

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

**Sea Palms Resort and Conference Center
St. Simons Island, GA**

March 7, 2013

SUMMARY MINUTES

Law Enforcement Committee:

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Doug Hayman

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Jessica McCawley

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Kim Iverson
Julie O'Dell
Anna Martin

Gregg Waugh
John Carmichael
Amber Von Harten
Dr. Mike Errigo
Myra Brouwer
Dr. Brian Chevront

Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Cathy Sakas
Pres Pate
Karen Raine

Dr. Jack McGovern
Doug Boyd
Spud Woodward
Martha Bademan

Additional Observers Attached

The Law Enforcement Committee of the South Atlantic Fishery Management Council convened in the Frederica Room of the Sea Palms Resort and Conference Center, March 7, 2013, and was called to order at 11:15 o'clock a.m. by Chairman Mel Bell.

MR. BELL: I think we're all here so we'll go ahead and start the Law Enforcement Committee meeting. The first thing would be approval of the agenda. Are there any additions to the agenda? Seeing none; then the agenda stands. Next would be approval of the June 2012 committee minutes. Are there any corrections or changes to those minutes? Okay, seeing none; then the minutes would stand approved.

The first item on the agenda then is scheduled right here for a report from the joint meeting of the Law Enforcement and Information and Education Advisory Panel Meeting. I think what we had actually planned to do was that was going to precede the Law Enforcement Committee meeting. I think Kim was going to give that. I think what we'll do is put that off until Kim does the I&E meeting. I guess that is an actual adjustment to the agenda here. We'll jump to the next item, which would be the report from the Law Enforcement Advisory Panel Meeting. Myra is going to handle that.

MS. BROUWER: Attachment 1B under the Law Enforcement Tab in the briefing book is a summary report from the Law Enforcement AP Meeting. The AP met on Thursday, February 7 in Charleston. What I am going to do is basically just go through the report and just touch on some of the highlights. You can read it at your leisure.

The first thing we did was to provide the AP with an update on developing amendments and recently completed amendments. We didn't spend a whole lot of time going through this. I prepared a very rather detailed a written overview so the LEAP would have that on hand to refer to, because there are so many snapper grouper amendments and others going on right now that it is rather confusing.

We discussed recently completed amendments. The AP did make a motion regarding Regulatory Amendment 16, which you recall is the one that would put in an action to lengthen the season for the longline sector of the golden tilefish fishery. Their motion had to do with the council considering a requirement for VMS for the longline sector of the commercial golden tilefish fishery. That motion was approved by the AP.

I guess the rationale for that was that it is a very small component of the fishery. Currently there are only I believe 23 endorsements that are going to come online here when Amendment 18B gets approved. The Law Enforcement AP thought that would be a good fishery to equip those vessels with a vessel monitoring system mainly to better characterize the fishery as opposed to enforce any kind of a spatial restriction. Then the AP received overviews of amendments to the Coastal Migratory Pelagics FMP; Amendment 19, Amendment 20 and the Framework Amendment.

It is early enough in the process of those that the AP did not have any recommendations there. They did express obviously their desire to maintain consistent regulations between the South Atlantic and the Gulf of Mexico as much as possible to facilitate enforcement efforts. As far as Coastal Migratory Pelagics Amendment 19, they stated that quality control of fish caught during

tournaments would be challenging to monitor and enforce if the council were to consider issuing a permit to allow tournament sales of king mackerel.

Under Coastal Migratory Pelagics Amendment 20, the AP recommended that the council's choose the simplest approach to any modifications of zones, subzones, trip limits, et cetera. Again, several members recommended consistency for the transit provision by allowing transit throughout the regions.

Under the Framework Amendment, the LEAP stated that the council should perhaps consider whether it is necessary to restrict the number of allowable gill nets to harvest Spanish mackerel. They did not think that the council should restrict the amount of gear that is allowed to harvest commercial trip limit. They stated that basically fishermen simply need to abide by the trip limit to the best of their ability. They also recommended that the council define what a portion of the gill net entails. There was a good bit of discussion about this. I don't know if you wanted to add to that, Mel.

MR. BELL: I know there was some discussion at our previous meeting about that, Ben. It was kind of confusing when we were talking about that whole concept and tried to explain the mechanics of it, but what did we mean by a portion of a net. I think it would have been helpful if you had been there to explain that I guess. I think we kind of left – I don't know if there was sort of some collective head scratching on that still in terms of exactly how they would interpret that on the water or how they would manage that, but they did have some questions about that still.

MS. BROUWER: Some of the recommendations they provided to address the issue was to perhaps add an alternative to make a call-in declaration a requirement and consider specifying the number of call-ins that would be allowed during the season. Also net-marking requirements were also suggested as a way to ease enforcement.

A requirement to transit together for vessels that have engaged in gear exchange was also suggested. Another alternative to consider would be one that takes away the two gill net requirement. Then they recommended that king mackerel trip limits be one all year even though the boundary changes between Gulf and Atlantic group. Are there any questions on that? That was their recommendations for the mackerel amendments.

Then for snapper grouper we gave them an overview of Regulatory Amendment 18. The AP did not – and just to remind you, Regulatory Amendment 18 is the one that would increase the ACL for vermilion and made changes to the red porgy ACL. The AP did not express any concerns or provide any recommendations for that amendment. They just suggested that we include the appropriate link to the updated penalty schedule and we did accomplish that and made that correction in the document.

For Snapper Grouper Amendment 27, this is the one that the Snapper Grouper Committee recommended for submission earlier this week that contains the action on blue runner and the dual-permitted vessels and all that. Under Action 2, which is the one that addresses the number of crew members allowed on dual-permitted vessels, the LEAP recommends that the council choose the alternative that would result in consistent regulations between the South Atlantic and the Gulf. That is what the Snapper Grouper Committee recommended.

For Action 3, the one that deals with the retention of bag limit quantities for captains and crew of for-hire vessels, the AP confirmed that existing regulation presents a challenge for enforcement and they recommended aiming for consistency. Their recommendation there was that since retention of bag limit quantities of reef fish by captains and crew of for-hire vessels is currently prohibited in the Gulf of Mexico, then the AP would support selection of Alternative 3. Then as far as blue runner, the AP did express their support for removal of blue runner from the Snapper Grouper FMP. Are there any questions so far? Doug.

MR. HAYMANS: I was just going to suggest that the timing of this committee report seems to be a bit odd. These recommendations from LEAP should have been put into the decision documents for each of those amendments even though we wound up doing what they suggested. In the past, decision documents we have had listed each AP's advice. I don't see that here.

MS. BROUWER: Yes, Doug, you are correct in pointing that out and that was my oversight. I probably should have included that in the decision document. Okay, going on to Snapper Grouper Amendment 30, this is the one that contains the VMS requirement. The AP provided many comments as to the importance and usefulness of VMS. I am not going to go through all those since we have had plenty of discussion of that.

Of course, they would be in support of that requirement. As far as they're concerned, I think it would be fair to say that VMS should be required on all commercial vessels in the South Atlantic. Then as far as data collection for CE-BA 3, they wanted a breakdown of the cost that would be involved in an observer program.

MR. BURGESS: Getting back to Amendment 20 concerning VMS; did North Carolina make any comments on that?

MR. BELL: Yes. I can't remember the individual's name now, but there was an individual there that did speak to the concerns of the fishermen related to VMS. Myra is right; the preponderance of the desire there was for VMS, but there was actually a good accounting of what the problems and issues were from the commercial perspective, and it was spoken to.

It kind of makes sense from a law enforcement perspective and they just see it as a useful tool. It makes their job a little easier to manage. I can't remember this individual's name right now, but he was very good about bringing them back to just keep in mind here is the fishermen's perspective; here are the issues for the fishermen; here is the cost and that sort of thing. It was brought out.

MR. BURGESS: I guess I was thinking about the JEA and being able to monitor VMS, the North Carolina officers – I'm guessing was there a North Carolina from DMF there, officer?

MS. BROUWER: Yes, Jim Kelley.

MR. BURGESS: I was wondering if there were any concerns about North Carolina and the ability to monitor VMS; and maybe exploring some ideas if we weren't a member of the JEA, would they be able to get some access to that information if this did go through or if North Carolina would be just left out of the loop as far as monitoring as other states would have that ability?

MR. BELL: Yes, I appreciate that point. I don't recall that specific discussion in the open session or it actually coming out as a specific issue from Jim. Jim doesn't talk a lot, I noticed. It would certainly be something to consider if all the other states have access to the data easier through a JEA agreement; that would be a disadvantage for North Carolina.

MR. BURGESS: I guess easier is one thing, but just at all; yes, at all.

MR. BELL: Right, I understand. Yes, Monica.

MS. SMIT-BRUNELLO: Karen Raine with the Enforcement Attorney Section is in the audience and I think she wanted to speak to that.

MS. RAINE: Just really briefly, it did come up and I know Jim did mention that North Carolina wouldn't be able to access the VMS information without a JEA agreement.

LCDR GIBSON: Earlier in the Snapper Grouper Committee Meeting, I think Charlie made a statement about VMS systems and their ability to satisfy the need for 46 CFR 28.245; vessels operating more than 20 miles from the coastline must have a capability to communicate on 2 through 4 megahertz, that frequency band. I confirmed that with our legal staff and our vessel examiners and that does meet that standard; that e-mail and two-way text does meet that standard.

MR. AMICK: Just out of curiosity; does that apply to headboats with a CIO certificate?

LCDR GIBSON: I have to go back. If it is not labeled in that CFR, I haven't gotten it vetted through legal, but I can go back and ask that question.

MS. BROUWER: Okay, moving on and back to Comprehensive Ecosystem-Based Amendment 3; as far as the observers, the AP did note that there would be issues in selecting vessels that could actually accommodate an observer and that there would be compliance issues as well. One individual asked if the council had considered an exemption for specific vessels or/and areas.

As far as the Headboat Reporting Amendment, the LEAP suggested that the council discuss the approach that would be taken if circumstances other than a catastrophic event prevented timely reporting. That was their suggestion, and I believe they made the same suggestion about the Joint Logbook Amendment.

Then we moved on to other business. Council staff made the LEAP aware that there would be a meeting or a webinar rather of the Joint Committee on South Florida Management Issues. I believe some of the LEAP members were able to join in that webinar. We also brought an inquiry to the LEAP that council staff received during public hearings. It had to do with whether LEAP members had any knowledge of large processor vessels anchored in the EEZ.

During the public hearings in Florida, we were approached by fishermen claiming that processor vessels, possibly foreign, were harvesting and processing fish in U.S. waters. The LEAP members stated that they had no knowledge of such an occurrence. However, they did indicate that a processor interested in harvesting and processing calico scallops has, with the knowledge of the FWC, been stationed offshore of Titusville, Florida.

Then the last thing we covered was basically just a reminder to the LEAP that they would need to be submitting nominations for the Law Enforcement Officer of the Year to council staff this spring. With that, that concludes what they talked about.

MR. HARTIG: I neglected to ask – and I don't see it right now – the document that law enforcement has provided in the past as far as concerning MPAs, the MPA Feasibility Document; can we have that the next time in our briefing book to look over when we discuss MPAs?

MS. BROUWER: I believe it was included if not this briefing book than the previous one. It is a 1998 document and it does outline the preferences from law enforcement.

MR. BELL: One thing I'll mention, this was my first opportunity to sit in on a Law Enforcement AP Meeting. As you can imagine, there was pretty much total agreement to things that they look at. They are very concerned about boundaries and where things are different on one side of the boundary versus the other.

Consistency across boundaries is always easier from a law enforcement standpoint. Also clarity, anything we do, obviously the clearer it is for the fishermen to understand, for them to understand, the more enforceable it is. We want to always make sure we look at things from the standpoint of enforceability.

They were obviously pretty interested in VMS in terms of a useful tool at their disposal. We spent a good bit of time; they did spend a good bit of time talking about VMS and the pros. Also, in terms of consistency, the whole concept of sale of recreational bag limits and tournament sales; I would say they weren't particularly keen on that.

It just presents issues sometimes from an enforceability standpoint or a little bit of confusion. They gave a lot of thought to the different things, and Kim will present in the next committee meeting what went on in terms of the interchange between the Information and Education Outreach AP and the Law Enforcement AP. That was a good session as well. Is there any other discussion? Tom.

MR. BURGESS: As I am gathering some priorities and concerns of the AP; I was wondering about – well, let me start again, if I may. It seems like we are going in the direction of trip limits in the South Atlantic snapper grouper fishery for the benefit of the commercial fishing industry as far as running their business. This wouldn't be such a biological concern as much as it would be an economic concern and the monitoring of trip limits and compliance. It seems like it is going to be important in the future.

MR. BELL: Okay, good point. Anything else, any other questions, comments, concerns? Myra.

MS. BROUWER: I will just refer you to this attachment if you want to see the detailed statements and recommendations that were made regarding the VMS. It is a full page of observations and statements that were made by the Law Enforcement AP. If you haven't had a chance to look through that, I would encourage you to do that.

MR. BELL: Is there any other business to come before the committee? Wilson.

DR. LANEY: Mel, I just wanted to express my appreciation on the record to the U.S. Coast Guard; I think probably District 5, Scot, for the high visibility that they maintained during the striped bass fishing season while we were out there doing the cooperative winter tagging cruise and also while we were doing the hook-and-line charter trips, Scot. We saw the guys out there on a daily basis. They were doing their best to try and police the EEZ for striped bass fishermen that might be violating the regulations out there, so thank you for that high visibility and presence up there.

MR. BELL: D7 thanks D5. Is there anything else? Okay, seeing nothing else; then this committee meeting is adjourned.

(Whereupon, the meeting was adjourned at 11:37 o'clock a.m. March 7, 2013.)

Certified By:  Date: 6/13/13

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South Atlantic Fishery Management Council 2012 - 2013 Council Membership

COUNCIL CHAIRMAN:

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

VICE-CHAIRMAN

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

Steve Amick
6902 Sandnettlies Drive
Savannah, GA 31410
912/429-3537 (ph)
912/898-0361 (f)
SteveAmicks@aol.com

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

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

Tom Burgess
P.O. Box 33
Sneads Ferry, NC 28460
910/327-3528
tburgess@embarqmail.com

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

Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell St.
PO Box 769
Morehead City, NC 28557
252/726-7021 (ph); 252/726-0254 (f)
michelle.duval@ncdenr.gov

Lt. Mario Gil
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6768 (ph)
305/415-6791 (f)
Mario.g.gil@uscg.mil

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

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

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

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

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

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

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-3149 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Tom Swatzel
P.O. Box 1311
Murrells Inlet, SC 29576
843/222-7456 (ph)
tom@swatzel.com

MONICA SMIT-BRUNELLO
BONNIE PONWETH
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Mid-Atlantic Liaison, Pres Pate
Staff contact: Kari MacLauchlin

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

South Atlantic Fishery Management Council Staff

Executive Director

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

Deputy Executive Director

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

Public Information Officer

✓ Kim Iverson
kim.iverson@safmc.net

Fishery Outreach Specialist

✓ Amber Von Harten
amber.vonharten@safmc.net

Senior Fishery Biologist

✓ Roger Pugliese
roger.pugliese@safmc.net

Fishery Scientist

✓ Myra Brouwer
myra.brouwer@safmc.net

Coral Reef Scientist

✓ Anna Martin
anna.martin@safmc.net

Fishery Biologist

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

Fisheries Social Scientist

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

Staff Economist

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

Science and Statistics Program Manager

✓ John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators

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

SEDAR Admin/Outreach

Andrea Grabman
andrea.grabman@safmc.net

Administrative Officer

✓ Mike Collins
mike.collins@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing & Grants

✓ Julie O'Dell
julie.odell@safmc.net

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Total Attended

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Session Details

Attended	Interest Ra	First Name	Last Name	Email	Registratio	Join Time	Leave Time	In Session I
Yes	34	Karla	Gore	karla.gore@	Mar 07, 20	Mar 07, 20	Mar 07, 20	534.15
Yes	28	herman	von harten	capt_bo@t	Mar 07, 20	Mar 07, 20	Mar 07, 20	262.02
Yes	28	john	larson	john@beac	Mar 07, 20	Mar 07, 20	Mar 07, 20	458.1
Yes	48	Gerald	Pack	gerald@sa	Mar 07, 20	Mar 07, 20	Mar 07, 20	423.2
Yes	27	kate	michie	kate.michi	Mar 07, 20	Mar 07, 20	Mar 07, 20	141.05
Yes	30	Samantha	Port-Minne	sport-minn	Mar 04, 20	Mar 07, 20	Mar 07, 20	601.73
Yes	40	david	plowden	dplowden@	Mar 07, 20	Mar 07, 20	Mar 07, 20	396.62
Yes	31	Rick	DeVictor	rick.devict	Mar 07, 20	Mar 07, 20	Mar 07, 20	506.03
Yes	26	Frank	Helies	fchelies@v	Mar 07, 20	Mar 07, 20	Mar 07, 20	317.32
Yes	29	Julia	Byrd	julia.byrd@	Mar 04, 20	Mar 07, 20	Mar 07, 20	302.7
Yes	60	Anthony	Ausstin	redress@e	Mar 07, 20	Mar 07, 20	Mar 07, 20	131.07
Yes	24	Emily	Muehlsteir	emily.muel	Mar 07, 20	Mar 07, 20	Mar 07, 20	70.87
Yes	45	Vic	Lloyd	vic_lloyd@	Mar 05, 20	Mar 07, 20	Mar 07, 20	285.48
Yes	31	m	c	mec181@y	Mar 07, 20	Mar 07, 20	Mar 07, 20	630.1
Yes	23	a	g	andrea.gra	Mar 07, 20	Mar 07, 20	Mar 07, 20	195.45
Yes	28	Anne	Eich	annemarie.	Mar 06, 20	Mar 07, 20	Mar 07, 20	437.08
Yes	31	scott	sandorf	scott.sand	Mar 07, 20	Mar 07, 20	Mar 07, 20	458.75
Yes	31	jack	holland	jack.hollan	Mar 07, 20	Mar 07, 20	Mar 07, 20	336.45
Yes	25	Jeanna	Merrifield	jeannam@	Mar 07, 20	Mar 07, 20	Mar 07, 20	262.32
Yes	31	Anthony	Bresnen	anthony.br	Feb 15, 20	Mar 07, 20	Mar 07, 20	525.63
Yes	60	Jack	Cox	dayboat19	Mar 06, 20	Mar 07, 20	Mar 07, 20	546.13
Yes	25	Steve	Turner	steve.turn	Mar 07, 20	Mar 07, 20	Mar 07, 20	274.73
Yes	28	todd	phillips	tphillips@	Mar 07, 20	Mar 07, 20	Mar 07, 20	497.25
Yes	38	bobby	cardin	finchaser3	Mar 07, 20	Mar 07, 20	Mar 07, 20	612.75
Yes	66	Gretchen	Martin	gmartin@e	Mar 07, 20	Mar 07, 20	Mar 07, 20	70.12
Yes	64	barrett	colby	bcolby3@c	Mar 06, 20	Mar 07, 20	Mar 07, 20	563.75
Yes	42	Tony	Lamberte	tony.lambe	Mar 07, 20	Mar 07, 20	Mar 07, 20	503.75
Yes	20	Matthew	Ruby	warriorfish	Mar 07, 20	Mar 07, 20	Mar 07, 20	491.63
Yes	38	susan	gerhart	susan.gerh	Mar 06, 20	Mar 07, 20	Mar 07, 20	556.57
Yes	28	Anik	Clemens	anik.cleme	Feb 15, 20	Mar 07, 20	Mar 07, 20	371.88
Yes	38	Don	Hesselman	don.hesseli	Mar 07, 20	Mar 07, 20	Mar 07, 20	171.53
Yes	40	phil	steele	phil.steele	Feb 15, 20	Mar 07, 20	Mar 07, 20	446.52
Yes	25	Rich	Malinowsk	rich.malino	Mar 07, 20	Mar 07, 20	Mar 07, 20	201.4

Yes	48	stephen	holiman	stephen.hc	Mar 07, 20	Mar 07, 20	Mar 07, 20	525.18
Yes	60	Nikhil	Mehta	nikhil.meht	Feb 15, 201	Mar 07, 20	Mar 07, 20	498.88
Yes	28	Joseph	Ballenger	ballengerj@	Mar 07, 20	Mar 07, 20	Mar 07, 20	531.93
Yes	25	DAVID	GLOECKNE	david.gloec	Mar 07, 20	Mar 07, 20	Mar 07, 20	287.37
No		deb	buscher	deb.busche	Mar 07, 2013	01:21	PM EST	
No		NICK	FARMER	nick.farme	Feb 15, 2013	03:44	PM EST	

*If an attendee left and rejoined the session, the In Session Duration column only includes their first vis

City	State	Unsubscrib Questions Asked by Attendee
Sarasota	FL	No
Charleston	SC	No
port canav	FL	No
Atlantic Be	FL	No
St. Petersburg	FL	No
Saint Peter	FL	No
wilm	NC	No
St Pete	FL	No
Tampa	FL	No
Charleston	SC	No
hubert	NC	No
Tampa	FL	No
Atlantic Be	FL	No
mtp	SC	No
chas	SC	No
St. Pete	FL	No
st petersbu	FL	No
Wilmington	NC	No
Titusville	FL	No
Tallahassee	FL	No
Newport	NC	No
Miami	FL	No
austin	TX	No
fort pierce	FL	No
Wilmington	NC	No
merritt isla	FL	No
St. Petersburg	FL	No
Charleston	SC	No
st petersbu	FL	No
Saint Peter	FL	No
Morehead	NC	No
st petersbu	FL	No
Saint Peter	FL	No

st. pete	FL	No
St. Petersburg	FL	No
Charleston	SC	No
Miami	FL	No
north charl	SC	No
ST PETERS	FL	No
it.		