

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT SHRIMP AND DEEPWATER SHRIMP ADVISORY PANELS

**Hilton Garden Inn
North Charleston, South Carolina**

SUMMARY MINUTES

Deepwater Shrimp Advisory Panel Members:

Fred Dennis
Marilyn Solorzano
John Williams

Michael Merrifield
Laurilee Thompson

Shrimp Advisory Panel Members:

Fred Dockery, Chairman
Scott Cook
Robert Jones
Richard Vendetti

Janie Thomas
Fred Dennis
Marilyn Solorzano

Council Members:

David Cupka

Council Staff:

Kim Iverson
Anna Martin
Julie O'Dell

Roger Pugliese
Dr. Kari MacLauchlin

Observers and Participants:

Don DeMaria

Richard Reed

April 20, 2012

The Joint Shrimp and Deepwater Advisory Panels of the South Atlantic Fishery Management Council convened in the Hilton Garden Inn, North Charleston, South Carolina, Friday afternoon, April 20, 2012, and was called to order at 8:30 o'clock a.m. by Chairman Fred Dockery.

MR. DOCKERY: Good morning. I'm Fred Dockery; I'm Chairman of the Shrimp AP. I'd like to welcome you to the meeting and call the meeting to order.

MS. MARTIN: I'm Anna Martin. I'm council staff and I am facilitating the Shrimp Advisory Panel and the Coral Advisory Panel. I'm working on development of the council's shrimp amendment. I'm one of the reasons why we're here today. It would be great if everybody could just introduce yourselves.

State your name when you're talking today. We don't have a transcriptionist here, but everything that we talk about today is being recorded. It will be helpful for when the transcriptionists get to the minutes for them to be able to say who was saying what. That would be helpful. When you introduce yourself, just speak on behalf of which advisory panel that you are representing here today.

MR. WILLIAMS: John Williams, Southern Shrimp Alliance, Tarpon Springs, Florida, Deepwater Shrimp AP.

MR. VENDETTI: Richard Vendetti, Southern Shrimp Alliance, Shrimp AP.

MR. MERRIFIELD: Mike Merrifield, Cape Canaveral Shrimp Company, Deepwater Shrimp AP.

MS. THOMPSON: Laurilee Thompson, Dixie Crossroads Seafood Restaurant, Deepwater Shrimp AP.

MR. PUGLIESE: Roger Pugliese, Council Staff.

MR. DOCKERY: Fred Dockery; I already introduced myself.

MS. THOMAS: Janie Thomas, Fernandina Beach, Shrimp AP Vice-Chair.

MR. JONES: I'm Bob Jones, Southeastern Fisheries Association on the Shrimp AP.

MR. COOK: Scott Cook from South Carolina on the Shrimp AP.

MR. DENNIS: Fred Dennis, Deepwater AP on the shrimp issue.

MS. MARTIN: Okay, I just wanted to find out one other thing before we kind of jump into the agenda items here. It is up to you on how you would like to proceed today. It would be helpful to have – If it is your intent to make motions, to have motions from the Deepwater Shrimp Advisory Panel separate from the Shrimp Advisory Panel simply because we include all of the recommendations from the APs in all of our amendments.

You can also discuss these through a recommendation as a group or a consensus statement. It is to your choosing how you would like to proceed today when we get into discussion on the amendments and the other agenda items. Laurilee Thompson has generously offered to serve in the role of the Deepwater Shrimp Advisory Panel Chair, so we'll defer to the Chairs for guidance when we get into that discussion later today.

MR. WILLIAMS: Before we start, this is a very important process we're going through here. This is some very serious issues we're dealing with. I'd like to thank staff for putting this together and finally say to both Shrimp APs were fully engaged in this process and it means a lot. I appreciate that and I'd also like to thank Chairman Cupka who is here participating in this and gives assurance that this process will mirror the successful CE-BA 1 process we went through. I very much appreciate that. Thank you.

MR. DOCKERY: I'd also like to thank all the AP members who took long trips to be up here to be part of this, and I hope the council will take that serious effort into consideration and listen to the recommendations. I assume now we are ready to try to approve the agenda and see if there are any additions to the agenda. Has everybody gotten a chance to look at the agenda up there on the screen? Does anybody from either panel have anything they would like to add to the agenda?

MR. JONES: Mr. Chairman, I'd just like to make a motion that the agenda be approved.

MR. DOCKERY: Do we need to get a second? Thank you, seconded by Richard Vendetti. Do we go ahead and take a vote or just approve? All in favor, all opposed. The ayes have it. It looks like the next agenda item is the approval of the past minutes. I don't know if everybody got a chance to read them. They're pretty long; I read them last night. Are there any revisions to the minutes from the September 2011 Joint Panel Meeting?

MS. THOMAS: Motion to approve.

AP MEMBER: I'll second it.

MR. DOCKERY: All in favor of approving the previous minutes; all opposed. Seeing all in favor, the previous **meetings minutes are approved**. Now I'll turn it over to Kim Iverson for an overview of the process and advisory panel's role.

MS. IVERSON: Good morning, everyone. I know everyone from previous meetings, but my name is Kim Iverson, and I'm the public information officer for the council. I have a little bit of a cold so please bear with me. Thank you all for being here this morning and taking the time to travel and for some of you that have come very long distances. One of the things that we had talked about at some of our staff meetings is the need to kind of just go back and do like a

refresher course for some of our newer APs and our newer AP members and for some of our veterans.

One of the things that was said during a recent meeting that kind of stuck with me, if you don't get away from the basics, you never have to go back to them. I think that's really important in fisheries management and making important decisions. One of the things that we had talked about at the staff meetings was the need to kind of just go back over the council process; what's involved here, take a look at the big picture and the role that the advisory panel members play in the process.

For some of you, this may be a statement of the obvious; for others it could be a refresher. For me it just helps to know that I've done this presentation with some of the other advisory panels and I will continue to do that and just kind of give a refresher course on the management process, and to be here to help answer questions.

I don't have answers to all of them, but we can certainly find them if necessary. The councils were formed back in 1976, as you know, under the Magnuson-Stevens Fishery Conservation and Management Act. There are eight regional councils in our country and the job – the entire tagline for the South Atlantic Council is to conserve and manage.

Basically, the Fishery Management Councils are charged with development of fishery management plans and amendments to those plans. This is a map outline and you see the eight regional council jurisdictions with the area pointing to the South Atlantic Region. You have the New England Council, the Mid-Atlantic, the South Atlantic, the Caribbean Council and the Gulf.

Then when we go over to the west coast, we have the North Pacific Council, which really represents all the federal waters off the state of Alaska; the Pacific Council, which is the west coast of the U.S.; and then out as those little islands are indicating, the Western Pacific Council, which includes the Hawaiian Islands, American Samoa, the Marianas, and the other territories that are in the U.S.

Sometimes we complain and think, boy, I know we have to go back to Florida again, but if you live at the Western Pacific and the Northern Pacific Council, my goodness, their council members have to travel very, very long distances and to hold meetings in the various locations where they have jurisdiction.

Getting back to the South Atlantic, our have federal jurisdiction area is running from the North Carolina/Virginia Line all the way down through the east coast of Florida and down on to the Dry Tortugas. Then you have the Gulf Council jurisdiction that starts off there at the Tortugas; and state waters from shore out to three miles and then range from 3 to 200 miles.

I always say it ranges, and people say why do you say that? Off the coast of South Carolina, you're out in there and you go straight out 200 miles; but if you're out in South Florida you would run into Bahamian waters, and that creates a whole other jurisdictional area. We have to deal with that cluster of areas as well.

For those off of Florida, especially out of the Cape area and farther south, you know what we're talking about there. Management plans for the South Atlantic Council; their Coastal Migratory Pelagic Plan is a joint management plan with the Gulf of Mexico Fishery Management Council, and that includes king and Spanish mackerel; the Coral Plan that you're very familiar with; Dolphin Wahoo, Golden Crab, which is a very small commercial fishery; habitat Plan, our Sargassum Plan – we have a Sargassum Plan; however, there has not been harvest of sargassum in the recent past, but there was a harvest of sargassum off the coast of North Carolina at one point. The council has developed the Sargassum Plan and there are harvest limits in place – the e Shrimp Plan, which all of you are very familiar with, which includes the Penaeid and the Deepwater Rock Shrimp Fishery; Snapper Grouper Fishery Management Plan, which is our largest, or the council's largest; Spiny lobster, again a joint management plan with the Gulf of Mexico Fishery Management Council and working very closely with Florida Fish and Wildlife Conservation Commission; and then our fishery Ecosystem Plan.

Who are these people, who are the council members and how is it set up; where do they come from and how are they appointed? They represent recreational and commercial fishermen throughout the southeast. Generally speaking each state has a commercial and a recreational representative. Each of the state-run agencies has a representative from each of those.

Then we have several partners. They are not voting members; there are 13 voting members on the council; there are 17 members total. The non-voting members include the U.S. Coast Guard, the U.S. Fish and Wildlife Service, the Atlantic States Marine Fisheries Commission, and the Department of State.

Deirdre Warner-Kramer is our Department of State Representative, and she's never been to a council meeting, but I happened to be in Washington D.C. on vacation with my mom and we went by the State Department. I said, "You know, I'm just going to pop in and see who she is." I really did, I went and visited her.

I went up to the front and signed in, and she was very gracious. She does follow the council – actually being with the Department of State as a representative in the Caribbean Council and East Coast Councils, as well, and was very gracious and we talked quite a while. She is an active member as far as following our policies, but is more involved in international issues with the Canadian border and also down in the Bahamas and the Caribbean. But we do have a representative from the Department of State.

Our council members are obligatory and at-large members. They are nominated by the state's governor and appointed by the Secretary of Commerce. The members serve for three-year terms and can serve three consecutive years or three consecutive terms and then they are no longer eligible to continue to serve.

Our current council chair is here at the meeting, David Cupka. Then our Vice-Chair, Ben Hartig – I couldn't find a close-up picture, but I did have a nice picture of him catching a Spanish mackerel. He is from Hobe Sound, Florida. David Cupka is from Charleston, South Carolina, and served as a representative for the South Carolina Department of Natural Resources before he become an at-large member.

How does it work? You have these council members and who does the work? The council committees; each of the council members serve on various committees based on their expertise and knowledge. Some of the committees represent the individual species, snapper grouper, mackerel, you are familiar with our Shrimp Committee, dolphin wahoo, and then you have committees like Law Enforcement Committee, Advisory Panel Selection Committee, Executive Finance Committee that help as far as providing expertise and input.

For Law Enforcement that's fairly obvious; but with AP Selection, Executive Finance, they help keep the council process and the administrative part of things going. The role of the committee, most of the work is done at the committee level. When you're talking about management options at the beginning of the management process or development of more specific management alternatives, most all of that work is done at the committee level.

Then during the council meeting week, the committees then make recommendations at full council and they're responsible for the final decisions. The committees are made up of the council members. The council operates under policy mandates under the Magnuson-Stevens Act. That is the umbrella governing policy for the council.

There are a set of ten national standards, and most recently the Magnuson-Stevens Act was reauthorized in 2007. That is the reauthorization that requires the implementation of annual catch limits and accountability measures to end overfishing that you're familiar with. There are other policies that require that the council has to operate under; The National Environmental Policy Act or NEPA.

Their again mandates and management alternatives are included in the process. There is never a time when the council can say we are just going to do this, and this is what we're going to do for management. There are always alternatives that have to be considered, including a no action alternative. Then other mandates are the Marine Mammal Protection Act, The Endangered Species Act and other policies.

Things that have to be considered when the council is developing management plans and amendments are the biological needs, the economic impacts, and social impacts. Biological data is collected in two ways, fishery dependent and fishery independent. Fishery-dependent data is taken from logbook data from the commercial and charter sectors and port agents that are on the docks.

Then recreational data is collected through the Marine Recreational Information Program. Fishery-independent data is collected through research surveys, including things like our MARMAP cruises that go out and sample independently. The MARMAP program is based out of South Carolina Department of National Resources out of Charleston and covers the Southeast Region.

Economic and social impacts; when you look at a fishery management plan or an amendment, the amendment has to consider what are the economic impacts, are economic assessments ever

included in the amendment, in the draft amendments, and how will measures impact the fishing communities.

There is also a Scientific and Statistical Committee that is involved in this management process. They review the fishery management plans and amendments for the scientific information that is included. They set the acceptable biological catch and overfishing limits in which the council has to operate.

A lot of the information that's reviewed comes from Southeast Data Assessment and Review or SEDAR stock assessment process. Dealing with shrimp fisheries, you don't have that input as much as far as the acceptable biological catch and the annual catch limits. I just wanted you to be aware that process is in place, and that there is a Scientific and Statistical Committee that sets these formats that the council must follow.

Public participation is key. When Congress implemented the Magnuson-Stevens Act back in 1976, it was set up so that there would be representation at the table. Not only do the council members represent the interests at the individual sectors and their state agencies and federal agencies, but the public is invited and participates at all levels of the council process.

There are 11 advisory panels that the council has. Many of them are species-specific. You are familiar with the Coral AP. There is a Dolphin Wahoo AP, Golden Crab, Habitat, and the Habitat AP sometimes moves in conjunction with the Coral AP. There is an Information and Education; Mackerel, here again that is king and Spanish mackerel and coastal migratory pelagics; Law Enforcement, the Shrimp and Deepwater Shrimp AP that you are a part of, Snapper Grouper, and Spiny Lobster.

We just had a meeting of our Snapper Grouper Advisory Panel yesterday for a two-day meeting. The advisory panels are made up of people that are involved with the fisheries and the fishing management process at the grassroots level: recreational fishermen, charter, commercial fishermen, business owners, fish house operators, representatives from non-governmental organizations, which are environmental groups and other organizations that may represent fisheries interests, scientists and just other people that are interested in fisheries issues.

I think also people that maybe recently moved into the South Atlantic Region, they retire; they have fished there many years ago and want to come back and get back involved with the process. There is no one size fits all when it comes to who the advisory panel members are. I went back and wanted to back and see what our SOPPs, our standard operations procedures policy say about the advisory panels.

This is the language that was pulled directly out of the council's SOPPs. I won't go through and read everything that is up there, but the point is that the council's advisory panels offer continuing advice on the assessments and specifications in the FMPs in regards to the capacity in which fishing vessels will harvest; the effect of measures on the local economies and social structures; how will this impact your fishing operation, your business, and your social or economic impacts at the local level; conflicts or potential conflicts between user groups.

It's not always biological issues. Sometimes the different councils have made decisions, management decisions based on social – or conflicts between user groups and social issues, and enforcement problems; or quite often from the public like what are the needs at your local level. You would represent as an advisory panel member the knowledge that you bring to the table, the knowledge of these various issues.

Again, the advisory panels meet, provide recommendations. In most cases we're really trying to get advisory panels to make motions so it is very clear as to what the intent is at your advisory panel meetings. Those reports are given to the council committee. When the council meets – the council meets four times each year. The council meets in Georgia in March, in Florida in June, in South Carolina in September, and then in December the council meets in North Carolina. We try to hold these meetings in various locations. The upcoming meeting is going to be in Orlando, Florida, in June.

At that meeting the report from the advisory panel will be given to the Shrimp Committee, and the committee will review the recommendations from the advisory panel and then make their recommendations to the council. It is at the Full Council that those final decisions are made. The AP members are an information source to the council members, to the committee members, to the public.

When you leave here and you go back and work within your industry at home, you can discuss with your peers what was discussed here at the meeting. All of our meetings now, our advisory panel meetings are accessible via Webinar online; so if you have a computer and can't attend the meeting, you can listen online.

You are also very helpful. I don't think you realize, you are very helpful to me. As a public information officer, I get calls and I get requests for information. I can go to our advisory panel list, and I can say, hey, down in Florida, for instance, off of Cape Canaveral, we have an advisory panel member that represents the industry and rock shrimp and is familiar with that and owns a restaurant, and can give you that input; or Mike Merrifield from Cape Canaveral Seafood can give you input and represent the viewpoint of the industry.

If I have a reporter, for instance, that wants to do an article on gear impacts, on habitat, or is interested in finding out more about rock shrimp and how the industry is prosecuted, I can go to my list of advisory panel members and say, here, this is the person that you need to talk to. I've sent people – Janie knows, I've worked with Janie for a long time. We'll use you guys as a source of information.

It is important to have that, and I appreciate having that opportunity to turn to our AP members and use you as the experts in various subject matters. There is additional input. As you are aware, the council holds scoping meetings at the beginning of the management process. That's when the council has options on the table.

We have options papers that is very early on in the process. Once those scoping meeting are held, the council will try to refine that scoping document and look at the management options and create a public hearing document. That document will contain management alternatives that

are further refined and more specific. During the process, the council is always taking written comments. You can submit written comments via e-mail or in hard copy to the council office.

This is just an overview and none of this is etched in stone in particular, and there are variations. But once the management process begins its identification of the management issue – and that can either be a new stock assessment for some of the fisheries or it can be a user conflict in some cases where we have gear conflicts with areas or whatever the management issue that comes to the table; the council sometimes hears from advisory panel members about these issues and they begin to develop an amendment, or look at developing an amendment, and that is when the scoping process begins. The public scoping, as I said, is where you take options back out to the public.

Our options papers used to be a single page, where it's like, hey, this is the problem, these are some of the actions that are on the table right now, what do you think? Then you get input from the advisory panels. I put an asterisk there because I wanted it to remind me that the advisory panel process or the input doesn't just stop within that slot or list of management items and processes.

There is in from the advisory panels throughout that process. You may meet one time before scoping, one time after scoping, one time before public hearing, and another time after public hearing. The SSC may provide input during that process. There are no particular rules or protocol for how the advisory panels meet and when they meet, but they are an intricate part of this process.

Again, if there is a public hearing document that outlines the management alternatives and goes out to public hearing and begin taking written comment, then the amendment or the fishery management plan would be approved by the council for submission to the Secretary of Commerce.

Once that amendment is submitted to the secretary, it goes through a review process by the NOAA Fisheries or the National Marine Fisheries Service. Again, there is a whole public comment period that is open throughout that review process through the secretarial review process. Once the amendment is approved by the Secretary of Commerce, the regulations are implemented through NOAA Fisheries.

Now once an amendment goes up to the secretarial level, it can be approved, partially approved, or disapproved. The council has had amendments where part of the amendment was not approved by the Secretary of Commerce for that review process. A great deal of that has to do with the public comment that's received.

It is a very open process from the beginning when an issue is identified all the way to the approval of the regulations or implementation of the regulations by NOAA Fisheries. I wanted just to take a real quick look at what's on the table right now. You're all familiar with the blue sheets, the fishery bulletins that used to be mailed out by NOAA Fisheries and NMFS Southeast Regional Office.

We forward those as we receive them from our office. This is one on Amendment 18A for the Snapper Grouper Management Plan dealing with black sea bass and black sea bass pot endorsements and modifications to the commercial fishery; and also increases in minimum size limits. The council's intent there with that amendment is to try to help extend the black sea bass fishing season.

Right now on the table the council has a public comments open for these MPA workshops. A workshop was held last night. These workshops get public input on data that can be used to help us address bycatch mortality for speckled hind and Warsaw grouper. You're familiar with this and I know Anna will be talking about this a little bit more today under the Comprehensive Ecosystem-Based Amendment 3.

These MPAs are being discussed as a way to address this bycatch mortality for the two species. The council is taking public comment. You can go online and get an overview of what is coming up as far as the workshop and the expert workgroup meeting that will be held on May 16 down in Pooler, Georgia. If you have questions about that or if you want more information, all of that is available on our website right now. It's in our press release.

All of you should get the news releases from our office. If for some reason you're not getting information from me, please let me know and I'll make sure that we'll get you on the e-mail list or the hard copy list at the very least. Some other documents that are open right now for public comment, as I mentioned, Amendment 18A, which is involving the black sea bass fishery; and Amendment 24 to the snapper grouper fishery management plan addressing red grouper, and Amendment 20 addressing the Wreckfish ITQ.

All of those are amendments that the council has approved and now are at the secretary review level and the National Marine Fisheries Service is taking comment on those. I have copies of those fishery bulletins and the hard copies if you're interested. The reason I wanted to get through that is just to show you how the public comment process continues even after the council has approved the amendment and it is to the secretary review process.

It can drive you nuts as far as trying to keep up where things are in the process and how the process is done. Things don't happen quickly within the fishery management process. There are reviews, there is input, there is public input, there is advisory panel members input, and sometimes it can be frustrating if you are talking about an issue for a long period of time. But at the same token, there is a lot of review, a lot of input and a lot of discussion before these decisions are made.

Again, I thank you for being here this morning. I thank you for your participation in the advisory panel process. There are open seats right now on the Deepwater Shrimp AP, so if you know someone that is interested in serving, please, refer them to me. Even if you know someone that's not just deepwater shrimp pot fishing but shrimp fishing in general or that is part of the industry that may be interested in serving on it, I'd sincerely appreciate their application form and that can be considered when the council selects brand new applicants. We are always open to that. When someone fills out an application, it stays on file for two years, and that can be renewed at any point in time by just calling me and I can activate it. Please let me know if you know of

people that are interested, and may be interested at sitting at this table with you today. I appreciate your time this morning. I'll be glad to answer any questions and I'll be here for the meeting.

MR. DOCKERY: Does anybody have any questions right now for Kim about the presentation?

MR. MERRIFIELD: I just had kind of a general question, I guess, about how this process works especially with like the CE-BA 3 that we're in the midst of now, because it is kind of an expedited process. How do we get to where we are today? Basically, we have a whole Coral AP that is probably more specific to the process we are in the midst of right now, but the Coral AP has put in a request to the council to say we have a management issue here, and that's what begins the process or what begins the process? Where did we start bringing the APs, getting the APs involved in this whole thing; what starts that process?

MS. MARTIN: Yes, I can answer that. For the issue in the Comprehensive Ecosystem-Based Amendment 3, this is a mouthful so we call it CE-BA 3, this is a management issue that came from the Coral Advisory Panel during their last meeting, which just so happened to be September of 2011 last year.

As will be the case with the Shrimp and Deepwater Shrimp Advisory Panels, when we review any recommendations that come from the meeting today; the council reviewed recommendations from the Coral Advisory Panel during the December council meeting last year. At that point they approved – the council members collectively decided to approve further development of some of the measures to expand the Coral Habitat Areas of Particular Concern as they were recommended by the Coral Advisory Panel in this amendment.

The vehicle just so happens to be CE-BA 3. During the December meeting, they were at a point where they were – like Kim was talking about, the public scoping process in many ways initiates the start of an amendment. I don't know if David wants to comment further about why they've decided to do that, but they did and they made that motion at the December council meeting.

It came directly from the Coral Advisory Panel meeting. Something may come in a similar situation today from Shrimp and Deepwater Shrimp APs. The council will have an opportunity to review your recommendations in June. At that point they may make some additional decisions. It's up to them. I was hoping Kim kind of touched on the process. Does that explain about your question?

MR. MERRIFIELD: Yes, it does. I guess what I want to also point out to these committees, too, this kind of seems to be the starting point for what we have in the Atlantic Fisheries as well, whether it be artificial reef or the way certain things come down; this is the opportunity to bring those up to the council; so when they start checking formally, that we start getting any of these things addressed, correct?

MS. MARTIN: That is right; and like Kim said, in many ways you all are the experts providing some recommendations and guidance here to the council. They heavily rely on input from all of our advisory panels. This is the perfect forum for any additional management issues you may

feel a need for council to consider or have some attention to. If you have any that you want to bring to the table today, I think we can build that into the recommendations list and certainly we'll be reviewing all of them at the June council meeting.

MS. IVERSON: Mike, to that point, in the last three to four years the council's attention has been on the Reauthorized Magnuson-Stevens Act. And the mandates that they were operating under, all of the eight regional management councils, have been passed to end overfishing for species that are identified as undergoing overfishing, and that had to be done by the end of 2010; and by the end of 2011 they had to have annual catch limits and accountability measures for all species that were under their jurisdiction.

That has been a monumental task not only for the South Atlantic Council, but for all of the eight regional management councils. The focus is then on meeting those mandatory deadlines and those mandates. Not to say that the council hasn't been doing other things, because they have, but there are times when the workload with staff and with the council has to be directed on where those mandates come from. That has been a guiding force for the past two years for the council as far as management decisions that they've made.

In a way, and as Anna pointed out, I was trying to show with this process the advisory panel, you are at this table and you discussed issues that you would like for the council to consider, that's the beginning of that management or the amendment process; not to say that is the only way it gets done.

We've had public hearings where we had user group conflicts between gear users that come up and people discuss that and the council says, well, that's it, let's develop what would give directions for staff to take, let's develop an options paper, let's look at options, what are the issues and let's take it out to public hearing.

Sometimes with CE-BA 3, there were several management options that were taken out to public hearing; everything from changing the size of hogfish, which came from Snapper Grouper Advisory Panel. One of the advisory panel members said they're may be a problem with hogfish here, we're not sure. We don't have an assessment right now, so why don't we look at increasing the size limit?

The council took that out to scoping back in January and February and got public input. The majority I would say of the public said there is really not a need and the council looked at the stock assessment schedule and said, well, we have a stock assessment coming up for hogfish, why don't we wait until we have that assessment and then we'll determine what the needs to be forwarded. They took that issue out of CE-BA 3.

There was an issue with powerheads, the use of powerheads here. When we start out with an amendment sometimes like CE-BA 3, you're going to have a lot of options on the table at the very beginning. But the council needs to focus; they are like, well, we need to narrow it down, and we need to look at these things that are on the table, look at the public input that we received during that scoping process and determine what actions we want to move forward to in this amendment.

It's narrowed down now to three actions within the amendment, and I don't know the numbers that started out with everything; like I said, from the use of powerhead gear for harvesting snapper grouper species, size limits, bag limits, lots of different things that came to the table at the last scoping. By all means, when you're having your discussions here keep that in mind; that as an advisory panel you can certainly begin that process with any issues that you may have.

MR. DOCKERY: Do you have another question, Mike, or do you want to let Richard?

MR. MERRIFIELD: Is there sometimes where it wouldn't make sense to bring two of these APs together before we get into this process with them? I'm kind of new at this stuff. I know sometimes – I don't know how the groups get along. I think that it would have made sense to have the Coral AP and the Shrimp AP get together and look at this before we got into – save a lot of time.

MR. PUGLIESE: Yes, some of these situations and the fact a lot of it generates from the Coral AP, so there was almost no – it was the discussions on the expansion and the movement toward conservation of the area approved was really generated in the discussion at the last AP meeting, so there wasn't really a step forward. Similar to this, you were talking about some measures we may want to address for the Shrimp AP being generated here that is the origin of those and then we forward as consideration for council consideration, scoping and the whole process. That is why we kind of already were in terms of technical input on one side and we're getting the fishermen's input through the other side.

Actually we did a lot in this case in advance to be able to get the VMS. When fisheries have some very detailed information to work with, to be in advance of even having to sit down with the fishermen, so we've been trying to do that and in that case I can see that kind of ability to kind of merge it.

Plus you're getting some different – you're getting very specifically technical input on the distribution of these resources and then you're going to get the fisheries interactions. At times there may be an opportunity to merge those and have future deliberations, but the way this is evolving it is kind of started with one and then being able to get to the point where you're at.

MR. VENDETTI: I just sort of wondering here, I think some of what Mike was talking about, I know that probably your report, Kim, emanated from some of the comments that they were surprised. We were a little alarmed, a little upset that we weren't included in the beginning of the process. It was explained to us that it's just scoping; it's not that big of a deal and that sort of thing.

I looked back at the CE-BA 2 process, which as John mentioned was very successful and went really well. That started – there were reports that started in about 2004 the best I could tell. There were some alternatives; it was somewhere in between 2004 and 2006. The shrimp industry was well aware that this was something coming and we helped participate. We participated and helped for a long time.

It's like you say, the rule-making process purposely is a lengthy process, as you said. It should be a lengthy process, because there isn't any data – and this is a huge and complex issue, the ocean is and all the different factors are very complex, and so it needs to be. But this, with this Amendment 3, CE-BA 3, it's been fast tracked.

It seems like things have been streamlined. In fact I think – I forget who made the presentation, but it was sort of with the advent of this ecosystem management process or sanction. Fisheries are not being managed by a single fishery where you just keep track of – do you see the word shrimp somewhere or am I going to show up in little shrimp? Now there's an ecosystem process.

It was touching on anything from fork lengths of fish to bag limits, and somebody made comment on that. There was a process described where, hey, we'll get these recommendations handled in December, and then we'll scope. We'll talk about it again in March, we'll bring in whoever we need to and get some information and research input by the industry and outside, and hopefully by the end of the year we'll have a rule. That is alarming to us.

That is a scary process for us. That's what I've heard. I think that's why at the very beginning of this we worked as hard as we could for that lengthy CE-BA 2 process or CE-BA 1 – I get them mixed up – anyway to get the results, and I think we did. This just seemed sort of out of the blue, and it seemed really fast and alarming.

MR. JONES: An observation from the people that I represent, there is a natural conflict between the Coral Committee and the Shrimp Committee. The Coral Committee would seem to be in a position to close as much of the South Atlantic as possible from any type of bottom trawling that they could. They have a world where they could ever expand this area that they would want to close.

On the other hand, the shrimpers are already relegating, as you would, are in a position where they're not expanding. They are in the areas that have been approved based on good VMS data, on good means with everybody to try and protect what they had and to stay as a viable entity. You're always going to have the coral people over here and the shrimp people over here.

I was going to come up and say someone should look it over these more areas, because I believe areas were closed based on option error, areas were closed based on law enforcement ease of running straight lines. I believe a lot of things were done just to make it easier on everybody other than the shrimpers. I'm wondering how we got to where we are. Maybe we're not anywhere. Did the council vote to accept what the Coral Committee said or did they just accept the recommendations and use them as options instead of taking the offer we talked about?

MS. MARTIN: Yes, Bob, your point is accurate. When the council reviewed the recommendation list from the Coral Advisory Panel during the December meeting, they essentially approved including them as alternatives, which are essentially options in this developing amendment. They haven't made any decisions.

There is certainly no preferred option that has been made at the council level. That is one reason why you're here today. The council needs your input on these measures. It is certainly one-

sided at this point. Roger and I, after the series of scoping meetings, we took a lot of the comments into consideration to develop an additional range, because at the time we really only had the recommendations from the Coral Advisory Panel.

We can certainly seek additional recommendations. If you have new alternatives you want to make today, we can add that to the plate, and it will be up to the council to decide what to do with all of the groups' input at the next council meeting. Another point I wanted to make to Richard and to Mike's comments, we do have species-specific advisory panels that I mentioned to you, Mike, earlier in the week.

Perhaps it would be helpful to have some industry representatives from the shrimp or deepwater shrimp communities to submit an application for the Coral Advisory Panel. That is certainly in a close association with your industry. I think it would be certainly considered and warranted for members of your associations and industries to be interested in submitting an application for that panel, just an idea.

MS. IVERSON: Also to add to that; if you are familiar with the process or not, and especially Bob has been involved with the process for a long time, there are different viewpoints at the table. We sat through our two-day Snapper Grouper Committee meeting and Mike Merrifield sat through that. I mean our advisory panel meeting, excuse me.

You have different opinions all the way around the table. It is my job, as the public information officer, I try very hard to make the public aware that there is no consensus oftentimes at the table, that there are opinions and there are representatives from different viewpoints on whether you are a Coral Advisory Panel member or a Deepwater Shrimp Advisory Panel member or a for-hire charter captain on the Snapper Grouper Advisory Panel.

Everyone represents their interests. Certainly, you can at this table today make recommendations to the Shrimp Committee. One of the things that the council has also done more recently is to say that the chairman of that advisory panel can come and will be invited and the expenses paid to sit at the table when that report is given.

If the committee has specific questions, there would be a representative from the Coral AP, there would be a representative from the Deepwater Shrimp AP and from the Shrimp Advisory Panel. You have not only representation at this meeting today, but you have representation at the council meeting for the advisory report and recommendations. Oftentimes the council or the committee members would have questions.

Also, I will point out that as far as the meetings are concerned; just as the council meetings are planned a year in advance, because we have to have the meeting space and rooms and availability, the advisory panel meetings are planned sometimes a year in advance because of that same thing. You look at the different schedules.

In this particular case it just so happened that the Coral Advisory Panel met and had these recommendations and this meeting was scheduled to follow it. It could have happened the other way around where you as an advisory panel had recommendations that the Coral Advisory Panel

had not had an opportunity to review. It's a continuing cycle; it's a process. Richard, you did point out there are times – (recording stopped here).

(Whereupon, a recess was taken.)

MR. DOCKERY: We're back from recess. If there are no objections, we are going to go ahead and keep the order for the time being and go right into Shrimp Amendment 9, so I'm going to turn it over to Anna. That way we will wait to do CE-BA 3 when another panel member gets here.

MS. MARTIN: What I would like to do is walk through this amendment with you, so Shrimp Amendment 9. There is nothing new in this amendment that you haven't seen on the advisory panel before. This is just something, as I was just discussing with John, it has been a little bit dormant for a little while and the council has had to prioritize and focus on some of the other amendments, primarily snapper grouper.

Now at the March meeting they came up with a set of priorities for developing amendments this year, and Shrimp Amendment 9 is on the list and it is one of them. What I'm showing on the screen is a revised document than what I sent to you in your briefing book, and that's simply because once we started working on this amendment again we convened our planning group that develops analysis for all of the management measures and all of our amendments.

They have come up with some recommendations for revising the language, trying to streamline how the actions and alternatives are structured. I'd like to show you the most revised version for what we have to present to the council in June. These are a couple of issues here but there's really only two. Overall this is an amendment that we're taking a look at improvements and how a couple of issues are currently being developed.

As you know, the process to request a concurrent closure in federal waters adjacent to state waters due to a severe cold weather event is quite a lengthy ordeal. It currently requires a state to provide data to demonstrate that there is an 80 percent decrease in abundance of the overwintering white shrimp population.

That request is vetted through the council's Shrimp Review Panel, which essentially serves in the capacity of an advisory panel. It is composed of a group of technical biologists and experts at the state and federal level. They get together and talk about the state's request for a concurrent closure of the adjacent federal waters off of the state.

They then make a recommendation to the council and that is not raised to the council until the next council meeting. At the next council meeting they review this Technical Review Panel's recommendation for whether or not the adjacent federal waters should be closed based on the state's request.

Then the council deliberates and either approves submitting a letter to the Regional Administrator at the regional office requesting such a closure based on the criteria having been

met and the Technical Review Panel having agreed to the recommendation; at which point it is approved or disapproved.

It is quite a process and the intent for protecting the biological resource, oftentimes our council/committee finds that it is not being met. In the amendment we've got an action that's trying to streamline the process here and make it a little more effective and to justify the intent of protecting the biological resources, so making sure there is a measure in place before the shrimp have been overly affected by the cold water weather.

This is primarily an administrative issue. I'll walk through the language for the action and alternative that we have in a minute. Like I said, there are two issues in this document. The other one is revisiting the overfished criteria for pink shrimp. Again, this is something that you have discussed in some capacity before.

Currently the SEAMAP survey, which is one of the fishery-independent surveys that Kim pointed out earlier; the SEAMAP survey is used to determine a proxy for developing this overfished level for pink shrimp. The issue that we have is that the SEAMAP survey has some geographic limitations for where they actually go to sample.

Primarily pink shrimp, as you all know, they are north of Cape Hatteras and down south of Cape Canaveral, and so there are some limitations with the SEAMAP survey for actually sampling in those areas to be able to provide an accurate estimate for what this overfished level should be. This is something the council is kind of deferring to its Shrimp Review Panel, again that technical group of experts, to develop some recommendations for how can we better estimate this overfished level.

We've got a webinar scheduled with this Shrimp Review Panel at the beginning of May. I would encourage you all to register and join in if you're interested in this particular issue. But, again, I'll talk about the specific language of the actual alternative when we get to that one. What we have for Action 1 in Shrimp Amendment 9 is to specify additional criteria that triggers the state's abilities to reflect a concurrent closure of the penaeid shrimp fishery in the adjacent federal waters during severe winter weather.

I believe that during the last joint AP meeting there were some recommendations made for kind of additional criteria that could be used to determine that. Alternative 1 is what is currently in place, and that is what I mentioned is based on population abundance strictly. The state must demonstrate an 80 percent or greater reduction in population of overwintering white shrimp.

Alternatives 2, 3 and 4 are based on temperature threshold. That is an additional criteria that's been added to the mix here. The council could select more than one criteria that a state would have to demonstrate here, just to give you an idea of the options that they do have. Alternative 2, which is an option for them, a state can request a concurrent closure upon providing information that demonstrates an exceeded threshold for water temperature.

The temperature must be 7 degrees Celsius or below or at least one week. Alternatives 3 and 4 are the same nature, based on water temperature threshold. Alternative 3 is 8 degrees Celsius or

below for at least a week, and Alternative 4 is 9 degrees or below for at least a week. This measure is coming primarily from South Carolina Department of Natural Resources. Robert Boyles is currently our representative from that agency on the council.

His state agency has requested a concurrent closure through this process. I think back in 2011, certainly not this year, and again back in 2009 I think have been the most recent times that they've had to initiate the process. This is something that has been on the table for a while; it has been idle. It seems as if every time it is initiated they remember that it is an inefficient process, and so we're finally kind of moving this forward and trying to better address how the process works.

MR. DOCKERY: Anna, can I ask you should we comment on which of those alternatives we prefer?

MS. MARTIN: That would be helpful. If you find it something that you would like to comment on, the council certainly looks to the Shrimp and Deepwater Shrimp Advisory Panels for guidance and input on all of the measures. This is certainly one that pertains to the shrimp industry. If you have any recommendations or suggestions to make or additional alternatives even, now would be a great time.

MR. DOCKERY: It seems like if we don't suggest one of those alternatives, they are going to pick one. I know for us I've always thought that 46 was the magic temperature. I don't know that for a fact, but I don't know if anybody else has any opinion on whether any of those criteria is better than the other. John.

MR. WILLIAMS: Being from the Deepwater Shrimp AP, I don't know if this is more inshore or more from the Shrimp AP. I'd certainly like to hear from the folks from South Carolina and Georgia on their opinion. We submitted comments, or Southern Shrimp Alliance committed comments, and I'm pretty much going to stand by the interest of the Shrimp Deepwater AP. I would defer to the state and the council and agencies to decide what to do with this bigger thing.

MR. COOK: The 45 would probably be the 1 and 2 alternatives together. They have to come to the first one. Again, if it goes to the 45 for a week being closed or whatever, the first one is the 80 percent for that stock?

MS. MARTIN: That's right; that is the current criteria that's in place. Temperature has been introduced as additional criteria that would be considered or a replacement criteria to be considered in place of the current criteria. I will say when South Carolina DNR initiated the last request back in 2011, they did state that the 8 degree Celsius, the 46 degree level was kind of their threshold for monitoring. Again, the AP can make any type of recommendation here if you feel that –

MR. COOK: I think that's what Mel Bell was talking about.

MS. MARTIN: Yes, it came from Mel. I think he may have presented this during your last meeting.

MR. COOK: Yes, the last meeting. That is good to use good criteria. I agree with probably the 3 and 1 would be my preference, too, I guess.

MR. DENNIS: What's our problem here? For 30 years or 35 years I've been working, this worked out good. Last year Georgia didn't want to close offshore there; South Carolina did. We had one of our best seasons ever. I mean, what's the problem with what we've got now?

MS. MARTIN: The only issue is the length of time that it takes to actually put the closure into place. The council has an interest here in streamlining it and expediting the process. Once the state can meet the criteria, the council has a better mechanism in place for putting the closure, actually implementing the closure. It would have to come through the Regional Administrator at the National Marine Fisheries Service.

Essentially we are just trying to stipulate what the criteria should be and recommend an expedited process for actually – once the state requests a closure, being able to do that quickly. What they have heard from you I think during the last AP meeting and along the way during our public scoping meetings, that this is something that would be of benefit to the industry. I think that a more efficient process for being able to put into place this closure would be helpful. That's what the council members have heard.

MR. DOCKERY: If I could speak to it today, I remember the whole process of how it was two years ago we closed state waters and we weren't able to close, it is like a three-week delay for being able to close federal waters adjacent to the state waters. There was a bunch of South Carolina shrimpers who were unhappy that people were still able to go out and shrimp for those three weeks in federal waters. That's the issue.

I can only speak for myself and for people who have spoken to me. People from South Carolina; the shrimpers who have spoken to me about it like the idea of the state being able to request for federal waters adjacent to be closed in a quicker timeframe than the existing mechanism. That's the issue.

MR. DENNIS: Well, we're always getting on something. This is just for each state or is this for the whole area

MS. MARTIN: This would be initiated once an individual state makes a request, so it's state level. South Carolina certainly wouldn't be able to speak for Georgia and vice versa. This is kind of state level.

MR. WILLIAMS: Yes, just for clarification; when the request was made that year, you're talking about when they wanted that federal closure quicker, shrimpers were shrimping there; was there any biological impact in the following season from that event?

MR. DOCKERY: I don't know how you'd separate the biological impact of what happened in cold winter from the biological impact of someone continuing to shrimp.

MR. JONES: Just for clarification; did you say that Georgia cannot affect a closure off of Florida or did you say that if a state – any state comes in and says this is what's happening and we request that that closes the whole zone?

MS. MARTIN: Right, so if Georgia were to put in a request, it would be to close federal waters off of Georgia alone.

MR. JONES: Okay, let me move to the next question. Maybe this amendment isn't the right place or maybe it is. We have a law enforcement problem. I've been getting complaints for several years that there is no enforcement of the state line. In other words, when the state is supposed to be closed in Florida, we have people coming in where they shouldn't shrimp, and then there is not much being done to the ones that are going in there and stealing the shrimp.

It seems like if we have a partnership that make the federal – I hate to go to the federal, but maybe the federal people can help. If it's a joint thing, why can't we get more help in enforcing the law? I guess that's what I'm trying to say. There are just a lot of laws and they're not being enforced and it is hard on the people that want to live by it.

MR. DOCKERY: Any other comments? If not, Anna, do you want to continue?

MS. MARTIN: Just to follow up with you, Bob, I think that's something that has been heard in all across fisheries. I'll be happy to carry your concerns forward. We have a Law Enforcement Advisory Panel and our Law Enforcement Committee. I can discuss your other concerns with them. I guess just to backtrack; did you have a specific recommendation you wanted to make here? I know, Scott, you had mentioned Alternative 2, or 3 rather; in fact, a motion or a recommendation from the Shrimp Advisory Panel.

MR. DOCKERY: It didn't sound like we had a full consensus in the panel. I think Scott was in favor of Alternative 2, I was in favor of Alternative 3, John was in favor – well, he's on the Deepwater but on the joint AP of deferring to council. Does anybody want to put a motion forth for a recommendation? Janie.

MS. THOMAS: I don't have a motion but I want to make a comment. You guys in South Carolina and Georgia have different people that go out and take water test scores and everything like that. We don't have people in Florida that does that. I don't think our water temperature in federal waters or in the state waters ever get down to 46 degrees. I asked Bob Jones if he agrees with me on that, and I just don't see any type of a closure off the state of Florida at all.

MR. JONES: But it wasn't a question about Florida; it wouldn't even come up, is that right?

MR. DOCKERY: That's correct.

MR. VENDETTI: Yes, everybody understands this I think correctly. This is really a localized issue. It doesn't come up in Florida typically. It doesn't come up for North Carolina typically. It is mainly in South Carolina and Georgia. What this is trying to do here, there was just a continuance whether you're for or against or have a position, but in either state when there is a

freeze, somebody says you might as well go ahead and close it right now, and it takes a while to do it.

In Alternative 1 they have to – there is only one way to do it. The state first has to demonstrate, they have to look at their numbers and say, okay, 80 percent mortality on what's out there compared to other years, and all the states do it differently. Then they have to take that data, give it to a review panel.

The review panel then has to send that information to the council and the council has a process to go through. It's a fairly quick process, really. It's worked okay in the past. But there are those out there who have a different opinion and want it to go fast, because during that time period you do have some guys who are still fishing. What 2, 3 and 4 are doing is just adding another way that the state designee, the state person that can recommend closure. Another way they can document this kind of closure, instead of just the mortality, 80 percent mortality; you can also do it by water temperature.

MR. DOCKERY: Actually I think they replaced one. I think those are the 4 alternatives; and if you go with, for example, Alternative 3, then Alternative 1 will not be anymore, if I'm understanding correctly.

MS. MARTIN: That could be your recommendation from this group. If you see that the temperature thresholds are an additional criteria in addition to what's currently in place, then this could be restructured in that way.

MR. DOCKERY: I think the difference between Alternative 1 and Alternative 2, 3, 4 is the amount of documentation that has to take place for the state to make a request. That's the difference. Demonstrating 80 percent mortality is not something you can just do instantaneously whereas showing that the temperature has been low for a week is easy.

MR. CUPKA: The main problem here is the timing, the amount of time it takes to implement it, because it has to be reviewed at the next council meeting and we only meet four times a year. If you have a problem develop in early February, it is March before we can even consider it. That's what the main problem was, the amount of time that potentially could pass before you take action on it. That's mainly what we're trying to do through here. You're still going to have to document it all, but the real problem is the amount of time that potentially is involved before the next council meeting. That's what we're trying to cut out instead of going through the council, let the states go directly to NMFS without having to wait for the council meeting.

MS. MARTIN: In this case I think the council would use South Carolina Department of Natural Resources as the manager of state fisheries as the authority here. South Carolina DNR would have to demonstrate, and I don't know how they select and obtain water temperature. I'm not sure what their current critical is and things for that. Essentially the council would be deferring to the states; South Carolina DNR, Georgia DNR or Florida Fish and Wildlife Conservation Commission. However, they can demonstrate that water temperature criteria would be left up to the states to develop that methodology.

MR. DENNIS: We're expected to make a recommendation but we don't have all the information.

MS. MARTIN: You certainly don't have to make a recommendation. We are just kind of updating you on what is going on right now. I would encourage you to speak to your representatives at the state level if there is a concern about how they're obtaining water temperature. It could be addressed at that level. The council wouldn't have any type of say in how the states are collecting water temperature data.

MR. DOCKERY: I can speak for South Carolina that they already take a temperature for regulating our state waters. The impact of this would be to basically allow the state to regulate a little bit further or across the three-mile line. I guess not seeing a consensus for a recommendation, I would ask Anna to move on with the presentation.

MS. MARTIN: Moving on from criteria, Action 2 would modify the process for each individual South Atlantic state to request a concurrent closure. Alternative 1 again is what is currently in place, and this is addressing the timing issue. Alternative 1 describes the lengthy time the state must demonstrate that 80 percent decrease in abundance and, two, at the Shrimp Review Panel, which again is that technical review of experts.

The panel's recommendations are reviewed at the next council meeting. After approval by the council, the letter has been sent to the NOAA Fisheries Regional Administrator requesting the federal waters adjacent to the state be closed to penaeid shrimp harvest. Action 2 essentially is linked to Action 1 in that a state must first be able to demonstrate the criteria first to be able to initiate the process for requesting a closure.

Under Alternative 2, a state requesting a concurrent closure would send a letter directly to NOAA Fisheries Service with the request and the necessary data that was identified in Action 1 that demonstrates the criteria have been met. The only difference we have here under Option A and Option B under Alternative 2; under Option A the data would be submitted to the Shrimp Review Panel who would review the data and make their recommendation to the Fisheries Service. Under Option B the council doesn't have a goal.

A recommendation doesn't have to be vetted through the council/committee process. Option A involves the Shrimp Review Panel as a reviewer of the state's data. Under Option B a state would submit the data directly for a review by NOAA Fisheries Service. Those are a couple of scenarios there for how to modify the process.

MS. THOMAS: Yes, for discussion, I want to talk about Florida. Say, for instance, they had requested a closure. Maybe they should also – instead of just the Shrimp Review Panel; they should notify the people on the Shrimp AP Panel in Florida.

MR. VENDETTI: This is what I think the folks in Georgia; it hasn't really been that much of a problem. It is mainly in South Carolina, it's colder up here. This is what they'd like to do. Basically what they're looking to do is take the council kind of out of the process. Instead of

your DNR recommending, their sending – you know, waiting for this meeting. The council meeting comes and you have to go through the process.

They just want to allow the person to take the council out of the process, go straight to NMFS and let them close it. If we happen to have it fast, you could use this – I'd just leave it to NOAA if it was me; Option B. If they want to use the Shrimp Review Panel, they can. It is certainly there.

MR. MERRIFIELD: Isn't there a conference call that takes place usually? When these occurrences happen, there is a conference call, they get on and everybody is talking. I've been on that conference call all the time just out of curiosity. I think whatever the states want to do, I think that's their prerogative here, because we're not doing anything to plan for Florida.

Usually there is a conference call and everybody gets on and they're all talking about all the different factors involved and trying to decide. With the problem they have is there is a long period of time. If this group that's participating decides they want to close it, by the time they get it closed it's too late.

I think the whole motivation behind this one here is just to try to expedite the whole process. If that's what they want to do, that's fine, but I think they need more on this panel, at least, we, in order to have a – I mean, I'll go with whatever those states think that they want to do, I'd support it.

MR. DOCKERY: I'm in favor of that as well. We've got South Carolina's point of view. I agree with Richard that Option B, which would actually even bypass that conference call, because it would go straight from the state to NMFS. I would love to see a motion from the joint panels saying they're supportive of Option B.

MS. THOMPSON: I would support Option B also, but it doesn't make sense to vote Option B in if we don't have the data from Alternative 1. I mean, what data are we going to send them? If we make no decision on the first action, what data are we going to send through Option B? I think we need to go back and readdress Action 1, which we decided we didn't have a consensus on. I think we need to have a consensus on Action 1 to make Action 2 relevant.

MR. DOCKERY: Before I turn it over to Mike, I guess as chairman I am hesitant to push too hard for some; I'm in favor of something from Alternative 3, for example. I guess I agree with Laurilee, and this impacts mostly South Carolina. It would be great to have the APs support some kind of action set up. Mike or Richard, do you have –

MR. MERRIFIELD: Let's go back to one for a second. Are those temperatures being taken by DNR or somebody so then when they get to a certain level, it just triggers an automatic closure or is the shrimp industry involved in that decision at all? Does this hand that decision completely over to DNR or whoever is taking these temperatures?

MR. DOCKERY: I'll defer to Anna, but my understanding is that for state waters this is all handled by DNR. I would assume it would be the same. It would just allow DNR to take the

mechanism that currently exists for the state and use that to request an extension of the state's closure. They already take a water sample and have these trigger mechanisms.

MR. MERRIFIELD: I think if it happens that the states have to look at that, then that's fine, I would support that. If they're happy with the way that goes down, you want that to automatically occur, then I could support that. I'm not impacted by any of this so it is hard for me to – if someone here says that is what we really want as an industry in the state of South Carolina, absolutely.

MR. DOCKERY: Well, John made a comment at the beginning basically saying that he was supportive – I don't want to word it for you – but in support of giving the council – deferring to the intent of the proposal. Could you make a motion to that effect that we could support?

MR. WILLIAMS: Yes, I could, but I want to say one thing before I do. I can certainly make a motion, but I'm just not comfortable trying to make this kind of decision for the state of South Carolina, in federal waters off of South Carolina when I kind of refer back to what Fred said, what has happened in the last 35 years is everything is still the same.

We don't have any evidence whatsoever – apparently we don't have any evidence that this has been impacted by anyone here whether there is cold weather or not, and it looks like we're trying to change something that we don't have the evidence that says that we need to change something. Who's requesting it, for what reason? If we had supporting evidence that shows that some sort of biological impact because of the boats working in federal waters during cold weather, that would be different. But I don't think we have; I haven't seen that here.

MR. DOCKERY: You do have South Carolina shrimpers who were unhappy about not being able to close the federal waters when the state waters were closed. That is not a biological impact but that is – and they are not here today, but we all know it's really hard to get South Carolina – I mean anybody to come to these meetings. We do have one here, Scott.

MR. COOK: Well, I don't know that they were unhappy about the closure. The way I understand it is all we need is 1 percent to replenish crop from year to year. They didn't close it last year. I don't know that withholding when the roe shrimp came in and replenished, we had a great year last year. It was good times. I don't know if that was from the closure, for the closure or what.

I'm not a biologist. It's the biologist more or less pushing this closure. The way it is now the fuel these days, the cost and expenses go – I can understand their point of view that they are trying to save the crop for us every year. I think usually what they call the coldwater line is about the Savannah River. North Carolina, they never close the season, and they always have caught, but it's mostly brown shrimp there. I don't want to change it.

MR. DOCKERY: Can I ask you a straightforward question? If the state closed the South Carolina waters, do you feel like the state should be able to close the waters across the federal line with that or do you feel like they should not be able to?

MR. COOK: The question about that is what the biologists say. If you close it, I finally came to that, if you close it close it, but let us know you will open it. But you need to have somebody patrol it and keep make it to a legal level. You've got to keep it – just like you went over your territorial line, provision line in South Carolina, which Georgia has three miles, we have provisional lines, they cut some of the line off, territorial line.

It makes it kind of a flat three miles, condenses it. Two weeks of that; two or three weeks the ones that do it get big drags, they steal them 90 percent of the time. They know what's going on, because they don't have enough enforcement or untended. I just don't understand it.

MR. DOCKERY: From that point of view, it seems like being able to close federal waters would help with enforcement because you wouldn't have to worry about whether they were on this side of the three-mile line or that side of the three-mile line.

MR. VENDETTI: We're real close on this I think. I'm not comfortable; I wouldn't want to make a recommendation seeing this should come from somebody in the most affected state in South Carolina. It sounds to me like we're moving towards a recommendation for Alternative 3, Option B. They can determine their own criteria and they'll send their best to justify it. If they can send out and say, hey, we had a coldwater event, we want it closed here. This would be – every state should be able to do this now if they want. It should really come from I feel like South Carolina.

MR. WILLIAMS: I agree with Richard; I would defer any motion to Scott at the very least because he is from South Carolina.

MR. DOCKERY: Scott, would you like to make a motion or would you like me? I would be glad to make a motion also being from South Carolina. **I would make a motion that the Joint AP supports the Option 3 and Option B of the proposed amendment. Do I have a second?**

MR. VENDETTI: Richard seconds.

MR. DOCKERY: Is there any discussion before we vote?

AP MEMBER: I just had a question. Where are they setting into that? Is it inside; is it the three- mile line? I don't understand that part of it. Is it from Charleston where they take the temperatures or is it from Little River?

MR. DOCKERY: Dr. Cupka, can you speak to that?

MR. CUPKA: I can speak now to what we used to take them and I assume they are the same, but we had a station in Charleston Harbor. Obviously, it was inside, it was a deepwater station. All our stations are in deepwater. There was one down in around Edisto, there were three or four among the states, but there weren't any out in the federal waters, but they were in deepwater areas inside. That's where we were seeing a lot of mortality.

We were trying to do it based on that. I think Roger would probably know. He had been talking earlier of the activity here in SECOORA, which have a number of offshore buoys that would probably be ideal for monitoring offshore temperatures on a real-time basis if we want to incorporate something like that down the road.

MR. PUGLIESE: Yes, and to that, David, yes that is something I've raised before is the opportunity to integrate. This is the Ocean Observing Regional Association. They are connected in to not only having the buoy information but also building a model capability. There is an opportunity I think to expand the state monitoring with adjacent offshore monitoring and really build collaboration there. I've raised it a number of times and I think with this moving forward maybe that will enhance the opportunity to do that. That means you get a lot more accurate capabilities at the state level and to proceed with anything that might be affecting the industry.

MS. THOMAS: Well, for instance, Florida, if somebody comes up with a temperature and they think that it needs to be closed, that we run it by the AP people, because they're the ones that does shrimping, and let us pass our opinion on it. I don't know how to put it or how to say it or anything. I'm just afraid that the wrong people will get the idea of saying the temperature is cold and they want to close us down. I just don't compromise.

MR. DOCKERY: The issue would defeat the purpose of trying to speed up the process, though. The process now doesn't come to us, but it goes through three different organizations.

MS. THOMAS: Okay, but it ought to be left up to each individual state.

MR. DOCKERY: That's what this is.

MS. THOMAS: We need to be made aware of it and not just in an overnight timeframe; the shrimpers do. That's all I have to say about that.

MR. MERRIFIELD: How is the conference call that takes place? Who was in on that conference call, because I believe industry is involved in that as well as state resource managers.

MS. MARTIN: Right, this is the Shrimp Review Panel, that technical group. That's their permanent process currently and it's comprised of state and federal level biologists. There are representatives from all of the state agencies, North Carolina DMF, South Carolina DNR, Georgia DNR and Florida FWC.

There are a couple of biologists and economists down at the regional office and the lab down in Miami. Essentially they get together as necessary to talk about the criteria and whether or not they want to endorse a recommendation to the council. That's the current process and I think one we're trying to modify here.

MR. MERRIFIELD: But we may not need them where this bypasses them?

MS. MARTIN: Well, we have a couple of options there under Action 2. Under Alternative 2, which is what we're talking about, how the process is going to work; the state sends a letter

directly to NOAA Fisheries Service; and under Option A, in addition to sending a letter directly to the Fisheries Service, the state's data would be submitted to this review panel to talk about the state's criteria having been met. Under Option A, it still involves the recommendation from the Shrimp Review Panel before the Regional Office would be able to implement an adjacent closure. Under Option B the Shrimp Review Panel isn't involved in the process.

MR. DOCKERY: And declared by the motion that I proposed went with Option B, which bypasses the Shrimp Review Panel.

MR. VENDETTI: As I understand it, though, Option B just does not require that they be involved in the process. They could be. If Fisheries Service wanted to use them, they could. That would still be an option.

MS. MARTIN: Yes, of course.

MR. VENDETTI: I only have one more question. I should have had this clarified I guess at first. Alternative 3 states that it will let them go directly to NMFS with a request and necessary data to demonstrate that criteria have been met. What criteria have to be met; are we clear on that?

MS. MARTIN: Well, the criteria is what are being addressed at our Action 1; the water temperature and threshold at or below, or below for at least a week, and the 80 percent or greater reduction in population of overwintering white shrimp. Essentially Action 1 is linked to Action 2. A state has to be able to demonstrate the criteria that are stipulated under Action 1 in order to be able to initiate the process that is being addressed under Action 2.

MR. VENDETTI: I understand it so I don't think anybody – there were some opinions here at the table, but I don't think anybody thought – wanted you to make that call. Could we change that sentence to read NOAA Fisheries would send a letter directly to them with a request and necessary data to justify their request? Then we won't have to have criteria. Criteria don't have to be met; they just have to submit whatever data they want. They can say mortality is X and water temperature has been Y and because of that we're requesting a closure.

MS. MARTIN: You could certainly make that recommendation. The discussions that council has had thus far have been trying to address what criteria should be involved and also to speed up the process for implementing the closure. If it's something that you would like to recommend as an additional alternative for consideration, by all means.

MR. VENDETTI: No, we don't have to do that, but if we're not going – because that's what I thought we were doing, and I'm sorry. But if we're not, then we do have to specify to take a temperature, right, you've got 80 percent mortality and the temperature; that they both go along with the recommendation. Criteria have to be met.

MR. DOCKERY: The 80 percent mortality is no longer there; is that right?

MS. MARTIN: Well, that's currently in place. If the advisory panel would like the current criteria to be in place in addition to water temperature criteria, then I can carry that recommendation forward, too. Right now if the council were to select just one of the water temperature alternatives, then what's currently in place would no longer be considered a criteria.

Essentially they could choose both, the 80 percent or greater reduction of overwintering white and/or demonstrating the water temperature threshold below for at least a week. I just want to also clarify; we do have state representatives from all of the South Atlantic states in a council seat. It's anticipated they are going to discuss this a little further at the June council meeting, as far as the individual alternatives. They haven't really had that opportunity yet.

MR. DOCKERY: I'd like to go ahead and take a vote on the motion that I made. **I'd be glad to do the motion again. The motion is in support of Alternative 3, which would make the criteria for the state to be able to request an EEZ closure be 46 degrees for 7 days, and in support of Option B, which would allow the state to go straight to NOAA to make that request. All in favor, all opposed. The ayes have it.** Anna, if you want to go on.

MS. MARTIN: Okay, that takes us to the second issue that is included in Shrimp Amendment 9. This is the action that would revise the overfished status determination criteria for pink shrimp throughout the South Atlantic. This is something that you have discussed before and the council's intent here is for the recommendations to come from this Shrimp Review Panel.

As I mentioned, they have a conference call webinar scheduled for May the third to talk about this. The council is looking for some additional alternatives here from the Shrimp Review Panel. As I mentioned, Alternative 1 is what's currently in place. The overfished proxy, which is basically a status criteria determination for how the pink shrimp stock is doing in the South Atlantic, is dependent upon the SEAMAP survey, which is that fishery-independent sampling program that has somewhat of a limited geographic range.

The issue here is that the overfished level, the threshold has been below capacity for the past few years. With this measure, the council is trying to determine a more accurate approach for establishing that overfished criteria level. As you know, under the Magnuson Act once a species has been determined to be undergoing overfishing, the council has to take certain actions under the Magnuson Act to address an overfished species.

It has been raised that the pink shrimp stock in the South Atlantic isn't overfished or undergoing overfishing, but perhaps the sampling program isn't providing an accurate enough estimate for the pink shrimp stocks. Alternative 1 is what is currently in place. This is the SEAMAP survey serving as the method for determining that overfished proxy. It is 0.461 individuals per hectare.

These alternatives here; really the council is looking for a refinement here, so I hesitate to review that with you. Essentially they are carried over from when this was first introduced and that was Shrimp Amendment 6 back in 2003. These simply are carried-over alternatives from that previous amendment. They are based on landings, catch-per-unit effort data.

Again, the Shrimp Review Panel is being asked to develop some more accurate recommendations here for what the language for these alternatives should state. You are welcome to comment on these measures if you choose to do so, but the intent here is to kind of speak with the Shrimp Review Panel to provide a little bit of guidance for determining a better estimate.

MR. JONES: I'd like to comment on this whole issue. I'll ask a question first; is pink shrimp classified as overfished in the South Atlantic?

MS. MARTIN: Well, that's the issue according to the level that has been set for the overfished proxy.

MR. JONES: Can I just assume that it is not overfished now.

MS. MARTIN: It is not overfished.

MR. JONES: When Magnuson was being prepared and passed and debated and everything, I don't recall any species that only lived one year really being considered for something like this. I mean when you have 100 percent mortality in months, whether it's 13 or 15 months, you really can't overfish that stock. There is no way.

Some verbiage or some type of narrative needs to be in the plan saying this critter is a little different than a grouper or a snapper or a codfish or whatever. What happens to us in the industry, if you declare pink shrimp overfished, you take us out of Publix and Whole Foods and all of the people who set their value practices on not buying anything that is overfished.

What's always concerned us is happening. You could come up with enough scientists with biological data to say that the pink shrimp is overfished. All I would offer is that I hope that consideration is given that the shrimp really is different and that you really take extreme care before you determine that it is overfished and overfishing. I'm sure that's been stated before but it needs to be discussed. Thank you.

MR. DOCKERY: Actually that sounds like a great comment from the panel. In terms of looking at the alternatives, I think he hit the nail on the head that the panel might want to suggest that overfishing doesn't apply to an annual crop, and so the sustainable yield should not be considered for this. Does that sound like something the panel would be in favor of as opposed to trying to dig into the details of how they are trying to figure out what overfished is for pink shrimp?

MR. WILLIAMS: I'm not sure that we could go there. I'd love to see that but I'm not sure that the council would even consider not having any MSY on any managed species, whether it is annual fish or not. As it currently stands, the pink shrimp in the South Atlantic are considered overfished because of poor science, because of the SEAMAP data. The council recognizes that this is the case. Well, if it shows overfished, they know it is not overfished because of the shrimping effort.

I think we should try to address changing the SEAMAP data that something reasonable shows that it's not overfished, it is more environmental factors or some other, or get better data to show that it's not overfished where we don't have supporting facts. We submitted comments to this fact, and I think our solution is that we were supportive of a couple of things here with the five caveats we have in our comments that we submitted on this issue.

MR. JONES: I'd like to respond. John, in his wisdom, has stated the best way to go forward under the process, but I don't think we're strong enough. I think that at some point in time they need to discuss do you really treat MSY and OY and all those other biological attributes on a critter that lives one year. I think that the shrimp is a significant enough resource in its productivity, in its value and everything else that somebody should pay attention to it for what it is. If the council decides we're going to have to do it overfished, well, they are certainly capable of doing that.

But if on the other hand they can look at it and say, you know, I don't know whatever happened to the biological data, the sampling, size and everything else; but if we have to put enough pressure to make that determination because we are going to close it if they freeze, we're going to close it; mainly, I guess that's the only reason is to protect the juveniles. I just think that it is an important enough subject that hasn't received enough discussion. At least I've got it into the record. It will be in the minutes. If nobody else wants to, that's no problem, but it is stated and the people I represent feel real strong about what I'm saying.

MR. WILLIAMS: Yes, I agree with you 100 percent, Bob, 100 percent. I just don't know how we can get there, but I agree that getting it on the record is certainly important and for the record I agree with you. I just don't know how we will get there, but we certainly want to try, there is no doubt about that.

MR. VENDETTI: Is there a reason that prevents us from making a recommendation that, first and foremost, for all the reasons that shrimp don't need an annual catch limit, we feel like they should also not be subject to the MSY scrutiny. That's first and foremost. In the event that it's just too bad, they have to still do that, they have to still look at MSY and determine what's going on with this stock through that, then can we suggest a second set of recommendations that would be based on the recommendations that John referred to, five recommendations; can we do that?

MR. WILLIAMS: I don't know if this is in the right order, what Richard was talking about, I think we have a deal at hand that if we don't deal with we may be getting in further trouble before time to address the MSY issue. I'd like to deal with this issue at hand and make sure that we have something in place that will define whether it is overfished or not; and then go maybe to the MSY/OY issue is my opinion.

MS. THOMPSON: Isn't part of the problem that the pink shrimp is not a targeted species. It is like mixed in with all the other shrimp. If everybody was rock shrimping or everybody was white shrimping and there is not a lot of landings in pink shrimp, then it just kind of slips through and we don't have any data. You have no landings; therefore you have no data; so then it appears that it is overfished, but in actuality it's not. I think that is the dilemma that we're faced with here. If you set an MSY but the species isn't targeted and there are not enough landings,

then you're at a level where it appears that it is overfished. I think that's the problem, so how do we address that?

MS. THOMAS: To what she was saying about landings, I think it's despicable that on the South Atlantic that we don't have access to who is reporting what and how many landings is what. But I can tell you from the Florida FMRI in the year of 2010 were 8.7 million pounds of pink shrimp. The data for 2011 is not complete, it was just through September, and that is 5 million pounds. That sounds to me like that's pretty good information. I think this overfishing pink shrimp just ought to come off the agenda.

MR. PUGLIESE: Janie, isn't the bulk of that the Gulf of Mexico fishery?

MS. THOMAS: That's all of the state of Florida.

MR. PUGLIESE: That's the Gulf. I think the lion share is the Gulf.

MS. THOMAS: I can give you – but on the Atlantic side, well, let's tell them hoppers instead of pink. All right, I'll put that in my vocabulary, thank you.

MR. DOCKERY: I think Laurilee brought up an issue that maybe we shouldn't skip over this so lightly either, because if it is not a targeted shrimp, if it triggered some kind of action in terms of protecting it, it might impact people who are shrimping for brown shrimp and are incidentally catching pink shrimp. It might be nice to have some kind of opinion from the panel about this. Is there anybody who would like to propose an opinion from the panel?

MR. VENDETTI: I wish I had looked back at these five points that John was talking about in our comments. I think that they encapsulate everything that we're trying to do. One of the five points is in fact – I'll read it – consider whether the current definition of MSY for pink shrimp is appropriate and if the revision of the MSY definition should be part of the process to redefine MSST. I think that says what we're talking about. That's the first thing, look at that.

But if it doesn't, you still have to do it, and then look at these other four points as guiding principles – it's kind of what they are – in deciding what the process should be. We don't have to decide the process, that's the council's job, they can decide it. I will send these to Anna. Will you be able to get them right now, can you put them up, if you want to do that.

MS. MARTIN: I can; you can have them copied and put that up there for everybody to talk about it and view.

MR. WILLIAMS: What Richard is talking about are the Region 2 recommendations that the Southern Shrimp Alliance turned into its board and it's based on these five caveats. It's very brief. One, we shall support the development by the Shrimp Review Panel and other experts as appropriate of the new MSST definition for pink shrimp; two, the identification of additional sources of shrimp abundance data to either supplement or replace the SEAMAP curve; then it continues on these five caveats.

We think that is based on what our analysis and everything that would fix this problem. We're going through the same problems with pink shrimp, hoppers, whatever you want to call them, on the Gulf side. They're determined to be overfished and overfishing occurring currently because of bad modeling.

It's actually the lack of effort and the model didn't pick up lack of effort, so all of a sudden pink shrimp – they ain't overfished and overfishing occurring, but it's called lack of effort modeling. They have developed a new model to fix that problem. It might be they could use that same model on the South Atlantic side for shrimp and for hoppers, whatever you want to call them. That's the problem we're facing is bad science, bad data, that SEAMAP data, and limitations and restrictions on this. We have to find a way to fix this problem so we could go.

MR. DOCKERY: Anna, did you get that? Has that come in; did you put it up?

MS. MARTIN: I did. I will say Rick Hart with the Science Center at NOAA down at the region, he I think was involved in developing that new model for Gulf. He's on the Shrimp Review Panel and he's going to be talking about the new model to the review panel during the conference call webinar in May. It may be a recommendation that comes from the panel to the council to consider such an effort that better estimates environmental criteria and other factors aside from simply landings and fishery-independent data.

MR. JONES: Anna just said something that triggered a thought. You said it will consider other environmental data to determine the overfishing criteria of shrimp; did you say that?

MS. MARTIN: Well, I did. That's what's currently included in the model that the Gulf is now using for some of their assessments for the shrimp populations in the Gulf. It's not currently used in the South Atlantic. Rick Hart, who was instrumental in developing that model for the Gulf Shrimp Fisheries, he's on this review panel and he's going to talk to the other members of the review panel about that model and how that could be used in the South Atlantic.

Now, it's kind of not up to us whether or not the decision is made about developing a new model for assessing South Atlantic shrimp stocks. It's kind of up to the council making a recommendation to the Science Center for making this a priority. I think I am not that familiar with the Gulf's new survey. I think that for the new model Rick is going to talk a little further about that during the conference call in May. This seems to be a better estimate of how these populations are doing, considering environmental criteria.

MR. JONES: My question is was would the otter trawl be considered an environmental factor; would the gear now be an environmental factor?

MS. MARTIN: I can't answer that; I'm not sure.

MR. DENNIS: We're talking about the amount of production. This fuel crisis is taking our production away. If it continues to rise, it's going to take the amount of production in everything. This doesn't mean it's overfished, it means that we just can't afford to drag on

them. I mean the shrimp are still there but the fuel has gotten so high. We've got to them for production, we can't just go out there and drag like we use to when fuel was 80 cents, 60 cents.

Fuel could cause inflation in this study. It could inflate it to where we're overfishing but we're not. We're underfishing. We're just going out there; it would seem like in the landings that it is overfished. I mean, it is underfished. It could be underfished and it would reflect that it was overfished. It could be underfished because of our lack of catch effort. This is screwy; just like some little thing that could reach out and bite us and not be true.

MR. WILLIAMS: I agree with Fred; it's sad. If we can't go, we certainly can't overfish anything. But the problem is when they go and they don't find anything, like SEAMAP, it triggered a statutory requirement to rebuild that fishery whether we're there or not. That's the problem here and that's something we have to address with this new data, if you will, to try to prove that species is not overfished.

As long as they have the SEAMAP, that is for show and this has been for the last three or four years up there and they keep putting it on up, recognizing that it is something else, that it is not overfished, it's just bad data, so now we have got to the point where we have to have something to show that it's not overfished. Your right, I agree with you.

MR. DOCKERY: John, if you look up there, does this look like something like what your motion could be and we could have a second of it and vote on it?

MR. WILLIAMS: I think if I made a motion it would certainly be the two reasons I may want to go with these five caveats. I could do that.

MR. DOCKERY: I think that would be great.

MR. WILLIAMS: I'll just read it the two conditions. I make a motion that the Joint AP support the development by the Shrimp Review Panel and other experts as appropriate of the new MSST definition for pink shrimp; and, two, identification of additional sources of shrimp abundance data to either supplement or replace SEAMAP survey. We will support these two actions contingent upon the five caveats listed.

MR. DOCKERY: Is there a second for that motion? Any discussion? All right, all in favor of the motion from John. If there aren't any comments; all in favor of the motion or would you like to take a second to read it? Okay, I'll wait a second.

MS. MARTIN: I can read it for everybody here. The motion says that the APs recommend the development by the Shrimp Review Panel of additional definitions of the overfished level for pink shrimp, as appropriate, and supports the identification of additional sources of shrimp abundance data to either supplement or replace SEAMAP survey.

MR. DOCKERY: Any discussion of the proposal? All in favor of making this recommendation to the Shrimp Committee; all opposed. **Okay thank you.** Anna, I don't know what time we're

planning on recessing for lunch, but we have about ten minutes to twelve right now. Is there something we can cover in that time?

MS. MARTIN: Yes, I think we could go ahead and introduce the next agenda item which is – well, skipping over the Comprehensive Ecosystem Amendment 3; I'd hate to start that and then break for lunch. If you want to go ahead and address Agenda Number 5, the review of the royal red and rock shrimp fisheries and options for latent permits and that type; if you want to have that discussion before lunch, then break for lunch and then we can focus on CE-BA 3 after lunch.

MR. DOCKERY: I guess I would defer to the Deepwater AP. Do you guys want to try to start something before lunch or break early for lunch and start back early?

MR. WILLIAMS: I'm for breaking early so if we get into it we can stay into it.

MR. DOCKERY: If nobody is opposed we'll recess for lunch and meet back in half an hour.

MS. MARTIN: Well we do have a number of things to cover and we're scheduled to run through four o'clock today. I'd hate to shorten any of the items on the agenda, the discussion. Importantly, I guess if we can prioritize for CE-BA 3, the council is certainly looking for input on all of the measures in CE-BA 3. Perhaps we can address that when we come back and then get into the other discussions on the agenda as we see fit.

We do have a webinar planned with Andy Herndon, who is Protective Resources Division staff down at the regional office and he just kind of wanted to review information about the listed status under the Endangered Species Act for Atlantic Sturgeon. That's certainly something I would like to get to with you today as well.

MR. WILLIAMS: It doesn't matter to me, whatever it does to get through this agenda is fine with me, whatever you decide.

MR. DOCKERY: It sounds like there is a lot to cover. I think we should keep it to half an hour. Why don't we split the difference and make it 12:30 for a nice round number. We'll reconvene; try to be back a little bit before then so we can start right at 12:30. We're in recess now.

(Whereupon, a recess was taken for lunch.)

MR. DOCKERY: Before we start back up, because this is already evolving in a discussion, Laurilee has graciously accepted to step in as the Deepwater Chair since the chair and vice-chair aren't here. I'm going to turn over the chairing of this whole process to Laurilee.

MS. THOMPSON: Thank you, Fred, and I believe Richard has a question.

MR. VENDETTI: Roger, to Fred's point, this goes back for five years, which is a good time period and I can understand how you might have chosen that at first, but can we go back all the way to look at all the VMS data that's available. These fisheries, the species move around, the concentrations of them move around, the species move around and so over time there is a longer

period. If you'll look over here, you'll get a better picture of where the fishery exists from year to year. I would just ask that you do that.

MR. PUGLIESE: That's fine; actually we can go further back into this. I think the pattern is probably it. You look at the numbers, the pattern is probably fairly simple I would think, just because of how low these numbers really are. But let me get to the end of this entire thing and look and plus I think there are only a couple more years.

This was trying to get to capture a range. You all know there is as a pretty big difference in all these. This block had a difference in the years. At least talking to people at the scoping meeting about the shifts between inshore versus offshore of the area we're proposing within even this.

MR. MERRIFIELD: Would you prefer we went to the end of this or are we going to ask questions as we're going through? I know you want to get through that.

MR. PUGLIESE: Why don't I run through these because it will keep everything kind of at least of what you see and then we can get back to it, and then plus it gets to the end of kind of the question about what this is and then the step down to actually operations and what that meant. If I can get to that point, I can probably then work with you on this.

If I can do that, at least I'll kind of step through the mechanisms to understand what we're looking at. This is the first one. I was trying to identify this was that with this time series limited to the 2007 to '11, it did show that about 2.2 percent of the VMS points existed within this area.

Again, in response to the discussions at scoping, we looked at bounding both the offshore area and the inshore area, moving into the 70 meters on the inshore area, moving into 90 meters on the offshore, offshore to 70 meters, the inshore bound is this polygon. I'm coming up with this one option that would be the 70 to 90 meter area.

When you do look at the 70 from 90 meter out of the time series of over 300,000 VMS points, about 0.69 percent of those points existed within this area. Then stepping it and kind of moving in different directions, underneath, looking at that standard area, you're looking at about just less than 1 percent, 0.99 percent, one occurred within the proposal.

Then the last one was the 60 to 90 where you've got the inshore moving further – staying at that 60 but moving again the offshore back to 90 meters. That actually came up to about 1.89 percent of all points. Now again these are all of the VMS points. Then as you look at them in context of one thing I tried to do, not with this laying here, was to layer -- and it's pretty obvious what you're doing is you're seeing both a shifting right and left boundary of this area as well as a right and left eastern and western boundary giving. You're getting all of them in kind of in combination.

That moves it to the western area and its showing again – when you looked at this you looked at the VMS information relative to the entire area in the western bound. This one is showing high resolution and it was giving a foundation for establishing this as an expanded area in the area.

As it turned out in this case it was like 0.07 percent of all points occurred within this entire area. That's like 200 points out of 300,000 points for the extension proposal.

That's all of it in combination of the multiple alternatives for the northern extension, the western extension and the existing HAPC and the experimental closed area. Now this is what I wanted to get to is it acknowledges what I talked about before in terms of what we know about the vessel operations used in different areas, and that was kind of a third area, gave me those numbers to identify.

But I took it one step further and looked at those individual areas and then flipped it down to where I was looking at operations using 4 knots. Now this was what we used when we dealt with the operating characteristics of the deepwater shrimp fishery so that we could refine this down.

When we did that and then you really have vessels that were probably fishing in some of those areas, you end up looking at – in the original proposal, 60 to 100 meter proposal, it is 0.8 percents, basically less than 1 percent; in all cases between 0.8 percent in the 60 to 100 meters, 0.15 percent in 70 to 90 meters, 0.31 percent – this is 1 percent in 70 to 100 meters and 0.07 of one percent in 60 to 90 meters.

In all cases, when you look at the actual fishing operations, they are all less than 1 percent occurrence with this. Many of the fishermen at the scoping meetings were acknowledging the hard boundary on the western side was very distinct that you really could not pass physically unless you unloaded gear. Then you have the same type of characteristics.

There were a lot of physical barriers that really have provided access to the edges but really did not, unless you want to lose gear, allow a lot of ability to access again. This provided us at least a scope of what we know of this area relative to the fishing operations and the VMS information for this timeframe. Let me jump back and leave this up. I guess this is a chance if you want to have some questions or comments or discussion on just the northern western extension.

MR. MERRIFIELD: Basically I just wanted to kind of find out a couple things. One is that total VMS points. Even though you've taken it to the 2 to 4 miles, it is not representative of rock shrimp specific effort because it also includes red shrimp, white shrimp, and any type of – is that correct – community so basically it's not an area specific. If it's talking about percentage points at that speed of anything on this point; it could have been trawling for white shrimp.

MR. PUGLIESE: Well, that's the percentage at that speed within that area.

MR. MERRIFIELD: But pertaining to this whole community, white shrimp, red shrimp, rock shrimp; that's what's present.

MR. PUGLIESE: It includes other efforts.

MR. MERRIFIELD: It's important to know that is just not saying that is 0.8 percent of rock shrimp effort that's inside that box. It is 0.8 percent of all effort with the VMS going at that speed, right?

MR. PUGLIESE: Anybody that has a VMS and a deepwater shrimp permit; this is only for deepwater shrimp permits.

MR. MERRIFIELD: Correct, but those guys that are doing that also red shrimp and they're white shrimping throughout the year as well. All I'm saying is that percentage of effort put that into a percentage of effort within that box, correct; the double work, isn't that what you're kind of looking for?

But you have to know that is not just – what we're impacting here by this change and creating this Coral HAPC is the rock shrimp effort, not the white shrimp effort and not the red shrimp effort, which we're going to talk about next. But this specifically impacts rock shrimp effort. But the total VMS points from the '07 to '11 are for white shrimp effort, rock shrimp effort, and red shrimp effort. See, it's not a direct comparison; do you understand what I'm saying?

MR. PUGLIESE: Yes, because the way it is right now it is tied specifically to the permit; older stuff, the deepwater shrimp permit, rock shrimp permit.

MR. MERRIFIELD: But the total points, all VMS points include other effort besides rock shrimp effort. Just so it's clear that we're not talking about just eliminating 48 percent of effort on rock shrimp. It's a much larger percent of rock shrimp effort, because we're including all these other things, too.

I just wanted to go off of what was stated earlier and that is that in the last five years the largest amount of rock shrimp ever was down at the south end. It's important that we know that effort does change from place to place. You've have to be careful just to look at one five-year period, because in which case there is not as much effort and the area may have entered the previous problems. It's really not hard to – the fishery moves; it's not in the same place every year. That's I think all I had to say.

MR. DENNIS: Everybody that has a rock shrimp permit is in deepwater. We spend probably 70 percent of our time on the white shrimp, 80 percent probably, some years 100 percent. You're gathering all that data while we're not even rock shrimping. This is what you're trying to say isn't it, Mike? Because, you know, the effort some years is nil. In fact, I think it was a year or two during this period the rock shrimp didn't show up. You go out there and you know one year we just had a week but you're out there during the winter. All our boats were white shrimp.

MR. MERRIFIELD: I'm just saying it because we just need to know what that number reflects. Now, there is certainly a pattern that says you can see the different text of variation so you can obviously see where your least impact is, because it does show that, but it's not a good reflection of rock shrimp effort, impact on the rock shrimp fishery, because the total number includes so much more. The only way you can deal with it is relate that directly to the rock shrimp effort. What you need to know how much of your time is spent rock shrimping versus not.

MR. PUGLIESE: Yes, we could further refine that, I think, looking at this and maybe look at a depth contour or a line that cuts off that maybe inshore component or whatever and that would capture most of that.

MR. MERRIFIELD: I'm not saying that you're not valuing it, I just want people that don't know what those mean to make sure they understand that we're not talking just about 0.8 impacts on rock shrimp; it's not that simple.

MR. PUGLIESE: Yes, but I think that in terms of context, if you've got between 400 and 2,000 points total for five years, it is going to be greater, but I think just at least right now it would still get in – when we do that, then your score would be fairly low relative to the broad area, but we can look further in origin.

MS. SOLÓRZANO: Can I ask a question? I just want to make sure I'm understanding. In this 0.015 that you have, that is overall what is in this box, but you're basing that on all VMS data; is that correct? You're taking all the white shrimp and everything and saying – so you've got a much larger percentage of rock shrimp being taken away than the 0.015. Unless I'm misunderstanding, you're getting all VMS data and taking these little bitty tracks from there and saying that's it; or you all have me confused, one of the two; is that correct?

MR. PUGLIESE: There is more in here and I guess what I was raising the fact is again you're talking about 478 points in five years. As we look finer into this, I still think that's going to still be a – it may not be that low but it probably will be very small relative to the overall. This whole data set, even if it's half, it still ends up being pretty small.

MS. SOLÓRZANO: It's a lot more relating – all of what you've got, those little marked VMS tracks that you have, those are going to be all rock. It's going to be a lot more than 0.15; it's not large enough for – some of these year we didn't have any rock shrimp one year. We didn't fish it; one year it was very late, November.

MR. MERRIFIELD: Just to kind of put that – all I'm saying is that it is validated 478 points is good there. It's within that box so it's good data. It's a good data to have there at these different ranges, that's great. I just don't want somebody to misconstrue those percentages as to rock shrimp.

MR. PUGLIESE: I know exactly what you're saying, and like I said we can look at it closer; and again if two sites relative – as you're saying it could also be relative to the total and still I think the bounds are going to be greater than what we're looking at probably.

MR. MERRIFIELD: Yes, it's like what Marilyn said, it's going to be small; it will just be bigger than what it is. Using Fred's example, just 80 percent of that effort, about 313 hits are somewhere else, then instead of dividing that 2,500 hits, using 60 not 100 into 313,000 you've got to divide it into about 60,000. Then you'll have a fairly higher shrimp pattern.

MR. REED: My name is Richard Ruby. I remember distinctly that 1981 rock shrimp out there in Fernandina, 100 percent of our effort was in the area we called Offshore Ledge and that would be excluded in that 60 meter area closure. One hundred percent of our effort was in that area then.

Now, there was a fleet of boats working way down shore. They worked inshore but at times and certain years we worked in completely different places. That's my concern is how it changes over time. If we do something just for the space of the last five years, the next five years is probably totally different than it was back then.

MR. WILLIAMS: I think Roger was supposed to say here he's certainly supposed to have a little better representation of the effort in that area. But I want to back up just a little bit here and based on what Richard just said about things change, which they do; do we have or do you have or the council have detailed observations on the coral, and would it be possible to put it on an overlay with our shrimp effort to see if this much of a closure would be you warranted.

MR. PUGLIESE: Well, I think what you're seeing is what I showed. You've got high resolution and multi-beam mapping that has been done, characterization of the area, but it's also defined with what was done. Part of the work on CE-BA 1 was looking at where there was high-resolution bathymetry that was almost guaranteed that it was going to be the same type of habitat.

I think that is a combination of right now. This entire area has not been mapped throughout that area, but if you look at that high-resolution bathymetry, the pinnacles occur throughout that range from top to bottom. In discussions with the fishermen, they know that area is so hard and structured that you really can't even fish in most of it. I mean, it is a combination of areas that they had mapped in addition to the high-resolution bathymetry.

What you're seeing is really some of those areas. Other information that we used in the past were information from geological sources in terms of hard structure; because when you look at these areas, it's the combination of habitats, too. It's not just an individual coral head or an individual coral pinnacle. That's what was really done through the entire deepwater complex, both the coral systems. It had everything from the coral on the flat bottom area to pinnacles to hard structure associated with that and really interspersed with the habitats that the species are using that whole area. It's under the coral area, but the deepwater habitat is where we dealt with this and how the council is viewing that whole system.

MR. WILLIAMS: Yes, I get what you're saying. The coral standard that is drawn out pretty much describes that habitat in that box over there. ? That box contains all of that habitat; is that what you're saying?

MR. PUGLIESE: That's been somewhat understood from the beginning is that it's not as if the entire area is just covered with coral from top to bottom. It's a complex of deepwater coral systems, coral hard bottom and all the combined systems that makes up that deepwater area. That's how the deepwater Coral HAPCs were designed. That's how originally we looked at it

and really that's where this is going to try to look at that. When you get to the ecosystem side, that is really what you're looking at, deepwater ecosystem conservation of that area.

MR. WILLIAMS: Yes, I'm just trying to make sure that we're not reaching too far and we're not reaching to far to the sustainable bottom for the deep stuff. I think it ran into a similar problem in CE-BA 1 where it showed certain habitat that could be recommended because of coral and come to find out that it wasn't or we had tracked them.

I see the same thing. I see some of the same things happening in this where we have traps or VMS get in that area inside that box that we're talking about closing. I just want to make sure that we would not reaching too far to close areas that we shouldn't have.

MS. SOLORZANO: To go back with Fred, when we put VMSs on the boat, we were told we wouldn't have anything else closed off; the Oculina Bank was done. Now you're going back on your word and telling us you're going to close what we've already been told what we could do. You're optioning that to close something that we've been patrolling ourselves and paying monthly for VMSs to do.

That's the problem we're all having with it. You're going to go back five years. Why can't we go back to where you told us we wouldn't have to close if we put the VMSs on us like we done. Don't close any of it. That coral, we know where it is, where there is probably some coral there but we're not dragging it. We're not destroying our nets on it; we've got all this in public comment. I'm just reiterating on what Fred said.

MS. THOMPSON: All right, in the interest of time, in our meeting brief we have, there was a collection of maps that showed the habitat and fishery operations that are associated with the proposed extension. There was like different depths. There were also some polygons that showed the different depths, like 60 to 100 and 70 to 100, 60 to 90. Roger, I don't know if you want to run through all of those or if in the interest of time you –

MR. PUGLIESE: I kind of walked it through. I pulled some of those out that are in the Attachment 8 and the 8A that you all received. I do have them here so we could look at them again, but those ones that define that were a step away from bathymetries and were directed to a polygon so they gave you a bounded area, and I think that's where you are working from is using those and having a more generalized simplified polygons of representations of those four different alternatives.

MS. THOMPSON: Well, I knew that Mike has prepared a presentation that he would like to show you the AP. Is that okay if we go right into that? Anna.

MS. MARTIN: I was just going to clarify Roger basically just gave you a presentation of Attachment 3 and 4 that were included in your briefing books. Those were done in two separate attachments to go into detail, each of the charts. His presentation summarized the attachments. It wasn't specifically that attachment he was reviewing, just for clarification there.

I guess I defer to Mike; basically what we have left to talk about is the Stetson-Miami Terrace potential expansion; and actually before we move off of Oculina, we have an alternative that considers an transit provision. I guess I would defer to you, Mike, as to when you would like to present your information.

MR. MERRIFIELD: Let me ask you at this point you've presented displays of different; are these the different options that is going – the options we have, the 60/100?

MS. MARTIN: Right, that's right. We kind of ran through and detailed the alternatives. Under Action 1 in the options paper which expands the boundaries of the Oculina Bank Habitat Area of Particular Concern, we just kind of reviewed with you the northern boundary extension alternatives, which are 2A through 2D.

Essentially they are all representative of different depth contours on the east and west boundaries in the northern zone. Then we also talked about modifications to the western boundary, and that's Alternative 3 under Action 1 in the options paper. The other alternative under the Oculina would be consideration of a expansion provision. Those kind of in sum are what we have to talk with you today about in regards to Oculina specifically.

MS. THOMPSON: I think we probably ought to keep them separate. Let's go ahead and let Mike do his presentation so that we can make some kind of a recommendation on the Oculina Bank. Then we'll go over I guess the transit provision, and then we'll talk about the Stetson-Miami Terrace, because I don't want to mix up Oculina and the deeper water, Stetson-Miami. Let's finish up with Oculina first. Mike.

MR. MERRIFIELD: I guess what we did was we looked at what Roger presented and based upon – I've got a bunch of track data from some of the captains and talked it over with a lot of captains and looking at this and looking at their track data, which pretty much mimics the VMS data, which it should, hopefully, and so basically looking at that 70/90 up in the north end is pretty – there is a little bit of track loss because some people have actually eked out some tracks in the middle there .

But for the most part, what that does is it leaves the inshore and offshore above that ledge, those tracks do track, which looking at your percentages shows out in those percentages, so basically you're leaving a lot of that stuff intact. Then what we did was we went further on down and took 60/90; I'm sorry, 70/90 all the way down from the north end to the south end of that reef system and said that this is a good opportunity here to create a Coral HAPC that encompasses all the coral within this system, and also at the same time releases some of the sloped soft substrate bottom that is in the Oculina that's closed today. I don't know if there is a way for you to bring up any of this data that are just tracking the information that we have here or if you want to do it in this forum or not, but I think you have coordinates for that, so basically –

(At this point there was a pause in recording.)

MR. DOCKERY: We couldn't get that presentation to work and so we'll just go into what was the next item on the agenda to use our time, which was the review of the – yes, Laurilee.

MS. THOMPSON: I'm not sure what we do. It looks like they're going ahead with the sturgeon listing. I don't know whether they wanted like feedback from our committee on sturgeon encounters or exactly what they were looking for from us. But when you read this letter, it just seems to me like they are bulldozing ahead with an ESA listing when they really don't even have the data that proves that there is a need for it. I guess the fact that it was on our agenda today means that it's important. Do we want to comment on it or what do they want from us, Roger?

MR. PUGLIESE: I think the council was looking for some input from you and in response we were hoping that this was actually going to work. I think at least I found we did get Andy to send a presentation to us now and distribute it to the members so we'll actually have the presentation and if nothing else possibly we could walk through. Those are some opportunities. There is concern about the shrimp fishery in the South Atlantic because you have a pretty significant step forward with two species.

MR. DOCKERY: Roger, should we wait, or can we go ahead with Kari; and before we conclude today, we ought to at least make a point to make a comment about the sturgeon.

MR. WILLIAMS: Yes, Roger, do we know anything about the interactions with the sturgeons, how many are there in the South Atlantic, anything about IPS or jeopardy on any of them?

MR. PUGLIESE: Yes, I think that's what Andy is going to try to present to you at some other specific time. Truthfully, I don't have the details, so I think at a minimum we could get the presentation to us. In between, I should be able to see if some of those determinations have been made, because I think there are some determinations for our region.

MS. MARTIN: The biological opinion that is up there has not been finalized. Council staff and council members, we really don't know what is in here. Protective Resources staff will be presenting this information to the council for the first time at the June meeting. At a minimum, I can try to get the presentation from Andy to circulate it to the APs here today.

Then I guess recommend that you tune in at the June meeting when this is kind of formally presented and introduced to the council. It will be during the Shrimp Committee. They haven't yet told us the timeline for this biological opinion, which management measures are forthcoming after a biological opinion is finalized. We aren't even sure when that will be.

MR. WILLIAMS: I thought I saw on the board maybe a final opinion was already completed. It must not be. Okay.

MR. DOCKERY: While we're waiting to get I guess a hard copy of that, let's turn it over to Kari and she will brief us on the review of the South Atlantic royal red shrimp fishery and rock shrimp fishery.

DR. MacLAUHLIN: I'm Kari MacLauchlin. I am council staff and this is a presentation that I gave at the last Shrimp Committee meeting. They had requested just an update on the royal red

shrimp fishery and then of the rock shrimp fishery. This is just to show you guys the information, and we can chat about it if you want.

The council is not considering any actions that would affect the royal red shrimp fishery, but that they did have a few questions that we can talk about now if you want to or we can talk about at a later meeting. I'm just going to go on for a little bit about the royal red fishery, not that I need to here probably. Then I'll talk about the latest in the landings trend and where they're fishing and how many vessels.

They are not included in the fishery management unit for the Shrimp FMP because when they developed that there were no management measures necessary. There are currently quota landings only and most persons for this also fish for rock shrimp and a VMS is required for rock shrimp, so you have the royal red data.

This is sort of the Florida east coast landings and value and they are in year to year. I'm sure you all are familiar with this. Then this is a chart actually in the document that was in the briefing book. This chart is incorrect for pink shrimp. This version that you're seeing now is the updated version and I'll make sure that you guys get a copy of this.

But it just compares the five different species of shrimp, so we have the highest landings with the brown shrimp, and then pink shrimp are these little – it's the purple and then the royal red in most cases is very, very, small compared to the penaeid. Then the orange is the rock shrimp. The Gulf of Mexico has a royal red shrimp fishery, and so I also wanted to show a little bit of comparison with the Gulf states.

The purple is Alabama and yellow is the Florida east coast and the gray is Florida west coast. You can see that Florida compared to the Gulf states is similar with royal red landings. Then this is what you guys have been talking about because then it goes to the council to show them some of the information from the VMS data.

A couple questions for you that came from the Shrimp Committee at the last council meeting. They were talking about some questions that because we don't have a royal red permit, that the council would want us to work with you to figure out how many vessels are harvesting royal red without a rock shrimp permit and then how many vessels are harvesting royal reds without a full shrimp royal red permit.

MR. MERRIFIELD: There are no vessels harvesting Atlantic royal red shrimp without a rock shrimp permit. How many vessels harvesting royal reds without a Gulf shrimp permit; I'm not sure what you're asking there. So you're asking of the ones that are harvesting royal reds who have a Gulf royal red permit and an Atlantic rock shrimp permit basically. It covers all red shrimp.

MS. THOMPSON: I think the reason that they're asking this question is because it came up by the LEAP Committee, the Law Enforcement AP, and it came up from the council at the last meeting. Their concern was that there would be boats from the Gulf that came over and fished for royal reds that would not have a VMS on them.

Our answer is that all of the boats that come over from the Gulf have rock shrimp permits. A smaller boat that's fishing for whites is not going to go offshore and fish for red shrimp. It takes bigger boats with more horsepower. Those boats, the ones that can fish for rock shrimp – I mean, you can't fish for reds if you can't fish for rock shrimp.

All of the boats that are coming over from the Gulf that would conceivably end up fishing for reds in the tide on the east coast, they are big enough to rock shrimp and they would have VMS on board because they have a rock shrimp permit. That is our stance is that it's impossible for a boat to be out royal red fishing that came from the Gulf that would not have a VMS on it.

That was because there was concerns that somebody had been royal redding could come over and rock shrimp and then transit the reef. They don't want anybody transiting the Oculina closed area unless they have a VMS on it so they can track them. I think that's where all this relates to. I think Marilyn can verify that there are no Gulf boats coming over here to fish for reds that don't have a VMS.

MS. SOLÓRZANO: That is correct.

MR. MERRIFIELD: I was just going to say the Atlantic red shrimp, when I target it, that's not a target for any of the Gulf fellas. If they come over to the Atlantic, it's to target typically rock shrimp or white shrimp, typically rock shrimp. I can't think of the last time I had somebody from the Gulf come – well, maybe Brent, but I don't think he has even gone. I don't think anybody has come over from the Gulf that goes red shrimping in the Atlantic.

MR. VENDETTI: The answer to the first one is zero, everybody agrees to that, right. Tell me this was part of the royal red without a Gulf shrimp permit. Did you mean without the VMS or did you mean without a Gulf shrimp permit? All Gulf shrimp vessels do not have to have a VMS, right?

DR. MacLAUCHLIN: I think that was the underlying question from the committee was are there any boats harvesting royal reds that don't have VMS. We can just report these responses back to the council as part of the AP report; does that sound good?

MR. DOCKERY: Yes, go ahead.

DR. MacLAUCHLIN: Okay, this presentation is also similar with a few discussion points at the end that I gave to the Shrimp Committee at the last council meeting in March and they have requested an update on the rock shrimp fishery. Really, it was to talk about rock shrimp limited access permits that are not in use, and this is something that had been a concern that had been raised by an AP, about that the number of our shrimp permits, the limited access permits was decreasing as people didn't renew them and was there a way to like to get permits to people who wanted to fish it.

They wanted me to get some information about the permits and how many permits are being used actively so I put those together. All of this you guys know. There is a rock shrimp dealer

permit and about 43 rock shrimp dealers. Currently there is an MSY proxy and that's primarily for the fishery.

The limited access program was implemented in 2003 and it had a use or lose policy up to 2,000 pounds in one of four consecutive years. Then it also had this requirement where you had to renew your open access permit and your rock shrimp endorsement. This had caused some problems.

In Amendment 7 permits could be reinstated that were lost, either landings requirements because there had been some hurricanes or somebody had failure to renew. Then they also cut three names out of rock shrimp endorsement as the rock shrimp limited access or RSLA. Then there was a rock shrimp permit.

This is just the east coast landings and value again, and then again this state chart that I'll send out. What I did with that is looked up the permit records and crunched some numbers so I could talk about these permits. These are all the rock shrimp permit; you know, before they were rock shrimp and then a rock shrimp endorsement and then it switched to the RSLA and the RSTP. This is just all of it together.

Down here, this orange is the number of Gulf rock shrimp permits. These are primarily Alabama. It's the home port of the vessel that the permit is associated with. That's how I get another state. The next one Florida and then North Carolina has a lot of the Carolinas in it. This is how ports that are not 100 percent correct. It's just stuff and information I have.

These are limited issue permits so I took out all when it was an endorsement and then when it was an RSLA. Again, you can see mostly – I'll start here with Alabama. The Alabama permits, they are pretty consistent all the way through 2007, but the number of reported permits has declined over time and in general all the South Atlantic permits have declined over time.

This table I tried to kind of put together if there were any latent permits. This is kind of tricky because there is not a logbook program for rock shrimp and so you have to use the state landings data. But if they are latent in another state; like four of the Alabama dealer permit holders, maybe they are landing in Alabama, so we didn't have that information and then landings aren't always linked to permits.

This was basically the best information I could get and I could tell you that at least 23 of the limited access rock shrimp permits have landings out of 104. That is kind of the spotted row here where this is the number of active limited entry permits and then the bottom number are the permits that I could verify had landings.

It looks right now that about a quarter to a third of the permits actually have landings. I also tried another way to kind of get to this latent permit, to try to find some information about latent permits. I looked up all the permit landings that I could get and associate with them. It's kind of a similar situation. These are all the rock shrimps and the Carolinas aren't included here. Then these are the ones that I could verify having it.

I'm trying to pull from the Atlantic states data that compiles all the states data and then also the NMFS data base. But, because there is not a central logbook program for rock shrimp, it is difficult to tie them to the permit. Anna had sent out the kind of discussion paper that I had put together.

We were chatting about just some ways that you could talk about how to deal with the rock shrimp limited access program, because it's probably could stand to have some modifications and make sure it's still serving its purpose. We had talked about that and just some ideas so that's one of your attachments I think 3B.

It's in your briefing book, but I just threw out some of the questions that were in there so I wanted you to think about how many vessels the fishery can sustain. This is talking about that sort of limited access permit. Then another question that came up when you're talking about permits for vessels that are not actively participating at the time is they pay to have those latent permits.

Right now there are 100 permits or 90 permits or something that are valid and can be used, but it would be okay if all 90 boats kicked in and started fishing. I think there used to be, so probably it's okay but it's just something to think about when you're thinking about permits that are not in use at the time.

Then Mike and Laurilee had come up with a few ideas and I tried to brainstorm with people who maybe we can talk about that are here or you all can just talk about it later, some ideas for modification, some way to revert those unused RSLA permits and that would basically mean putting in another use or lose provision in some way or some kind of landings requirement to keep it; and then any of those that are taken away because they are inactive can be reissued to people who are interested.

Then another idea was to making a minimum number of unlimited access permits; so once it dips down to 100, then reissue 25 so that there is always 125 or something like that. Then another way would be some way to facilitate transfers, because you can't transfer the limited access permits, and some way just to connect people who want to sell it, who are no longer using it to people who want to buy a permit. I think that's it. Those were just my questions for discussion if you guys want to.

MR. MERRIFIELD: I guess I just have a question. How do people feel about the transferability of those, because there are 90 something of them out there? I know somebody that recently was trying to get a hold of one and she had a heck of a time trying to purchase one from somebody. The only way that you really have – there is a website that lists all of the rock shrimp holders, permit holders, but all it has is an address so all you really have an option to do is to snail mail blast and try to get somebody to call you back with one that's available.

There is also the issue that people are hanging onto them for potential value purposes but they're not being used. When we've got – you said 19 that is landing rock shrimp. That's probably all of Florida, including the west coast I would guess, because I can only think about 11 that were on the east coast this last year.

I don't know what this – and then the concern that we brought up was that if you don't renew it and it expires, it's gone. It is no longer available. It doesn't go into a pool that can be purchased, it's gone. At some point – and maybe now is a perfect time and maybe it's not urgent at the moment but at some point in time we're going to have to address how do people get back the fishery they've got. How can somebody gain access to a permit if they can't buy one from somebody and we get down to 20 permits?

MS. THOMPSON: Well, if there is 90 limited entry permits now, that seems like a pretty good number. Say somebody sells a boat and it goes overseas and they just let the permit expire, could we set a cap at 90; and then if a permit expires, then it goes into the pool where it can be bought by somebody that wants to buy a rock shrimp permit.

It doesn't make sense to me to just let the number of limited entry permits just keep going down and down and down. I recognize that somebody may want to hold on to their permit thinking that it might have value, but for the ones that are just letting it expire or their selling their boats and then the permit expires, there ought to be a way to keep those permits in the fishery.

MS. THOMAS: I thought that number was 150.

DR. MacLAUHLIN: It's Attachment 5B, the discussion paper that I put together for you, in Amendment 5 it noted that the Rock Shrimp Advisory Panel felt the rock shrimp industry could support at most 150 vessels and there were 155 original rock shrimp limited access permits. That was back when I know the council was working on Amendment 5, so 150 was the number.

If we're talking about maintaining some kind of minimum number like Laurilee is talking about, some of the questions that I was thinking about when you were asking the council think what is the minimum number, what should it be based on and then who would be eligible to receive one of the limited access permits if there was like a reissuance; would it be like a first come, first served or a lottery.

Then should there be criteria that would trigger a new permit? If it goes from 90 to 89, then automatically that one goes on the block to be reissued; or, every five years you see how many you've lost and you put those on the block to be reissued; or, it's in like ten increments so if it goes from 90 to 80, then we'll put ten on the block. These are the details of things that we would have to think about on how to define that number and have the rationale. Then also who would you want to have access to those permits that are available.

MR. WILLIAMS: There are certainly a lot of questions here to be answered. Just these two or three would generate several questions in themselves. I think in the beginning, the graph you showed here or the numbers showed here a few minutes ago, 150 was determined to sustain the industry and sustain the infrastructure years ago.

I don't know how the rest of the panel feels, but I certainly think we ought to keep a minimum number available. As to what we do with them, I could tell you how to do it to keep a minimum number. I think a lot of this is gets not only market-driven but economic-driven. When you see

there is not a lot of rock shrimp here, you are not going to see boat unloading.. They're going to be catching your red shrimp. Every one of those is likely to come into play; especially when you see such a stark contrast between 90 available and 19 unloading.

That doesn't tell me that they're working because they don't want to. They're making more money somewhere else. Then the next week you are liable to see 75 or 80 to 90 unloading rock shrimp in one year. I think we have to certainly take that into account also before you make any kind of decision. Personally I think you should keep certainly a minimum number and then decide what to do with them. I guess the minimum number should be close to what we voted on years ago to sustain the industry and the infrastructure.

MR. DENNIS: Okay, this grid is about a hundred. If I try to maintain 150 that we came up with originally, because now we can take the boats and go out there now and fish and just a month of good production we can drop the price. Rock shrimp, if we put 150 out there, then these people that do this rock shrimp and make a living, it's going to hurt them. I'd rather do a lot of work with these values, you know, what we've got now to maintain that.

MR. MERRIFIELD: I don't think you'll ever see 150 boats out there on it, but what we have less than 10 percent, 20 percent working the fishery now, actually probably about 10 percent working the fishery out of that 90 that are out there. We want to be careful not to – if we're only going to have 10 percent participation out of a group that holds permits, I don't know if you can logically say that or not. But if you only have 50 permits left now, we're going to just have five people working it.

I don't know; I'm just saying you've got to have some number so that you don't have to work it every year. Not everybody is going to work it every year. But I don't know what that number is. I don't want to basically give away so many that you don't have enough people to work it. I know this guy that wants to work it now but can't find a permit.

MR. WILLIAMS: But it is possible that there are so few boats working it now, that is causing the market not to be there? When there were 150 boats, there was a pretty good market there. The less boats that work it, the less market there is. We can bring in that boat to work it, but that's not specific.

MR. DOCKERY: I'm going to add a comment to this which is if you went back to the 150, you would have an instant problem that you have 60 permits that are now all of a sudden available, which would decrease the value of any of the other 90 who are holding onto their permits. If anything, you might want to think about a starting point with where you are as opposed to going back up.

MS. THOMPSON: I believe that the 155 permits that were issued initially, those were the boats that were working in the fishery at the time. They were trying to accommodate everybody that had one that was currently fishing and had a recent past record of working on rock shrimp. Truthfully, the infrastructure, the fish houses, the peelers, there are not as many now as there was 20 years ago or 15 years ago. Maybe 150 are too many.

There ought to be a mechanism for somebody that wants to get into the fishery and participate in it to be able to do so. We don't want to keep seeing the permits go away. My Dad was on the Rock Shrimp AP when they very first did all this. He was stunned when I told him that the permits were going away. He always was under the assumption that there was always going to be 150 rock shrimp limited access permits. He called me a liar when I said that the number of permits was going down. He said, no, that's not what we voted on. Janie was surprised today to find that the permits – they're not there. When that permit is not renewed, it goes away. We've got to stop that process of the permits disappearing like that and continually going down in number.

MR. DOCKERY: Would anybody here be opposed to proposing to cap the number at 90? I haven't heard anybody say it should be lower than 90. Would that be something that the AP could recommend?

MR. MERRIFIELD: Can we just pick a number like that or say that if there is 90 that we want to stay at 90 or do we have to have some kind of justification for 90? I'm asking the staff.

DR. MacLAUHLIN: Well, the council will have to have rationale if they decide to have like a goal, a minimum number or a goal number of valid permits. What you guys are talking about, like this is right now what you feel like the resource can support 90 boats right now and that is a rationale, even though there are only 20 that are actively participating right now.

MR. DOCKERY: Do you want to make up a motion that we recommend that?

MR. VENDETTI: I think where we are today under the current regulations, that's what it is 90. If you don't do it, it's gone, and those are gone and that's where we are. Now I think the need today is try to figure out. There are supposedly people out there who want to enter the fishery and have called around and can't find a way to enter the fishery.

That's what I think the goal is here today; maybe do something about this small number that may be trying to get into the fishery. I don't think you should try to tackle trying to figure out what the resource can support or what the right number would be for infrastructure or anything like that. That takes an economic analysis or a biological analysis or something like that.

The issue here today is what we do about the few people who want a license and can't get one. It may be something about this connecting people with whatever you said, the last line there, something about facilitating transfers, you know, helping people understand there is a list out there. I don't know, but that is the issue here today, how to get a few people a license. Let's not try to decide on much harder questions to answer.

MR. WILLIAMS: I agree with Richard; that is certainly one issue, but I think another issue is like Laurilee was talking about that we're continuing to lose the rock shrimp permits and these people not renewing them. I think it wouldn't certainly behoove us at least to consider a number to approach the council with that we would like to have this minimum number of permits remain in the industry. What we do, though, is we could pick a number at a later date, but we're continuing to losing permits of those not doing them.

MS. THOMPSON: Is this going to require an amendment? Will it take a shrimp amendment to set that cap or can we tag it onto Shrimp Amendment 9? Is it too late because we haven't got public comment or scoping? Are we just kind of like breaking ground for something that might be included in Shrimp Amendment 10? I don't know if we can go around and change the rules like that.

DR. MacLAUCHLIN: Some of these ideas like setting a minimum cap and reissuing it; that would take an amendment. I don't think that it could go in Amendment 9. It's too far down the road. But this, facilitating the transfers, that doesn't require a council action and anybody could really do it.

NMFS could do that where they would just send out an e-mail to everybody or however they contact them and say if you want to sell yours, let us know. Then somebody acts as a broker. That doesn't require a council action and really you want probably as little interference from any agency in a market for tradable permits, anyway. But these were just ideas of how this could go, but if you guys are interested in other things, you have to go through an amendment.

MR. DOCKERY: Before we go any further with this, I've got a little bit after four. We were supposed to end at four. I know some are tired. Is there any desire to try to wrap this particular issue up or postpone it?

MR. MERRIFIELD: I would say we probably ought to move on because that's why we're kind of asking was it's not as simple as your saying. Let's set it at 90 and anything that we lose beyond this point is now available; it's not that simple. It's another amendment but let's not tackle that.

MR. DOCKERY: Do we know if the stuff about the sturgeon ever came to us that can be distributed or not?

MS. MARTIN: We will have to get together with them and send this information out to the panels. That's not something that can be done today, unfortunately. Sorry about the problems there, but, again, this is also going to be introduced to the council during the June meeting. I believe they will have a representative presenting this information to the Shrimp Committee in June.

That will be another forum to learn about the listing and the biological opinion, which again is under development. That is essentially all we know about it at this time. But if I can't get some information from the Protected Resources staff to send out to the groups, I will certainly do so, and then follow up with everybody accordingly.

MR. DOCKERY: Is there any other business that anybody wants to bring to the attention of the APs before we adjourn?

MR. VENDETTI: One thing is the membership on this committee. Is there anything we need to do as far as – there seems to be several that aren't here on kind of a regular basis. I don't know, is there anything we can do about that or is that just staff could handle that or what?

MS. MARTIN: Well, we do have a number of seats up for reappointments and I think the next time those will be considered. Kim, do you want to talk about the process? Our office staff will be sending out reappointment notices. We have reapplications for seats. Typically once those are reviewed during the Advisory Panel Selection Committee at a council meeting, it's also discussed – attendance is discussed as far as previous attendance at the advisory panel meetings.

MR. VENDETTI: Nothing really to do, but if we know somebody who we could recruit; if we know somebody that might want to do it, just encourage them to apply?

MS. IVERSON: That would be really helpful, yes.

MR. DOCKERY: Kim, did you want to add something?

MS. IVERSON: Just very quickly; the attendance records are looked at and anyone that has not attending a meeting for two consecutive meetings receives a memo from our executive director just asking them to give us a reason why. There are extenuating circumstances sometimes, of course. Everyone is aware of that.

If they miss two consecutive meetings – and as Anna pointed out, the AP Selection Committee will review those attendance records when it's time for reappointments. Several of you will probably receive a reapplication letter. We will be addressing those open seats between now and September.

We do have an AP Selection Committee meeting coming up in June and again in September, but those reapplication forms should be coming to you following the June meeting. Again, please if you know someone that's interested in serving on the advisory panel, please send them our way and I'd be glad to talk to them about what's involved and the importance of serving.

MR. DOCKERY: Well, if there is nothing else I would like to thank everybody who came today, made for many a long trip. I'd like to thank the council staff for making this possible. I'd like to say that we did make some proposals that hopefully will be paid attention to. I'd also like to reiterate the comment from the Snapper Grouper AP about the importance of trying to get the different APs to be able to work with each other. I think that was a real good statement even if it came at the beginning of the meeting. With that, I adjourn the meeting.

(Whereupon, the meeting was adjourned at 4:00 o'clock p.m., April 20, 2012)

Certified By: _____ Date: _____

Certified By: _____ Date: _____

Jt Shrimp and Deepwater Shrimp Advisory Panel
April 20, 2012
N. Charleston, SC

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