can turn it around in a week, yes, it's worth looking at, and then you need to figure out, if you're going to close it, are you going to close the whole EEZ, sections of the EEZ, and are you going to open it back up as soon as the water temperature warms up or some bigger shrimp show up or all that. Then you've got all the rest of the dominoes to line up, but timing is first. If we can do it quick enough, yes, we probably need to look at it.

MR. WOODWARD: I guess that's the if somebody on this committee was to make a motion to do something differently than the status quo. Those would be the alternatives that would hopefully be identified and thoroughly examined on the course towards making a decision to do something than the status quo. It would be all those combinations there and –

MR. PHILLIPS: Are you asking for a motion, Mr. Chairman?

MR. WOODWARD: No, I'm not leading anything; I'm just merely trying to do my job up here.

MR. FLOWERS: I hate to keep taking your time up. The clarification about what the gentleman asked a while ago referred to me. I do pay very close attention to it because I'm tied to it so close at the boat level. Most of the cold water shrimp over a ten-year period are caught in 18 hours, and they're caught – the lady with the boats will tell you and Fred and will tell you.

When those shrimp fall, the water temperature has dictated that, whether it's from a combination, which we did have this year, a tremendous rainfall inland pushed those shrimp out. The water temperature was colder than normal in the rivers. It didn't take much temperature, ambient temperature to fishing them off. Those shrimp were forced clean through state waters into federal waters.

That's where the gentleman does have a legitimate argument. A lot of those same shrimp that he was catching are the same exact shrimp that showed up off of Doughboy Sound out there and some were eight miles off the coast combined with the shrimp that came from there. We had a strong current at that time, according to my fishermen at Fernandina, coming from the south going north inshore.

I think your boats down the beach will verify that. It was really a tremendous amount of tide. The cold water didn't seem to push far south from us; and because of that the size of our shrimp at that time in question remained rather large. We were catching 16-18's with the head on; 13-15's with the head on, which is our fall shrimp. There were a little late this year moving. Those shrimp had stayed inside that mile all the way down to the Florida coastline, which is closed by – mandated by the voters in Florida. It doesn't have anything to do with the DNR.

That's not going to change. That's a constitutional amendment. In answer to your question about the count law, Florida no longer has a count law. They don't even have one in Key West. That was done away with by the voters when they changed to put that one-mile closure in; a constitutional amendment in the state. Before that we had that 42-count law, and, yes, it was advantageous for us.

At least they could go out and give them a five or ten degree variance. The DNR could shut or open the beaches or the sounds, whatever, and we had a mechanism to protect those shrimp until they were economically big enough to catch. That's gone by the wayside. The voters knew better than the fishermen and the DNR.

With that said, I still stand by my argument that those shrimp are caught nine out of ten years in an 18-hour period, and they're usually caught in state waters. This year was unique because, as the gentleman said, there was a tremendous amount of rainwater, and there was a pocket of water forced out of those sounds running rather rapidly, and it backed up against that ocean, against the beach, and those shrimp were forced to find water they could survive in temperature. That's why they were caught at seven and eight miles, just about all of them, and an amount of them were caught at seven and eight miles off Central Georgia up to where the gentleman is talking about. There were two of those big steel boats. Thank you.

MR. WOODWARD: Thank you, All right, we've had a pretty good discussion about this.

MR. DENNIS: One more thing, sir; have we decided what criteria you're going to use; is it going to be shrimp size; is it going to be water temperature; or is going to be the amount of water temperature falling in a certain amount of time? We've bounced all around this thing, but we still haven't come up with what you're going to use as the criteria.

MR. WOODWARD: I think that's what would be dealt with in an amendment. If there was a recommendation from the Shrimp Committee to begin the process of amending the Shrimp Plan, that's all the details that would be considered and vetted thoroughly through public hearings and through the advisory panels and all the other venues. Fred.

MR. DOCKERY: I'll go ahead and make a recommendation to amend it. I mean, I respect everybody's opinion here, but I think I've heard enough to make me think that it's worth looking at. If I can do that, I'll make that recommendation.

MR. WOODWARD: As Chair of the AP, yes, you can certainly make a recommendation, but the committee is responsible for making the actual motions to amend the plan, but it's good to have it on record that you have done that, yes. Okay, have we hit that topic? Brian.

DR. CHEUVRONT: Yes, we realize that a lot of these issues – if the council decides to go ahead and do an amendment to the plan, a lot of these issues that folks are talking about would come up and be discussed. It doesn't mean that necessarily any given course of action is what is going to occur, but starting the amendment process would allow us to start exploring these issues in an in-depth way, using the best data that we can come up with.

So with that in mind I would like to go ahead and make a motion that the council develop a plan amendment for the Penaeid Shrimp Management that would allow for a rapid closure of all or a portion of federal waters adjacent to the EEZ to protect overwintering shrimp upon the recommendation of the adjacent state and triggered by critical water temperatures; and those triggers would be determined as part of the amendment development process.

MR. CUPKA: I'll second it, Mr. Chairman. I think it needs a little tweaking once we get it up there. While we're waiting for that, too, we're definitely going to have to do an amendment. I think we've got another issue on the agenda here today dealing with the smalltooth sawfish that is probably going to require some kind of action, so if we decide to move ahead we could work on those in the same amendment. There is going to be a need for some sort of amendment here that this could be incorporated into if the council decides to move ahead with this.

MS. THOMAS: Number one, is this going to be individual states to request this under this motion? Okay, in the state of Florida maybe we could ask Mark Robson who is going to do the temperature check. Are you going to send me out there to do it or recommend it? I don't see any need in closing off the state of Florida. Our shrimpers went out there when they could go. Keep in mind while that water was going down in temperature the weather was so bad the boats stayed up at the docks or anchored out some place. I just want to know if it's individual states or if it's all of it. Thank you.

MR. WOODWARD: I'm going to let the maker of the motion respond to that.

DR. CHEUVRONT: I think this again are the kinds of issues that would have to be worked out in terms of the development of a plan, but, yes, the intention is that the individual states would recommend areas or however to do these closures, so they'll have to figure out how they're going to get that temperature information of however the closure would work. I mean, this is so early it would be very difficult for us to seriously consider any specific kind of plan or criticism of how are we going to get the data. We don't even have a motion voted on yet.

MR. CUPKA: I just might suggest as maker of the motion – I mean, I'm not sure where the federal waters adjacent to the EEZ is. Why don't we just say all or a portion of the EEZ, because that's a little redundant there.

DR. CHEUVRONT: Not a problem; I accept that as a friendly amendment to the motion.

DR. LANEY: Mr. Chairman, I would ask the maker of the motion also if he wanted to put any reference to precipitation in there along with critical water temperatures since we discussed that as being another possible factor.

DR. CHEUVRONT: I don't have a problem with that, but I just don't want to get too much into the weeds here. I think the critical factor is can we develop some kind of trigger mechanism, whether it's temperature or precipitation levels or some combination thereof, whereby the states could ask the feds to close the EEZ or portions of the EEZ off their state.

MR. PHILLIPS: Just for clarification, so just because it reaches 45 degrees or whatever temperature you pick, it does not mandate it. When it reaches that temperature, then the states have the option of asking because if it goes down there slowly those shrimp aren't going to move. If it goes down there fast, they will. That is there asking breakpoint? Okay.

MR. WOODWARD: Okay, we have a perfected motion on the board. Any other discussion or any questions about the motion from the AP? We have a former council member that would like to approach the microphone.

MR. WALLACE: I tried not to do this but I just couldn't stand it. This appears to be an effort in futility. This kind of event like this has happened once in my lifetime now. I mean, we've got triggers that comes into this that will put this into play but in the last 35 years that I've been fishing this is the only time this has ever happened.

Everytime that it has happened before, the event has been over before you could legitimately close it. It's probably going to be that way nine times out of ten or probably 99 times out of a hundred. The event is going to be over before you can close it. I see a lot of potential hazards in this proposed amendment or this recommendation.

You don't know when you're going to reopen it and what is going to trigger reopening it back up on federal waters; what is it going to do to other industries that are going in there such as, which we don't have now, but the conch fishery. Are you going to be closing the EEZ to rock shrimp? I mean, there are all kinds of potential hazards in this recommendation that would be triggered on a water temperature based mechanism here. Like I said, 99 times out of a hundred the event is going to be over and things are going to be back to normal before you could get this plan into place. Thank you.

MR. WOODWARD: Thank you, John. This might be a good time just to allow Myra to interject that there are actually several things out there that need to be addressed in an amendment. We're not just looking at an amendment to deal with just this one issue. I'll get her to just sort of review those and maybe just have a little context for this.

MS. BROUWER: I just wanted to bring to your attention that there have been other items on a list to potentially include in an amendment to the shrimp plan. If the committee is entertaining the idea of amending the shrimp plan, I wanted to make sure you were aware of the items that I've got up on the board as well.

One is to add royal red shrimp to the fishery management unit; two is to then develop SFA parameters for royal red shrimp. The Deepwater Shrimp AP had one point recommended that the council consider removing the limited access program for rock shrimp. Then the last two items are what we are discussing today, the issue of the EEZ closure and the one on pink shrimp, which I haven't yet brought up.

MR. CUPKA: And the one I alluded to earlier, which we haven't added, but the protected resource considerations that we'll hear about later on today.

MR. WOODWARD: And the other thing to remember is there is always a no action alternative, and so the status quo – we're not guaranteed to deviate from status quo just because we're going to be looking at alternatives.

MR. PHILLIPS: Mr. Chairman, would it be a good idea to have the advisory panel give us a show of hands of who would be in favor and who would be against before we vote so we can have a flavor of where the advisory panel is before the committee actually votes?

MR. WOODWARD: That's certainly fine with me if it's not an inappropriate action, so I would leave that to the chair of the AP and the chair of the other AP to lead that.

MR. DOCKERY: I don't really know how to do this, but I guess all on the advisory panel who are in favor of the proposed amendment raise your hand –

MR. WOODWARD: Just the motion; a motion to amend the shrimp plan.

MR. DOCKERY: Oh, the motion to amend the shrimp plan. Just in case you misunderstood, if you're in favor of the motion to amend the shrimp plan raise your hand; if you're opposed to the motion to amend the shrimp plan raise your hand. There you go.

MR. WOODWARD: All right, now the Deepwater Shrimp AP.

MR. FLOWERS: Well, we voted with them so I think you got it all in one sweep.

MR. WOODWARD: Yes, Megan.

MS. WESTMEYER: I just want to clarify something maybe. In this motion the wording of it is to protect overwintering shrimp; and from the discussions we've been having in the last hour or so I think we were really talking about protecting the shrimp. We're deciding how big they're going to be when they're caught and what the economic benefits to the shrimp industry is

What Mr. Cupka mentioned earlier, the way it works now it is designed to actually protect those shrimp if there is a severe kill because of cold temperatures, making sure some of those spawners make it; and from what Mr. Baldwin said about history showing that in 1989 when there was a big kill, the EEZ was closed and the spawners survived and they had a great fall. In my mind that is what protects those overwintering shrimp. This is really just looking at the economics of it from what we discussed before.

MR. WOODWARD: Thank you. All right, any other discussion or points of view?

MS. SOLORZANO: The EEZ in 1990 closed after the freeze, so the shrimp were already out. In other words, they didn't close it prior to that cold weather.

MR. WOODWARD: Okay, I think we have batted this one around enough. I want to call the question. I'll read the motion. We have a motion before the Shrimp Committee: recommend the development of a plan amendment to the Shrimp FMP that would allow for a rapid closure of all or a portion of the EEZ to protect overwintering shrimp upon the recommendation of the adjacent state and triggered by critical water temperatures (triggers to be determine as part of the amendment development process).

All those in favor of the motion signify by raising your hand; all those opposed; abstentions. Okay, the motion carries. Thank you for all that discussion and input, and again I'll remind you that we're not developing an amendment just for this one specific purpose. This is one of the subjects that hopefully will be considered in an amendment to the Shrimp Plan. With that, Myra, I'm going to turn it back over to you for a discussion about pink shrimp.

MS. BROUWER: Recommendation Number Two of the Shrimp Review Panel is that the low density of pink shrimp that is evidenced from the fishery-independent SEAMAP survey and some of the information from the states is not due to overfishing but rather to climactic and/or biological conditions. Much of the 2007 and 2008 reviews of the stock conclude it as well.

However, the Shrimp Review Panel recommended that we consider looking at other relevant fishery-independent surveys that are going to be more appropriate to gauge the density of pink shrimp off of North Carolina, for example, and off of Florida. Future recommendations could include the use of a different survey or a combination of surveys, and one of the ones that was proposed was the Pamlico Sound survey. Again, this would be another item to potentially consider in an amendment to the Shrimp Plan.

MR. WOODWARD: All right, any questions from the committee or the APs? Myra.

MS. BROUWER: If I may just elaborate a little bit, currently the SEAMAP survey is what is being used for a proxy to the MSST. However, the SEAMAP survey does not sample below Cape Canaveral off of Florida. From what we've heard from the FWC, the majority of the pink shrimp landings are coming off the Dry Tortugas, so therefore the SEAMAP survey would not correlate with the landings for that part of the country. The same thing up in North Carolina, the SEAMAP survey does not sample adequately above Cape Hatteras, and that is why the Shrimp Review Panel had recommended that other surveys potentially be looked at in conjunction perhaps with SEAMAP or as a replacement.

MS. THOMPSON: I have two questions. First of all, Myra, can you make the font bigger so that we can actually read what it is we're supposed to be considering. Number two, what is the Shrimp Review Panel; who is on it; what does it do?

MS. BROUWER: Okay, the Shrimp Review Panel is an advisory group of folks. It has representatives of the states and a representative from the Southeast Fisheries Science Center, from the regional office and from the SSC. Their job is when they are convened to consult about these issues in the shrimp fishery, they make their recommendations based on the information that the states or the science center or the regional office can provide. Did that answer your question?

MR. WOODWARD: Any questions or any clarification? We're basically looking at augmenting the established data collection process to determine the status of pink shrimp with new surveys that are broader in scale or space so you've got more complete information in which to evaluate pink shrimp. David.

MR. CUPKA: Mr. Chairman, I think they definitely need to look at some of these other surveys. I notice it says the panel will review other surveys but have they – I guess it's a question for Myra. It says the panel will review these other surveys; have they definitely planned to do that or do we need to charge them to do that?

MS. BROUWER: During the conference call, the review panel recommended these surveys and they intend to be the advisory body to recommend whether this is a good approach or not. If I may, Mr. Chairman, I would like to get Mike Travis, who is on the review panel, to perhaps explain things a little bit more clearly than I was able to.

MR. TRAVIS: Well, I don't know if I can do that or not, but, yes, we do intend to look at that and we have already started looking at that because we were a little concerned with just looking at how the density estimates coming the SEAMAP survey were not lining up very well with our landings' information, the fishery-dependent CPUEs.

There seemed to be a bit of a disconnect and then some of the representatives from North Carolina and Florida explained why that disconnect was there. Then they talked about other surveys, particularly the Pamlico Sound survey, that they thought would enhance – we could use to enhance or modify our current estimates. We do intend on looking at that, but it would be helpful to hear from the committee to back us up on that and say, yes, we agree with you folks that this is something that needs to be looked at.

MR. CUPKA: Well, like I say, I definitely think this was something that needed to be done. I just didn't know if we needed to give them a charge or charge them to do that or if they had already started it, but we definitely need to hear back in time to incorporate it or at least consider any recommendations they come up with if we're going to incorporate it in this amendment.

MR. WOODWARD: Okay, if there is no other discussion that, I want to move ahead. I think we'll come back to this later in the meeting when we deal with these other issues in the amendment. At this time I would like to call on Jennifer Lee with the southeast regional office for a discussion on reinitiation of a Endangered Species Act Section 7 Consultation on the shrimp fishery.

MS. LEE: Again, for those of you who don't know me, my name is Jennifer Lee. I work in the Southeast Regional Office Protected Resources Division that works on implementing the Endangered Species Act. I've worked there for about ten years; the last of which I've primarily focused on fishery bycatch issues and serving as a liaison to the council on PR issues.

This presentation is specifically aimed at providing the information you need to better understand the consultation process we have entered; our roles and responsibilities as fishery managers; how this process may affect us; and what options are available to us. My goal here is to provide you with some of the basic information you should know to better assess the situation for yourselves and to make an informed decision on how you wish to proceed in managing the shrimp fishery in compliance with the Endangered Species Act.

To meet that objective that was on the previous screen, here is specifically what I'm going to cover. First, you really need to understand the legal framework. In a single slide I'll go over

ESA Section 7 requirements and biological opinions as they apply to your federal fisheries. I also have one more slide that touches on how we conduct the jeopardy analysis.

After that I'm going to update you on some key facts about smalltooth sawfish status, biology and recovery, trawl effects and recent bycatch levels, all of which play a significant role in the biological opinions. We'll then be ready to review the consultation history. I'll explain how we reinitiate a consultation, where we are in the process and look at some of the data we have so that you can compare what you know about your fishery and where to go from here.

As I said, I have pared down the legal framework to only two slides. Please bear with me because I know it is important for you to know up front how these requirements apply. First, Section 7(a)(1) imposed an affirmative mandate that all federal agencies use their authorities to carry out programs for the conservation of endangered or threatened species. What this means is whether you're the Army Corps responsible for maintaining the nation's water and related environmental resources, or in our case managing our nation's fisheries under the Magnuson-Stevens Act, we all have this overarching obligation to conserve endangered and threatened species.

Now the second requirement you've probably heard of before; that's under Section 7(a)(2) of ESA, each federal agency must ensure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of any threatened or endangered species. NOAA Fisheries, as a federal action agency, must work with you, the council, to ensure that fishery management actions are not likely to jeopardize the continued existence of any endangered or threatened species; and just the operation of the fishery itself, which a lot of times is more of the issue.

Now to help federal agencies comply, Section 7 also specifically states that at the conclusion of the formal consultation process, a written statement or a biological opinion, as they're referred to, details how the action will affect threatened and endangered species, and that must be issued. A consultation basically is just a documented exchange of information about the impacts, but it has substantive procedural and timing requirements all spelled out under the ESA statute and policies.

How do we determine whether or not an action is likely to jeopardize any listed species? Well, the ESA defines jeopardize the continued existence of as an action that would be expected, directly or indirectly, to reduce appreciably the likelihood of survival and recovery of a listed species in the wild by reducing the reproduction, the numbers or distribution of that species.

In order to assess how a proposed action may or may not contribute to endangerment of threatened and endangered species, you need to first know a lot about the status of the species, kind of the base condition of the entire species and the risk of extinction, all of that sort of baseline information without the proposed actions effects.

Then, really, what you're doing is you're adding the effects of a federal action on top of the effects of these other human activities and natural phenomenon on the species status and trends

in a particular action area, so in this case we're talking about the South Atlantic EEZ and the species global status and trend.

So just some key sawfish facts for those of you who maybe don't know a lot about sawfish; they were listed as endangered in April of 2003. The primary reason for the decline was bycatch in fisheries, both recreational and commercial. Secondary was habitat loss and degradation. I'm not going to talk a lot about the habitat issues. We do actually also have a critical habitat designation, but it's specific to nursery grounds and that's really outside of the jurisdiction that you manage. It's all more nearshore, so I won't get into too much about that.

Historically, the U.S. population was common throughout the Gulf of Mexico, from Texas to Florida; and along the east coast, from Florida to Cape Hatteras. There was some talk about maybe it was more of a southern migration as they went further up the Atlantic coast. The current range of the species has contracted primarily to Peninsula Florida, and smalltooth sawfish are relatively common really only around the Everglades Region. Those are just some maps actually I showed to you probably when we first listed. There are different timeframes showing how we have less and less records as time went by.

I just wanted to point that we also have a recovery plan. It was completed in January 2009. The recovery strategy objectives are to minimize human interactions and associated injury and mortality, to protect and restore smalltooth sawfish habitats; and ensure smalltooth sawfish abundance increases substantially and the species reoccupies areas from which it has been previously extirpated.

Again, when we're talking about the species, while we don't have a population estimate, the understanding is that we are at very low levels. I just really wanted to point out the recovery plan also is a great place to look for more information that I won't cover. You can get a lot of details on exactly what the objectives are and the various actions to get there.

Habitat requirement limiting factors – when we first started working with smalltooth sawfish and you looked in the old literature, it all looked like that this was just a nearshore species. That's not really true. The juveniles remain in those shallow coastal water areas, like the mouths of rivers, shallow banks, but the adults, while they can be found in those same habitats, they also occur offshore at depths up to at least 122 meters, so we have had some records in pretty deep water, and we know that they have a much bigger range in terms of their distribution, so they're definitely not just in shallow waters but in the EEZ as well.

Life history limiting factors – they're slow growing, late maturing, few young born for adult females. Basically they're going to take a long time to try to improve their abundance. Here I have these slides. This is actually our national sawfish encounter data base. It's the Florida Museum of Natural History right now. The source of information that used to be Mote Marine really got us started on this.

I'm showing you just to get an idea of the concentration. Obviously, southwest Florida is the primary area where we get capture records. These are both sightings and capture records. You

can a lot of them are very close to shore, but then also a lot of this is really who is reporting them and to remember again that the adults are found offshore as well.

Again, we do not have a population estimate. Based on contraction and range and anecdotal data, it's likely the population is currently at a level less than 5 percent of its size at European settlement. There has been a slight increasing trend I guess with data in the Everglades National Park in the past decade.

In 1994 where you had entangling nets were banned in Florida waters, and although intended to restore the populations of inshore game fish, this action removed possibly the greatest source of fishing mortality for smalltooth sawfish. Some trawl effect information – shrimp trawl fisheries are associated with high smalltooth sawfish mortality. The recovery plan does have some information on the effects of trawls as well as actions related to it.

The recovery plan does identify the severity of the threat of injury from trawl entanglement as high. Data from the Australian Northern Prawn Fishery, where there is a larger population, indicates sawfish are commonly taken in shrimp trawls. Again, it is important to remember that smalltooth sawfish are particularly vulnerable to excessive mortalities and rapid population declines after which recovery may take many decades just because of the nature of their biology.

Some other actions adversely affecting sawfish in the EEZ – this is the first time we've talked about them. They are taken in other fisheries, in longlines and vertical lines; as well to a lesser extent, trap lines. As you can also see here, really, with the exception of one lethal take in shark longlines on the three-year incidental take basis, the other interactions we believe are non-lethal.

Really, when it comes to hook and line, it's a pretty hardy animal at least based on what we know, so they are surviving these events. Other activities sort of outside of the fisheries, we don't have really too much in terms of take. We do some relocation trawling and one was caught in Egmont Channel off Tampa Bay, but not too much in terms of other outside activities where we're seeing lethal take.

Now that you have a better understanding a little of the big picture, I'd like to focus on the South Atlantic Shrimp Consultation. The last formal consultation and biological opinion was completed in February or 2005. This opinion is only focusing on smalltooth sawfish. After the listing where we found that the fishery would likely adversely affect, we did this opinion solely to deal with the smalltooth sawfish species.

It did anticipate take, but, really, when I say that, we anticipated one lethal capture annually based on opportunistic self-reported captures, so we had just a few records scattered that were, again, just through anecdotal information and through various ways of reporting information, but nothing as far as a concrete program.

We did conclude the fishery was – and none of those early records were from observer programs – we did conclude the fishery was not likely to jeopardize. We did include an incidental take statement, therefore, as we must for non-jeopardizing activities. We included some reasonable and prudent measures and implementing terms and conditions. Those were related to awareness,

handling stress. I think that was in your briefing book so if you didn't get a chance you can look at that if you're wondering more.

Basically, on May 9, 2009, our Sustainable Fisheries Division did request reinitiation to address exceeding the authorized take based on some new observer records that we have, which I'll talk about a little bit. Just in terms of the timeline, under the statute we have 135 days once all necessary information is received, including a description of the proposed action. I say that for a couple of reasons.

Obviously, the statute is clear that we can't just sit and wait. We're always lacking information and we have to use what we have; but part of the reason we have been off to a slow start, we have been waiting on some South Atlantic effort data. It's out there; we're just trying to get that analyzed. Also, I wanted to bring up there are two ways.

Sometimes we look at fisheries; we can do a status quo consultation, which is just that we're looking at management as is in the fishery, how it operates, and we go through the consultation process, and complete our biological opinion. We also sometimes, though, when these issues come up, there will be new actions that we'll look at just like with your fishery management plans where you have your various new management measures.

In the case, for example, the HMS pelagic longline, when we did a consultation as opposed to just doing a status quo, we looked some things they were specifically doing to reduce sea turtle takes. Part of the reason why I'm here is to get some direction as far as how you want to proceed in terms of if you are going to pursue some type of action we can build that sort of into the consultation. We'll probably talk about a little more of that later.

It's basically a way to explore opportunities to benefit the species and kind of creative alternatives that might not be possible later on. The new opinion, of course, must be based, like everything else, on the best available information. Also, under the ESA we must err on the side of the conservation of the species, which means in those cases where we don't have information we really have to assume kind of the worse case scenario. If we don't have much information we tend to assume the worse.

Now I just wanted to show a little bit of information. I mentioned that we did have some trawl capture records. Actually on this one I have both commercial bottom line records and trawl records, so really what I'm trying to show you here is just where we've had the most interactions in general with bycatch in sawfish.

You can see really down in the Keys area is where we have the most records. The circles are actually the longline records so those are non-lethal. The triangles are the shrimp trawl bycatch. Some of those are the old records and some are the newer ones, which I'll talk about. Then is just a blowup that you can see a little better.

Then this SERO map includes two recently observed trawl takes in the Gulf, so we have two records right over here in the Gulf. One was in December and then one was I think somewhere in mid-February. The first observer record we had in your area was in 2008 a smalltooth sawfish

was captured aboard a shrimp trawler back in July. It was in depths of 157 feet. The tow time was almost three hours for this particular tow.

According to the crew it was captured in one of the portside nets, tangled by the saw in the mesh right in front of the TED. When the observer saw it was already on deck, it was a female. It was estimated to be 15 feet. It was moving very weakly while on deck; and when released, it rolled on its back and sank, so, obviously, it was believed not to have survived. Obviously, if I had to say an example of how not to handle a sawfish, this would probably be it.

Certainly, it's best to keep them in the water and that's really why we have problems with mortality in shrimp trawls is the fact that they get so tangled up in the nets, and they tend to – when you're trying to untangle them or cut them out or by the time you see them they've been out of the water for quite a while.

In 2009 we had three capture records. They were actually all on the same trip. Two were on March 5th and one on March 9th. They're pretty much on top of each other, all right around there, which makes them being the same trip. Here are some photos from the two that were caught together. One sawfish was caught before the TED.

It slid out of the net – I'm sorry, the one that was caught separately was caught before the net and slid out of the net before the TED – I'm going to try it one more time, sorry, slid out of the net and fell into the water. Then the other sawfish had its bill tangled in the mesh on the outside of the net, broke free and swam away. The first sawfish essentially was blocking the TED. It was about 12 feet long. It was caught up in the net and they tried to put the net back down hoping it would just basically pop out, but it appeared to be dead. Then while they had that one stuck in the net, the second was caught.

That one was most likely dead. Neither were recovered so we didn't get any data out of that. That's about what I have really. In terms of next steps, what I'm hoping is you'll have some good discussion and maybe I can even bring up that slide as far my objectives, but I would like to get an idea from you how much fishing effort occurs near where smalltooth sawfish interactions in the South Atlantic have occurred, how important that area is.

I know in the Gulf where those have been caught is more of a pink shrimp area. I've heard some that maybe where the South Atlantic ones were south the Keys maybe isn't really that important of an area in terms of effort in shrimping. I want to try to understand it better; and with the AP here, that's really helpful. Then what actions may be taken to avoid and minimize mortality of smalltooth sawfish captures; again, just try to get you thinking about this information I have presented and what we can possible do to minimize effects. That concludes my presentation.

MR. WOODWARD: Thank you, Jennifer. Any questions? Charlie.

MR. PHILLIPS: Jennifer, I'm kind of scanning through my briefing book, and I guess it's not as updated as what you had, because it said there were like three captures in six years on the east coast.

MS. LEE: What that is, is in your briefing book you have a copy of the 2005 biological opinion we did, and that is the information we had. The reason why we're reinitiating this process is because with the Shrimp Observer Program, even though it's only, what, 1 percent of coverage, and who knows what it is particularly down in that area, we now have actual observer records, so that is why we're going forward with relooking at the issue, basically, and having to redo the biological opinion because we have exceeded our take. Particularly where these are observer records, we're concerned because it's not like, you know, this is the only events that have occurred. Does that help?

MR. PHILLIPS: One followup, I was noting that it had fishing bycatch is primary and habitat degradation as a secondary reason for the decline of fish. I guess you have an estimate somewhere on how many you think you're losing from either recreational or commercial fishing?

MS. LEE: Well, right now in terms – now the reason for listing sawfish, their numbers declined dramatically, like, I don't know, in the sixties or, you know, even earlier, so when we're talking about the reason for listing being commercial and – it was commercial and recreational bycatch. I mean, back then the problem was people were like, oooh, look at this; this is cool; let's put it in our house.

There are lots of neat – depending on how you look at it, but there is a bunch of old pictures of people with these great big animals. I think there is one in the presentation where there is a big one and there are two babies sitting on it, so people were just killing them. That was the issue back then. In terms of where we are now, we do have – a lot of the capture records we do have are from recreational captures in more nearshore waters, people fishing, but, again, the good news there is right now we're not seeing that as a high mortality issue. In fact, really, we really believe that they are all being – or at least nearly all are being released in good condition unless someone is doing something of an illegal nature, where, again, they're really messing with the animal.

So, in terms of habitat, if go on our website we do have; in the critical habitat listing it talks a little more about the nursery areas that we're trying to protect through those issues. The juveniles need mangrove areas where they hide from predators, things like that. A lot of the habitat issues right now are more relating to the juveniles.

We don't know a lot about the adults, obviously. Since we've listed the species, we have learned a lot. The Southeast Fisheries Science Center has a little money where they're trying to go out and put some tags on adult sawfish, so hopefully we'll learning more soon, but that's kind of where we are.

MR. PHILLIPS: Okay, thank you. I just kind of want to know – I read this and I just wanted to know kind of where we were, where we are and where we want to go.

MR. WILLIAMS: Jennifer, could you tell me what depth the water was in those interactions south of the Keys and what the coordinates are?

MS. LEE: I don't know that I have that readily available. Some of it I do. I think I mentioned one was – for example, the one in 2008 was in 157 feet of water. I can show you the map for now and I can also give you coordinates after. Again, this is in federal waters in relatively deep water. I'm comparing that more to where juveniles are, so perhaps it's not your definition. That's where basically three of them were in your region and then you had one that was kind up here.

MR. WILLIAMS: Okay, if you could provide them with the coordinates and the depth on those three south of the Keys, that would be helpful. One other question, if you don't mind. You said you don't believe the interaction with the hook-and-line fishermen or recreational fishermen or whoever that are catching these sawfish – what information do you have that they are in fact releasing them and they're not dying?

MS. LEE: We've done a lot of – I guess Collin Simpfendorfer, when he was working at Mote Marine, did a lot of hook-and-line work. We have done some tagging. Even the old reports, really, talked about they were pretty hardy animals. We're not finding strandings like we do, for example, with sea turtles. They're real active when they're release.

You know, we have had a few reports I think where we have had some injury would be if someone is releasing them – say, we had a couple where they were releasing it near a bridge where maybe the animal's saw gets whacked on a piling, that type of thing, you know, part of the pier. We've heard some things like that.

DR. CRABTREE: If I could, John, if anyone keeps one, of course, that's a violation because you're not allowed to. The problem we have in the recreational fishery with almost all endangered species is we don't have a real ability to estimate how many they're taking because it is too rare an event to really show up in the recreational fishery statistics survey. We are in the process of developing a specific survey protocol to estimate things like turtle takes and other things in the recreational fisheries to try to get some better handle on the numbers of takes. There probably is some mortality coming from sawfish that are released, but it's probably relatively low just based on what we know about the biology.

MS. THOMPSON: In your 2005 biological opinion you stated that the 1994 Florida net ban removed what was probably the biggest threat to the smalltooth sawfish, so doesn't it just kind of stand to reason that since that threat has been removed, their numbers – I think in the paragraph before that, it says that they were pretty sure that they were reproducing because you're seeing all different sizes of them.

I'm going to assume that there is probably not a lot of money available for research on smalltooth sawfish like there isn't a lot of money available for research on our commercial fisheries animals. But, logic would seem to dictate that their numbers have been increasing since then; so since their numbers are increasing, then their chances of getting captured in shrimp trawls would also be increasing. Maybe an answer would be to increase the incidental take from one fish to maybe a higher number of fish per year to account for the assumed increase in their numbers.

MS. LEE: Well, you've raised a lot of good points. Yes, as far as the net ban, we did see that as being important to the future recovery of sawfish. I mentioned that we do have some information that there is a slight increase, so that's all true. Like I said, we don't have population estimates. We kept pleading Collin Simpfendorfer to come up with some estimates. Based on his expertise, he said, oh, well, maybe a couple thousand plus or minus 50 percent.

But, regardless of what that is, we are talking about something where it is a very small population, extremely small. One of the concerns we have is down the road will be – as this population hopefully does increase and if we have mortalities in the shrimp trawl, that will be very limiting.

So while I'm not saying necessarily you can't have more than one, I think that is why this is such an important issue is because this species is very slow growing. The recovery plan says it's going to take four generations or a hundred years before we potentially could recover the species if we're dealing with all these threats, bycatch being one of them. I don't disagree, but it still is a problem because right now we are seeing mortalities.

DR. CRABTREE: So the bottom line is they probably are increasing although probably at a slow rate because they reproduce fairly slowly; but that aside we're still under a legal obligation to do everything we can to conserve sawfish and minimize their mortality. That's really what we need to focus on now is we're probably going to need to look at adding this to our list of issues in a plan amendment and then look at are there things that are reasonable things we could do to try and reduce interactions with sawfish. Then at some point the biological opinion will be completed and it will estimate some incidental take allowance.

MS. SMIT-BRUNELLO: I agree with what Dr. Crabtree said, we do have the legal obligation. I would urge the council or committee and the AP to kind of get ahead of the curve on this and come up – you're the experts in the fishery – to come up with some ideas that you think might help avoid some of these encounters and anything else you have, and I would urge you to deal with that in a plan amendment.

MS. THOMPSON: Since the three animals that were caught were all caught apparently on the same day and two of them in the same net, almost, then from that experience, then, I would guess that apparently these animals must spawn in nearshore waters because they're dependent on mangrove habitats.

Is it reasonable to assume that maybe these large animals were on their way to a spawning area when they got caught? Could we figure out where they spawn and what time of the year? Maybe if they spawn at the same time of the year every year, then maybe you could consider measures to reduce mortality when they're migrating to spawn. There has got to be some kind of reason that three fish were caught on the same day in exactly the same spot. That would be my guess there.

MR. WOODWARD: That's a good point and hopefully some of the research that Jennifer alluded to with these more advanced tags will illuminate that and maybe establish some patterns.

MR. VENDETTI: Jennifer, just to be clear, the incidental take limit is one per year; is that right?

MS. LEE: Yes, and that is why it was reinitiated – previously all we had was – you know, at that point you didn't have your mandatory observer program. The coverage has always been very low. We just had some scattered records. When you authorize take, you're not saying this is what we think it should be.

You're saying this is with our data what we think happened, so a lot of times people think an authorized take is we've said, okay, this is the limit, this is how much people can catch. What you're actually doing through a biological opinion is you're trying to anticipate the effects and then so long as that's not likely to jeopardize, you're going ahead and you're providing an incidental statement authorizing that take you anticipated; so, just to make that clear. We are reinitiating now with our observer information. There is not a lot to go on. We've been looking at as far as whether or not we can do any type of extrapolation.

DR. CRABTREE: Yes, and it's quite likely that when we do another biological opinion that the incidental take statement will be higher. As Jennifer said, that doesn't mean that anything more than one would have been jeopardy. That's now how these opinions work. We've just got to go through a process where we look at, all right, are there things we can do to reduce interactions with sawfish.

Maybe there are gear things and maybe there are time area closures or something like that. The council is going to have to decide what is reasonable that can be done. Then the biological opinion will be completed; and assuming that we end up with a biological opinion that is a no jeopardy opinion, there will be a new incidental take allowance issued.

Now if you end up with a jeopardy biological opinion, well, that means you're going to have to basically shut down the fishery until something more is done about it. That's what we don't want to have happen. We need to look at this. It's a fairly regional problem down in southwest Florida, and we just need to give a hard look and see what things we think we could do to try and reduce these interactions and get out in front of this problem before it gets out ahead of us.

MR. PHILLIPS: Well, one thing that I think has already been done when they closed all that area around the Dry Tortugas, and there were some sawfish down there. Back when I was shrimping, the only one I caught was down there; so when they closed that area, among other things they protected some habitat for these fish. It's going to take a while for that protection to show up in numbers of fish, but that's one of the things that have already been done.

MR. WOODWARD: Okay, any other questions for Jennifer? All right, how about one from the audience; I'll allow that.

MR. DELANEY: Glenn Delaney, Southern Shrimp Alliance. You mentioned there was a large or frequent take in an Australian Trawl Fishery. Was it a trawl fishery?

MS. LEE: Yes.

MR. DELANEY: And is that regulated in any way; and if so, what measures have they adopted or are they investigating in terms of dealing with their bycatch in their trawl fishery?

MS. LEE: I did have that very same question and asked for answers, and unfortunately I did not get an answer from our recovery coordinator; and looked in the recovery plan itself, and it doesn't really go into a lot of detail, so that's something I personally am going to look a little further on. I know they're having more interactions. I know it has been problem, but I wish I had an answer for you, but I really don't yet.

MR. WOODWARD: All right, thank you, Jennifer, very much. At this time what I'd like to do is I've asked Myra to bring up this list of shrimp issues. We have an approved motion to initiate development of an amendment for the purpose of addressing EEZ closures in response to cold winters. These are other issues that need to be addressed. We just heard from Jennifer about one that has also got to be addressed. If it's the pleasure of the committee, what I would like to do is have a motion to – Roy.

DR. CRABTREE: Yes, I would move that we include measures to reduce interactions with sawfish in the shrimp fishery among the items to be included in this next shrimp amendment.

DR. CHEUVRONT: I'll second the motion.

MR. WOODWARD: Okay, we've got a motion from Dr. Crabtree and a second from Dr. Chevront. Okay, just to make sure I'm getting this straight; we have a motion to add that to a list, but at this time we don't have anything on record to actually include those in the next amendment. What I really need is a motion that all these issues be considered in this upcoming shrimp amendment.

DR. CRABTREE: Then if I amend my motion to include all of those items indicated on the list along with measures to reduce sawfish takes, is that what you're looking for?

MR. WOODWARD: Yes, that would make it clearer for me.

DR. CRABTREE: Okay, so my motion is to include the items above and measures to reduce takes of smalltooth sawfish in the upcoming shrimp amendment. I'll read the list of items above: A. Add royal red shrimp to the FMU. B. Develop SFA parameters for royal red shrimp. C. Remove limited access program for the rock shrimp fishery. C. Modify protocol for states to request concurrent closure of the EEZ during severe winter weather to expedite the process. E. Revise MSST proxy for pink shrimp. F. Consideration of smalltooth sawfish issue.

MR. WOODWARD: Thank you. All right, Dr. Chevront.

DR. CHEUVRONT: Unfortunately, now it's a little bit – well, I guess not. I was just thinking the smalltooth sawfish issue is kind of redundant with what is in F, but we're specifically stating here in the motion that we want to not just consider the smalltooth sawfish issue, but we want to specifically reduce takes or what measures we can do to reduce takes.

MR. WOODWARD: Okay, we've got a motion and a second. Discussion from either the committee or the AP. Yes, sir, Mr. Merrifield.

MR. MERRIFIELD: I was just wondering what kind of assistance we'd be getting from the biological side as to – we're saying reduce takes, but we may not actually be reducing takes if we find out the population is higher than expected or that there is an allowable increase in take. Also, what kind of assistance can we get in determining what the migrational pattern or spawning patterns are that we would be able to come up with some other alternatives that we avoid certain areas and things like that?

DR. CRABTREE: Well, we'll look at whatever information is available. We may be able to look at some of the takes that have occurred and see if there were autopsies on those animals done, but I don't think there were. I think most of them were released with the hopes that they weren't dead.

Remember that sawfish are live bearers, so it's not like they're spawning like bony fish do. We can look at what information we have and we'll have to go with that, so we will make available to you and to the council everything we know about these animals and we'll have to make the best decision we can. Does that get at your question?

MR. MERRIFIELD: So we're not going to know what the population is or where it's at and what the status of the population is?

DR. CRABTREE: I don't think we have enough information to come up with an accurate estimate of the population, so our obligation is to take every step we can reasonably take in order to reduce mortalities and reduce interactions. They are still listed as endangered. I suspect you're right that because of the gill net bans and other things that have been done, we're seeing the population slowly improve, but we're still going to have take every reasonable step we can come up with to reduce mortality.

MR. MERRIFIELD: Well, I agree, but like Ms. Thompson has said, if there is some kind of – if there were three caught in one area, there is something going on in that area, so we can avoid an area, certainly.

DR. CRABTREE: And we'll do the best we can to tease that out. I'm just not sure how much information we'll have about those specific areas to allow us to do that, but we can do that. We can contact the sawfish experts. There are some folks in Florida who have worked on those. I imagine the council can invite them to come and make presentations to us about what we know. We can explain this as thoroughly as we can.

MR. WOODWARD: Roy, just I think for everybody's clarification, explain addressing this in an amendment how that interacts with this consultation process, just so everybody sort of knows how that affects the pace of it and that sort of thing.

DR. CRABTREE: Well, we have in some cases based the consultation on a proposed action that the council has put forward. We had a turtle issue with the grouper longline fishery last year in

the Gulf of Mexico. The council put forward basically a plan amendment to reduce turtle takes, and the biological opinion and consultation was based on the proposed action in the council's plan. We can try and see depending on what kind of timeline this is on and consulting with Monica whether that would work here, and that probably is the best way to proceed if that will work out timing-wise.

MR. WOODWARD: All right, thank you. Any other questions or comments? Ms. Thompson.

MS. THOMPSON: This doesn't pertain to any of the agenda items today, but it's just something that has been bothering me. We're already suffering under a huge economic impact from not having a fisheries management plan in place for red snapper by 2010, which is mandated by the Magnuson-Stevens Act. In 2011 every species that is managed by the National Marine Fisheries is supposed to have some kind of a fisheries management plan in place and total allowable catch limits. How does that affect the shrimp industry? What are we looking at on the horizon?

MR. WOODWARD: I think I'll let Dr. Crabtree tackle that one.

DR. CRABTREE: Well, the Magnuson requirements you're talking about for annual catch limits and rebuilding red snapper and those things really don't apply right now in the shrimp fishery because when Magnuson was reauthorized to require annual catch limits they exempted annual crops from that requirement.

Penaeid shrimp and I think rock shrimp, as well, the ACL requirements don't apply. Now, if we add royal red shrimp to the plan, which is one of the things we're looking at, it is my understanding that those are not annual crops. They live to be several years old, and so I think the ACL requirement will apply to royal red when we do that. I don't think most of those Magnuson Act requirements are really affecting the shrimp fishery now.

MR. WOODWARD: All right, I have a motion on the table and we've had some discussion about it. We're getting short on time; so if there is not any further discussion, I'll call the vote from the committee.

All those in favor of the motion signify by saying aye; those opposed nay; abstentions. The motion carries. I didn't miss you; I was trying to get my business taken care of. Do you have a comment that you would like to make. There will be plenty of time for comment during the amendment process.

MR. DELANEY: The issue just came out about the royal red shrimp, and it was never really discussed. Items A and B on there, I don't know if the royal red fishery understood what the implications of that were. It was never discussed that by adding yourself to the list of managed species you're going to get an ACL, an annual catch limit, which is a big departure from the way this fishery has been managed in the past. I don't know if you're for or against it. I just thought it would be fair for the advisors who come from the industry to be here to know that is what that meant even though it was never presented to you that way. Thank you.

MR. WOODWARD: Well, I do think Dr. Crabtree did say that. Just for the record, he did say that is what we would be talking about. Ms. Thompson.

MS. THOMPSON: At what point in time was the motion made to add royal red shrimp to the fisheries management?

MR. WOODWARD: It was not a motion to add it. It was a list of items.

MS. THOMPSON: When was it put on the list; who put it on there; when did that happen? It didn't happen today. Was that something that happened in the past?

MS. BROUWER: Yes, Laurilee, this is a list that has been part of – it has been on the council's agenda or on the radar, so to speak, for a number of years. When we were talking about adding royal red shrimp to the FMU was when we were developing the Fishery Ecosystem Plan. A few years ago, I remember it was a December meeting, perhaps 2007, it was brought to our attention that even though we have designated essential fish habitat for royal red shrimp, royal red shrimp is actually not officially part of the fishery management unit. A note was made that when a shrimp amendment was due to be developed that we needed to take care of this oversight, really.

MS. THOMPSON: Was the Deepwater Shrimp Advisory Panel involved in that process?

MS. BROUWER: No, they were not; this was at a committee level.

MS. THOMPSON: Do the people that fish for royal red shrimp have an opportunity to weigh in?

MS. BROUWER: Yes, there will be plenty of opportunity. As Roy pointed out, this just gives the staff the guidance to begin to develop an options paper that will have actions and alternatives that then the council will discuss further; that we'll take out for scoping, first of all, and so there will be plenty of time to add or remove actions from an upcoming amendment.

DR. CRABTREE: So there is no final decision. In fact, although Glenn implied it's too late, it is really not because this is a committee meeting and this decision will have to be voted on by the full council, which will happen tomorrow or Thursday or Friday. If you object to this, the whole council is sitting here, let us know now. I don't know if it will change the vote or not. There will be all kinds of a long process and public hearings, loads of opportunity for folks to comment on all of this before a decision is made.

MR. WILLIAMS: Roy, when the council votes on this, do they have the opportunity to pull out some of this?

DR. CRABTREE: Absolutely.

MR. WOODWARD: Any other questions or comments? We are at the part of the agenda for other business. Charlie.

MR. PHILLIPS: Yes, two things. One, so, Myra, are you saying we do need the royal red in there because of the coral or that's why it got put in there because of the coral?

MS. BROUWER: No, I don't believe I mentioned coral. The discussion came about when we were developing EFH and EFH-HAPCs for shrimp, and EFH has been designated for royal reds. However, they're not part of the fishery management unit, and so you see there is a disconnect there. We have EFH designated for a species that officially is not part of our management unit so we need to correct that.

The discussion at that time was, well, we'll need to bring royal red shrimp into the management unit because evidently everybody thought it was included but it wasn't. Then once you bring it into the FMU, then you'll have to develop SFA parameters, overfishing level and everything that we have for all the other species that we manage.

MR. PHILLIPS: Okay, then, a followup. If you did not add royal reds to the FMU, what would happen to the essential fish habitat for royal reds?

MS. BROUWER: I'm not sure, Charlie. I think I would have to defer to Roger on that one.

MS. SMIT-BRUNELLO: Well, if it's not a managed species, it's not required to have essential fish habitat designated under the Magnuson Act, I don't think, so we would I guess eliminate that from the FMP; that being the EFH and all that. I'll look into it but that's what I think. I mean, if you don't manage it you don't do EFH for it. Royal reds are managed in the Gulf, as I know you know. I guess the council will consider this when it comes up before them.

MR. PHILLIPS: Well, my gut feeling is it may be a tradeoff and we probably need to have another show of hands or something from the deepwater to decide is it more important to have essential fish habitat or some designation for royal reds or would they rather not have it and not have to have the TACs for quotas and that kind of stuff. Since the advisory panel is here, I think it would be a good idea if it's the chairman's pleasure to have a show of hands on that.

MR. WOODWARD: I'm certainly willing to indulge Charlie on that, and I will leave that to Mr. Flowers, who is the chair of the Deepwater Shrimp AP, if he would like to call for a show of hands in support of including royal reds in the FMU.

MR. FLOWERS: I'd like to ask a question there to Monica. Wasn't that created because of the deepwater coral issue and the tow areas because of that? I'm confused here now.

MS. SMIT-BRUNELLO: Jake, wasn't what included?

MR. FLOWERS: The royal reds, the issue of the royal reds first came about I thought because of the deepwater coral issue. I'm confused – if they've created the tow zone how this has got this far along to begin with. That's where I'm confused for the whole thing; how come it hasn't been acknowledged as being part of the managed fishery?

MS. SMIT-BRUNELLO: Well, let's take it in a couple of steps. EFH must have been designated in 1999, so that's when EFH was designated for royal red shrimp. The coral amendment, the recent one that you're talking about – I think that's what you're talking about with tow times and that sort of stuff, the Comprehensive Ecosystem-Based Amendment 1, and that was a gear-based amendment.

The council doesn't have to have royal reds in the shrimp fishery management plan in order to put some gear-based restrictions upon those fishermen, and so that is what was done in the coral plan. The council and the committee, they'll decide I guess, with your input, as to whether – you know, you should tell them whether you think royal reds ought to be managed in the FMP and they'll take that into consideration when they decide whether to manage them, but the EFH happened over ten years ago.

MS. THOMPSON: How will that affect the allowable trawl area, because the allowable trawl area didn't happen ten years ago? That was more recent. If the royal reds are not part of the fisheries management plan, does that mean that our allowable trawl area will get taken away from us?

MS. SMIT-BRUNELLO: Well, the allowable trawl area is in that amendment that has been approved by the council, and it's going to soon be out for public comment and those sorts of things. That has not been approved by the secretary, so there is nothing to take away from you. It will go through public comment and then a decision will be made on that amendment, so there is nothing that is going to be taken away from you in that sense.

I understand what you're saying I think is that how does not having royal reds or having royal reds in the fishery management plan impact potential shrimp allowable fishing areas or whatever those are in the recent coral amendment. I don't think it does affect that because those are I think gear-based amendments; and so whether you have royal reds in the fishery management plan or not doesn't really matter as to that coral amendment and those allowable shrimp fishing areas. They're two separate things. You look confused; did I explain that very well to you?

MS. THOMPSON: I think I understand what I think I heard. You're saying the fact that the royal reds are not in a fisheries management plan is not going to affect the gear allowances that were put into the coral management plan, which hasn't been approved yet by the Secretary of Commerce. What we thought we had was a done deal and I read in the Fisheries Newsletter, hip, hip, hooray, we've got all this coral, and we feel really proud of being a part of preserving all that coral, but I think I'm hearing that we still aren't on solid ground yet as far as having a place that we can fish.

MS. SMIT-BRUNELLO: Well, I agree with about everything you've said, so I think you got me straight. You're right, the secretary hasn't approved the amendment yet. It's not even out for public comments, and the Magnuson Act mandates that it has 60 days for the public to comment on that amendment, and then the public will have 30 days to comment on the proposed rule, so you have to let that process take its course. The council has done everything that they need to do to get that amendment and areas to fish to the secretary. Now it's up to the secretary to do his part of the Magnuson Act.

MS. BROUWER: I just wanted to remind the AP that the discussions that we had on royal reds were around the time that we were discussing the closed areas for coral. If you remember, we reconfigured the AP to bring on board fishermen that fished exclusively for royal reds, and we brought Woody Moore along to have his expertise.

Based on the information that we as staff got from people who fish for royal reds, we took that into consideration when we configured the closed areas and shrimp fishery access area in order that the royal red shrimp fishery would not be impacted as much. I just wanted to make sure that was clear.

MR. FLOWERS: I think then it would be prudent for us to ask the Deepwater Shrimp Committee, because we don't want to put anything in the management program that we don't have to. We were under the pretense to be part of your management program when the coral issue came up at that meeting. I was there.

We stopped it until late in the day and brought Woody in to come up here to the meeting in Charleston. I think what she is saying is if it's not regulated – we don't want it regulated. If it doesn't have to be part of the management plan where we have a TAC on it or a quota, we want to remove it right now or least make our amendment or our proposal to have you address it take it out and let's just exclude it.

It's such a small fishery for such a limited number of vessels we would just like to get away from that altogether and just keep the area. We thought it was tied to – I personally thought it was tied to the coral area for protection. We thought it was a two-part deal. I did not understand it at that meeting nor do I understand it now. If that's the case, I would like to ask for a vote on our AP to get it on the record and let the folks here have a say about it. That's why we're here.

MR. WOODWARD: You can certainly do that and call for a –

MR. FLOWERS: Let's call for a hand. Everybody that would like to see the royal reds alleviated from the management, raise your hands, 8; all opposed. Thank you.

MR. WOODWARD: Thank you. All right, Mr. Flowers called for a vote in support of removing royal reds from I guess our motion or whatever steps are necessary to not include them in the FMU. It was eight votes in support of that and no votes opposed to it, so that is on the record. Charlie.

MR. PHILLIPS: Mr. Chairman, can I make a motion to take the royal reds out of the FMU so we can at least talk about it?

MR. WOODWARD: Okay, we're running over time and we're getting into muddy waters here.

DR. CRABTREE: Mr. Chairman, if you want to revisit this in committee you'd need someone who was – I guess it was unanimous so some would have to –

MS. SMIT-BRUNELLO: Charlie voted against it.

DR. CRABTREE: Well, if you voted against the last motion we would need someone on the prevailing side to make a motion to reconsider. Otherwise, you need to revisit this when it comes up at full council and amend the motion at that time.

MR. PHILLIPS: Okay, spending many years on advisory panels before I got here, I'm strongly inclined to listen to advisory panels and go there if I think there is any way possible. That being my history, if anybody that made the motion wants to reconsider it, fine; if not, then I will bring it back up at the appropriate time.

MR. WOODWARD: Okay, I think we certainly have benefited from having that discussion and that will be an opportunity for that motion to be modified in full council if that's the will of the full council. All right, at this point we're about five minutes over and we're in other business. Would you like to just briefly mention about EFH-HAPCs, what they might be able to do, and then we'll move on.

MR. BROUWER: We had intended, if there was time, to go under other business to look at the proposed list of EFH and EFH-HAPCs that are being proposed under the shrimp plan under the Comprehensive Ecosystem-Based Amendment 2. For those of you who weren't here this morning, Roger presented some of those alternatives to the Ecosystem-Based Committee. At this point, though, since we've run out of time, what I had suggested was to perhaps get the Shrimp APs' input via e-mail or through some other avenue so we could make sure that you've seen that list and that you have had a chance to comment on it.

MR. WOODWARD: Okay, thank you, Myra. Mr. Flowers, anything else you'd like to address?

MR. FLOWERS: No, sir, we appreciate your time today.

MR. WOODWARD: I appreciate very much you all coming here. It has been a good discussion and this input is extremely valuable. I appreciate Mr. Dockery and Ms. Thomas stepping up to lead the Shrimp AP.

(Whereupon, the meeting was adjourned at 3:37 o'clock p.m., March 2, 2010.)

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MR. WOODWARD: Okay, thank you, Myra. Mr. Flowers, anything else you'd like to address?

MR. FLOWERS: No, sir, we appreciate your time today.

MR. WOODWARD: I appreciate very much you all coming here. It has been a good discussion and this input is extremely valuable. I appreciate Mr. Dockery and Ms. Thomas stepping up to lead the Shrimp AP.

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Joint Shrimp Committee and Shrimp and Deepwater Shrimp Advisory Panels Jekyll Island, GA Tuesday, March 2, 2010

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Jekyll Island, GA
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