

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **LAW ENFORCEMENT ADVISORY PANEL**

**Webinar**

**February 1, 2021**

### **TRANSCRIPT**

#### **Law Enforcement AP**

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Other observers and participants attached.

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened via webinar on February 1, 2021 and was called to order by Mr. Scott Pierce.

MR. PEARCE: I just want to start off by saying good morning and welcome to everybody. It's been a while since we've all got together and talked, and COVID has kind of had its impact on everything we do in our daily lives, and it's nice to kind of something be somewhat back to normal, and we can get this group back together and have some discussions, and so I look forward to how the day goes, and how the meeting goes, and I guess I will say be patient with me, because this is the first time I have ever had to run a meeting like this, and so be patient, and I will do the best I can. I will turn it over to -- I guess the next step would be to approve our agenda.

If there's nobody that wants to -- If there are no changes recommended or any objections to it, we will go ahead and move forward to approve the agenda. I see no objections, and so we'll approve the agenda. Then, at this moment, is there anybody that wants to make any public comment during the meeting this morning?

MS. BROUWER: I am not seeing any hands raised, Scott.

MR. PEARCE: All right. We'll move forward then, and so we'll go ahead and approve our minutes. Again, if there are no objections, we'll go ahead and approve the minutes from the last meeting. I don't see any hands raised, and so I guess we'll go ahead and approve that, and then I will go ahead and open the floor for the Law Enforcement Committee Chair, Spud Woodward, and he has some comments this morning.

MR. WOODWARD: Thank you, Scott, and good morning to everybody. I just wanted to express, on behalf of the council members, our appreciation for you all serving on this advisory panel. Just a little background on myself, and I worked for almost thirty-four years for the Georgia Department of Natural Resources, most of which I was working with the Coastal Resources Division, and, while I was primarily in the science and management and administrative arena, I volunteered to attend our conservation ranger school in 1995, and I graduated from that and maintained my peace officer certification pretty much through the rest of my career.

I did that for a couple of reasons. One, I, obviously, wanted to be able to enhance our department's law enforcement ability, but it really was to be able to have sort of an insider's perspective on the challenges of natural resource law enforcement. It's a completely different world, as all of us know, and it really helped me in the rest of my career, and, whenever I was presented with the need for a management action, usually my first stop was down with our Region 7 captain and his staff, to start talking about feasibility and practicability of the proposed regulations, and I think all of us know that using the word "simple" and "saltwater fishery regulations" in the same sentence is kind of hard to do.

We all would like things to be simpler, but we live in a world where complexities of management are just -- They prohibit that, but I just wanted to say again that we appreciate you all's input, and it is very important, and I know that I personally strive to make sure that, when we're considering regulations, that they are as simple and straightforward and understandable by the regulated community as they can possibly be, and the advice that you all provide is critical to us being able to do that, and so thank you, Scott.

MR. PEARCE: Yes, sir. Thank you very much, and, Myra, I'm going to turn it over to you, and we'll head into Item Number 1.

MS. BROUWER: Great. Thank you, Scott, and thank you, Spud, and good morning, everybody. Thanks for everybody who is going to be here, and we're going to start off, like I usually try to do, with an update on the various amendments that the council is working on, and so that is Attachment 1 in your briefing book, and so I will just walk you through this document, and I apologize for having to scroll to the top.

Basically, it's just to make sure that everybody is aware of the amendments that have either been recently implemented or the amendments that the council is currently working on, and so, if you have any questions, feel free to raise your hand as we're going. If there's any discussion or any clarifying comments, we can do that.

The first amendment is Snapper Grouper Regulatory Amendment 34, and this is an amendment that put in place the designation for special management zones for thirty artificial reefs off of North Carolina and four artificial reefs off of South Carolina, and so this was done at the request of the states. They submitted letters to the council back in 2019, and it took us about a year to develop the amendment.

The regulations within the SMZs now pertain -- They only allow handheld fishing gear within the SMZs, and, off of North Carolina, spearfishing is limited to the recreational bag limit, whereas, in South Carolina, all fishing for snapper grouper species is limited to the recreational bag limit within the artificial reefs, and so it's a little bit different there.

This is a type of designation that's been in place for a long time, and the council put this in place back in the 1980s, and it was mainly to allow opportunities for recreational anglers to enhance fishing opportunities by putting this designation on artificial reef structures that are in federal waters, and so that amendment went through rulemaking, and, last I heard, there was a proposed rule, and there was a comment period that ended on December 16, 2020, and so we should be seeing a final rule on that amendment here in the next few weeks.

The next amendment is the wreckfish ITQ program modernization amendment, and this is Amendment 48 to the Snapper Grouper Plan. This is an amendment that is going to make some changes to the individual transferable quota program for wreckfish, and that has been in place for a long, long time, and I believe it's the first ITQ program that was put in place in the nation, and so that program underwent a review that was finished back in September of 2019.

There were several recommendations as part of that review, and so this amendment is the vehicle that is going to allow the council to take action on those recommendations, and so you're going to be spending a little bit of time going into more detail on this amendment. Christina Wiegand is the lead who is putting this together for the council, and Jessica Stephen from the Regional Office has also been very involved, and so there's a lot happening here, and so they will walk you through -- We have some questions from the Law Enforcement AP that the council specifically asked that they provide their input, and so we'll be talking about this one a good bit more.

The next amendment is Amendment 50 to the Snapper Grouper Plan, and this one looks at putting in place a rebuilding plan for red porgy and adjusting catch levels based on a recent stock

assessment that was just completed for red porgy in 2020, and so this amendment will be looking at adjusting the annual catch limit and making some changes to management measures to respond to the change in the status of the stock, which is now overfished and undergoing overfishing, and so, when that happens, the council has two years to put in place a rebuilding plan, and so there is a statutory deadline for this amendment, and so we're looking to get that one wrapped up by March of 2022, with the intent of regulations being in place by June of 2022, which is when that deadline is placed.

For this one, I should remind you that we're going to be doing scoping hearings for this amendment on the evenings of the 3<sup>rd</sup> and the 4<sup>th</sup>, and so later this week, and so, if you're interested in listening in and seeing what is being proposed, we'll be talking red porgy at that time.

We have another amendment for greater amberjack, and that's Amendment 49 to the Snapper Grouper Plan. Again, this is another instance in which there was a stock assessment, and so the council is looking to adjust catch levels based on the results of that assessment, and that stock is neither overfished nor undergoing overfishing, but the council still has to look and potentially make changes to allocations, and this is because there have been recent revisions to the Marine Recreational Information Program, which is the one that establishes the recreational estimates, and so those revisions are going to -- The council needs to take those into account, and they have been included. Those new estimates have been included in these assessments that are just now being completed, and so you're going to be seeing a lot of this kind of adjusting catch levels for various FMPs.

Moving on to dolphin wahoo, there was an amendment that was recently submitted, and it's undergoing rulemaking, and that one would designate bullet mackerel and frigate mackerel as ecosystem component species under the Dolphin Wahoo Plan. This one is mainly just acknowledging the ecological role of those two species to achieve ecosystem management objectives, and there could be some regulations coming down the line from the Mid-Atlantic Council, and, again, Dolphin Wahoo Amendment 10 -- I imagine you've been hearing about this one quite a bit.

We recently had public hearings, last week, and it's a very long amendment, and there is thirteen actions right now included, and several of them pertain directly to law enforcement, and so this is another one where John Hadley, who is the lead for that amendment, is going to be walking you through several actions and asking for your input on specific actions for this amendment, and so we'll be talking dolphin wahoo later today.

Another one that we put on this update, just so that you'll be aware of it, is Amendment 13, and so this is one that would look at pelagic longlines in the dolphin fishery, and so the council is looking at prohibiting the use of pelagic longline gear in the dolphin wahoo fishery, unless the vessel has the limited entry HMS permits that allow use of that gear. They are scheduled to begin work on this amendment later this year, and so just be aware that that's kind of on the back burner.

Then there's an amendment to the coral plan, and this one is under development, but one that law enforcement should be aware of. This one includes a single action to consider establishing a shrimp fishery access area along the eastern boundary of the northern extension of the Oculina Bank HAPC, and this is an area where rock shrimp fishing has taken place historically, and fishermen have said they really would like to have access to this area, and the council approved

this amendment for scoping in December of this past year, and we are getting ready to have scoping hearings next week for this amendment. The council is looking to move fast on this one, and they are going to be approving it for public hearings at their meeting in March, with the intent to finalize it in June of this year.

I am going to pause here and see if the AP has any questions. This is an amendment, as I said, that is moving kind of fast, and so you are not going to be seeing this in detail, and so, if there is any questions or clarifications or any input you would like to provide, now would be a good time, and so let me pause here for just a second and see if there's any hands up. I am not seeing any hands, and we can always come back to this, and so I will just move along.

The next amendment, just to update you, is an amendment to the shrimp plan, and that was finalized and became effective in November of this past year, and this is one that modifies the provisions for vessels that are transiting through a cold-weather closed area in federal waters, and, specifically, it just allows those vessels to transit with the gear appropriately stowed, and that means allowing the trawl doors to remain in the cradle, the nets in the rigging and tied down and the try net on the deck, and so it just kind of formalized that and allowed for those provisions for transiting.

We have an amendment under development, and this is a king mackerel amendment that looks at catch levels and allocations, and the staff lead is Christina. This is one that we're just starting out on, and the council reviewed another assessment, SEDAR 38, for king mackerel, and that stock was determined to also be neither overfished nor undergoing overfishing, and so they're doing a catch level adjustment and looking at sector allocations and management measures, including changes to the bag limit in Florida, the minimum size limit, and then also regulations related to cut and damaged fish.

Here, I wanted to bring to your attention a little bit more. Currently, in the commercial fishery, fishermen can keep cut or damaged fish that meet the minimum size requirements, and, given the issues that we've been having with damaged king mackerel and the increase in shark depredation, the council is considering putting in the same provisions for cut fish for the recreational sector.

However, there has been some concern about how this regulation might be enforced and if there's going to be any conflicts with regulations that are currently in state waters, and so that is being put out there for law enforcement to chime in. If you guys think that's going to be something that is going to create some problems, we could discuss it, and so, again, I'm going to pause here and see if there are any questions or comments from the AP. I am not seeing any hands. Everybody is quiet today.

Then the last item that I have on the update is just the emergency rules that went into place fairly recently to increase the mackerel recreational bag limit to four fish and to increase the commercial trip limit for vermilion snapper to 1,500 pounds, and these are emergency rules that went into place to try to offset some of the effects of the pandemic, and they are going to be expiring in March of 2021. That's what I have, Scott, for an update, and I will turn it back to you.

MR. PEARCE: Okay, Myra. Thank you. I guess, if there aren't any brief comments on the brief that Myra went through, that Myra just covered, and, if we have no further comments on that, Myra, we can move into our next agenda item.

MS. BROUWER: The next agenda item is a presentation from the Regional Office, and Karla Gore is here to update you on the for-hire electronic reporting requirements that have recently gone into place, and so let me pull up the presentation real quick and get Karla unmuted. Karla, go ahead and introduce yourself while I pull up the presentation.

MS. GORE: Hi. I'm Karla Gore, and I work for the Southeast Regional Office, and Rich Malinowski and I have been sort of leading the implementation of the for-hire electronic reporting program, and I am planning to kind of give you guys an overview today of the program in general, talk a little bit about the rollout, and then what we're doing as far as compliance and enforcement.

Most of you have probably heard about the electronic reporting program, and we've been developing this for about five years, and we often refer to it as SEFHIER, and we're trying to kind of get away from that acronym, but it's kind of sticking, but, basically, the electronic reporting program applies to charter/headboat permit holders with Atlantic CMP permits, Atlantic dolphin wahoo, and South Atlantic snapper grouper permits, and they are required to report, regardless of where they're fishing or what their target species is.

The regulations became effective on January 4 for the South Atlantic, and it made minor changes to the headboat program, and so we already have the Southeast Regional Headboat Survey, and these regulations changed the reporting day from Sunday to Tuesday, and they still have to do weekly reporting, and they're still going to report on the VESL app, which they currently use, but it just changed the reporting day to Tuesday.

For the charter guys, that's really where most of the changes come into play, and so they basically are going from no reporting at all to trip-level weekly reporting on approved software, and so they didn't get the in between of going to paper reporting and then to electronic reporting. They are going all the way to electronic reporting, and they are required to report all trips and all species and not just those in federal waters, and not just those targeting the federally-permitted species, but anything that they catch on a charter trip they have to report. Also, if they don't go fishing in a particular week, they are required to submit a did-not-fish report, and, just like headboat, all of the reports are due on the Tuesday following the fishing week.

Like I said, this is electronic reporting, and so reporting has to be done using approved software, and we have done a bunch of testing of different apps and working with different vendors to develop some apps specific for this program, and, as of now, there are only two that are approved. One is eTRIPS/mobile, and it's actually called eTRIPS/mobile 2, is available for Windows 10, iOS, and Android. It's free, and it's compatible with GARFO and HMS requirements, and I will kind of get into that in a minute.

Then VESL, which is a product of Bluefin Data, has a computer-based web portal, and it's also available for iOS and Android, and it's also free, and this is compatible with the Headboat Survey, and this is what they've already been using, and the South Carolina state charter program.

We just threw a couple of slides in here about showing you kind of what the software looks like, and this is an example of eTRIPS. This version is done on -- This is what it would look like if you set it up on your computer, but you can do the same thing from an app or a tablet. It asks -- The

information asks for things like trip type, vessel name, gear type, depth, start and end time, start and end port, and then information about the catch.

This is what the VESL app looks like, and this is also done on a computer, but, when you use it on the app, it looks very similar. It asks the same type of questions, and both platforms have -- One of the requirements to be approved is that they have to ask the questions that we require.

This is a really big program, and it spans all of the Gulf of Mexico and all the way up the east coast, and we really were trying hard to make it, I guess, as streamlined and easy as possible for fishermen, especially those with multiple permits, and so, as you can see from this map, we have about 375 dually-permitted boats that have both South Atlantic and Gulf permits, about 275 that have Mid-Atlantic and South Atlantic permits, and so there's different requirements based on where they are and what type of permits they have, and we tried to streamline that a bit, and we'll go into that next.

Gulf of Mexico, basically, what we've decided is that, if you have multiple permits, you need to report to whichever is the more restrictive, and so, if you had both South Atlantic and Gulf permits, the Gulf program is definitely more restrictive than the South Atlantic program. The Gulf is required to hail-out, and so they have to declare their trip before they go, and they have to be landing at an approved or verified landing location. They have to report before they offload. South-Atlantic-permitted boats, you do report weekly, and the boats permitted for the Gulf need to report before offload.

Then in Phase 2, which will come later this year, the Gulf-permitted boats will be required to have a VMS, and one thing just to kind of note, and so we do know that there are South Atlantic -- There are boats fishing in the South Atlantic that have Gulf permits, and so they are required to report to the Gulf regulations, and so they may have their Gulf permit and fish in North Carolina, but they're still have to -- They are still required to declare and report before offload, and, when the VMS requirement comes on, they will have to do that as well.

GARFO already has their own electronic reporting program, and they require vessels to submit their trip electronically forty-eight hours after each fishing trip, and so, if you have both a South Atlantic and a Mid-Atlantic or New England permit, we have worked with eTRIPS so that you can submit one report and it will count for both programs. If they wanted to use a program -- There is some other programs that they use up in the Northeast, and one that comes to mind is called Fish Online, and, if they wanted to continue to use Fish Online, it wouldn't be as easy for them, and we're really trying to encourage them to switch to eTRIPS, so they can submit one report and both the GARFO region and the Southeast region will get the data.

The same kind of thing goes with HMS. HMS has its own requirements for reporting, and eTRIPS has made it possible that HMS requirements are sort of built in, and so, if they have a charter boat, and they usually catch HMS species, we're encouraging them to use eTRIPS, so they can submit one report. HMS will get their report, and we'll get our report. The one key thing here is that, if they do catch HMS species, they need to submit the report within twenty-four hours, and that weekly timeframe doesn't apply anymore.

Like I said, we rolled this out on January 4, and that's when it was effective, and we had a really big outreach push towards the end of November or early December, and January 4 was sort of the

go-live date, the effective date, and so this is a little bit dated, and I gave Myra numbers on January 19, but, since then, we have over 1,000 people that have created accounts. We have a total of 3,500 permits, and so we're still looking for a lot of people to create their accounts and begin using the program.

Then, as of last week, we had over 1,000 records submitted, and this could be the weekly reports, or it could have been the Gulf of Mexico daily reports, and I haven't actually broken that down yet. We do have about twenty-seven vessels declaring using a VMS, and so the number on the screen is a little bit dated, and, as of last week, we had I think about eighty reports coming from a VMS.

One thing is we are really getting a lot of phone calls and emails about the program, and I think people are trying to get into compliance, but are a little bit confused about how to do so, and so I think this is also -- Since December 1, there has probably been about 600 phone calls, and these are long phone calls, and so we're spending a lot of time on the phone, really trying to help people get into compliance.

Like I said, there have been some issues with the rollout. The customer service line, we have a high volume of calls, and they are long calls. People really need a lot of hand-holding and figuring out how to get -- Figuring out which software is going to work best for them and how to download it and how to install it and how to create accounts, and so we're taking our time and really hoping that we can guide them as best we can. Our original goal was for us to go out into the field and talk to people face-to-face, but, because of COVID, we can't, and so we're using our customer service line or any interactions on the phone to kind of make up for that, I guess.

Early on, our call line was malfunctioning, and so that was not a good thing, but I think we've got that all figured out, and then the application, and so both of the apps, both eTRIPS and VESL, are created by outside vendors, and so we have had some -- We have run into some bugs, and both of the companies that create them are very responsive in fixing those bugs, but it's been really good for fishermen to be using the apps and letting us know about these bugs, because we thought we had caught everything, but we definitely hadn't.

Another thing is that the VESL account requests have to be manually verified, and we've had a lot of people wanting to use the VESL app, and it just takes our staff some time to make sure that the person who is trying to create the account actually has access to that permit and is connected to that permit in some way. Then one other thing that I think should be fixed today, February 1, is the landing locations and the port list wasn't updating automatically, and so a lot of fishermen were calling us and having problems finding their port for start port and end port.

I just wanted to talk a little bit about kind of our compliance plan, and we have a customer service and outreach team, and they are really responsible for answering the hotline and logging correspondence and following up. A lot of times, when you call the 1-833 number, you will get Trevor, and he's really good about helping people set up their account and getting the software ready, and, actually, he will even walk through completing a report.

We are doing weekly webinars, starting tomorrow at 6:00 p.m., and we're going to do them every Tuesday evening until people aren't interested anymore, and those are going to be very informal, and we really want fishermen just to come with their questions, and we will help them out, and we



can talk about anything from how to set up an account to what do I put in for this data field, any types of questions that people are having.

We also have a QA/QC team, and they are reviewing the data for errors and making sure that the data is clean and as good as it can get, and they will also contact fishermen, if they notice any errors, and see if there are changes that need to be made, and then compliance tracking, and we have another team of people who are checking the data and looking at who is out of compliance, and they are able to send automatic emails to notify people when they're out of compliance, and then they can put permits on hold when it seems like the permit holder is not responding. Right now, the compliance tracking team is really working on figuring out who hasn't set up accounts and reaching out to them one-by-one to try to get them into compliance.

I wanted to show you all a little bit about our SRFH applications, and this is something that we've been working with the Science Center on, and it's basically an Oracle APEX interface that allows us to run validations and view reports and identify errors and make corrections. It allows us to check for permit compliance and those automatic reminders that I mentioned and flag the vessels that need to be put on hold. We can log correspondence, and one really cool thing that we're working on right now is we're creating views for port agents and OLE, so they can use this if they find it useful.

This is basically what it looks like. I have blacked out anything that could be considered confidential information, and so this is like a vessel dashboard, and so this view that we're working on for OLE and port agents would look similar to this, and so a port agent, or Office of Law Enforcement, could look at a particular vessel, and they could see whether or not they're in compliance or whether or not staff has tried to reach out to them, how that conversation has been going, and all the information will be on here in a view format.

This is the correspondence module that I was talking about, where we're able to log all the correspondence, and so, in the view for OLE, they will be able to look here and see that, okay, we've called Glen six times, and he hasn't -- He's still out of compliance, and so that might give OLE information to go on when they approach the vessels.

I wanted to mention too that the reporting applications do have notifications built in to let users know if they're in compliance for a particular week or not, and we're able to send out emails, and we're able to call, and then our big stick, I guess, is to put the permit on hold, so they can't renew their permit until the reporting requirements have been met.

This is just an example of the VESL app, and so a fisherman can open their app, and they can see that they're out of compliance. That little red exclamation point shows that they're out of compliance for Week 1, and Period 2 is out of compliance, but their permit hasn't been put on hold yet, and so they're kind of -- There's like a one-week buffer.

We've talked a lot with the Office of Law Enforcement about the initial program rollout and how it will be enforced, and so, just like we're doing on our side, the Office of Law Enforcement will be focused on outreach and compliance assistance, and so, really, making fishermen aware of the program and the requirements and helping them get the information that they need and following up with them.

The Office of Law Enforcement has been very clear in saying that this is not a grace period, and so it's not that tickets and stuff can't be written during this time period, but, really, the main focus is to try to get people into compliance, but, if it becomes a problem, they will do what they need to do. The JEA partners will be submitting their findings through SERO OLE, and then, at that point, SERO OLE will decide what the next steps will be. Then that's sort of the short-term plan, and then, longer term, they will shift more into the summary settlements and more severe punishments, if necessary.

If you talk to fishermen, and they are wondering what they need to do now, really what they should be doing now is selecting a software to use and creating a user account. We have a lot of information on our website, and we've sent out toolkits, and we have some informational videos, and, like I mentioned, we have these upcoming webinars. I mean, I would definitely point fishermen to the website and the toolkits, or even our hotline number, but, really fishermen should be selecting their software and creating their user account.

In the next few months -- We've been working on compliance assistance, like I mentioned, and that involves the SEFHIER team, or the electronic reporting team, the OLE team, port agents, and state agencies. We are rolling out an intercept survey for the Gulf of Mexico, and that will be -- We're hoping that that's going to roll out in April, early April, and so we'll be training port agents and samplers on that in probably mid-March. Then we're also looking at data-sharing agreements, and we've had some interest from different states about how to get access to this data, and we're working through figuring out how to share that data.

I just threw this picture in here so you could have sort of the face to the name of the program team, and so, like I said, I'm Karla, and Rich and I, Rich Malinowski and I, have been leading the implantation of the program, and you will see Jenny Ostroff a lot when it comes to outreach stuff, and she'll be leading the webinars tomorrow night. Then Rick, Peter, and Jack are our bosses, and so you can always go to them.

We have the compliance team is led by Kendell Brancart, and Natalie Slayden just started with us, and we have another person coming on, but we don't have her picture yet. The monitoring team, and this is really for Gulf-of-Mexico-permitted boats, is led by Anna Petracca, and then there's a small group that will be working with her, and they're focused on VMS stuff.

The QA/QC team is led by Alicia Breton and Shannon Stotler, who is also brand new, and we have two other people coming on, and so these are the people that will be reviewing the data and reaching out to fishermen if something just doesn't really look right, and making changes and cleaning up the data as best as possible. Then our customer service team, Trevor has been with us for probably a couple of months now, and he really knows the program, and he will probably be the first person you reach, if you call the 1-833 number. Dylan just started last week, and so he should be answering phones shortly, and then Mike Larkin is responsible for the intercept survey that's going to be rolled out in the Gulf of Mexico.

Like I mentioned, for the foreseeable future, every Tuesday night at 6:00 p.m., we will be doing these webinars. The registration link is on our website, and feel free to share that with anyone, and it's mostly for permit holders, but anybody can come if they have questions, and feel free to join us. We'll be on and answering questions.

Here is the electronic reporting hotline, and we're there 8:00 to 4:30 every day, and sometimes a little bit longer. It's a good way to reach us during office hours. After office hours, there is the email address for the program and a link to the website, and then I mentioned briefly the toolkit, and we did create these information toolkits that were sent out to all permit holders, and we have heard from some fishermen that they haven't received theirs, and they were sent out at the end of November or early December, and so we're not sure what's going on, and they were all sent out by a printing company, and we don't know if it's a mail thing and they're going to get it in April or what, but, anyway, we have it on the website.

If you click the link, you can get all the information on the website, and, if they want a copy, if anybody wants a hard copy, feel free to email us at that program email address, and we will send you a hard copy. I think that's my last slide. If anybody has any questions, let me know.

MR. PEARCE: Thank you, Karla. I guess we can open up the floor now for any discussion on the item. I just wanted to say that the question I have is for the state law enforcement. What's the plan, or who is responsible for the education that's needed for the JEA partners and law enforcement on the whole program and what their role will be?

MS. GORE: I don't know if that's a question for me or not, but, from what we've talked with law enforcement, we did webinars for NOAA officers a couple of weeks ago, and we have made ourselves available to do similar webinars for the JEA partners, but we're kind of waiting to take the lead from OLE for when they want to schedule those.

MR. PEARCE: Okay. Thank you. Mel Bell, you have your hand raised?

MR. BELL: Thanks, Scott. I have just a question, and maybe it's for Karla, and so, if I understood, eventually, the idea would be, at some point, you would reach -- If someone were non-compliant for quite a while or something, and I understand the no grace period thing and it's education, but, at some point, it seemed like then the first recourse was suspension of permit, of the federal permit, and that's different from revocation, I guess, and it's a suspension? My question, I guess, is, during that suspension, I assume their permit is invalid, and so, if law enforcement knows they don't have a valid permit, and they roll up on them out offshore or something, what happens then? Then I actually have a second question, but maybe that first one. It's probably a Karla question, I guess.

MS. GORE: We're not really suspending the permit, and we're basically just putting it on hold, so that, when they go to renew it, they aren't able to renew it until they remedy the situation, and so, if they're out there and their permit is expired, they shouldn't be fishing anyway.

MR. BELL: I got you, and so it's not a real -- I follow you. That's the same way we operate, and it's kind of the end of the year, when it's time for renewal, and, if you're not compliant, then you have to get compliant before you can renew your permit.

MS. GORE: Right, but our compliance team will be reaching out to them as -- We will see, in real time, that they're three weeks out of compliance, and they will actually see it on their apps as well, but we'll be reaching out to them and giving them warnings and saying, hey, your permit is about to be put on hold, and so hopefully they will try to remedy it early on, instead of waiting until the end of the year.

MR. BELL: Right, and one other thing, real quick, because we're different in South Carolina, in that we have a state permit, and we have a state requirement, and so the way we've set up our system is that now non-compliance with the federal reporting becomes non-compliance with the state requirement, and so now, if you're not compliant with the federal, you will find yourself potentially with an issue on the state side, and so the state would follow its normal process of dealing with non-compliance, and so you have kind of a state and a potentially federal thing going on at the same time, and I guess that is not in any way like a double-jeopardy kind of thing, in that it's just the state follows the state process, and there may be consequences at the state level, but it may not kick in, necessarily, at the federal level, and I don't know if you guys have talked about that, you and Amy, but that's just -- Since we are a little unique, in that we have that state system in place already, those would be going on parallel.

MS. GORE: I think, at this point -- Like all of the conversations we've been having with Amy lately have been related to getting people in compliance and making sure the data is flowing properly, but, yes, I think looking into what South Carolina does, as far as people who are out of compliance, that's probably the next step we need to look into.

MR. BELL: Thank you.

MS. BROUWER: Scott, I am not seeing any other hands raised.

MR. PEARCE: Okay. I don't either, and so, if everybody is satisfied, we can move on to the next agenda item.

MS. BROUWER: Okay, and so, next up, we have John Hadley, who is going to take over control of the screen here in a second and walk you through Dolphin Wahoo Amendment 10, and so here's John.

MR. HADLEY: Good morning, everyone. My name is John Hadley, and I'm the staff lead for the Dolphin Wahoo Fishery Management Plan at the council, and I just wanted to kind of pick up on the introduction that Myra gave to Dolphin Wahoo Amendment 10 in the brief update and kind of orient you on what's in that amendment as well as touch on some of the specific actions that have very clear law enforcement implications, either from an advance notice that this is coming down the pipe, and probably sometime in 2022 you're going to see regulatory changes, and then also get the Law Enforcement AP's feedback on some of the actions.

Without further ado, I will jump into just a brief overview of the actions in the amendment, and what I'm going to be going over is the decision document that was Attachment 3 in your briefing book, and so, if you wanted to bring that up and jump ahead, or go back to something, but that's basically the document that I am going to be using for this agenda item, but we've talked a little bit about Dolphin Wahoo 10 over the past few meetings. If you recall, the Law Enforcement AP brought in some very good and very detailed input on the potential filleting at-sea actions, and that was the last time that this AP discussed it, and we'll get back into that action at the very end.

As a general overview, the amendment is fairly lengthy, in that it's thirteen actions, and we're not going to discuss all thirteen actions today, and I just wanted to go over kind of briefly what's in the amendment as background, but the first set of actions that the council is considering is really taking into account the updated catch level recommendations that they have received from the

Scientific and Statistical Committee, and so the scientific advisory body has provided the council with what they deem as the best scientific information available for setting the catch levels for both dolphin and wahoo, and so, in the first set of actions, that's what the council is really tackling, is just setting the total annual catch limit and then dividing that total annual catch limit between the recreational and commercial sectors, and, there again, for both dolphin and wahoo.

We're not going to go over any of those, per se, but, as we filter down, you'll see the actions kind of get into more of the nuts-and-bolts, so to speak, regulatory changes that will be occurring as this amendment goes into place. The next set of actions, Actions 5 through 8, looking at changing the recreational accountability measures, and we'll go into Actions 6 and 8, which looks at -- Which are the two actions that look at revising the accountability measures for both dolphin and wahoo, one of the reasons being that these are measures that could be triggered and temporarily go into place, and certainly there are some very clear law enforcement implications there.

Then the last set of actions -- We'll go over each one of these, the last five actions, and they're implementing various management revisions in the dolphin and wahoo fishery, and they're really being implemented in response to public input and public comment that the council has received, and, there again, we'll get into the details of each one of those actions highlighted in blue.

Looking at a potential timing of the amendment and when any regulatory changes would take place, the council has scheduled time to look at this amendment for at least the next two meetings, and so they will be reviewing Amendment 10 at their March 2021 meeting and considering public comments that they've received and potentially revising some of their preferred alternatives or reaffirming their preferred alternatives, as far as how they want to take action in the amendment.

Then, at the June 2021 meeting, that's when they are scheduled to potentially vote on this amendment for formal approval, and so their final approval, if you will, before sending it to the National Marine Fisheries Service. Assuming that this timeline holds, where they take that final vote in June of 2021, you're looking at implementation of the amendment likely sometime in 2022, and so 2022 is the target year, if you will, when the regulatory changes would take place.

Before I get into -- I will just go ahead and start on the actions, and I don't know if anybody has any questions right off the bat, and I'm happy to field them now, as far as the timing of the amendment. If not, I'm going to jump into the specific actions and what is being considered. I am not seeing any hands, and so I will move along then.

We will start off with just an overview of the two actions that revise the accountability measures, and Action 6 revises the accountability measure for dolphin, and so keeping in mind that accountability measures, by nature, are really temporary measures, and they are designed to put the brakes on a fishery, on harvest within a fishery, to keep that fishery within its sector allocation and sector annual catch limit.

Another thing to keep in mind is all of the accountability measures for dolphin and wahoo are post-season, and so, if the accountability measure is triggered, then the different alternatives that we'll go over in just a second go into place the following year. Currently, the accountability measure for dolphin specifies that there is a payback provision, and so the recreational sector annual catch limit would be reduced by any overage of the annual catch limit, and then, additionally, the fishing

year would be reduced to essentially help make sure that the reduced sector annual catch limit is not exceeded.

When I talk about a reduced fishing year, it's essentially what would be normally seen as an in-season closure, as far as it would be announced that say, after September 30, recreational dolphin harvest would be closed until the end of the calendar year, and so that's really what would be going on here. Alternative 2 is similar. However, it removes the payback provision, but simply the fishing season, or the fishing year, would be reduced to prevent the sector annual catch limit from being exceeded.

Alternatives 3 and 4 look at changing the possession limits, and Alternative 3 would implement a reduced bag limit for dolphin. Alternative 4 would implement a reduced vessel limit for dolphin, and then the council has developed Alternative 5, which is the preferred alternative, and so this really the way that they're leaning at the moment for setting the accountability measure for dolphin, and, essentially, at the beginning of the year, landings would be monitored, and if the sector annual catch limit for dolphin, for the recreational sector that is, is projected to meet or exceed its annual catch limit, there would be an in-season bag limit reduction and/or an in-season vessel limit reduction put in place to, there again, kind of put the brakes on harvest in the fishery.

If that wasn't enough, the fishing season would be reduced accordingly, if it is still necessary, to prevent the sector annual catch limit from being exceeded. What you're looking at is really a potential in-season vessel limit change and/or an in-season bag limit change, and, there again, if that's not enough, then potentially an in-season closure, harvest closure, for the remainder of the calendar year.

The council is examining -- For vessel limits, they're looking at a ten, twenty, or thirty-fish vessel limit, and they're looking at a bag limit of two, three, four, or five fish, and they're really looking, there again, at a combination of the two, potentially. With that, I am going to jump down to the requested advisory panel input questions, and so, there again, keeping in mind that we particularly have in-season harvest closures as an accountability measure for both the recreational and commercial sector in other fisheries, and this one could potentially implement that.

It's a little bit different, but along the same lines, and it could implement an in-season vessel limit reduction or in-season bag limit reduction, but does the Law Enforcement Advisory Panel have any comments or recommendations on Action 6 that would potentially implement these in-season changes? Really, are there any other kind of additional comments or recommendations on Action 6?

There again, this could be more of a this is coming down the pipe, so to speak, or, if you have any comments that you wanted to bring to the council's attention, this would be a good time for that, there again seeing as potentially in-season regulatory changes, as a result of the accountability measure. Duane, I see your hand up.

MR. SMITH: This is not a legal objection, but I throw it out for my law enforcement colleagues. It strikes me that in-season adjustments, although we do them in other fisheries and have done them before, is a less-preferable, from an enforcement standpoint, option than something that's set at the beginning of the season.

It's, again, not a legal problem, but a practical application problem, in that what the rules are at the start of the year all of a sudden change, and maybe, under this preferred alternative, they change twice, and then you have to make sure that that word gets out to the regulated community, and you have to make sure that word gets out to law enforcement, and I'm sure there's a lag on both sides on that, and so I think it creates confusion and creates enforcement problems, as a general matter, and should be avoided whenever we have a viable other option, but I will defer to my colleagues, to see what their thoughts are as well.

MR. HADLEY: All right. Thank you. If anyone had any comments on that -- I am not seeing any hands. Neil, I see your hand up, and it's down.

MS. BROUWER: John, there is Scott.

MR. PEARCE: I just wanted to say that I agree with him on the fact that, any time you make those changes mid-season, there is going to be that lag time and, of course, after this occurs, over a couple of seasons, then the educational point would probably not be as -- That fact would not weigh as heavy, and there is still going to be that lag time of getting notifications out and making sure that people are aware and things like that, and so I agree that, if there was some more steady, permanent thing that everybody could depend on, knowing that this is the way it's going to be from January through December, then that's always the best way to go, but it is enforceable, but it's just going to be that period of time where you're going to have to educate everybody or make sure everybody is aware of these changes as they come out.

I guess another question I have is how would these notifications go out? I know they typically will go out to all of the license holders and the permit holders, but, as far as notifying law enforcement, we want to make sure that we have a consistent way of getting these changes to law enforcement as well.

MR. HADLEY: I see that Duane has his hand up, and I think he might be wanting to answer that question. Duane, are you responding to that?

MR. SMITH: I was going to answer part of it, and then I tried to put my hand down to let you answer the rest, and so part of it is the legal notice is in the Federal Register, and so we operate under this what we all know is a fiction that everybody besides me actually reads the Federal Register every morning, and so, if we publish it in the Federal Register and we say, there, we told you, world.

As a practical matter, we do a lot more outreach and education, and the council is going to send out notices, as well as SERO is going to send out notices, but, as you point out, the people we tend to get are commercial folks, and we're not necessarily going to get the word out that effectively to the recreational folks, and, also, we have to figure out how we actually make sure that you all, as the law enforcement folks, also get the word. Again, that's part of what makes it, to me, not a preferred alternative.

MR. HADLEY: All right. Neil, I see you have your hand up again.

MR. PEARCE: That just kind of reinforces -- My biggest concern, I think, with that preferred alternative is that messaging aspect, is getting that information out effectively to your stakeholders,

so they know the season has changed, and they know the bag limit has changed, and also to law enforcement. I think, if you're going to go with that preferred alternative, you've got to have a clear path to get that information to the stakeholders.

MR. HADLEY: All right. Scott, I see you have your hand up.

DR. PEARCE: I thought I put it down.

MR. HADLEY: Got you. No worries. All right. I think that's something that we can certainly bring forward loud and clear to the council on these. Are there any other comments on this accountability measure action? If not, we can always come back to it, and we can move along. I am not seeing any other hands. Thank you for that.

The next action that we'll go over, Action 8, is revising the post-season recreational accountability measures for wahoo, and I think a lot of the previous comments apply, because, there again, this a recreational accountability measure, and it is going to be, by nature, temporary. However, the council is considering a similar set of alternatives for wahoo, and so Action 8 focuses on the recreational accountability measure for wahoo, and the summary table I have in front of you kind of summarizes the different alternatives that the council is considering.

Notably absent for wahoo is the Alternative 5 that kind of had kind of a medley of the potential retention limit changes, as well as the season, reduced fishing season. In this case, they did not want to consider that for wahoo, and so the other alternatives are very similar to what they considered for dolphin, but, for wahoo, currently, the accountability measure specifies that there will be a reduced sector annual catch limit for any ACL overage.

Notably absent in that are sort of giving the accountability measure teeth, if you will, that would actually reduce harvest, and, essentially, it specifies that the sector annual catch limit should be reduced by the overage, but there is nothing in there to help the fishery adhere to that reduced annual catch limit, and so that's one thing that the council is trying to address. The accountability measure, as it's currently written, it's seen as inadequate, and so they're trying to specify an accountability measure that would pass muster, if you will, for wahoo, and so the council's preferred alternative currently is Alternative 2. In this case, the accountability measure would be a reduced fishing season to prevent the recreational sector ACL from being exceeded.

Alternatives 3 and 4 examine changing the possession limits for wahoo. Alternative 3 would reduce the bag limit. Alternative 4 would reduce the vessel limit, but, there again, in this case, for wahoo, the council is leaning towards simply specifying a reduced fishing season as the accountability measure, recreational accountability measure, for wahoo.

There again, kind of a similar set of questions here. Does the Law Enforcement AP have any comments or recommendations on the council's preferred alternative, which is Alternative 2, which is, there again, the reduced fishing season, and are there any other additional comments or recommendations on Action 8? With that, I will pause, and, there again, I think some of the previous comments apply to this, but I will let others discuss that as well. Garland, I see your hand up.



CAPTAIN YOPP: Just a question. So if you have -- At the end of one fishing season for wahoo, towards the end of that season, and it goes over right at the end, what's the plans for the next? Are you just going to reduce the next fishing season coming up? I'm just kind of curious how you would handle that, at the end of one season and the start of another one, if you realize there's an overage.

MR. HADLEY: That's a good question, and so one thing -- There's kind of two parts to that. One is there is no in-season closure for the -- There is no in-season accountability measure for wahoo, and so, essentially, year-one, if you will, the fishery is just going to operate as-is, even if it's going above its sector annual catch limit. Then the accountability measure is triggered, and so year-two is when you have that reduced fishing season.

The fishing year, or fishing season, for dolphin and wahoo go by the calendar year, and so we'll be working off the calendar year for this. In that case, year-two, you would have the reduced fishing season, and let's call it January 1 through the end of September, and, in that case, you would have the harvest closure for the remainder of the year. If that were successful, and so the National Marine Fisheries Service would go back and look and say that was successful in constraining harvest to the sector annual catch limit, and then you would essentially reset back to a full year, a 365-day, season.

If that were not successful, which I think is the scenario that you're alluding to, then there would be a further reduced season, to make sure that the recreational sector stayed within its annual catch limit, and so that depends on how successful it is. If it is successful, you reset back to the normal regulations. If it's not successful, you're looking at a further restrictive accountability measure.

CAPTAIN YOPP: Okay. Thank you.

MR. HADLEY: Any other questions on the wahoo recreational accountability measure action or any other comments? There again, I think that, as far as -- Particularly on the point that was brought up earlier, as far as getting the word out, that's another important one that we can sort of, I think, apply to this one as well, just because you're going to have -- Particularly if it's year-one and it's something new, that's going to be news to the fishermen, and so I appreciate those comments earlier and clarifying questions on this one. If there are no other comments, I'm going to move on to the next set of actions.

We covered the accountability measure actions, and now we're jumping into sort of the various management changes in the dolphin wahoo fishery that are being examined in Amendment 10, and the next -- The first in this sort of various management measures category is Action 9, which looks at allowing properly-permitted commercial fishing vessels with trap, pot, or buoy gear onboard to possess commercial quantities of dolphin and wahoo.

Currently, the list of allowable gears in the dolphin wahoo fishery includes automatic reel, bandit gear, handline, pelagic longline, rod-and-reel, and spearfishing gear, including powerheads, and so, as the interpretation of the regulations as they currently stand -- If there is other gears onboard, such as pot, trap, or buoy gear that are not within that list of allowable gears, then dolphin or wahoo should not be possessed.

The council is looking at changing that to allow basically a specific change to those regulations, where vessels that possess both the Atlantic dolphin wahoo commercial permit and valid federal commercial permits required to fish trap, pot, or buoy gear, and something that they wanted to specify is are in compliance with permit requirements for the spiny lobster fishery, and so, essentially if there is spiny lobster gear onboard. In this case, those vessels would be allowed to retain dolphin caught by rod-and-reel while in the possession of these currently disallowed gears in the fishery.

The vessels that fell within this situation, where they had the trap, pot, or buoy gear onboard, would be allowed to retain dolphin up to a 500-pound gutted weight trip limit, and so that's the council's preferred alternative that covers dolphin. The council also selected Alternative 3 as their preferred alternative, which essentially does the same thing. However, this would cover wahoo as well, and so, in this situation, if a vessel is properly permitted and has trap, pot, or buoy gear onboard, the vessel would be allowed to retain commercial quantities of wahoo, up to the existing trip limit, commercial trip limit, for wahoo of 500 pounds.

As a little bit of background on this, this action came about largely at a request from lobster fishermen in New England that had historically harvested dolphin. They typically harvested -- As far as the feedback that the council has gotten, it was relatively limited quantities of dolphin, when they were either going between sets or they were catching some dolphin off of some of the lobster pot buoys, by rod-and-reel, and they had requested this exemption, because they wanted to allow that historic practice to continue to go on.

Based on the request, it was pointed out by law enforcement in that region that, even though they're not catching the dolphin with lobster pots, they had the gear onboard. Therefore, they should not be in possession of dolphin, and so that's a little bit of background.

The council took that consideration, and, rather than just focusing on lobster pots, they wanted to expand it just a little bit to include, sort of generically, trap, pot, or buoy gear, and, there again, also include gear used in the spiny lobster fishery, and so it's a little bit more of a broader range than the initial request, but it captures the initial request from New England lobster fishermen.

Overall, I'm going to scroll down through some of the analysis. Looking at the information available in logbooks, there are recent landings of dolphin when buoy gear, pot, or trap gear is onboard a vessel, and they tend to be fairly low. At least over the past five years, they have been extremely low, but they do exist, and we're looking to get a little bit of feedback from the Law Enforcement Advisory Panel.

Does the AP have any comments or recommendations to the council on the council's preferred alternatives in this action? There again, these would allow the possession of limited quantities of dolphin or wahoo, caught by rod-and-reel only, onboard vessels with trap, pot, or buoy gear onboard. Are there any other additional comments or recommendations to the council on Action 9?

I am not seeing any hands, and, as far as if there is no comments or recommendations, that's totally fine. There doesn't have to be a comment or recommendation on each one of these, but we certainly wanted to bring it to the Law Enforcement Advisory Panel's attention, if for no other reason than just as a notice that these regulatory changes are coming, likely sometime in 2022. I

am not seeing any hands, and we can always come back to this one, but I will move along, in the interest of time.

The next action, Action 10, would remove the requirement of vessel operators or crew to hold an operator card in the dolphin wahoo fishery. Currently, for an Atlantic charter/headboat permit for dolphin and wahoo, for an Atlantic dolphin wahoo commercial permit to be valid, a vessel operator or crew member must hold a valid operator card issued either by the Southeast Regional Office or the Greater Atlantic Regional Fisheries Office, and so either SERO or GARFO.

The council is looking at removing this requirement altogether. The council's Preferred Alternative 2 would remove the operator card requirement for the for-hire sector in the dolphin wahoo fishery, and the council's Preferred Alternative 3 would remove the operator card requirement in the commercial fishery.

As a little bit of a background on this, at least for fisheries in the South Atlantic region, the only two fisheries where this is required is the rock shrimp fishery and the dolphin wahoo fishery. The council brought this forward, largely in response to public testimony from dolphin and wahoo fishermen, indicating that operator cards are rarely checked by law enforcement and are relatively burdensome to renew.

Additionally, the council has received a presentation in the past, and it was in March of 2016, from the National Marine Fisheries Service Office of Law Enforcement, and it went over operator cards, and, during that presentation, it was mentioned that largely the current situation with operator cards is that they're not being used for gathering data, distributing information, or enforcement, to a large extent, and so that's really the initial reason why they were put in place overall, and so the council has -- They have received public testimony, and they have also received input from the National Marine Fisheries Service Office of Law Enforcement regarding this, and so that's essentially why they are leaning towards removing the requirement altogether.

Looking at generally how many vessels may be affected by this, we're looking at upwards of 4,070 vessels fall under the requirement of the operator card, due to the dolphin wahoo permit, and that's probably an upper-level estimate, since many of those vessels operate in fisheries managed by GARFO, and so they're still going to need an operator card, but that's a total look at how many vessels may be affected.

As far as what we're looking for from the AP, does the Law Enforcement AP have any comments or recommendations on removing the operator card for both the commercial and recreational sectors in the dolphin wahoo fishery, and are there any other comments or recommendations that you would like to bring to the council's attention for Action 10? Neil, I see you have your hand up.

MR. PEARCE: I'm going to go ahead and ask the question, because, when you refer to operator cards, there are lots of different things that I am thinking of, but what are we actually talking about when you're talking about an operator card?

MR. HADLEY: I probably should have said operator permits, because I'm pulling it directly from the CFR, and you can see it's specified as -- It's typically referred to as an operator card, when the

council receives testimony, but as far as -- That's a good point that you pointed out, that, in the CFR, it is called an operator permit.

MR. PEARCE: The first thing I think of, when I heard operator card or something like that, is a captain's license, and I want to make sure we're not associating this to that.

MR. HADLEY: That's a good point, and, no, this is referring only to the operator permit, as it's stated in the CFR. Any other comments or questions on that? It sounds like, unless stated otherwise, the Law Enforcement AP didn't have any -- Presumably there is no major foreseeable issues with removing the operator permit. All right. There again, we can always come back to it, but I'm not seeing any hands go up, and so we'll move along to the next action.

The next action is Action 11, and this would reduce the recreational vessel limit for dolphin. A couple of things to specify here, and one is the current daily bag limit of ten fish per person will remain in place across all of the alternatives that the council is considering. What they're looking at focusing in on is the sixty-fish per vessel limit, and this is -- They want to continue the vessel limit exemption for headboats, where the limit is ten dolphin per paying passenger, and so, really, the regulatory change here is narrowing down on the sixty-dolphin vessel limit, and particularly focusing on charter vessels, and so six-packs, if you will, and inspected vessels, and then private recreational vessels, and so that's where this vessel limit -- That's where that vessel limit would take place, where the regulatory changes would -- Where the rubber would hit the road, so to speak.

The council is really considering three major alternatives for this action, and reducing the vessel limit in the entire Atlantic EEZ, and the alternatives that they are considering range between thirty fish and fifty-four fish, and the council has two other alternatives, and so Alternative 2 really focuses on the Atlantic EEZ. Alternative 3 would implement the same vessel limit changes. However, it would apply only off of east Florida.

Then Alternative 4 looks at the vessel limit reductions, or vessel limit changes, only applying off of east Florida, Georgia, and South Carolina, and so, essentially, in the current range where the dolphin size limit applies, this reduced dolphin vessel limit would apply under Alternative 4, and so Alternative 2 is the Atlantic EEZ, Alternative 3 is the east Florida EEZ, and Alternative 4 is the east Florida through South Carolina EEZ, and so there's three different regional components to this.

As a little bit of background, the council has received some varying feedback on this vessel limit reduction. Generally, they have received several comments that state concern over the status of the dolphin fishery and potential stock concerns over dolphin. A lot of those comments that are stating concern over the dolphin fishery have come from Florida, particularly south Florida and the Florida Keys area.

On the other side of the coin, if you will, the council has received a great deal of feedback that the sixty-fish vessel limit is very important to the for-hire sector, in particular, off of North Carolina, and many for-hire charter captains have provided comments that that sixty-fish limit is very important to their business, particularly being able to market and sell dolphin trips. That varying feedback is one of the main reasons that the council is considering these three different regional components to this action in this reduced vessel limit.

Looking at -- In general, the one thing that is of interest is that, as far as the total recreational landing reduction that would take place, if this reduced vessel limit were to apply only off of Florida, or South Carolina through Florida only, you're looking at relatively modest recreational landings reductions. If it were to apply to the entire Atlantic region, those reductions go up notably, and that's largely due to the data that shows the majority of vessels that tend to harvest up to the sixty-fish vessel limit -- A lot of those vessels are fishing in North Carolina, and, so there again, relaying some of the kind of data to go with some of the feedback that the council has received so far.

As a little bit of background on this action, the Dolphin Wahoo Advisory Panel reviewed this action, and they noted that there was support for taking no action, particularly in North Carolina, or just taking action in Florida, and they were largely -- The Dolphin Wahoo Advisory Panel was largely supportive of Alternative 3b or 3c, which looks at a forty or a forty-two-fish vessel limit, applying only off of Florida.

We have three general discussion questions for the Law Enforcement AP on Action 11. Are there any general comments or recommendations on the action that would reduce the vessel limit for dolphin, potentially off of Florida, off of Florida through South Carolina, or applying to the entire Atlantic region? Kind of a follow-up to this is noting that there is a precedent for regional regulations on dolphin. As I mentioned, the twenty-inch size limit that applies from Florida through South Carolina, and no size limit from essentially North Carolina north. Does the AP have any comments or recommendations on the potential regional component of this action?

Last, but not least, is there anything that you want to bring to the council's attention? Do you have any additional comments or recommendations on reducing the vessel limit for dolphin? With that, I will pause here, if there are any comments or clarifying questions on this. Neil, I see your hand up.

MR. PEARCE: I would just say that, given all the alternatives, I mean, for law enforcement, I don't see any major issues with any type of enforceability with any of the options they choose. It's essentially going to be a bag limit change, and so I don't see any problems there, and I don't really have any different recommendations for Florida or anywhere else. I mean, I would like to see it more consistent, but that's really more for the council to determine, and so I would say, for law enforcement though, enforcement-wise, if it's just a bag limit change, that would definitely be enforceable. Would this bag limit change, depending on which option they choose, have any effect on the first topic that we discussed with the mid-season closures and adjustments?

MR. HADLEY: It could, and that's a good point. It really depends, and it's hard to say at the moment. The council is still looking at this action, and they haven't chosen a preferred alternative, and so there's no indication, necessarily, which way they're leaning at this point, but, if there were to say be a thirty-fish vessel limit that applies from South Carolina through Florida, that would play into how the accountability measure is specified, and so it is certainly possible. If there is a reduced vessel limit, I mean, it would lead to some sort of harvest restriction, which would make triggering the accountability measure less likely, and so there is definitely a connection there between the accountability measure and reducing the bag limit.

MR. PEARCE: So my recommendation is I would say that I would take a close look at this, if utilizing one of these options would help to mitigate that first situation, where we could eliminate

any mid-season closures and just go with the bag limit change across-the-board, to deal with that, and that's the only recommendation that I would have.

MR. HADLEY: That's a very good point. I am just taking notes here. Does anyone else have any comments or recommendations on this action? All right. I appreciate that. There again, that was a good point, because these are not -- Once they go into place, these are regulations that apply year-round, and they wouldn't be -- They would be the new set of year-end, year-out, if you will, vessel limits, and so that's a good point that we'll bring to the attention of the council. I appreciate that.

Seeing no other raised hands, we'll jump into the next action, which is -- This time, it focuses on changing recreational retention limits for wahoo. Currently, the daily bag limit for wahoo is two per person, and there is no recreational vessel limit for wahoo. Alternative 2 would implement a daily bag limit of one wahoo per person. Alternative 3 would look at implementing a vessel limit for wahoo, and the vessel limit that they're currently considering ranges between two to eight fish per vessel.

As a little bit of background on this, one of the reasons that the council is interested in this is that they've seen, with what will be the new annual catch limit -- There have been some pretty elevated recreational landings in recent years, and so, if they compare the past five years of landings to the new annual catch limit for the recreational sector, that sector annual catch limit would have been exceeded in three of the past five years.

After seeing this, at the December council meeting, the December 2020 council meeting, the council decided that it would be a wise choice to at least look at examining reduced retention limits for the recreational sector for wahoo, with the idea that the accountability measure for wahoo -- There is a pretty good likelihood that it will be triggered, assuming that that increase in recreational landings holds true going forward, and they want to consider ways to maybe mitigate that accountability measure being triggered, which would be a harvest season -- Which would be an in-season harvest closure, essentially. In doing so, maybe to get out in front of it and look at reduced retention limits, and so that's a little bit of background on why this action was added, and it's relatively new.

Looking at some of the potential reductions, a one-wahoo-per-person vessel limit would end up - - The estimated reduction would end up being about 780,000 pounds, 781,000 pounds, total of wahoo, and that's about 27 percent. That's approximately a 27 percent reduction in recreational wahoo landings. Then the vessel limit -- The reduction would really depend on how restrictive that vessel limit was. Two wahoo per vessel, the most restrictive limit, would be approximately a 30 percent reduction, whereas an eight-wahoo vessel limit is not necessarily as restrictive, and many recreational vessels often harvest less than eight wahoo per vessel, and you're looking at a 2.3 percent reduction overall.

As far as the general management going in place here, you're looking at a bag limit change or implementing a vessel limit, and that's something that I think we're all pretty familiar with at the current time, and so, from a regulatory standpoint, it's nothing new, but this would be new for wahoo, and so, if you have any -- Just taking some time to stop here, if there are any comments or recommendations on what would be a potential new vessel limit for wahoo or a reduced bag limit for wahoo. Does anyone have any comments on this? If not, we can move along.

Before we get into the final action, I wanted to take a step back, and, if we could, go back to the operator card action. There's one thing that's been brought to my attention that I forgot to go over, and I wanted to clarify, because it is certainly a law enforcement concern, and so we're going to go back to the operator card action.

Here again, just to orient everyone, in Action 10, the council is considering removing the operator card requirement. There is really -- One of the reasons that this was put into place was that the operator card would be used as an enforcement tool, in general, where, essentially, if you had a vessel operator that was say an egregious -- If he was making egregious violations, that operator card could be pulled, thereby at least legally removing that person from operating in the fishery.

As far as some of comments that we've gotten on this, there have been some comments of concern on removing this, in that it's removing a law enforcement tool, potential law enforcement tool, where, essentially, you could remove, there again, an individual with egregious violations within a fishery, in this case the dolphin wahoo fishery, and at least legally prevent them from operating within the fishery, and so that's a tool that's being removed here, and I just wanted to get the Law Enforcement AP's input on that, and is that something that is a concern?

It sounded like, based on the input that the council has received in the past, it's not necessarily being used. The operator card isn't necessarily being used for that purpose, a law enforcement purpose, for the most part, but it is removing a tool in the toolbox, so to speak, and so does the Law Enforcement AP have any concerns over that, or any comments to that point? Scott, I see your hand up.

MR. PEARCE: I just want to clarify, and I think the ability to suspend that card -- I don't know that I would really call that a law enforcement tool. It's kind of more part of the prosecution of a case, where, if they're found guilty of something, they could lose that card, but, when I think of law enforcement tools, I think of tools that help us with verifying the case we're working, and I don't know that that's the proper term for it, and it definitely is a tool for the prosecution side of that, for sentencing or something like that, when you're trying to figure out what the outcome would be, but I would be very careful with that law enforcement tool, when you're talking about the ability to revoke somebody's, or suspend somebody's, card, and it's really going to be a result of the case. that would just be more of a prosecutor thing, I think. Anybody else, please chime in. I'm trying to think of the right way to describe that.

MR. HADLEY: Duane, I see your hand is up.

MR. SMITH: I think it is an enforcement tool, but I certainly understand the last commenter's -- It's not a law enforcement personnel tool, if you will, but it's certainly an enforcement tool, largely for the agency, and I hadn't really thought about it in the way, which gives me a little bit of pause. I've been doing this work for NOAA for twelve years. In twelve years, I have never seen a case where we sought to take any action against an operator permit in the Southeast.

I know the Northeast does it on a regular basis, or they used to anyway, and I'm just trying to think through whether or not it makes sense to keep that tool in the tool bag, when you look at the practical sense that I haven't seen it in twelve years, and so we're not using the tool, as it stands.

What I might recommend is, in sensitivity to what the other gentleman was just saying, maybe the Law Enforcement Committee doesn't necessarily have any objections to it coming out, but my office, the General Counsel Enforcement Section, might, and so maybe just log it as no objections from the Law Enforcement Panel, but I am going to talk to some of my other colleagues and see whether or not we think it's something that we should keep in the tool bag or not.

MR. HADLEY: I appreciate that. Ira, I see your hand is up, and, just to introduce Ira, just briefly, he's one of the people that have a previously-stated concern, and he's also Chair of our Mackerel Cobia AP, and so, with that, I will turn it over to you, Ira. Ira, I can't hear you.

MS. BROUWER: Let me try to see if I can get Ira on the phone. Stand by.

MR. HADLEY: Sure. Okay. We'll just stand by for a minute.

MS. WIEGAND: Myra, if you want, I can give him a call. I've got his number saved in my phone.

MS. BROUWER: Go ahead, Christina. Thanks.

MR. HADLEY: Okay. Well, maybe we'll come back to Ira at the end, and we can just follow-up on this, but I appreciate the input there, and I think that makes it clear, as far as the recommendations, and so I appreciate that, and further discussion on this action. Myra, should we keep moving along?

MS. BROUWER: Yes, let's do that. I know that Ira wanted to clarify, and we'll give him a chance, once Christina gets him on the phone, but let's go ahead and keep going.

MR. HADLEY: Okay. All right, and so we may be coming back to the operator card action, but, until then, I am going to jump ahead to the final action in the amendment that the AP has, in its previous form, has reviewed, and we wanted to get additional feedback from the Law Enforcement Advisory Panel on this current action.

Last, but not least, in the amendment is Action 13, and this action would allow filleting of dolphin at-sea onboard for-hire vessels, and this includes charter as well as headboat vessels, in the EEZ north of the Virginia/North Carolina border, and so we're looking at vessels operating in the Mid-Atlantic region and New England region, and so, as stated now, it would not cover the South Atlantic region.

Currently, the council's preferred alternative is Alternative 1, which is no action. In this case, the prohibition on filleting dolphin at-sea would remain in place throughout the entire Atlantic EEZ, and the council has also developed Alternative 2, which would allow an exemption for dolphin from regulations requiring head and fins remain intact. There again, this exemption would only apply to for-hire vessels operating in the Mid-Atlantic and New England regions.

Additionally, the council has come up with two sub-alternatives, if this exemption were to be allowed. Sub-Alternative 2a is the skin would need to remain intact on the entire fillet of any dolphin fillet. Sub-Alternative 2b is two fillets would be the equivalent of one dolphin, and, there again, it's targeting bag limit enforcement purposes, and so two fillets would be one fish, as far as assessing the bag and vessel limit.



As a little bit of -- As kind of a refresher, because we did speak about this before, but it was a while ago, and this action was added in response to a request from the Mid-Atlantic Fishery Management Council that an exemption for the regulation prohibiting filleting of dolphin at-sea be provided in the waters north of Cape Hatteras. One thing to keep in mind is the council has moved that a little bit further north, to the Virginia/North Carolina state border.

Additionally, the initial request requested implementing a one-inch-by-one-inch piece of skin remain on each fillet and that the crew would need to retain the racks or frames of each fish and that the crew must be able to present two fillets that are equivalent to one fish.

The request stated that the action originated from a joint meeting that included attendance from the U.S. Coast Guard, NOAA Office of Law Enforcement, the Atlantic States Marine Fisheries Commission, the Greater Atlantic Regional Fisheries Office, and Highly Migratory Species. Essentially, the stated intent of this is to allow crew to continue working during long runs back to port, where they could essentially fillet the fish at-sea and have them packaged and ready to go at the dock. It reduces customer wait time at the dock, so customers don't have to essentially wait for the fish to be filleted at the dock.

I will scroll down a little bit, because I wanted to go over your previous -- I wanted to go over your previous recommendations, to point out how they have been incorporated into this action, and then also to get a new recommendation, or new input, from the Law Enforcement Advisory Panel on this action.

As you may remember, at your May 2019 meeting, you provided input that the Mid-Atlantic Council's request would indicate that law enforcement would need to count and match the racks and fillets, and this would be burdensome to boarding officers and appears redundant. The exemption on filleting for fish brought in from the U.S. from the Bahamas, that exemption exists, but it does not apply to fish harvested or taken from the U.S. EEZ.

The Mid-Atlantic Council's request would add considerable burden to law enforcement officers, if implemented in U.S. waters, resulting in considerably more time required for enforcement and more regulatory complexity. Another point that was brought up was that law enforcement would need guidance to address the possible scenario where a fish is caught and filleted north of Cape Hatteras, but landed south of that line, where the exemption on filleting at-sea would not apply.

Additionally, it was pointed out, in North Carolina, that is it unlawful to possess onboard a vessel, or while engaged in fishing, any species of finfish that is subject to a size or harvest restriction without having the head and tail intact, and so there are some state regulations that were to be considered.

The Law Enforcement AP's additional comments included that there seemed to be no compelling reason to request an exemption on mutilated fish only for dolphin and that a one-by-one-inch piece of skin on a fillet is not large enough to properly ensure identification.

The Law Enforcement Advisory Panel did pass a motion on this initial request, where the Law Enforcement AP recommends that no filleting of dolphin be allowed in the EEZ off of the Atlantic, and this was approved unanimously, and one thing to point out is that the Dolphin Wahoo Advisory

Panel also reviewed this action, and they were largely in favor of it, and they were interested in applying it in the South Atlantic region, noting that it did minimize some turnaround time and increased cold storage capacity.

A couple of things that I wanted to point out. One is that the council has received some kind of varying input on this, and it seems like there is, at least according to the previous request, which was a little bit different than how the council has formulated the action, and they've taken some of the comments from the Law Enforcement AP and put them into the wording of the action, but the council has received competing comments on this, overall.

Really, one of the -- I wanted to take some time to go over the Law Enforcement AP's previous stated concerns and see which ones they will apply and which ones may not. As mentioned, the use of Cape Hatteras as a dividing line for regulations was moved a little bit further north. Instead of the one-by-one-inch piece of skin requirement on a fillet, the council would require that the skin be on the entire fillet, and it seems like the contradiction with state regulations in the South Atlantic region have been addressed, there again, since that line was moved up to the Mid-Atlantic and New England regions instead, and so it covers from Virginia north, and we removed the requirement to retain the racks.

Those recommendations were largely addressed in the council's statement of this action, and so do any of the previous comments still apply? Is that still the Law Enforcement Advisory Panel's opinion, particularly noting the additional burden on law enforcement and no compelling reason for the filleting at-sea exemption, and, also, do you have any additional comments or recommendations, and are you still okay with your previous motion, where you recommended that no filleting of dolphin be allowed off of the Atlantic? With that, I will turn it over to see if there are any comments or clarifying questions or if you had additional feedback on your previous recommendations. Scott, I see your hand up.

MR. PEARCE: I was going to say, if everybody is in agreement, that, if we go with our original recommendation of not allowing filleting at-sea, do we need to take a motion and get approval for that to put it forward again?

MR. HADLEY: I think that -- I don't know. Myra, do you have any opinions on that? I think that just restating that that applies, and we can certainly move that forward, but, if you wanted to either change it or reaffirm it, that it is a unanimous vote, we can certainly do that as well. Myra, would you agree with that?

MS. BROUWER: I agree. I think it's up to you, Scott, if you would like to do a motion, and I would note that there are four AP members that are currently missing from the webinar, and so, if you would like to just reiterate your previous recommendations, that's fine as well.

MR. PEARCE: I want to say that I support, or we support, the original recommendation of allowing no filleting at-sea, and I will let Garland comment.

CAPTAIN YOPP: I concur with you, Scott. I think the original motion, how we did it of just not allowing it. I think it would be a nightmare for enforcement, and fillets are so much easier to hide than a whole carcass, and I don't know. I like our original motion, as we stated it in our earlier meeting, and so I definitely agree.

MR. HADLEY: Okay, and so, unless there is anyone that has any opposition to that, we will move that forward to the council on this, that that recommendation still applies for this action. Duane, I see you have your hand up.

MR. SMITH: Thank you. First of all, no objection whatsoever, and I think it's absolutely the right course of action, and I'm thrilled that the Law Enforcement Advisory Panel still feels that way. I would just add my major cautionary note and concern, which I think you alluded to in your 2019 motion, but I want to make it a little more explicit. You alluded to the fact that there's no rational reason to distinguish between dolphin in one place and dolphin in another, or between species, and I think that's absolutely right. I think the biggest problem with this is that this is a camel's nose under the tent issue.

We fought the fillets coming from the Bahamas, and we lost, and now people point to that and say, well, you allow it coming from the Bahamas. The Mid-Atlantic rep sort of represented that we didn't really have strong objections, despite the record that said we did, or at least that's my interpretation of how he presented it to the council. It is a real problem for law enforcement, and we shouldn't allow it anywhere, and I think we need to hold the line very firmly on it.

MS. BROUWER: Thank you for that, Duane. I was typing away. John, are you ready to continue? We can always go back to the operator card, whenever you're ready, and I know Captain Ira is available to clarify what he wanted to bring up to the attention of the AP.

MR. HADLEY: I mean, it sounds like the -- I think we have good feedback on this, and pretty clear orders and recommendations to bring forward to the council. Are there any final follow-up comments on the filleting at-sea action? I just want to go ahead and address those, and then we'll jump back to the operator cards. Patrick, I see your hand up.

MR. O'SHAUGHNESSY: I just wanted to point out that, since this discussion started, following the Bahamas change, just as you saw our Dolphin AP say that would be helpful for them as well in the South Atlantic, and, on the docks last month, I was posed with the question, from a charter boat, loaded with sea bass and snapper and triggerfish, that why couldn't they -- If this gets approved, why couldn't they fillet their fish, so that, when they're coming in, they could have a quick turnaround and take out an afternoon charter, and so there really is a concern that, should this get approved for the South Atlantic, there is no reason why other species and vessels couldn't ask for the same thing, and so I just think we should stand fast and oppose this, as we did before, and do it again now.

MR. HADLEY: All right. Any other -- I will scroll up to the action here for one last look. Are there any other comments on this action? Moving forward, there again, the council's current preferred alternative is to take no action, and they did want to keep this action in the document, at least through public hearings, to gather input from the public on it. There again, you can always come back to it if you have any further comments or recommendations to the council on this action, but I think it's pretty clear guidance on what to bring forward to the council overall for this action and the AP's recommendations.

With that, I am not seeing any other hands go up regarding Action 13, and those are all the actions in this document, but I did want to jump back to Action 10, there again the operator card

requirement, to allow Ira to speak to that action and some of the points that he wanted to bring up, and so, there again, this is looking at Action 10, removal of the operator card requirement. Ira, whenever you're ready.

MR. LAKS: Thank you for allowing me to speak, John. I just want to point out that, now that we have a reporting system, for-hire vessels, not only do I think we should probably keep the operator cards, but actually expand it to all three of the for-hire fisheries. In the reporting system, it's only the -- that owns the permit that can be sanctioned, and, you have a lot of charter boats that the operator is not the owner, and there is no emphasis for that person to report correctly.

Several guys run trips on different boats. It seems, to me, unfair to the owner of that vessel that he has to hunt the guy down and make sure he gets the right information before he reports, and it just seems like a way that you can have a little more compliance in a system that doesn't have much compliance built in. It also would allow -- For example, if you owned your permit in a corporation, you could simply change your corporation every year and get a new permit, because you wouldn't be in the same situation, but, if you are the operator of that vessel, and you are sanctioned, you couldn't run it even with a new permit. I just want to point out that there are some uses to it going forward, to be able to help with the enforcement of the reporting system. Thank you, John.

MR. HADLEY: No problem. Thank you for those comments, and I don't know if anyone has a follow-up to that, but that certainly kind of connects this action to the previous presentation that you received on the for-hire reporting requirements now in place. Scott, I see your hand up.

MR. PEARCE: I was just going to add that I do see, after hearing that, that the operator card would be an effective tool to keep the bad actors out of the industry, if you have a persistent problem, and, again, that's something that's going to happen on the prosecution side, where they decide to remove that card, but that would be an effective tool in that regard, and, like he's saying, you have owners of vessels, but they're not the operators, and so that would be the -- It is an effective tool in that area, I think.

MR. HADLEY: As a follow-up to that, I don't know if any of the AP members have any comments on this, but, since it does only apply to the dolphin wahoo fishery, it would -- It sounds -- Kind of, to follow-up on the point that I think Ira spoke to, and making it an effective tool, it would need to apply to the snapper grouper fishery and coastal migratory pelagics as well, I think, to fully enforce that for-hire requirement. I don't know if anyone has any comments to that effect, but I'm just pointing that out, that this action only covers dolphin wahoo, and it could be -- It sounds like it has the potential to be an enforcement tool to keep bad actors out, but it would need to apply to the other two fisheries as well, and I don't know if anyone has any comments on that. Scott, I see your hand up.

MR. PEARCE: I would just say that, for applicability, I think it would be much more useful if we made it to where it applied across-the-board and not just to one fishery.

MS. BROUWER: Scott, I was wondering if this is something that you would like us to bring to the council as a recommendation from the AP, and, I mean, obviously, all these comments will be captured in some form in the Law Enforcement AP report, but this, as you know, is something that

the council has been talking about for a long time, and so it would be useful for them to know if the AP feels that perhaps that operator permit should be extended to the other fisheries.

MR. PEARCE: I would love to entertain a recommendation, if everybody else is in agreement with moving forward with that. I don't know if we have any objections. Myra, can you help with the correct procedure for moving forward with the recommendation? Do we need to make a motion to have a recommendation?

MS. BROUWER: You could, or it could simply be a recommendation from the AP, if you would like to simply request if there is any opposition, and, if not, then it can go forward as a recommendation from the AP members who are present.

MR. PEARCE: Okay. I would say that we recommend that -- We make a recommendation, unless anybody else on the AP wants to object to it.

MR. HADLEY: I am not seeing any hands go up, and so presumably that would be the recommendation from the Law Enforcement Advisory Panel, to consider the point that this could be an enforcement tool to help enforce the for-hire logbook reporting requirement, in particular. All right. I am not seeing any hands go up, and so presumably there's no opposition there.

That's all that I really had for Amendment 10. I appreciate everyone hanging in there and going over the multiple actions. If you have any questions or want to come back to this, if something hits you at lunch kind of thing, and if there's another point you want to bring up, we can always follow-up on that, but I appreciate the input on that, and I know the council will as well.

MS. BROUWER: Thank you, John. Scott, the next item on the agenda is the wreckfish ITQ program, and it's going to take a little while to go through those actions, and I don't know if you wanted to take a short break or keep on going right through.

MR. PEARCE: I guess I think I kind of think we're moving right along. Given the format that we're in, I will see a show of hands of -- If anybody is opposed to moving forward, raise your hand now, and, if not, we can move forward.

MS. BROUWER: Okay. That works well, and so give us just a second for Christina to get herself set up with the screen, and we'll move on to the next agenda item.

MS. WIEGAND: I am all set to go. Are you guys now seeing the Amendment 48 document?

MS. BROUWER: Yes. You're all set.

MS. WIEGAND: Perfect. Well, then I will go ahead and get rolling, and so, like Myra said, Amendment 48 to the Snapper Grouper FMP is meant to address the wreckfish ITQ program and the recommendations that were made during the ITQ review and it's also going to include updates to the Snapper Grouper FMP goals and objectives, but, for the purposes of this meeting, similar to what John Hadley just did for dolphin wahoo, we're really going to focus on the actions that are going to have some possible law enforcement implications.

Scrolling on down, like I said, this amendment came out of the program review for the wreckfish ITQ program that was completed back in 2019, I believe early 2019, and I know you guys reviewed that at the time, and so there are going to be a couple of things that are in this amendment that are familiar to you, but, in particular, the wreckfish ITQ requested that the council consider moving away from paper-based coupon programs to an electronic program and address things like cost recovery, the wreckfish permit requirement, allocation issues, offloading sites and times, and some economic data collection.

The current timeline for this amendment has scoping happening in March of 2021, as well as the council reviewing actions and alternatives to include in the amendment, with final action in December of 2021. As the council staff and NMFS staff have started to really dig into what's going to be necessary to move from a paper-based system to an electronic system, it's looking like that timeline might be a little unrealistic, and so I wouldn't expect any new regulations to come into place until maybe late 2022, and taking the paper-based system to an electronic system may take even longer, from an administrative standpoint.

I am going to very briefly roll over some of the actions in here that won't have large law enforcement implications, and then I'm going to switch it over to the illustrious Jessica Stephen to help me go over an electronic reporting system, as well as some of the more law-enforcement-gear actions.

One of the things the council will be addressing in this amendment are allocation issues. The Marine Recreational Information Program, and its predecessor, MRFSS, rarely pick up any wreckfish landings. In fact, as of 2019, there had only been one intercept, and that happened in 2012, but, despite the challenges associated with capturing recreational landings of wreckfish, approximately 5 percent of the annual catch limit is set aside for the recreational sector, and the council is considering revisiting sector allocations, and this includes both a 1 percent and 2 percent allocation to the recreational sector, as well as a *de minimis* status, which would allocate 100 percent of the ACL to the commercial sector.

If there are no questions on that, I am going to move it over to Jessica to talk to you guys about the electronic system and how that may be beneficial for law enforcement. I am not seeing any hands go up, and so, Jessica, if you want to rock them through the first part of this presentation, that would be fantastic.

DR. STEPHEN: All right. Great. What I am going to do is walk you through a little bit about how the online catch share programs work, as we go through, to set us up before we start talking specifically about wreckfish. Again, as mentioned earlier, the consideration is moving the wreckfish program from a form-based coupon system to an online.

If you're not familiar with the old system, we had share certificates that were numbered and had to be created on paper, and we had coupons that served as a way to harvest our landings, versus the allocation through an electronic system, and what we're hoping to do is move the system into our existing online catch share program, and our existing system does hold the Gulf IFQ programs, HMS's bluefin tuna program, as well as we did a pilot test for a for-hire program as well within it.

The online system will be account-based, and that will be accounts that are going to be specifically linked to the permit, and so you can do a one-to-one match between who the permit holder is and

what's going on with that vessel or the account. We'll use percentages for the shares, instead of certificates, and we'll use allocation pounds instead of the coupons. This allows them to trade and transfer down to the one-pound increment or to a decimal percentage for the shares.

Just a little terminology that we use, just to make sure that we're all on the same page. In catch share programs, we talk about shares, which are a percentage of the quota, and those shares are what eventually results in what we call annual allocation. Allocation, which you might hear called quota pounds in other fisheries, is what use to harvest the fish. The allocation is calculated directly from the share percentage held within an account times the quota for that year. The allocation may vary, even if the shares stay the same, because the quota varies.

Just a little bit of some of the differences between the wreckfish paper program and what we're looking at going online. As I mentioned earlier, the shares are certificates right now, and numbered, and it takes a lot of work to create these and mail them out. The shares would then move to an online mechanism, using percentages. Likewise, coupons are only in the 100 and 500-pound increments, and we also create those and mail those out at the start of the fishery year, and we'll be moving those to a one-pound increment that can be stored online.

Both shares and allocation transfers can now be transferred online, and that means it's a nearly instantaneous transfer, particularly for the share transfers. In the past, they had to mail in those certificates, and we would create the new ones and mail them both out. With the coupons, they used to have to sign the coupons over, and now it would be an instantaneous transfer online.

One of the other interesting things to think about is how we're going to handle the snapper grouper and wreckfish permits in paper versus online. In the current system, which is a little bit antiquated, we've kept the wreckfish permit, as well as having a snapper grouper, and that does create a couple of issues with the codified text that we'll dig into. What we're looking to online is we can keep either the same wreckfish and snapper grouper permits or potentially move just to the snapper grouper permit with other criteria establishing the eligibility for who can or cannot harvest wreckfish.

A quick overview of the functional design of the online catch share program, and we have what we call shareholder accounts, and these are accounts that are composed of unique entities, and they are linked to the permit entities, and they may or may not hold shares or allocation over time, as they transfer or get rid of shares or allocation.

Each shareholder account has underneath it a vessel account, and they may have one or more vessel accounts, and these are considered sub-accounts to the shareholder account, and the permits on these vessel counts must match exactly to the names on the shareholder account, which must match exactly to the names on the permit. What the vessel account allows is that, if you have a captain running your boat, instead of the permit holder themselves, it allows them a restricted access for the captains to complete the activity without giving away vital business information about the shareholder. Then, finally, we have a dealer account, and this must be a federal dealer permit, and what they do in our system is initiate and submit the landing transactions. A dealer account cannot hold shares or allocation.

Again, just a little bit more about some of the structure behind these. Again, the shareholder account must match the permit, and that's a requirement that we really can't move away from if

we want to make sure that we're legally assessing who can and cannot harvest the fisheries, and, again, those vessel accounts do belong to the shareholder account and have more than one permit, if they have more than one permit in their name.

One of the reasons that the fishery was looking at going towards an electronic reporting type system are the anticipated benefits from such a system. They were looking at the increased flexibility, such as those allocation and share transfers being instantaneous and the allocation being down to the one-pound increment. They were also looking forward to some of the ledgers that we create within the system, not only for the shareholders and dealers, but we also have ledgers that we can create for law enforcement, to let you see what a vessel has been doing throughout the year.

There is also an increased timeliness and efficiency in moving to an electronic system, the distribution of allocation, and we can calculate who the shareholders are each year, and, currently, under that paper system, there is a little bit of a lag in that, in order to make sure that we have all the data correct before we send items to the printers, to get the coupons printed for the year, and we also would see increased timeliness and efficiency in the reporting of the data coming from the wreckfish fishermen, and also allowing us to have some mandatory data collection fields. We noticed, in the review, that there were some data gaps, and this is one way that we could address those data gaps.

On the administrative side, we would be streamlining our administrative burden, and all the data would be in one system and managed by one office. Currently, both the Science Center and the Regional Office jointly manage this program, and that is not necessarily the most efficient way to do things. We'll take it all into the Regional Office, as we move this way, and we also will have the direct link to permits and a way to monitor share caps, to enforce them.

We also felt that there could be improvements for enforcement and monitoring of the system, and we'll get into some of those in these later slides, as well as improvement in the economic data collection.

Some of the recommended changes that we have listed is the fishing year season being changed to the start of the year, and that's just going along with how we have the catch share programs working, and I'm not going to dig into that one in detail at this point, and the other ones are the offload site and time restrictions, which do have an enforcement component to them, as well as the wreckfish permit requirement, which we would like to hear some information from enforcement about. The other two topics that we were going to talk about that we won't today would be the increased economic data collection and the cost recovery. Christina, do you want me to pause at this point?

MS. WIEGAND: Yes, and I think it would be a great time to pause and just see if there are any questions specific to the electronic reporting system, before we dig into the meat of the issue, which is the offload site and time restrictions in the wreckfish permit. I will give it a second, but I'm not seeing any hands jumping up right now. All right. I am seeing no hands. You explained it well, Jessica, and so if we want to move on to offload site and time restrictions, and let's dig into that.

DR. STEPHEN: All right. What I'm going to go over is the current provisions for the offload, and so, currently, we have offload in the regulations between 8:00 a.m. and 5:00 p.m. local time,



and the offload can only occur at a fixed facility of a dealer with a GSAD permit, or the wreckfish shareholder must contact law enforcement not less than twenty-four hours prior to offload.

These two items did catch the eye of the wreckfish fishermen, as well as some of the folks in NOAA Fisheries, as ways that we could improve them. Some improvements that we could do is the online system could streamline that submission of locations to OLE, and so, instead of having to contact them twenty-four hours prior to offload, potentially we could get additional locations approved in advance, and that would just mean that the fishermen would have to submit those, and we would send them to law enforcement to approve.

In the Gulf, we work on approval of landing locations have to be public area sites that don't have any restrictions, such as dogs or chains or anything that might actually impede the safety of the law enforcement officer going there. Another solution would be to have them submit an offload notice, and I will mention that offload notices were considered in the Gulf program, and, ultimately, they were not used, and they set a three-hour hail-in notification as their notification.

One of the areas of thoughts that we were thinking would be good to get feedback from law enforcement would be support of extending those offload hours. The Gulf programs do use 6:00 a.m. to 6:00 p.m., instead of that 8:00 a.m. to 5:00 p.m., and so lengthening by a little amount of time. These hours were chosen in the Gulf particularly because they tended to encompass the daylight hours, and that was a safety factor that they were looking at. Also, any thoughts on changing the landing location requirements, and, as I mentioned earlier, the Gulf programs do use pre-approved landing sites, and we do have the system that we could set up easily to recreate that for the Atlantic side.

The sites do not always have to match a dealer, and so, if we have someone who tends to come into a particular site, and say a dealer sends a truck down to them, that would be a site that we could preapprove, and they wouldn't need that twenty-four-hour notification. Then the landing transaction that we use within the system does typically require dealer action, and so it is both the dealer and the captain, or the shareholder, agreeing to that landing transaction.

Then any thoughts that you might have on any type of offload notification, and so you could either use a hail-in, and a hail-in would require a VMS component. The Gulf uses a three to twenty-four-hour hail-in notification. In that notification, they do tell NOAA Fisheries, and we pass it on to law enforcement, where they are landing, and so which preapproved landing site, what time they anticipate landing, and what dealer, as well as the estimated pounds. Not all of that would be required for the smaller wreckfish program.

Then another thought would be, instead of a hail-in, an offload notification, and that would be something that they would do once they got on land and said we are anticipating to offload between thirty minutes to one hour or whatever time we think would be sufficient. The final thought on this would be, if VMS is required for this program, that does allow us a variety of different options of things that we could do through VMS, like to help you track the vessels when they're out fishing, as well as knowing when they are coming in. Again, with our current program, we are able to take information from VMS and email those to law enforcement within a particular area where that vessel would be landing, and I will pause here now.

MS. WIEGAND: One thing before we go into questions that I do want to do is go briefly through the shareholder recommendations. We did bring this to the shareholders back in October, and they really felt that the time requirement should be removed, but, if there were reasons for it not to be removed, that it should be more flexible, particularly because it's hard to predict how a day of fishing is going to go, and these time requirements can sometimes result in missed orders, and, in particular, changes to fishing infrastructure and accessibility during certain times of the day can make it really hard to get to the dock at a specified time.

Because the fishery is so small, that it should be -- Some shareholders felt that you could do away with approved offloading sites, while others felt that maybe these sites do help hold fishermen accountable, and, in general, they felt that, should VMS be required as sort of a necessary evil, that these offloading sites and times really ought to be done away with, and I do notice that Mike Freeman is online, who is a wreckfish fisherman and participates in the fishery himself, and so I'm certain that he would be able to provide a bit more insight into what the shareholders discussed at their meeting. With that, I will pull back up the questions and open it up to the AP. Go ahead, Pat.

LT. O'SHAUGHNESSY: Thanks. Just a couple of points. OLE doesn't see a problem with expanding the hours from 6:00 a.m. to 6:00 p.m. That has worked quite well in the Gulf, and it also enhances officer safety, and it's daylight hours, and it works for the fishermen. Oftentimes, they are offloading at 6:00 a.m., before the fish house even opens, and they're ready to go just as the doors are opening up.

Regarding the offload locations, the Gulf of Mexico, the Gulf reef fish program, does have a process in which people can get their landing locations approved, and, oftentimes, that's at their residence or at a ramp or just another dock. However, the Gulf reef fish program has VMS units, and so law enforcement has the ability to see where that vessel has historically been offloading and go meet them, if they so desire, where we currently don't have that in this program, and so I would caution about allowing them to submit an abundance of other landing locations when we have no way of knowing when the vessel is going to go to that particular location.

As it is now, they only have to call OLE if they're going to try to go to a location other than an approved dealer, who has a wreckfish and a South Atlantic snapper grouper permit, and so VMS provides that ability for enforcement to drop in and see a vessel whenever in the Gulf of Mexico, and so, if we're going to do that similar type multiple offload locations, I would prefer that VMS at least be discussed, because that's why it works so well on the Gulf side. Thanks.

MS. WIEGAND: On to you, Scott.

MR. PEARCE: I would like to -- I agree with Pat. For our purposes, I think the consistency between the Gulf program and on the Atlantic would be very key, and so I would recommend that you do go with a lot of the same concepts that we have in the Gulf IFQ program, the 6:00 a.m. to 6:00 p.m., and I would strongly advise incorporating the VMS and doing the preapproved landing locations, and consistency in this is really key for law enforcement and for our fishermen, because they're not working between two different programs.

As this thing grows, and other fisheries start to move into this kind of program, you already have these things established, and it's not a very -- It's not a mixed bag of different offload times and

things like that, and it's all very consistent, and so I think the IFQ program in the Gulf has been a very good program, and I think we've got it worked out pretty well, and it's working good, and I think, any time you incorporate this in the Atlantic, you should try to be as consistent to that program as you can, especially where, on Florida, you have two different coastlines and two different requirements, and it would be nice if it was consistent across-the-board.

MS. WIEGAND: Are there any other thoughts about offloading sites and times? Thoughts on an offload notification, hail-in versus hail-out? Mike Freeman, I see you've got your hand up. Go ahead.

MR. FREEMAN: I'm a little bit late to the meeting this morning, and, actually, I'm running some tilefish boats, but, from the perspective of the fishermen, and also a dealer, the current implementation does not appear to have done any good at all, and there is enough approved locations to where I think we may have had one encounter with a law enforcement actually present for an unload in the last fifteen years.

I can speak on our behalf, and we're not necessarily opposed to VMS, and we see the benefits of it, and there is a fairly widespread opposition to it in the South Atlantic, just due to the limited area in which a lot of fishermen fish, and they're always afraid that having live tracking data available, both to law enforcement and to the council, is going to result in areas that they have historically fished being closed either to an MPA or a spawning closure. That's a lot of the main pushback for VMS in our region. From our perspective, from the wreckfish fishermen's perspective, we would have no issue with VMS allowing law enforcement officers to know where we are and where we're going to come in.

We would love to see an expansion, at least to the 6:00 a.m. to 6:00 p.m. hours, and we're run into times, in the past, where the somewhat more restricted hours have caused us to either miss out on an order entirely or to miss out on freight trucks that we may not see again for two or three days, but there's not any real opposition to VMS, at least from ourselves and from the other wreckfish shareholders that we've spoken with.

MS. WIEGAND: All right. I am not seeing any more hands up. Just to sort of ask a few more questions about this, and I know Mike Freeman asked about possibly expanding the 6:00 a.m. to 6:00 p.m. hours, and I know that that's what is available in the Gulf, and I would be curious if some of the law enforcement reps here felt that that could be expanded, or if 6:00 a.m. to 6:00 p.m. is really the extent to which it could be. Then, in terms of VMS, are there specific aspects of VMS that the Law Enforcement AP feel is appropriate or needed for enforcement, aside from generally trying to mirror what's going on in the Gulf, particularly considering the State of Florida? Go ahead, Scott.

MR. PEARCE: As far as the 6:00 a.m. to 6:00 p.m., I think that expanding to that would be your best option. I think that 6:00 a.m. to 6:00 p.m. gives the fishermen more time to work with, and it also gives law enforcement the ability to be there for the offload, when it occurs. Expanding it broader than that, you will start to lose that ability, and so that gives you a nice broad window to work with, for fishermen and for law enforcement. Can you restate the other question for the Gulf for the VMS?

MS. WIEGAND: I will admit to not being an expert on VMS, but I know there are going to be quite a number of things that the council will need to decide on when determining what to require in terms of a VMS system, and Jessica may be able to elaborate here, but my question really was what aspects of the VMS are most important, for a law enforcement perspective, and sort of some details on why you feel that VMS might be needed in this fishery.

MR. PEARCE: The ability for those landing locations and knowing where they're going to be landing and being able to see them when they're coming in, so we know where to meet them at, and, obviously, if you have multiple landing locations, that's going to be key. Obviously, too, if you have areas offshore that are closed areas, the VMS allows us to see the movement of the vessel and determine whether they are spending a lot of time in a closed area or not spending a lot of time in a closed area, and so it gives us the ability to use it for enforcement and things like that, and so it's really a very handy tool for law enforcement, in that regard.

Also, if we have search and rescue issues and things like that, it's also another way of quickly locating who is out there and where your fleet is and try to identify people in need, and I think Pat could probably provide a lot of good insight on that as well.

MS. WIEGAND: Jessica, did you have something that you wanted to add?

DR. STEPHEN: I was going to say that I could walk through some of the different aspects of VMS, if that would be needed.

MS. WIEGAND: First, let's get Pat. I don't want to get too bogged down in the nitty-gritty details of VMS until we know whether the council wants to move forward, and I just wanted to get some more insight on the record from the Law Enforcement AP.

LT. O'SHAUGHNESSY: I would just like to say one thing, and the VMS units are pretty standardized now, and so the capabilities exist. If you have one VMS unit, you have all the capabilities, because they get type approved for each division, Southeast and Northeast, and they do provide a wealth of opportunity to improve the wreckfish program.

The IFQ program in the Gulf, with the pre-landing notices, law enforcement gets an email telling law enforcement when the vessel is coming in, where it's coming in, and where it's going to sell its catch, and so, as far as the law enforcement trying to meet a vessel that's coming in, of which it has no VMS and has no pre-landing notice, I think that's why you're seeing that, historically, wreckfish vessels may not have been visited as much as we would have liked. If you put VMS onboard, and VMS has the ability for anybody to log in and see who is inbound, and then they go over and meet that vessel.

Likewise, with the pre-landing notice, whether it be two hours or four hours, they have to give that advance notice, and an email goes out to law enforcement in that area, and so they have the opportunity to stop by, and they may look at it and say I visited that boat last month, and there's no reason to go by, or I haven't been onboard that boat in a long time, and that's the boat that I'm going to stop by and monitor their offload, and so it does provide a wealth of experience.

If you talk to a lot of the VMS folks, they've had it for so long in the Gulf that some of those owners, if they did away with the VMS regulations today, would not do away with VMS, because

that's how they correspond with their vessels, and the vessel owners can wake up in the morning, and they log onto their VMS system, and they can see where their vessels are fishing that particular day, and, as the prior VMS Program Manager, I can't tell you how many times I started my day with a phone call from the frantic owner telling me that their vessel was just inside Pulley Ridge, and they know it, and they have already called them twice on the sat phone and sent them an email, and they're working to get them out of there.

There are other benefits besides the tracking capability, because those owners can keep track of their vessels, where they are going and what they are doing, from their residence and get that satisfaction of knowing they're exactly where they are supposed to be and not where they're going to get in trouble, and so there are a lot of benefits other than Big Brother is watching that often don't get recognized. That's all I had.

MS. WIEGAND: Excellent. Thank you, Pat. That was really helpful. Scott.

MR. PEARCE: I would just like to add to kind of what Pat was saying about the offload. With the VMS system and those advance notifications, when our officers do come and do inspect that vessel, it's generally in concert with the offload, and so it's a much more efficient process, and things move faster, and we're not holding up -- The fishermen aren't being inconvenienced by having to hold up what they're doing, and so we can do an inspection, and we inspect everything as it's coming off the boat, and so the system, I think, works very well, once you get everything in place.

MS. WIEGAND: Thank you, guys. That was very helpful, and it gives us some law enforcement perspective to take back to the council on the benefits of VMS. Is there anything else that anyone wants to add about offloading sites and times or VMS before we move on? Go ahead, Mike.

MR. FREEMAN: I will keep it fairly short. The wreckfish is fairly unique, in that they don't inhabit any of the existing MPAs, and so that aspect of tracking would most likely not be very useful for law enforcement. I do know that, if possible, the preferable alternative, at least from the industry perspective, would be a hail-in and hail-out, to let law enforcement know that we're heading out to fish and let them know that we're coming back into the dock, as opposed to full-blown VMS, but, if it's a necessary evil, then it's one that the fishery will clearly make adjustments to.

MS. WIEGAND: All right. I am not seeing any other hands pop up. Jessica, are you good to move on?

DR. STEPHEN: I am. The next topic we were going to talk about was wreckfish permits. To go over what we currently have, currently, there is a requirement for the snapper grouper permit, the SG 1 in particular, which is the limited-access permit. Then, as well, you need a wreckfish permit. Now, the wreckfish permit is kind of an awkward permit, and it's not quite limited access, nor is it open access directly. In order to obtain a wreckfish permit, you need to be a shareholder, or you need to be the agent of a shareholder, and you still must also hold that snapper grouper permit on that same vessel.

Some of the changes that are being thought about is moving strictly just to the snapper grouper permit. Parallel to this is, in the Gulf, we had a red snapper license, as well as having the reef fish

permit there. When we went to the online IFQ program, we got rid of the red snapper license and just stuck with the reef fish permit, and so that is the parallel thinking about going with the snapper grouper permit.

Other potential changes is, if people are concerned about how people might participate in this program, such as getting an account and not being able to harvest it, we can do restrictions to transfers that only allow people who can harvest it in order to harvest it, and so that was a concern, I think, brought up by the shareholders that we think we can work around to ensure that it doesn't become a fully open program, such as in the Gulf, which has a public participation aspect to it.

Some areas of concern, when thinking about the wreckfish permit in particular, is the language in it that the shareholder must be the vessel owner, and the vessel owner or operator or an employee, contractor, or agent of the shareholder, and this actual term of "agent" makes it very difficult to move the system online, as the agent can be a separate permitted entity, and making that connection to the wreckfish shareholder might be a little bit more difficult, and so that was one of the reasons we were considering either not using the wreckfish permit as a consideration to the council, or, if we were to keep it, to change the language about the agent.

Some of the feedback we would like to hear from law enforcement, if this goes to one permit, such as just the snapper grouper one, or would they prefer to keep a wreckfish permit as an additional area and way to identify these wreckfish shareholders? Again, this is a very small fishery, and so this may not be a matter of concern for law enforcement. Within our system, we could still restrict the harvest just to the wreckfish shareholders, through using electronic means within the system, instead of that permit as the means to do it. Then there was a question of whether law enforcement has a particular need to be able to have some particular identification that that vessel can harvest wreckfish, and I will stop here for questions.

MS. WIEGAND: I am not seeing any hands pop up, but I will give it a second. Scott.

MR. PEARCE: As I hear you talk about it, I'm assuming the way it would work, if it went under the snapper grouper, is that only the people who had allocation to harvest wreckfish would be harvesting wreckfish under that snapper grouper permit, and is that correct?

DR. STEPHEN: Yes, that's correct. We would like the council determine the factors of who can harvest, but I think, in general, you wouldn't be able to harvest it without the allocation, and that's actually true in the Gulf programs as well, but it might also restrict who you could transfer that allocation to, depending if you're keeping a wreckfish permit or not keeping it.

MR. PEARCE: For law enforcement purposes, I think the key there would be how accessible is that information that they have allocation for wreckfish, because that's the things we're going to need if we board that boat, or if we intercept them on the way in, and we will need to verify that, yes, they did have what they needed to to harvest wreckfish.

DR. STEPHEN: I will just respond that we can work something out to make sure that law enforcement does have an acknowledgment, no matter which direction we go down, and it's just some of them might take a little bit more time and work to get towards.

MR. PEARCE: Like with the IFQ system, we can look and see what type of allocation they have and things like that, and so it would have to be an interactive system for us to be able to log into to look and see -- Or say our dispatch center. If it's offshore, and our officer calls into our dispatch center, then they can check that vessel's account, or that individual's account, to see if they have allocation. Again, it's a small fishery, and so it wouldn't take long to identify those fishery, but it would be more so when you come across a vessel that is not known for that allocation.

MS. WIEGAND: All right. Are there any other questions or thoughts on identification of wreckfish if the permit is removed? I am not seeing any other hands pop up. Those were the two big issues. I'm sorry. Scott, go ahead.

MR. PEARCE: I would really love to hear a comment from somebody who is in that fishery, to find out how they really feel about whether they want -- Because, really, the permit would be there to protect them from other people participating in the fishery without the permit, and so, if you remove the permit, how do they feel about it?

MS. WIEGAND: I've got the shareholder recommendations on the screen, but I'm going to go ahead and turn it right over to Mike Freeman to speak to that.

MR. FREEMAN: I will start by saying that it's been a little bit since the shareholder meeting, and so I probably should have re-read what we said in the last shareholder meeting, but I guess, really, I would be looking for a little bit of clarification, and I don't recall whether or not we got any clear, definitive answer at the time.

If we do away with the permit, and we go to shareholders being linked to the snapper grouper permit, how would it work in the event that -- Let me rephrase. I will explain the way we currently work it and one of the reasons for the way that the "agent" language ended up in the original text. So we have our shares, and we field anywhere between one and three boats to catch them throughout the year.

Due to the nature of permitting in the South Atlantic, those vessels are typically owned by separate companies, which, in this case, are agents of the shareholder organization. The question would be, if we were to do away with the permit and do away with that language, what would the requirements be for a vessel account to be able to utilize the shares of a shareholder account? I'm not sure that I recall what that answer was.

DR. STEPHEN: I will take a stab at answering this. With a vessel that is not in the same permit name as the shareholder, according to Magnuson, those landings then associate with that vessel and that vessel's permit holders, which is where that agent language becomes somewhat of a problematic nature, because it would not directly attribute that to the shareholder, and that was one of the issues we came across when we were trying to waive the confidentiality in order to view the records.

I think that's the biggest problem with the "agent" language. Now, if you still wanted to use other permitted vessels in order to harvest wreckfish, there are a couple of different ways we could go about this.

If you want to be extremely restrictive, you would say that you had to have shares in order to harvest allocation from wreckfish. If you want to get a little bit more lenient, you would not need to have shares in order to do that transfer of the allocation, but you would have some eligibility requirements for someone to join the system and be able to accept that allocation, and that would be something we could work with the AP on deciding exactly what those eligibility requirements are and putting those different options in front of the council. Because of the linkage directly to the permits though, I think you want to consider how that would affect who gets attributed to those landings, for future reallocation or any concept like that. Did that help a little bit, Mike?

MR. FREEMAN: It did. I will have to speak with some of the other shareholders, to get their thoughts on it, and I don't want to speak for them, being that they're not members of this AP. That being said, I don't see any real issue, from our perspective, of doing away with the permit, but clearly there would be discussions that would need to be had in regard to what would replace it, or at least the eligibility requirements, if we go to strictly the snapper grouper permit, but I don't see any issues, particularly, from a law enforcement perspective.

MS. WIEGAND: Thank you, Mike. Are there any other questions or comments about the wreckfish permit? I am not seeing any hands pop up, and that's the meat of what we wanted to go over, and there are a couple of other actions that I can briefly mention. Like I said, we are going to be looking at doing some mandatory economic data collection, in order to get some more information, and particularly to allow for continuous monitoring of economic profitability and efficiency.

Then we'll also be looking at implementing a cost recovery program, as required by Magnuson, and, last, but not least, like Jessica said earlier, we're also considering modifying the commercial fishing year, because the electronic system that we would be looking to implement has a built-in shutdown from December 31 to January 1, and so modification of the current fishing year may help with some of this end-of-year accounting, and that basically sums up what's going to be included in this amendment, and I don't know if any of the Law Enforcement AP members had any other information they would like to add at this point. I am not seeing any hands jump up, and I feel like I have the information that I need to go back to the council. Jessica, was there anything else that you think we should grab input on, before we turn it back over to Myra?

DR. STEPHEN: The only other topic was just a quick comment about cost recovery, and the program currently does not have cost recovery, but we will be instituting it, and one of the ways in which cost recovery can be spent is to aid in law enforcement. Now, this isn't a large fishery, and so I'm not expecting a large amount of cost recovery coming from it, but I did want to just make you aware of it. This just shows that cost recovery can be used to help reimburse the costs of enforcement, as well as a variety of other factors.

MS. WIEGAND: Does anyone have any questions or comments about cost recovery? All right. I am not see any other hands up, but, if there's anything that comes to mind later, please feel free to reach out to myself or to Jessica with questions, and we're always happy to chat, and, with that, Myra, I will turn it back over to you for whatever is next on the agenda.

MS. BROUWER: Thanks, Christina, and thank you, Jessica, for that presentation. Let me quickly take control back over. Scott, we could take a lunch break, if you would like, and we only have a



couple of items left on the agenda, and they're both fairly quick, and so I will leave it up to you how you want to proceed.

MR. PEARCE: Unless we have any objections, and I'm good with we keep moving forward, but I don't want to inconvenience anybody else, and so, if you want to take a short break, we'll take about a ten-minute break, or a fifteen-minute break, and raise your hand. If not, we can just keep moving forward and knock it out.

CAPTAIN YOPP: Just a ten or fifteen-minute break would be good, if that works for everybody.

MR. PEARCE: Why don't we do a fifteen-minute break?

MS. BROUWER: Sounds good. I will put up a slide to be back in fifteen minutes, at 12:15.

(Whereupon, a recess was taken.)

MS. BROUWER: Scott, we've got one more AP member coming back, and we're still missing a couple, but, if you're ready, we can resume the meeting.

MR. PEARCE: Why don't we give them just one more minute, and then we'll get it going at 12:16.

MS. BROUWER: Sounds good.

MR. PEARCE: That being said, it's 12:16.

MS. BROUWER: All right. Sounds good. Next up, Scott, we have Kim Iverson, who is going to tell the AP about some proposed changes that were brought up for discussion at the December council meeting for the structure of the AP, and so I'm going to pass it over to Kim. Go ahead, Kim.

MS. IVERSON: Good afternoon, and thank you for the opportunity to address the AP, and thank you to all the AP members that are on the webinar meeting today. I really look forward to a time when we meet again in person, but, until then, I think you've been pretty efficient in handling the topics on the webinar, and so I don't want to keep you too long.

I am the staff person that works with the advisory panels and solicits the applicants, and so just a couple of items that I just wanted to quickly address today. One thing that came up at our discussions at our council meeting back in December of last year was the possibility of adding a liaison, as needed, to the Law Enforcement Advisory Panel to provide additional input as different management issues arise, and I think this came primarily from the discussion of the wreckfish IFQ and the issues there.

As you have heard this great input from Mike Freeman, who was very busy offloading tilefish boats this morning, and had to stop and get on the meeting, but he has participated as a shareholder, and he's participated in the shareholder meetings, and we're very fortunate to have him on the Law Enforcement Advisory Panel, and having that perspective from someone that is directly involved in the fishery is really important.

The council had discussed this back in December and said that it would be helpful to have a liaison added to the Law Enforcement AP, and we're not actually restructuring the entire advisory panel, but adding this person as needed, as a liaison, and so we wanted to get your input and ideas on that, whether you support it, if you have some recommendations, and how you see this person maybe being used, and so, with that, I will stop for some discussion, Myra.

MS. BROUWER: Thanks, Kim. Are there any comments or questions from the AP? As Kim said, it would be something -- A seat that could be filled as needed. For instance, if there were issues coming up in the rock shrimp fishery, we could invite a person from the Deepwater Shrimp AP to sit in on discussions that are relevant to that fishery, and so that's kind of how the council was envisioning it. Go ahead, Scott.

MR. PEARCE: I think you just answered my question. To me, it sounds like you're talking about more of a subject matter expert that could be plugged in on different topics when we would need that extra input.

MS. BROUWER: Yes, and that's a good way to put it. Would the AP be okay with that, or are there any misgivings or -- Whatever you guys want to recommend.

MS. IVERSON: This would be on an as-needed basis. Do you have any reservations about allowing that to happen or any concerns? Do you think it's a good idea?

MR. PEARCE: I don't have any reservations, and I think it's a very handy tool. I think fully understanding their role, as far as being an AP member, would be good, and I know they're a subject matter expert, and would it be somebody that we solely use as a resource to gain knowledge, or would they also be providing recommendations and things like that?

MS. IVERSON: I think it would be more from a recommendations standpoint and utilizing them similar to Mike's input today, being directly involved in the fishery. As far as having a vote on the AP, I think -- This is my interpretation, and, Scott, I don't know, and that detail may have to be worked out, but my understanding is, as an ad-hoc member, they would have input, and they would have a vote as an AP member, but we can work on those details, and I don't know.

We have ad hoc AP members that have been added, for example -- This is not a similar situation, but we had a Mackerel Cobia Advisory Panel, and we had a Cobia Sub-Panel, where we had four members that were knowledgeable in the cobia fishery that were utilized as a sub-panel, and then it was disbanded after the council no longer manages cobia along the Atlantic, and so this -- They were allowed to vote, and, using that as an example, I would imagine that this liaison, similar to we use liaisons on our committees, et cetera, and they are allowed to vote, and so I think that that would be a voting member, if they were asked to participate as an ad hoc member on the AP. Myra, if you have a different perspective, or, Spud, if you are listening and want to jump in here, as far as the council's intent.

I think, primarily, it was to allow an AP member to represent the fishery or their level of expertise, and, as Myra pointed out, for a Deepwater Shrimp AP member to represent their concerns, or their interests, and to provide that from a law enforcement standpoint.

MS. BROUWER: Go ahead, Mike.

MR. FREEMAN: Part of my question was already answered, and that had to do with voting rights for the ad hoc member, and so, with that out of the way, at least from my perspective, the more industry input you have, the more subject matter expert input you have, the better management measures tend to be, in the long run, and so I have no reservations.

MR. PEARCE: Spud, what have you got?

MR. WOODWARD: I think that it was characterized as having that additional subject matter expert input, and that's really the intent of the council, is to make sure that, when the AP is deliberating over things, that it has the benefit of the best input it can get from people who are directly involved in the regulated community and who have timely information, and so, as far as voting rights and all that, there was no real strong opinion that I remember from the council deliberations about it, and, I mean, personally, I don't have any reservations. I mean, you're talking about bringing one, or maybe two, people on, and we're certainly not going to stack the deck one way or the other against the majority of the AP, and so thank you, Scott.

MR. PEARCE: I will just add to that too to say that I think the subject matter expert part of that is very beneficial, and it definitely is helpful to hear -- To get that information from either somebody that participates in that fishery and things like that, and so I have no reservations with it, and I think it would be a good tool, and I think it would be very effective in the future, giving us that extra little bit of information that we might need.

MS. IVERSON: Thank you, Scott, and thank you, Spud. I think, Myra, that is probably the information that we need to take back to the council, and unless someone else has any comments on that issue. My other item that I wanted to address with the AP is that we continue to have difficulty in soliciting commercial representatives on the Law Enforcement Advisory Panel, for whatever reason, and we have continued to advertise and put things out and reach out to organizations that may benefit from having representation on the AP.

Again, for the Law Enforcement Advisory Panel right now, having Mike Freeman as a commercial fisherman, he is an at-large representative, and he was not appointed as a commercial seat, to a commercial seat, but we're very fortunate to have that perspective, as you've heard earlier today, and so, if you have a commercial representative, or someone that would fill that need on the advisory panel, please feel free to reach out to me individually, and I can, in turn, contact them, or you can contact them and have them apply, or contact me and give me their phone number, or I will be glad to talk with them individually, but we are just continuing to have problems getting commercial folks to apply.

We advertised the open seat, and we had six recreational/charter representatives apply, but not a single commercial representative, and so I will ask if you have any recommendations on how we can reach out better to our commercial representatives, to commercial fishermen, or implore that they participate in the AP. I am asking for recommendations for individuals and also, if you have other recommendations on how we can improve our messaging to the commercial industry, I would appreciate that.

MS. BROUWER: Scott, if we just want to, with that understanding, move on to the next item, I can do that, and you all please reach out to Kim, or to me, with any recommendations that you may have. Go ahead, Scott.

MR. PEARCE: I am definitely trying to think of something, and, if I do, I will definitely follow-up with you all on that, and I think everybody else on the panel can do the same, but, yes, with that being said, if you all are ready to move forward, let's move on to the next item.

MS. BROUWER: Sounds good. Let me bring that up real quick, and so the next item is talk a little bit about the Law Enforcement Officer of the Year Award, and so, as a lot of you know, and I think everybody who is currently on the AP has been around for a little bit, and you know we've been awarding a law enforcement officer an award, and the officer is nominated from the agencies, and the nominations go out to all the state agencies and Coast Guard and NOAA OLE.

Then, in years past, it's been -- The way the officer has been recognized has been to be presented a commemorative award at the September council meeting, and then they get their travel and per diem paid to Charleston, and they participate in that council meeting.

Because of the pandemic, we did not do a Law Enforcement Officer of the Year Award last year, and so I thought it would be a good time to bring this to the AP, so you all can decide or give the council some feedback on how that program has been working. Is this something that we would like to continue? Are there any changes that the AP would like to suggest? I was going to bring up my attachment here, and I'm having a hard time finding it, and so I will turn it to you, Scott, and we can begin that discussion, while I look for the attachment.

MR. PEARCE: Thank you, Myra. I am not seeing any hands right now, and one thing that I would like to bring up is one of the things we do with the Gulf Council is we recognize that a lot of these people that are doing a lot of federal enforcement, the officers, are working, a lot of times, as a team concept, and there is more than one officer that is putting in the effort to accomplish something, and so we, a lot of times, find ourselves honoring one individual, when, in truth, it was multiple people that were involved in the activity, whether it be offshore vessel programs or things like that, working JEA enforcement.

We opened up our -- In the Gulf Council, we opened it up to an officer/team of the year, and so you can nominate officers and you can nominate a team, and we were worried about how that would go the first year, and we had one person potentially competing against a team, and, the first year we did it that way, we actually honored a single individual, but it worked out really well, when you looked at the team accomplishments versus the single individual.

MS. BROUWER: Thank you for that, Scott, and thank you for bringing that up, because that is something that we have actually done in the South Atlantic as well, and there wasn't a formal change that was made to the nomination procedure, but we just received nominations for teams, and we presented an award, fairly recently, to a Coast Guard cutter team, and so that is something that we definitely could incorporate more formally into the process, but it has been done on our side of the ocean, too.

Is this something then that the Law Enforcement AP would like to continue? It is already February, and typically we send out the request for nominations sometime in April, and we do the voting, so

to speak, or the recommendations that come from the Law Enforcement AP to the council, between April and June. Usually at the June meeting, the Law Enforcement Committee reviews the nominations, the top three nominees from the Law Enforcement AP, and then they select the officer or team to receive the award in September, and is that timing something that you would like to continue at this point? Go ahead, Scott.

MR. PEARCE: I think the way it's working now, the way you described that, is fine with me, and I have no problems with moving forward the way it's been done in the past.

MS. BROUWER: Great. In that case, then be expecting an email from me in the next few weeks soliciting nominations for Law Enforcement of the Year 2020, and so usually we've done the nominations for the previous year, to make sure that supervisors have had a chance to evaluate performance and put together a nice nomination with recommendations, and so, if that's what the AP would like to recommend, we'll proceed that way. The next item on the agenda, Scott, is going to be the elections, and so I'm going to turn that over to you.

MR. PEARCE: Myra, thanks. We had the great leadership of Captain Bob Lynn from Georgia over the past few years, and Bob has taken on a different role in his agency, and so we've got Captain Chris Hodge onboard that's representing from Georgia, and so, with that though, we need to re-elect our Chair and Vice Chair, and so, at this point, I would accept any nominations that you all would like to put forward for your Chair.

CAPTAIN YOPP: Scott, I will just put you forward as the Chair, and I think you've done a great job. Garland, go ahead.

MR. PEARCE: I appreciate that. Thank you, Garland. If you all want to have a second. Go ahead, Kevin.

MR. ROBERSON: I would agree that you're doing a wonderful job, and I will second that recommendation.

MR. PEARCE: Thank you, sir. Mike.

MR. FREEMAN: Kevin beat me to it. I'm going to throw you under the bus as well.

MR. PEARCE: Myra, how do we -- Do we slam the gavel and say that's official?

MS. BROUWER: Yes, unless there are any objections.

MR. PEARCE: Any objections?

MS. BROUWER: I am not seeing any, and so it sounds like you're the Chair, Scott.

MR. PEARCE: Okay. Good deal. All right. Moving forward, we need to have a Vice Chair, and so I will open the floor now for any recommendations for Vice Chair.

MS. BROUWER: Mr. Chair, it sounds like you're going to have to nominate somebody.

MR. PEARCE: Then I will nominate Colonel Frampton from South Carolina. I will nominate Colonel Frampton for Vice Chair.

MS. BROUWER: Chisholm is actually not in the meeting right now.

MR. PEARCE: Is that fair then, if I nominate him and he's not here?

MS. BROUWER: I am not sure. Kevin has got his hand up.

MR. ROBERSON: We call that volun-told, where I have worked.

MR. PEARCE: Go ahead, Mike.

MR. FREEMAN: In absence of any opposition from Chisholm, that sounds like a great idea to me.

MR. PEARCE: All right, and so you've got a nomination of Chisholm, and then do we have a second? I guess, Mike, that would be a second. Myra, am I handling this right? Are we good to go with that?

MS. BROUWER: I guess, unless there's any opposition, we will put forward Chisholm as your Vice Chair.

MR. PEARCE: All right. With no opposition, we will move forward.

MS. BROUWER: Sounds good, Mr. Chair. We'll let Chisholm know that he's now Vice Chair of the Law Enforcement AP.

MR. PEARCE: Do I have to call him?

MS. BROUWER: Either way. He can hear it from both of us. That's all we had, and so I'm turning it back over to you for any Other Business.

MR. PEARCE: We'll open the floor now for any other business from any of the states or any of the other AP members at this time. If you have any other business you would like to bring forward to discuss, now is the time to raise your hand and bring it up.

MS. BROUWER: It looks like Mike Freeman has his hand up.

MR. PEARCE: Go ahead, Mike.

MR. FREEMAN: I will keep it fairly brief, and I joined the meeting a little bit late this morning, and I actually got here on the backend of the dolphin wahoo operator card discussion, and I would like to weigh-in a little bit on that, and I'm not exactly sure where the conversation ended, but, at least from our perspective, I would recommend actually maintaining, and potentially expanding, the recreational for-hire aspect of the operator cards, while simultaneously backing away from the commercial requirements.

Commercially, it doesn't really do much good, and I don't see any benefit from it. We already have a vested interest in the fishery, whereas, for the recreational/for-hire, it can be a great tool to use to encourage the recreational reporting and put more of the emphasis on the captain actually running the boat, rather than a boat owner that may or may not be aware of how many trips were made and what was caught, and so that was about it for me.

MR. PEARCE: Any other comments on that? All right. Myra, I guess, moving forward, I'm not sure -- Do we go ahead and move towards adjourning?

MS. BROUWER: Unless there is any other business, and I was just going to thank Mike for bringing that up and just let him know that we captured the recommendation from the AP to take to the council of this idea about rethinking removing the operator permit requirement and maybe potentially expanding it, to help with this issue of compliance with these new reporting requirements, and so thank you for that. Unless there is any other business, Scott, I think you're free to adjourn.

MR. PEARCE: Okay. Well, I want to say thanks again for everybody meeting under this current situation and doing the virtual meeting. It's always a little bit of a challenge when you're just talking to a computer screen, but I think everybody did a really good job, and I appreciate all the comments and everything that was involved today, and so, that being said, unless there's anything else, I will go ahead and say meeting adjourned.

MS. BROUWER: Thanks so much, everybody, and I will be back in touch and send out our report. Thank you.

(Whereupon, the meeting adjourned on February 1, 2021.)

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# Law Enforcement Advisory

## Attendee Report: Panel Meeting

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