

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT ADVISORY PANEL

**Crowne Plaza
North Charleston, South Carolina**

January 29-30, 2024

Transcript

Law Enforcement Advisory Panel

Captain Scott Pearce, Chair	Captain Chris Hodge
Captain Michael Paul Thomas, Vice Chair	Lt. Andrew Loeffler
Colonel Bruce Buckson	Kevin Roberson
Tracy Dunn	Jamal Ingram
Michael Freeman	Captain Garland Yopp
Alana Harrison	Michael Lind

Council

Spud Woodward	Tom Roller
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Council Staff

Myra Brouwer	Kelly Klasnick
Julia Byrd	Ashley Oliver
Dr. Judd Curtis	Michele Ritter
John Hadley	Dr. Mike Schmidtke
Allie Iberle	Christina Wiegand
Kim Iverson	

Attendees and Invited Participants

Mel Bell	Karla Gore
David Hugo	Kristin Foss
Thomas Newman	Nikhil Mehta
Ira Laks	Alan Bianchi
Rick DeVictor	

Observers and Participants

Other observers and participants attached.

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened at the Crowne Plaza, North Charleston, South Carolina, on January 29, 2024, and was called to order by Chairman Captain Scott Pearce.

CAPTAIN PEARCE: Good afternoon, everybody. We're fixing to get started here, and thank you, everybody, for joining us for the Law Enforcement Advisory Panel meeting today. To kick things off, we'll go ahead, and I will make a motion to approve the agenda, if everybody is good with that. Have we got a second? We've got a second to approve the agenda. Also, I'll make a motion to approve the February 2022 Law Enforcement Advisory Panel meeting minutes, if I can get a second. All right.

MS. BROUWER: Mr. Chair, we have one person that wanted to make public comment.

CAPTAIN PEARCE: Oh, I'm sorry. I missed public comment. Sorry about that, and I apologize, and I missed public comment, and so we had somebody for public comment, and we'll go ahead and take that now.

MS. BROUWER: So, Thomas, I'm going to go ahead and unmute you. Thomas, can you hear me? You should be able to unmute yourself now. We're not hearing you quite yet. It's showing that you're unmuted on your end. If there's anybody else online that would like to give public comment to the Law Enforcement AP, please raise your hand. Okay. I am not seeing other folks. Thomas, we're going to troubleshoot what's going on with your audio here, and we'll come back around, if that's okay with you, Mr. Chair.

CAPTAIN PEARCE: That's okay with me. Thomas, we're going to move forward, but we'll come back and give you another shot in a minute, if we can get this worked out. Okay.

(There is a gap in the audio recording.)

MR. WOODWARD: -- that I would believe that would give me the ability to have better insight, and so, whenever we sit down and deal with a management response, what we decided what we needed to do, my next trip would be to go downstairs to Chris, or his predecessors, and say, okay, how do we do it, should we do it, when do we do it, to try to make sure that we reality check what we were trying to do, because you all know, out in the real world, that we can write regulations on paper, and they appear to be effective, but, if they're not understood, if they're not complied with, and perhaps, most importantly, if they cannot be properly adjudicated, then, you know, a lot of effort has been spent, without a lot of result, and so we appreciate you all's ability to give us that reality check, and that's what I hope you will do.

You know, I think this group has a history of certainly not just nodding their heads. I mean, if there's things that the council is proposing to do that just don't pass that reality check, then it's your job to say, wait a minute now, you know, and this isn't going to hold up out there in the real world, and, you know, we're dealing with some very complicated management problems, and, you know, we're stuck in this conundrum of trying to find simple solutions to complicated problems, but we appreciate you all being here, and your input, and I look forward to hearing what you all have to say.

CAPTAIN PEARCE: Thank you, Mr. Woodward. Thomas, if you want to give it another shot, we'll give you a try here.

MR. NEWMAN: Thank you all for giving me the time to speak. My name is Thomas Newman, and I'm on your Mackerel Cobia AP for the South Atlantic, and I also live in North Carolina, and I work for North Carolina Fisheries Association. I wanted to speak about the king mackerel tournament sales, because this is becoming a very hard issue on commercial fishermen, and we continue to discuss it at our AP meetings on this issue, and it kept causing us problems throughout our season this year.

The biggest problem, on the law enforcement side, is there are so many gray areas, and I spoke to a couple of different officers, and there's a lot of gray areas in whether these fish can be sold once or twice, whether the charity is receiving ex-vessel for the fish, or they're receiving ex-dealer value for the fish, which, as most you all know, there's a big difference between the two, but the biggest issue, on our end, is we're dealing with these extra fish coming into the commerce, and we can't stand it.

The last three years, it's averaged about 10 percent of the total landings in our state came from tournament sales, and the tournaments are not under the same requirements as these limited-access king fishermen, and we have to have -- We have to have a permit, and we have to have safety equipment, and we have to have all that stuff up to standards, but yet these tournament boats are coming in, and are selling fish on our market, without any of these legal requirements.

With all these charities that they're supporting, and all the sponsors and whatnot, and there is plenty of money in that charity, or there's plenty of money in these tournaments, to support the charities, if it's about charity money, but I believe this is more about just being able to put fish on the dock for pictures, and that's what this has turned into, and that's why we are seeing an increasing trend in tournament sales, and I just hope that you guys can have a really good, thorough discussion on that, and I will definitely be listening in, because this is a gray area, and it's hard to figure out what's going on.

I will say that I dug into it pretty deep, and I tried to contact some people in the tournaments, and it's just there's so much stuff involved, when you're looking at the charities and what dealers can release and whatnot, and a lot of this stuff is gray, and it's hard to uncover what's going on, but I think we need to follow in the steps that the Gulf went and do away with these tournament sales, but thank you so much for your time, and I greatly apologize for having these mic issues, but thank you all so much, and you all have a good day.

CAPTAIN PEARCE: Thank you, Thomas. We appreciate your comments. Okay. I am going to turn it over to Ms. Myra Brouwer, and we'll start moving forward through our amendments.

MS. BROUWER: Thank you, Mr. Chair. What I have here, Attachment 1 in your briefing book, is basically just a quick summary of what the council has been up to, amendments that are under development, and we're also going to talk about a couple other projects that are not amendment-related.

The first one on my list is Regulatory Amendment 35, and this is a snapper grouper FMP amendment, and it deals with red snapper catch levels and reducing discard mortality. This

amendment has been under work for some time, and it was initiated in response to the completion of the red snapper stock assessment, SEDAR 73. Red snapper are overfished, and they continue to undergo overfishing, and this is mainly due to the large number of red snapper that are being caught and released, and then they subsequently die, and so discards are a very big issue, not just for red snapper, but fishery-wide in the snapper grouper complex, and so this amendment included some actions that were aimed at curbing not just the number of fish that are being released, but also the mortality of those fish, and so the council went through a process of exploring various things, and they discussed things like banning electric reels, and that was one of the actions that was in this amendment at one point.

They discussed seasons, and they discussed area closures, and, ultimately, what ended up in it was just an adjustment to the catch levels based on the recommendations from the assessment and the recommendations from the Scientific and Statistical Committee and then an action to require single-hook rigs in the recreational component of the snapper grouper fishery.

The amendment was getting ready to be -- Well, it had actually been approved by the council, and then, in September, the council said, you know what, we need to -- We need to think about this a little bit more, and they requested an option to come back to it in December, and then, in December, they approved a motion to rescind the previous motion to submit the amendment to the Secretary for review, and so we're going back to discussing this at the March meeting, and so there's going to be new things in there, and perhaps the council is going to revisit things that they've already talked about, and so this is coming back to them in March.

I wanted to also make sure that I mentioned that the council did have a request for you guys on this amendment, but the staff person who is leading the development of this amendment is not here today, and he'll be here tomorrow with us, and so I would rather have that discussion when he's here, and so, if that's okay with you all, we're going to come back to this at some point tomorrow. Any questions on that one?

Then next on my list is yellowtail snapper, and so this is an amendment -- This one has a long history, and this one started being put together, oh my god, back in 2017, I think, and it's been a while, and then it got put kind of on the back-burner a little bit, because the National Marine Fisheries Service was undergoing their revamp of the MRIP program, and then there was another assessment that was completed, and so the council restarted work on this amendment. This is done jointly with the Gulf of Mexico, because that stock is managed as a single stock, and so we kind of started working on this again.

The tricky part, with this one, is it needs to first establish a jurisdictional allocation, and so how much of the stock, or the allowable take, of yellowtail snapper is going to go to the South Atlantic, how much of it is going to go to the Gulf, and then you have to figure out catch levels for each region separately and sector allocations for the South Atlantic. With this one, the council has decided -- Both councils have decided to hold back on development until there is a new assessment that's being completed using data from the Florida State Reef Fish Survey, and so that's underway, and, when that's finished, we're going to take this one up again, and so that's kind of where we are on yellowtail. Any questions on that?

Okay, and the next one up is another snapper grouper amendment, and this is Amendment 55, and it looks at establishing a new complex for scamp and yellowmouth grouper, and so there is an

assessment, SEDAR 68, that was just completed last year that looked at these two species together, and this is because there is misidentification issues. From what I understand, it's just hard to tell them apart, and they are landed together, but we don't have, in the fishery management plan, a complex for these two, and so we have to first establish that, and then, you know, the FMP needs to have all the various status determination criteria and all the catch levels specified, and so this amendment does that.

The tricky thing with this is that yellowmouth grouper is already part of another complex, and so now we have to figure out how are we going to rearrange that other complex, take yellowmouth and put it over here, and so this is just a complicated reorganization of these two species, and so this one is looking to -- The council is looking to maybe approve this, hopefully, in September of this year, and that's where that one is. Any questions?

Moving off of snapper grouper, in dolphin wahoo, there is a regulatory amendment that is kind of on hold right now, but I figured you guys would want to know where that is, and why it's on hold, and this amendment would extend the minimum size limit northward for dolphin, and modify the retention limits for dolphin as well, and so the council is currently awaiting completion of a management strategy evaluation, and that's being led by the Southeast Fisheries Science Center, and they would like for the information from that MSE to be available to them, so they can better inform what they want to do with this amendment, and so this one, again, is on hold, pending completion of that study, and they're going to take it back up in December of this year.

I also wanted to let you know that Coral 10 -- This is an amendment that was actually approved and submitted to the Secretary, back in 2021, to allow fishing for rock shrimp in the western -- Like in a little sliver of the western boundary of the Oculina Bank Habitat Area of Particular Concern, and this is an area that rock shrimp fishermen had access to before the HAPC was put in place, and they approached the council, a while back, to get that area back to the fishery, and so this amendment proposes to allow rock shrimp fishing in that little sliver.

However, the amendment was disapproved by the National Marine Fisheries Service, and so we have to kind of repackage it, complete the information that was missing the first go-around, and resubmit it, and the council has given staff direction to go ahead and do that, and so we'll be working on that amendment this year. Any questions there?

Mackerel cobia, there is an amendment that also got started, and is also on hold, though this one responds to the assessment for Spanish mackerel, which is neither overfished nor undergoing overfishing, and there's been, you know, a lot of discussion about that assessment, and the recommendations that came out of it, and the council has opted to kind of hold back on this a little bit. They are going to be undergoing a series of what we're calling port meetings to go out and talk to fishermen, up and down the coast, all the way up to Massachusetts I think we're going, and down to Florida, to get more information about the fishery, and, when all that information is gathered, and I'm not going to go into it here too much, because Christina is going to tell you about it in a minute, and then we'll restart work on this amendment.

The next one is one that I was working on all of last year, and this is a joint amendment with the Gulf, and it looks to establish electronic reporting for commercial vessels. It is pretty much being just prettied up for submission, and it has been completed. Both councils approved it back in October, and so hopefully we're going to have this one submitted before the March meeting, and

that's my goal. However, it's going to take a little while to implement, right, because this would have to -- The infrastructure, the system, needs to be there, in order to support electronic reporting for commercial vessels, and there's bits and pieces out there already, and it's just the question of kind of making it all work together, and so we've been told that, hopefully by the beginning of 2025, we can look to have this implemented, and so that will be exciting.

Then, finally, this is one that we are just starting to work on. In December, the council gave us direction to start looking into a potential limited-entry program for the for-hire components of the snapper grouper, dolphin wahoo, and coastal migratory pelagics on the Atlantic, and so we're going to talk a little bit more about this when we get into the compliance with the electronic reporting for the for-hire component, but this one -- We'll be working on that probably all of this coming year, and so you'll be hearing about this probably again. Any questions on any of these?

So I guess I would leave it up to Christina to talk to you about port meetings, and then we'll get David Hugo to give you guys an update on what he's been seeing when he's been doing outreach at tackle shops in the region.

MS. WIEGAND: Thanks, guys. I just want to talk to you, real quick, about what we're doing for mackerel port meetings, and there's not any law enforcement concerns here, but we sort of wanted you guys to be aware that they were going to be going on, since you do have a lot of interaction with the public, and so this is an effort that actually came directly from the council's Mackerel Cobia Advisory Panel, back in October of last year, or two years ago, and they sort of requested that the council take a step back and make an effort to take a holistic look at both the king and Spanish mackerel fisheries. They are incredibly dynamic fisheries that are undergoing a lot of change, especially on the Atlantic coast, and we're seeing both king and Spanish mackerel sort of appearing in places where there haven't historically been fisheries for it, and so, throughout the year, sort of starting in April, and running all the way through November, the council is going to be holding port meetings, up and down the coast, talking to fishermen about what they're seeing in this fishery.

There is sort of a long list of goals and objectives for this that the council has developed that I don't -- You know, we don't need to get into them now, and, should you guys have questions, please come talk to me, and I'm happy to provide more detail, but, as we sort of move more into the outreach portion of this, letting fishermen know that these port meetings are going to be going on, and trying to increase attendance at them, one of the things we would love is if we could, you know, provide you guys with information, and material, so that you have it when you're interacting with members of the public, just to let them know that these meetings are going on, and, if they have thoughts about the council should be moving forward with management of these species, this is one of the best opportunities for them to provide that information to council members, and so I just wanted you all to be aware that that was going on, and we'll follow-up with materials.

MR. HUGO: Good afternoon, everyone. For those of you who I have not met yet, my name is David Hugo. I am Sea Grant's South Atlantic Reef Fish Extension and Communication Fellow, and what that means is that I work really closely with the council, and their outreach staff, and I do a lot of outreach kind of related to best fishing practices and citizen science project initiatives that the council kind of houses, but really throughout the whole jurisdiction, and so from North Carolina all the way down to Key West.

I just wanted to, first of all, introduce myself, and then provide a little bit of updates as to kind of what I've been up to since I onboarded last year, and a little bit of background into some of the outreach I do, and then I'll move into some things that I'm seeing in my outreach, and I'll kind of conclude things with hopefully some maybe conservation back and forth.

My outreach varies, and it's anything from tackle shop outreach to seminars, industry events, things like that, and I will say that tackle shop outreach is kind of the bulk of what I do, and, like I said, it is throughout the whole jurisdiction, and so, last year, in 2023, through kind of the early part of this year, I've hit spots anywhere from Goldsborough, North Carolina down to Key West. I've been to over eighty tackle shops and marinas and piers, and I've talked with a bunch of stakeholders, anyone from the kind of average recreational fisherman to the for-hire captains, tackle shop owners, associates, things like that.

I also get the opportunity to sometimes do offshore media trips with for-hire captains as well, and kind of have conversations with them on the water, and then I go to all council meetings as well, and can interact with people there, and so I'll kind of move straight into some observations, and so this is kind of largely focused on my tackle shop outreach, which, like I said, I've been to many shops, and piers and whatnot, and I've talked with a lot of different people, and one thing -- I will take a pause, real quick, and you may have seen this package of materials up by your microphone, and this is something that I gifted you all, but it's a bunch of materials that are related to our best fishing practices and citizen science initiatives at the council, and so just a quick sidenote there.

In terms of tackle shop outreach, I talk with a bunch of folks, and there's a couple of themes that I'm seeing in stores. One of them is positive, and it's a lot of kind of support for conservation-oriented initiatives, and so our best fishing practices project is pretty popular among people that I talk with, and so, largely, this is focused on reducing that discard mortality in the snapper grouper fishery, through things like descending devices, and so people are fairly receptive of that. Most shops are carrying descending devices and talking with owners, and it sounds like they're flying off the shelves pretty quickly, so much so that they're actually hard to kind of keep in stock.

One concern that a lot of owners, and associates, are bring up to me is the compliance. They are particularly concerned with the snapper grouper fishery, that they -- I mean, this is speaking about kind of a handful of interactions that I've had, in several different states, but that fines are not steep enough, and so they're concerned that people, nowadays, are so fed up with -- Whether it be red snapper, the two-day season, things like that, that people are now just running offshore, and they're going to keep fish year-round and run the risk, because they think that the fine is not steep enough to dissuade them from doing so.

That's a theme that I've kind of seen at many different shops, and I've talked, kind of anecdotally, with people in my own fishing experience, and have heard this more and more, and so people are just kind of doing what they please and running the risk.

Another thing that I'm hearing, a little bit more, is kind of people becoming habituated to certain like checkpoints, enforcement checkpoints, and so a lot of anglers I've talked with are saying that, you know, enforcement frequents certain areas, but there are certain kind of ghost spots, where enforcement doesn't go as often, and so fishermen are starting to change their habits a little bit more, to actually intentionally target those areas, where they can kind of go under the radar.

This was something that actually was brought up multiple times down in south Florida, and in particular with the mutton snapper fishery, and there were several tackle shop owners who approached me saying that people were keeping undersized mutton snapper and were actually going through areas that traditionally there had not been too much enforcement, and so I know that's just kind of anecdotal information, from my interactions, and, like I said, this is a handful of interactions, and it's not thousands of people, but it is enough to kind of warrant, I think, a further discussion, and maybe just kind of put a pin in it.

I guess I can kind of go into proposed solutions from people that I've talked with, and, obviously, I'm not here to tell you all how to do your job, and I feel like there's probably -- You probably get that a lot, but people have proposed, obviously, just ramping up fines, and making it prohibitively expensive, and, obviously, people who are running offshore, and targeting some of these deeper-water snapper grouper species, have, you know, quad 400 motors, and serious boats, and so just ramping the fines up to be serious enough to make them not want to break the law, and then another one is just kind of varying coverage, and I know that capacity is, obviously, limited, but just making it a little bit less predictable for fishermen, so that they can't kind of habituate their illegal practices.

I guess I will kind of conclude things, and I will be pretty brief in this, and I will just kind of conclude things, and hopefully get some feedback from you all, because I am going to continue to do a lot of outreach, and it kind of -- We're always doing outreach, whether it be tackle shop outreach or seminars, things like that, and, as I go forward, talking with more fishermen, do you all have kind of messaging that I should be relaying back to them, when it comes to these particular concerns? Thank you.

CAPTAIN PEARCE: Any comments from anybody? David, I may have a few questions, but I think I will talk to you offline. I think, some of it, I just would rather talk to you offline.

MR. HUGO: All right. Well, if no one has questions, I will be sticking around today, and so feel free to ping me in the halls, or we can chat offline, but thank you.

CAPTAIN PEARCE: All right, and so our next agenda item will be wreckfish, and Christina Wiegand will be up next. Thank you.

MS. WIEGAND: All right, and so you guys are going to be hearing from me a lot today, and so I'll try not to be overly verbose as I go through some of these amendments, but, starting off, we're going to talk about Snapper Grouper Amendment 48, which is an amendment that looks at the wreckfish individual transferable quota program, or ITQ program, and we're looking at modernizing the program.

Because it's an ITQ fishery, the council is required, by Magnuson, to do reviews of the fishery every five to seven years, and the most recent review was completed in 2019, and it had a host of recommendations in it, but one of them was to move the wreckfish ITQ program from a paper-based system, and they're using sort of paper coupons, when they're out fishing for wreckfish, to account for their shares, to an electronic system, and, sort of through that process, one of the things that the council has started talking in a bit more detail about is monitoring and enforcement for this fishery.

There are a huge list of actions in this amendment. If you include sub-actions, it's about eighteen different actions, addressing everything from sector allocations all the way through to cost recovery, and not all of that is necessarily of relevance to this AP, and so we're going to drill down to sort of three main actions for this amendment, looking at a prelanding notification requirement, or a hail-in requirement, looking at the offloading site and time requirements, and then looking at approved landing locations. Really, what we need from you guys is input on each of those actions, and I've got sort of a list of questions that we can go through as we talk about each one.

This amendment is sort of nearing completion, and we've been working on it for quite some time, and, again, that review was finalized back in 2019, and so this has been a long time coming, and so the council will be taking this information and making decisions at their sort of February meeting, which is just a meeting of a small subcommittee that addresses wreckfish, and then the Full Council meeting in March, and then we'll hopefully be moving forward, with the council taking final action this June, and then implementation will be sometime after that, and it's likely going to take some time to develop this electronic system.

First up is the prelanding notification requirement, and the council started talking about this because, in the Magnuson-Stevens Act, it does require any sort of limited-access privilege program, which an ITQ program is, and it includes an effective system for enforcement, monitoring, and management, including the use of observers or an electronic monitoring system, and this whole discussion of monitoring for this fishery came from the wreckfish review, because ITQ shareholders have sort of expressed a frustration with the offloading hours, which we'll talk about in a different action, but I think is important for some overall context on why we're looking at monitoring for this fishery.

Right now, there are set hours, and I believe it's -- I don't know, off the top of my head anymore, and I've read it so many times. 8:00 a.m. to 5:00 p.m. are the current offloading hours, and shareholders have expressed frustration with that, and it can really affect the efficiency of their fishing businesses if they have to -- You know, if they get in after those hours, and they have to sort of sit and wait to offload, until 8:00 a.m., before being able to cruise back out, and they have also indicated that they don't often see law enforcement while they're offloading.

Sort of the goal of setting those offloading hours isn't really being realized, and we've heard, from some law enforcement that are involved in the development of this amendment, that one of the reasons that monitoring offloading for wreckfish is challenging is because they have no idea when wreckfish vessels might be coming in, and there's no sort of indication system in place to let them know, and so, overall, it does seem like monitoring of this fishery is not functioning for law enforcement, or for the shareholders, and so the council really wanted to start looking at ways they could make some changes to make a system that would work for everyone.

One of the strong recommendations, from the agency, was to consider a prelanding notification requirement, or a hail-in requirement, and so the council has added this action to the wreckfish amendment, and it would require the owner, or operator, of a commercial snapper grouper unlimited permitted vessel that was participating in the wreckfish component of the snapper grouper fishery to contact the agency at least three hours, but no more than twenty-four hours, in advance of landing, using a NMFS-approved method.

When they were providing that advance notice of landing, they would include information such as the expected date and time of landing, the preapproved landing location, the estimated weight of wreckfish that was onboard the vessel, and the dealer where the wreckfish are to be received, and then shareholder and vessel identification information, and so a couple of things to sort of note, before I get into the discussion questions, the first being that the council has indicated that they would want this prelanding notification to be only for snapper grouper vessels that were participating in the wreckfish component of the snapper grouper fishery at the time, and so they would have to be targeting wreckfish, or coming in with wreckfish, to be obligated to hail-in. If they were just out on a general snapper grouper trip, nothing to do with wreckfish, they would not need to hail-in.

Additionally, they've indicated that they do not want this method to be a vessel monitoring system, and they talked about this quite a bit and ultimately decided, from discussion with the shareholders, that they do not want to move forward with VMS. Instead, they recommended that this be something like calling in to a twenty-four-hour call line to hail-in.

Then, finally, sort of noting that it's understood that this prelanding notification requirement would not modify the offloading site and time requirements that were sort of the initial impetus for this discussion, and those will be discussed in a later action, which we'll also discuss with you all, and so focusing just on the prelanding notification, or the hail-in, system right now.

We've got sort of a couple of questions for this advisory panel. Sort of first is a bit more broad, but we would like to get some information from you all if -- To your knowledge, do you know often wreckfish vessels are currently intercepted at the dock, and then sort of what ways would a prelanding notification help to improve the monitoring and enforcement of this fishery broadly, and so I'll just sort of pause here for a second to get any discussion from the AP.

CAPTAIN PEARCE: Any discussion? Any questions?

CAPTAIN YOPP: I just don't -- We don't see the fishery a lot, period, and so it's kind of hard for me to have input on how much is intercepted at the dock, and I think it's rare. I've reached out and spoken to different staff members, and I've never seen one in the field, and so it's kind of hard to give input on that. I would like to -- You said that the current was 8:00 to 8:00 about notification, and was that correct?

MS. WIEGAND: It's 8:00 a.m. to 5:00 p.m. right now for the required offloading hours.

CAPTAIN YOPP: So they said was not sufficient, correct, from what I heard you say, and what input did they give to you? What would they like to see, that group? What did they talk about?

MS. WIEGAND: So I'll cover this a little bit when we get to that action, but, sort of by and large, the shareholders would like to see those hours removed entirely.

CAPTAIN PEARCE: Anything else?

AP MEMBER: With that, did they give any indication of their general landing times? I mean, are they looking at landing at like midnight?

MS. WIEGAND: I think it can vary quite a bit with the shareholder, and we've got shareholders in South Carolina, Georgia, and Florida, and so when they're landing can vary quite a bit, based on sort of tides and conditions in their area, but, from discussions with them, as well as with council members that are familiar with the fishery, there are indeed times when they would like to be able to offload at, you know, midnight, or 2:00 a.m., depending on what time they get back to the dock.

MR. DUNN: Like most of the years that I worked in the field, it was considered a self-regulating fishery, because the number was so small, and I don't know the current number, if it's still at the levels of the past, and so --

MS. WIEGAND: It's still a very small fishery. I believe there are seven active shareholders right now.

CAPTAIN PEARCE: I will just say that, again, with such a small fishery -- I mean, for us, the emphasis on being at the dock, to look at these offloads, is really going to come down from NOAA, from the council, as to the importance of doing that for us. Without a notification, like we have with our IFQ system, the officers aren't going to know, and so, you know, there is -- Without having that notification to give them a heads-up of, hey, this boat is coming in, and this is the landing timeframe, then they're probably not going to be there to check them, because there's a lot of things they're looking at and doing, and so a notification helps.

Now, if you look at the timeframe -- You know, my recommendation is, if 8:00 to 5:00 is not good enough, then you go with something like maybe a 6:00 to 6:00, because, if you want law enforcement to have the opportunity to be there, your opportunity increases dramatically for law enforcement to be present between the hours of 6:00 and 6:00, versus, you know -- 6:00 a.m. to 6:00 p.m., versus 6:00 p.m. to 6:00 a.m. With 6:00 p.m. to 6:00 a.m., you're going to have very little law enforcement, probably, that can be there, but 6:00 a.m. to 6:00 p.m. increases dramatically, as to who can be there to see that offload, and, given the fact that there are so few, you know, it even makes it more sparse, and so --

MS. WIEGAND: All right, and so what I'm hearing is that, you know, wreckfish vessels are not often intercepted at the dock, because you don't have that information, but a prelanding notification would sort of be an indication, from NMFS and the council, of the importance of monitoring in this fishery and would provide you guys the mechanism you need to be able to that effectively.

CAPTAIN PEARCE: It definitely would help us acknowledge the fact that, yes, this is something we need to be keeping an eye on.

MS. WIEGAND: All right, and so is there any information -- So, when fishermen are calling in to provide their prelanding notification, and, in the alternative, we have a couple of things listed here that the council would want them to provide, and, again, expected date and time, what landing location they're going to, estimated weight of wreckfish onboard, sort of et cetera, is listed here, but is there any other information that you guys, as law enforcement, feel would be helpful to have for your activities in monitoring these vessels?

CAPTAIN PEARCE: No, I don't believe so, and I think that will be good, and there's not -- I mean, I keep thinking of the IFQ programs, and forgive me, and I'm not trying to confuse the two,

but there's not certain allotments or anything for their harvest, and so, basically, just a notification of when they're landing, within that landing timeframe, would be adequate for law enforcement, for our purposes.

MR. DUNN: I remember the weight was added to give them, the officers, some idea of how long you would be there, and also to kind of dial-in that boat to that weight, and so that none of it goes elsewhere.

CAPTAIN PEARCE: That's a good point, but I think it also is important to note that any prelanding estimates would not be a regulatory issue, correct?

MS. WIEGAND: Correct.

CAPTAIN PEARCE: I just wanted to make sure that's understood.

MS. WIEGAND: All right, and so the next question I have for you guys is about that sort of three-hour requirement of notification in advance of landing, and one of the things that the shareholders talked about, last time we met with them, was concern about that three hours and wanting to be able to notify when they were sort of a little bit closer to shore. In talking with sort of law enforcement at the agency, one of the things that was brought up was that three-hour lead time is to allow law enforcement, that might be doing other activities, to wrap those up and move to where they would need to be to intercept that vessel on its way in, and so I wanted to get some input from you all as to whether you thought -- So, you know, that three hours in advance of landing, is that sufficient, or could that be shortened, based on sort of your experience working in the Southeast? I believe that three hours is based on law enforcement in the Gulf, and so I'm interested in how things might be different, or not different, here in the Southeast.

MR. LIND: Three hours, and I know we had discussions just in our office on this, and the three hours is plenty enough time, at least -- I think I'm one of the more spaced-out officers on the Southeast side, but I could be pretty much anywhere in the state within three hours, or one of our partner agencies either.

MR. DUNN: You've got to be careful how you phrase that, the "spaced-out".

CAPTAIN PEARCE: I would just say that three hours seems to work really well for us in the Gulf, and I would say that I wouldn't try to go any shorter than three hours, and I would keep it in that three-hour span. Anything less than that, and it's going to make it that much harder for us to be there. If that's the end goal, is to create more opportunity for law enforcement to be there, to be present, then you're going to need at least that three hours.

MS. WIEGAND: All right. Well, are there any other sort of thoughts about a prelanding notification, before I move us into the next action? Next up is Action 13, and this looks at modifying the offloading site requirements and establishing approved landing locations for wreckfish, and so, right now, wreckfish have to be offloaded only at a fixed facility of a dealer that has a Gulf of Mexico or South Atlantic dealer permit. If they were going to offload elsewhere, they would need to notify the NMFS Office of Law Enforcement, at least twenty-four hours prior to offloading. They don't have landing location requirements for wreckfish.

What the council is proposing, in Alternative 2, would be to remove that offloading site requirement entirely and switch to having approved landing locations, and this is similar to what they do for the IFQ programs in the Gulf, and so landing locations would have to be approved by the NMFS Office of Law Enforcement prior to a vessel landing there, and the locations would have to be publicly accessible, via public roads or navigable waters, and no other condition could impede free and immediate access to the site by an authorized law enforcement officer, and, again, that's language that is consistent with how things operate in the Gulf.

One of the purposes here is to provide fishermen a bit more flexibility, allowing them to land at a site where they might not necessarily offload, but also have a lot more flexibility in what that site is, especially in the day and age where infrastructure for fishermen is getting challenging, and they might not be offloading at that fixed facility of a dealer, and so, again, just a couple of questions for this advisory panel. First, are there any concerns with sort of moving away from that offloading site requirement and switching to preapproved landing locations? Then, other than sort of what was already listed above, are there any other requirements for landing locations, outside of what's listed, and so that accessible via public roads, navigable waters, no conditions impeding access, et cetera?

MR. DUNN: Did they -- Again, we come back to the historical landings, and did they have places that they historically landed beyond, or outside, of a fish house or a dock, that they're pushing this initiative?

MS. WIEGAND: So not to my knowledge, and the offloading site requirements have been in place for a very long time, back since there used to be, you know, forty or forty-five vessels operating in the fishery, and it's, obviously, a very different fishery now, and this actually wasn't something that was sort of driven by the shareholders, and this was driven by sort of the council discussing, with the National Marine Fisheries Service at the last meeting, how best to sort of start structuring all three of these actions together, and, given the thought that we're moving towards a prelanding notification, the need for sort of a preapproved list of landing notifications became clear, and, again, it seemed like it made sense to sort of move towards that, as opposed to these offloading site restrictions that provide less flexibility for fishermen.

MR. DUNN: Okay, and I know it worked out okay, except for we quit sending officers out, and we started looking at Google Earth and stuff, because it was just too time consuming, and leaving it up to the individual too, and, if there were any obstructions, then that would be dealt with at that time, and so the only thing that I saw in your verbiage here was it said "publicly accessible via public roads or navigable" -- I would say "and", and that would be my only recommendation.

CAPTAIN PEARCE: I would also note that, yes, you want to be able to access these places by land and water, and not or, and, just for the record, it works well with our IFQ system, and NOAA does a great job with the preapproved landing locations, although we do run into issues with private residences, where we've gotten -- We get complaints, because people don't like the fact that we're there, but yet we have to be there, because that's the landing -- It's the approved landing site, and so it's just they need to understand that, if they do this, and it's a private residence, then that's where we're going to be, and they need to prepare their family members, and people like that, for us to be there, because that's where we get people that get a little overwhelmed, or upset, when we show up to do an inspection like that, just for the record.

MR. DUNN: Yes, and that's a good point, and I was going to bring that up. It depends on the time and the location. The later the time, the middle of the night, and the farther the location, the more worrisome it becomes. I guess Bruce had a comment, too.

CAPTAIN PEARCE: Bruce, go ahead.

MR. BUCKSON: Good afternoon. Thanks. Sorry I'm not there, and I apologize for having to do a call-in like this, and just a thought, and it's a little outside of the box, but it seems -- Or it sounds, to me, like -- Correct me if I'm wrong, but it sounds, to me, like the council's main concern is getting compliance with what the regulations say about having effective systems to monitor the landings, and the question, or the comment, I guess that I had is, the way it's worded, it says, "enforcement, monitoring, and management of the program", and the question that came to mind right away is it required for enforcement to monitoring -- Does it require enforcement agents to be monitoring this, or can it be monitored in another way, with a follow-up by enforcement officers? Just, like I said, it's thinking outside of the box, for sure, but, depending on how difficult this is going to be to monitor for enforcement, is there another way to do it? I will leave it at that. Thank you.

CAPTAIN PEARCE: Thank you, Bruce. Going back to what we were talking about earlier, and we talk about those approved landing times, and, as Tracy was saying, if they do want to be able to land in the middle of the night, at midnight, or two in the morning, or three in the morning, then, if their landing locations, again, are private residences, then we are going to be showing up at these hours of the morning, and so that -- We have had -- You know, we have had some issues with that when we do it.

MS. WIEGAND: All right. Well, since it seems like this is sort of the direction that the conversation is going anyway, I will move us on to Action 14, which talks about those offloading time requirements, and so, like I said, right now, they are required to offload between the hours of 8:00 a.m. and 5:00 p.m., and there's a couple of different alternatives here. Right now, the council's preferred is to require that offload occur between 6:00 a.m. and 6:00 p.m. This matches what occurs in the Gulf.

Alternative 3 would be 5:00 a.m. to 8:00 p.m., and so extending those hours a little bit more, and then Alternative 4 would be removing the requirement to have offload hours entirely, and, again, just to sort of be clear, offload and landing are different, and so offload is once the fish are actually coming off the vessel, and so, again, this has sort of been one of the bigger frustrations for shareholders, that unloading timeframe, the offloading timeframe, is burdensome, and it affects their efficiency, if they return to the dock too late. They sort of have to just remain onboard with the fish overnight and wait for that 8:00 a.m. hour to roll around before they can finally offload and head back out.

They would really like to see these offloading times removed entirely. NMFS has sort of noted that one of the things that it is important is officer safety and having those hours sort of align with when it's safe to monitor offloads, and so daylight hours, approximately, understanding that that changes throughout the year, and so one of the questions we have -- So, if the council moves forward with that prelanding notification, and the preapproved locations, is this offloading time requirement still necessary to properly monitor the fishery, and to ensure officer safety, and, if the

answer to that question is yes, then what is sort of the widest range of hours that would be sufficient for law enforcement purposes?

CAPTAIN PEARCE: So they're asking for input on which one of the options that would be most efficient, out of the ones that they proposed?

MS. WIEGAND: Yes, out of the ones they proposed, and so I guess -- You know, the first question is are the offloading hours necessary, if they move forward with the other two actions we discussed, and, if this AP feels that, yes, offloading hours are still necessary, sort of which of these different alternatives is most appropriate, or, you know, if none are these are appropriate, you could certainly propose other alternatives.

CAPTAIN PEARCE: Any discussion, or options from the group?

MR. DUNN: I hate to comment on it, because I won't be the one going out, and so I always refer to the people still working and having to deal with that, whether, you know, not having any time limit for offload is something --

CAPTAIN PEARCE: So I will go ahead and say that, if you're looking at officer safety, there is two factors that I would strongly recommend. I would go with the six o'clock a.m. to six o'clock p.m. option, and I would also recommend that you do not approve private residences as landing locations, because a private residence is -- You know, it's another officer safety issue, and so those are the two recommendations that I would make for Florida.

CAPTAIN YOPP: I would just agree with Scott. I think, at least during that time, if they've got to be there, those are the most optimal times. At eight o'clock, you know, people are sitting down for dinner and everything else, and I agree with the private residence. I think that -- That's where, if any issues are going to come up, it will be then.

CAPTAIN PEARCE: I would also like to -- Again, Bruce, chime-in if I don't get this right, but I think Bruce was alluding to is if there's a way to monitor this without law enforcement, and, in other words, can we adequately manage this fishery without a mandatory offload inspection by law enforcement, and, if that is an option, then that's going to always be the safest option to go with, when you're looking at officer safety, but, if it's needed, then, obviously, we'll be there, but we need to pick those hours as the best suitable, and those locations. Mike, go ahead.

MR. FREEMAN: I guess my general confusion, that I might need some clarification on this, is the current regulations have the same requirements for law enforcement compliance as the proposed modifications to them, at least to my understanding, and, in the last twenty years of us operating in this fishery, I can count on one hand how many times we've seen a law enforcement officer at any of our unloads, and so I guess I'm maybe a little bit confused as to whether or not this is actually a requirement to have an officer present, and that's just not being met currently, or is this going to somehow change in the fishery going forward?

MS. WIEGAND: So, right now, there is no requirement for an officer to be there to watch offload, while you guys are offloading, and these hours are just set up so that, should law enforcement be present, we're accounting for sort of officer safety in those hours, and doing it at a time when officers are more likely to be working.

Moving forward, there still wouldn't be a requirement for an officer to be there for you to land or offload, but there would be this sort of notification, so that law enforcement would know that you are coming in, and so they would then be able to be there to monitor, you know, landings and offload, inspect the vessel, et cetera, whereas, right now, because it's just sort of that timeframe, they have no indication of when a wreckfish vessel might be coming in, other than that they have to offload between those hours. What we've heard, from law enforcement, is that it's challenging for them to even be there to witness offload, because there's just no indication of when any vessels might be coming in.

MR. FREEMAN: I can't speak directly to officer safety, but I can say that it's definitely happened numerous times in the past, with the restrictive offloading hours, which mind you are not present in any other fishery of the South Atlantic, and they have caused us to miss trucking, which, if we land on a Friday, and miss a Friday-night truck, or a Saturday-morning truck, we will get our fish three days late to market, and so we've essentially never, or very rarely, had officers present during unloads, but we have repeatedly run into issues where these offloading hours have caused us a significant issue.

If this is still going to be a scenario, where we may only see an officer once every blue moon, even given kind of a prelanding notification, then I would -- I completely understand the desire to ensure that officers are as safe as possible. However, I hate to cause issues in the fishery, that are not present in other South Atlantic fisheries, for the one out of a hundred trips that we actually see law enforcement.

CAPTAIN PEARCE: Bruce, go ahead.

MR. BUCKSON: Thanks. Again, sorry I'm not there, and it would be much easier to do this, but, Scott, your comment was exactly where I was trying to come from, and I apologize for not doing a very good job of it, and, again, back to the statute, and it says -- Whatever the system is, the effective system for monitoring, it can be the use of observers, and nowhere does it say that it has to be an LE representative, and that was my point. I'm not saying that LE is not a good source, but it's not a requirement, but statute, that it has to be the responsibility of a law enforcement officer, but the monitoring does have to occur, and so that was all, and I appreciate it. Thank you.

CAPTAIN PEARCE: Thank you, Bruce, and I just want to also make sure that everybody is clear that, you know, this is the recommendation for law enforcement. When you ask us about, you know, what are our safest working hours, and what are the hours that we can do our job the best for you, then we're going to provide that recommendation, but, obviously, the council is going to take this information, and the information from the harvesters, and they will come up with the best options.

MS. HARRISON: I'm Alana Harrison, the commercial representative, and, in my area, we don't currently have any wreckfish shareholders, but we used to be a shareholder, and my dad was, and so, in my area, like our nearest agent would be like Beaufort, and so you're looking at like six hours in a car, and so I'm just wondering and like, if South Carolina, Georgia, and Florida, there's situations like that that occur, where it would be really hard, and so you would have to notify by like 2:00 p.m., you know, for him to get there by 8:00, or by 10:00 a.m., and, by 10:00 a.m., you're not even really like started fishing yet, and so you don't really know if you're going to catch

wreckfish, and so you're getting stuck in that situation that people mentioned, that you're going to lose that day of fishing, and so I think it would be like beneficial to look to see where your shareholders are concentrated and how far your law enforcement officers are from those shareholders, because there's only like fifteen of them, and so thank you.

CAPTAIN PEARCE: Speaking for Florida, you know, we're working with NOAA, with our state officers, and so we definitely have, you know, options, probably more so than other states would have, to be there in a timely manner, if necessary.

MR. DUNN: I understand it's not going to be mandatory, but I would imagine that, if you're implementing more criteria on the fishery, there's going to be some expectation that we do increase, or that the offloads are monitored more in the future, and so --

MR. FREEMAN: I just want to speak briefly to Bruce's comment, and I wasn't actually aware that the statute did not explicitly require a law enforcement presence and that an observer presence was sufficient. I can say that, the vast majority of our trips, we have portside samplers present during our unloads, typically either Florida's FWC samplers or actual NOAA federal samplers.

CAPTAIN PEARCE: Thank you, Mike.

MS. WIEGAND: Those were sort of the three actions that we wanted to bring to the Law Enforcement AP for comment, but we can sort of pause here, to see if there's any more discussion about sort of monitoring of this fishery, and, again, I've sort of highlighted the statute that Bruce has been talking about that's in the Magnuson Act, requiring just sort of an effective system for enforcement, monitoring, and management of the program, including observers or electronic monitoring systems.

A note on observers is we did, sort of as staff, go back and dig, and it looks like, over the last, I think it was five years, there were two wreckfish vessels, two vessels, two trips, that had observers on them, and we've been sort of talking with Science and Technology about how they go through selecting vessels to carry observers, and so I just wanted to note that and see if there are any other sort of comments, or questions, and I know we only went over three actions in this amendment, but are there any other thoughts about monitoring of the wreckfish fishery? All right. Well, if there's nothing else, we'll take those recommendations to the council. They will meeting on February 8, the morning of February 8, to talk about this amendment, and so we'll bring these recommendations to them then.

CAPTAIN PEARCE: All right, and so we'll move on to our next topic of discussion.

MS. WIEGAND: All right. You guys are still going to have to listen to me talk, but we're completely switching topics now and moving on to king and Spanish mackerel fishing tournaments. Some background here is the council has gotten quite a bit of public comment, over the last year or so, expressing concerns about king and Spanish mackerel tournaments, and especially king mackerel tournaments, and one of the concerns that's been brought forth is about how tournament -- How the sale of tournament-caught fish is supposed to operate and whether or not that's operating appropriately and whether or not it's enforceable.

King and Spanish mackerel tournaments are unique, in that, while sale of recreational-caught fish is not typically allowed, there is a process for the sale of tournament-caught fish, and how it supposed to work is that a state-permitted fishing tournament cannot sell the fish for profit, but the fish can be donated to a state or federal dealer, who then accepts those tournament-caught fish. They have to be permitted, and comply with all the sort of usual transfer and reporting requirements, and they are allowed to receive from like a non-federally-permitted vessel.

Once the dealer has received those fish, they can then sell the fish, and then the monetary value of that fish, and so the sale price, or the cash equivalent of the value that was exchanged for that fish, is then donated to a charitable organization that is determined by the state. That money cannot go to pay for any tournament expenses, and the fish have to be handled according to HACCP, or Hazard Analysis Critical Control Point, standards, and reported specifically as tournament catch, to comply with all sort of federal and state reporting requirements.

That is how it is supposed to function. There has been, again, a lot of public comment, and concern expressed from our Mackerel Cobia Advisory Panel, that this system is not functioning as intended, and so that's why we wanted to bring it to the Law Enforcement AP to discuss, and so there are a couple of other things in this document.

First, we had a discussion with our Mackerel Cobia Advisory Panel in November, and they talked a lot about how, you know, the king mackerel tournaments have been a really important part of recreational fishing for a long time, especially in Florida, though certainly throughout the South Atlantic coast, and that there used to be sort of thousands of boats participating in individual tournaments, but, with the recession back in 2008, you saw sort of a big dip in participation, but you are slowly seeing that participation rebound.

We've also seen a pretty big shift in how tournaments are working. We used to have sort of one-day, versus two-day, tournaments, and they would establish boundaries, so that large boats weren't able to out-compete small boats, and things like that, and some AP members did feel that tournaments are sort of becoming a big business now, and moving away from that sort of old-school traditional community focus that you used to see with these tournaments.

Commercial AP member have also noted that these tournament sales can have a pretty significant impact on the market price of king mackerel, and king mackerel is very sensitive to the number of fish that are on the market, and so, when tournament fish flood the market, that price often drops quickly overnight, but it can take quite a lot of time to rebound. Additionally, I will say that there was significant concern expressed, by commercial members of the Mackerel Cobia Advisory Panel, about whether or not HACCP standard are actually being met at these tournaments, and there was concern that sort of all it takes is one fish coming from a tournament to make someone sick, and that greatly affects the entire king mackerel commercial industry.

Additionally, they have expressed concern about the number of boats in the water, participants coming up to pre-fish, and then sort of user conflict between tournament fishermen, recreational fishermen that aren't participating in the tournament, and then commercial fishermen that are all sort of competing for the same area, and then, finally, concern that the way the system is set up, with the fish being given to the dealer, and the dealer then selling them and then donating to a charity, is incredibly hard to enforce, and that a lot of tournament fish are being sold illegally and not through that process that's designated within the FMP.

They passed a number of motions, and, when we brought it to the council, the council really felt like this was the body to have a larger discussion on it, so that the council could better understand how enforcement is currently working for tournaments and whether or not what is set up is enforceable, before they decide sort of how they would like to move forward in addressing the issues that have been brought up related to tournament sales.

Again, a couple of questions here, and we'll sort of start at the top, and we would be interested to know, in you guys' perspective, have you noticed a change in the number of tournaments, or the popularity in the number of people participating in a given fishing tournament over the last five years, and then some information, just generally, on what level of law enforcement is present during any of these tournaments.

CAPTAIN YOPP: They're pretty popular in North Carolina. Probably we're seeing numbers come back a little bit from COVID, like you talked about, and I don't know of any large swing in numbers, that, you know, there's just tournaments everywhere now, and we stay fairly consistent during certain times of the year. Our level of law enforcement is we do -- At the landing location, sometimes we're there, and also on the water, checking people as they're coming in, and so we kind of have a mix of both. We're probably never just doing one, and we kind of just -- That's how we typically check, at least down in my area, just to give a little insight from us.

CAPTAIN THOMAS: Some of our tournaments are like two or three months long, and they just declare a fish day, and so that kind of -- It doesn't really help with enforcement, you know, unless we're out that day and we just happen to check a boat that, you know, picked that day to go, and, obviously, most folks are picking weather days, and so we're going to try to be out on weather days anyway, but these longer tournaments, or formats, are kind of creating somewhat of an enforcement issue. You know, we'll be there for the shootout at the end, if they have a one or two-day shootout for a bonus or something, but we're seeing that in some other fisheries as well.

CAPTAIN HODGE: We have seen this type of activity rebound over the last few years, and I know Spud could probably speak on Georgia, a lot better than I could, on kingfish tournaments, but we typically tend to have folks attend the captain's meetings the night before the tournaments, to talk about regulations and what needs to be done, and then we'll have people underway, as well as at the weigh-ins, because, as you all know, once the weigh-ins conclude, the beer starts drinking, that's when we have our problems, but, overall, I mean, if you talk about enforcement of where these fish go and how you follow -- We've never followed them, because we never know what they're supposed to be doing with them, to be honest with you, when it comes down to it. How many pounds they roll away from there is so subjective, you know, and how are you going to track it anyway?

CAPTAIN PEARCE: You know, obviously, we have these in Florida, and our Marine Fishery Management Section facilitates the permitting process, and, you know, in my position, I'm aware of just one incident where we had some confusion with an individual who did not give us the time needed to get the permit before the tournament started, and so we ran into some issues there, but, outside of that one issue, I don't think we've had a lot of issues with this, and I think there's a lot of documentation going on with the permitting process, and the fish houses -- They know their job well, and so we haven't had a lot of complaints, or issues, with it, to my knowledge.

MR. FREEMAN: I can only speak to kind of our neck of the woods, in central Florida, that we've definitely seen an increase in both the frequency of tournaments, as well as participation in them, in the last five years. There was a bit of a blip during COVID, but it's definitely been trending towards wider, and more frequent, participation.

MS. HARRISON: I'm in North Carolina, and, while my port, and my town, or region, really, of the Outer Banks has no tournaments, that's the top breeding ground of the king mackerel, and so we have all the boats come up over water, and it takes about an hour-and-a-half or two hours, and it's like -- It's unbelievable. Our commercial fleet can't even like fish, because of the pressure from the recreational fleet, or from the tournament fleet, and let me rephrase, and we also have recreational pressure, but the tournament is like a different mindset.

They're different fishermen, and they're there for a lot of money, and they're there for a short amount of time, and tensions are high, and like, if you just tune into the radio, on one of the days of the tournament, you'll kind of grasp that, but I sent some photos around, and you can see here that I just would like clarification, since we're in the room for it, and it says the dealer is supposed to write the check, and so, in North Carolina, the practice is the dealer pays the tournament, and the tournament does what they wish with the money, and I included a couple of photographs of checks from the tournament to the charity, and I also found -- I'm not in law enforcement, but I can do some research and talk to people, and finally found hard proof of dealer tickets citing the low prices, a dollar, or a dollar-forty, and so that's proof, and so you all have access to that, and you have more ability than I do.

Even in my capacity as like a fish dealer, and a member of the community, I have the ability to track the fish, and so my local fish house, in Wanchese, is seeing fish from South Carolina tournaments, and they don't have a dealer ticket, or a logbook, saying that, but that's what the guy who sold the fish said, that I bought them from South Carolina tournaments, and so it just -- It hurts us, because they're being sold for a dollar-forty, and then our prices -- Like we got up to six-dollars this year.

To go from six-dollars to a dollar is unreal, and it's not unbelievable, but it's unreal, and so it's unfortunate, and I just hope that maybe -- Like that's just North Carolina, and hearsay from a guy who says that he buys king mackerel in the region, but it's a hard law to enforce, and it's a very ambiguous law, I believe, and, again, I'm not sure why, when Magnuson mandates that, if you sell, barter, or trade, you're a commercial fisherman, unless it's king mackerel tournaments, and that's not in Magnuson. Thank you.

MR. FREEMAN: We're fairly uniquely situated, in that we're not only harvesters, but we're a fish house as well, and we actually probably see more king mackerel than everyone outside of two or three other fish houses in the South Atlantic, and we have a significant number of tournaments in our area. I could say, personally, that we refuse to buy tournament fish, just due to this -- What is, in my opinion, this kind of gray market aspect to it, and I can definitely echo Alana's sentiment that it tends to be -- Regardless of the market price of king mackerel at the time that these tournament fish cross through a fish house, they return a significantly lower amount of money than commercially-caught fish do at that time, and it can tank the entire market overnight.

Now, whether that's a fish house shipping those fish, and, just due to the size of them, they're getting a lower net return on them, or if money is being pocketed by certain individuals, and not

going on that ticket, I can't say, but it is a significant issue in our neck of the woods. You will have a tournament on a Friday, and then, come Monday, you have someone -- Not the tournament personnel themselves, but someone trying to come sell you 1,500 pounds of large king mackerel, when the commercial catch has been 100 to 200 pounds a day, and there is essentially no dockside monitoring.

There is too many vessels for law enforcement to be able to actually keep track of where those fish go after they're weighed-in, and then they hit the market to the northeast several days later, and they tank the market overnight, and the money is paid, typically, to the tournament personnel, which, to my knowledge, there's no real oversight on if that money goes to the charities that are supposed to have been selected by the state in the first place, and the entire tournament sale niche that's developed is very problematic, in my opinion.

CAPTAIN PEARCE: Thank you, Mike.

MR. LIND: I will just add too that, while we can see the dealer reports, and we can see how much fish is landed, and whatever price may be put on the reports, once it gets outside of where the money is actually going, I think that's pretty much outside of the realm of what anybody in this room can probably do, and so seeing where the checks are going, and who is actually cashing the checks and stuff like that -- We can see that, you know, the fish are reported, and it meets the requirements of what the regulations say, but, outside of that, it's just tough to follow the fish, or follow the money.

MS. WIEGAND: I will say that so the council hasn't made any recommendations for this. However, the advisory panel did make recommendations to this, one to have the Law Enforcement AP discuss illegal tournament sales of king mackerel, and then the AP passed a motion to end the sale of tournament-caught king and Spanish mackerel. This is not something that the council has made any recommendations on, and this is something that they had asked us to discuss with fishermen, in detail, during the port meeting process, and so I anticipate it being something that is continued to be discussed, and it will be discussed once that process wraps up, but, as of right now, the council has made no formal recommendation on this, though would certainly appreciate the Law Enforcement AP making any recommendations that you all might have.

CAPTAIN PEARCE: I would say too though that this was set up, and established, so that these tournaments could happen, and this money could be donated for a good cause, and, you know, if this becomes a serious law enforcement issue, or if they're not doing this the right way, and if there's a lot of abuse within the system, and it's going to start eating up a lot of man hours and law enforcement to regulate this tournament, that is supposed to be good purposes, then I think I would lean towards the advisory panel's option to not have the tournaments, because it's just something that --

MR. DUNN: Not have tournaments or not have tournament sales?

CAPTAIN PEARCE: Not have tournament sales, I mean. Sorry. That's correct, and not have tournament sales, because that is something where you're adding more emphasis on law enforcement to add more to the plate, when, you know, this is something that's for a good cause, and, if they can't do it, and if they can't do it right, and if they're not going to manage it well, then I would lean on that recommendation.

MS. WIEGAND: I think one of the things that, sort of coupled with that recommendation that the council might want a bit more information on, is some specifics about how the way the regulation is written now may or may not be challenging for you all to enforce, and so things like, is there a way, right now, for you all to enforce the HACCP regulations for tournament-caught fish? Is it possible to really enforce the process where the fish is donated to the dealer, who then sells it, and then donates to charity, and like the extent to which that is enforceable, and those two things especially I think is going to be -- You guys have sort alluded to it quite a bit, but key information for the council, when they decide what direction they would like to move with tournament sales.

MR. FREEMAN: That actually worked out well, and I wanted to get into the HACCP violations and then also bring up something that I didn't see in the Cobia Mackerel AP, and we've seen, on numerous occasions, and I have knowledge of it not only in Florida, but essentially everywhere that mackerel tournaments are held, and I don't see any possible way to enforce this properly, but you'll have a hundred boats come land several hundred king mackerel, that are typically fifteen or twenty pounds apiece, and, for the most part, once they weigh those fish in, the people that participated in the tournament -- They don't really care what happens to them afterwards.

I am aware of multiple, multiple, multiple occasions where you'll have individuals essentially walk the docks, after the weigh-in, and be like, hey, are you guys done with your king mackerel, and I'll take those for you, and they will end up with thousands of pounds of king mackerel that they then go and try to sell to a dealer, under a valid king mackerel permit, after the fact. I didn't see any mention of anything in that nature of the AP's recommendations, and so I just wanted to bring that to everyone's attention, and that is an ongoing issue. It's not necessarily the tournaments devolve into an abuse of their original intent, and that is already happening.

Then, just briefly, to touch on HACCP violations, it is not possible, regardless of law enforcement presence or effort, to ensure any form of HACCP compliance with tournament-caught fish. Any damage to those fish is done on the vessel prior to landing, and they would have to literally board every single tournament participant, to ensure that they've been properly iced. Heat damage, once done to fish, has been done to fish, and you cannot recover from that after the fact. If a fish sits on the deck for an hour, and it is ninety degrees out, I don't have to tell everyone in this room that that fish is going to get above fifty degrees, internal temperature, and, once that happens, the damage is already done, and it's not ever going to pass muster for HACCP. There is no way to properly enforce that.

CAPTAIN PEARCE: Thank you, Mike. I would just like to say that, in Florida, we regulate it by our quality control code, while it's on the water, and so, essentially, they would be treated as if they were a primary producer, because they are going to take those fish to a dealer. Now, the HACCP would be -- The HACCP would be on the dealer, to verify that, whatever they're purchasing, or whatever they're taking into their possession, for this process would meet the HACCP regulations, and that's on the dealer to ensure that, that whatever product they receive has been properly taken care of and iced, but, again, like Mike is saying, you know, there's a lot of variables there, but, for our purposes, when we board a vessel, we're looking for a quality control code, which would on ice, you know, properly cooled, things of that nature.

MR. FREEMAN: That kind of speaks briefly to my point, and a dealer is only able to verify the condition, and the temperature, of the fish upon their receipt. When you're dealing with

commercial fishermen, vessels that are going out there to make a living, they have a direct impetus to ensure that those fish are taken care of, to ensure that they are iced properly in a timely manner.

When you have hundreds of recreational vessels that are catching king mackerel, for the sole purpose of hoping to get the largest fish for weigh-in at a tournament, even though those fish are iced when they're brought to a dealer, and a dealer can check-off, on their HACCP list, that they were below a set temperature, those fish have already been subject to heat temperature abuse on the vessel prior to having been iced before they were brought to the dealer. It's unique in that you don't have other recreational sales where this is a problem, and so you end with tournament-caught fish typically being significantly lower quality than commercial-caught fish, and competing with commercially-caught fish in the markets in the Northeast, down south, out west, in Canada, and it does absolutely nothing but harm commercial fishermen.

MS. HARRISON: I just want to clarify that he's speaking in regard to histamine, which is a toxin that forms when specific fish, mackerel, cobia, wahoo, and dolphin, are abused with temperature, and so they have to be iced within a certain timeframe, and brought down to a certain temperature, or that toxin forms, and it can't be cooked out, frozen out, and it just can't get out at all, but those are the two popular ways. Tuna is popular with the histamine, and I will tell a quick story.

In the Outer Banks, we had a boat who did not ice his tuna properly, and he sold it to the dealer. The dealer -- It was his responsibility, like you said, to make sure that the fish was properly iced. A man died, at dinner, with his wife, and ate the tuna, and he got histamine poison, and he died. An autopsy was done, and it was taken to court. A lawsuit of \$3 million forced the restaurant to shut down, to declare bankruptcy, and the court found the fish dealer liable, and so he had to pay out the widow.

It isn't this wording that no -- I don't know who, but it's in this wording that the fish must be handled, and iced, according to HACCP standards, and so it's -- My concern is like I don't know -- Everybody says it's not our responsibility, and it's not us, it's not us, and maybe it isn't anybody in this room, and maybe it is the USDA, but the USDA is not looped in, or the FDA is not looped in, and so I just want to know like what are we going to say to the dealer who has to shut down his business, because of a king mackerel that he bought from a tournament, that you all said is okay, kills somebody, and so where does he go, or does she go, with that, and so that is a very big issue.

I would also like to touch on the illegal sale portion, and what also happens is an individual will own a commercial king mackerel permit, and he can solicit fish from the tournament, or from his friends, and they sell the fish under his commercial license, and so that's a way to circumvent, and, as you all know, on the logbook, it asks you how you caught the fish, and there's no like box on the commercial logbook for a tournament, and there's no box that says my buddies caught it and gave it to me, and so that's somebody's falsifying the logbook, and, on the front cover of the logbook, it says that, if you falsify these records, you're looking at a \$10,000 fine.

There is a lot to this issue, and I think that like the most talk is about the commercial fishermen and the market price, which is really -- That's like a very big issue, but there's so many layers to the issue that, everywhere you look, it's like how do you handle that, or how would you handle that, and so I don't know how you would close that loophole of the guys giving all the permits to the one individual who has it, or the fellows who don't have permits giving it to their friend with a permit, because now we're seeing, in the commercial industry, a mass like sell-out to -- From

commercial fishermen, and commercial boats, to individuals who want the permit, so that when they go out fishing -- Because, as we all know, like king mackerel is not the number-one fish really on our plate, but it is for Asians, and the Indian market is massive for king mackerel, especially in Canada.

This is like a fish that is eaten by a lot of people, and the prices are strong, and so people -- My point to that was that a recreational boat, when he comes in with all this king mackerel, he's not going to cut them up and put them in his freezer, but he knows -- Like his buddy says, hey, I'll give you a dollar a pound, and I have a permit, and I'll sell them, and that covers his fuel, even if it was just like a hundred bucks, and he's excited about that, and so that's like an issue as well. That's all for now.

MR. FREEMAN: Thank you for that, and I guess I should have specified that I was speaking specifically to scombrotoxin formation, and, essentially, that ultimately is an issue of treating the recreational vessels that are targeting king mackerel for tournaments as primary harvesters, and that's my big issue.

Once -- Off the top of my head, it's about seventy degrees Fahrenheit, and, once the flesh of the fish crosses that threshold, the histamine forms very, very, very quickly, and there's an enzyme, histidine decarboxylase, I believe, where histamine forms in the fish, and then, regardless of what you do after that fact, that is already present, and you cannot remove it, whether you ice the fish after the formation, whether you freeze the fish after the formation, and it can slow the spread, and the growth, of it, but, once it comes back up to temperature before consumption, that enzyme reactivates, and then you end with essentially a fish that is going to make somebody sick.

MR. INGRAM: I have a question, and then maybe something we could do, but the first question is could we tailor the regulation of rules to put more responsibility on the tournament organizers, where they face -- Not just the dealer, but the organizer, where they could face more penalties for what their participants do, and then, two, could we put out, in the short-term -- Maybe when people are applying for these tournament licenses, could we let them know that we're not talking about just a fishery violation, but we're talking about actual fraud, and conspiracy to commit fraud, and I think that alone should scare an honest person from doing these type of behaviors.

MR. FREEMAN: I'm sure that that would dissuade certain people from attempting to sell those fish under a commercial permit for profit, but it would do nothing to prevent the issues associated with the sale of tournament-caught fish in the first place, at least in my opinion, and our concern is always somebody gets very sick off of a king mackerel, and then, all of a sudden, we see a trickle-down effect through the entire commercial sector, and I just don't see even putting a larger perceived penalty on a tournament organizer as having any real effect, and they have no way of controlling what happens on the water, prior to those fish being landed.

MS. HARRISON: To your point, it's not a South Atlantic permit that's issued to the tournaments, and it's like a state-by-state basis, and so if -- So you would have to change the regulation, in the Code of Register, and then the states would just have to abide by it?

MR. INGRAM: I believe so, and I believe that's a way, but I do think that, if we can kind of get these under one umbrella, that would be helpful, but I understand it's a state-by-state thing, and so that's difficult to do, but I think we do need to put some more emphasis on the organizer, because

he's actually the one that's doing all the legwork, and signing people up, and, to me, that seems like the person who is responsible, and, also, they've got weigh the fish, or account for the fish, in order to win the tournament, and so, if they let them keep the fish, that's fine, but I think it should be on the people who organize the tournament to have more responsibility.

MS. HARRISON: Going off your point once more, how would the -- Like the playing field is now in North Carolina, the fish are sold to a dealer like in Beaufort, and then they're sold to another dealer in my county, and then that dealer isn't -- Because it's dealer to dealer, and they don't have to get the paperwork of like the trip tickets, and so the second dealer is then going to sell to a third dealer, either like in New York or Canada, and then he's also going to start selling to retail stores and restaurants and markets, and the dealer has all of that information of where all the fish went, and so, if we want -- So I'm -- Do you see what I'm saying?

It's like impossible right now, and the buck stops with the dealer, because we have the best records in the game, and so I don't -- I don't see how putting -- How telling the -- Because it is the organizer's responsibility, and he's the one taking out the license and everything, but he's not the one selling the fish, and so, if you want to close the loophole, why can't they just donate the fish to a foodbank, and the tournaments are doing that already, and they're donating fish to foodbanks, and then the buck stops at the organizer, because you know where all that fish went, and all the fish from his tournament went to the same place, and then you could track it, and, if something happens in that lot, then you know where it came from, but there is ways, I think, for the fish to stop at the tournament.

They could fillet it and fry it. In the marlin tournaments, where I'm at, and that's our number-one tournament, and you all know that marlin are not a commercial species, and so they cannot be sold, but they are smoked and shared with the community, and they're given to foodbanks, and they're given to spectators, and so I think we need to figure out how to get the fish out of commerce, and that will solve all the other issues.

CAPTAIN PEARCE: I think that, you know, as far as the Law Enforcement Panel goes, or as far as the law enforcement goes, you know, each state, and I can speak for Florida -- You know, when we work these tournaments, as far as the quality control -- We're working on the quality control, and we have a quality control code, and then, obviously, you've brought up valid issues, that could be occurring at the dealer level, and so these are all things that the Mackerel Advisory Panel needs to take into consideration, and I just would reiterate that, with law enforcement, if -- You know, if there are problems that would be -- If there are problems within this process that require more law enforcement involvement, then they need to consider whether or not the process should be authorized, or the sale should be authorized, and that's just -- Any other thoughts?

MS. WIEGAND: All right. Well, those are sort of all of the questions that I had for you guys on king and Spanish mackerel tournaments, unless there is any other input that you would like to provide to the council. All right.

CAPTAIN PEARCE: With that being said, I think what we'll do right now is take about a ten-minute break, and so we'll be back in at three o'clock, or, actually, about a twelve-minute break, maybe, but we'll be back in at three o'clock.

MR. FREEMAN: I actually going to have to leave a little bit early, and I won't be able to attend tomorrow. I'm getting ready to head back offshore for our golden tilefish season, but I appreciate all of your time.

(Whereupon, a recess was taken.)

CAPTAIN PEARCE: I've got John Hadley, who is going to take on the next topic.

MR. HADLEY: All right. Thank you very much, and, for those of you that I haven't had a chance to meet, my name is John Hadley, and I'm a staff member with the South Atlantic Fishery Management Council, and I am the staff lead for Snapper Grouper Amendment 46, which we'll get into the details of it, but, generally speaking, this amendment is looking at establishing a private recreational permit and an education requirement, specifically in the snapper grouper fishery.

I will just give a brief background, and sort of an overview, and then I will pause for any questions, and then I will kind of get into the more detailed nuances of the different actions that are being considered and some of the feedback that the council is looking for at this point, but, generally speaking, the council has been discussing potentially private recreational reporting, and potentially creating a permit, really for a while now, and they discussed it initially through Amendment 46, and, really, they started to develop this amendment, and they sort of pressed pause in 2018. They sort of split this amendment, and it had some red-snapper-related actions, and that kind of moved forward, and they pressed pause on the permitting and reporting side of it.

In the meantime, they developed My Fish Count, and so sort of a proof of concept for private recreational reporting, and other some measures, and then they got some feedback from various working groups, as well as some of their advisory panels, and so I will go -- As we get into the actions, I will go over some of the feedback that they've gotten from their advisory panels, but, most notably, you will hear two sort of advisory panels that they've received feedback from, one being the Private Recreational Permitting Advisory Panel, Permitting and Reporting Advisory Panel, and so I will refer to that as sort of the technical panel, and the idea is that panel is providing them advice on the technical aspects of permitting, and then also the Snapper Grouper Advisory Panel, which is sort of the constituent fishermen viewpoint on private recreational reporting, and so we'll get into that, but that's kind of the two advisory panels that I will be mentioning.

Generally speaking, the council has been developing this amendment in earnest throughout 2022 and 2023, and they initially started with including recreational reporting in the amendment, and that has been removed, and so, as of now, Amendment 46 focuses on really two major things, and one is establishing a private recreational permit, and two is establishing an education requirement to go along with that, and so there's five general actions that we'll go over, and I will stop after each action to get your feedback on them, and some of the feedback that the council has requested, but, really, the first two actions deal with establishing the permit, and the next two actions, 3 and 4, deal with establishing the education requirement, and then Action 5 sort of ties everything together into a potential exemption from the federal private recreational permit and education requirement, if states -- Contingent upon states wanting to take that on on their own and implementing their own equivalent program.

Really, the objectives for this meeting are to gather your feedback, at least as much feedback as you can provide at this point, and there are still some details that certainly need to be filled out,

and the council is working on that. Looking at the tentative timing of the amendment, the council has been working on this, as mentioned, through 2022 and 2023.

At their December meeting, they sort of pushed the final approval of this amendment back a couple of meetings, six months or so, to help get into some of the details of what permitting and reporting will actually mean, and so, assuming that this amendment stays on track, we're looking at potentially approving it for public hearings later this year, and then potentially final approval at the end of the year, and so, really, any regulation changes from this amendment would likely become effective in 2026, or potentially even 2027, because it's going to take a while to get the regulations in place, get the permitting and education requirement system, so to speak, up and running, and so there's going to be a bit of a lag there between the final approval on the council side and any sort of regulatory changes.

With that, that's sort of a high-level overview, and, again, I'm going to get into each one of the actions, and a few discussion questions to go along with that, but are there any general questions on this amendment?

All right, and so, with that, you know, I'm going to spend too much time on it, but, really, the council -- What they're trying to do with this permit, with developing a private recreational permit, and a - With a private recreational permit, as well as an education component, is they're trying to really improve the data that is gathered on the private recreational sector of the snapper grouper fishery, and so the idea is to identify the universe of anglers, and, based on that information, that can either be fed into the existing mechanism that recreational effort estimates are -- Where these estimates are generated, or potentially new measures could be put into place, but, really, the idea is to move the ball forward and improve recreational effort and data catch estimates in general. Then, also, to promote best fishing practices, through education, and so the idea there is to try to improve -- Well, really, to reduce some of the discard mortality that is being seen for many snapper grouper species.

With that, I'm going to jump into the actions, and so I will go through this action, and I'll provide a little bit of background, and feedback, that the council has received so far, and then I will pause for some questions, with some questions for the AP specifically, and so Action 1 -- This is really the starting point. This is the action that establishes the permit. This is the action that is creating a private recreational permit.

Aside from the no action alternative, there is really two measures that the council considering. Alternative 2 would be a private recreational permit that's issued to vessels, and so, essentially, the way that permits are issued on the for-hire side, or the commercial side, is they're issued to the vessel. Alternative 2 would be consistent with that, or Alternative 3, which would create a permit that issued to an individual angler, and so this is an alternative that the council has chosen as preferred, at least tentatively, at their December meeting.

As a little bit of feedback that the council has received from their technical AP, and so this is giving -- Their advisory panel that's giving them advice from a technical permitting aspect, and, generally speaking, from a technical perspective, either permit could work, and it could be an angler-based, or it could be a vessel-based, permit. However, it was noted that there are a few advantages to vessel-based, as far as being able to identify a vessel in the field, and, essentially, it was easy for a

field sampler to tell whether or not that vessel fell on-frame or out-of-frame, essentially whether or not that vessel had the permit or not.

Really, this -- From the technical perspective, the council received advice for Alternative 2, and so lean towards Alternative 2, noting that, on net, that a vessel-based permit would be slightly preferable. Their Snapper Grouper AP, and so really the angler view on this, is sort of a split opinion. Some felt that an angler-based permit would be appropriate, and some felt that a vessel-based permit would be appropriate, and so, really, there was a split opinion on that from the angler constituent side, and so, with that, I'm going to turn it over for a few questions to the Law Enforcement AP.

I will go through them very quickly, and, you know, these are for discussion purposes, and so we don't have to hit every single one of them, but just to sort of get the AP's input on if you have any thoughts, as far as what the council should be considering in developing a permit, and, again, focusing on a vessel-based permit, versus an angler-based permit, and is one easier to enforce than the other? Are there benefits to one type of permit over the other, and, if you feel very strongly, and certainly you don't have to, but, if you feel like you would like to provide a recommendation to the council, this would be a good time to do it.

Also, of note is that the council only has the authority to require a private recreational permit in federal waters, and so to cover fishing activity in federal waters, and so the council can't mandate a permit for fishing activity that only occurs in state waters, and so this federal permit would cover essentially snapper grouper fishing activity in the EEZ. Does the AP have any comments on enforcement of such a permit? Would this create some notable law enforcement challenges, or is that not necessarily a concern of the AP?

Then, lastly, does the AP have any observations on the compliance of existing private recreational permits, or licenses, that may be helpful for the council to consider, and so thinking along the lines of the HMS private vessel permit, the Florida State Reef Fish angler designation, recreational saltwater fishing licenses in general, those sort of topics, and have there been actions that have -- Have there been actions taken that have effectively boosted compliance, and are there certain aspects of a permit that may affect compliance, and so are there things that the council should be thinking of now, maybe, you know, in developing the permit, that could help with enforcement and compliance down the road? With that, I will turn it over to the AP for further discussion.

CAPTAIN PEARCE: Okay. We're open for discussion. Anybody? Go ahead, Tracy.

MR. DUNN: My experience is, of course, that vessel-based permitting would be a lot easier. If you had individual permits, you would have to show all individuals were fishing, and it just gets very, very complicated, and I don't know how you do the count, but definitely a vessel-based is a lot simpler.

CAPTAIN YOPP: I agree. We were talking about this, and it's much easier to enforce, and I necessarily don't have to be right up on the boat, especially if we're talking about being in the EEZ. I can get his boat numbers or whatever run, and determine whether that vessel has a permit, versus trying to get my hands on five, six, seven individual licenses, while we're out there trying to do what we're doing.

I did just want to throw out, being that North Carolina has come into a recent bill that we're going to have our first -- It seems to be going, and it's House Bill 600 that's going to have mandatory reporting, and it's not snapper grouper, but we're coming into our own first of, I guess you want to say, reporting-wise, and we're making all of our commercial sector, no matter the sale, have to report, and that's in the bill, and then, for the rec sector, it's going to be five fish, five specific fish, and they're going to have to, and so we're kind of just starting to think about how we're doing this, and our agency is trying to work on the implementation of a program to even get the data, and to manage the data, and so I personally think that the vessel -- If there is one, the vessel is going to be the way to go, just for ease, and it depends on the council's intent. You know, do they really want to know everybody -- I mean, that's really a huge thing, and what is their intent, but I think the vessel is easier, from North Carolina's perspective. Thanks.

MS. HARRISON: When this originally came up, it was permitting and reporting, and so I think that, if the reporting is coming back into the fold, that would give you the opportunity to capture how many individual anglers are on the vessel, because, like the commercial, you have to say how many people are fishing on your vessel, and so you could still get the individual count through the reporting, but that's not on the table right now, and so --

CAPTAIN PEARCE: Bruce, did you have your hand raised?

MR. BUCKSON: Yes, sir. Thank you, Scott. I'm going to use Florida, and, actually, the Florida Keys, as an example. In the Keys, you can get to reef fishing in federal waters by boat in probably less than twenty minutes, or thereabouts, and it's really very close, and it's a desired location for fishers there. Also in the Keys, there are several boat liveries, recreational boat liveries, and the sizes go from like probably thirteen feet to twenty-five, or twenty-seven, feet, and they all have multiple people on the boat, and that could potentially create an issue for the use of an individual permit, but I don't know exactly how you would track a livery vessel, or a boat club vessel, on a daily basis, that might get used twice, or even more than that, in a day, and how you would track it to a vessel that's been rented.

It seems to me that that would be quite a challenge, though I do understand the challenge of having an individual license, and I don't know how you would be able to actually capture that information on a rented vessel, if you didn't have a vessel -- If you used the vessel permit, and it would -- Again, if you use an individual permit, that would actually make it possibly cumbersome as well, but I don't know the logistics behind getting a vessel permit that's on a rented vessel, to be able to properly -- Or to be able to appropriately capture that information.

CAPTAIN PEARCE: Thank you, Bruce. A quick question, and so is the primary reason for the permit to ensure that this person has had an educational component?

MR. HADLEY: That's a great question, and that's been a sticking point for the council, because the original -- I would say the original intent, or the original issue that the council is trying to address with this amendment, was to improve recreational data collection, and so, in doing so, if they do have that, kind of knowing that the universe of anglers, the universe of vessels, that can be plugged in to improve estimates of catch and effort, and so that was kind of the primary intent.

However, there is also the intent of having an education requirement, which was also included in this amendment, and so I don't really -- I can't really say which one would take precedence over

the other, and so it's sort of a dual mandate, if you will, and I think that's one -- That's one point, kind of what you, I think, alluded to, and that's one issue that the council has been wrestling with as well, because how do you pair a vessel permit with an education requirement? With an angler permit, it's pretty easy. With the vessel-based permit, it becomes potentially a little bit more tricky, and not that there aren't ways around it, but that's sort of a topic that the council has been wrestling with as well.

CAPTAIN PEARCE: You know, I share the same concerns that Bruce Buckson shares, with the fact that you have the livery situation, or the boat club situation, where, you know, those aren't owned vessels, or you have vessels that, you know, may have a vessel permit, but who is responsible, onboard that vessel, to be cited, if for some reason there is an issue, or a violation, and, again, not knowing how this is all going to be structured, and I guess, if there's a permit on the vessel, then it's permitted, but, if that individual who owns the vessel is not there, is there an issue with verifying with that they're going to get the data from that trip to report in, if they're not on the vessel? You could have family members using a vessel, and the person who is permitted, or the vessel is permitted by the owner of the vessel, and so how would that work with enforcement?

MR. HADLEY: I think those are all topics that need to be worked out, and, I mean, that's an excellent point, but those are -- If the vessel-based permit did move forward, those are certainly valid points that would need to be worked out ahead of time, before, you know, the regulation went into place.

CAPTAIN PEARCE: I agree, and I think it all comes down to the intent, what you're trying to gain from it. You know, obviously, if it's an educational component, or if you're trying to get the best data collection, then, you know, my opinion is that I would go with an angler-based permit. That way, you're hitting every single component, but, again, given that it's a federal fishery, and it's federal, and depending on, you know, what works best in that arena, and it could be a vessel permit, but I have some concerns, just for the same concerns that Bruce has about vessels that aren't owned, vessels that are rented, vessels that are part of boat clubs, or people using a vessel that somebody else owns.

MS. HARRISON: My neighbor has a private -- He's a recreational fisherman, and he has an outboard, and he has two teenage -- Well, they're college-aged sons now, and they like to come up on the weekend with their friends and use his boat, and so like, if they don't know the education, and they get a citation, and then dad loses the permit, and he can never go snapper grouper fishing again, because that's kind of like -- He wasn't on the boat, and so he shouldn't be held liable for the actions of other people, and that's very complicated.

CAPTAIN PEARCE: I do think that would all come down to what is the intent of the permit, and what type of violations could be associated with the permit, and could it be that any violation that occurs on the vessel could impact that permit, or is it just verifying that the person has the permit and they're going to follow-up and report that?

MR. DUNN: Just as a note though, in the commercial sector, the owner of the boat is held responsible, and they're nowhere near that boat.

MR. HADLEY: I appreciate that, and so, with that is the next action that is permit-related specifically, and that is specifying the species that would be covered by a private recreational permit, and so Action 2 really specifies what species would fall under that permit. Aside from the no action alternative, the council is considering all species within the snapper grouper fishery management unit, and so this is all fifty-five species that fall under that sort of snapper grouper umbrella, blanket, what have you, but all species within the management unit.

Alternative 3 would match the species, the thirteen species, currently covered by the Florida State Reef Fish Survey, and Alternative 4 would cover any deepwater species, and so there's a table in here that shows kind of how that would play out, based on the various amendments, and you can see that Table 1 here has -- It has all of the fifty-five snapper grouper species in the unit, and then, as you can see, kind of over here on the right, the species with an X next to the name, up at the top, are species covered by the Florida State Reef Fish Survey, and you can see those are listed initially, and then down below are species that are considered deepwater species, and so that's what would -- That's what would fall essentially under Alternative 2, and so the Florida State Reef Fish Survey or deepwater species, Alternative 4, and then everything else would be captured under Alternative 2, and so essentially this entire table, all fifty-five species.

Looking at some of the comments, and the input, that the council has received so far, both their technical advisory panel and their Snapper Grouper Advisory Panel have suggested including all species under the permit, and so all fifty-five snapper grouper species. From a technical perspective, it was noted that the Florida State Reef Fish Survey efforts would not be compromised, as long as those species are at least included in whatever is part of the permit. Including additional species is not necessarily problematic.

From a technical perspective, the advice was to go with Alternative 2, since there is no down side of being more inclusive, but there is a cost, if you need to say add species down the road, sort of getting anglers used to that and getting compliance up and running with any sort of change in the number of species, and so their recommendation, from a technical perspective, was to go with Alternative 2.

The Snapper Grouper AP chose Alternative 2 as well as their recommendation, and they noted that choosing all species in the snapper grouper complex can make it easier for permit holders to comply with the permit requirement, and so, essentially, it would be easier to know what -- They wouldn't have to differentiate that this species is in, this species is out, and, if it's a snapper grouper species, you need a permit for it, and that was sort of the feedback from the constituent angler perspective.

In relation to that, there's also been public comments to that effect as well, that having sort of the more broad approach would be a little bit easier for compliance, and just so fishermen know what species they need to have a permit for, and so the question to the Law Enforcement AP is do you agree with this statement, and so it's been stated that including all snapper grouper species, rather than a subset, under the private recreational permit could ease and increase compliance with the permit requirement.

You know, any feedback on that statement, and so you feel like it's correct, or do you feel like maybe there's a caveat there that the council needs to be considering, and are there any comments

on the enforceability of a permit covering all snapper grouper species, versus a subset of species, and if you have any sort of recommendation on this action. I will turn it over to the AP.

CAPTAIN YOPP: I think it would be easier to have them all included, for officers and for the public. I think it would be cleaner, and just an easier way for everybody to know, if a permit is going to be required. Thanks.

CAPTAIN PEARCE: I agree. I think, you know, by having one permit for everything, there's not going to be a lot of -- You know, when you get onboard a vessel, you don't have to worry about trying to pick and choose and figure out what's what, and it covers everything, and so I think that's the best way to go. For enforcement, that's going to be the easiest way to go.

MR. HADLEY: All right. Well, thank you for that. That will be duly noted, and I should mention that -- You know, just taking a step back, and I should have mentioned this at the very beginning, but the council will be reviewing this amendment at their March meeting, and so all of the feedback will be going directly back to them at that meeting in Jekyll Island, and so it will be presented to the council shortly, in the coming weeks.

We're going to switch gears a little bit here, and the next two actions, Actions 3 and 4, really drill down on the education requirement, and so it is related to the snapper grouper permit, but, really, this is focusing on establishing the education component, and some of the details of that, and so Action 3 establishes the education component, or the education requirement, and it specifies essentially when that requirement would go into place, and so, outside of the no action alternative, where there is no education component, the council is considering two other alternatives.

One is the education component, education requirement, would go into place in conjunction with the private recreational permit, and so the idea is that they would go into place essentially at the same time, and then Alternative 3 would have a delayed implementation for the education requirement, and so the idea here would be to implement the permit requirement, and I'm making up a time series here, but, maybe two years later, have the education requirement kick in, and so sort of a delayed implementation.

Those are the sort of suite of alternatives that the council is considering, and then, in relation to that, the other decision point is specifying essentially how often anglers would need to satisfy the education requirement, and so there's a series of alternatives here. For Alternative 2, it would be upon the initial issuance of the private -- Or upon each issuance, rather, of the private recreational permit, and so, essentially, each year, before an angler, or a vessel owner, would go to get their permit, they would have to go through the education -- The series of education requirements, and Alternative 3 is similar, but it would be every other year, and so essentially a year on and a year off, so to speak.

Alternative 4 would be a one-time implementation, or one time upon the initial issuance, and so before the vessel owner, or angler, received their permit, they would need to go through the education component, or the course, and, once they've done that, it's good indefinitely. Then Alternative 5 is sort of a hybrid approach, where, before receiving an initial snapper grouper private recreational permit, they would need to satisfy the education requirement, and then, each time the education component materials sort of have an overhaul, or a major update, then that would be sort of a trigger, where permit holders would need to update their education requirement

as well, and so say, down the road, you know, there's a series of new regulations that went into place, and the education materials need to be updated, and that would sort of be the trigger to say, okay, everyone needs to update their education requirement as well, and so sort of a hybrid approach there in Alternative 5.

I will note that the council has not chosen preferred alternatives here, and so they haven't really indicated which way they're leaning necessarily on this, and I think the idea is to flesh out a little bit more details, as far as what will be part of the education requirement, but, generally speaking, both from technical AP as well the Snapper Grouper AP, both of those groups have been really in favor of establishing an education requirement. It's been noted that it would provide an opportunity to educate anglers on best fishing practices, species within the snapper grouper complex. You know, if there's common species that face misidentification, maybe that's, you know, a good opportunity to address that, and the descending device requirement, and, you know, it's an opportunity to really bring to the forefront what are some of the basic regulations within the snapper grouper complex.

With that, I have a few questions related to the education component, and so the council is really going to be discussing, sort of generally speaking, what topics should fall under the education materials, and so topics such as species ID, species within the snapper grouper fishery management unit, best fishing practices, potentially MPA and special management zone locations and regulations, and, you know, any other basic regulations, kind of overarching regulations, in the snapper grouper fishery, such as descending device requirements and size limits.

What topics -- You know, if you had the opportunity to say, you know, here's some of the basic information that you would really like to get in front of anglers, or private vessel owners, and, you know, what sort of information would you think would be most effective, and so what content does the AP feel would be most important for educating anglers, and, related to that, what are some of the most common snapper-grouper-related violations that the AP sees in the field onboard private vessels, and do you think those violations could potentially be reduced, or addressed, through better education on snapper grouper regulations?

Then a couple other questions here. In Action 3, the council is considering a delayed implementation of the education requirement until sometime after the permit has been established, and do you have any thoughts on that, or, you know, is that kind of -- You know, do you have any thoughts, one way or another, on that, and, if you have any recommendations on either action, and so I will turn it over to the AP, and maybe we could start with that top one.

MR. LIND: Overall, the education -- I think it should be with the permit issuance. Once they're licensed, and permitted, in the fishery, they should be at least presented with the regulations that, you know, we think are most commonly violated, and then resources or whatever, links that they need to reach out to the SAFMC page or whatever, and species identification, but it should be with the initial permit issuance, and then yearly -- We would be update if there are regulation changes, and that could be caught up in the next issuance of the permit, and it would fall in line with the recreational HMS permits, and probably any other state licenses or anything like that, with annual reissuance. It would just be easier to manage.

Then a second part is, with the most common violations that at least we see, they are the gear requirements, the hooks and the descending devices, and then closed areas and regulations in the

MPAs, the SMZs, and so at least given links to that, or just brief overviews, while getting that permit, would be able to put that check in the box to say that they were given the information, and it's easier to enforce, and it's easier to hold them accountable.

CAPTAIN HODGE: I will echo what you were just saying there. When it comes to the most common violations we see, when you start talking descending devices with people twenty miles offshore, most of them we're catching say what is that, and I think there's a huge lack of education, just with that one component, but other -- When you start talking about red snapper, people are just going to go catch them when they want anyway, and they're just not obeying the regulations. They know them, but they're just not complying, and they put it on us to try to catch them, and I think we're at a total of fourteen or fifteen JEA referrals right now that 90 percent of them are snapper, just because they're catching them out of season, and each one of those has a descending device -- Something related to a descending device tied to it, and so educating folks, at that point when you're issuing them a permit, is going to be a huge, huge thing that you can market that at least, like he mentioned earlier, when we see these people -- No, you can't say you didn't know about it, because, when you received your permit, you were given guidance on the regulations regarding that permit, and so educating them at that point that you give them that permit is going to be a huge piece.

CAPTAIN PEARCE: I agree with both of the comments on that. I think the education is key with folks on regulations, but I want to just emphasize, again, that the issue is going to be are you -- You know, you're only educating one person, if you're issuing it to the vessel, or, if you have a vessel that's owned by multiple people, are they going to all have to take the educational component? Then you have liveries, rentals, and so I go back to, if you want the educational component to really work, and you want us to be able to ensure that we can tell people that you've had the education component, and you know what you're supposed to do, then it's really going to have to be applied to each individual that is harvesting, but that's just something they need to consider outside of just the questions they've asked, but I just wanted to bring that up again. Bruce, go ahead.

MR. BUCKSON: You covered it. Disregard. Thank you.

CAPTAIN PEARCE: I stole that from you.

MR. BUCKSON: That's all right.

MS. HARRISON: I would like to know, and is this education component going to be something in the form of like a quiz, an assessment, because, in my opinion, just like giving this to a guy, and saying here's the information, and like you're supposed to read it, and that's not going to work, and especially if it's like on a website. Like you can just click through, you know, but I will give you an example.

I like to invest in the stock market, and I had to get clearance from my bank to be able to trade at a certain level, and I thought it was going to be like this kind of game where they just said, well, here's the information, and read it, but it wasn't. I had to schedule an assessment over the phone, and he quizzed me on the regulations, and I passed, and so I got my clearance, and so I think there needs to be something like that, where not just like putting information in front of people, but having some way to make sure they understanding it, because, like Georgia's issue with the

descending device, and there's no like proof that those people on the boat have even used one, and they like -- You know what I mean?

Like there needs to be some way to assess them, and not just give them material, but have an assessment, and, if that be like an online platform, where they have to go through an assessment and identify -- Even just like 10 percent, and that's really low, but like can you identify twenty of the snapper grouper species correctly, and have it be -- If they can't do like an 80 percent on the assessment, then maybe they shouldn't have a permit, or maybe they should go study the material and come back for a new assessment. I mean, just kind of like a driver's license.

MR. LIND: Just to, I guess, further emphasize just the -- Given the regulations and holding them accountable, but we do the same thing with the commercial sector right now, and so the commercial fishermen, the boat, the permit holder or whatever, and they're licensed, and they're expected to know the regulation, and it would be treated the same way, and we're not hand-holding someone to say, you know, tell us this regulation, and I think it would be easier to enforce, with less overhead, rather than creating some type of quiz, or, you know, who is going to create the quiz, and how is that going to be vetted kind of thing, and I think it gets into a little bit of -- You know, you're going down a rabbit hole of trying to figure out how to exactly assess these situations, or issuing the permit. Give them the regulations, and it's on them. If they were to get violations and ticketed, well, you know, you were issued the permit, and you clicked here that you understood the regulations, and I think it just holds a person accountable, but it would be a little bit easier to enforce, rather than hand-holding every single individual fisherman, if it's going to be an individual license, and so --

MS. HARRISON: The commercial side, our permits have -- At this like juncture, except for dolphin wahoo, they all have a pretty substantial monetary value, and so we don't want to lose our \$150,000 snapper grouper permit, but this permit is free, you know, and so there has to -- The reporting got kicked out, and so you can't say, oh, if you don't do this, we're going to take your permit, and there's nothing to hold them accountable, and so like what's the solution, other than - I mean, at least, with an assessment, you kind of have some proof that they should know it.

I mean, we're trying to educate them, and, as of right now, all of these fishermen have had the regulations of descending devices in front of them, and I have a South Atlantic Update from the 1980s with descending device information in it, and so I don't -- You can't tell me that just putting regulations in front of fishermen are teaching them and that it's helping the fishery, because, where the red snapper is right now -- Like something has got to give on it. There's a lawsuit about it, and, I mean, this is serious stuff.

CAPTAIN PEARCE: Jamal, I would like your input on something about the educational component, and, again, for our purposes, when we say, okay, well, you had this educational component, and so you've signed-off on it, and so you're held accountable, but, if we're not holding every single person to that standard, could that create a problem when we say, well, okay, people who got the permit got the education, but would other people on the vessel start to try to use that as an excuse for not having the knowledge? You know what I'm saying? It's kind of like it might backfire on you a little bit, by saying, okay, we're holding people accountable because they got the permit, and they've had the education, but then there's a handful of folks who are onboard that didn't get the education, and so do we need to put emphasis on that? I mean, everybody is responsible for what they're going.

MR. INGRAM: Because it's strict liability, it's enforceable without the education requirement. If you go out there and fish, and we can prove that you committed a violation, we can hold you accountable now, and it's easier to do if I've got a piece of paper that you clicked and said, yes, I knew this, and, I mean, it's easier, and, I mean, it's just cleaner, if you just sign saying I knew this is what I was supposed to do, and you didn't do it, and it's just more evidence, but it's enforceable now, whether you did the class or not. Just going out there and fishing, we can build a case saying you did it without the piece of paper, and we can enforce the rule now, and I hope that answers it.

CAPTAIN PEARCE: Yes, and just to make sure, but you know what I'm saying though, and we don't want to give the perception that, just because you didn't get the case, that you're not held to the same standard as somebody who did, but that also goes back to does everybody -- If we're going to do the educational component, should it apply to just everyone, and not just the permit holder, if it's a vessel permit?

MR. INGRAM: If the true goal is to educate people on what they're supposed to do, like with descending devices, then I agree with you that everybody should take the class and know. If we just want to do it by a vessel permit, it's still enforceable, no matter who is out there, whether they took the class or not.

CAPTAIN PEARCE: Thank you. Anybody else?

MR. HADLEY: That was very helpful. Thank you. With that, we will bring it home, and we'll sort of bring it all together, and so both the education requirement and the permit requirement, and this last action would establish an exemption to the private recreational snapper grouper permit, where a state could essentially implement its own equivalent program, and, if the state did that, then they would be provided an exemption from the federal permit requirement.

Really, you know, thinking about kind of a potential real-world scenario here, of course, Florida has the State Reef Fish angler designation. You know, perhaps, depending on what the council would choose, you know, further up the line there, as far as permit and education requirements, and what Florida would be willing to implement, and, you know, this is the sort of thing that could play into where the existing State Reef Fish angler designation could perhaps potentially -- It could establish an exemption, rather, I should say, from the federal permit requirement, and so there wouldn't be necessarily dual permitting for federal and state, and so that's sort of thinking of maybe the end-goal scenario here, but, generally speaking, this would apply to any state in the South Atlantic that would implement an equivalent program.

So, essentially, the action here is establish an exemption to the federal private recreational snapper grouper permit requirement, and the National Marine Fisheries Service would be in charge of certifying that the state has indeed implemented an equivalent permit and education requirement, and then there's various subalternatives, under Alternative 2, which would essentially match the decisions that are made further up in the document, and so, assuming that the state implemented permitting for the same entity as the federal permit, and so as selected in Action 1, the state required the same snapper grouper species under the state permit, and the state permit would remain valid for the same period of time, which would really be an annual renewal, and the state permit would be reliant on the same education requirement as the federal permit requirement, and so you can see

where all those previous decisions are brought into this action to establish what would be essentially equivalent.

Just some of the feedback that the council has received from their technical AP, from a technical perspective, it felt -- That AP felt that there were no compatibility concerns, since this is only a permit -- Excuse me. There is only a permitting requirement being considered without reporting, and any permit would also cover the EEZ, and so, essentially, they're focusing on the EEZ piece, and, either way, that area would be covered, and so, from a technical perspective, they felt that, as long as the council chose all of those same requirements, and so time, entity, education requirement, that this could be a good path forward.

The Snapper Grouper AP noted that funding is going to be an issue, and it would be beneficial for states to receive funding, and there was kind of the notion that I alluded to just a moment ago, where what would a federal permit requirement look like in the State of Florida, given the existing State Reef Fish angler designation, and so would there be kind of a dual permitting mandate there, where anglers in Florida would perhaps need to get a federal permit as well as a state snapper-grouper-related permit.

A couple of questions here to the AP, if you have any recommendations on this, and I'm sure the council would be interested in hearing that, but, also, are there law enforcement factors that the council should consider when deciding whether to implement Action 5, and so are there notable enforcement challenges, particularly with duplicate federal and state permitting requirements, and are there any -- Are there potential issues? Are there any notable existing issues, in say the for-hire fishery, where most states have state for-hire permit, and then, if those for-hire captains are operating in the EEZ, in say the snapper grouper fishery, dolphin wahoo, coastal migratory pelagics, and they also have to have that permit as well, and so have you seen any issues with that, perhaps in the for-hire fishery? With that, I will turn it over to the AP.

CAPTAIN PEARCE: All right. Any discussion?

MR. LIND: I just have a comment on going the state issue route, and so most states -- Like, for instance, people leave out of Tybee, Georgia, and they go fish east of South Carolina waters, in the EEZ, and go back to Georgia, and so, without following that boat back, we don't know where they're going to land, and so they might not have a South-Carolina-issued permit, and they might have a Georgia permit, and say they're going back to Georgia, and we're not going to know until they actually go to the dock, or, once they're in state waters, and they say, you know, you fished wherever, or we fished wherever, and we don't know if they were east of South Carolina, or east of Georgia, and so one permit that covers that whole South Atlantic region would be a lot easier to enforce, I think at least for us, and the states as well.

CAPTAIN HODGE: I will echo that, because Georgia, with only having a hundred miles of coastline, I can tell you that we have people fish out of Florida, and vice versa in South Carolina, and I've checked those fish fishing in the Georgia coast, almost in Florida, and so I think one permit would be more efficient, and more effective, than trying to get the states to go that route.

CAPTAIN PEARCE: Again, going into federal waters, I think our officers are very well versed in differentiating between the state permit requirements, or the state licensing requirements, and the federal permit requirements, and they're already doing that, and they're already looking for

those additional permit, and so, yes, I think, enforcement-wise, I don't see a problem with having the federal permit, as well as we have the SRFS.

For the technical side of that, they've just got to make sure that the information being received -- That there's no conflicting -- You know, if they're reporting on the federal permit, is it conflicting with data coming from the SRFS, and are they going to duplicate, things like that, but that's really for them to be concerned with, and not law enforcement. I think, law-enforcement-wise, it would be fine.

MR. WOODWARD: I think the basis of this, and, just to remind everybody, when the Magnuson Act was reauthorized in 2006, it created the National Saltwater Angler Registry, but what happened is there was a realization that NOAA Fisheries probably was not going to have the resources to effectively administer that, and so an exemption was developed, so that, if your state created a license that had the basic data elements, then your anglers would be exempt from the National Saltwater Angler Registry.

What that meant is a state like Georgia, that had no specific saltwater fishing license, we then had to change our requirements to create laws so that you required a fishing license, and then we created what we called the saltwater information permit, which was a no-cost add-on. They gave us an exemption, but what that did is that allowed me, as a Georgia angler, to go fish anywhere in the EEZ, and I was covered, and so it's kind of the same principle here. If you were coming from a state that had an exempted permit, you would be able to fish in the EEZ anywhere within the effective range of that permit, and so I just thought I would add that, just for some kind of context for it.

CAPTAIN PEARCE: Tom, are you there?

MR. ROLLER: This is Tom Roller, and I'm a council member from North Carolina, and I just kind of had a question for the AP, and it's mostly a North Carolina law enforcement question. So North Carolina is the only state, or territory, in the entire country that does not have a joint enforcement agreement with National Marine Fisheries Service, and so I'm curious how we could, in our state, enforce an EEZ permit, and what the easiest realm would be for North Carolina, because we've had a lot of trouble, with my work in the state, trying to find a way to enforce the for-hire permits, and then I appreciate your answers in advance. Thank you.

CAPTAIN YOPP: The only way we could enforce that would be by a proclamation, and so it would have to be built into say our snapper grouper proclamation. That's the only way we could do it, since we don't have a JEA.

MR. ROLLER: Can I follow-up, one more time?

CAPTAIN PEARCE: Go ahead, Tom.

MR. ROLLER: Our marine patrol colonel, Carter Whitten, did not give me that answer, Officer Yopp, and so I would like to follow-up with you on that at another time.

CAPTAIN YOPP: Sure.

CAPTAIN PEARCE: All right. Any further discussion?

MR. HADLEY: All right. Well, thank you very much. I appreciate that input, and I know the council will certainly appreciate it as well. As I mentioned, you know, a lot of these are pretty large topics, and working on the details of it with a law enforcement frame of mind, you know, as one of the major concerns, and so I know your feedback is greatly appreciated, and thank you.

MS. BROUWER: The next item on the agenda will have to be tomorrow, because Mike Schmidtke is not here, and so I would propose that maybe we start the morning with Item 5, and so, if you would like to go into agency updates, for example, we could do that now, or go into the compliance updates from AP members, and it's up to you, Mr. Chair.

CAPTAIN PEARCE: Any preference for the group? Okay. Let's go to the compliance.

MS. BROUWER: To kick this off, I included, in your briefing book, a presentation that was given to the council in December by Michelle Masi, who is the Program Manager for the Southeast For-Hire Integrated Electronic Reporting program, or SEFHIER, and I wanted to -- I'm not going to go through her presentation in its entirety, but I will just kind of point out some of the items that the council -- That spurred discussion from the council, as far as compliance and why we're talking about that today, and, also, you know, kind of related to what I talked about earlier, their intent to begin work on an amendment that would potentially establish a limited-entry program for the three fisheries for the for-hire sector.

This is mainly just background information, and, I mean, everybody here I think knows exactly how this works, and it's been in place since January of 2021 for the for-hire program, and we had two different versions of the program in the South Atlantic and the Gulf. As you guys know, there was a lawsuit that subsequently made the Gulf portion of SEFHIER kind of, you know, hit a pause, and the Gulf Council is working that out, and so the council was interested in -- These are the goals, and I'm not going to go over that, but, basically, how are we doing, and they wanted to get an update on compliance, and so Michelle went over the various logbook fields that are currently required, just as a reminder, and the council had a lot of input into this.

We have had some bumps along the way, you know, confusion as to why certain things are required, and who is required to fill them out, but, in general, this is the kind of information that's being requested from for-hire captains.

The agency has conducted some outreach to promote compliance, and so she -- Basically, this slide summarizes what they've done so far. They've had webinars, and they've had calls with constituents, and they've come to the council a couple of times. They do have a customer service line, and they have a website where they have information, and Fishery Bulletins have been used as well to remind everybody what the requirements are, how is it different when you're a dual-permitted vessel, what are the requirements for you, and that sort of thing, and so we also talked - - That last bullet basically just is kind of what would be required to change some things, and so, for example, if the council wanted to add, or to modify, some of the required information, there would need to be -- It would need to go through a process.

She had, for example, adding shark depredation to the information that is obtained, and that would possibly require going through an amendment process, because there would need to be some Paperwork Reduction Act clearance to obtain that information.

She gave kind of a summary of the information that has been collected, and so comparing South Atlantic-permitted, and also including fishing versus non-fishing, the do-not-fish reports, total logbooks by month, and the council did want to see this kind of breakdown also by state, which was requested that they provide in a subsequent meeting, and so this is showing compliant versus non-compliant vessels, with regard to the reporting requirements, and so you can see that there is a higher percentage of non-compliant vessels, and this is data for 2022. This is the vessels that have never reported, versus vessels that have reported at least one time, again for 2022, and so you can see the percentage there, on the right, is much higher.

Then, of course, here, you can see the percent by month, out of the entirety of vessels that are permitted, and this is just for the South Atlantic, and so this is about 2,200 vessels. This looks at late reporting, and you've got the do-not-fish reports on the left, versus the logbooks on the right, and the reports that were on time are shown in orange, and the late reports are in that teal color, and just a reminder that they're supposed to be submitting their reports the Tuesday following the week during which a trip was taken, right, and so South Atlantic versus Gulf, the same kind of metrics there. It's much higher in the South Atlantic, as far as late reportings that are over thirty days after the end of the trip.

This is a comparison of the Gulf to the South Atlantic compliance relative to the reporting requirements, and so, overall, the takeaway is the Gulf program has higher compliance than the South Atlantic, and, hence, us, and the council, wanting to figure out different ways, better ways, to promote compliance. This is just additional fields, and I don't think we need to go over that, and this is just shows the spatial distribution of the logbooks by area fished, seasonal pattern and targeted species, and this is just more background information than anything, and here is, you know, the takeaway overall for compliance, and so the agency really is not able to determine the accuracy of the data that are submitted through the program.

I believe this may be -- There are some recommendations, and, well, this has more to do with the data, on how the data can or cannot be used, and here are the suggested next steps that were talked about in December. The council didn't spend a lot of time talking about these recommendations, and, again, these are just things that the agency has said, you know, maybe this would work, and I know we've talked about VMS in the South Atlantic a number of times, and that doesn't go well, and then that last bullet, limited access for for-hire permits, is kind of where we are.

To kick off this discussion, I wanted to include this for you guys, to kind of see what the council saw in December, and let me pull up the agenda again. I guess their ask, for you guys, is do you have any recommendations, or suggestions, of things the council could potentially discuss to start looking into to promote compliance with the existing reporting requirements, and I know that's a big ask, and I know this advisory panel has talked about this before, but another opportunity, as the council kind of launches into this limited-entry amendment, for them to maybe get additional information, now that the program has been in place for some time, and, you know, maybe an update of what you guys are seeing out there, and so I will bounce it over to you guys.

CAPTAIN PEARCE: All right. Is anybody open for discussion on it?

MS. HARRISON: I'll start. I've been hearing, from the for-hire industry, that they want -- At least in North Carolina, that they want limited access, that they're very concerned that none of the data that's being collected through the logbooks is going to be permissible for management, because the compliance is not high enough, and so they kind of feel like they're doing a lot of work for nothing right now, and it seems like limited access, as in the commercial fishery -- When there's a monetary value tied to your permit, you're a lot more incentivized to follow your regulations, and to submit, because, as it is for us, if we don't have our tickets submitted, our permit cannot be renewed, and so, if the for-hire could get to the position where everybody is submitting their data, so it can be used for management, that would be -- I think that's the goal, and so I don't know, and I'm not in law enforcement, but if you all know to increase compliance, other than for-hire limited entry.

CAPTAIN PEARCE: I can say that, you know, this is, obviously, a federal program, that we want to assist the Office of Law Enforcement with, but the compliance factor on this is really going to lie heavily on what the Office of Law Enforcement wants us to do in enforcing this. I think there's been a huge educational component, but I really can't speak to exactly the state's stance on compliance, because we really are leaning, right now, heavily on NOAA for what that looks like, and what your expectations are, because, again, this is a data collection tool, and, you know, not so much a law enforcement tool, and so that's kind of my comments.

MR. LIND: I will say that, in the recent months, there was a huge compliance assistance, just leeway, the education piece, getting people set up on the program and all that stuff. Within the last couple of months, there have been more penalties assessed, on the law enforcement side, and so we've been reaching out for, what, the last year-and-a-half or so, and I've been reaching out, getting everyone set up on the programs, and I've seen cases, at least Georgia and North Carolina, and there's been some pretty hefty penalties assessed within the last couple of months, just from our side, just to try to further emphasize the importance of it and getting people in compliance, and so, at this point, we are doing summary settlements, and we are doing penalties, more than we're doing compliance assistance on the reporting cases that we're getting.

CAPTAIN PEARCE: Tom, have you got your hand up?

MR. ROLLER: I do. Thank you, and this is kind of a question for NOAA. This has been brought up at the council several times, and I understand the fee for not reporting on the logbook is higher than the fee for not having a permit, and I was wondering if we could get a comment on that.

MR. INGRAM: I would have to look it up specifically, but I do know that not reporting is a \$500 penalty, and fishing without a permit is a \$500 penalty, and so they do increase from \$500 to \$750 to \$1,000, and I believe both of those are in line though, whether you have the permit or don't submit the reports, and it's the same penalty, as far as I'm concerned right now.

CAPTAIN PEARCE: Anything else from the group? Again, I think this is, obviously, a relatively new program, and so NOAA is still working on getting compliance up-to-speed, and, you know, there's been a big push for education, and so we'll just keep moving forward, and keep continuing on what you would like us to do there when we're out in the field.

MS. BROUWER: All right. Next down on our list is compliance on descending devices, and, here, I guess we just want to hear from you guys as to how things are going where you guys are. You know, you heard the council, and you know the council has been doing a lot of work promoting descending devices, or educating people and doing outreach, as you heard from David earlier today, and so, I guess, at this point, maybe we can just go around, and maybe, you know, you guys talk about what you're observing on the water regarding descending devices.

CAPTAIN PEARCE: I will start off, and I've spoken to several of my officers in the field, around the state, and especially on the east coast, but, you know, right now, we're still doing some education, and they're seeing the descending devices onboard. They're not always out and ready to be used, and so they're educating people on that factor. You know, overall, when you say compliance, the word I get back is we're still about at 50 percent compliance.

That doesn't mean that only 50 percent have them onboard, and that's the larger -- There's a lot of them that -- You know, you have a larger number of vessels that are carrying the devices onboard, but we still don't have people with them, you know, rigged and ready for use, and so they're still working on that component, but the fact that they do have them onboard gives us something to work with, and so the option is to educate them, and to encourage them to use the device, and things like that, and so that's kind of where we're at right now, but, again, we're seeing more and more of the descending devices.

I think, last time we had a meeting, when I said 50 percent, we were probably looking at 50 percent with them onboard and 50 percent without, and now we're seeing more and more vessels carrying the devices, and now we're just still working on the education factor, to get them rigged and ready for use.

CAPTAIN YOPP: We've seen a -- We've been doing a ton of education, and, of course, not just about this, but it's been a large component of what we've been doing in our last year, and the division, as a whole, has really stepped-up our outreach, to all kinds of different user groups, and one of those that we've been hitting hard, especially in our conversations with fishermen who are going offshore, is about descending devices.

We have, at least in the southern district, noticed an uptick in some of our violations, and I think that's getting our officers used to, accustomed to, asking, along with a million other things, and, you know, they incorporate that as part of their checks, and so we've seen a little uptick, but we've really -- I think we really are trying to spread the message all over North Carolina, at different events we've been doing, and I think we're seeing better compliance. As Scott said, maybe not rigged and ready, but we're working on that still.

CAPTAIN HODGE: You know, I may have misled you earlier, when I said the folks that we see out there don't have the descending devices, but most of those that I speak of are the ones that are also catching snapper out of season too, and so they don't pay attention to regulations anyways. What we do see is that the folks who have the descending devices know how to use them, and they know what they're for, and they know their purpose, but they don't have them rigged and ready, and so we've been educating highly on that, but, at the end of the day, those folks that are going to violate the law are going to violate the law, and we have to target those folks, but the education piece of that -- I think the folks, even some of them who have them, they don't know the purpose behind why they're really out there, but they just know that they've got to have them with them,

and so our guys, as much as we can -- You know, that's always an educational piece when you go through your check. If they don't have it rigged and ready, we've got to tell them why they need to have it rigged and ready, before we look at turning it over to NOAA.

CAPTAIN THOMAS: We're pretty much seeing the same thing as the other states, you know, our neighboring states for sure, and we do have a couple of referrals that we sent to NOAA, but most of them are in conjunction with an out-of-season, or some other violation, and then we're working with our Marine Resources Section, or Division, and they did a huge push on outreach as well, and so we try to educate, you know, when we're coming in contact with fishermen.

MR. WOODWARD: I'm curious about what percentage are you seeing store-bought versus homemade, because we wrestled with that, you know, when we first were promulgating this, is, okay, we want to give people the ability to innovate and come up with novel ways, but I'm just curious if you all have got any perspective on that.

CAPTAIN THOMAS: I don't know the exact percentage, but I would say a majority of what we see are store-bought.

CAPTAIN PEARCE: I would say that's consistent with us, but I don't have good numbers on that one.

CAPTAIN YOPP: The same for North Carolina.

CAPTAIN HODGE: And for Georgia as well.

CAPTAIN THOMAS: Also, some of ours are -- We're seeing store-bought mostly on private recreational stuff, and the commercial sector it seems like are coming up with more innovative ways, or cheaper ways, and, as you know, some of the devices are fifty or sixty bucks, and so they're coming up with more homemade-type of options, so they have multiple onboard, on the commercial vessels.

MS. WIEGAND: I was curious, and I guess, first, thank you, guys, for doing some outreach work while you're out there talking to fishermen, and that helps supplement all of the stuff that we're doing, but I'm curious, and so it seems like people now have them onboard, but there's this disconnect, once they've got them, on having them rigged and ready, and do you think it's driven more by they don't know that the requirement includes having the device rigged and ready while they're fishing, and they're just sort of missing that part of the requirement, or it's a bigger issue, in that they don't really understand why they need to be utilizing these descending devices, and I'm sort of curious to where you guys think the disconnect is, so we can sort of tailor the outreach work we're doing to address that issue.

CAPTAIN HODGE: I think it's more they don't realize that they have to have those devices readily available, and I liken it to a PFD. They know they've got to have them, and they understand why they have them, but they keep them stuffed under twenty pounds of other gear, and they don't understand that they have to be readily accessible. It's the same thing with the descending devices.

From what I hear from the guys, and the few patrols that I go on, the people go, yes, I've got that, and hang on and let me find it. Well, you know they're not using it, if they've got to go find it,

and so they've just incriminated themselves there, and, at the same time, they're letting us know that they don't know that they need to be using it, obviously, and so I've even seen my officers get on the vessel with them, and continue to fish, and let them catch a fish, and then educate them on how to use it and get the descending device to work, and I'm sure the other states are doing that, but, at the same time, you don't get that opportunity with every fisherman.

Again, if you go back and look at where I see the most violations on our spreadsheet, it comes from those folks who aren't paying attention to the regulations anyways, and they're going to go catch fish that are out of season, and they're going to go catch as many as they want, and the smaller ones, and they're going to keep them, and so it's separating two classes of people when you're out there, those people that really want to know what the regulations are, and follow them, and then the folks who don't care anyway, and they're just running and gunning and trying to beat us back in.

MS. HARRISON: While you asked that question, I went on your website, and it says requirements, because this goes back to just putting the regulations in front of people and expecting them to understand them, but the requirements are to make sure to follow the required gear when fishing for or possessing snapper grouper species in the South Atlantic federal waters. Descending device, a descending device must be onboard any recreational, for-hire, and commercial vessel fishing for or possessing snapper grouper species. The device must be attached to a minimum of sixteen ounces of weight and sixty feet of line.

I read that, and I'm like, okay, because I have it thrown on my dash, I'm okay, you know, and then you come onboard, and you're like, oh, you're supposed to have it wet, and like I didn't know that I had to have it back there on the washdown board and like ready, because you didn't really tell me. You have a picture of it attached to a fishing reel, but there could be caption of like this is what it should look like on your vessel, you know, and I feel like -- That sounds so bad, but like we are also -- Like we're at the top of like the fisheries industry here, and like everything is so simple for us, but this is -- Like I like to think about like how would you explain it to a third-grader, you know, and like you have to make it so like here's a -- So if like this website -- I understand that like I would be that person that probably got a violation, because I didn't understand the regulation, and that's not a good defense, and it's my responsibility to know and understand the laws of the United States, but I had trouble understanding that.

MS. WIEGAND: Thank you, guys. This is helpful information, and what it's telling me is that we need to highlight the readily available, and specify a bit more what that would mean, when we're doing outreach with fishermen, and so thank you for that feedback.

MS. IVERSON: This is what happens when you have a little time, and we are going to fill it. I was just sitting in the back of the room, and I was thinking, and Alana addressed some of the, you know, concerns that I was going to ask you guys. You know, we all want to do the right thing, and we want to be better informed, and we certainly want the fishermen better informed, except for those that are not going to play by the rules anyway, but when you, or your boarding officers, are talking with these fishermen, is there some tool that we could provide to you that you can hand to that fisherman, or, you know, right there, as you're with them and explaining that, hey, you know, just because you've got the SeaQualizer, and it's still the package from West Marine, it doesn't mean that you're in compliance here, and this is why it's important to use it, and this is how it works.

Without having maybe access to the website, which we can certainly, you know, modify that, in getting input, but, when you're physically there, or your officers are there, is there something that you could hand them, or give them, and, I mean, we have wallet cards that have the description of, you know, the regulations, just slightly better than the CFRs, and it doesn't have that kind of rigged and ready and why you need to use it type of thing, but we do have an amazing website, with lots of information, if you want to go and watch those videos and those types of things, but that may not be what you need, you know, eighteen miles off of Jacksonville, Florida. I don't know, and you don't have to answer now, and it's just kind of something to think about, and maybe provide some feedback, or go back home and talk to, you know, your folks, and say this would be helpful when we're doing boardings.

CAPTAIN HODGE: I will respond to this, and it's something we've talked about, and, if you go back twenty years ago, or twenty-three years ago, when I started, and you would encounter these fishermen offshore, not a one of them wouldn't have their deflating tool always back there ready to go, and you didn't need to deflate the fish to get them to go back down, and it's funny that some of those same fishermen, who will keep a deflating tool and a scabbard on their side back then, and they don't want to hear you want to talk about a descending device.

They don't always believe in those things, and so we have to -- Not only do we have to tell them what the regulations say, and then we've got to convince them to use those items as well, and that's the harder part for us, because we get to spend a limited amount of time with them, and we can hand them all the cards and booklets you want, and they're going to throw them on the dash of the boat, and, as soon as we're away from their boat, they're going back to fishing.

Then, when they get home and start washing the boat, that's a piece of trash that they're going to throw away. The education piece is what's bigger than just the encounter we have with them for fifteen to thirty minutes offshore, and it's something that's going to be ongoing and available to them.

Like she says, when they hop on the website, it should specifically tell them the requirements for that descending device, in my opinion, and then you see these older guys, who have been making descending devices, like Spud mentioned earlier, and I've seen them use milkcrates, and I've seen them use all the things that they have in the past, but you won't get them to use a pretty simple device that can make their life easier and quicker, and so adding something to the enforcement officer, as he's doing that boarding -- Because this is the guy who filleted nineteen red snapper and hid them up under the bow of his boat, and he's not going to listen to you talk to him about anything like that.

He's mad, because you've already boarded his boat, and you caught him in a violation, and the conversation ends right there, and that's the guy we need to be educating more than anyone, but the folks who know what the descending devices are, keep them on their boat, but still don't get them to point where they need to be to be in compliance with the law are the ones that will at least catch some of the education anyways, and I don't know where that starts, but I think it's broader than just that fifteen to twenty-minute encounter twenty miles off of Jacksonville.

MS. IVERSON: Let me make it clear that I was not trying to educate someone with seventeen fillets under their deck.

CAPTAIN HODGE: Sure, but we can. We'll educate those folks, through NOAA, and, at the end of the day, I understand that, but even those folks that do their best to comply with the law when they go out there, and the regulations, and that part of the regulation is not that important then, but it's more important to get another piece of bait on the hooks on time, and, if you stop them, and you slow their mind down long enough to understand -- Like I had an officer, and he said, captain, pull off the boat, and I'm going to stay with him until he catches another fish and show him how to use this thing, and, once he did that, he's talked to that guy several times offshore now, and he said that it's a lot easier now that I know how to use it, you know, and so those are the guys that we're talking about as well, and it's not just the guys hiding fish under the bow of the boat.

MS. IVERSON: Thank you for that, and, as Christina mentioned earlier, I mean, you guys are the boots on the ground, and you're the ones that are out on the water, and you're the ones that have your officers that are educating, and I don't think there's any better lesson than to have a law enforcement get on and offer to show you how to use something, or how this can, you know, improve your day on the water, whether it be a safety gear or a fishing regulation or whatever it is, and so thank you, and please take that message back to the others, and reach out. If you think of things, I mean, we're here. There's a whole team here that wants to hear your thoughts, and so thank you.

CAPTAIN PEARCE: So I do think that there's a lot of good educational information online, and people just need to look at it, and it's getting them to those sites. You know, our officers, as well as all the other officers in the other states, are, I think, doing a good job trying to get people to get buy-in. I mean, when they have them onboard, you want to still try and get that buy-in, you know, and get them to use that device.

Some of it comes down to I think just some of the folks aren't acknowledging that they need to use it at that time and point. They bring fish onboard, and they look at it, and they're trying to get it overboard, and they just put it back without -- This might be a useful tool right now to get this fish to the bottom, and they're looking for those obvious signs that the fish is in distress, and I know, when we originally talked about this, you know, the consensus was that, for enforcement, it was really hard to enforce the use of it, and it was more -- It was easier to enforce the fact that it had to be onboard and ready to go, and then we hoped that the educational component would get us to the next level, and maybe, at some point, we have to have a discussion about enforcement, but I still think that where we are right now is probably the best option for us, and we've just got to continue with the education and get the public onboard.

MS. BROUWER: So if you guys want to move on to MPAs and spawning SMZ compliance, and I know this is something that comes before you every so often. Specifically, I guess, for the spawning SMZs, that is something that the council is going to be talking about a little bit more in this next year or so, because there is a -- The sunset provision, right, and that's coming up in 2027, and so we need to have a little bit more information for, you know, are those areas working for their intended purpose, which, you know, that's not what you guys are talking about, but are they configured properly? Are you able to enforce them the way they are, where they're located, the size of them, and are those areas enforceable at this point, and that's the kind of feedback we're looking for, for now.

CAPTAIN PEARCE: I would say that we spend several hours, with our offshore patrol vessel program -- You know, we spend several hours every year out there patrolling those areas, patrolling around those areas, and we do issue citations, and warnings, within those boundaries, you know, but they are difficult to enforce, because of the location, and a lot of them are way offshore, and so being, you know, creative on how we get out there, whether it be with air patrols or things like that, that are capable of doing that kind of thing.

You know, obviously, anything off the Florida Keys, we have probably a better footprint, because a lot of those areas are a little bit closer, but, again, we do spend a lot of time out there. I think, you know, from my perspective, maybe a deeper discussion that we would need to get from them is what are the questions, and the concerns, they have, and then we can spend time trying to answer those questions and concerns and really poll our officers in the field that are patrolling those areas, you know, maybe even with a survey. If they want to develop a survey, we could get it out to our officers that are patrolling those areas, and maybe get really good feedback and get right to the point of what their concerns are.

MS. HARRISON: At this juncture, in the South Atlantic, unless an officer physically sees you enter an MPA, or a spawning zone -- That's the only way that you will get in trouble, right, and it's not like the scallop fishery, where they have VMS, and they're -- Because I have friends on scallop boats, and like drones fly over, and then, bam, the Coast Guard, and so it's like a very immediate response, and it's quite amazing, but, down here, it feels like it's kind of like --

CAPTAIN PEARCE: Well, I can speak to our state resources. When we're out patrolling, doing our JEA patrols, it's based on, you know, our vessels being out there and what we see when we get within the range of the zone. Now, if there could be a lot of feedback that we're getting from the NOAA Office of Law Enforcement, maybe through the Coast Guard, if they have aircraft up and they're seeing things, and they can, you know, work with us that way, but for us, in general, it's going to be our patrol efforts and getting out there and actually getting eyes on the area.

MS. HARRISON: So, for North Carolina, since we don't have a JEA, that responsibility falls on our Coast Guard partner, and so they're -- I mean, cutters, I suppose, are patrolling, but they're not -- Don't they cover a pretty wide ground?

LT. LOEFFLER: I would say you could look at any cutter along the east coast, and the area of responsibility is the entire east coast. We don't operate state-by-state, and like at the time -- So what I will say is we're doing a huge shift in modernizing our fleet, and so we still have vessels that are in service that are coming up on seventy years old, and they're starting to push those out to get new ones, and, with that being said, probably our best asset is the fast-response cutter, and I don't know if you guys have seen those. It's a 154-foot boat, and there's about twenty-two people onboard, and the area of responsibility is the entire east coast EEZ, as well as outside on the Atlantic.

There is a large amount of them in the south Florida area, but that's not necessarily for fisheries, and it's for border patrol, and migrant interdiction and stuff like that, and so you'll see a larger -- I guess a congregation of vessels down in that area, but they're not doing fisheries whatsoever, just because they just can't do that, and then anybody that's traveling -- So we do have some in New Jersey, and they come down, and sometimes we might be able to tag them on their way down, and so, for example, a ship from New Jersey will come down to do a migrant patrol, and maybe

we can snag them for a day, and they can go to an MPA on their way through, and, unless somebody is there during that day, there's really not much that we can do, and so we personally rely, as far as fisheries goes, on our state partners quite a bit.

MS. HARRISON: Just one more question then for Captain Yopp, but you all aren't patrolling the EEZ very often, right, and you're not sending boats out there looking at MPAs?

CAPTAIN YOPP: Capability-wise, our vessels, no. We're trying to upgrade our fleet, to get some bigger vessels, so it's safer for us in different weather conditions, but we're very limited that far offshore, very limited.

MS. HARRISON: Well, I feel like North Carolina doesn't really have any monitoring of our MPAs then at this point, and so I don't know really where to go to improve that, other than VMS.

MR. DUNN: All through the years, as these were developed, LEAPs advised the council that these were difficult to enforce, and, you know, you can see a cutter coming for miles away. If somebody is doing something wrong, they just move out of the area, things like that, and so emerging technologies nowadays I think they're hoping will provide a little bit better, but you're right, and it's always been difficult, and the councils knew that as they developed those farther offshore, the smaller, odd-shaped, and then there's the prosecution side, and so they are a challenge.

MS. HARRISON: But it seems like, when you're caught in it fishing -- Like you get the book thrown at you, and you're not supposed to -- So it's a pretty big violation, is my understanding, and like, as a commercial fisherman, like you don't want to be caught in an MPA with any fish, and so it just seems like there is -- I don't know, but it seems like it should be a higher priority, and it's sad that it can't happen in our waters, and North Carolina is a really -- Our location with the Gulf Stream and Labrador Current going so far out, and we are a very important breeding ground for all of these fish.

CAPTAIN PEARCE: I think, just going back to what I was saying earlier, and what the advisory panel needs -- I can provide hours, and I can provide numbers on citations and warnings, but the specific questions that probably they really need -- Again, I go back to we need to get down to what do they really want to know, and, again, if they can develop a good survey, that we can send out to the field, to those officers that are out there that are doing that, whether it be the federal level or the state level, we can give them some real-time feedback on that type of stuff, because numbers are good, but do they tell the whole story? Do they tell them what they need to know?

MR. DUNN: I will add that the real success comes from the industry pointing out people who are continuously using that area, and then we can focus -- He can focus his effort there, and so there's that, but you've got to get the public to be willing to provide that information.

CAPTAIN PEARCE: To build on what Tracy just said, you know, the Coast Guard -- Again, you have a huge mission, but, if you are relaying that information to your authorities, who are relaying it to the Office of Law Enforcement with NOAA, who has partnerships with the Coast Guard, you can get to those issues, but you just -- You know, again, I'm not saying that -- You know, we want law enforcement to be proactive, but we really depend on the public to talk to us and tell us what they know, to tell us what they're hearing and seeing and things like that, and that helps us to

develop plans and to justify operations to go address issues, and so just never feel like your voice isn't really important, and it's very important to this whole thing, to this whole process.

MS. HARRISON: One more thing, and I'm sorry, and that goes back -- So I'm thinking that I'm on an outboard, and I'm out there having fun, and like there is no visual like marker that I'm in an MPA, is there, and it's all on my data, and so like that's kind of -- That's kind of hard, in itself, to have somebody who is like a weekend warrior, or like my neighbor, who his twenty-two-year-old kid is on the boat, and so that goes full circle back to the education component, and having an assessment, and you could build that in, and can you identify the MPAs off the coast, and because it's like -- What you described to me is like you need fishermen to be more of like a citizen watch, but, if they don't know what to watch for, then they can't, and so it's like -- I think education, but I think that's hard, because most of the average -- Like commercial fishermen know that they shouldn't be in that area, and, if they see someone in that area, they will call, surely, but a recreational fisherman -- He probably doesn't know.

CAPTAIN PEARCE: Any further discussion? Any comments? Do we have anybody online?

MS. BROUWER: No. Okay. Thank you for all that feedback, and I'm sure that Scott will make sure it gets back to the council, and he's coming to the March meeting to give them the report from this meeting, and I think Chip may be here tomorrow, and Chip is the one that is kind of keeping track of the spawning SMZs, and kind of staffing the system management plan for that, which includes an enforcement component, and so, if he has more information, or specific questions for you guys, this may come back up tomorrow.

CAPTAIN PEARCE: All right, and so, given where we are in the agenda today, and the timeframe, we're going to go ahead and call an end to the meeting today, and we will pick up tomorrow morning at nine o'clock. Meeting adjourned.

(Whereupon, the meeting recessed on January 29, 2024.)

JANUARY 30, 2024

TUESDAY MORNING SESSION

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Crowne Plaza, North Charleston, South Carolina, on January 30, 2024, and was called to order by Chairman Captain Scott Pearce.

CAPTAIN PEARCE: All right. Good morning, everybody, and welcome back to day two of the Law Enforcement Advisory Panel meeting. This is Captain Scott Pearce from Florida, and we're going to get things started over this morning, and I'm going to turn it over to Ms. Myra Brouwer, and she'll get us going.

MS. BROUWER: Good morning, everybody, and so we are going to go back to talking about Regulatory Amendment 35, and that's Snapper Grouper Regulatory Amendment 35. Remember I gave a very short recap of where the council is on that amendment, and the council had, you know, some requests of the LEAP, and so now we have Mike Schmidtke, who is the lead staff putting that amendment together, who is going to kind of give you a little bit more background on that, and so we'll start that this morning, and then we'll get back into the regular agenda.

DR. SCHMIDTKE: All right. Thank you, Myra, and I learned that I was called upon yesterday, and I wasn't here, and so my apologies for that. I was trying to get materials up for one of our scoping processes that I will actually be talking about later on for your agenda as well. Getting into Regulatory Amendment 35, you did get a little bit of intro of kind of the process that we went through for that yesterday, and, basically, the council developed the amendment, and, at the beginning, considered kind of a wide swath of different regulations that they could have included there in response to the most recent red snapper stock assessment.

After they went through the process, it got whittled down to changing the catch levels and putting in a regulation that prohibited the use of multi-hook rigs in the recreational fishery. That amendment got submitted, and then, in December of last year, it just got rescinded, and that approval got rescinded, and so they told us to -- That don't submit it to the Secretary, and instead bring it back, and the council wants to talk through what regulations and what changes they want to have included in that amendment a bit more.

We had some discussion, at that December meeting, about potential ideas, directions, of where this could possibly go, and one of the requests that the council made of this advisory panel was for you all to have some conceptual discussion about the idea of using rotating closures at different points in the region, and I will try to characterize that a little bit, and then I will kind of lean on Spud to jump in for what the council is looking for, but this concept of rotating closures being that that there would be areas set up, and it would not be the entirety of the region, and there would be specific areas that would be chosen, and these areas would have seasonal openings and closings.

So, for example, there would be a box somewhere off of North Carolina, and maybe it would be open for a certain time period, and closed for a certain time period, and, outside of those boxes, you would have the standard regulations, and seasons and all of that would be in place, but just these specific areas would have their openings and closings. There is some recognition that we would need to identify the lines, so to speak, of these boxes, but there would -- They would not all open at the same time, and they would not all close at the same time, and they would all be set for their own specific time periods, and that would kind of be tailored to what the council's goals are for management, and, rotating throughout the year, one would open, and then it would close, and another would open, and then it would close, and so on and so forth, and so kind of this overall concept of trying to have some conservation, in a short-term scenario, at a specific point of the year.

The question that came up, you know, kind of towards you all, is what would be potential difficulties of enforcing a scenario like that, and is that something that would be in the realm of possibility for things that the council should be considering with this issue that they're talking about, and I guess one other thing I didn't full detail is like these areas would be closed to snapper grouper fishing, and so there would not be allowance of fishing in that specific area for that entire group of species, and it's not just red snapper, because we're trying to reduce discards. We're

trying to reduce the targeting of that bottom complex, so that the discards can be reduced, and so I think that is all the level of detail that I know at this point, and I will kind of look to Spud, to see if he wants to fill in anything else.

MR. WOODWARD: Thanks, Mike. I can tell there are little bubbles over all you all's heads, and you've probably got a lot of question-marks, and a lot of exclamation-points in them, like have these people lost their minds, and maybe we have, but I think that's the purpose of having this discussion, is, you know, the council continues to struggle with how to reduce discards, and discard mortality, while still allowing access and opportunity, and, you know, we talked about descending devices and best practices and all yesterday, and that's moving in the right direction, but, you know, it takes a long time for those behavioral changes to be made manifest, and so what do you do in the meantime to address what is seen as an acute problem?

This idea of closing areas to fishing keeps coming up, and, while I think, you know, intellectually it makes sense, practically, you know, we need to just reality check it, and, you know, Mike and Myra and I were kind of going back and forth yesterday, and, you know, there is a lot of questions that we've got to ask ourselves about this, as well as asking you all, and that is, you know, what does rotating really mean?

You know, I will give you a scenario, and let's just say that we had an area off of each of the South Atlantic states, and I'm just going to call it a two-mile-by-two-mile box, and so it would be an area closed to fishing for and possessing snapper grouper species, and so that area would be closed let's say seven months out of the year, and that area would remain in this seasonal closure program for say two or three years, at the minimum, because I think that's what we need you all's input on, is we all know there's a learning curve about changes, and rotating sounds good, because you're trying to make sure that everybody has some opportunity, and nobody is suffering an unreasonable constraint by this, but then, you know, if you put it in, and it's only in for a year, and then it moves to some other place, is that -- Are we even giving people enough time to know that that place is closed, and then I think there's the other question, and I don't know if anybody here can answer it, but, well, how long does it take to get something like that on the charts, because that's the other practical component of this.

I can use our Gray's Reef area as an example. You know, one-third of Gray's Reef National Marine Sanctuary is closed, and it's delineated on the charts, and so everybody knows, and, in fact, for the first years it was closed, there were actually buoys on the corners, to give people a visual reference, and, well, obviously that's not going to work, and we can't put buoys out there, and so you've got to have something that people can reference to tell them -- So how long would a closure need to be in effect, do you all think, for it to actually be effective, for people to know enough about it, to know that they can't be there, and fishing -- I assume that we're going to allow surface fishing, you know, like we do in some of the MPAs and that sort of thing, and so that -- You know, that adds another layer of complexity to it, and so just I think it would help the council, you know, when we grapple with this, just to get you all's input. I mean, if you were having to design something like this so that it's enforceable, and you could have some confidence that the affected public had what they needed to comply with it, what would it look like?

CAPTAIN PEARCE: We'll open for discussion.

CAPTAIN YOPP: I don't know how concerns, like we talked about yesterday, of monitoring that area, and, I mean, I sat here yesterday and told you all our issues offshore, you know, and a big vessel -- We just don't have it, and that's the first thing that comes up in my mind, is you create a box out there, but, if we can't go out there and adequately check it, what good is it? That's just my first -- That jumps off the page at me. I don't know, and there's a lot to discuss.

MR. WOODWARD: In other words, you're saying that the enforcement capacity would have to go up considerably in order to make a scenario like this work, because, obviously, we can't go out there and put a fence around it, as much as we would like to sometimes, to stop fish from going one place or another, and so I hear that loud and clear.

CAPTAIN PEARCE: Even in Florida, with the assets we have, the further offshore you go with these closed areas, the more limited resources we have to patrol them, and limited time and ability. Obviously, aircraft is a big support asset for things like this, but, again, that's limited as well, you know, and so that's just something to consider, and, again, I agree that, depending on how far offshore it is, where it's located, it's going to really limit the ability for us to put assets out there for longer durations of time.

Now, on the positive side, you have a designated area to focus on for a closure, but then, when you also allow other fisheries to take place in that area, like trolling and things like that, you know, it gives that -- It provides access to a closed area, and so people who think they're out there all by themselves will then take advantage of the opportunity, and we see that in Madison-Swanson and places like that, and so those are just things to consider.

As far as duration of time, I mean, what's your timeframe on how long would that area being closed actually have a positive impact on the fishery? You know, I mean, if it's closed for a year, that first year, with a big education push, you know, people would know, after that year, I think, that first season, that, hey, this area is closed, and it's going to be closed for X amount of time, and so I think that's something that can be overcome with good communication, good education, and just the challenge is going to be monitoring that site, depending on where it is, how far offshore it is. The closer to shore, the more assets we have that can get out there to it and take a look at it.

Like, if it's within the Keys, if it's within a close proximity to shore, you would have officers that patrol the area daily, almost, depending on where it's at, but, if you're pushing it out in the middle of the Gulf, it might be once a month, depending on what's going on and depending on the assets, that they're functioning properly, if we have vessels down, and all those things impact the ability to effectively patrol that area, but, then again, it's a -- You know, if we have multiple resources, between us, between state law enforcement, the Coast Guard, and NOAA, you know, we can, obviously, come up with a patrol plan to deal with it.

DR. SCHMIDTKE: Just kind of a follow-up question, and I understand the concept that, as you get further offshore, that lessens the capability, and is there kind of a rough idea of distance from shore at which there begins to be like a really strong drop-off, and like what is kind of the standard range where you would expect, you know, more or less a normal level of monitoring, as far as how near or far offshore?

MR. LIND: I think the forty to fifty-mile range, and I know our boats can get out forty to fifty miles, and there are some of FWC's boats, and their bigger boats can go forty-ish miles, and

Georgia, I believe, has at least one or two boats, and so anything past fifty miles though -- You're looking at asking the Coast Guard, or trying to get the Coast Guard, to do those, regularly.

CAPTAIN HODGE: Spud, I think you were still with Coastal Resources when they closed the Gray's Reef research area, and I will speak on how long does it take to get people, I mean, to recognize this is a closed area, and that took over three years, and that was closing the area year-round, before we stopped running into people that I had no idea, even with buoys out there, but the buoys are six miles apart, and so closing an area for a few months at a time -- Like those that are watching the broadcast, and looking for information like that, will know it, but I think 90 percent of the folks who are going to go out there fishing are not going to look at that stuff.

After watching Gray's Reef take three years before you stop seeing people out there that just didn't know, and that's a long time, for a research area to take that long for people to find out it's not open, and that's the only one that we've ever dealt with, but the other part of that is I think closing another area, and this is going to go back to our JEA stuff, but our focus is then going to be turned to closed areas, more so than anywhere else, because, if we're not patrolling that closed area, it's not going to be affected anyways, if we're not keeping people out of there, and so I think that's a huge piece right there, that's going to affect a lot of things, for us anyways.

CAPTAIN PEARCE: You know, we've had some conversations with -- You know, obviously, in state waters, we've had conversations with NOAA about putting some of our closed areas on charts, and it's difficult to do. We do get some for the federal areas, but we still have some areas that are closed that aren't on the charts.

One of the things that we've talked with industry about, with people like Garmin and other folks, you know, when you have opportunity at some of the events you go to, is what are the partnerships we can create with them to get these areas -- More so just work with industry to have these areas put on the electronics, so that, when you get a Garmin, or you get a Loran or something, that stuff is already there, or it's updateable every year, or however long it is, because, if it's on that plotter, and it's screaming at them that, hey, you're in a closed area, that's a big difference, you know, and that makes a big difference for the person who would say that I didn't know any better, but yet it's telling you, right there, that this is a closed area you're in, and that would be a huge help in dealing with some of these things, and providing the education, and making sure that people understood that.

I think that working with industry, you know, is something we need to consider, and maybe bringing them onboard with the whole conservation effort, to say how can you all help us, and, you know, they have a vested interest in these fisheries, and so I think getting them onboard to be more proactive in getting that information, and putting it in the equipment, so that people see it on their plotters, is going to be key.

MR. WOODWARD: It sounds like -- I mean, what I'm hearing matches what my experience has told me, and that is, if you try to rotate something every year, you're going to be constantly in a situation where nobody is going to know what's in effect and what is not in effect, and so, you know, the rotating is going to have to be defined, and, I mean, you used the Gray's Reef example, and it took three years for enough people to realize that you had a closed area in effect, and so it sounds like, you know, considering this, you're going to at least have a two to four or five-year period when that area is closed, for it to even have any confidence that it's effective.

That kind of changes the definition of “rotating”, you know, in terms of what that really means, and what about size? You know, I think that’s another, you know, consideration of what size, and, you know, there’s sort of the biological and ecological size, and then there’s the enforcement size. That area at Gray’s Reef, Chris, it’s what? It’s a third of --

CAPTAIN HODGE: (Captain Hodge’s comment is not audible on the recording.)

MR. WOODWARD: It’s, what -- I don’t remember, and it’s four-miles-by-four-miles, I think, or something like that, and so it’s roughly a third of a four-by-four square, and so smaller is better, or bigger is better, or, you know, what’s a size you think that is reasonable, from enforcement? I know that’s a hard question to answer.

CAPTAIN PEARCE: Well, you know, I know that one of the things that we consider is -- You know, you want to make the area, obviously, big enough to do the job that you’re trying to do. Enforcement-wise, you know, you want it to be big enough so that we can definitely prove intent, that somebody was well within that zone. The smaller the zone, the harder it is to really show intent. You know, if the zone is a mile across, and a person is, you know, 300 feet inside the zone, we tend to have a more -- We struggle with proving that case, because 300 feet -- You know, people tend to say, well, I didn’t realize it, and I thought I was outside the zone, but, if you make it a very large zone, and we catch somebody a mile inside that zone, or a half-a-mile, that’s going to help us develop more intent on that case, and it helps us provide that picture on a chart as well, and so those are -- The bigger the zone, for us, it helps us prove intent.

I wanted to also comment, and, when you talked about distance offshore, I would say that even your forty or fifty-mile -- You know, we patrol out to the Middle Grounds, in places, but that forty to fifty-mile range, if you’re looking at daily patrols, is still going to be somewhat limited. I would say, if you had an expectation of a daily patrol, or something like that, you’re talking in the twenty to thirty-mile range, if not closer, and I know there’s not a lot of rich environments within that range, that would provide probably what you need, but the closer the better for patrol access, but then that also means that you have more access from the public, and so that’s kind of a -- You know, you’ve got to work through both of those.

MS. WOODWARD: Off of Georgia, I mean, our most productive snapper grouper bottom is not until you get up to about thirty miles, and, you know, we’ve got a string of manmade reefs inshore of that, but, you know, as Chris can tell you, to get to the places where most people are targeting snapper grouper, I mean, it’s a thirty to forty-mile east run off the coast, and, if there’s any kind of sea conditions, it’s tough, and so I think everybody -- You know, if you’re off of Canaveral, or off of St. Augustine, it’s a whole different situation than it is when you move up and down the coast.

CAPTAIN HODGE: Spud brings a good point there, because -- It’s unique to Georgia, and I think probably part of you guys in South Carolina too, but we don’t make patrols outside of twenty to thirty miles on a regular basis. I mean, G Reef is twenty miles, and that’s big place for us, and Gray’s Reef is eighteen miles, and, if you go outside -- I just talked to one of my field supervisors, and they went out to R5 in the last couple of days, and he said we did because we ain’t been out there in a year, because they ain’t had the weather to get out there, every time they’re out there, and those patrols, outside of that twenty to twenty-five mile range, are not going to happen more than three to five times a year, for Georgia anyway.

MS. HARRISON: From a commercial standpoint, we deal with kind of this stuff on the state level more so than a federal level, I think, rotating closures, or area closures, and they're usually just sent out as a proclamation, in an email, and you have the map, and, of course, we have -- Like, in our inland waters, we have more of like spotter planes and such monitoring us, but I think that if -- It kind of goes to that kind of mindset that we have about best fishing practices and education, and so, at the end of the day, even though you're not confident that everybody that violates the law, or violates that time and area closure, will be brought to justice in a court of law, it is still probably deterring many people from participating in that illicit behavior anymore.

Then, also, on my computer here, I pulled up 17A, which was before my time, but this document went through red snapper area closures before with the council, and, on S-11, there's this picture showing red snapper fishing mortality by area, and the bulk of it is off of Georgia and northeast/central Florida, and it's all concentrated at the coast, and so like one-and-a-half of those blocks, and so how big is a block, you know, and so that's like not a very large area, and it seems pretty close to shore.

CAPTAIN HODGE: I think what you're speaking of there though is you're going to still be outside of that twenty-five to thirty-mile range, even in that block, off of Georgia, because you don't -- Spud can speak on this a lot better than I can, but, until you get to that range, you've got a flat, sandy bottom that is not going to hold any fish there anyway, and so I don't know how the mortality would be any closer than that, and the fish aren't even existing there.

MS. HARRISON: So, if you could zero-in on your hotspots -- Does the council like have data that shows the hotspots of the mortality?

MR. WOODWARD: Well, there is some data out there about where fishing takes place, and, you know, we were discussing 35 earlier, and it came about, okay, so where would you close to have the greatest effect, at least on red snapper, but, really, this is more than just red snapper, and this is the complex. This is dealing with the whole snapper grouper complex, and we kind of sometimes get ourselves away from this red snapper thing, because I think it's distracting from the bigger picture, which is the complex itself, but, yes, we know where the effort, and the harvest, takes place, but what's contentious about that is you're going to -- The Magnuson Act is very serious about you can't unfairly affect one group of people.

So, if you go to Florida, where 90 percent of the red snapper harvest takes place, and you shut down Florida, then, okay, well, you've accomplished your goal of reducing discards, and discard mortality, but look what you've done socially and economically, and so it's a -- How do you distribute this out, so that you can say it's somewhat fair and equitable?

In Georgia, I mean, the amount of fishing effort in Georgia is nothing, compared to the states north and south of it, because people have to run thirty to forty miles offshore, and we've got six to nine-foot tides, and it's rough as a cob most of the time, and we just don't have that much effort. We've got a lot of fish, but we just don't have a lot of fishing effort compared to everybody else, and so that's one of the many challenges of this, is how do you apply a management cure, but do it as fairly as you can, so that somebody is not unfairly disadvantaged in the process, and that's always a tough part of this decision-making process.

Overall, it sounds like rotating bottom closures has got a lot of challenges, from an enforcement standpoint, and I think that's safe to say, and the devil is in the details, as it always is, the size, distance from shore, duration, all these other variables that go into it, and I think, you know, we've talked about it with the spawning special management zones and all, and it's like -- I mean, you put it on the chart, and you hope that people abide by it, but the truth of the matter is, you know, you're not out there with eyes on it very much, and, I mean, that's just the reality, and so any other thoughts on that?

CAPTAIN PEARCE: I just want to kind of re -- Thinking about what I said earlier, but just to really clarify expectations, and I agree with Chris. When you're looking at these areas, and you're looking at frequency of patrol, think of it as, the further offshore, the lower the frequency of patrols. The closer to shore, the higher the frequency, and I agree with Chris. Even in that -- In between twenty and thirty miles, you're still looking at a very limited patrol.

Within twenty miles, you probably dramatically increase that ability to patrol an area, but, outside of twenty miles, you're looking at limiting that, depending on everything else that's going on and how many assets you have that could be dedicated to getting offshore to do that, and so I think I might have said something about a weekly patrol, but it could even be pushed further than that, to where you're very limited, outside of twenty miles, to how often you can be out there on that zone. It does have a huge impact. I just wanted to set expectations.

DR. SCHMIDTKE: I just wanted to note that, if I remember correctly, the information that I've seen, as far as like hotspot data, is more geared towards abundance rather than effort, and so it's coming from like your fishery-independent surveys, and they're able to characterize that this is where fish are located, and that doesn't necessarily always mean that's where fishermen are directing their greatest amount of effort, and that's one of the gaps, and one of the places, where I'm not sure that we have data that would tie that, and so we potentially may have to make some assumptions in there, in developing the law, and the rationale, for any regulations, but I just wanted to note that, concerning the data, and I do see, online, that a council member, Tom Roller, does have his hand up.

CAPTAIN PEARCE: Tom, go ahead.

MR. ROLLER: Good morning. Thank you. First of all, I want to thank Alana for her comments, in particular, and she raised a really good point here, and, you know, I look at our North Carolina fisheries, our state fisheries, and our commercial industry is subject to all sorts of very specific time and area closures, and, often, that can fall within a forty-eight-hour time period, is how our proclamation authority works, and I think it's important to remind folks that our offshore component of our recreational fisheries -- It's a very small component of our fisheries at large, and so I think, looking into the future, that this is something that I believe might be a little bit more enforceable, and sometimes we are too worried about inconveniencing people with this, and I wonder if -- You know, assuming the council goes forward with establishing a recreational permit, if that would provide an easier avenue in which to enforce this sort of closure, because we'll have an easier way to inform the people who are specifically fishing, which, again, is a smaller community.

Where this conversation is going, the way I see it, and this feedback has been very helpful, is I think it's going to be important not just to think about these closed areas theoretically, but I think

it's going to be really important to have a better idea of what they would like, for us to get that biological benefit, right, and we started to get there in the last couple minutes of this conversation, and, once we get there, I think it may be more helpful to kind of look back at this from the standpoint of if we have a better idea of what they look like specifically, to see how enforceable that would be, and so, again, thank you all for your comments this morning.

CAPTAIN PEARCE: Thank you, Tom. Any other discussion? Go ahead.

DR. SCHMIDTKE: So another question just kind of popped into my head, and I'm curious, and is there -- So there is interactions, and I'm thinking of Gray's Reef, you know, when that went into place, and there was that transition time, where people may not have necessarily known about that, and is there -- Are all of the interactions that officers would have with people that they intercept in that area, and, you know, if they were first informed, and they weren't aware of the law, or something like that, and is that documented? Is there any record of that that we might be able to see kind of the decline in that transition period, to be able to, I guess, give an idea that, if the council decided to move forward with some type of closed area scenario, that they would have an expectation of, okay, this is kind of the trend that we expect, the time trend, the people trend, of, you know, how many -- How long it takes, and also the potential effect on the number of interactions with fish in that area, due to not knowing that the regulation has gone into place.

CAPTAIN HODGE: We should have all of that in our JEA files, that would show that we encountered boats in that area, and, on the enforcement action report, it should say that we discussed with them that they were in a closed area, or they were given a warning for that area, or turned over to NOAA for that area, and so that should be in all of those, and that would go back to 2010, I think, or 2011, and so it would take some digging, but you could probably run across those documents somewhere, maybe in NOAA's office, and I don't know if we retain those records that long.

MR. WOODWARD: I think another thing that -- In that area, there was no fishing in that area, period, and so a boat -- I mean, a boat could transit through there, which, again, makes things complicated, when you're talking about a boat can be there, but they just can't be fishing, and so, you know, from an enforcement standpoint, that throws another wrinkle into the whole mix of, okay, well, presence does not denote violation, you know, and, in that case, it was a no-fishing area, period, and so, if the boat wasn't moving, actively moving through there, then, you know, you've got, well, what's going on here, and what we're talking about is a situation where fishing would be allowed, you know, and that gets a little tricky.

I hate to even bring it up, but, you know, there are fish out there, in these areas, that aren't managed under the Magnuson Act, and people can fish for them, you know, and so then you get into a hole other tricky scenario there of, well, I was fishing for something else that's not in the snapper grouper complex, and so not to throw cold water on the whole thing, but, you know, we all live in the real world, and that's what we've got to deal with.

MR. DUNN: Just to kind of encapsulate a lot of what I've listened to, it's education is primary, and we saw that even with the closed areas that we had originally, and it's interesting enough that the JEA, or the JPA at the time, was developed to deal with offshore closed areas, but then you have the problem of the proper platform, crews that are well educated themselves, and getting people that are willing to go out there a lot, and so, the more that you put out there, the more that

we have to look at providing those assets to the state, and really ramping it up, and the state having the officers that are willing to spend that time out there to make it a meaningful enforcement effort.

MR. LIND: I will say too that I just did a quick search, but, all the way back to 2009, there is 700 cases documented, just for MPAs, just in our case management, and that's not ones that were just given warnings, and whatever else, and, to this day -- I mean, this was what, 2009, when the MPAs were created, and, to this day, when we go out to the MPAs, we still see, especially the recreational boats, and they just say I didn't know, and I didn't know, and that's been fifteen years that these MPAs have been in place, and so the rotating, you know, one year, or two years, I think the education piece is going to be -- It's going to be tough pushing that out. The charts and stuff, you can put it on the charts, but we all know that people don't update their charts as well too, and so there's just a lot to consider, but that's just something to consider.

MR. WOODWARD: That's the realities that we've got to deal with.

CAPTAIN HODGE: One other reality, not to make a JEA conversation out of this, but, for instance, when we go to Gray's Reef, Gray's Reef gives us money to go there, and that's a \$350 venture, every time they go, and so, when we reach our hours, we don't go back out there, because we can't afford to go back out there, and that's the piece of this that I think we're not overlooking, but we're setting aside, because we know it's there, and it's that elephant in the room, is money, and, when you start closing these areas down, and that's going to force NOAA to either give us a bigger budget with JEA, or money to come from somewhere to even get out there, because maintaining and operating those boats to get out there is definitely not in my \$150,000 budget.

MS. BROUWER: I just wanted to circle back to a comment that you made earlier about proving intent, and, if the area is too small -- I mean, I understand the concept, but I was thinking of our spawning SMZs, because I think the majority of those areas are like one-nautical-mile-by-one-nautical-mile, and is that sort of like, you know, the limit for how small an area can be?

CAPTAIN PEARCE: I wouldn't -- I don't know if I would set limits, but I would say that, again, we can still make those cases, but you're probably going to be more successful the more dedicated that individual is to that zone, and that's just dealing with things outside of our purview. When you get to the prosecution phase, you know, it starts to get -- You know, we really want to show intent, and this person really had knowledge, and they really knew where they were, and they didn't just accidentally cross the line kind of thing, and so, again, just the more dedicated they are to be inside that zone, the more intent we can develop.

MR. DUNN: Along that line, the prosecutorial side of this is extremely important, because, if we're not able to make cases, people -- That word travels faster than anything else, and people are like don't worry about it, and it's like the speed limit. Don't worry about it.

CAPTAIN PEARCE: They will definitely educate themselves on that.

MR. DUNN: Right. Exactly. That one, they will know, and so --

MS. HARRISON: My point kind of goes to that as well, and so, in the fishing industry -- Like, for you all, like word probably gets around to your community, and like, when a great violation happens, like if somebody is caught in an MPA in Georgia, you all probably like -- Word probably

gets around, but, in the fishing industry, both recreational and commercial, the word doesn't get around.

Guys aren't talking on the dock about, hey, I just got busted for fishing in an MPA, and like nothing. The only way you find out if somebody in your -- Like if a fisherman has a violation is if you pay attention to the meeting and listen to the law enforcement update, and so I think that this is more so like a marketing issue, and I'm in business, and so, for me, it's like a marketing issue, and like if you all could somehow increase public awareness of these violations, and like put it my local newspaper that the National Monitor Sanctuary just had -- That somebody was caught fishing in the closed area. I mean, get the word out there that these are serious crimes, and that these exist, because, in my town, I have never heard of a recreational or a for-hire boat getting a violation, and so kind of mindset is like -- I mean, I'm sure it has happened, but you just don't hear about it, and so I don't -- You need to make -- Like make an example of these issues, and tell people what's happening, and that people are violating these MPAs, and make people care more.

Like, when a right whale gets hit, it's all in the news. I see the pictures, and I send them to people, and I'm upset about it. You need that call to action, and we don't have it, and that's why I think that, even though you're not confident that you could actively patrol these closed areas, the impression -- Not the impression, but the intimidation of there being a closed area will do a lot, and it's like Teddy Roosevelt said, to speak softly and carry a big stick, and you all don't have a stick right now, and we know it. Like, as a fisherman, we know that you all don't have a stick, and I hate to -- I mean, I don't want to be rude, but like it does go to the money issue.

Like we know you all don't have the money to patrol, and so there's a lot of bad actors out there, and so it goes back to marketing, and so, if we can somehow increase -- Like increase awareness, and show the fishermen that people are being -- They're getting violations, and they're having to pay fines, and I think that you would really see a decline in that kind of action, and then the red snapper closed area as well.

MR. HERING: Garrett Hering, South Carolina. Any time that our guys, and I am speaking specifically on South Carolina, because that's all that I know, and I'm wearing the uniform, and I don't know Georgia or North Carolina or Florida, but, every time we have ever had a case, whether it was JEA, and we documented it, and we sent it to NOAA, or we made a state case, my phone blows up within ten minutes, I mean, and --

MS. HARRISON: I'm talking that it doesn't get into the press until your federal court, and the federal district attorney, levels a charge, and so, like in North Carolina, we had a guy who was repacking crab meat, and like we heard rumors that he was repacking crab meat, but you don't find anything on the internet, or anything in the news, until the Southeastern District of North Carolina levied federal charges against him in court, and the only -- That was a court press release from his court, and it wasn't picked up the local news station, and not -- We don't have local news stations, but by our local newspapers, and that's all I'm telling you, and it's like you need somehow like -- I hate to say it, but like a commercial fishing boat in Dare County has a \$10,000 Notice of Violation against him for fishing in a closed area, and then people in the county are going to be like, oh man, ten-grand, and that's a lot, and so I just --

I think this circles back to the education component, and your permitting process, and if you can somehow assess people to know that the people who are getting the permits -- Then you have an

avenue, and so like, in North Carolina, like you could email, and our proclamations come out to us, and the Regional Administrator emails us the proclamations, when he opens and closes stuff, and so -- Then this Fish Brain, and I was sitting here looking at the Fish Brain, and the Fish Rules, and most of your recreational fishermen don't know where to go fishing.

Like it's true, and I wouldn't know, unless I had like a guide, but the people who are going out -- They're going to use this app, and this app can be updated with your closed areas, and it can be a giant red circle on your Google Map, and so I understand that we don't -- That this is law enforcement, and we need to figure out how we can like arrest -- Not like arrest people, and I don't really think you all do that, you know, but more so of it is just going to like how can we deter crime.

MR. HERING: So, going back to what I was saying, you know, I get those phone calls of, hey, I heard this, or I heard that, and it doesn't matter if it's a commercial or tournament, and definitely if it's tournament, and I will definitely get a phone call on that. You know, charter boat captains will call and say, hey, I just got boarded by this new fella, and he didn't know his butt from a hole in the ground, and he gave me a ticket, and, you know, on top of that, we're in a position, and like going back to Tracy was saying, and we've got the officers that some of them want to be out there, and want to do the job, and some of them are doing the job, but, with JEA, we're pulling an officer to put on a boat crew that wants to run ducks during duck season.

Going back to your point about the maps, it's the same thing on our side with the officers. An officer goes out there, and they're in an area, and the one operating the boat knows it's a closed area, and the one doing the boarding doesn't know, but, also, going back to your point, it's also easy when you've got an MPA that's sixty miles offshore that is five-miles-wide-by-four-miles-wide, and there is somebody intentionally, and I'm not going into the recreational didn't know, but I'm talking about the recreational fisherman that has the time and the money, and they go out there, and they know where that box is, but, when they get there, nobody is there, and so then they drop anchor, and they start fishing.

As soon as they see a blip come on that radar, they're done, and it doesn't matter if it's law enforcement or not, and they pull the anchor, and they will cut the lines, and they're out, and so, you know, I get where you're coming from on that, but, at the same time, word does get out, because there is still a run-and-gun mentality, with the violators that want to violate, when it comes to -- It's a cat-and-mouse game. They want to get away from the game warden, and they want to send him the middle finger, and they put us states in the middle.

MS. HARRISON: So, like in an ideal world, if you all had like money, like pennies from heaven, what would you do? Like how -- Would you just put somebody out there to live aboard a boat, you know, and ferry them out on an outboard and bring them back in and put a new crew, like they used to do on the Diamond Shoals Lightship? So like what can you all do to make it better?

MR. HERING: So that's my point, is you're always going to have the people that are intentionally -- They know where they're at, and what they're doing, and they're going to know the law, just as much as we know the law, you know, and so you put a box out there tomorrow, and you have it shut down for three years, you know, and is that going to help your stock assessment? Well, you're going to have the handful of fishermen that are going out there that know DNR is not there, and NOAA is not there, and so my point in all of that is kind of where we're at right now, and there is

no perfect scenario of we're going to have a straight marine resources unit that that's all they do, and they sit on a cutter or -- You know, that's why we're here, and so, yes, you know, I just -- But definitely, where I'm at, word gets out big time, and I don't know about Georgia, and I don't know about -- But it's like a boasting point of I got over on NOAA, or I got over on DNR, and they're putting it out more than we are, in my experience. Now, that's just my experience.

MS. HARRISON: Is like the fishermen kind of see it as like a joke, and it's like the wild, wild west out there.

MR. HERING: Yes.

MS. HARRISON: So that's why I'm like -- It's like it doesn't feel like it's going to get any better, and the resource isn't going to recover, because we're kind of in this -- It's like they know that you all don't have enough resources.

MR. DUNN: Real quick, and I don't want to get into a whole discussion about enforcement techniques, but, again, we come back to that community involvement and letting the officers know what they hear, who is doing what, and, like the officer said, the dedicated poacher, and so we have patrol people that do patrols, and they can do what they can do, but the investigative side can get pretty innovative, when they have a target who continues doing what they're doing. As an example, and I hate to be the old guy that talks about cases, but I had two people in the Keys that -- Man, they were getting away with murder, and it took me four years to get them, but we got them, and so it's just a continual effort on the part of the investigative side.

CAPTAIN PEARCE: Again, to build on what Tracy just said, again, that information is key, because, you know, your regular patrol in these areas is designed to be a proactive patrol, and you're trying to go find people in general, but, when you do have information from the public, and the public will come forward and talk to us and give us that information, then we can isolate it, and really focus, and so then now what you're doing is you're not -- If you're focusing on one bad actor, the hope is that, when you catch that individual, you're going to have a ripple effect within that community, that industry, and they're going to say, wow, you know, we didn't think he would ever get caught, but he did, and so those things help.

We have resources that will focus on those individuals, while the other resources are focusing on the proactive patrol, and so it's really a partnership in the community, and we really need that information, and so people get frustrated, but we really need them talking to us, and providing the information to us, so that we can work on it, but it is a complex issue. It's not something that you can just go out and answer, and, like Tracy said, sometimes it takes two or three years to catch that bad actor, but, you know, when the information is there, and we can focus on it, we can have success.

MR. WOODWARD: This is a great conversation, and I knew this was a can of worms, but it's one we've got to deal with, and I can just tell you that, as a forty-year veteran of fisheries management, I have always tried to match expectations to reality, and that's -- You know, that's what we've got to do, and, you know, I think, from a council standpoint, we want to make sure that, whatever path we go down, it's one that has the greatest chance of success, and, you know, we don't want to do more harm, in the process of trying to make things better, and this is a tough one. It's a tough situation.

I mean, there's a lot more to this than just the enforcement part of it, and there's the data itself, and a whole lot of other issues, and we have to grapple with, but I appreciate the discussion, and I think we're going to have to think, you know, long and hard about how do we change the status quo, you know, and do it in a way that doesn't unduly burden the public, and unduly burden enforcement agencies, any more than they're already burdened with this, and so I appreciate the opportunity to interact with you all.

CAPTAIN PEARCE: All right. Good deal, and so we're going to go ahead and wrap this one up, and we'll move on to our next topic of discussion.

DR. SCHMIDTKE: All right, and so we're going to move from Reg Amendment 35 to Reg Amendment 36. This one is newly started, and it's dealing with two main topics, and the first one has to do with the recreational vessel limits for gag and black grouper, and the second has to do with making accommodations for the use of on-demand pots in the black sea bass commercial fishery.

I will give a little bit of background here, and I'm really -- This is the scoping document. We're at the scoping phase of this amendment, and so we're very early in the process, and I'm just going to kind of reference points that are made in the scoping document and then get to kind of the place really for the black sea bass on-demand pots, and that's where we're looking for the law enforcement panel to hopefully fill in some blanks that we have right now, some question-marks, as far as how we can incorporate regulation of that type of gear in that fishery.

Going through the background here, so, on the gag and black grouper issue, Amendment 53 went into place in October of last year, and that established recreational vessel limits for gag and black grouper of two gag and two black grouper per vessel, and the council had originally intended those to be an aggregate vessel limit, and so, right now, gag and black grouper are managed with a bag limit, where you can only keep -- A recreational bag limit, where you can keep one fish that is either a gag or a black grouper per person, and the council intended for the vessel limit to be kind of of similar form, where it's a vessel limit, and the vessel can keep up to two fish that are either gag or black grouper, and that kind of got a little mixed up as it got translated from the amendment process, and the rulemaking process, and the council discussion, and so we're trying to kind of go back and fix that issue and make sure the wording is right for that limit, and so that's really what that one is about.

We're going from you have two gag per vessel, and two black grouper per vessel, to you have two fish, that are either gag or black grouper per vessel, subject, of course, to the per-person bag limit as well, and so that's the background for that one.

As far as the black sea bass pots, since 2021, there has been a project that has allowed a small group of commercial fishermen to operate using these on-demand, or ropeless, black sea bass pots, and this was done under an exempted fishing permit, and they were experimenting with different designs, basically trying to see if these pots accomplished the purpose that they're made for, which is to catch black sea bass, which they use the same pot as a roped pot that is currently used in the fishery, and it's the same dimensions, and the escape mechanisms and all of that is the same, but the difference is how the pot is retrieved.

In a traditional roped pot, you have a vertical line, attached to a buoy on top, and, when you're ready to bring the pot in, you go, and you retrieve it, and you pull it up by the line. With these on-demand, or ropeless, pots, there are different retrieval mechanisms, and so, for some of them, there is still a vertical line and a buoy, and it's just tied down to the pot, and it sits on the bottom until some mechanism -- Sometimes it's a remote, and sometimes it's on a timer, something like that, but it releases from the bottom, and it allows the buoy to float up, and then the fisherman goes and collects the pot that way.

There are other mechanisms, like inflatable, and so, when that release goes off, it kind of blows up from the bottom, and it floats the pot to the top, and they have tested out a pretty wide variety of different configurations in this project, but the overall goal is to get those vertical lines that just sit in the water -- To get them out of the water column, to only -- You know, if they have to be in the water column, to only have them there when the pot is actually being collected, so that we can reduce entanglements with whales.

They tested all this out, and it seems to have a pretty positive review from both the researchers that conducted the study, as well as the fishermen that participated in the study, and they seem like the pots are doing their job, and so now what we're trying to do is see how can these -- How can this gear be incorporated into the fishery in the long-term, beyond the terms of the exempted fishing permit. That permit allowed, you know, exceptions to certain rules, like marking of the gear, or having the ID tags of the gear, things of that nature.

It did also have an exemption from the nearshore closed area, the seasonal closed area, for black sea bass pots, and that isn't being touched right now, and we're not talking about opening a closed area in any of this, and we're talking about how can we make sure that black sea bass pot fishermen can use the on-demand pots in the times, and the areas, where roped pots are currently allowed, and so we're not trying to change any type of access to the fishery, and it's just they can change how their pots are retrieved, should they so choose.

We are kind of doing a review of the regulations that are on black sea bass pots, and it seems that, for those systems that have a line and buoy, that they can kind of check the boxes of, you know, you have to have it marked with certain colors on the buoy, or on the rope, and they can make their rope, and it's just sitting at the bottom, and it's just not floating at the surface, but they can mark it appropriately, and so that's what General Counsel has advised us, that that requirement seems to be okay.

Some of the other points are, when we get into like inflatable configurations, and that's a place where we have a bit of question, of both the black sea bass pot endorsement holders, as well as law enforcement, of what would be a good -- What's the necessary identification for those types of systems, since they don't have a buoy or a vertical rope to mark, and so what would be, you know, kind of that identification marking portion, and then we're run into -- One of the regulations has to do with transit through closed areas, specifically through MPAs and SMZs.

Right now, if you're transiting in an MPA or an SMZ, then you're supposed to have the buoy detached from the pot. However, if you're transiting the nearshore closed area, during a time when it's closed, it can be detached from the pot, or the buoy can be attached to the pot, but it needs to be stowed inside the pot, and it's all -- The point of all of this is that we need an indicator of non-fishing for these pots. They're going through these closed areas, and they're not supposed to be

fishing there, and they're just moving through, but they need to indicate, if they have their pot on deck, that it's not being fished in some way, shape, or form.

One of the ideas that we have considered for these on-demand pots is that they -- It seems like detaching the buoy is a difficult thing to do for these systems, and so revising that requirement for on-demand pots, in MPAs and SMZs, to make it the same as that nearshore closed area, where they can store the buoy inside the pot, and that can be their indicator that it's not being fished, and so we're kind of posing that to you all. That's one of the things that we're posing to you all, as a potential avenue, but we're also looking to see if you have any other suggestions for that, and we're also going to the public and looking to see what are indicators, what are potential indicators, that on-demand pots that don't have a rope and buoy -- How can we know that they are not being fished?

That's kind of where we are with this amendment, and I will scroll here, and these are the questions that we posed to the public, but they may be helpful to kind of provoke some discussion within this setting, and we're just looking to see what are potential issues that you all foresee, from an enforcement standpoint, on bringing in this on-demand type of retrieval mechanism into the commercial black sea bass pot fishery.

CAPTAIN PEARCE: It's open for discussion. I think, just to get things started, I think, obviously, the first part of this -- I think we've had gear like this in industries before, but, you know, obviously, the expectation of enforcement would change if we can't go out and inspect, or pull, this gear while it's in the water, and so your expectation of be able to monitor gear that's been deployed, to make sure that the gear is meeting the regulation standards, would be changed dramatically, unless there was some way that we had the ability and deploy these buoys, so that we could then check it and then reset it, but that is -- You know, that's probably going to be asking a lot.

I think the expectation of enforcement would have to change, and it depends on what is -- You know, are we accomplishing our goals with the right whales, and that kind of thing, to shift the expectation of enforcement to allow for that, and so we would have to be more creative on how we deal with the industry. Again, the buoys are not detectable, and so we won't know there.

In regard to closed areas, I think you're going to see maybe a need to be able to -- You know, depending on how big the areas are, to use sonar technology to see if you see gear that could potentially be deployed in these areas, and so you would say, okay, we have suspect gear in this area, and then the ability to try to recover that is a whole other can of worms, and I wouldn't know how to even do that, the depth and things like that, but it definitely would have an impact on how we enforce that industry, as, you know, we do currently today.

MS. HARRISON: From a commercial perspective, I think it would -- This sounds like bad, but I think you would have people putting pots where they shouldn't, and like what's to stop somebody from putting it in an MPA, because like you won't know it's there, and nobody will know it's there, and you only let it soak for a day, you know, and, like you said, it's like, if you see a buoy floating on the water in an MPA, like you all are going to go look at it, but this --

I mean, luckily, the pots are small, and so they won't be like harvesting like a ton of fish, but they have the potential of catching small juvenile fish of important species, such as our deepwater, but I would also say that, in my area of the Outer Banks, we have the Cape Hatteras Lighthouse is the

territory shift, and so you have to have the South Atlantic black sea bass pot endorsement for south of the lighthouse, but, north of the lighthouse, you don't, and so, if you had these kind of pots, I think you would have more fishermen who did not hold the permit, you know, because they could kind of set them, and I don't know how that would -- I'm not sure, because it's kind of -- In my area, the black sea bass pot fishing is an interesting fishery, because you have that line divide, and so you have most -- You have people who only need the South Atlantic permit to land in Wanchese, right, and they don't need it for the fishing, and so I don't know if they -- If the Northeast -- Has the Northeast put this in, also? Do we know?

DR. SCHMIDTKE: I know they have been further along in the use of ropeless gear than what the South Atlantic has been, but I can check that. I can check and see if they have -- I'm not sure, but I can check and see if they have it in their black sea bass fishery.

CAPTAIN PEARCE: I think, you know, again, from the enforcement standpoint, it would definitely change the way we enforce the industry now, and it would probably add costs to different methods that you would be trying to deploy to effectively enforce it, or detect traps in areas where they shouldn't be, and, how that would be done, I don't know what the capabilities are, but it definitely would have that impact on the expectation of how we enforce it today, and we would have adjust ourselves to the new methods and try to, you know, take a look at it and figure out what best to do and how to best utilize our resources. Again, it depends on -- It's based on the reason you're doing it, and what's the risk versus the reward. Tom, go ahead.

MR. ROLLER: Thank you. This is a question for Mike, a point of clarification, and how many endorsement holders, sea bass pot endorsement holders, are there currently, and do we have any idea of what the average amount of pots used by these guys are?

DR. SCHMIDTKE: So there's thirty-two endorsement holders right now.

MR. ROLLER: I mean, in my area, when I see guys -- They don't really have that many pots, right, and so this isn't -- This isn't like the blue crab fishery, where guys are putting out hundreds, or thousands, and they're putting out a couple dozen, and is that a good way to think about it?

DR. SCHMIDTKE: Yes, I think so. I know there are restrictions, and like part of the regulations on the pots are -- One of them kind of deters giant numbers, and it has to do with like they're only fishing single pots, and they can't do multiple configurations, anything like that, and all of those -- All of that would stay the same, even for these on-demand pots, and they wouldn't be exempt from any of the pot characteristics, any of the actual fish catching mechanism characteristics, that roped pots -- That they have to abide by.

MR. ROLLER: A follow-up, if I may. I guess, from an enforcement standpoint, such it's such a small fishery, I guess -- I wonder if it could be enforced -- My question, for the AP, is could it be enforced in a different sort of mechanism? Instead of going out and searching for pots, can we require pots to have like individual stamped tags, and I'm just thinking out loud here and trying to figure out a way we can do this a little bit differently, thinking outside the box.

MS. HARRISON: I think that there would be like two or three options, and like the best option would probably be like a GPS or VMS type of deal, like our pelagic longline industry uses, with beeper buoys, so you know like where your gear is at all the time, and that is shared with NOAA,

like in real time, and then, in North Carolina, we have a new observer coverage program, where you have to call in, right, before you set your nets, and you have to tell them that either -- If you're going fishing, you have to tell them when you're going fishing, so the observer knows like where you are, so they can come out in the water and intercept you, and, if you say that you're not fishing, they give you like a code. Then, if your plans change, you have to call back into the 1-800 line, and so you could do something like that with this fishery, and have the black sea bass pot fishermen tell you where they're going to set their pots, because, at least in my area, we're setting most of them off of Norfolk Canyon, off of Virginia, and you all don't have any -- You all don't really have any people up there, and so I feel like it's kind of a moot point for that.

DR. SCHMIDTKE: I know, in the EFP project, they did have a -- They tracked their location through an app, and so, when you set a pot, you marked the location there, and that was shared with the researchers, and so there is the technological capability to mark where these pots are being placed. Now, how to translate that into a regulatory-type of thing, and that's maybe a question that the council might want to think about a little bit more.

If you all think that that is a necessary, or recommended, component, then, you know, that may be helpful feedback for the council, of do you all need -- Do you all need to have that electronic access to where those pots are, in a real-time type of thing, such that they would need to be reported? That would be a little bit bigger lift on the Fisheries Service, of potentially setting that up, to be able to get that in place and then have it, you know, tied to regulations. I'm not sure, and I'm, you know, kind of throwing out ideas, at this point, based on the feedback that I've heard so far, but is that something that you all would see as a -- You know, it's needed, recommended, or possibly not worth the effort?

CAPTAIN PEARCE: The way I view it, it all comes down to the expectation of enforcement. What is the council's expectation of our ability to enforce, or regulate, that industry, and, if the expectation is really high, then we're going to need the most information possible, you know, the tools to access the gear, to inspect the gear, but, if it's a smaller fishery, and it historically hasn't had a huge impact, and the expectation is a little bit lower, then we can probably develop different methods of regulating it, by, again, limiting the number of traps and tags, doing more dockside inspections of gear, you know, and, whenever we can be out there on patrol, and we see them pulling gear, and we can spend more time with them, things like that, and so it really is a law enforcement shift, and it all really depends on, to me, the expectation of what they want us to do, what the council's expectation is on regulating that industry. Any other input?

MR. DUNN: I agree 100 percent, and one of the roles, or the capability of enforcement, with a buoy trap is to be able to randomly pull it, and look at it, and make sure that, on the scene, that trap is constructed -- That it has not been messed with, and we would lose that, and so, again, that's expectation, and that part of the enforcement effort we would not be able to do.

CAPTAIN HODGE: I will echo what Tracy just said, and my point was going to be as simple as that. The expectations from us, to find a way for enforcement, I think it's on you guys to get the priorities for what you're really wanting, because, when you set this standard, that takes away from us doing compliance checks, unless we just randomly run into the fisherman while he's out there.

Normally, when we see these pots, we'll randomly pull them, just to check for that construction compliance, weak links, if they require that kind of gear, and that's going to completely take that

ability away, but the priorities of doing away with the gear in the water column may be greater than that in itself, because I don't recall seeing a lot of violations in these pot compliances anyway, and you normally see the gear is in pretty good shape, for most of these guys, and so would the priority be getting the rope out of the water column or having the ability to check compliance of these traps?

MS. HARRISON: From a commercial standpoint, like I would want to keep track of my pots, and so it's very worrisome, for me, to like deploy all these pots to the bottom, especially off the Outer Banks or northeast North Carolina, because of the tide, and the current, and so my concern would be losing the pots, and them becoming like ghost fishing gear, and do you know what I mean?

With the longline, like we have the beeper buoys, and so you can always -- Like one fellow lost - - This is a bad example, or a bad actor, but he lost his longline gear, and it floated all the way up to Baltimore, but he knew, right, and it's like you're looking at like \$20,000 or \$30,000 worth of gear, for that fishery, and so he has to retrieve it, but it's nice to know like that you lost your gear, and like where it ended up, and so that would be the concern for me, and I think it would be helpful if there was -- But it would be expensive, and I know crab pots -- Like they're expensive, but I think that the black sea bass pots are more expensive. I would have to -- I can make a phone call and find out for us what are the prices on those, but I don't think there's too many people making them.

DR. SCHMIDTKE: Yes, and certainly the fishermen -- You know, at the project result workshop, the fishermen talked about, you know, with the different configurations, and they talked about different levels of lost gear, and how they track it, how they mark location relative to, you know, tides and, you know, currents, when they're putting it down, knowing kind of the correction factor, if you will, of where that gear is located, relative to where the boat is, and so they're aware of those issues, and they would certainly mark it for their own use.

I guess the place that I was curious about, and, you know, it seems like the feedback is that it depends on what the council's end goals are in all of those, but whether that information would be kept just for the fishermen's use, or does it need to be reported to law enforcement as well, but, yes, the fishermen -- They seemed like they are pretty aware of their locations, and they're keeping that record, and so they're not trying to just be out there recklessly losing gear, and they're trying to keep hold of their gear, as much as possible.

CAPTAIN PEARCE: Tom, go ahead.

MR. ROLLER: Thank you. You know, Mike just covered a lot of what I was going to ask, but it's obvious, with this gear, that you can't see it, and so fishermen are clearly going to be keeping very, very good coordinates of records of where they're dropping it. I think, looking forward, I would be interested to see how law enforcement could use some sort of like electronic app, if fishermen were to, like was discussed in the research, you know in the EFP, and fishermen are logging this stuff anyway, so that they can see it, because I know comments were made that they didn't want to also be fishing on top of each other, and so I would be curious, looking into the future, about the feasibility and how effective it would be to -- Like if law enforcement were to be able to just like spot check it based off of, you know, entered coordinates on an app.

CAPTAIN PEARCE: I think that, you know, that would come down -- You know, we welcome any information that we can get, from any industry, you know, and it's always helpful, but it really all comes down to our ability to access that trap. I mean, we might know where it's at, but do we have an ability to, on demand, have that buoy deploy, so we can pull that trap and look at it, and, again, it comes back down to the expectation, and do we need to do that, or is there other methods that we can keep an eye on in the industry and regulate it, and so, again, it just comes down to what the expectation is. We definitely would lose the expectation that we would be able to inspect those traps on a regular basis.

MR. DUNN: A couple of notes, and I agree with you, Chris, that we didn't see a lot of violations, but I think we've got to point out that constant inspections lead to that, and people know we're looking, and the truth of the matter is that the traps that people don't mind that we're looking at are properly marked. The ones they don't want us to see are not, and so there's always that component to it anyway.

CAPTAIN HODGE: On that note, even though the fishermen are recording, and keeping a good record of where their traps are, our biggest concern would be that the traps are not put in an area that they're not supposed to be in, so far as that goes, and they're not going to report that to us. They're just not going to report that, and so it still takes away your ability to know that that trap is an area that it shouldn't be, if there's not a buoy to it to indicate it's there.

DR. SCHMIDTKE: I'm just making sure that we cover all the bases of -- The gag and black grouper measure for the recreational vessel limit, that -- The vessel limit itself was already established, and you all provided feedback on that amendment, and so I just wanted to check-in, and do you foresee any issues of, if that vessel limit were to become an aggregate vessel limit, and that would include both species, at two fish per vessel?

CAPTAIN PEARCE: I don't see an issue there, and I think just what you're talking about, and you can have two blacks, two gags, or a combination of the two, right? Then I don't see an issue with that, enforceability-wise. Okay. Good deal, and so we'll move on to our next topic. We're going to go ahead and take about a ten-minute break, and we'll be back at 10:30.

(Whereupon, a recess was taken.)

CAPTAIN PEARCE: All right. Welcome back from our break. We'll go ahead and get started, and we're going to step into our agency updates, starting with joint enforcement agreement activities, and we can go around and the room, with each state, and talk about how the JEA is going. If you have any numbers to provide, hours or things like that, feel free to provide that, but we'll go ahead and get started, and I was going to kick it off, but then I realized that I don't have my numbers open in front of me, and so I've got to get there, and so, if anybody wants to step up first, I'll let you all do it.

MR. HERING: Just to kind of give an update from last year to this year, we've started a Saltwater Enforcement Team, and that's why I want to show the difference where we're at. Last year, in MPA, we had one weak-link violation that we documented and sent to the feds. Red snapper, we had fourteen violations, and two of those were descending devices. In total, we had three descending device violations that we documented, but I split them up between enforcement priority

groups, and so red snapper was two of those, and then nearshore check points for snapper grouper were one of those.

We also had six dealer violations, six referrals, sixteen snapper grouper violations, and eight CMP violations, and so our weak-link violation was one of the bigger cases we had, as well as we documented a commercial vessel inside the MPA, using aviation, and that was one of the bigger ones last year.

This year, in a case made a couple of days ago, as a matter of a fact, out of Little River, and we had a charter boat captain, who is well known between South Carolina DNR and NOAA OLE, with an expired HMS permit, twenty -- He possessed twenty red snapper during the closed season, and ten of those -- So South Carolina state waters is open to red snapper inside of three miles, and so that's state. Well, half of those fish he had were undersized, according to state regs, as well. Three over the limit sharpnose, and he had three red porgy, which are currently closed.

Also, this year, we made another weak-link violation, and I checked the numbers yesterday, and, with our Saltwater Enforcement Team, we have doubled our federal referrals this year, versus last year, and so that's where we're at. We're on track, and everything looks good, and I talked with Nyasha, and I had a meeting with her the other week, and so South Carolina is looking good.

CAPTAIN HODGE: I will go ahead, since I tried to interrupt South Carolina there, and so, to follow-up on 2023, we ended up referring twenty-six total cases to NOAA, and we're always trying to stay second to Florida, because they seem to have a few more people down there, I guess, but, if we can stay ahead of Texas, we're doing good, is the way we look at it, and so we -- You know, those referrals mostly contain something to do with the snapper, whether it was undersized during the season or just out-of-season, which was the majority of them, and all eight of our descending device cases come from those folks who were catching red snapper illegally.

We had two TED violations that were pretty serious violations, and then some circle hook violations, and we had several undersized black sea bass cases that are pretty common right now, this time of year especially, and so our JEA agreement -- We're moving right along, and we just had a call, last week I believe it was, and I think all the states did, and we're at about 55 percent, which is where we should be at this time of year. On our hours, we're running a little behind on our IUU hours, for those of you all who are familiar with IUU hours, because Manny -- I think he increased all our hours this year, and so it's a challenge for us, but we get the need for them, and having to be with our NOAA partners just to get those hours creates the biggest challenge, because normally we get a call from them the day before, and, hey, can you be at the port tomorrow, and so we're working through that, and we're getting the hours, but it's still a challenge, but we're getting there, and that's the only category that we're not over 50 percent on right now.

Currently, Georgia has 220 game wardens state-wide, and the governor has put into the proposed budget this year to give us six new positions, which is huge, and you don't hardly ever see a governor introduce a budget that includes new positions, and we feel pretty confident they will make it through the House and the Senate and come out of the legislature as six funded positions, with equipment and everything, and that's a total of about thirty new positions in the last six years for us.

The other thing that is real refreshing, with our current governor and our current general assembly, is we've gained close to \$20,000 across-the-board raises in the last five years, and it seems to be a competition, because the governor introduced a budget with a \$2,000 raise for all state law enforcement, and the House will add \$2,000, and the Senate will add \$2,000, and, by the time it gets back to the governor, it's a \$6,000 raise, and so we're happy with the current folks we've got up there in Atlanta right now, and that will push us close to 230, 230 in the field probably, with about -- Pretty close to twenty who are responsible for our offshore patrols and our JEA program, and so that wraps it up for us.

CAPTAIN YOPP: We don't have JEA, as everybody around here is well aware of, and most of our, just talking about descending device cases, have come from other, like undersized, over the limit, while we're doing that. Some things to note, and you were talking about personnel, and, since I've been here, we've not added any. This year, we're getting two investigators, and we have one, that position is about two years old, and we're going to be getting two more, to try to have one in each district, and we have three districts in North Carolina, and so that's going to be a good need for us. We need bodies in the field as well, and our administration has been working on that, trying to push for that need for growth. We're regulating more people, with the same amount, since I started, and so it's kind of hard to do, and we're always behind the eight-ball.

Another big tip for North Carolina is our Swift Water Team has become a Type II certified team, and so they've been deployed a couple of times in the last two years, I guess, and no real events, which I guess you can say we're happy, because that means no major hurricanes or things like that, but they regularly train, and they've been fully outfitted with different inflatables, and that's really been a great asset for the citizens of North Carolina, and for us. We have roughly about twenty members on that team, and we're fifty-six when fully staffed, and so that's not bad, and they're all from all different regions, all three districts.

One thing we are looking at, and hopefully in the near future, is we have a few Metal Sharks currently, that we've been able to get on grants and different things, and we are looking at -- Our colonel now is looking at some thirty-some footers, to get us further offshore safer, in different conditions, and, of course, funding is always -- So we're looking at whatever grants are out there, and whatever we can get from our division and legislators and anything like that. That's probably some of our highlights there from North Carolina.

CAPTAIN PEARCE: So, to put this in perspective, this is going to be the entire state of Florida, and so I was not able to break it down with just Atlantic, and this is going to be Gulf, and these numbers are going to include the Gulf and the Atlantic, but, during the 2022-2023 contract period, we conducted over 6,000 hours of total JEA patrol, 1,300 of which were the Florida Keys National Marine Sanctuary. We had over 900 hours of land-based patrol, between just recreational vessel inspections, IFQ, and IUU. We had -- You know, in state fisheries, we had over 267 citations, and we had 475 warnings, and we ended up with 290 summary settlements that were submitted.

Overall, the fleet is healthy, and we are looking at replacing one vessel now, and potentially another one as well, but, overall, we have a healthy fleet. For IUU, again, the same challenges that everybody else has, and we increased our hours this year, and we have a port inspections unit that we utilize, with canine officers and investigators, and we were working with NOAA on working on some joint details, to get into some of the port facilities to do some inspections, and also working with them on those areas where we can be proactive outside of the ports, to also be able to identify

what could potentially be an IUU-type of case to be claiming hours on, and so, again, that's steadily evolving, and definitely we've come a long way since IUU started, and trying to understand that and how to really accomplish that goal. That's pretty much it for us in Florida.

MR. LIND: Some of our recent activities are we've been working with the states to increase getting officers in the ports and such for IUU, just to help out with those priorities and get those knocked out. A big focus, obviously, for us, and especially in this area of South Carolina and North Carolina since November, has been right whales, and so all of our efforts have been put towards doing right whale patrols, and speed rule patrols, and operations, multiday operations, and so it's really taken away our ability to go out and do fisheries-focused enforcement, and so, with those patrols, we were doing TED boardings, and we were getting some of those, and MMPA, and so nearshore stuff, but it's really prevented us from getting offshore a lot in the last couple of months.

We have had a couple of patrols out to the MPAs, when we could, back in October and November of this past year, and we did make a case in one of the MPAs, and it was a commercial vessel fishing there for two days, and so that case is still ongoing, but we are getting out there when we can.

Just a couple of updates from the OLE side, and, this past year, we finally got four boats out in the field, and two of those stayed on the east coast, and two of them went to the Gulf, and they're twenty-six boats, and so we're using those for nearshore stuff, TEDs and whatever else we can, fisheries, but it's not a thirty or forty-mile boat, and so one of the boats is in Georgia, and he has been able to make it out to Gray's Reef a couple of times with the boat, and so a couple of assets added.

Then we had two positions that are currently being hired out right now, and so a North Carolina special agent and a Florida special agent, and so we'll have two more agents just on the east coast for additional personnel, and then, as we talked about yesterday, some of the SEFHIER cases, and OLE has gone away from doing a lot of warnings on those, and has gone towards writing more violations, and more summary settlements, on SEFHIER cases, and so there's been a few made in North Carolina, some significant cases, and there's been a lot written down in Florida, just because there's a bigger focus of not reporting on the SEFHIER side. Moving forward, we'll -- You know, once right whales kind of get back up to the north, and it's taking away all of our time and manpower right now, and we will continue to focus on the closed areas, specifically, and the MPAs and offshore fisheries, and then charters, and so that's going to be -- That's something that, internally, we've been discussing.

We know that there is a needed focus on charter enforcement, and non-permitted charters and such, and so, hopefully this spring and this summer, there will be a bigger focus, from us at least, on, you know, trying to stop some of those, and so that's it for OLE.

LT. LOEFFLER: Just to make sure we're managing expectations, my position within the Coast Guard -- I don't speak for the entire Coast Guard along the east coast, and I am the Commanding Officer of the Southeast Regional Fisheries Training Center, and, with that being said, I actually am a great touch point for all of you, all my state partners, for any sector, or any enforcement office, within my area. I hope that, in the coming years, that we can continue to work together,

and I do understand the challenges that come with working with the U.S. government. We ask for a lot, and we give nothing back in return sometimes, and so I'm very aware.

However, that being said, I will say, as far as fisheries goes with us, here in the South Atlantic, for us, drugs and thugs are the main priority, and so that's all of the immigration that's happening in south Florida, as well as the Caribbean drug enforcement issues that we're dealing with, and we're trying to maintain our assets in those areas, as well as the shifting focus towards the IUUF that's happening just outside of our EEZ, and that's kind of where the Coast Guard's priorities are.

On top of that, challenges that we're dealing with, and so we're not exempt from any other military service currently that's seeing a decline in recruitment, as well as retention, and, in fact, this year, they're looking at allocating less hours for basically across-the-board operationally for us, because we cannot maintain what we're handling to what we're getting back in. The silver lining is that, this last six months, for recruitment, and this is service-wide, we've seen an increase in the number of people coming into the service, and, with that being said though, it's going to take years to see the impacts come through, because these are just young folks coming in, and they're not making operational impacts right from day-one. As we start to fill those gaps in, and things like that, you will see an increase.

Like I said yesterday, one of the challenges that we've had, when it comes to personnel, is now we've accelerated some of our decommissioning of our assets, and then as well as some of your stations, and you're going to start to see less coverage across-the-board, where we have to kind of take the focus that we have nationally and kind of suck it in a little bit and cover what we can cover.

I will say, for those of you who work with a state partner, the cutters are a little bit different, because, like I told you all yesterday, you have to kind of think about it as like a national asset, and it could be anywhere, and it could do anything, all over the place. Your stations are going to start to shrink, because we're seeing manpower -- As far as priority for those units, in this coming transfer season, you will see less folks there, which means less coverage, and search and rescue, for the Coast Guard, is the priority.

For the U.S. people, I can happily tell you that our focus towards search and rescue, and maintaining a safe waterway, will always and forever be our focus, and we're never going to shift away from that. Unfortunately, fisheries is going to pay the price, and you will probably see less Coast Guard focus on that. However, what we need from all of you is a prioritization of what you need from us. I would say, across-the-board, in every sector that I deal with, there is interest in trying to maintain good partnerships, and just like working with Garrett and doing the saltwater team, and we have an interest in doing it. We absolutely have an interest in doing it. However, we tend to deal with competing demands, where everyone wants us everywhere, but we have two people to do it. You know what I mean? Just like you are all seeing yourselves.

If there is some type of prioritization that we can work towards, I can help get us there. If you need assets for Coast Guard stuff, it's get us there, and one of the things that I think we struggle with, even for ourselves, is that MPAs, for example, are one of those things where we have assets coming through the area, and yet we don't ping them to take the time that they can give us to go through there, because it's just like, oh wait, and this cutter just went through there, and, dang, we missed it, and you know what I mean?

We do a terrible job of that, and I think it's because we're not planning ahead of time, and I don't know what your prioritizations are, and I want to continue building with FWC, Georgia DNR, North Carolina DNR, and we just did the bluefin op a couple of days ago, which is closed out, commercially, and so there are lots of opportunities, and we've just got to continue to work together, and so thank you.

CAPTAIN PEARCE: Thank you, and thank everybody for their reports, and so is there any other comments, or discussion, on anything that we just talked about?

MR. DUNN: I no longer represent the agency, but just a point, and we've talked a lot about expectations, and the one thing about the JEA, as great as it is, is it is a funding source for equipment, and we still have the problem of the state having enough people to provide those hours and assets and stuff, and it's a challenge for the state just to keep up with their own work, and so it's expectation for the council to understand that, regardless, the JEA is very limiting, and there are a lot of resources for equipment, but not necessarily for personnel hours.

CAPTAIN PEARCE: All right, and so that will conclude our agency updates, and now we can move on into Other Business, and so does anybody have any other business that they would like to discuss at this time? All right. Well, that being said, I do have some other business that I would like to kind of bring to the forefront and get, you know, anybody's thoughts, or ideas, and, I mean, this is something that the Coast Guard may have some experience with, and, NOAA, you may have some impact with, and other states from an import side, but one of the things that we've been dealing with in Florida is the Caribbean red snapper.

We're starting to see an increase in people in south Florida, in the southern part of the state, that are -- That are claiming they're harvesting Caribbean red snapper, versus American red snapper, and we're also seeing, in the imports, stuff coming in where it's a mixed bag, and some are Caribbean, and some are American. They're very, very similar, and they're hard to identify. I mean, the only way I can do it, and somebody showed me, and I was at one of the fish houses, and they had an import come in, and they laid the American red snapper and the Caribbean side-by-side, and, in that world, I could see the difference, but they had to kind of point them out to me.

It's very difficult to identify them when they're laying next to each other, and then, when you just separate them all together, it's hard to tell what's what, and so our officers are faced with that challenge, of somebody, you know, on the water, claiming that, no, these are Caribbean, versus red, and we're also seeing, you know, some social media, where people have posted pictures of them catching red snapper in the Atlantic federal waters, and people are commenting that, hey, you know, the season is closed, and you can't do that, and their response is, no, these are Caribbean, and they're not American.

I think one of the posts was probably four or five fish that they had harvested, and so the chances of those all being Caribbean, or Caribbean at all, are pretty slim. I mean, even though we may be seeing them, it's not -- You know, we can't confirm it, but I don't think it's going to be -- The numbers aren't going to be so high that they're going to overwhelm the ability to catch American red snapper.

We sat down and looked at this situation, between the import part -- Because, import-wise, you know, require any American red snapper imported to meet the same size requirements that we would have our harvesters, our commercial harvesters, and, well, with the Caribbean red snapper, there's no regulations, and so they could be undersized, and so the chances of somebody importing American red snapper and then incorporating Caribbean, or claiming they're Caribbean, and bringing them in undersized is an increased -- You know, there's an increased chance of that happening, and our ability to clearly identify between the two can be very challenging.

As a state, we're looking at trying to create some regulations, potentially, within state waters, that would kind of match up the American red snapper and the Caribbean red snapper, and so it would be just very much like we discussed earlier, with the black grouper versus gag grouper, you know, and it's either/or, creating an aggregate, and, in state waters, we're looking at, okay, you can have two red snapper, in combination, and it could be two American, two Caribbean, or one American and one Caribbean.

That way, we can avoid this potential confusion of being able to identify the fish, or people overharvesting red snapper and claiming that they're Caribbean, and so that's something we're looking at for state waters, but that doesn't help us really address the problem in federal waters, and, again, there is no management plan for Caribbean red snapper, and so that's a big challenge. You know, we're looking at potentially -- I know Dr. Sweetman is going to be talking to the council about it, and looking at, you know, would we be able to extend any of our authorities out to federal waters for Caribbean red snapper, and what would that look like, because you have a management plan for American red snapper, and we don't have one for Caribbean. If we extend that authority, would we still be able to, you know, integrate that potential regulation, where you could have one or the other kind of thing?

You know, because that would say -- If we said, okay, well, you can have one Caribbean, but then the regulations would set the -- So there are challenges there that we're looking at, and so we wanted to kind of just bring this discussion up, and, you know, from a law enforcement standpoint, you know, any input on any experience with it, or is anybody seeing this in the other states with imports? You know, with the Coast Guard, and with NOAA, are you all seeing this on the ground in Florida? Have you all had any conversations with anybody?

For years, it was something that really wasn't a major issue, but now it's becoming more and more of a discussion within the public, with social media, and we just want to try to get ahead of this before we have major conflicts with trying to -- You know, with it affecting our ability to regulate the red snapper. Any thoughts, or concerns, or questions that you all may have? Go ahead.

MS. HARRISON: So the Caribbean red snapper is being caught in Caribbean waters, and it's not a different species in Florida waters? Is that what --

CAPTAIN PEARCE: So, you know, again, I'm not a biologist, but I've been told that they are two separate species. The Caribbean red snapper is probably more common south of Cuba, but it's not unheard of to say that they have harvested them off the coast of south Florida.

MS. HARRISON: Okay, because so I don't know if you all are aware, but, every time you take a photo, there's like data stored in the photo, called metadata, and you can extract that data, and so, a lot of times, when you take a photograph, it holds the GPS location, and so you could extract the

metadata from that photo, and see if it was taken in the Caribbean, and do you see what I mean? So just plug the GPS coordinates in. Like I had a friend who wouldn't tell me where he caught a red snapper, and so I just extracted the metadata and texted him the coordinates, and he was shocked, and so that could be a good asset for you to use.

CAPTAIN PEARCE: Then I agree with you on that, and we have used that in the past, and a lot of the social media stuff that we're posting, people are not -- You know, they're not claiming -- You know, people aren't seeing this and then saying, hey, look at what these people are doing, and there's actual conversation taking place with these individuals, and they're claiming to -- You know, they're clearly harvesting, through the conversation, in Florida, or off the coast of Florida, and it would be federal waters, but they're claiming that they're catching Caribbean, versus red, and, again, if our officers board that boat, it's very challenging to differentiate between the two, and so it does create a challenge for us.

MS. HARRISON: Yes, and we have that in North Carolina with summer flounder and winter flounder, and so it's just like, everywhere in town, DMF has left like pamphlets, at like every tackle shop you know, and ice shop, of like how to distinguish between the two, but it's really hard, and I tried to do a Google search of Caribbean red snapper, versus American, and I only found vermilion versus red snapper, and so I would like to see a photo.

CAPTAIN PEARCE: Then they're also referred to as southern red snapper, versus northern red snapper, and there's different ways to identify them, but there definitely is a separate species, and there are slight -- I mean, again, from what I have seen, the differences is like a slight colorations in the eye, things like that, but, depending on the quality of the fish, and how it's maintained in a cooler, you could lose some of those characteristics, and so it makes it even harder to tell the difference between the two, and it's just an emerging issue that we're facing in Florida, to the point where we're really having to have a serious discussion about how to deal with it.

MS. HARRISON: I think rapid DNA testing would be really your only option, to hold up in court, right?

CAPTAIN PEARCE: From what I've been told, the species are so similar that differentiating the two is even a challenge with that, and, again, I'm no expert on that, and we do have DNA analysis, but I think there's a lot of things that you have to have in order for them to -- Again, that's probably a future option, but, without me being an expert, I can't speak to it. I just know that I've been told that that could be a very big challenge. It's kind of like the difference between telling one region of alligator from another or things like that. Tom, go ahead.

MR. ROLLER: Thank you. I really appreciate this conversation, and you bringing this up, and I don't want to muddy the water with it, but this is something that I'm starting to see in North Carolina, in particular, with the silk snapper and blackfin snapper, which are extraordinarily difficult to tell from red snapper, and they look almost the same, and they tend to be a little bit smaller, and we have fishermen catching a lot more of them, and I guess my concern is you're starting to see a lot of them in some of the fish markets, and, you know, when they're whole fish, you can ID them a little bit, but, once they become a fillet, it's almost impossible, and so, again, my concern is not just with recreational, you know, harvesting, or using as a mechanism to potentially claim that they're -- You know, like you said, like harvesting them to try to hide more red snapper, but, at the same time, you know, also, from a commercial side of things, you know,

once they become a fillet, they become really, really hard to identify, but you're definitely seeing a lot more of them here, of those two particular species, and I'm curious if that's becoming an issue elsewhere.

CAPTAIN PEARCE: Thank you, Tom. I appreciate that. Anybody want to have any input on that?

LT. LOEFFLER: I would just say that, if you want any Coast Guard support, because we don't - - You know, we're even at more of a disadvantage, I would say, for fish ID, and I think, locally, you know, your folks are in Florida their whole lives, ideally, right, and we don't have that opportunity, and so, from a Coast Guard perspective, what you're asking for would never, ever happen, and so, if you want any support from us, or any assistance from us, there would have to be some type of regulation in which it would be similar, or we're not talking about those things, just from my perspective.

Otherwise, it will never, ever happen, and, in fact, what will happen, probably more often, is that you'll see people who are too afraid to push the boundary on that, and then we'll let things slide more often, and so it makes me think of Nassau grouper, in that particular case, where we just outlaw it here, and then it's not an issue, but, yes, I mean, the back-and-forth between the Bahamas and us is absolutely an issue, as I'm sure you're well aware, Scott.

CAPTAIN PEARCE: I appreciate that. Again, moving forward, for us, we're having that discussion, and we're looking at all the options, and we're looking at regulatory -- You know, applying regulations in the state, and, obviously, education is all the table.

You know, all our options are on the table, but we know that, moving forward, when you incorporate the federal waters aspect, we're going to have to work closely with NOAA, and the council, to see what can be done there, and, again, that's going to be a larger purview, and that's going -- Is that the right word? Anyway, it's going to be a larger task, that's going to be beyond this panel, but I wanted to bring it up here, to start the discussion, and see what kind of feedback we had, and I appreciate it.

All right, and so, that being said, that will conclude the Other Business, and we can move into any public comment, if have anybody who would like to provide public comment at this time. We're showing no hands for public comment, but I will put it out there one more time. If there's anybody who would like to provide public comment at this time, we'll give you a few more seconds here to raise your hand and give you an opportunity to speak.

Okay, and so we have no public comment on the table, and Other Business is concluded, and I will move that we adjourn the meeting at this time, if I can get a second on that. All right, and so we have a second on that, and the meeting is adjourned. Thank you all for being here. We've got one more announcement.

MS. BROUWER: Just a reminder to look for an email from me sometime in April for the nominations for Law Enforcement Officer of the Year, and so those will be going out, and then the council will select the nominee, as they usually do, in June. Thank you, all.

CAPTAIN PEARCE: All right. That will conclude the meeting, and so thanks, everybody, for being here.

(Whereupon, the meeting adjourned on January 30, 2024.)

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Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
February 15, 2024

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Attendee Report: Jan. 2024 Law Enforcement AP Meeting

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Webinar ID 850-326-011	Actual Start Date/Time 01/29/2024 11:49 AM EST	Duration 4 hours 53 minutes	# Registered 34	# Attended 32
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