

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**LAW ENFORCEMENT ADVISORY PANEL MEETING**

**Renaissance Orlando Hotel Airport  
Orlando, FL**

**July 20, 2011**

**SUMMARY MINUTES**

**Law Enforcement AP:**

Captain Chisolm Frampton, Chair  
Capt. Doug Lewis  
Special Agent Otha Easley  
Mike Kennedy  
Karen Antrim Raine

Captain Jim Kelley, Vice-Chair  
John Clark  
Lt. Brandon Fisher  
Captain Rob Beaton  
Mark Rogers

**Council Members:**

George Geiger

**Council Staff:**

Myra Brouwer  
Anna Martin

Kim Iverson  
Julie O'Dell

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened in the Renaissance Orlando Hotel Airport, Orlando, Florida, July 20, 2011, and was called to order at 8:30 o'clock a.m. by Chairman Chisolm Frampton.

CAPTAIN FRAMPTON: Good morning, I'd like to call to order the meeting of the South Atlantic Law Enforcement Advisory Panel. The first order of business is the approval of the agenda. I know under other business Kim is coming in and she wants to talk about some outreach efforts we're going to work on. That's the only other business I know of.

Does anybody else have any other business they would like to discuss or add to the agenda? All right, then we'll stick with the agenda. The next order of business is the approval of the March minutes. Did everybody have a chance to review those and look at them? Any additions, corrections, discussion? All right, we'll approve those. Myra.

MS. BROUWER: All right, the first thing we'll do is go over the Comprehensive ACL. If you recall during your March meeting we had attempted to go over this document and it was a little bit frustrating because so much was changing at the time. The LEAP met before the council had had a chance to go over the amendment and so many things changed.

Your guidance to me was let's wait until the council has made up their minds on their preferreds and whatever changes they are going to do and then take another look at it so that's why we are here. To give you an idea of the timing; this amendment is going to be approved for submission to the Secretary of Commerce at the August 9<sup>th</sup> meeting, which will take place in Charleston.

That meeting is a one-day council meeting and the intent of that meeting is to approve this amendment and Regulatory Amendment 11, which is the other one we are going to talk about this morning. What we would like from you guys is whatever recommendations you have on the various actions that are included in this amendment. What we'll do is go action by action.

I'll explain what the action is, what the councils preferred is, and then if you have any recommendations – and keep in mind that a lot of these actions really don't have a lot to do with enforcement. There are only a couple of actions that have any management measures attached to them. If you have any questions and want any more details about the process and what the numbers mean, then I'll be happy to provide that.

Up on the screen is Action 1 in the comprehensive ACL. That is the removal of snapper grouper species from the management unit. Under the Magnuson Act the council had the option to either remove species from the management unit or designate them as ecosystem component species. The council went through a process of looking at what species had the majority of their landings in state waters, what regulations were already in place at the state level for certain species; and after they looked through all that, they settled on removing altogether 39 species from the management unit.

There are three preferred alternatives – four, actually, and altogether like I said that action would remove 39 species. A lot of these species, like I said, are mainly caught in state waters. Several of them already have regulations in place through the FWC or what have you, so they are

included in aggregate bag limits, there are seasons, there is a table in the document that explains what regulations are in place for these species.

The council's reasoning was a lot of these have very low landings. Not only are the landings only in state waters, but they are very low; and if the council had chosen to retain them in the management unit, then they would have had to establish annual catch limits and all the other harvest limits for each one of these species. That was the reasoning.

I should say that the two documents that were provided in your briefing book, you did not get the full amendment. That document right now I think is up to 700 pages. Instead of giving you the whole thing, what you received was a list of all the actions and alternatives and a summary. The summary that you have is not the most current version.

Since the briefing book was sent out, there were some changes and tweakings that have to be done. You don't have the most current summary, but the changes have been very minor. If you have any questions or if you see any discrepancies, it's probably because your copy of the summary is not the very latest.

Like I said, we've had to continue working on it to get it ready for the August meeting. The summary explains a little bit in more detail what the rationale was for the council's selection of the preferred alternatives and the impacts that are expected. If you guys have any questions or any recommendations for the council regarding this action, now would be the time to do that.

CAPTAIN KELLY: Was spadefish on there to be removed; I didn't see it?

MS. BROUWER: No, it's not. I think spadefish is one of those that –

AP MEMBER: It's on S-6 as one of the species not to be grouped for your next action. It's still on the list, just not grouped.

CAPTAIN FRAMPTON: On the list to be removed or on the list to stay in the snapper grouper?

AP MEMBER: No, when they talk about the four different groupings, the four complexes, it's outside these four complexes but still on the overall list of species within the FMU. I'm looking at S-6 of the briefing book document, bottom right-hand side.

CAPTAIN FRAMPTON: Were spadefish and sheepshead the two species that we were interested in making sure? Any other questions on that?

MS. BROUWER: A little bit more background as well. Mutton snapper was something the council talked about at length the last couple of meetings. Initially it was going to be removed and then the council chose not to remove it even though it does meet one of the criteria for removal. There were several issues associated with that.

The Gulf Council also wanted to remove it and actually give management over to the South Atlantic. There were going to be some permitting issues that were going to have to be resolved

before that could take place, and that was not going to be able to be accomplished in time for this amendment. Mutton snapper is currently still within the fishery management unit.

CAPTAIN FRAMPTON: Any more questions on that, recommendations, discussion?

MS. BROUWER: Okay, moving on to Action 2; Action 2 would establish the species groupings for snapper grouper species. The approach that council has chosen to take is for those species that — there is a number of species that have individual annual catch limits that are not associated with a grouping. Actually, this is Alternative 1. The preferred alternative is this one, Table 2-10.

So there would be four groupings, deepwater grouper and tilefish complex, which comprises as three species; the jacks complex again with three species; snappers complex, three species; hinds and grunts, three species, and all the other ones get their individual ACL. The idea is just to make it a little bit easier to manage. It's something that's being done mainly to administratively make it easier to keep track of these harvest limits.

MR. EASLEY: And these are grouped this way because of the areas that they are caught are similar?

MS. BROUWER: There are several factors that were taken into consideration. The folks that came up with this approach used several tools like a cluster analysis, looked at life history information, looked at spatial distribution of the species. All that was taken into consideration, and they developed an approach where these things were ranked and then grouped together.

There is an appendix in the document that details the methodology that was used. Not only is it location but there is also life history characteristics that were taken into account and what species are caught together.

LT. FISHER: When I look at those four complexes, I'm looking at the Comprehensive ACL Amendment summary, you see on S-7 they have this little bar of how the groupings work, and I understand it seems most like your saying administrative; so this lumping together of the ACLs for these species make it easier for management. Does this affect anything on the regulations then for the different species like individual bag or retention limits; would that be affected by this?

MS. BROUWER: No. Well, it wouldn't if there are individual regulations for each one of these species those will be — the complex will be the one that the regulations are attached to. For example, if blueline tilefish harvest levels exceed the ACL, then that is going to put the annual catch limit for the entire complex above where it has to be. Then your accountability measures would kick in for the entire complex. It's only going to sort of spread out the regulations to other species as opposed to just the individual one.

LT. FISHER: But for the individual level if someone getting on board a boat or doing a boarding, the individual fisherman what they can keep and retain – it wouldn't be, for example, 25 fish in the deepwater grouper and tilefish complex; that's not where they are trying to get to.

MS. BROUWER: That's not changing, no. Does the LEAP have any recommendations for the council on this particular action?

CAPTAIN FRAMPTON: It doesn't appear that we do.

MS. BROUWER: Okay, Action 3 is the one that establishes the ABC control rule for snapper grouper species. This is where the council solicited input from the scientific –

MS. RAINE: I'm sorry, I have a question and I just can't recall because I think it's different from the Gulf. With the filleting issue on the South Atlantic side, is there a prohibition against all fish being filleted – or I think it might be specific to species. What sort of occurs to me is maybe something is being excluded or included. This is sort of general, anyway. It is always helpful if you have a total prohibition on fillets so that you don't have to prove what the species is necessarily. I just throw that in there.

CAPTAIN FRAMPTON: Is that something that we'd like to make a recommendation on for the LEAP? Karen, would you repeat what you just said one more time and make sure we're all understanding it correctly.

MS. RAINE: Basically – and I can't recall off the top of my head, but especially with a lot of different species, and if some are going to be coming out, it would be helpful, if this is the way the council wants to move, that there is a prohibition on filleting any fish, because if not we have to prove what this particular species is that has been filleted. Maybe it's important to the council and maybe it's not, but it's just a suggestion.

CAPTAIN FRAMPTON: We're talking about all the species that were on the right-hand side of the page?

MS. RAINE: Well, just the general prohibition on filleting. I'm sorry, I just can't remember off the top of my head whether there is a general prohibition on the South Atlantic side for filleting.

LT. FISHER: I think there is; I'll double check on that because it just actually came up recently and we were looking at it. I can verify that with a phone call, but I think there is general prohibition except that if you are coming back from the Bahamas with the Bahamian – either the permit or a receipt for purchase, then you can bring fillets through the EEZ.

I understand what you're saying, though. You are saying they pull these fish out of the complex, they are not managed anymore; therefore, there could be a situation where there is no reason why you couldn't fillet them until you get on board and then you don't know what fish they came from.

CAPTAIN LEWIS: We have a state law that prohibits any fish from being filleted that landed in Georgia.

MS. RAINE: Yes, and I think on the Gulf side there is a prohibition against all filleting and I thought it was a little bit different on the South Atlantic; and as I'm saying, I'm getting a little confused in my mind right now, so I apologize.

CAPTAIN KELLY: North Carolina, we prohibit fillets on anything that is regulated by size of creel. Anything that is unregulated, there is no restriction on it.

CAPTAIN BEATON: We want to make sure we don't exclude the exemption for immediate consumption when we look at that. Both Florida and federal have an exemption for immediate consumption fillets.

CAPTAIN FRAMPTON: So to summarize, we would say that we would support a measure of no fillets? It's basically already in place within the states.

CAPTAIN BEATON: I think we just need to confirm that it is in place. Somebody dig into 622 and check and see how it's worded. But, yes, definitely we don't want to have to sort through fillets and have genetic tests.

LT. FISHER: I'm checking. I thought the wording said specifically any snapper grouper species.

MS. RAINE: Which is fine, but there are other species out there.

CAPTAIN FRAMPTON: Any more discussion on this? The recommendation is to confirm that a prohibition on filleting is in place to circumvent identification issues, but make sure the exception for immediate consumption is not removed.

AP MEMBER: What is immediate consumption?

CAPTAIN FRAMPTON: Rob, how do you define immediate consumption in Florida?

CAPTAIN BEATON: You better be eating it or have the grease hot. There has to be a means to cook it. Some of the things we deal with is raw tuna that's eaten as sushi immediately. If we come up, there better be wasabi and soy sauce and chopsticks out or else it's not considered immediate.

CAPTAIN FRAMPTON: Do we need to put all that in the recommendation?

MR. KENNEDY: For the recreational angler, Rob's point is well taken. There are times while we'll go maybe a large boat with smaller boats, or we'll go down and camp on an island, and we bring fish in and they are filleted before they get back to the dock, but they are consumed either on the boat or at a campsite. I think it's a pretty important thing to maintain. You can see that we're ready to either cook them on the boat or cook them on a shore lunch.

CAPTAIN FRAMPTON: That to me brings up the idea that you're underway with fillets. I can see where that could become an issue.

MR. KENNEDY: If you're working off of a larger vessel, you're going to be at sea somewhere, anchored up or something like that. It doesn't happen often, but we had a large group out recently in the Everglades and we had to clear it twice with the park and with the FWC to make sure that we could do what we wanted. We had a large shore lunch for about 25 guys, and the fish were filleted 100 yards off the beach, but it was clear they were going to be cooked.

CAPTAIN FRAMPTON: I think we should leave it like we've got it. We understand what the intent of it is. It's just a recommendation. If it goes further then we'll discuss it again.

MR. EASLEY: I have a question for Myra. The fish that are taken out of the purview of the council, are prohibition on filleting from a federal standpoint, that will go away?

MS. BROUWER: That's correct; that would not apply any more.

LT. FISHER: Because these fish would no longer technically be snapper grouper from a federal standpoint; there is no regulation on them?

MS. BROUWER: That's correct. Moving on to Action 3, this is to establish a control rule to establish the ABC.

MS. RAINE: I'm sorry, I was just looking at the regulations so that I can tell you what they say, and on 6-22 – and there is a little bit of difference in the South Atlantic from the Gulf and Caribbean -- under 622.38 landing fish intact. The operator of the vessel that fishes in the EEZ is responsible for ensuring that the fish on that vessel in the EEZ are maintained intact; and if taken from the EEZ are maintained intact through offloading ashore specified in this section.

Then under Section A, the following must be maintained with head and fins intact; cobia, king mackerel and Spanish mackerel in or from the Gulf, Mid-Atlantic or South Atlantic EEZ except as specified for king mackerel in Paragraph G of this section; dolphin and wahoo in or from the Atlantic EEZ; South Atlantic snapper grouper in or from the South Atlantic EEZ except as specified in Paragraph H of this section; and then finfish in or from the Caribbean EEZ except as specified in Paragraph C and D, and finfish in or from the Gulf EEZ.

So there is a broader – and that's what I was thinking, that there was a broader prohibition. So this just might be something that we want to think about, and I'll try to find the stuff on the consumption. I know it's here somewhere.

LT. FISHER: : Yes, in that Paragraph H that they talk at the end of the other snapper grouper section you just read there in 38 is referring to the Bahamian exemption for coming to us for the permit. I think that would be correct; then if they were removed from the FMU, you would technically be able to fillet them at sea, which would be problematic for us.

MS. RAINE: Under one of the paragraphs; in the Gulf EEZ or Caribbean EEZ when it comes to fillets, one of the prohibitions says the vessel is equipped to cook such finfish on board. I don't know that – I'm not seeing right offhand that there is a similar position for the South Atlantic.

There might be, but that's the one that is sort of sticking out right now. We just might want to ensure that if that's something the council wants to consider, that it's brought to their attention.

MS. BROUWER: Are we ready to move on to Action 3? Okay, this is where the council, with the input from the SSC, has chosen their approach to establish acceptable biological catch for the snapper grouper species. The approach that they are taking is they are going with the proposed control rule that the SSC provided for assessed species.

The SSC then met in April of this year and provided an approach to recommend ABCs for an assessed species that have limited information; so for those species where we only have catch data available, and so they went through and established this decision tree that you see on the screen, and they actually discussed every one of the stocks and provided a recommendation for acceptable biological catch level for each one.

The council is going to adopt what the SSC has recommended. What it did is it changed the previous ABCs that you had seen before and the numbers actually went up. For most of them, the SSC recommended going with the third highest landings between the years 1999-2008. If there were issues with that particular fishery and the trends were showing that it was not appropriate to do that, then the SSC discussed it further and made a different recommendation.

For instance, I believe blueline tilefish deviates a little bit from that approach and some of the other species, but the majority ended up where the ABCs are at that third highest level of landings during that period of time. Then the other thing that changed from the last time you all saw this amendment is we received guidance from NOAA General Counsel that the council could indeed go on to not establish an overfishing level.

For species that we only have catch information available, then the overfishing level is unknown. Because there is no stock assessment, there really isn't any information out there that the scientists can use to base their recommendation for a level that would put that stock at an overfishing or overfished status.

The table that you see up on the screen is showing the current ABC levels for the snapper grouper species that are remaining in the management unit. Also bear in mind that these are the ones that are not overfished or overfishing. The council took care of those in the previous amendment, in Amendment 17B. Are there any questions on this?

CAPTAIN FRAMPTON: I don't think so; move on.

MS. BROUWER: The next action in the amendment specifies allocations and so these are sector allocations. You see up on the screen the allocations that are in place for some snapper grouper species that the council has already dealt with in the previous amendments.

Then their preferred approach is to use what's come to be known as Boyles' Law, which is basically just a formula that takes into account a catch history and current trends and landings and calculates the allocation based on that. That's Alternative 2 which is the preferred, which is up on the screen. Then if you apply that approach, these are the allocations under that first



column on the table, Preferred Alternative 2. Those would be the allocations for each one of the species.

MR. KENNEDY: Do I understand they didn't consider any additional socio-economic factors when they did these allocations? I mean it went simply to catch history, looking back in time and current, correct?

MS. BROUWER: That's essentially it. The council had a lot of discussions about allocations. They even had an allocations committee at one point back in 2008. They discussed the pros and cons of the various approaches and they determined at that time that this was the most equitable and fair way to distribute the resource, and they've been consistent in choosing allocations in that manner.

It may be something that they'll have to revisit in the future; it may be something that is not going to — it may change because of the new estimates that are coming out of the MRFSS. It may be something the council will have to revisit, but for right now they are choosing to stay with that consistent Boyles' Law approach.

MR. KENNEDY: A followup. I understood that Magnuson required consideration of socio-economic factors. Are you saying that wasn't considered in those discussions at all?

MS. BROUWER: Well, I'm sure it was considered. It's just not something that is in the formula that the council is applying. The socio-economic considerations are applied when we analyze the impact of the regulations for each one of these species. I mean, certainly that is something that the council does consider and looks at in a lot of detail.

There was no – to my understanding there is really no guidance in Magnuson. There is no requirement for establishing allocations and there is no guidance on how to go about it. It's up to the councils to figure out how to best distribute the resource in their respective jurisdictions.

CAPTAIN BEATON: So with these allocations, it looks to me like it's realistic to think that we could be getting fishery bulletins saying that it's been determined that the recreational sector has met their 54 percent landing quota for almaco jack. The season will close January 1. That's really going to mess with our fishing regulations because we have seasons for everything.

We've had problems with judges in the past where we have our handout. We're almost getting to a point now where every fish for the season is going to say check the internet daily for allocation. I think that is probably going to be a problem with all the states, and how do we get the word to the public, and how do we get prosecution for the guy who doesn't have the internet is somewhere.

LT. FISHER: I'll just back that up, and that's the same exact challenge that we face with our Coast Guard boarding officers. We've been working on solutions including getting on message traffic and the rest of it though the basic point remains that is a real challenge, just keeping up with these closures. We know we have a job, we have handouts that we give to the public but

you can't update those things to keep track of all these changes, and that is a challenge for us on our end as well as educating the public.

CAPTAIN BEATON: It was one thing when we had, pretty much it was just kingfish, but now we are talking, I don't know how many species are in there, but quite a few that is going to make enforcement and even I think about the public mostly – it's already confusing enough and it's really going to be tough. What type of process is going to be there to get the word out to them?

MS. BROUWER: Well, this is something that I guess Magnuson has complicated things for us a good bit by this requirement, and the council has no choice obviously but to follow those mandates in Magnuson, and it's up to the National Marine Fisheries Service to establish a system that is going to allow them to track those quotas.

We're basically going to wait and see what NMFS comes up with and it's going to be up to them to be issuing the fishery bulletins and to do whatever changes need to be made to their system to keep the public informed. The council does realize that this is a big burden administratively and certainly for enforcement.

CAPTAIN FRAMPTON: I don't believe it's the purview of this council, but I think it's important for us to be in the frontline dealing with the public on regulations, having to explain it to magistrates; that outreach efforts need to be significant so that — you know, the rules are so complicated now, there is a rule for a rule almost, and if we can't keep all the rules straight, it's hard for the public to keep the rules straight.

Law enforcement is the frontline; we are the ones that are having to explain it to the public and issue citations. I realize what Magnuson is doing, but I think at some point in here we need to figure out the outreach component because it's going to be huge to the success of whatever is put in place.

CAPTAIN LEWIS: I just want to reiterate what Rob said. I mean, we've got attorneys going fishing now and they've thrown their hands up and said, "I give up," Are we trying to drive people out of the fishing business?

MR. EASLEY: Yes, on that chart there is — let me ask you this, for the first category there, deepwater grouper and tilefish, for instance, yellowedge grouper for recreational is a 6 percent quota for that industry. If that 6 percent of yellowedge grouper is caught by all of the recreational fishermen, then the recreational component for all three of those are closed; is that true, silk snapper, blueline and yellowedge grouper?

MS. BROUWER: There is an overall ACL for the complex, so as long as the landings are below the total ACL for the deepwater grouper and tilefish, then there is no accountability measures that would kick in. But if the total ACL is exceeded, then that's when things start to happen.

LT. FISHER: Going by his scenario, he just painted if that 6 percent were exceeded, would then yellowedge grouper still individually close but not the whole complex until that total ACL was busted for the whole complex?

MS. BROUWER: That is my understanding, and, George, you chime in if that is not correct.

CAPTAIN LEWIS: My understanding is that 68 percent of that complex would be caught by recreational fishermen and then it would close and not just 6 percent or 36 percent or 26 percent; the total aggregate of all the percentages.

MS. BROUWER: Yes, that is correct, because that is why the groupings were put into place, to minimize the burden of keeping track of each individual species.

MR. CLARK: I hate to go back on this thing about the notification on these closures and things like this when they happen. I'm caught on both ends of this thing having several snapper boats. We just shut off the sea bass July the 15<sup>th</sup> and we opened up B-liners July 1<sup>st</sup>, I think it was. Well, my boats have been hammering them.

They go out 60, 70, 80 miles from my port. They are out of contact; the Coast Guard can't reach them. We don't get any updates or nothing. They come in at eleven, twelve o'clock at night, they download during the night. The next day they are gone again and I don't even know when they are coming and going anymore.

They didn't even know that sea bass had closed on July the 15<sup>th</sup> because of the short time. We roll up at the dock; we're in a world of trouble. Is there any way – and I don't know if this is in responsibility or whatever it is that these fish houses would be mandated to put up a notice of when closures are.

That's really the only contact they have, with the laws that are changing and then when the closures are and all. If there was a way to make the fish houses have a bulletin board to put up when these closures happen, when the guys roll in in the middle of the night, they would go to these bulletin boards, they would see the closures and they would know not to go back out and load the boat with illegal fish. It's just a thought.

CAPTAIN BEATON: I think you just made a good argument for VMS in the Atlantic because you can receive bulletins via your VMS system. It's great in the Gulf because they get them real time as soon as they happen via the VMS system.

CAPTAIN FRAMPTON: I'm not so sure that we shouldn't save this discussion for when Kim Iverson comes in under other business, because we have this letter from Mr. Jacobo. She's going to talk about outreach, and this all ties in to how do we get the word out, links. If the panel's all right, let's save this discussion for Kim so we don't have to have it twice.

MR. CLARK: Just to answer your question; I'm in the process now of trying to get those trackers. Thank God the Coast Guard helped me out this last trip. I lost a boat for five days and we had the pon-pon out and everything else, and the Coast Guard was great in helping me find my boat and get it in, and they did have problems. I'm in the process now of trying to get the tracking devices. We've got to have contact with them, and we don't have it, and I agree with you.

CAPTAIN FRAMPTON: Is anybody opposed to waiting on this discussion? It's a discussion we need to have, it's a vital discussion on how we get the word out, outreach, the whole deal.

MR. KENNEDY: As long as we're going to have a wide-ranging discussion at that time, because I think Rob's point is pretty well taken.

CAPTAIN FRAMPTON: I believe there will be time for that.

MR. EASLEY: I have one closing comment on the groupings up there. If the council was to consider or if they could — well, no, back to the last table 2-21; it's clear that at this point that the recreational fisheries will be closed individually per species, but it would be better for enforcement if at least the groups there would close per recreational. For example, the deepwater grouper and tilefish complex there; if one was to be closed in that complex, go ahead and close all three in that. It would be some relief for enforcement at least.

CAPTAIN KELLY: Can you go back to the graph one last time; I have a question. Let's use red hind since it's there. Commercially let's say they exhausted their quota; once they've shut down would they be allowed to have that species on board recreationally if they were a commercial operation?

MS. BROUWER: Yes, I believe that would be the case because the accountability measure for the commercial fisheries, once the ACL is exceeded then all harvest and possession is prohibited and it's limited to the bag limit. That is the approach the council has chosen to take.

MR. KENNEDY: Does that mean that fish can then be sold or is that personal consumption only, because that seems to be — we're having this fight all over; more so in the Gulf than we are here in the Atlantic. That seems to patently unfair. You're either one or the other; you really can't be both unless I guess you're in some states where they allow the recreational to sell.

MS. BROUWER: Well, Amendment 15B put in a prohibition on recreational sales for snapper grouper species. I believe that would also apply in this case. Those fish, it is my understanding that they would not be allowed to be sold.

MR. CLARK: You said that they could not sell. Well, I guess it was a couple months ago some boats came into Jacksonville with sea bass during their commercial closure and the recreational was open. FWC approached one of the boats and he had the recreational limits. The FWC officer actually called NOAA and confirmed that they could sell the recreational black sea bass during their commercial closure.

MS. BROUWER: Well, it sounds like I would need to then call the permits office and make sure that we are on the same page.

CAPTAIN FRAMPTON: It all goes back to outreach and getting the word out so that you can do it, you know what you can and you can't do.

MS. BROUWER: Okay, the next action on the amendment establishes the annual catch limit and the optimum yield for the snapper grouper fishery. This is where those harvest limits are established, and the council has chosen to establish the ACL at the same level as the acceptable biological catch. The same numbers that you saw previously, the ABCs are going to be the ACLs as well and also the optimum yield.

The council has done this across the board for snapper grouper and also for dolphin and for wahoo and for golden crab, which are all the other species in this amendment. The table on the screen shows you what those numbers are for each of the species. Again, these are total ACLs, so then you would apply the allocations that you saw in the previous action to these numbers to come up with the ACL for the sectors.

Action 6 is where we specify the accountability measures and the catch targets for the commercial sector for snapper grouper. The last time you saw this amendment we had all the accountability measures lumped together into one action. Well, we've gone and separated them out for commercial and recreational, because the decision process that needs to take place is quite different.

This is for the commercial fisheries. The council is choosing not to establish an annual catch target, which basically is just a number that you are shooting for. It's your target. It is not tied to any kind of an accountability measure and nothing happens if it's exceeded, but it's that magic number that you really don't want to go over; because if you do, then chances are you're going to exceed the ACL.

For the commercial sector the council felt that the current system, the landings monitoring system that is currently in place is enough to keep track of those landings in an accurate enough and timely enough manner to not need an ACT. Then when you exceed the individual or the complex ACL, then the council has chosen to let the RA publish a notice to reduce the ACL in the following season by the amount of the overage only if the species is overfished.

This is a change that actually took place at the June meeting; so then if the ACL is exceeded the season would be shortened the following year. It doesn't have a payback provision like we do for the species that are overfished. That's why that specification was added in June, to be consistent with the approach that the council has taken for the overfished species.

MR. KENNEDY: I'm a little dense on this. As I understand it, under this preferred alternative there will not be a target independently established. It will be the same as the ACL.

MS. BROUWER: Yes, for the commercial sector.

MR. KENNEDY: And the accountability measure will be a reduction in the following year?

MS. BROUWER: Yes, the reduction in the length of the season.

MR. KENNEDY: How close do we get to some kind of – I know real time is impossible, but some kind of sense of where we are or they are during the season; because it seems to me if they

have a bang up season and they exceed it substantially, there is an issue, and they've got a data reporting issue here, I think. I don't see any other way out of it, I think that's the best way to get the data returned in that season, but there is a risk because of the data in the following season; am I getting that correct?

MS. BROUWER: Yes, the systems that are currently in place to track the landings are certainly not ideal. The council is just having to work within the existing structure and with the limitations of those systems and do the best they can. They felt that it would be feasible to take this approach for the commercial fisheries and not worry about establishing that target.

Then, like I said, they've taken a different approach for the recreational sector because those landings are a lot harder to keep track of, and there are issues with the time lag, when the information becomes available and all that stuff, which is not quite as bad for the commercial side of things.

The next action then deals with the accountability measures for the recreational sector. Here the council did choose – so here are your steps. This is what the council had to do to determine the overall accountability measure for the recreational sector. First of all, determine the ACT, which they chose to do for the recreational sector.

Then specify what's going to be the trigger that is going to initiate accountability measures. Do you use a three-year running average, do you only look at the landings in the specific year and see those landings exceed the ACL, or what approach do you take to make that be the trigger? Then you determine if you want to have in-season accountability measures or not.

It was determined, like I just said, there are enough issues with the timeliness of the information that the council doesn't think it's feasible to have in season accountability measures. Then they have to determine what's going to happen post season if you do go over your ACL. Those are the different steps.

Their preferred to establish the annual catch target for the recreational sector is to use what you see under Subalternative 2D, which is that the target would be the ACL times one minus the percent standard error; which is basically just the measure of how robust the data are. The reasoning for using the PSEs is that you are capturing the uncertainty in the data to set that target, so you are accounting for that uncertainty in setting your target.

Then the council had originally talked about using three-year running averages to determine whether accountability measures would be triggered. Then after much discussion and looking at graphs and how the fisheries would behave under this scenario, it was determined that it was not going to work. Their preferred is to look at just the annual landings.

If the landings in a given year exceed the ACL, then your accountability measures kick in. Like I said, in-season AMs are not being considered for the recreational fisheries. Then post season if the landings do go over the ACL, what would happen is the following year would be monitored and then the season would be shortened as necessary.

You see that under Subalternative 5D, if the ACL is exceeded the following year's landings would be monitored in season for persistence in increased landings. The RA will publish a notice to reduce the length of the fishing season as necessary. We looked at the information. Like I said, we had tables and graphs and sort of modeled how a fishery would behave. It was determined that if you look at like the first three waves of the fishing year, you can get an idea of whether your landings are going to be shooting above that ACL or not.

If you just monitor post season for persistence of landings to make sure that the landings are still trending in the same direction, then you take action. There are many instances in which the landings fluctuate so much that the council didn't want to act prematurely and put in regulations when the landings were just experiencing a natural fluctuation because of whatever reasons. This is their preferred approach right now. Like I said, paybacks are not being considered.

MR. EASLEY: If there is an overage the following year is the reduction the one for one or is there a little extra factor because the fish is – that removed stock is not there to reproduce so it's really going to affect in the long term more of a one-for-one reduction in the population. Do you get my drift?

MS. BROUWER: Not quite.

MR. EASLEY: Well, it's something that the lab director explained to me as far as how overages aren't usually a one-to-one reduction in the stock. I guess as far as we know right now, when there is an overage it will just be a one-for-one reduction in the following year's quota.

MS. BROUWER: Well, actually here, for the recreational fisheries, they are not reducing the ACL; they are just shortening the season. We're not talking about reducing the amount of landings.

LT. FISHER: The payback,, what he's talking about is only if overfishing is occurring,, that's when that would kick in?

MS. BROUWER: Correct, and for the commercial sector.

CAPTAIN BEATON: To piggyback on that, if there is an underage, will days be added and quota increased? That's always the big question from the sectors.

MS. BROUWER: The council has not entertained discussions about underages. The Snapper Grouper AP has requested that be considered but the council has not.

CAPTAIN BEATON: If I'm getting this correctly, that means we're still going to have an outreach issue in that year when the RA makes the decision to chop the limit, the season, whatever he has to do. Do we have any guidance as to how predictable that can be in advance? I mean, are we going to get a July 1 notice of a closure of July 9<sup>th</sup> or we don't have any guidance on that?

MS. BROUWER: We don't.

CAPTAIN BEATON: Because I can see this as being a real issue. The guys on the water are going to catch the grief over this, and they'll catch a lot of it particularly if there are guys that are hot and they go out for multiple-day trips. Again, it makes it difficult for the guy, whether it's commercial or a recreational guy, to keep up with these kinds of things.

MS. BROUWER: Absolutely, and again it's something that NMFS is going to have to figure out. This is the ball that is in their court, and I guess I would just urge the LEAP to make some strong recommendations as far as the outreach and education goes. If you have any suggestions, but certainly something that gets the point across that this is a big issue and it's going to be a big issue for enforcement.

MR. KENNEDY: It would seem to me that maybe – I hate to say it this way, but if the RA could act not prematurely but with a good grip of what's coming up so they don't end up with a 10-day notice or a 15-day notice. It might cause maybe a premature decision, but I think it would make it easier for the law enforcement folks to deal with it that way.

CAPTAIN LEWIS: One question I have – I'm new to this group – how do you obtain the recreational limits from each state? How are they gathered and is it coming in from a pretty accurate report? How are they gathered? We're talking about shutting down the recreational fishing limits. How was that information gathered for these to make those decisions on?

MS. BROUWER: NMFS is tied to the MRFSS, to the Marine Recreational Fisheries Statistic Survey right now. They are using their estimates of recreational landings. The Science Center does some tweaking of the numbers. They have to apply certain numbers to weight transformations, but basically the data come from MRFSS.

The problem that the council is going to be facing here in the next month or two is that MRFSS is being revamped. That whole system is being changed, the way that they estimate the recreational landings. The new approach that they are taking is going to be applied not only to the current landings, but it is going to be applied to previous years as well.

They are talking about going back to 2003. The recreational landings back to 2003 are going to change. This is going to present issues with current limits, maybe allocations, stock assessments that have been done with previous estimates. All these things are going to have to be taken into consideration. Right now, those estimates are not out yet. The council doesn't really quite know how things are going to change, how much of a change there is going to be.

CAPTAIN LEWIS: So all this could change again. I guess for my own knowledge, do you have any idea how the MRFSS gather their information.

MS. BROUWER: Right, it's a system that's been in place for a long time. I'm not really familiar with it, but they do have several components. They have a telephone survey of coastal households that they use; it's a random survey. That is one of the things that they are going to change.



They also have the intercept surveys where folks are intercepted at the landings and they gauge effort and they obtain numbers of trips to gauge effort from that. There are several components but over time, when Magnuson was reauthorized, there was some language in there that talked about how the MRFSS needed to be evaluated and needed to be brought up to date and modernized or however you want to call it, revamped.

That's what has been happening. Since then they have been trying to come up with a different approach that's going to make it more accurate. One of the things that they've done, for example, is they've implemented this saltwater angler registry to basically just capture the universe of folks who are out there fishing so that this random telephone survey is going to not just be to anybody along the coast, but it is going to capture those folks that are actually participating in saltwater fishing. It's going to focus it a little bit more.

They are also trying to figure out how to capture landings from private docks, what happens to all that information. Currently that really doesn't get counted into the estimates and it is being lost. There are things that are currently underway to try to come up with a better methodology to estimate recreational landings.

CAPTAIN LEWIS: When do you foresee this? Have they got a projected date on when this change might take place?

MS. BROUWER: I believe the end of July is what they had said the new estimates for 2010 I believe are going to be available. Then I can't quite remember when they are going to apply this back to '03, but it's going to be sometime this year.

MR. GEIGER: Mr. Chairman, just for accuracy, everything Myra said was accurate except the telephone survey, which is part of the required aspect of MRFSS, is designed to develop the effort estimate, and the dockside inspections or intercepts actually determine the landings in terms of quantity. They use both of those pieces of information in a mathematical formula to derive recreational landings from that.

CAPTAIN BEATON: Since we're on the topic, I started talking to our folks at our lab, Luiz Barbieri specifically, about what law enforcement can do to help gather some data since we're out there bouncing from boat to boat. He and I tossed around – law enforcement loves the “Keep it simple, Stupid” theory, but basically some type of simple card with areas in big squares, because we like big squares, where real quick an officer could do a boarding on a boat, shade in the square 40 by 40 miles or 20 mile squares.

Something simple so we're not dealing with specific GPS numbers they have to take the time to write down and then have whatever species are of interest for accounts, put a check mark, put a quantity, and a time and a date, and that's it. Then somehow have that card go someplace, but, of course, the scientists and Luiz Barbieri says, well, that really can't be validated.

But I think we can do something from a law enforcement perspective to give some input, some data, because the odds of you being intercepted at a boat dock are slim and none, but the odds of you being intercepted as you're coming into a channel or an inlet by law enforcement is I like to

say pretty great. That might be something we as a group can work on. I don't understand the science part of it and what creates a valid fish count, but it seems to me like that would be more valid than a telephone survey.

MR. KENNEDY: Good point and I would say there are two things. One is I have been intercepted in Everglades National Park as part of this. I have to tell you at that intercept I watched the people in front of me lie about the fish they had and went to clean an off-season snook, and I complained to the guy taking data who was from Texas; he had no clue.

Another point is, and I'm not suggesting this is the answer, but I believe if you would look at the IGFA app for these phones, they have a way that you can report your catch to the IGFA and it would directly, electronically – and while that may be too much whizz bang now, but it would seem to me to be a lot easier, most of these guys have an Iphone or some type of phone.

They can pick it up, they can do a quick grid search, or if you're GPS enabled they tell you where you are and you just click, click, click, click, click, do it and send it. That way you don't have paperwork, it would seem to be easier for the officer, in my opinion, but not everybody is "techie" as I am; just a suggestion.

AP MEMBER: I had question about when they use this new formula that they've come up with and go back to 2003, are we going to find out the stocks that we thought were viable are now being overfished?

MR. GEIGER: Yes, and, of course ,that was one of the big fears that the accounting was going to be thought to be probably be more precise and that very situation might occur, but for the stocks that they've already done they found to be a non-problem. The totals for MRIP and applying MRIP and overlaying it on the MRFSS system, the catches appear to be somewhat constant and there is not a problem.

In a couple of cases they've even identified that MRFSS was possibly overcounting. With MRIP it might be even better. But, the possibility remains in certain species, it could be over, so it's an unknown factor. What MRIP is trying to do is take care of the biases that were identified in that National Science Report that identified lack of dockside intercepts, private dock intercepts, nighttime intercepts, all those biases that contributed to a perturbation of the total numbers and concerns.

Basically MRIP is looking at increasing the intercept rate and certainly refining the telephone intercept rate to those households that actually participate as opposed to just making random calls. At one point they had a requirement that in a four-month period they had to connect with 140,000 households that actually fished.

Of course, there is no telling how many people they had to contact to get those 140,000 connected numbers. Now with the registry program, they are identifying that calling universe to just registered anglers, so they know when they call somebody they are going to get a piece of information.

In terms of law enforcement collecting data, that is all good information and it's interesting. But when you talk to the people who actually do the calculations, an awful lot of this is based on randomness, and they need to have randomness in this mix to provide a valid output as a result of the data that they collect.

That is why they didn't focus on tournaments, for example. A long time ago people said, well, why don't you go to fishing tournaments and get the information? Well, it's a concentration of people who are fishing because there is a tournament and a potential to win money or win prizes as opposed to people who are out randomly fishing and conducting what would be a normal tempo of operations.

A tournament increases that tempo dramatically, so the result you would get from surveying people at a fishing tournament is far different than you would in a random selection that they use at these random points. It's really a very random process. They don't go to the same launch facility or the same place to collect data everyday; it is randomly selected by computer to maintain this rigid scientific process.

CAPTAIN FRAMPTON: Any more discussion on that? I think right now we are at good point to take about a five-minute break. We've pretty much finished with snapper grouper. We'll come back and we'll work on wreckfish.

MS. BROUWER: (Recording starts here) You can't have a catch-and-release fishery, so you need to create some kind of an allowance so that there is no regulatory discards or it's minimized.

LT. FISHER: Are wreckfish currently prohibited recreationally or are they just not regulated?

MS. BROUWER: Recreational landings are not allowed.

MR. EASLEY: So in essence those few day charter trips out there were not sanctioned by – to put it mildly.

AP MEMBER: Do what now?

MR. EASLEY: So those trips that you were discussing, a few days out to catch wreckfish were not legal.

AP MEMBER: They can catch them, but they just don't bring them back. I don't know if they eat them or not while they're out there, but they do, they take clients out. I've never fished for them, I've never even seen one; but the guys that do fish for them, they'll spend a lot of money just to go out to catch one. Beyond that I don't know, and I'd hate to see them – if we did put some sort of rule on it to where they could not even go out to catch one, I'd hate to see that happen.

MR. EASLEY: Yes, I agree that with the recreational quota, I like what the council has done or preferring at least. My question is what has been the annual catch for the wreckfish industry, historically?

MS. BROUWER: Commercial? It is right around 250,000 and so that is why the SSC recommended that level. The problem that the council is facing now is because that fishery is managed under an ITQ program, this lower quota is going to substantially affect the few vessels that are still participating in that fishery. There is an amendment underway to try to change the ITQ program to allow that fishery to continue.

MR. EASLEY: From law enforcement standpoint, when the annual catch limit was in the millions, there was very little incentive for the industry to worry about catching anything close to an ACL. But now that this ACL is right at where their current catches are, there is more of a concern on the law enforcement end that we might want to make sure that the ITQ system for wreckfish has more law enforcement tools so that we can ensure that they still play by the ITQ rules.

MR. KENNEDY: Do they require a VMS on those wreckfish boats? There is only like, what, six or seven of them? There is not many, right?

LT. FISHER: VMS is only required on HMS and golden crab boats in the South Atlantic.

MR. KENNEDY: A followup; would that be an option to help the enforcement with having VMS? You're only talking about five or six boats, and I thought there was a relatively – I may be wrong – relatively lucrative fishery because its a few boats and they seem like they do pretty well.

MR. EASLEY: I'm all for VMS on this industry or any ITQ, RFQ or catch share program. I'll even promote it for the snapper grouper commercial sector as well unless there are great numbers. But the budget as far as VMS is concerned and NOAA OLE in buying units, we're sitting pretty good right now and the staff levels are pretty good. The monitoring system is capable of handling larger numbers, so this implementation for wreckfish, an easy job for OLE and VMS.

CAPTAIN FRAMPTON: Is that a recommendation that the panel wants to make that we look towards VMS on wreckfish? Otha, do you want to recap what you just said?

MR. EASLEY: Would you like a motion?

CAPTAIN FRAMPTON: Well, let's just make it a recommendation that the council consider implementing VMS on the wreckfish commercial fishery vessels.

LT. FISHER: Otha, can you just tell me what's the enforcing benefit of having the VMS on this fishery since there is no managed areas associated with wreckfish? Spatially it doesn't really matter where they are. I understand the safety benefits because they are far out at sea, and keeping track of them.

MR. EASLEY: We can see when they are coming in, so we know when to meet them at the dock and oversee or monitor the offloads and transfer the quotas and those types of issues.

LT. FISHER: Is that already a part of the program, that they are required to contact somebody on their way in for offloading or prior to offloading?

MR. EASLEY: I'm not certain; I'll check the regulations.

MR. KENNEDY: It would seem to me that it would help on at least not overrunning their catch limit for the year, too, if nothing else. I mean they know where they are, they don't end up overrunning, and I assume the next action item is the accountability measure. It would seem to be a benefit both in terms of relatively real-time data and making sure they don't overrun.

LT. FISHER: Right, and be able to get real-time information to them through the VMS messaging system, right.

MS. BROUWER: Just to add to what Brandon brought up, the issue of where the wreckfish fishery is prosecuted came out during development of the Comprehensive Ecosystem-Based Amendment 1 where the council put in place these deepwater coral areas. Wreckfish are known to inhabit deepwater coral habitat, they are being caught in the vicinity of where these areas are.

There are indications that there may be spawning aggregations of wreckfish within the deepwater coral areas that could potentially be targeted. As far as area management and protection of this particular resource, I think VMS would also be important for those reasons.

LT. FISHER: Right, although it is vertical hook and line for wreckfish, right, so I wouldn't imagine there should be any normal use or any impact at least regulatory-wise on the deepwater coral areas.

MS. BROUWER: Well, actually, the way the fishery is prosecuted, it is a weighted type of a rig. It is sent down to the bottom until it touches the bottom and then it gets brought up to the surface and the vessel runs against the current. Also, the way the deep-dropping recreational fishery is done is also with a weight that then gets released and it just ends up on the bottom. We don't know if it is interacting with the habitat, but it would be a good thing to look at. It is certainly something that is of concern.

MR. EASLEY: Karen and I looked up the regulations on wreckfish and call-in requirements. They are only required to call in if they go to – if a fisherman comes in to offload at a location other than a fixed facility, and then they call it in 24 hours before offloading, that's all day. In the Gulf, VMS is on, that IFQ catch share program, and they also have a call in as well, so they have both there. It would be prudent to follow suit and follow that template on this end also.

MS. BROUWER: Moving on to Action 9, this is to establish the ACL and the OY for wreckfish, which again is the same thing the council did for snapper grouper species, setting that ACL and the OY at the same level as the ABC, so that's currently their preferred. Any questions on Action 9?

Then we go on to specify the accountability measures for wreckfish. Again, the council is not looking at accountability measures for the commercial fishery because the ITQ system that is currently in place takes care of that, and so we're only looking at accountability measures for recreational.

Also, they are staying consistent with how they are going to implement the triggers for accountability measures, and again is only looking at the annual landings and whether those exceed the ACL. No in-season AMs and then again, monitor the following year and shorten the season as necessary to make sure the ACL is not exceeded.

Then under management measures for this fishery, the council would like to implement a one wreckfish per vessel per day bag limit for that recreational component of the fishery, and establish a July/August recreational season. It's such a small number of fish that they reasoned having a season for that would be good when the weather is friendly and there is no issue of safety, and then having the one wreckfish per vessel per day to stretch it out for that one-month period. Any questions or recommendations from the AP on that?

Okay, the next action deals with specifying jurisdictional allocations for black grouper. The assessment for black grouper was done as a single stock so it included the stock in the Gulf of Mexico. In order to set an ABC and an ACL, the council first had to split that between the two councils. Their preferred is Subalternative 2B where the South Atlantic would receive 47 percent of the acceptable biological catch and the Gulf of Mexico would receive 53 percent.

This was established using 50 percent of the catch history from '86 through '08, plus 50 percent from 2006 through 2008; so still keeping in line with accounting of past catch history and looking at current trends into that allocation. The Gulf Council has also picked this alternative as their preferred so they are on board with that allocation. Then we go into the sector allocations, which again we look at Boyles' Law and the commercial would be 65 percent of the portion that belongs to the South Atlantic. The recreational would be 35 percent.

MR. KENNEDY: Just food for thought, but when we start carving out these geographic areas such as Monroe County – and I would defer to Rob on this, but we already have some geographical cutoffs right now. We just enacted a permit rule. The permit rule actually goes up into a portion I believe of Dade County, and I'll stand corrected if you know better.

Can we try at least for the sake of consistency to try to develop a geographic rule that makes sense, so that we don't have anglers having to know if they're off of Cape Florida, if they are down in Monroe County or not. It just seems to me to be – I realize that you probably have statistics a certain way, but it would seem to me difficult if we have all these different fish to have different geographic areas that we are already having issues with.

We've got seatrout with one area, and this is obviously state waters, and snook with a different area; we have permit; and now if we start carving out these geographic areas, it would seem to me maybe one of the criteria that might make it easier – and I'm just thinking about the Florida guys – to have a consistent geographic boundary, so you don't have to not only be an ichthyologist, but you have to be a geographer and be spot on. That's just my two cents.

MS. BROUWER: The landings for Monroe County have always been an issue, and I guess the council's jurisdictional boundaries are established. Our boundary goes to the east side of the Florida Keys and the Gulf has the other side. But how do you divvy up the landings has always been a problem.

My understanding is that when this is done, they have to take into account where most of the landings are taking place. For some of these species, like for mutton snapper and for yellowtail, most of the landings are on one side or the other. If it was just a geographical boundary and the landings weren't split up according to where the distribution of the fish, then it would not work as well.

I think what they've done for these three species, black grouper, mutton snapper and yellowtail, where we have had to look at Monroe County and try to figure out how to divvy up those landings, is to look at that distribution, where most folks are landing mutton snapper and then take the landings and attribute them to either the Gulf or the South Atlantic Council. So that's how those were done.

MR. KENNEDY: I understand, I think the example I gave might be a ten-mile difference. I can't imagine there would be a huge difference in landings. But I think it would be easier for the guys on the water if they had the same kind of boundary for all – kind of an integrated boundary, if you will, and that would be on the South Atlantic side. The Gulf is another story.

MS. BROUWER: Would you like to offer this as a recommendation to the council?

MR. KENNEDY: It doesn't seem to have any legs, so just make my comment known.

MS. BROUWER: Moving on with the ACLs for black grouper and optimum yield; again we are staying consistent with setting those levels all at the same time. This would do away with – it would take black grouper out of that aggregate ACL that was put into place with Amendment 17B. The regulations right now is we have an aggregate for gag, red grouper and black grouper. Now we're splitting them all up again.

This amendment would take care of black grouper. Gag already has its own ACL and we're taking care of red grouper under Amendment 24. Then the accountability measures again is basically the same thing that you've seen already; no catch target for the commercial fishery, and looking at also prohibiting the purchase and sale of black grouper and limiting the harvest and possession to the bag limit after the ACL is met.

The ACT for the recreational sector then would be also using that proportional standard error that I talked about earlier that is still the preferred, so this is everything that you've already seen with snapper grouper; it is the exact same thing. Then we go on to yellowtail snapper. Again, this is a species that the Gulf Council had requested the South Atlantic consider taking over management for.

But because of discrepancies in the permits, the way they are set up right now, it was deemed not feasible to do that right now. Then we had to go and establish those jurisdictional allocations

between the two management councils. The preferred is to allocate 75 percent of yellowtail to the South Atlantic and 25 percent to the Gulf.

That is what the allocations would look like for the acceptable biological catch. Then out of that you carve out your sector allocations, which that was taken care of in a previous action. Same thing for mutton snapper, the preferred would give 82 percent of the ABC to the South Atlantic and 18 percent to the Gulf. And both of these actions, the Gulf Council is selecting them as their preferred as well.

That covers all the species in the snapper grouper management plan and then we move on to dolphin and wahoo. Same sort of exercise, establishing the ABC for dolphin, and again the council is going with what the SSC has recommended, which puts the ABC for dolphin around 14 million pounds.

Then you specify the allocations, and here they're deviating – they are changing what was initially put into place with the Dolphin and Wahoo FMP, which was 13 percent commercial, 87 percent recreational. Currently the preferred would work out to be 7.3 percent commercial and 92.7 percent recreational.

If you apply those percentages to the ABC – let me see if I can find that table. There are your ACLs, so the ACL for the recreational sector would be 14.5 million pounds for the commercial sector, 1 million pounds – I'm sorry, 14.5 is the overall ACL and you split that out between commercial and recreational with recreational getting 13.5 million.

Okay, so then looking at the landings in previous years, the council decided that the landings were stable below the ACLs so there was no need right now to put in any kind of management measures that would limit those landings. The accountability measures again are the same that they've chosen for snapper grouper; no ACT for the commercial, the exact same thing for the recreational using those PSEs.

There is an action to establish management measures. The only thing the council is looking at is to prohibit bag limit sales from for-hire vessels. This is something they have been discussing for some time. Then establish the minimum size limit of 20-inches fork length from Florida through South Carolina. It's already established in Florida and it would just bring it up through South Carolina.

CAPTAIN KELLY: Again in North Carolina, which I guess now they would have to have a federal permit for dolphin and wahoo, they would not be restricted from any sales, correct?

MS. BROUWER: Right, currently they are not, but I believe the intent is for this action to restrict those sales from for-hire vessels.

CAPTAIN BEATON: Do you know if the Gulf is considering the 20-inch size limit at all. Have you heard any talk, because right now there is no size limit in the Gulf. It kind of creates a marketing — it's 20 for commercial but recreational there is no size limit.



MS. BROUWER: I don't know if they are considering that; I'll have to look that up.

CAPTAIN FRAMPTON: Rob, Florida already has the 20-inch size limit in effect?

MR. CLARK: I don't know if this is the right time or not on this or where the numbers came from, but since the snapper grouper closure, commercial interests have really started targeting dolphin; where before with all the records that we have, dolphin was more of a bycatch for commercial. Two and a quarter is the best you're going to get out of a dolphin, pound-wise, and the smaller they are less.

The quota that they are talking about allowing commercial now versus five or ten years ago is not realistic. We have boats coming in now that are totally limiting out on dolphin and when you close the B-liners, you close the sea bass; they are going to target something. These percentages are all out of whack after the snapper grouper closure. I don't know whether this is the right time or the right place or anything else, but they really need to relook at those numbers.

CAPTAIN BEATON: I was going to kind of echo that. I was talking here and it seemed like a million pounds is going to be reached pretty quick.

MR. CLARK: Yes, it will.

CAPTAIN BEATON: Dolphin is one of those things you see at every restaurant, blackened grill, whatever way a staple item on the menu. I hate to rely on imports to cover that, but a million seemed a little light to me for a commercial.

MR. CLARK: This new name, mahi mahi; I mean, people are really jumping on the dolphin and the longline boats are – I mean they will wipe this million pounds out in no time.

MR. KENNEDY: Is this another effect of Boyles' Law?

MS. BROUWER: Yes, it's the same formula that was applied and the Dolphin and Wahoo AP I believe had recommended a different percentage, rounding it off, and I can't remember exactly what the allocation was. I think it was 90/10. It was brought up during the council in June and the council decided they wanted to stay consistent with the approach they've been using, so they did not entertain changing those percentages.

CAPTAIN BEATON: Is that close to what the historical landings have been in the last ten years, that 1.4 or whatever it is?

MS. BROUWER: I don't know.

MR. GEIGER: Just for everybody's benefit, the original dolphin and wahoo plan was put in place with the intent of preventing the development of a longline dolphin fishery in the South Atlantic. That was the intent of the original plan, and certainly this just mirrors it. For consistency purposes, the council has adopted this Boyles' Law, which is only a partial formula that was developed. The remaining part of that formula yet remains to be developed. The 50

percent of historical landings and 50 percent of current trends in landings is the formula that is going to be used as a policy for the council as it moves forward, for consistency purposes.

MS. BROUWER: The next species is wahoo. Again, the first action is to establish that ABC control rule, and the council is adopting what the SSC is recommending for wahoo. The allocations again come from Boyles' Law and the preferred is to have the apportionment be 4.3 commercial and 95.7 percent recreational.

The ACL would be set at the same level as the OY and the ABC, and those are the numbers. Commercially the ACL would be 64,000 pounds and recreationally 1.4 million pounds for wahoo. Accountability measures are the same. For the recreational sector, again the same approach.

Then at one point the council was considering establishing management measures for wahoo because it was looking like the past few years of landings were indicating that the ACL would be exceeded. They had been looking at putting a vessel limit, and we went to public hearings with that and people were very angry.

Then once the SSC gave us a different recommendation for ABC and that number went up, looking at the landings again with this different approach, it indicates that there is no need to place any management measures on the wahoo at this time. The council's preferred is no action for management measures of wahoo.

I'm just going to keep going; golden crab, same thing. We have an ABC that the SSC provided that is 2 million pounds, so that one went up substantially. The golden crab fishery, the council is currently looking at putting in a limited access program, the catch shares for that fishery. The ACL would be set at the same level as the ABC and the accountabilities, -- of course, this is only a commercial fishery -- would be the same approach that they've taken with snapper grouper. That does it for the Comprehensive ACL.

CAPTAIN FRAMPTON: Any questions, discussion on what we've been over?

MR. KENNEDY: Just one; golden crab, that's a relatively small group, too, like under ten?

MS. BROUWER: There are 11 active permits, I believe, but there are only about four vessels that are fishing right now, and mainly just out of Fort Lauderdale is where it is concentrated.

CAPTAIN FRAMPTON: All right, I guess we will go on to Regulatory Amendment 11.

MS. BROUWER: Regulatory Amendment 11 is Attachment 2 in your briefing book. This is the amendment that would do away with the deepwater closure that was implemented through 17B to protect speckled hind and Warsaw grouper. The council listened to public comment and there were analyses that were conducted that indicate that closure is likely not having the effect that was intended on the populations of speckled hind and Warsaw grouper.

It is hurting fishermen that are targeting blueline tilefish especially north of Cape Hatteras and south of Cape Canaveral in Florida. The council chose as their preferred at the June council meeting to do away with the closure entirely. There were 11 alternatives I believe in the document looking at various options; maybe just taking out blueline tilefish out of that deepwater complex north of Cape Hatteras; maybe just looking at snowy grouper; the same thing in Florida,

Then they went with the alternative that would just take away that closure in its entirety. That made it so that there were no issues with transit. There is another action in the amendment; Action 2 would establish transit provisions, but those would have only been necessary if Alternative 6 I believe had been chosen, which would have closed an area between 240 and 500 feet.

That would have been the only instance in which you would have needed to have transit provisions. Of course, that action is now moot. That's where we are with that amendment. The council is scheduled to approve it to submit to the secretary at their August meeting. This is the last chance that you guys have to look at it. The SSC is also looking at it. Right now they were sent the amendment and they will provide their comments in time for the August meeting. If you have any recommendations for the council on this amendment, again now is the time to bring that up.

CAPTAIN BEATON: Is this the shortest-lived closure we've ever had?

MS. BROUWER: One of the things I should mention that came up during discussion in June, looking at the analyses that were done, and unfortunately this is another instance where the data are very limited. There is not a lot of area information for speckled hind and Warsaw since there has been a limit on harvest since 1992 for those species, and so the analysts that had to dig around to get as much information as possible had a really hard time doing that.

We were instructed as staff to look into other approaches that would be useful to protect speckled hind and Warsaw grouper and the Snapper grouper AP has offered potentially spawning area closures in Florida. They have provided at least coordinates for one area I believe for speckled hind. We are also looking at — the deepwater MPAs were put in place to protect populations of deepwater snapper grouper; and so are the MPAs, how have they affected populations of speckled hind and Warsaw, in particular? Do those need to be potentially be expanded or moved, or whatever? That's where we are right now.

The council – we are going to request guidance from them at the August meeting. Whatever actions become developed out of this will likely get folded into the next iteration of the Comprehensive Ecosystem-Based Amendment, so CE-BA 3 would likely include actions to target protection of speckled hind and Warsaw grouper.

MR. ROGERS: Chisolm, during this time period when this was in effect, did you even try to do any enforcement beyond the 40-fathom closure? You didn't have the means to do it?

CAPTAIN FRAMPTON: Yes and no. The advisory panel has gone on record of how hard and costly it is to do marine protected areas and offshore enforcement at that depth. We have random

patrols out there and when weather permit, we do it. We have a few pieces of equipment that are capable of doing that, but you are not going to see any type of regular offshore presence up there for that.

LT. FISHER: Obviously, the larger cutters didn't get out there, but our medium endurance cutters are capable of doing it, but we don't have a lot of them. They are also being pulled a lot of different ways with different missions. This is something they've looked at. We have stressed it. Since in the limited time that this closure has been in effect, we remind their crews about it.

I don't think I've seen any cases that have come through for the deepwater closures, so that's that. I wouldn't say that they weren't looking at those ranges of amendments their preferred alternative, they are going to get rid of it – for an enforcement standpoint, get rid of it altogether or not, I would support that preferred amendment from an enforcement standpoint.

CAPTAIN FRAMPTON: Let's make sure we are clear. I think the LEAP at this point would support the preferred action; everybody in agreement with that?

LT. FISHER: Yes. Myra, the way the wording on that Preferred Alternative 11 says, "Fishing for or possession and retention of other deepwater snapper species", what does the "other" mean? Why does it specifically say "other"?

MS. BROUWER: I believe maybe because we were – I don't know, I'd have to look at the amendment. There are several species that are included in that deepwater complex. I don't know them all off the top of my head.

LT. FISHER: Because the "other" kind of implies there is some sort of exception, but maybe that word is just – maybe I'm reading more into it than it needs to be, but they are talking about the speckled hind, the Warsaw would still have their no commercial one fish per person trip limit recreationally, and that would continue, and this 240-foot closure would just disappear?

MS. BROUWER: Yes, that's correct. That prohibition on the other deepwater, perhaps that's what it means, other than speckled hind and Warsaw, so including I think it is yellowedge grouper, snowy grouper, blueline tilefish, misty grouper, queen snapper. Also another thing I should mention, there are two species in that deepwater snapper grouper complex that are going to be removed, anyway, queen snapper being one of them, and I think maybe misty is the other. Those are scheduled for removal, anyway.

CAPTAIN FRAMPTON: Any more discussion on Regulatory Amendment 11? Is everybody good with that? Let's move on to reviewing the Law Enforcement Officer of the Year Criteria.

MS. BROUWER: I believe that's Attachment 3 in your briefing book.

CAPTAIN FRAMPTON: One question I had – I think it came from the Coast Guard a while back – are we going to do this in the fiscal year or are we going to do it on the calendar year, just so that we are all on the same one?

CAPTAIN BEATON: I'd recommend calendar year since it's consistent for everybody.

MR. KENNEDY: Makes sense to me.

CAPTAIN FRAMPTON: One thing we need to go over on the eligibility criteria; Myra tells me this is the one thing that's changed: Nominee must be a living, active, full-time and paid state or federal fisheries law enforcement officer, U.S. Coast Guard officer or federal, state or prosecutorial attorney. Before we did not have state attorneys in there; any discussion on this?

AP MEMBER: How can it be a Law Enforcement Officer of the Year if it's not a law enforcement officer? I mean, a majority of the people, when you talk about law enforcement officers, they are talking about badge wearers and gun toters. I mean, that's just me, but I'm open.

MR. KENNEDY: I tend to agree with that, and I guess I just had a morbid thought. I almost thing we ought to strike the word "living". No, I don't mean to be rude about it, but what if something bad happens to your nominee or your nominee is a guy who didn't make it through the end of the deal? I would strike that.

I know it sounds morbid, but I hate to be stuck with criteria that—it's just my thought, sorry. I'm not wishing anybody ill; I'm just saying we ought to plan for that contingent. We've had a couple of our guys come close and we lost a couple guys here a few years ago in the swamps.

MR. EASLEY: I second that idea.

AP MEMBER: Well, let's take "living" out of it.

CAPTAIN KELLY: I pretty well concur with that, but I think we should discuss it, because there are some people now that will be excluded. I think it should be the guys that are the actual boots on the ground. I'd also like to see that there be a limit as far as the rank; try to keep it to the guys that are actually doing the field work.

CAPTAIN FRAMPTON: How would that work with the Coast Guard or, Otha, with the feds?

MR. EASLEY: Well, I'm in favor of keeping these things as wide – giving us as many options or the council as many options as possible. It's practical even including the attorneys; I mean, sure, not a boots on the ground person, and I can't think of something in particular at the moment, but if an attorney does something really great for us. – I'm sorry, when the attorney does things that are really great for us. I want it to stay in.

Maybe I'm not using the best words, but I'd like for the attorney to stay in; and as rank, the agents are the agents. Would a supervisor or a lieutenant or a captain or someone make some great – I don't know. I'd just like to leave it open, more so than closed.

LT. FISHER: Something I didn't catch before, can you insert "enforcement" between "U.S. Coast Guard Enforcement Officer" instead of just officer. There is definitely a difference there.

We don't need to give guys anymore reason to hate officers. Yes, an enforcement officer may not be a commissioned officer and generally are not commissioned officers.

MR. KENNEDY: I think the rank idea is a good idea, but I can see it would be inequitable, and I'll point to the Coast Guard, because somebody is in charge of the boat and he's a supervisor. If you have a bang-up unit like we have some units, undercover units in that, and it's the guy in charge. I mean he might be a first-level supervisor, but he's the one that is pushing hard, so I would hate to see that.

I think the same thing holds through for the attorneys, and maybe there is another option and that is have a Prosecutor of the Year or something like that. Our group gives Enforcement Officer of the Year; I'll just use this as an example, which is a law enforcement officer. Then we have given special awards to – we had an Attorney General who was the guy who took care of every major fishery challenge that went up to the court system. The guy, when he left, it hurt, a guy named Glogal, if you remember him. He was the go-to guy, so either maybe keep it or consider a sub is my thought.

CAPTAIN FRAMPTON: I'd like to see us consider a separate one for attorneys. I think if we're calling it a Law Enforcement Officer of the Year Award, then we need to stick to it being a law enforcement officer. Because I think where do we stop, after attorneys? I'm not picking on attorneys, I am just saying this is a Law Enforcement Officer Award.

MS. RAINE: I've said from the beginning, I don't care that attorneys aren't on here; it is not offensive to take them off to me. You don't even have to come up with another award. I'll speak for attorneys in general.

CAPTAIN BEATON: We recognize our state's attorneys for their prosecutorial efforts annually and recognize them; FWC too, the state's attorneys, so I don't know if it needs to come from a higher level or not.

LT. FISHER: I appreciate the comments about the supervisors being recognized, but from our perspective we have plenty of internal ways of recognizing supervisors and OICs of stations, and that sort of thing. What we don't do a good job in, and what I feel this is directly helping to address is the issues of keeping motivation and morale high for the people that are actually out there in the field doing the boardings.

While I appreciate and understand the sentiment of keeping it as open as possible, from our perspective the only people that are going to get recommendations from the Coast Guard are going to be actual boarding officers and boarding team members.

CAPTAIN FRAMPTON: I agree with you, and I think that this panel and those from the Coast Guard or NOAA or individual states, and I would hope that we would have enough guidance over the process back at home that we would not bring forward a major or something, that we would recognize those boots on the ground and write it accordingly so that it would fit the award and the proper people would get the recognition.

MR. KENNEDY: Kind of what the Coast Guard was intended to be, whoever is running the boarding party, obviously that person is the one that shows in my view the initiative, and that is what I meant. I'll stand corrected by the definition.

LT FISHER: That may be absolutely correct. Again, I think it is going to depend on the criteria and how the award is written up on what happened in the actual case. This is all common sense, but we do already have a Coast Guard LMR Unit of the Quarter Award that we go out. So based on cases we get in or something happens that we do internally in the Coast Guard, that goes to the whole unit and the OIC, and et cetera. I see this as being a mechanism to directly incentivize and recognize the folks that are actually doing the boardings.

CAPTAIN LEWIS: I agree with that also, but I also agree with you, Chisholm, I think we do need to do one for the prosecutors, because that will do a lot for the overall aspect for the folks in the field that put the case together can see the efforts that the prosecutors are going through to get one pushed through.

They need to be recognized. It is a team effort and it takes everybody to do it, but the actual Law Enforcement Officer of the Year is the person in the field that came across the case that initiated it that did the ground work. That's what our Law Enforcement Officer of the Year is, but I agree wholeheartedly with you that we may need to look at one for the prosecutors.

CAPTAIN FRAMPTON: I don't know any other way to do this; so if there is a better way, tell me. Should we just do a show of hands at the table that we should leave this as a Law Enforcement of the Year award and strike "federal, state and prosecutorial attorneys". All in favor of doing that,, aye. It's bad when you strike yourself.

MS. RAINES: I thought from the beginning this was an enforcement officer award.

CAPTAIN FRAMPTON: Thank you, Karen.

CAPTAIN BEATON: If I can speak on the rank issue a little bit, it's really not relevant to what we are doing on the Atlantic, but on the Gulf side I've got an investigative captain in the Panhandle that is just doing amazing work with the IFQ research and really digging in forensically, working with our NOAA partners.

I would kind of hate to limit it to a rank because that is a situation where it's a captain that is really driving that train. He's got other investigators and lieutenants under him on the train, but he would definitely be the driving force if we had something in the Gulf like this. I hate to limit it to just the frontline boot.

CAPTAIN FRAMPTON: I would say that maybe we shouldn't limit it to rank, but we all know who's responsible back home or in the respective units as who is leading the charge and who is organizing the effort. They absolutely should be included in it. I think that is just going to go back to who do you feel at home is the one that is deserving of the recognition?

CAPTAIN LEWIS: I agree with the aspect because each state has got its rank structure set up so differently. A captain on our end may not be what a captain on their end does or a lieutenant or something of that nature. I think that you said it right, the moral of the whole thing is the folks on the ground that are putting the case together that have actually done the work.

CAPTAIN FRAMPTON: I think we should be consistent on that theme; that we are trying to recognize those on the frontline of fisheries enforcement and what they are doing.

LT. FISHER: I completely agree, and I think the way that the language is structured now with these couple of changes we made is broad enough to capture that without being rank-specific; everything from what was brought up earlier about someone who is in more of a supervisory position but really digs in and in one particular instance does something related to LMR that is very productive, all the way down to someone who is very junior who gets something very—I don't know. I think that the language right now is general enough that it's good where it is and that in our individual agencies we can figure that out for ourselves.

MR. ROGERS: I'm going to go back to the Prosecutor of the Year, because as much trouble as you're having developing a Law Enforcement Officer of the Year, is it really worth going to that measure to develop the Prosecutor of the Year? Would it be that valuable to a prosecutor to receive this type of award when it is more of an incentive-based reward for an actual field officer?

MS. RAINE: Can I say something? Well, it's always nice to be appreciated. I thought the whole idea of this was for a law enforcement officer, and I don't know think that there is a need to continue on, personally.

LT. FISHER: How deep is that pool? I mean, if you're looking at state and federal attorneys, how many people are really in the pool there?

CAPTAIN LEWIS: Karen, I want to go on record, you are wonderful. We are getting ready to do away with the award, so in my book you get the award for the day. She brings up a good point when we are talking about federal and state prosecutors. It's going to be hard to put them on the same playing field. The local stuff may be a lot simpler to get through than federal stuff, and federal stuff carries more weight when you get one through. Are you going to put them on the same — I'd really like to see somebody word that one.

MR. EASLEY: If prosecutors aren't included in this one, I'd rather not see a separate one. The playing field is really reduced and Doug's points there about weighting them. Though we all would present them here and discuss them and only a certain number would go to the council, but still I'd rather not see a separate one. The council hasn't asked for a separate one either; they only asked for officer of the year.

CAPTAIN FRAMPTON: I appreciate all that. I think this group is professional enough and widespread enough that if we get an attorney that has done outstanding things, we will absolutely recognize that attorney if that is so needed. Is everybody in agreement with that? Moving on, the second change I saw was on Page 2, and it says, "Submission for Items 1 through 3 below



should not exceed one page per item; New times Roman, 12 point font, and that is describe the nominee's current responsibilities, describe the nominee's significant contribution to fisheries enforcement, describe specific qualities that make the nominee deserving of this award." I actually think – my personal opinion is one page for each one of that, that's like writing a book.

AP MEMBER: I'll second that.

LT. FISHER: We have to do it in 12 lines for our words.

CAPTAIN FRAMPTON: Let's come up with how long it should be. I don't know how long a good paragraph is.

AP MEMBER: I would say not to exceed one page total.

CAPTAIN FRAMPTON: All in favor, aye?

MR. EASLEY: Well, that language puts a maximum limit on it, not a minimum. If someone has been with Georgia for a great number of years, in Number 2, describe the nominee's significant contributions to fisheries enforcement; there could be quite a laundry list there.

CAPTAIN FRAMPTON: But we're limiting this to – remember, this is going to be a calendar year award, so you're not going to go back five years of stuff they did. It's going to be from January 1.

MR. EASLEY: This number here, 1, 2, and 3, it is not limiting it to one year. We need to put the language in there if we were going to, because otherwise I might say, well, shoot, I've been doing fisheries enforcement for umpteen years and this what I've contributed and et cetera, though this last year I've done this. Maybe I might not ever make it past my own agency's screening or filtering, but the way this is written it doesn't limit it to this current year's eligibility.

AP MEMBER: Let me add a little bit more to what I've just said. If we are going to limit it to the calendar year, what is the chance of somebody getting one started and completed and prosecuted in a year's time?

CAPTAIN FRAMPTON: Certainly, my vote is not the final vote. My vote would be that you bring that person forward, explain that and the panel will make a decision whether we move that forward or not.

CAPTAIN BEATON: I think you can also in your explanation say that has X number of cases pending, a case for this, a case for that, and at least it's showing the effort was made there. The lack of prosecution or the failure of it might not be the officer's fault at all. It might be a technicality in the process.

AP MEMBER: Are we saying the case does not have to be adjudicated or – I'm just trying to get everybody on the same wavelength. I agree with that; I agree with that.

CAPTAIN FRAMPTON: We need an attorney now.

AP MEMBER: Trying to get one through is going to be virtually impossible. Say you start one in August or September, and it's a really good case that you document and send up, you can't even get it through a local system in that amount of time. I believe just the fact – and the main goal is protecting the fisheries, anyway, not the prosecution of it, isn't it; I mean the effort that the enforcement officer put in to getting stuff together.

LT. FISHER: We do this quarterly for the units that we service. We rarely if ever have that metric – I mean what you're talking about is just a metric of impact. It's a great one, it's nice to be able to say resulted in a \$5,000 fine being assessed or something like that, but rarely do you ever have anything like that. It may have nothing to do with fines. It may be an outstanding outreach and education effort or something like that. There are a lot of different ways to do it, and it's very easy do without having that metric.

CAPTAIN FRAMPTON: Well, let's take about two minutes and think about that.

MR. EASLEY: (Recording starts here) – someone in the agency, and then the LEAP – and then that could be presented to the LEAP at the very next meeting, whenever that happens to be. Then that gets whittled down and gets to the LE Committee. They can look at it, maybe at the August meeting or so, and then the Charleston meeting which is what, usually in September, the award can be given.

CAPTAIN FRAMPTON: You got ahead of me there. I'm going back. For the nominee's current responsibilities, contributions and deserving, are we going to leave that at one typed page for all three of those? Otha, I might have misunderstood you, you were saying we should have a page for each of those?

MR. EASLEY: Maximum, I was just thinking a maximum, that highlighted language, just referring to should not exceed one page, so it can be shorter per element.

LT. FISHER: Anybody else want to add the spacing on there; single spaced versus double spaced?

MR. EASLEY: Since it's determining it a maximum, if someone wanted to double space it, that would be fine too, though. .

LT. FISHER: Single space max or single spacing is fine.

CAPTAIN FRAMPTON: I'm just thinking about the poor guy that's got to read this nomination. That's like reading a book when we're hitting the highlights. That's the only thing I'm thinking about.

CAPTAIN BEATON: Especially if you're going to allow for attachments also; you're allowed attachments of work product. At the bottom there it says, "Please provide any supporting material such as: — I am fine with a page; like Otha says, it's a max. Certainly Item number 1,

if it's a boot on the ground or frontline guy, the nominee's current responsibilities is going to be like three lines.

LT. FISHER: So you want to change that to double space? I'm used to, like I said, 12 to 18 lines to get the whole thing across, so I'm fine with that, if you want to change it to double space. I agree, we're going to have to sit down and read all these things.

MR. EASLEY: I think earlier you said, Chisholm, one page for all three. I think that's the most folks want to do.

CAPTAIN FRAMPTON: One page for all three, and would you say single space; one page for all three, double spaced, and if you've got more you can do it as an attachment.

AP MEMBER: What are you calling an attachment?

CAPTAIN FRAMPTON: You know, work product because it's got that on there.

CAPTAIN BEATON: Just to be clear, though, but not an attachment of continuing that one page.

CAPTAIN FRAMPTON: Not trying to sell that guy.

LT. FISHER: Do we really need to have the attachments? I think attachments are appropriate within our agencies and deciding who we are going to send up, but by the time it gets to us shouldn't that have already been vetted? We're just looking at the one-page summary and deciding who is the best qualified amongst all of us. I don't know if I necessarily need to see the state's case package to pick an LEOY.

CAPTAIN FRAMPTON: All those in favor of that raise your hand; vet it at your agency before you send that one page. Everybody in favor?

AP MEMBER: What about the other thing you were talking about?

AP MEMBER: Chisholm, are you going to go back and talk about what we were talking about down there when we took a break a while ago, the year, the adjudication part of it?

CAPTAIN FRAMPTON: I think we were talking about in here that the case had to be adjudicated. That's dangerous to me. We could actually give somebody an award and a year later something could happen and the case is dismissed or lost, and then we've given somebody an award for something that is not the only reason but a big part of it.

I would say that if it's outside the calendar year and we feel like it was made during the calendar year we're giving the award for, we'd be all right as a group to say, no, this is going to go forward since it's taken longer to adjudicate it, but we're still going to recognize it.

MS. RAINE: I was just going to say if you limited it to folks who have cases that have been adjudicated, you are also excluding people who may not have actually had a lot of cases or a big case or whatever but have done a heck of a job with the compliance and outreach. I think that is a really important part of what we've been talking about, anyway. I don't think you would want to exclude that kind of applicant.

CAPTAIN FRAMPTON: Hopefully it is not going to be like one-case driven. This person's going to have a year's worth of outreach; they're going to have a year's worth of work product. I think specifically we were talking about the cases had to be adjudicated. Does everybody think they need to be adjudicated, or they can still be open and being prosecuted?

CAPTAIN KELLY: I'd like to see they don't necessarily have to be closed simply because some of the officers that we have have cases that have been sitting there for three years. They've been charged out, but for one reason or another through attorneys the cases just don't get to court. There is no way to push them.

CAPTAIN LEWIS: I would hate to see the reward given on one specific item. It's a man's lifetime of achievement really and truly to build himself up to the point of being recognized, and whether this case walks through and is adjudicated or not, it's the man's effort to build himself to this point that gets him this award. Most guys, one year in a lifetime, and that's a great achievement. I'd hate to see it just whittled down to just one specific thing.

CAPTAIN FRAMPTON: So then do we back up and take off the calendar year and who is your Law Enforcement Officer of the Year for the current year we're in?

LT. FISHER: I think on the way those—you can go back up to what the three criteria that had to be addressed on the one page were. I think to describe the specific qualities that make a nominee deserving the award, I think that leaves you space to adequately capture someone who has been doing quality LMR work for 18 years, but the meat of the award is an LEOY.

And somehow a big part of that citation should include an event or work or something that happened within that year, because then you also – if you take that out, then you may sort of bias the whole thing towards people who have been doing it their whole lives and not giving the newer guys any incentive or ability to compete. I think that those three criteria are well built and give you the ability to swing it however you want in writing that citation. If it's an LEOY, it should be predominantly focused on some event or series of events that happened during that year.

AP MEMBER: I agree with that, but it's just to take John Doe set out last week and he caught seven poachers and so we're going to give him this award, but John Doe sat out there an awful lot of nights getting mosquito eaten and everything else to get this award. I agree, to find one specific thing that he's excelled on during that year, but it all builds up from a whole career. It's not just one year; and so if the guy is adjudicated not guilty in court, I don't see where that should have anything to do with whether this guy keeps his award or he's stripped of his award or anything else. It's just what the man himself does.

AP MEMBER: So are we back to the Officer of the State or are we all back to the Officer of the Year?

CAPTAIN BEATON: I think that the one person I have in mind, I mean, they stand out. It's not going to be based on one case, be it a big one or a small one. I don't think really the prosecution of the cases or the adjudication is even an issue, because this person is going to have a whole bunch of cases and there are going to be a lot of them cleared in that calendar year, and you can make a comment that he has got this many more pending.

I think we all know in our minds who's deserving of it. I don't think it really is that much of a deal to talk about adjudicated and not adjudicated, there is going to be more than one case. Now there might be that exception, the ones that take 18 months of work, but maybe that would be one that I would submit after it was successfully filed and gone through the process and say in my comment section this is what this guy did for the last 18 months, yes, it's one case but look at the size of it.

CAPTAIN LEWIS: Has it got to be case driven, case oriented? I mean, are we getting back to that part of it or is it the outstanding effort he had made in the fisheries program or the outstanding cases he's made in the fisheries program.

LT. FISHER: I don't see anywhere in that criteria where it says it has to be case oriented.

CAPTAIN FRAMPTON: I think we go back and we let everybody at this table that, in house, who you want to bring, who you want to move forward, and you write it to where you feel like it best represents that officer's work. I don't think we can legislate this down to every last, does it include this, does it not include. Rob brought up a good point. It's going to be – it's not case driven but they've got to have some success in fisheries enforcement, I would think, to get to this level to get their name brought into this room. How you write it is what's going to be what makes that guy

CAPTAIN BEATON: The way I'm going to do it is I'm going to go to the captain because I monitor who is doing what and I know who's had a good year because I see all the cases and everything and I'm going to say I would like to submit Officer X for this award, please write up something. I'm only going to go to one captain for one person because I know who that person is already.

CAPTAIN FRAMPTON: Is everybody comfortable with that? I think we're all pretty reasonable and know who that person is and what they've done or in the Coast Guard what unit has done that. Let's leave it like we've got it. Otha, are you good with that?

CAPTAIN BEATON: Chisholm, can I go back to just one technical thing, stage one, in the bullets. Because Florida is such a peculiar thing, Bullet Number 2, nominee must reside and be assigned or attached to for duty in one of the four South Atlantic states; you kind of narrow it down with the last bullet.

Can we merge the last bullet into bullet number two so nominee must reside and be assigned or attached for duty in one of the four South Atlantic states and duties must be relevant to the enforcement of fisheries regulations in the South Atlantic? I think it would just help Florida out because we're special.

CAPTAIN FRAMPTON: All right, so now we've got to come up with—are we going to try to get an Officer of the Year Award for this current year; and if we are, can we have the nominee's name from each agency by the middle of August? Well, I'm just throwing this out there. The meeting is in September where that person would be recognized and they have a meeting in March, so we would have to have the nominations to the committee in March – in August.

CAPTAIN BEATON: So this would be for calendar year 2010 to be awarded September 2011 in the Charleston meeting.

CAPTAIN FRAMPTON: That's correct, so we would need to step up getting our names in and then getting it narrowed down to three and then getting that to the committee. Am I right, Otha? Can we do that? I mean it's a tight timeline.

CAPTAIN BEATON: I think we could probably get our people submitted, but can it go through us, the LEC and the next level?

CAPTAIN FRAMPTON: I think really and truly it's only got to go through us to narrow it down to three. Then after that it's off our plate. Am I right about that, George? We're saying that the LEC is going to decide? We're going to submit three to you guys and then they're going to pick the one. I think what we would have to do is get all of our names in and then have some kind of webinar and decide who the three are going to be.

MR. GEIGER: In truth, Chisholm, I don't know that the council was even wedded to that process or not. If I were going to remain on the council, I think my advice to the Law Enforcement Committee would be to allow you guys to submit your names. You decide amongst yourselves who that person is, provide the name to the council and let the council make the award.

CAPTAIN FRAMPTON: So you are saying let us make the decision to who the Officer of the Year is?

MR. GEIGER: Yes, and the council would then recognize that person. My intent when we started this was you people are the best ones to know who the most deserving of the candidates would be. You would put forth the nominee and then decide amongst yourself who that person would be ultimately and the council would make the award.

CAPTAIN FRAMPTON: Let's have some discussion on that. I do think that this group is the group to decide who that person should be. None of us know any better about what it takes to be that person or that officer and what is good work and what's not.

CAPTAIN BEATON: The only thing about maybe taking it to another level like to the LEC with a choice of three would maybe take a little bit of impartiality out of it and have a different set of eyes. That's the only thing I can think of, but we can thumb wrestle and do stuff around here.

CAPTAIN FRAMPTON: But we have taken a lot of the impartiality out of it because we took name, state, gender, all of that out of it. We are basically just going to have – we can randomly give out the write-ups and who knows whose reading what write up.

MR. GEIGER: It's done by committee. It's not like one person is making that decision from one state. You've got all the states represented here plus the law enforcement components. You've got both active duty law enforcement people and civilian members of the community involved. I think there is a large enough body to dissolve that species partiality. I think you guys can make that decision. I trust you can.

Let me put it this way; I'd rather have you guys make it then have the council members make it. It's not because I have anything against the council members, but you guys know what your people are doing. You make the write-ups and you can make that decision, and I think should be.

CAPTAIN FRAMPTON: It's a cleaner process for us. It may take us a little more time, but it's a cleaner process.

MR. GEIGER: Time is not of the essence; I'm off the council on August the 10<sup>th</sup>, and I wanted it done before I left, but that is not going to happen so you take your time and do it right.

MR. CLARK: I was going to say some of those things that he was going to say. I totally agree with him. I can't think of anyone who is better qualified than this table right here at this. Another thing I was going to ask you is the names that are nominated that are deleted or taken off to get the one; is there any way that the council could send every one of these people an acknowledgement through their agency or something that they were at least nominated? You would take a lot of guys and give them an ego to strive harder to do better if they were at least recognized.

CAPTAIN FRAMPTON: I had this discussion last week in South Carolina. When your name gets in that room or to that table, you ought to be recognized. Every single person that their name makes it to this room has done significant work, has done outstanding work. Whether they win or not is another thing. But to have your name brought to this room, they should be recognized for it. Whoever comes out victorious as the Officer of the Year, they will be recognized by the entire council. But just think about it, just to get your name to this room, you've done something.

MR. GEIGER: There are certainly different ways to accomplish that. They could do it when the award is made, we can also do it through our information officer, Kim Iverson, and the names of each of these nominees could be placed in the South Atlantic Newsletter, a brief synopsis of

what they did, if possible. There are a number of ways to do that, and I agree that they all should be recognized for at least being nominated.

LT. FISHER: I also agree. If the whole point of this program is – part of the point of the program is to help provide recognition and incentive for officers in a really difficult job that doesn't get a lot of thanks, then the further we can spread that effect I think the better.

AP MEMBER: Well, you get a lot of guys that they get this mark, they get this thrill. Rob and I were talking about the different ones and, you know I've got a great guy, in my opinion he's great, but I think he's got one better, but I'd still like to see my man recognized; he has got a whole career of outstanding – I'd hate to see him lost in the shuffle.

MR. KENNEDY: Mr. Chairman, I also think publishing this in the South Atlantic Newsletter would be a great forum.

CAPTAIN FRAMPTON: All of them.

MR. KENNEDY: All of them start with your officer and then recognize, with a little nugget on each of the other gentlemen or ladies that were nominated, and go through it. I think that would be very, very helpful.

CAPTAIN FRAMPTON: Myra, is this something that we need to take up now or can we move forward with our process for the Officer of the Year and getting that done, and then as time goes on we'll figure out – we'll refine the process for how we recognize everybody that was brought to the table.

MR. GEIGER: I would move forward with your process of selecting the Officer of the Year. When you select that Officer of the Year, I would go through the entire process of selecting the Officer of the Year and then identifying to the council by letter who the nominees were and who your final selection was. At that point they can make arrangements to make the presentation of the award. I would recommend that you not ask for any more guidance; use your initiative –

CAPTAIN FRAMPTON: From you?

MR. GEIGER: From me or anybody. I'm giving you my guidance here on the way out to move forward like you're going to make the award. I think that will be absolutely fine with everybody, because I don't think anybody on the council ever anticipated that they were going to be making a selection.

CAPTAIN BEATON: I think as soon as we get a final draft version of this that we can send out, I think the longest lag is going to be the writing of it itself and getting it back to me. I think the sooner we get this finalized and I can get it out to the appropriate people, the more realistic that mid-August timeline would be.

CAPTAIN FRAMPTON: We need to fix this last paragraph up here. Let's do it right now. Let's fix it so that we're done with it.



LT. FISHER: Also for that mid-August deadline, that is fine for this year. I know we are trying to get it going, but especially the Coast Guard where there are turnovers and just people have shorter memories, if we are recognizing August 15<sup>th</sup> the 2010 calendar year, can we do the next one next year much earlier in the year; recognizing 2011; so as early as possible into 2012 we do the 2011's submission? Does that make sense? This year because of the situation, I understand it is late in the year and we are looking all the way back the past year, but probably very early next year we should go back and do this as soon as possible, covering 2011, March, okay.

MR. KENNEDY: We meet in March; so if we set the deadline, then we could do it at our March meeting. The second point is we should amend that paragraph that says the Law Enforcement Advisory Panel will review, consider and select the Officer of the Year and recognize the other nominees, or something to that effect, and delete the rest of that.

MR. CLARK: And I'm not tied up with the Florida Department of Law Enforcement or Fish and Wildlife Commission, but my nominee would have been from FWC, but so is his. That means that one of us can't put a nominee in.

CAPTAIN FRAMPTON: I guess we need to clarify this now. The only nominees will come from the agencies. Otha will have a nominee, the Coast Guard will have a nominee, Florida, Georgia, North Carolina and South Carolina will, because you don't have any officers.

LT. FISHER: But that said, if he has somebody he wants to recognize, he can pass it up through now.

CAPTAIN FRAMPTON: Yes, he has to go through Rob. You will be part of the voting.

MR. CLARK: So it doesn't matter who I would nominate unless it's appointed then he would never get his recognition.

CAPTAIN FRAMPTON: Say that again now, you lost me.

MR. KENNEDY: You can go to Rob with it, and if he makes it up the chain of the FWC.

CAPTAIN FRAMPTON: Yes, you have to lobby Rob.

MR. KENNEDY: Frankly, you see your local guys, I see the guys in South Florida, and that is not a fair representation of everybody in the South Atlantic. I don't think as a civilian I have the background, the knowledge of the people, and I'm too geographically confined to get it. I think it ought to come from the agency folks we have here. Otherwise, you could end up with three people from Florida.

MR. CLARK: I can see this, but I have to lobby him. I'm probably the only one in the room that faces these guys everyday, 24 hours a day.

CAPTAIN FRAMPTON: I face mine 24 hours a day everyday. I'm facing them right now. So let's just make sure we're clear on that, when I'm clear on it. The states and NOAA and Coast

Guard, will be lobbied by whomever for their Officer of the Year. You and Rob will have to vet – you will have to lobby Rob for who his candidate is.

CAPTAIN FRAMPTON: All right, so let's go back and see if we can finish this paragraph. The Law Enforcement Advisory Panel will select the nomination. At completion of the review, the nominee shall be forwarded to the executive director for award. Are we still thinking we want to exclude the name and gender, residence; want to keep that? We want to leave the exclusion in.

LT. FISHER: That's standard in the way that we write up our citations. Obviously the information will need to be somewhere, but on the actual citation you can make reference to their last name, like Officer Smith did so and so, but there is no reference to gender or anything else.

CAPTAIN FRAMPTON: Okay, I'm fine with that.

MR. GEIGER: Chisholm, getting into that forward the names to the executive director for consideration with the following paragraph; the way I could see you getting around that is to make your selection, submit the names and your recommendation as to who the finalist is.

CAPTAIN FRAMPTON: George, I'd go back to liking we are going to submit the name.

MR. GEIGER: Okay, and that's fine, too. I was just looking at that to try and figure out how you might be able to get around leaving that verbiage in there, seeing as how that information was viewed last by the Law Enforcement Committee. I wasn't thinking far enough ahead at that point to change it.

I do like the idea of you guys making the selection. Certainly, Myra, at this abbreviated meeting we have coming up in August, we might want to add fifteen or twenty minutes to the agenda and I can make that pitch, if you think it is necessary. I will talk to Bob about it and see what he thinks.

MR. KENNEDY: Mr. Chairman, maybe instead of the state of residence, it ought to include or agency, just to make sure we are clear on that.

CAPTAIN FRAMPTON: Myra, will you read this back to us and see if it sounds right.

MS. BROUWER: Okay, so this is how you've changed it: "The Law Enforcement Advisory Panel will select a deserving officer for the award. Each agency must submit no more than one nomination to the LEAP. Upon completion of the review, the LEAP will select one nominee to forward to the SAFMC Executive Director for presentation of the award. The information on nominees shall exclude the officer's name, gender or state of residence or agency. The Executive Director will present the award at a regularly scheduled council meeting."

LT. FISHER: Just to make a legible, understandable citation, can we change it "exclude the officer's first name"?

MS. RAINE: I was thinking that this was just for the form that we are looking at and not for the citation. This is for the voting.

CAPTAIN FRAMPTON: When does this group think we can take this criterion and go back and have our nominees? What's a reasonable timeline?

LT. FISHER: I don't know, we have so many people we have to solicit for, it will take a while, but we can do August 15<sup>th</sup>. We'll have to get right on it. If I can take this criteria, this is good to go coming out of this meeting, I can start pushing it out in a message to the Coast Guard. We can get it in by the 15<sup>th</sup>.

CAPTAIN FRAMPTON: Do we want to push it to the December meeting? Does that give everybody more time to do it right? Yes.

LT. FISHER: : If you're going to do it to the December meeting and we're just going to do it all over again in March for 2011, do we just want to make this kick in for the 2011 calendar year and then have it go for March? I know how long this has been dragged out over the years.

CAPTAIN FRAMPTON: It's gotten dragged out. Let's get this out to us.; let's review it; let's make sure it's right and we won't start out nominees until next year, so we won't do one for 2010.

LT. FISHER: Or if we do it for December just for this first year; can we include then 2010 and 2011? How about that? It's going to seem a little silly to do the whole thing over again in March.

MS. BROUWER: Right, another thing to consider is if you do it before March you would have to do the selection remotely. We would have to schedule some kind of webinar or conference call because you are not scheduled to meet until the spring. Personally I think it would be beneficial to have face-to-face discussions about this.

CAPTAIN FRAMPTON: I do think trying to do this in a webinar would be difficult. It would be hard to do.

CAPTAIN BEATON: I got lost somewhere. We're thinking about not doing one for calendar 2010 because we don't think we have time to go through everything?

CAPTAIN FRAMPTON: Yes, that is correct.

LT. FISHER: Or for the first year, while we are getting this set up, include 2010 and 2011 since 2011 isn't fully finished; so include events for the last two year this first one. I'm just throwing that out there.

CAPTAIN FRAMPTON: All those in favor of not having it due in August and waiting until next March to start – I think we are looking at delaying the process and not starting it until next year. Let's get the criteria in order, let's get all this done and not worry about trying to have it done in December.

LT. FISHER: We're not doing December now?

CAPTAIN FRAMPTON: I think that gets awful complicated. Let's just wait and do it all starting in March.

MR. KENNEDY: I would defer to the agency folk, because you know what you've got to do, but we are pretty well there in the criteria. I would hate to see us lose a year, because it looks like we've been dragging this along, anyway. You are the ones that have to do the work; I've just have to look at it and vote.

AP MEMBER: When would the award be made from the council to the participant?

MS. BROUWER: Well, there are several choices. We had discussed perhaps the September meeting, but certainly it could happen in any scheduled council meeting. Those are March, June, September and December.

MR. EASLEY: I remember I think the idea too was that the council was going to pay for the family – you know, the winner and their family to show up, is that right, Myra?

MS. BROUWER: That is correct.

MR. EASLEY: A nice location would be good for them.

CAPTAIN FRAMPTON: Where is the next nice location; Charleston?

CAPTAIN BEATON: I think we would defer to Brandon because he's got to do the most research.

LT. FISHER: A little more time would be nice but there's no reason – if this criterion is good and I can take this today or tomorrow and put into a message and get it out. If anyone is going to send something up that we haven't already heard of they are going to do it in the first week or two, anyway, so there is no reason we can't have this by August 15<sup>th</sup>.

CAPTAIN FRAMPTON: Let's go with August 15<sup>th</sup> for everybody to have their nominees submitted.

AP MEMBER: And they will receive the award in September, am I understanding this right?

CAPTAIN FRAMPTON: That's what we'll shoot for, and we are going to evaluate these, when and how? We'll figure that out.

LT. FISHER: : Okay, then August 15<sup>th</sup> for primarily focusing on the 2010 calendar year, and then when are we going to do the 2011 calendar year; hopefully earlier than August next year.

CAPTAIN FRAMPTON: March we will start that process.

LT. FISHER: Okay, that's fine for the first year we are getting it off the ground; that's fine.

MS. RAINE: Just a question and I don't know the answer because I don't do this part of the law, but would our meeting have to be a public meeting or is it a closed session meeting and what about the notice requirements? Even if it's a phone meeting, I think there still are notice requirements. I don't know the answers to that but I just think that's something that has to be factored in as well.

MS. BROUWER: Yes, I think as long as we notice it in the Federal Register that it's a closed meeting, then I think we're fine. It would have to be noticed but we don't have to disclose any details.

MS. RAINE: And I don't know whether it is a closed meeting or not because I don't do that part of the law. I don't know what you have done in the past.

MS. BROUWER: I would suggest that you request that it be a closed meeting so that we don't have any public attendance when you're discussing nominees. The only thing we'd have to do is just notice it as such in the Federal Register.

MR. KENNEDY: It would seem to me to be a more frank discussion if it were a closed meeting, much the same way you do a personnel meeting or some kind of confidential meeting. You may put one of our agency gentlemen on the hot seat if his folks hear that he voted for somebody else, even though obviously he or she is not going to know who they voted for. I would suggest it be closed if we can do so legitimately. It also gives us more flexibility.

MS. BROUWER: I can make all these changes and have this back out to you next week. Would that work for everybody? I'll just e-mail it to you all and that will be the final.

MR. EASLEY: We'll all be here tomorrow. That's all right, as long as you need.

MS. BROUWER: If I hadn't forgotten my computer's power cord, I could have gotten it to you this afternoon but unfortunately it is about to die right now.

CAPTAIN FRAMPTON: Let's go to lunch and be back about 1:30.

CAPTAIN FRAMPTON: Okay, let's call the meeting back to order.

AP MEMBER: (Recording starts here) – thirty pots on those boats.

CAPTAIN FRAMPTON: I think we were looking at it from the standpoint of how would you know whether they were bringing back – unless you were there to watch them leave with 20 pots, how would you know what they actually took out there from an enforcement standpoint?

AP MEMBER: You wouldn't.

CAPTAIN FRAMPTON: And that was our issue, you wouldn't know; and if you don't know, then there is no enforcement.

AP MEMBER: Right, but I believe liability in itself will stop them from doing it.

CAPTAIN FRAMPTON: Well, if the fishery is like you say and you've got to check them every hour, then that certainly benefits.

AP MEMBERS: And as far as leaving them unattended and running actually under 10 or 15 miles and trying to come back to them, even with a GPS you're not going to hit that dead center each time and you are going to lose a lot of pots. You almost have to attend them, you really do.

CAPTAIN LEWIS: You've got to fish these every hour because there are so many on a fishery that we've been closing; did I understand that right?

CAPTAIN BEATON: I was just going to second the speed in which these things fill up. There is a loophole in the Gulf where wire stone crab traps are put out in federal waters even though they know there are no stone crabs out there and they are intentionally targeting black sea bass. By the time they are done dropping number 25, they are back at number 1, pulling them full of sea bass already.

CAPTAIN FRAMPTON: Right, and Alternative Number 2 was require that the black sea bass pots be brought back to shore at the conclusion of each trip. I was thinking unless you know what they leave with, you don't know. There will be no enforcement of that.

AP MEMBER: Sea bass, we're not gutting sea bass; that is one of the few fish that we don't gut, by law. The shelf life on a sea bass from the moment you catch him to the time you can't sell him is roughly three days. If you're sea bass fishing you are going to be coming and going quite frequently, and there is no reason in the world to have to leave those pots out there. There really isn't. Like you say, you can't regulate something you can't see. I just believe that over a period of two or three trips this man is going to pull his pots and bring them home; I really do.

MS. RAINE: Yes, it is interesting hearing about how quickly you can catch the fish, but even without that our recommendation would be to have them bring them back on each trip. I think to your point about the enforcement issues; there would be enforcement issues with the 72 hours as well.

I believe on the Gulf side, although I wasn't involved with these regulations and enforcing them, I think when there were some traps in the Gulf that they had to bring them back every trip. I can't recall whether there was a call-in for those as well. There might have been a call-in, I don't know for sure.

CAPTAIN KELLY: In North Carolina there are two different fisheries. The one from Sneads Ferry north, they have about 30 pots apiece and they fish them like he says. From the Sneads Ferry line south to the South Carolina line, they leave their pots in the water. They carry them out, they fish them, they run in and they get back to them when they can. In fact last year the issue came up during the closure, some of the guys even left the pots out there then, stating that they had the escape panels on them so there was no concern to them.

AP MEMBER: How far out were they taking them?

CAPTAIN KELLY: Well, from where we were at to where they had the pots set was about 30 miles.

AP MEMBER: You run them down; you've got more honest people than we do.

CAPTAIN LEWIS: Is this something we also need to look at it for, the right whales coming through at that time of the year; if you leave them soaking without the breakaway ring on them.

AP MEMBER: They are supposed to have the breakaways in them.

MR. EASLEY: I remember reading or glimpsing through the larger document, whatever it is called, and as far as justifications I think one of the reasons for reducing the number of black sea bass pots; one of them was the right whale interactions if I'm correct. Though neither alternative is ideal, I thought it would be better to bring those pots back after each trip.

I'm thinking it's easier to enforce that one than the 72-hour gig, because if you are out there in the water and you see a pot out there, period, no one is around, it's illegal versus if you see them out there, then you have to start your 72-hour clock and you don't know when it started and when it ended. I just figured the Alternative 2 was the better for enforcement routine. I understand Chisholm has been working this 72-hour type of enforcement approach before and you have mechanisms that seem to work for you.

CAPTAIN FRAMPTON: Well, I don't think I read in there where it said you had to stay with your pots. You don't stay with your pots out there.

MR. CLARK: You won't run 20 miles away, but you will go like 5 miles at a time. Another thing with this leaving these pots – and we're still struggling with these pots and design. A lot of the people are using rebar squares underneath your trap to try to secure it. Well, unfortunately the current out there, it's from anywhere from one knot to six knots.

When that current picks up, the pot drags. The rebar underneath them, this pot snags in the reef and you've lost your trap, you'll never get it back then. They try different types of things with it. But if you leave a pot set for say 12 hours, that thing can drag for a half a mile to a mile on the bottom.

You go back out, you'll never find your pots; and if we let the pots stay out there, we are going to have pots all over that ocean that are going to be abandoned. You have pretty much got to stay pretty close on them now. I don't know how it is in Carolina for current up there, but I know in Florida sometimes a five-pound window weight stays on top of the water when we are trying to fish with it. There is some strong current down there in Florida.

MR. ROGERS: I really appreciate what he's saying. I mean, he's the man that fishes the pots and he is erring to the conservative side if I'm not mistaken. He's saying if a pot is fished properly, there is no sense in leaving it out there, right?

MR. CLARK: I would never leave my pots out there; I never would.

MR. ROGERS: How often does the commercial guy not want to – I just see what he is saying and take a lot of value in that.

MR. CLARK: They are \$35 apiece plus the rigging, so you are looking at \$50 to \$60 bucks and you drop 25 pots and you lose 10 or 15 of them, you can't do that very often. Just from the financial standpoint, I'm bringing my pots home.

LT. FISHER: But didn't I also hear that fishermen in other areas are leaving them out for longer periods of time?

AP MEMBER: Do we know how many people are in this fishery as far as fishing pots?

CAPTAIN FRAMPTON: We don't have a huge number in South Carolina.

MR. CLARK: If we go under the new guidelines you are trying to push in right now, there will be very few. Up until February of 2011 very few commercial people in Florida – and I can only speak for Florida – really fish for sea bass. Smalls were paying 50 cents; large was paying a dollar.

Until they started closing all these fisheries we threw them back. We did not keep any sea bass until February of 2011, and that's when we all started getting serious over this buying tags and traps and all. When we do this other thing, if you go back and say so many landings in 2008 and 2009, I'm going to say 80 or 90 percent of the fishermen in Florida will lose their right to catch sea bass.

CAPTAIN FRAMPTON: But if we went the way that lets them soak, we are being less restrictive. We are definitely not restricting you. If you want to bring your pots back every time that's fine; but if you're also a fisherman that leaves your pots, all we are doing is saying you can't leave them more than 72 hours. Believe it or not there are ways to work pots to see if they are being worked in that time period. There are ways to do it and we do it now with other fisheries.

MR. CLARK: I think whether you pass the law or not, I think attrition will take care of the problem. Some guys are going to leave them out there, they know how to do it. But the ones that are scared are going to bring them home. If they lose them three or four times in a row, they are not going to keep leaving them out there whether there is a law or not.

CAPTAIN FRAMPTON: Are people as territorial with these as they are with the others; therefore, they may leave their pots out just to keep their ground?

MR. CLARK: It's a big ocean, but also you'd like crabbers. There is a constant war between any kinds of a type of a pot, and one guy he's getting a little tight on money so he goes and steals a dozen or two of them, or he just pulls them up, squashes them and throws them back overboard. And you're right, it is territorial.



CAPTAIN BEATON: That would be more incentive to stay out there with your pots and bring them back everyday.

CAPTAIN FRAMPTON: I'm not a commercial fisherman, but it's not like you catch black sea bass everywhere out there. The pots are pretty congregated, aren't they?

MR. CLARK: Not any more. We're pulling out five miles offshore and putting some pots out and we are doing just as good in shallow grounds out there as we are at 140 foot. It used to, you set them on the corners of the reefs, but now you can get way off the reefs. The sea bass, unfortunately, they're thick. Even though we don't think they are, they are thick out there. It's really becoming a problem and I can see where we are having to regulate it more, but each time you cut out a species it's going to be more popular.

MR. GEIGER: To go back to the basic premise and why the council undertook the actions there, we have a requirement to reduce effort and there is only a couple of ways you could come about doing that. One of them is limiting the number of traps. The second thing is to possibly limit the soak time on those traps.

And you can limit the number of traps by forcing people to either only carry a set number of 25, or then presumably you can limit the number of traps automatically by forcing them to return to port everyday with the traps that they take out, which would limit the number of traps, as you said, based on the size of the boat.

That's the premise under which the council brought up and injected these alternatives in an effort to reduce the effort in that fishery to keep the fishery open as long as possible during the course of a season. We had a closure last year; we are looking at a potential closure this year, and there is a requirement to reduce that effort.

MR. CLARK: There is also a side of this with a number of pots that I think would fall into the Coast Guard section of this. The only place we have to put these pots is on the roof of our boats, and you start stacking those pots on the roof of those boats and all of a sudden you get a Nor'easter come up, and you've got 7, 8, 9, 10 foot seas; you are going to roll some boats, and it's dangerous enough already. You start putting a hundred pots or so on top of a boat and you're going to lose some people. That's just one aspect that we really aren't looking at yet, but that we should.

CAPTAIN FRAMPTON: I agree with you, but unfortunately or fortunately we are looking at it from the law enforcement aspect of whether they should bring the pots back or leave the pots out there and if that is going to cause a problem for us doing enforcement as to whether commercial fishermen are doing that or not. We've heard both sides, where some people leave them, some people bring them back. It seems like the least restricted method that accommodates both of them is to let them have the soak time.

MS. RAINE: I would just say looking at it from an enforcement point of view and at least from my point of view as prosecution, it would be easier to not let them soak and have them come back, have them require them to come back. I certainly would support the preferred alternative.

LT. FISHER: I appreciate George explaining. My question that I was getting to anyway was what was the objective of both of these alternatives, what were they trying to address? It sounds like they both are an attempt to address effort. From the Coast Guard's perspective, I think either one of those options is going to be very difficult to enforce.

But looking at it in terms of trying to get something that is somewhat reliably trying to meet the goals of whatever effort measure you are trying to get to, probably bringing them back would be somewhat, slightly more enforceable. Nothing that we are going to have is going to be able to sit out there and put a clock on anything for 72 hours. It's just going to be a question of what is the boarding officer going to see at the time he gets on board the boat or if he sees them out at sea, but there's not going to be a way to tell that 72 hours.

CAPTAIN FRAMPTON: And it's the same thing if you are not watching the boat leave port, you are not going to know when he's leaving, so when you check him coming back in, how do you know what he left with?

MS. RAINE: Yes, it's not just a matter of checking them when they come in, but if you have pots sitting out there, you can make a case. If there is a patrol, and someone comes across some pots and there is a 72-hour requirement, then you have no idea how long they've been soaking. But if they are required to take them back in and there is a pot out there, well, then there is an issue. There is a potential violation; and because they'll have tags on them to identify them to the owner, then you can develop a case that way.

CAPTAIN FRAMPTON: I agree with that but what about people losing pots, what about bad weather?

CAPTAIN BEATON: Again, bad weather is even more reason to bring them in when you come in. If you see it picking up, you are not going to want to lose your gear, you quick run, pick up and head to the Hill. I think with don't go as far as VMS with the fishery, but do like Karen mentioned, a call in, a call out, a call in; I'm heading out with 20; I'm back in with 20.

Certainly language like that could be added to make the enforceability easier. Then if another boat goes out there, like Karen says, and he finds a line of 4 pots and he calls somebody, hey, go swing by Joe's boat and see if it's in, if Joe's in, a violation.

AP MEMBER: Who do they call? Also, what happens if you find the pot that you lost two days ago or three days ago?

MR. CLARK: I never thought I'd say this, but on the law enforcement side of this thing we have a law that says they have to have a way for the fish to get out if the trap is lost and everything else. They have to be 24 inches by 24 inches. If you are not going to enforce this thing in some way, and the only way to enforce it is to look at these traps, physically look at them as far as the enforcement thing.

And if you don't bring them in, you don't have to do that. I'm just the devil's advocate here, because I know a lot of these guys. I'm going to go build myself a 5 foot by 5 foot and I'm not

even going to put a tag on that darned thing, and I'll leave it out there and I can go out there in a day and I can make a fortune. And you've got no way to catch me if I don't have to bring it in. Like I say, I never thought I'd say this.

CAPTAIN FRAMPTON: Well, I agree with you, there are loopholes in both of it, it's all over. Whether you say the 72-hour soak or bring it back, there are tons of ways to get around either one of them. Otha said when we started neither one of these are perfect by any means.

MS. RAINE: I don't know the status and what is going on currently, but I know at one point in the past there was a program where if you had lost your traps you were to report, and there was like a set of things to go through. Those types of issues can be addressed it would seem to me. Of course, someone would probably need to report right away that type of thing, but if there was a call-in, that could potentially be tied into that as well.

MR. EASLEY: And that statements put on the record, too, on the last day of council meeting that if someone has an issue with their pots, just make a call to enforcement, you know, hey, I lost so and so, I can't get back out there because of weather, et cetera, and about where they are. There won't be very many of those nor are we really advocating that they use that, but that is something that we could consider before we press charges against them.

AP MEMBER: Calling in is going to be tough to do also because most of their cell phones are not going to work that far offshore and they are not going to call until they are almost getting boarded to report something. Like you said earlier, either way, if people want to get around it, they are going to get around it.

One of the other comments I was thinking about, though, if you are trying to reduce the effort, which one is going to keep the season open the longest, by not harvesting around the clock. If you've got to bring them back and they are not fishing overnight, they are not catching, when they are not out there. Will that help keep the recreational season open longer and the commercial season open longer? That's just food for thought.

MS. BROUWER: Right, that is something that will likely be included in the analyses for this amendment, which you don't have in front of you and they're still working on them right now. Just to give you an idea of the timing, the council is probably going to look at this in September and maybe approve it for public hearings if those are needed.

This is an amendment that's been in the works since 2009 and we've already had two rounds of public hearings for it, but we keep adding actions to it. One of the things that happened at the June meeting is a couple more actions that I haven't yet talked about, but I will in a minute, were added to it. So if needed, we'll have to schedule public hearings. The council does want to move forward with this as quickly as possible because of the concerns with the right whales. Hopefully by the start of the next fishing season, things will be in place.

LT. FISHER: Do we want to express in this that we have concerns about the enforceability of both Alternatives 2 and 3 or are we comfortable saying we are going to do our best with them?

MS. BROUWER: I think the council would appreciate your recommendations and your input at whatever point you wish to give it. If you are prepared to issue some kind of recommendation, then that would be great.

LT. FISHER: Well, from the Coast Guard side, I would say I would be concerned about the enforceability of both Alternatives 2 and 3 as they're written now; at sea, anyway, from the Coast Guard's point of view.

CAPTAIN FRAMPTON: Anybody have any real problem with that being our perspective?

MR. EASLEY: What that means is if we don't give them an LEAP preference, then Alternative 2 is what's going to most likely happen. In essence saying we have problems with both means we're okay to accept Alternative 2 as you're preferred, as if we have much choice. My opinion is what will ultimately be that's fine. I don't know – we've been talking about both sides here and I don't know if you want to put it to a vote or just leave it as suggestions, say, hey, we have problems with both, you know, have a nice day.

LT. FISHER: Looking at it, I would like to take it a step further and obviously propose some sort of a solution if we could come up with one. Nothing is really jumping out at me as to how to make this more enforceable from an at-sea perspective. I think we had discussed something about call-ins and call-backs.

I don't know if we want to try and run with that further to develop that into some kind of a recommendation. From an at-sea perspective putting a boarding officer on a boat and being able to tell either one of these definitively, I don't see if that's anything that we can really do.

AP MEMBER: On their permit will everybody be limited to, what, 35 pots or will there be different categories?

MS. BROUWER: No, my understanding is that is their preferred right now is 35 pots.

CAPTAIN FRAMPTON: I'm not seeing where we are unanimous on either one of them. I think we've got issues with both of them.

MS. RAINE: I was just going to say I don't know that there needs to be unanimity if we want to take a vote and say some people prefer this and some people prefer the other, because that is clearly what it looks like is evolving here.

CAPTAIN FRAMPTON: But neither one of them are very good enforcement techniques.

MS. RAINE: But they need to do something, and we have a lot of regulations that go through that perhaps we haven't been particularly in favor of, but I think sometimes it – I'm thinking it might be helpful, when you have two things that maybe you're not crazy about, talking about what might be the best way to help the council get at least one of the alternatives in a position that's a little bit better.

For example, a call-in program might help with requiring the sea bass pots to be brought back to the shore, something like that, if we can add something, but I clearly recognize there seems to be a split of opinion here, too, but that might be helpful for them to know as well.

MS. BROUWER: I would add to what Karen just said. I think it's very helpful for the council to understand where you guys are seeing the issues. Even if you provide them with a list of reasons why the preferred alternative is not ideal, why Alternative 3 is not ideal, that in itself I think is very helpful to the council in their decision-making.

CAPTAIN FRAMPTON: Well, with that being said can, we recap the list of why we don't think they're great and leave it at that? Neither one of them are great, but at least then we will have given them some reasons why we don't think they are suitable.

CAPTAIN BEATON: Can we also provide them language that would maybe help it be more enforceable, suggested language?

AP MEMBER: Alternative 3 speaks for itself because you've got to pull them in 72 hours because your fish are rotten, and you have to leave out there, you can't stay any longer than that.

LT. FISHER: I guess one of my problems looking at the 72 hours is from the Coast Guard's perspective, being on a cutter or being on a small boat that would either see the pots in the water and get on board a boat and see the pots, it's essentially an arbitrary number. We have no way – and 72 hours from our perspective why isn't it 67 or 75? We have no way of knowing from our perspective how long that pot has been in the water, which means the way the language of the law is written is arbitrary to us.

MS. RAINE: I would say from my perspective, sort of going along with what Brandon just said, if it's 72 hours and a patrol boat comes across the pots, you aren't going to know how long they've been there one way or the other, and I think that would be a very difficult case to make unless somebody is sitting with that pot. But, with the other, if there is a pot out there, I think the idea is that they don't want the pots out there for extended periods of time to help the fishery. And if the pots out there and it was supposed to have been brought in, that's a much easier case to make from my perspective.

CAPTAIN KELLY: We tag pots in other fisheries that have time limits on how long they can be set without being fished. It's a locking tag that we put on it. If we retrieve the tag, then it's been there too long. If we can't retrieve the tag, then we can't make the case off of it so we tag our stuff.

AP MEMBER: The other one, if you require them to put them when they leave, if you're not running but five miles offshore, I run out there this morning and I drop them out, I can go back to the dock and work around the dock until late this afternoon to go back out. I mean, you're still going to have to prove that pot was left overnight or unattended for X number of hours. To make that alternative work; you are going to have to put a specific timeline on how often that trap has got to be pulled; because if you don't, it is going to be basically the same thing, isn't it?

MR. EASLEY: Along those lines, if not putting a time on there, which I'm not crazy about, Alternative 2 states that the fishermen have to bring them back at the conclusion of each trip; so going running back in to tidy up loose ends and then come back, I don't know where that fits in their definition of a trip. That might need to be spelled out so that we can maybe address that.

MS. RAINE: We're going to check, but I think a trip is leaving port and coming back to port; so if you came back to port and then went back out, you would be on a second trip.

CAPTAIN BEATON: Yes, I've got it pulled up in 622. It means a fishing trip regardless of number of days duration that begins with departure from a dock, beach, seawall or ramp; and that terminates with return to a dock, beach, seawall or ramp.

LT. FISHER: Well, with that said, and with the discussion we just had, I guess now I would lean more towards supporting Alternative 3, which would give more leeway to fishermen if they needed to run in, run back or support some geographical differences in their strategy for whether they set the trap and leave it overnight or whether they return on the same trip.

Then understanding that from an enforcement standpoint, the most that we could probably make a case from would be those egregious circumstances when we go out, we see a trap, several days later it is still there, it has either been abandoned and we have some kind of a standard by which to measure that. Does that ring true?

MS. RAINE: Not necessarily because you don't know if the trap was taken back and then brought back out, so you are not going to have any idea.

CAPTAIN FRAMPTON: I'd go back to – without getting too far into how we do enforcement and enforcement techniques to what Jim said that there are ways to mark traps, we do it in other industries to determine whether they are being worked or not, and they actually have a little bit longer time they are allowed to be out.

MS. RAINE: You know, that's a piece of technology that would have to be proved in court. I'll just lay it out there and it's like any other technology that's being used, and I don't know what kind of studies or whatever there might be, but that is just to think about.

CAPTAIN FRAMPTON: If you zip tie a trap shut and you come back and it's still zip tied shut and it's full of fish, they are not working it.

CAPTAIN BEATON: But who's going to zip tie a sea bass trap and pull it that is in 180, 300 feet of water?

AP MEMBER: If it's 180 you've got to add another 60 to 70 percent of rope because of the current, so you're pulling about 250 to 300 foot of rope every time you bring that thing up.

CAPTAIN FRAMPTON: Well, we've heard inshore, offshore.

AP MEMBER: Well, you don't change the rope every time.

CAPTAIN FRAMPTON: It changes, but the bottom line is from an enforcement standpoint what's the better way to go?

MR. EASLEY: When I review these council amendments and adjustments and things from the aspect of enforceability, I look at two main things. What are the elements do I need to prove to enforce that alternative – usually the fewer the better. And the other is how difficult is it to prove those elements? With these two alternatives, using those two main hurdles or variables in mind, I thought that bringing them back would be the easier alternative to enforce.

CAPTAIN BEATON: I'm going to agree. The scenario where the guy puts them out and then has to come back and repair his dock, I'm sorry, you're a professional fisherman, you need to plan your trip so that you can comply with the regulations that are in place. And if it requires you to stay out there and if an hour your pots are full and you've got – plan your day. But leaving them out there, there are just too many variables. You could tag it, and then I can see the attorney now, well, isn't it possible that he pulled the trap, didn't replace the tag and put it in the exact same spot? It's possible.

AP MEMBER: I think what Chisholm is looking at trying to be the least amount of intrusive into the fishermen as possible, because people are getting tired of government intervention. I can see what Chisholm's saying. I can see the other side from enforceability. If they go out and they come back, there probably won't ever be a case made anywhere with somebody not coming back with the number of pots they went out with because you are not going to know what they went out with. Therefore, you are not going to know what they need to come back with. That's neither here nor there. As long as you don't catch them with over 35 traps on the boat going out, there is not a whole lot you can do about that reality.

MS. RAINE: I would just say not really to your point, but this Preferred Alternative 2 is certainly enforceable in that if there are pots that are left out in the water and there is a patrol done – and I know that in the past I've gone on crab pot patrols with the FWC, and you see pots out there, then you can connect those – if they weren't pulled or there is a problem with them, you can connect those through the tags to the owner.

AP MEMBER: The only question I have on that is there going to be a certain start time that they can start fishing versus the time the pots have got to be out of the water during the day? I mean, like could they go fish at night and then you still don't know they are there. Just because a pot is left out there and the guy has run five or six miles away from it and you can't see him; does that mean that pot is abandoned?

CAPTAIN FRAMPTON: That goes to are we going to say that you've got to stay within hailing distance of your pots? Keep in mind we're trying to do enforcement, we are not trying to solve the black sea bass world problems. We are trying to do enforcement on the commercial gear.

AP MEMBER: The standard thing that we do is we go out and we'll fish for 6 to 7 days. Most of the time that's our trip limit on it because of ice. The pots stay on the top of our boat until the last three days before we go in because of not gutting the fish. We stay within eye sight, really and truly of our pots, because we have to work them so often. To leave a pot unattended for

days, it's loaded in just a few hours and those fish are going to die usually. Enforcement, I'd say like you said, within hailing, I really would.

CAPTAIN FRAMPTON: And that's okay, but we are taking one paint brush and brushing the entire industry when we have someone else at the table saying there is a different way to do the fishery in their state, so what's best for everybody?

AP MEMBER: That's why again I say regardless of what's said in here, my pots will come home. Just for my own safety and for everything, my pots will come home.

CAPTAIN FRAMPTON: And that sounds like the safest way, but I don't think we ought to eliminate those in another fishery that leave their pots out overnight that may not have the resource that are in other places. I mean are we prepared if that's where we want to be?

MR. EASLEY: This same discussion happened at the council meeting, too, even more robust than us. I mean folks that were really, hearts were in there from their perspective, including the North Carolina representative, and he said, hey, we carry more than 35 and they are out there overnight and we keep them out there.

The other side is saying, hey, but we have to reduce the effort, and et cetera. The same discussion happened to a great extent half a day just about. At the end of that day this is what they came up with. They still decided that they should take the pots out at the end of the trip. As far as keeping in mind the wide variety of ways of fishing black sea bass pots in the industry, that's been covered and now we are saddled with looking at the enforcement end of it.

You know, the other stuff, that's great; that's already been debated by those that are closer to the issue and they live the issue in addition to our AP attending here. As difficult as it is sometimes, I'm just limiting my thoughts to how enforceable these alternatives are. Then if there is a choice, one over the other, then that's what I'm limiting my decision to.

LT. FISHER: I heard someone mention earlier – it's the first time I have heard of it with regards to fisheries regulations, would there be issues associated with putting a requirement to remain within hailing distance of your pots? I understand that's a pretty nebulous term.

MS. RAINE: I think in the past there have been some requirements that the pots have to be tended, and we can look and see what that language was before.

CAPTAIN FRAMPTON: Otha, I appreciate what you said. I'm going back to, the more we dig into it, neither one of them are great enforcement ideas. I think if we go on the record and say why we don't think they are great enforcement ideas and we let the council make the decision, that's the best we can do, because it doesn't matter – it really and truly doesn't matter which one we come up with. We've gone on the record; we've said we've got issues with both of them; here they are.



We can throw some things in there to try to help them make a better one, whether its hailing distance or whatever we think some of the solutions are and move forward. At least we've done our part, we've looked at it, we've talked about it, we've looked at both sides of all of it.

LT. FISHER: Without having looked at what the definition of tended is, if that gives a slightly longer leash and that's acceptable to the council to take a look at whether keeping them within hailing distance is acceptable, I think that is something we could work with.

CAPTAIN FRAMPTON: So what do we have for issues, Myra, on the two alternatives?

MS. BROUWER: What I've captured from your discussions under the preferred alternative, the concerns are or what you would like the council to consider would be perhaps a call-n program to increase the enforceability of this alternative; also the definition of what constitutes a trip. Currently the current definition would not allow for gear to remain in the water for, like we said, just a few hours while fishermen go back to the dock to take care of other things.

The alternative, as Karen said, is enforceable in the sense that if there are pots that are left out in the water, then they can be connected through the tags to the owner and that would help prosecution. With Alternative 3, the concerns that I've heard from the U.S. Coast Guard is that there is no way of knowing how long the gear has been in the water.

A patrol boat coming across the gear would not know how long the gear has been in the water, and this would complicate making a case. There are however ways to mark traps that would enable enforcement to tell how long gear has been out there in the water. Of course, this is different in certain ranges; in North Carolina and off of Florida I would imagine because of the depth and the distance from shore. Also, it is questionable whether the approaches or the technology would hold up in court. Then also bring forward a consideration to remain within hailing distance of the gear.

MR. KENNEDY: My only suggestion is that we preface at the top of Number 2 that both Alternatives 2 and 3 present with significant enforcement challenges and the AP believes enforcement would be extremely difficult. Is that a fair assessment? I mean that's what I'm hearing.

I don't do your work, but I can see how this is going to be a pain and unless you have some way of notifying – and I don't want to use the three initials; because I don't know that cell phones will work in all those places. It sounds to me that we should indicate that they provide significant enforcement concerns and enforcement would be difficult. That is just my sense.

CAPTAIN LEWIS: Where I said dock in there, I probably shouldn't have used the word dock, but going on to a different fishery; like you know he's going on back out, he could drop those pots off while he's running somewhere else. Like he was saying awhile ago, they fish – go out for six days and they fish for awhile, but then the last three days they drop the pots; does that mean he's got to sit there for three days or can he go back to doing the fishery he was doing before he got there? That is basically what I was trying to get to a while ago, and I used the wrong words.

CAPTAIN FRAMPTON: I think it was Alternative 3, should we clean that up where we don't say we don't know and then we know.

LT. FISHER: Right, that's just what I was going to say. Where we say that, well, we don't know how long they're soaking and then we say, well, we do actually know that there are ways. I think if we are going to leave that in there, let's put the specific way that – I someone proposed that you can mark them with a tie wrap or something.

I'm going to tell like right off the bat, like the Coast Guard has no interest in being in the business of routinely pulling people's traps. With all the other things we do, we are not going to start doing it. It may be an option, but from the Coast Guard's perspective that's not a realistic enforceable option, pulling people's traps and marking them.

CAPTAIN FRAMPTON: That's fine.

LT. FISHER: Well, you can actually just move that down to the bottom of that third bullet point, there are ways to mark traps. I think the point was brought up that you could mark them with tie wraps or other things, and just say then CG has a concern that they were not interested in probably getting into that business realistically.

MR. EASLEY: I think the bullet right after that is more associated with Alternative 2, the hailing distance. It's more of a issue that goes hand in hand with a definition needs to go along with Alternative 2 than the 72 hours – am I wrong?

CAPTAIN FRAMPTON: I think that's fine. Did we capture what Mike said about that we have considerable concern for the both of them? Have we captured that right, Mike? Anymore discussion on this? I appreciate everybody's input on it, though. Otha and I had a good conversation in Key West about it and it's interesting to hear everybody's perspectives on it.

CAPTAIN BEATON: Can we maybe add something that if they do decide to go with two or three that might aid enforcement other than saying what's wrong with it. We do have call in. Do we want to make it a VMS fishery since it's a limited number of boats, and there is the big concern about the right whale?

CAPTAIN FRAMPTON: Karen, how big a deal is it to make it a VMS fishery?

MS. RAINE: I don't know; that might be an Otha question.

MR. EASLEY: It's not a big deal, but I'm wondering what will – like the other question I had on the other issue, what will we gain by putting VMS on these folks? I guess when they get ready to – well, we know when they come in, so we can go see how many pots they have when they come in, see where they put them, but we don't know how much they left with, per se, for the 35 number.

CAPTAIN BEATON: Well, you could make that part of the requirement of VMS is they declare when they are leaving and how many pots they are carrying. We'd be able to tell how many hours they were at sea.

LT. FISHER: Right, what would matter would be the deployment time, though, since they could have set them and brought them back and set them somewhere else on the same trip.

AP MEMBER: What about if they participated in another fishery while they had those soaking out there; would they have to run VMS the whole time while they were in sight?

CAPTAIN FRAMPTON: It seems to me like the VMS aspect really complicates it.

MR. EASLEY: Well, that last question, per se, has been addressed in other fisheries. As long as you have – say, for the HMS pelagic longline, as long as you have pelagic longline gear on board, you have to report via VMS. If you have black sea bass pots on board, you have to have VMS. Once that gear is off, then maybe declare I'm out of fishery and go from there. When you want to mix the trips together, then it becomes a question of whether that's to be allowed or if there is some other work around to allow that to happen.

MR. CLARK: You're putting an awful heavy financial load on some guys that are starving to death in the first place to even go buy one of these VMSs. I'd like to have one on my boat. I know there are federal grants I hope available for them. I haven't found it yet and I've been looking. It just seems like you're complicating the waters an awful lot for a fishery that has only been open for five weeks this year, and it's down again for another year. That's a lot of work for just five weeks.

CAPTAIN FRAMPTON: We're just trying to come up with suggestions to be helpful to them. Are we all happy with this? I definitely think we've given our thoughts and given them something to ponder; and if they want to come back to us, I'm sure they will. All right, with no more discussion on this –

MS. BROUWER: Okay, there are just a couple more actions. This one is a new one that was added at the June meeting and basically is to modify the accountability measures that have been put in place through 17B for overfished species, including black sea bass. There is a different approach in here to compare the landings to the ACL and what the trigger will be for the accountability measures.

If the combined commercial and recreational ACL is exceeded, then the RA would reduce the length of the following season. If those sector's ACLs are exceeded, then both sectors seasons would be reduced; or, if only one sector ACL is exceeded and the combined ACL is also exceeded, then that sector season would be reduced as necessary.

This is a little bit different from what we talked about this morning because it is looking at when landings go over the entire ACL as opposed to just the respective sector's ACL. We looked at how that would work for this particular fishery using recent landings, and it looked like it would work well. It is not something that can be applied across the board. This is again something that

will be included in the amendment and analyzed for the council to consider. I should mention that this is an approach that was brought up mainly to look at AMs and the coastal migratory pelagics, so they're looking at this for mackerel and I believe also for cobia.

There is potentially another action that will be added, which is to consider a spawning season closure for black sea bass. This is something the council discussed during development of Regulatory Amendment 9 and they decided that it was not the right time to do it. There is a lot of concern mainly because the spawning seasons are different in the northern versus the southern range of the species distribution.

There are a lot of issues that don't quite balance up. We will bring this back to the council to see if they want to revisit it. Then I believe the last action is to modify the rebuilding strategy. Right now black sea bass is under a rebuilding plan that calls for a constant catch strategy over the rebuilding period, which means the quotas are not going up as the species rebuilds.

That's what is creating a lot of the problems that we're seeing with the seasons getting shortened because the resource is increasing, there is more fish out there and therefore they are getting caught a lot quicker. Also they are bigger so they weigh more. There are a lot of factors that are contributing to the situation we are in now.

Right now there is a stock assessment underway for black sea bass and golden tilefish and the thinking is that the stock probably has built to a level that the ACLs will be able to increase from year to year to allow for more take. Then the last two actions in this amendment have to do with improvements to data recording. There is one to look at the commercial data reporting and I believe for-hire. That's what's included in 18A; do you have any questions?

MR. CLARK: Are we going to go back and look at all – earlier you showed, as far as staying in the sea bass pot to where you could still buy them and use them, where you had to qualify in those years and all; are we going to go back and readdress that at any time or are we through with that?

MS. BROUWER: You mean today? This is something that, like I said, the council would like to be able to approve it in September. We may end up having to hold public hearings again for this amendment because it has changed so much. If that's the case, then we'll seek public comment and the AP will likely have another chance to look at it, but right now I'm not sure.

MR. CLARK: I mean we're not making any recommendations or anything right now on that?

MS. BROUWER: Not unless you guys would like to do that and I guess that's up to your chairman.

MR. CLARK: I was just curious because almost all of the guys working sea bass pots in my district, well, none of them were doing this a year ago until things got down to it, so there is no reported landings on sea bass up until after February of 2011. Under every one of those that you have in there, all of us would be out of business. That's why I'm curious as to if we're going to address that or not.

MS. BROUWER: I guess I would suggest that you bring that concern to the council, but it's not something that is appropriate to be discussed as the Law Enforcement AP, but certainly I think there is time to bring those concerns to the council as an individual. You can write a letter or enter your comments or talk to a council member.

AP MEMBER: When do you foresee the reassessment they are doing now in the black sea bass about the limits or the season; we may see an increase on those?

MS. BROUWER: The assessment is being done right now. The final results will be presented to the council in December, but the council already has an idea of the changes that will need to take place in the rebuilding strategy. They probably won't know exactly what those limits will look like, but they can go ahead and say we need to shift to a different kind of a strategy away from a constant catch. Hopefully, by next fishing year, by June of next year we'll know.

CAPTAIN FRAMPTON: Any further discussion? Let's take a break. Ten minutes then we'll come back and do other business.

CAPTAIN FRAMPTON: Are we ready to go? Kim Iverson has joined us and I believe we are going to talk about special management zone discussions. Kim, welcome, we are glad you are here.

MS. IVERSON: Thank you very much. I appreciate the opportunity to address the advisory panel this afternoon and a few minutes on your other business agenda. I am going to be around tomorrow for the CERMA Workshop as well, and I understand we are going to be talking about outreach issues and enforcement especially as it applies to large management zones.

I have an opportunity this afternoon to talk with you and get some input very informally on two issues. The first is dealing with outreach associated with special management zones. I've worked closely with Jim Oppenborn for the past two years. He is the artificial reef coordinator. He works for St. Lucie County down in Florida, which covers around the Ft. Pierce area is my understanding.

They have developed with the cooperation I think of an area sport fishing club an intricate series of artificial reefs. Jim has often talked about the Oculina Bank. They've talked about doing some work within that Oculina Bank area and spawning aggregations of grouper that he's witnessed on some of their artificial reefs that are close to that Oculina Bank Habitat Area of Particular Concern and experimental closed area.

We've been in correspondence. His background is more in the scientific end of things in the coordination of the artificial reef development, but he wants to work collaboratively with the council and with FWC to increase public awareness of the special management zones, the designations for the artificial reef and the SMZs starting in St. Lucie County.

Jim had put together a proposal, just a overview. I think I've sent a copy of what I've called an issues paper via e-mail yesterday. I apologize for not getting that to you earlier, but I just received that from Jim. On some of the issues, as far as enforceability of the SMZs that are

currently there, it is my understanding – and I'll probably have more questions than answers at this point for Jim as well.

But it is my understanding that the artificial reefs that are out there in the nearshore and offshore reefs, that three have been designated as special management zones and are under special management zone enforcement or have regulations associated with that. The regulations that are currently in place are gear restrictions, no bottom longlines or fish traps, of course.

Electric reels for snapper grouper species are limited to those mounted on a hand-held rod, so you can't use the deep-drop bandit gear type of reels, and powerhead gear is restricted within those SMZs off of St. Lucie County. Outreach has been fairly limited. In the regulations brochures that the council produces for regulations in federal waters in the South Atlantic, there is a brief paragraph under managed areas within that regulation brochure that notifies the public that we have SMZs, but there is no specific coordinates that are listed.

When you go to the council's website, the same thing applies is there is a brief introduction to SMZs and then a link to the CFRs. There is a summary of the special management zones, the coordinates and then the legalese language referencing paragraph 1 (1a) as applies to the legalese language that's from the CFRs, which sometimes is very difficult to understand or go back and cross reference.

That's one of the things that in talking with Jim I said, well, we really haven't done a specific outreach effort for SMZs and perhaps starting with you and letting you lead the way to coordinate this effort, we can talk about the SMZs and do a pilot outreach program off of St. Lucie County, working with FWC, and then expand it maybe off the east coast of Florida and then do it on a regional approach.

I don't know how much we're biting off here, but certainly there is a need I think for increasing public awareness of the special management zones and the regulations that are currently in place. Those are the outreach tools that we currently have. We have our website with limited information that goes directly to the CFRs, which is difficult for the public to ascertain.

Our regulations brochure that mentions it, there's the SMZs Briefly. We discussed this briefly at the Law Enforcement Committee meeting, the council meeting in June in Florida, down in Key West, and the council supported the effort looking at working with Jim Oppenborn in St. Lucie County, looking at some sort of pilot program to get information out.

Jim had put together – and if you didn't get a hard copy, let me know, I have hard copies – a list of possible solutions. There again he's not an outreach specialist. He just put together some things based on his experience and working with the artificial reef program on some possible outlets and utilizing magazines, Florida sportsmen, bait and tackle shops, seafood dealers, websites.

I come to you this afternoon to say based on your enforcement experience and the field operations that you have or the officers that you have out in the field, what do you recommend as

a good way to increase public awareness of these SMZs, and managed areas in particular – I mean SMZs in particular but managed areas in general.

We'll talk more about that at the workshop tomorrow, so I don't want to get too bogged down into it today because my understanding tomorrow's workshop is going to have breakout sessions and there is going to be one on outreach and enforceability and compliance, so we can go through that a little bit more.

If you don't have specific recommendations this afternoon, that's okay, too. Just food for thought on how we could work with St. Lucie County and the Florida Fish and Wildlife Conservation Commission, because they've expressed an interest in cooperating with this outreach effort at a regional level, a smaller area starting off of St. Lucie County and perhaps expanding.

We do have a current regulation brochure. It is 16 pages now; I'm sure it's going to grow a little bit the next time it's reprinted. We also have the summary sheets that are distributed that update the information for the regulations. With that being said, there is some information on this white paper or this issues paper that Jim Oppenborn put together that deals with designation of the area sanctuary, possibly doing that and deputizing other sheriff's officers and things like that for enforcement.

I don't want to focus on that. My reason to come to you this afternoon is talking about outreach. So if you see those other items, that's something that he's been working with on his own, but that would not encompass what we're talking about here this afternoon or any of our coordinated efforts in increasing public awareness.

With that being said, if anyone has any suggestions other than the list that's there, if you see something on that list and you say I don't think that's a good avenue – I know that some other folks have perhaps suggested perhaps utilizing fishing tournaments or having some information to disseminate it at area fishing tournaments and possible blogs or fishing forums. That was mentioned informally, so I will leave it at that and open it for suggestions.

**CAPTAIN BEATON:** The first thing is marking them. I was down there when the Sanctuary started with the SPAs and all that stuff; and if nothing else, those big giant buoys get the users to ask the question of why are these buoys out here? At least that would be the start. If there is nothing delineating these areas; no one is going to know.

At least when you mark them, they start to say maybe I'm someplace I shouldn't be, and they'll start researching on their own. Plus it's an enforcement tool, and it's easy to explain when you pull up to somebody and they're inside of there. Then you can explain – you can hand out the pamphlet and you can say line this buoy up with that buoy and if you're inside those buoys, you're in the zone, because they don't have a clue.

We went with this for the Sanctuary for years and years and years and we'd get, oh, I thought they were mooring balls and we'd get people tied off to the corner markers. But they've got to be marked in order to raise awareness and to help enforcement.

CAPTAIN LEWIS: I've heard that somewhere before, haven't I, Otha and Karen, about the markers. One of the things that we came up with the other day was the websites need to be so much friendlier. I mean, if you can go in there to a website and you've got these areas named, we had an incident where like some folks went to Gray Reef, and they actually tried to find something about the rules and all out there on anchoring. They never could get to it because you've got to go to this one to get to that one to get to there. Just make the websites more user friendly and even name the area so that they can get to them and find out the information and regulations on them.

LT. FISHER: One part of the outreach is also with their own officers. I know we've identified the SMZs as one of our priorities in the regulatory world to try and get more awareness of them among our boarding officers, and that's something that we're working on. One thing that has helped us, we also identified the deepwater MPAs as another area that we're trying to get more information out to our officers and trying to make more of an effort for them to pass that information on to the public.

One thing that helped with the deepwater MPAs is that we're starting doing classes now and have incorporated that booklet that you guys have the regulations on deepwater MPAs. If you could generate something like that for the SMZs beyond just putting the CFR there, actually having pretty pictures and maps that have the locations on them and grouped by the different regulations for each type of SMZ, that would be helpful, and we would directly incorporate that into our curriculum redevelopment we are doing now.

CAPTAIN BEATON: Another thing the Sanctuary did real well was at boat ramps and everything. They had the big signs "Have you seen me" and had a picture of the buoy and it told exactly what the buoy meant. Then it went into detail about what the spas are and the research on the areas in what you can and can't do. Those big billboards that you can't miss, those are real helpful, too. We went through quite a bit of vandalism on those, so I'm sure one of the Sanctuary contacts can tell you who they are using now as their vendor to produce a vandal-proof sign.

MS. IVERSON: We had looked into that several years ago. I contacted the Florida Water Conservation District because I believe they had used those similar kiosks, and they were fairly expensive if you get the vandal-proof ones. They are all metal and kind of etched in there so that if somebody tried to spray paint, you can clean it off or whatever. It's amazing what people will go through to try to vandalize something at a boat ramp. I do have those contacts, but I'm sure the Sanctuary has gone through this process as well.

CAPTAIN BEATON: Yes, I think what they've got over their signs is almost like plexiglass but it's a little thicker. It might be Lexan so if it does get spray painted or scratched, that can be buffed out. They are pretty much encased in plastic.

MS. IVERSON: Do you have any idea how costly the buoys would be for marking or maintaining. I guess the sanctuaries are responsible for maintaining those.



CAPTAIN BEATON: Yes, they require drilling into the limestone and set in concrete. I forget what their actual term is. Well, yes, it's an anchor, but it spins so the chain and everything will all rotate but it's costly. I'm sure they can give you an exact cost per buoy.

MS. IVERSON: The thing is it seems to me – and I'm not that familiar with the SMZ designation artificial reef process. I work at the state level and work with some of the artificial reef coordinators, but a lot of times the focus has been on the materials for the dump sites for the establishment of the artificial reefs. I'm thinking that if they're doing some sort of request for funding or grant proposal, that the cost to have these buoys could perhaps be incorporated in that. When I asked Jim to send me – and he's very prolific, he's very good at his job and he is very prolific in supplying information. But when I asked him if could send me a list of what he had, it was this compilation of pieces and parts, of maps, artificial reef site coordinates that were in the spreadsheets that were five pages long, literally; everything from oyster reef restoration sites at the Ft. Pierce Inlet all the way out to the deepwater official SMZ site.

There seems to be a great deal of information available, but synthesizing it and bringing it all together and putting it in and compiling it, I think focusing initially on the official SMZs offshore of that St. Lucie County area would be the most effective way to do things and then looking at marking those boundaries for those SMZs.

But certainly in looking at the spreadsheet and the grant money that's been received in development of these artificial reefs, a lot of money has been spent. I know from working at the state level that a lot of times the sportfishing clubs and other organizations are more than willing to help donate and to help defray some of those artificial reef costs.

CAPTAIN FRAMPTON: Well, I think as we go forward with the outreach, what you're doing there is great but I think we're only just now starting to see the beginning of it. Outreach is tremendous with all these new regulations and the way things change. We ought to be looking at this in an entire picture of how we're going to do things; because when it gets so complicated that we have trouble figuring it out I don't know how we expect the public to figure it out.

LT. FISHER: I also was going to say the way we kind of view those SMZs, a laudable program, but when you look at it's a spatially managed area, there is no continuous monitoring or enforcement, they are small areas, irregularly shaped, they are spread out over a large area, the regulations are different, and they have nonsensical names that differ between all of them, they have many regulations following under the umbrella of one program.

I mean, it's a laundry list of how to make enforcement as difficult as possible. If there is some talk – I think you mentioned about there was some discussion about trying to expand the program, understandable, but you would definitely need to keep your expectations realistic with anyone trying to look at expanding this program.

MS. IVERSON: I think that is where I got hit in the face, literally, kind of, when I opened those e-mail attachments and saw the pieces and parts of the maps and there was no consistency to how those areas had been mapped over the years as these SMZs have been developed, and I think mapping is going to be a key component.

That's what we had to do with the deepwater MPA. Those were newly created MPAs, so we are looking at a system that's been in a place for a while now and I'm beginning to get a feel for the amount of information that would be involved in putting this together. That's the reason I thought if we could start at the St. Lucie County – at an area off of the east coast of Florida, focus on that, and if that works then expand it further.

CAPTAIN BEATON: I think Chisholm volunteered his state for the trial area.

CAPTAIN FRAMPTON: Yes, but they selected yours first.

MS. IVERSON: One of the things that Chisholm had brought up -- and this was kind of part two of what I'd like to get some input or just kind of food for thought; and there again we'll have enough chance to talk more tomorrow at the workshop, but Myra has gone through for most of the day and some of the new amendments that are being developed, regulation changes that are being done faster than a lot of people can keep up with; black sea bass, for example, opening, 45-day season, a commercial closure.

We're looking at possibly a recreational closure in the near future, so its opening, its closing, the fishing years are different. People talk about a fishing year, they think it's going to open back up in January 1, they don't realize its June 1<sup>st</sup>. Currently you guys are familiar with the outreach tools that we have in place.

The fishery bulletins that come out of the National Marine Fisheries Service Office, they are great tools. We wait for the fishery bulletins to come out and then forward those anytime there are regulations changes, including openings and closures. We forward those to the state. You guys from the Law Enforcement Advisory Panel get those.

We post those on our website. Our printed regulation brochures are becoming antiquated because the changes occur more rapidly than we can put into print, so we've tried to do a one-page summary on the regulation changes as they occur. We are in the process of upgrading our website. I'll have a new report for you the next time you come back to meet with the upgrade.

We are looking at layout and design and ease of navigation to be able to put information out there. The Gulf Council has developed a downloadable app for mobile devices. It's available through the app store. We are holding a social media workshop for those like myself that are a little bit behind the curve and catching up and seeing what's been done out there at a regional level, hopefully having some participants from the NOAA Fisheries Office as well as the states, looking at the sanctuaries, looking at the state aquariums, looking at what other natural resource agencies in the region – in the South Atlantic region are using, whether they're using Facebook or Twitter or blogs, or how they're getting their information out from their agencies.

Fish and Wildlife Service will be there. We're holding that workshop in conjunction with our Information and Education Advisory Panel in October. We're going to have representatives from the Gulf Council there talking about their use of the app and how readily accessible or how it's been used and if it seems to be an effective tool.

We will have some more information to report back to you, but these are the type of tools to keep in the back of your mind, thinking a little bit more, I guess out of the box, from the traditional printed materials, but we are certainly dealing with new challenges when it comes to outreach and timeliness of dissemination of information.

From an enforcement standpoint, from a guy that's out on the water enforcing the regulations, trying to keep up with the changes, trying to alert the public to the changes, if you have recommendations or suggestions, I am certainly open.

CAPTAIN BEATON: You mentioned think out of the box, we already piggyback some federal fisheries information on the VHF weather channel. What if a channel frequency was dedicated to fisheries information that just constantly looped through? That way everybody on the water has a VHF radio and they could dial into a frequency that provided fisheries information. I'm not a radio tech savvy enough guy, but you would get the loop depending on where you were.

We wouldn't hear North Carolina's stuff; we would hear either Florida, or what have you. You might get some overlap but that certainly is out of the box, but I don't think the technology is there, and it's something that even the officers on the water could get there, and this is a reminder that sea bass closing such and such a date. I'm sure there is a grant for that.

MS. IVERSON: That seems like an excellent idea and I think it should be forwarded. There is no reason that I see that it could not be done eventually. I know that there have been some efforts in the past to have a centralized website and some recommendations done, but I don't know if that's achievable.

As far as NOAA Fisheries had talked about having them – as far as having a website where you could go in similar to the council's website with their eight regional management councils and seeing what's going on, but I haven't heard anymore discussion. That was a few years ago, but the radio announcements seem like a plausible thing to me.

LT. FISHER: This is actually something; Kim that, we had just been talking about in the last couple weeks amongst ourselves in the District 7 is how to keep up with these changes internally with the Coast Guard and getting the information out to boarding officers. One of the last things we're finishing up with Matt Lam, before he takes off, is we put together a draft template of a message that goes through our internal message system that goes out to our officers.

It's a status board message, so, of course, you give them a job aid for officers, but that doesn't have the ability to adapt to rapid changes like closures or openings or other things that happen. The status board message would be able to let us get that information out quickly. We also put in a paragraph, which for the first time has an education outreach priority section, commercial and recreational.

Kind of for the first time we can centralize exactly what updates we want to push our officers to get out to the public as they're doing boardings. It might seem obvious or a small step, but that's actually a big step for us trying to get things in line.

CAPTAIN FRAMPTON: How are you pushing that out to your officers; tell me that again?

LT. FISHER: In the Coast Guard our clearing house for real-time information is our message traffic system. It's basically like e-mail except it's very old, it goes back to like World War II, but it's all updated and electronic now but it's military message traffic. It is something that anybody who – an officer who is getting ready for a patrol for day, probably what they would so is check their message board, so if they came up with what we call an LMRB, Living Marine Resource Bulletin is what we're calling it – and it's something that has been done in District 8 for awhile.

It's new for District 7, but they can print out that latest message; it would be inside the job aid, and so the job aid has the standard regulations but short notice changes, quick closures, education outreach priorities, things that have come up in the short term would be printed out in that message.

They would always ensure they had the latest message on board and that would help get them out the latest info. But, of course, we already had that system in place, so I'm sure even if it's just e-mail, you can have a bulletin system for yourself. I don't know what you all use at the state level.

MS. IVERSON: When you're doing the boardings, not that you're aware of it, but what would be helpful to have when you do the boardings as far as information to give the fishermen? I know you use the regulation brochures we currently have, but is there a different version or something that may be helpful, some way to modify that so it's a card or something – I'm open for suggestions at this point.

LT. FISHER: Obviously the smaller and the more portable and the easier to give away it is, the better, but 'm sure you did as good job as you can with the book you have. The deepwater MPA regulations, we give those out, we give these out and then if you did something for the SMZs, if that is a priority we would be able to get that out as well.

CAPTAIN FRAMPTON: The regulation book that you put out is very good. I appreciate what you're saying about it not being able to keep up with the changes, but what about getting that book out to licensed vendors like Wal-Mart and Dicks and making that thing available in mass quantities with website addresses on it; people that sell saltwater licenses, sell the shore-based license, where that book is there. All the states have their rules and regulations book there but from what I've seen people love to see the South Atlantic Bulletin.

MS. IVERSON: It may be cost prohibitive, that's the only thing, with the printing cost as it is. We do send it, we drop ship boxes of them, crates of them to all the states, to any of the bait and tackle stores that have expressed an interest; but when we looked at doing all the boaters where all their boat U.S. outlets, Wal-Mart, if you start adding up the numbers that increases the production cost substantially, but it's a possibility.

That gets back to the workshop that we'll hold this fall. As I said, we are upgrading a website. We have a Twitter account in place. We haven't utilized it because once you start I don't think

you want to go back, so we're sticking our toe in the water and looking at how other agencies use their Facebook pages, if it's a two way, one single way of posting, and looking at possible use of apps and blogs and other social media outlets.

CAPTAIN FRAMPTON: I know what you're saying about it being cost prohibitive, but if you could get it started and get people going to a website, I would think in the end you might be able to back off a bit, but that's what they want to see. At least it gets them pointed in the right direction.

MS. IVERSON: One of the things that we had discussed at our last I&E meeting as well is right now we currently have the regulation brochure so that there is commercial and recreational information in there and there is a species identification chart as the centerfold. One of the reasons that we did that is because when I first came to work for the council, having come from the state, a lot of the commercial and recreational fishermen would say; well, we are the only ones that are regulated. The commercial/recreational guys, depending on what side of the table you were sitting on; don't have the same regulations.

So when you put it all together under one umbrella, you start to see that there are a lot of regulations out there for both sectors. We've had suggestions now to increase the amount of information for the for-hire charter sector. We don't cover a lot of that under the recreational component of our current regulations; things like these SMZs, other information that could be added.

One of the suggestions was perhaps to create two documents, having one for recreational and one for commercial. That would be a possibility and have more of the recreational documents distributed at the outlets such as Wal-Mart or other boating facilities and have the commercials printed in less quantities just because there are fewer commercial fishermen.

We are looking at some options as far as printed materials, but there again once you print it, you have to constantly keep updating it because these openings and closing and the changes in the regulations are I think going to get more prominent and come at us just a little bit faster than they have in the past.

CAPTAIN LEWIS: The most effective way, like we said earlier, is going to be your website, and the cheapest way, but it has got to be so user friendly. You are going to have to be able to name the area and pull up that area and read all the regulations, the do's and the don'ts that you can right there, because if you've got to go to this site to go to that site to go to the other site, then look for this over here, people get lost and they get confused.

I don't think you can ever go away from printing these entirely. You still need to be able to give them something when you check them out there occasionally to bring them. Now whether it just be a flier or a handout or cozies or a little hard card or whatever, people want things. .

CAPTAIN BEATON: To piggyback on what Doug was saying, when you design the web stuff it has to be Smartphone friendly. It can't be a laptop because this is what people are carrying with them, so whatever your fonts are and to click here and click there, it has got to be

Smartphone friendly. There might just be a link, click here for Smartphone and it changes to something else.

But as far as piggybacking on what Brandon had said about notification to our officers, everyone of our officers has a laptop now; so when they turn on their computer, if we have a priority message, it will be the first thing they see before they can go anywhere else, like if we had a stolen FMP vehicle, or an officer shot or something like that. They can't get around that.

Then when they open it up, it comes to the home page which is our division law enforcement page, and we've got a newsflash section in there that is four or five of the newest things. I'm just looking on here now; we've got Gulf red snapper sports season ends July 18<sup>th</sup>. They can click on that.

Then we've got a tab to Federal Fisheries. They can click on that and it goes right to Marine Fishery Management's hot sheet, the hot topics of the day. We've got all the links to all the councils and commissions, NOAA, we've got 622 regs, everything all there at their fingertips. The problem is once you've come out of air card range you don't have it anymore, so it's only as good as you have a signal. There are not too many cell phone towers out there in the middle of the ocean that I've seen yet, but at least it's something.

MS. IVERSON: And I hear that and I've worked that system a lot, and believe me I use the FWC site because we get, of course, a lot of calls from people that are on vacation or they are not familiar with the state regulations or the Gulf versus the Atlantic and South Atlantic. I think for me, when I walk a fisherman through that process, they are grateful to see that information, but basically they want to know what they can keep on Saturday.

It comes back down to I really don't care who manages it, I just want to know is red snapper open in the Gulf or in the South Atlantic, if I can catch black sea bass and if I can how many and so it comes back to that consolidated regulation handout, that sheet. I think one of the most popular things that we have is that one-page snapper grouper regulation sheet that we have the table and the color-printed version of our regulations brochure. It can be very, very helpful.

A lot of times I go straight to the CFRs because that is the legal language and NOAA Fisheries has the links to the CFRs. If somebody really wants to ping on something and get very detailed, then we go back and we look at the CFRs and we look at the official language. But for your average fisherman, that's a lot to wade through if you're just taking your family on vacation and you're from Minnesota. They just really want to know what they can and can't keep on a Saturday afternoon.

LT. FISHER: Well, taking that a step further, this is good in that it's static; and if you wanted to add a layer making more nimble to the changes of the regulations, what about having something like this – what we're trying to go to with our message traffic system, but something that looks a little prettier – have a status board right there on the SAFMC Home Page, simple green and red, whether it's open or closed, and then they click on it and get more details about what can and can't be kept, something that just shows the species, whether it's opened or closed; and if you want more information on it, then you can click on it and then that can be updated for them. All

the bulletins and the updates get rolled into that. And that gets to what you were saying, an average person just might want to know what can and can't be kept, and that's easily available.

MS. IVERSON: And we do that a little bit where you have the species-by-species listing now currently on the site, and we are trying to decide if that is an effective tool or not, because you can go in and you can click on black sea bass or you can click on gag or whatever the species may be and the right information there are linked to the summary table.

In streamlining our website, you can make it easier to navigate but at the same time it is difficult to put everything that's necessary or that's needed on there. I come to you guys because you have officers in the field; and if they come back to you and say, I really like this or we really need this or it would be helpful when I do my boardings if we had a card or we had a summary sheet or I like the regulation brochures and we use those or an updated sheet or something along those lines. There again, that anytime you have a suggestion or an officer comes to you or someone in the field comes to you and has a suggestion or recommendation, please e-mail me.

CAPTAIN FRAMPTON: If everybody had VMS, they could get streaming. But you bring up a good point, somebody from another state goes somewhere and wants to know what they can catch and they're wrong, and you've got to take that to a jury trial and explain to a jury how hard it is to find that information, it doesn't make anybody look good in the end.

MS. IVERSON: There was a letter that I recently received from Special Agent Rich Chesler, and it was a letter that was written from a fisherman that was very sincere. I guess he had received that citation.

CAPTAIN FRAMPTON: It's a perfect example of what we're talking about.

MS. IVERSON: Do you want me to read it?

CAPTAIN FRAMPTON: Yes, it's not that long, but it's a perfect example of what we're talking about.

MS. IVERSON: This is from Winston Jacobo – he is from Live Oak, Florida, and it's to Special Agent Chesler. "Sir, let me add a few more facts for your information. I do not dispute that I had a sea bass on the boat when I was checked. I have no problem with owning up to any violation that may have occurred, but there is a reason for the violation.

"As usual I checked with the FWC Website for information and fishing regulations. The sea bass was stated on their website as open for harvest. I also checked with Florida Sportsmen's Website and they stated that groupers were closed until June 1<sup>st</sup>, some snappers were closed and others were still harvestable, but they were beyond the range of my vessel.

"Please note that there was no mention on the Florida Sportsmen's Site that the sea bass were closed. Florida Sportsmen is biased towards grouper and snappers and other glamorous gamefish, and contained information on those species, but not the lowly sea bass. Neither site had a link to your regulations and there were no posting that your site should be checked.

“It cannot be so difficult for your IT Department to put links or make links available on all sites that contain regulation information for local fishermen. What average fishermen would think of looking at a weather and oceanic agency for fishing regulations when there are no postings or links on local websites?”

“When checked, I asked the officer why they did not have this information on their site. She said that they had to go to your site to find out information on closures themselves and that it was not easy at navigating through the site to get to the information. When I got back to shore, my son and I checked your site and it is truly not easy to navigate.

“Another way to distribute information is to post bulletins at marinas and boat ramps. Your agency or one of the agencies involved obviously talk and inform commercial fishermen about changes in regulations but not the average fisherman at the local level. Yet sports fishermen carry the brunt of diminished quotas and vigorous enforcements.

“So now we as sports fishermen are not only left out of the quotas that are filled by commercial fishermen at enormously quick speeds, we are also left out of ever-changing regulations with the burden of digging them out of bureaucracies and unfriendly websites for ourselves. So if your agency wishes local fishermen to adhere to your regulations, the least you could do is to make them more easily available to you guys, signed Winston Jacobo.”

There is a case number at the letter, so I'll leave that up to the person that wrote the citation. But I think that reiterates at the grassroots level the problems that exist and the problems. There is a lot of good information out there; it's just finding it and wading through from the different agencies that are regulating.

I don't know that that's ever going to change. The regulatory process itself isn't going to change in the levels of agencies that are involved in that, but if there is something that we can do to make it more readily available and easier to understand without simplifying it to a point where it's no longer relevant.

CAPTAIN FRAMPTON: I don't think it's ever going to change. It's probably going to get more and more, but I think it should be a priority for the council to figure out better ways to get this information out to the public.

MS. IVERSON: And honestly it happens through partnerships. We can do up to a point but then it comes out to the officer that's in the field that's enforcing the law, that acts as some of our best ambassadors in doing boardings and making the public aware of what the regulations are and the sources, as you said, Rob, for the FWC site or for the council's website or for NOAA Fisheries website.

I think most fishermen that fish on a regular basis are well aware of it. As stated in the letter, sometimes fishermen depend on magazines and other outlets, online forums for information, and sometimes that information is inaccurate, but there should be a source for accurate fisheries information and up-to-date information.



And that's where it's going to be difficult because we are going to have not only openings and closings for commercial fisheries, which we've had, where quotas have been met and the commercial fishery bulletins are put out and they're put up at the fish houses and the captains let their crew know and the fish house operators; there's a whole chain of command out there.

There is a whole network within that commercial dock, but at the recreational level it's hard for the average guy that goes to Wal-Mart to buy his fishing license to know what the federal regulations may be and what's open and what's closed, and I don't think that's going to change anytime soon.

AP MEMBER: I think the concept of using social media – and I wasn't here for that – that is absolutely important for people who are under a certain age, certainly a lot younger than I am. The folks on Facebook, they use it. Two of the organizations I belong to use Facebook, it's an easy way to get information out.

The younger people who are tech savvy are reading that all the time; and if you can get them to go onto your page and like the page, every time you put a post up, assuming they get the e-mail and they are conscientious, they will get an e-mail saying South Atlantic has posted and you can do your deal.

I know the FWC sends out e-mails to all its stakeholders that so and so opened today and so and so closed today, so I think we should not overlook the value of social media and unfortunately even the chat rooms, the blogs. You are going to have somebody who is a ghost or has a fake name and put it up, let them draw the heat and just say, "Hey, look did you know this was going on?" People do read those things and every additional person you get is important and it makes it easier for the guys on the water. And the question is, Mr. Chairman, how many Facebook friends do you have, because I've found that the chat rooms mirror your real life.

CAPTAIN FRAMPTON: Then I don't have one because I don't know how to go on a chat room.

MS. IVERSON: When you get the fishery bulletins from NOAA fisheries, which fishermen affectionately call the blue sheets, and they are forwarded; do you forward those, is there a network? I know, Rob, you were talking about your network, and certainly, Brandon. I guess at the state level do you guys spread those out or e-mail those out for those through e-mail?

CAPTAIN FRAMPTON: We're not quite as fortunate as Florida where every officer has a computer at this point and we can do that, so we try to do it through e-mail and through supervisors, and things like that.

LT. FISHER: We've always directed our students when they come through and we send reminders to go to the SAFMC website. We show them the site when they come to training, but again this whole idea of going to this more nimble status board message that goes to their information stream where they get their information from, which is through the message board, is a way of eliminating as many steps as possible to make that information right there in front of them where they can't possibly miss it.

And that is something that we haven't been doing I don't think as well as we could have been up until now. Yes, we take those fishery bulletins, when you guys post them, and then now we are taking them, synthesizing it, transforming it into something that is going to pass right in front of the eyes of the boarding officer whether they want it or not, and then now also can make any requirement that that will be printed out and put in the job aid.

So there is the static information, the job aid, the regulations that don't change. We understand now where these fisheries management processes are becoming quicker, more dynamic; well, we need to be more nimble in how we get that information out. That's the same thing – if I'm not losing you too much, that's the same thing that you all need to do with your social media.

Facebook is extremely nimble at getting that information out, like they are saying. It's not even e-mail, they are checking their Facebook. That notification stream, their news stream is constantly feeding them that stuff and you can keep putting that message out to them. Especially like he was saying, younger folks are definitely checking it all the time.

CAPTAIN KELLY: When we get the notices, we relay it directly to the officers, but our bios and techs also get some of your notices and they share the information with the port samplers and the recreational samplers, so the word gets out pretty good on what's going on.

MS. IVERSON: I don't see that would ever change as far as the e-mail distribution, because a lot of people – I think e-mail is broader in scope than the social media at this point for the broad range of fishermen that we are working with. We'll certainly continue to do that, and I appreciate the work that the port agents do. There again it's a partnership because those port agents are the faces that are on the dock, as well as the law enforcement officers. It's really important to get that information out to them as well.

CAPTAIN BEATON: We just printed our last run of saltwater fishing regulations. The legislature cut funding for saltwater regulations and paper, so you might want to work with Rich and Jessica to see what their plan is on pushing out the saltwater side of it, and maybe council could piggyback some type of link or whatever their plan is. I just forwarded all that information that you sent today to Jessica.

MS. IVERSON: So you will not be doing anymore printing of your regulations brochures?

CAPTAIN BEATON: No more saltwater regulations.

CAPTAIN FRAMPTON: It makes your job a little harder.

MS. IVERSON: Yes.

AP MEMBER: It's just a fact of life, if you are not electronically hooked up; do you guys even have a Facebook page? Probably not.

MS. IVERSON: No, I think you were out of the room, but we're having a social media workshop in conjunction with our I&E AP meeting in October to look at how social media is

being used by other natural resources agencies and looking at the state and federal agencies within the region as well as the aquariums, natural history museums, the sanctuaries.

Kathy Sakas. who is the vice chairman of our I&E AP is actually on a workgroup with looking at the sanctuary programs nationally and developing social media. Priorities, guidelines, protocol, there is a whole list of things and concerns that I think personally and I hope that this workshop in the I&E AP meeting will lead us to develop some sort of policy and guidelines that we would use in developing our social networking, and look and see what other agencies have done as well.

Agencies like NOAA, U.S Fish and Wildlife Service is certainly developing a social network that isn't at a national level, but there again I believe they have policies and procedures that are in place. So we want to do it if it's an effective tool, but we want to do it in a way that's controlled and learn from what other people are doing.

AP MEMBER: Back in October or November, I went to the American Sportfishing Association event down in Broward and they had a social media afternoon. They had the lady from Costa Sunglasses, and she was energetic and she actually knocked everybody's socks off. She was a 40-something lady bouncing around the stage, taking about how effective their program – and they have four people fulltime in that program, or they did at the time. It seems to work for them and there has got to be a way to adapt that to our own use.

MS. IVERSON: There, again, looking at the personnel involved and the personnel time involved, too, and once you start that, you don't want to stop it and looking at some of the challenges that come with the use of social media as well as the wonderful things that can be done through social media.

MR. EASLEY: Since you asked, I like that Facebook idea a lot. My Blackberry I have on my hip now. I have very few apps on it, but Facebook is one of them; not that I have an account. Along those lines too, iTunes, I guess maybe other Smartphone connect systems, too, and those are podcasts, and I can see like Mike was saying a young family going out and saying, hey Tim, you help me load up the boat, and, hey, Julie you go ahead and download the latest podcast on the fishing regulations for the South Atlantic before we head on out for our trip or something.

That generation takes advantage of podcasts. I don't know if this is feasible, but various hotels have those commercials. When you first turn a television on, there is a station that plays the local restaurants and boutique shops, the commercials, and I don't know how much it costs but maybe we can have a 30-second or a 15-second piece – I don't know how much they run – and so that say that the St. Lucie SMZ could be on the local Hyatts or Hiltons or Marriotts, where that particular SMZ and various different SMZs up and down the coast at their local hotels there.

Another idea that we used on the west coast, West Coast as in California for outreach, and that is some of the cable companies have public service stations. At least over there we had an educational effort where we went to the schools and taught fisheries education and et cetera and had a volunteer program. We were on one of those little talk shows and talked about that.

Maybe we can get invited onto a public service station someplace, whichever market needs the most outreach, and add a little piece and educate the folks there on some of the South Atlantic issues. Lastly, on my little list is another way of – maybe you’ve done this already, too, and that is a way of getting some input on different ways that might help us get the word out is distribute a survey to the public and actually ask them what would you like to see or what do you usually access to get information that deals with fisheries regulations; what would you like to see us do? I have a feeling you’ve done that one already, though.

MS. IVERSON: No, but that’s a most excellent idea. Unfortunately I have to go through OMB to get permission to do a survey, as you’re well aware, and so we have partnered with Sea Grant in the past to do some similar surveys. Actually I am working with the South Carolina Aquarium.

They just completed a survey on their Sustainable Seashore Initiative through a survey and they may be willing to help us in determining the best way to use our outreach funds, our limited funds and limited personnel to reach our targeted audience. But for us, if I asked more than eight people the same question, I have to get permission through the Office of Management and Budget up in D.C.

CAPTAIN FRAMPTON: I know in South Carolina on our coastal islands where you have lots of rental houses and the folks are turning over every week, what about having some, maybe not at the rental house facilities but at the marinas, having some type of kiosk for them where you know you’ve got lots of turnover with new families coming in every week and not knowing what they can and can’t catch.

MS. IVERSON: And those are good ideas, and I don’t mean to throw a wrench into it. It’s just being able to physically go and provide hard copies of information to those marinas or to those facilities.

CAPTAIN FRAMPTON: But what about like getting signs up that have the podcast, that has the app name or the internet address or whatever Facebook page you go to.

MS. IVERSON: Sure, something in general that could direct them to the website or something like that.

CAPTAIN FRAMPTON: At least it gets them started in the right direction.

AP MEMBER: What about on the fishing shows and all, just having a blurb or something on there, websites of different places to go to? Every state has fishing shows, local fishing shows and national shows, and if you can get those folks to tote your banner, and they should put that in there.

CAPTAIN FRAMPTON: Media outreach for us is probably not as big as it is for the Coast Guard, but it’s a huge component of what we do. Once you get the ball rolling, they will come to you,, but like the Comcast does something once a month with us, every month on something different. There are lots of opportunities out there if you go seek some of it out.

MS. IVERSON: There again talking about social media, YouTube, not to be overlooked, if we could develop some sort of maybe a ten-minute or a five-minute video that could be downloaded and then used at these various venues.

CAPTAIN FRAMPTON: I think Rob was volunteering to do that one.

MS. IVERSON: Well, these are all really good ideas. I've been copiously taking notes and we'll take this back. Like I said, we have an Information and Education Advisory Panel meeting coming up in October. We are moving forward with the reorganization and upgrade to our website; streamlining some information that hopefully will make it easier to navigate and to access other websites and sources of information.

I'll take this back to our I&E to consolidate it and take it back to the council, but I sincerely appreciate your time this afternoon and everybody's input.

CAPTAIN BEATON: Well, I just got a new GARMIN for my vehicle and I know you can take it out of your car and download the latest apps, and I know a lot of these chart plotters and GPSs in the boats now have that availability for downloading updates. I don't know if they have the capacity to somehow have regulations in there. When you plugged in your LORANs for an update, you could pick what region you fish in and you'd automatically get the latest regulation download into your GPS.

MR. KENNEDY: If you update, it will show you your spas in the Keys and all this other stuff – spas, that's where you go and get your foo-foo sea food massages, but, no, they do. When you download it, I see the MPAs and I haven't looked for this one because I don't fish up there, and it usually has a note available to it, which I think would be extremely – that's a great idea, Rob. I wish I had come up with that.

CAPTAIN FRAMPTON: Thank you, Kim. With all the discussion we've just had, would the panel think it would be appropriate for us to send a letter to the council just sort of reiterating our concern and our need for more outreach for all these changes, that it is going to be tough for enforcement, enforcement is on the frontline and that public outreach is going to have to be a big component of getting the word out. Does anybody think that is inappropriate or not where the panel needs to go?

MR. EASLEY: I think it's a good idea because of the Comprehensive ACL. All the different sectors and fish species, closures by sector, by fish and group – not group; I was hoping it would be by group – it makes outreach much more important.

CAPTAIN FRAMPTON: So, Myra, can you draft us a letter to the council and I guess get it to me and we'll proof it and refine it and get it out and then send the final version to the council? Anybody got any comments or wants to add anything to that or what they think the letter should say in addition to what Otha said? Anybody have any other business they'd like to discuss on the record? Well, with that being said, the meeting is adjourned; thank you.

(Whereupon, the meeting was adjourned on July 20, 2011.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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August 2011

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# PLEASE SIGN IN

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