

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT ADVISORY PANEL

**Savannah Hilton DeSoto
Savannah, Georgia**

March 3, 2014

SUMMARY MINUTES

Law Enforcement Advisory Panel

Col. Chisolm Frampton
Karen Antrim Raine
Capt. Doug Lewis
Capt. Rama Shuster
Tracy Dunn

Capt. Jim Kelley, Vice-Chair
Charles Renda, Jr.
Mike Kennedy
Nickey Maxey

Council Members

Ben Hartig
Dr. Michelle Duval
Zack Bowen
Jack Cox
Lt. Morgan Fowler
John Jolley
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Dr. Kari MacLauchlin
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Mike Collins
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Dr. Mike Errigo

Observers/Participants:

Pat O'Shaughnessy

Pres Pate

Other Participants Attached

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto, March 3, 2014, and was called to order at 8:30 o'clock a.m. by Colonel Chisolm Frampton.

COLONEL FRAMPTON: Good morning! I'd to call the meeting to order. I'd like to welcome all of you to the Law Enforcement Advisory Panel. I'm Chisolm Frampton; I'm the colonel of the South Carolina Department of Natural Resources Law Enforcement Division. We'll get a few general housekeeping things out of the way.

The first thing up is can we get an approval for the minutes of the 2013 meeting? Are there any additions, deletions or changes to them? Seeing none; can we get an approval of the today's agenda? Are there any additions, deletions or changes to the agenda for today? Thank you. I think since we have a new people at the table, what we will do is we'll start around the table and let everybody give a brief history of who they are and their role in the advisory panel.

MS. RAINE: I'm Karen Raine. I'm with NOAA General Counsel, the Enforcement Section in St. Petersburg.

MR. DUNN: Tracy Dunn; I'm the newly appointed special agent in charge for the Southeast Division; the former deputy special agent in charge of the Southeast Division; and the former Acting Deputy Director at Headquarters for two years.

MR. KENNEDY: I'm Michael Kennedy. I'm a citizen member of this panel.

MR. MAXEY: I'm from Hilton Head Bluffton Area; former Tennessee Highway Patrolman. I've been a member of the Law Enforcement Advisory Board for the South Carolina DNR for almost ten years.

COLONEL KELLEY: I'm Jim Kelley; I'm the colonel for the North Carolina Marine Patrol. I've been with them for 25 years. I've been able to work in all three sections of the state; so I've seen various fisheries and have been able to take part in all those.

CAPTAIN LEWIS: Doug Lewis with Georgia DNR Law Enforcement. I'm the captain for Coastal Georgia. I've been with the department a little over 29 years now; and I'm looking for two bad days in a row.

CAPTAIN SHUSTER: Rama Shuster, captain with Florida Fish and Wildlife; formerly captain within our Offshore Vessel Program; currently the JEA administrator and offshore fleet coordinator.

MR. RENDA: Charlie Renda from North Carolina, representing the commercial fishermen. I had 23 years in law enforcement with the Nassau County Police Department; 15 years on marine patrol.

COLONEL FRAMPTON: Once again, I'd like to welcome you. Tracy, it is good to see you and it's good to have you back. You're a lot of formers, but you're here in the present. We're

glad you're back and glad to have you as part of the advisory panel. We'll move right into the agenda now. Our first presentation is from Colonel Kelley from North Carolina on the status of the North Carolina JEA.

COLONEL KELLEY: I really wish this would take longer, but North Carolina has been having difficulty getting this signed and effective. Last year we stood our very best chance. We got everything through the General Assembly and things were looking good. As the General Assembly closed, what we thought was everything in place, we found out a couple of days later that the language was not there that gave us the ability to get into the JEA.

As I understand it, this year they're going to pick it back up and they're going to try again. My director is still on board with it. We're trying to pursue it; but there is quite a bit of growing resistance from the commercial industry. We will have to wait and see.

COLONEL FRAMPTON: Jim, I'd just like to say if there is something that the advisory panel can do or if we can lend our assistance in any way – Tracy could probably speak to a little bit of this – for us to try to help, whether it's reports and how the JEA really is carried out in the southeast, I think we'd all be open to supporting that mission and trying to help any way we can.

MR. DUNN: Yes, absolutely, anything we can do. We've been working with other people in North Carolina in trying to get that process well vetted; but anything we can do.

COLONEL KELLEY: I thank you all for that. It is something that I've been wanting for years. In fact, that is one reason that I've stayed. I think it would be a good thing for the state; and it certainly would be a good thing for the Division. Anything that you think might help we would be receptive to.

COLONEL FRAMPTON: Any other comments from the advisory panel on that? Anna, are you ready?

MS. MARTIN: Yes. Good morning, everyone. I'm Anna Martin with council staff for those of you I haven't met yet. I'm here to give you a brief update on the status of the council's re-evaluation of the Oculina Bank; the Experimental Closed Area specifically within the Oculina Bank.

This is a project that an evaluation team is scheduled to review the regulations for this area and provide their recommendations to the council in 2014, presumably before the June council meeting, on the effectiveness of the snapper grouper gear restrictions in the area. Snapper Grouper Amendment 13A back in 2003 did away with the sunset clause, which would have removed the gear restrictions in this area.

It also required revisiting the snapper grouper gear restrictions within the experimental closed area within three years of implementation of the amendment and again in ten years within implementation of that amendment. What is on the table right now for discussion is that ten-year review of the gear restrictions in that area of the Oculina Bank. Another output from that amendment was forming an evaluation team to help guide the process as far as developing

recommendations for this area to the council in their deliberations about the Oculina Bank Experimental Closed Area.

There are a couple of you here that are on the evaluation team representing the law enforcement sector. Thank you, Chisolm, in advance for participating. The last time that this evaluation team met was in 2007. Their recommendation to the council was to not remove the snapper grouper gear restrictions in the Oculina Bank.

The team at that time didn't feel that they had adequate information to recommend that the council modify those regulations; so you cannot fish for or retain snapper grouper species within the Oculina Bank. What is on the schedule right now for 2014 as far as the deliverables for this assessment project and the evaluation team, we are having a webinar with all of the evaluation team members next week.

Now, this was something that we have rescheduled. We had a couple of weather events and logistical issues as a result that required us to reschedule the webinar from February. We had to re-notice it in the Federal Register; and a long story short, the webinar will be held next Wednesday. This will be followed by a series of breakout groups.

The evaluation is composed of outreach participants, research and monitoring participants; and then we have a law enforcement section and participants representing different aspects of law enforcement primarily from FWC, NOAA OLE and the Coast Guard and a few others as well. The council will need to review all of the advisory panels' input as well as the SSC.

The evaluation team will be preparing a report of recommendations to the council; and that report is something that will be vetted through all of the advisory panels and the SSC this spring and brought up for the council's discussion at the June council meeting this year; just to give you an idea of the kind of timetable we're looking at for the project.

Since I don't have a presentation for you today of the recommendations that resulted from the webinar that we had to reschedule, what we'll do is have the Law Enforcement Advisory Panel review this over e-mail, as a conference call or a webinar, something remotely where you all won't be convening again until the fall or next year. I'm not sure of your schedule, but that's how we will proceed with the Law Enforcement AP. We will be looking for your input on that report before June. If you have any questions about that project, please let me know.

COLONEL FRAMPTON: Is there any way before we have the webinar we can get some highlights on if there have been any issues? Rama, is there any way we can get from Florida cases that have been made or issues that are going on; so when we get to the webinar, we'll be prepared to discuss those issues?

CAPTAIN SHUSTER: Yes; we can certainly provide that.

MS. MARTIN: And just to add on to that, Chisolm, Rich Chessler is the special agent assigned to this particular area from NOAA OLE and he is on the agenda for next Wednesday, the general informational webinar, for providing what you're requesting. He will be presenting to the

evaluation team what has happened from an enforcement aspect in this area since 2007; since the last review.

COLONEL FRAMPTON: Great, thank you. Are there any questions on Oculina? Now we will get an update on completed and developing amendments from council staff.

MS. BROUWER: This is your Attachment 1 in your briefing book. This is something that we just started preparing in house to make sure that staff, council members and advisory panel members can keep track of everything the council is doing. There are so many amendments on the table that are under review or under development or that have been put on the back burner and so we've attempted to summarize it all in this little document.

What I'll do is just walk you through and I'll focus obviously on snapper grouper since that's what I do for the council; and then as we get into other FMP amendments, the appropriate staff can address those. First in line, Snapper Grouper Regulatory Amendment 14 was submitted. We're expecting to hear back as far as where it is in the review process.

This amendment proposes several actions. One is going to modify the commercial and the recreational years for greater amberjack to being on March 1st. It used to be May 1st and now it is changing to March. It is going to modify the recreational fishing year for black sea bass. That is going to start on April 1st.

It is going to modify the accountability measure for black sea bass for the recreational sector; and what that will do is it will allow the National Marine Fisheries Service, based on the ACL and the previous year's fishing effort, to predict how long the season will be. NMFS will announce the length of the recreational season before April 1st.

That is going to be the first time that this council has done that sort of thing, so we're going to see how that goes. The commercial fishing year for black sea bass is also going to change. The fishing year will begin on May 1st. As you're aware, there is a closure for black sea bass pots that was put into effect through Regulatory Amendment 19 that is currently active.

The council decided not to change the commercial season for vermilion snapper, so they chose no action for that; and that is going to remain the same. The trip limit for gag is going to be modified. There is going to be a step-down. When 75 percent of the ACL is met, then that trip limit is going to go down to 500 pounds.

The recreational accountability measure for vermilion snapper – I'm drawing a blank on how we changed that one. Anyway, these are all things that are coming down the pike that should be place later this year. Obviously, the start of the fishing years and such is not going to affect folks until the 2015 fishing years. Any questions on Regulatory Amendment 14?

COLONEL FRAMPTON: Myra, how is the changing of some of the black sea start dates – what has been the feed we've gotten?

MS. BROUWER: When we did public hearings for this amendment, folks were generally in favor of changing the fishing year. The one thing which I'm getting ready to talk about right now is this closure of the pots; and that is something that has drawn a whole lot of attention. As far as the change in the dates of the fishing year, there was support for that. Moving on to Snapper Grouper Regulatory Amendment 16, this is one that we've just started working on.

The Snapper Grouper Committee is going to be discussing this amendment later this week. This one is the one that deals with addressing that closure for pots. The council has several options that they're going to be discussing. One of them is to just go ahead and remove that closure. There is an action that would shorten it by a couple of weeks.

There are actions that would confine it to a certain area. We have the folks from the Protected Resources Division for the National Marine Fisheries Service that have submitted a couple of options for the council to consider including in the amendment. Also, there is an option to only apply the closure to already designated critical habitat for right whales.

I failed to mention that the concern that Protected Resources and NMFS has with this closure is that if it goes away, it could potentially increase the incidents of interactions between right whales and large migratory whales and black sea bass pots. We just did scoping for this amendment; and so we're very early in the process. I think Charlie has a question.

MR. RENDA: Representing North Carolina, we're right on the northern end of the southeast region; and this generated a problem for our pot fishermen in the black sea bass. For the past three years the season has been closed very early. This by tradition for the past 15 years has been the winter fishery for these guys; and to shut it down completely really eliminates their whole fishery completely.

The only reason they're in the snapper grouper complex is to pot fish for the black sea bass. Out of the Beaufort Inlet Area, there are only six pot fishermen out of over 1,500 snapper grouper requirements. They only fish in 80 feet of water or less; so if we can give them any consideration, it will be highly appreciated. Thank you.

MS. BROUWER: Thank you for that, Charlie. We did receive several comments from particularly the folks in North Carolina as to how much of a burden this closure is on them. The council is definitely going to consider that. We're going to go over all the comments that were submitted during scoping for this amendment when the Snapper Grouper Committee meets later this week. Are there other questions on Regulatory Amendment 16?

We've been doing a lot of work on Regulatory Amendment 17. This is the one that originally was proposing marine protected areas specifically to protect speckled hind and Warsaw grouper. The document that you have in your briefing book basically recounts a little bit of the work that has been done starting with convening an MPA Expert Workgroup back in 2012.

That group was composed of fishermen, both commercial and recreational, and folks who have a lot of experience doing research with marine protected areas in the South Atlantic as well as in

other regions. The expert workgroup has provided several recommendations to the council. They've met twice.

After much deliberation, the council has decided to basically just hold off. When they met in September, they made a lot of changes to the purpose and need for the amendment. They considered that was an important step before they moved forward is to make that the purpose and need was clear and finalized. In December the council received many presentations. I think we spent an entire day discussing marine protected areas.

There were a series of presentations that were done on the research that has taken place in the existing MPAs, including Oculina. There were presentations regarding law enforcement efforts in the MPAs and all the work that has been done as far as outreach and education for the MPAs and the Oculina Bank as well.

The council is very well versed now on everything that has been on MPAs. Those same presentations are going to be given to the Snapper Grouper Advisory Panel. They're scheduled to meet in Charleston in April; and this was at the request of the council. The council is going to wait and see what the Snapper Grouper AP has to say about the work that has been done so far.

The expert workgroup had recommended several additional areas to the existing MPAs in addition to reorienting of the existing MPAs; so there has been a lot of discussion of new MPAs, existing MPAs, tweaking the ones that we already have. All that is on the table and the council, when they get together in June, are going to reconsider how to proceed with Amendment 17.

COLONEL FRAMPTON: Can I just say one thing about that? When they reconvene in June and we start to relook at MPAs, I would appreciate them looking at the MPAs and looking at purpose and need on the MPAs. That is pretty important. We've had the discussion here before about the effort it takes for law enforcement to do patrol in the MPAs.

If the advisory panel could somehow be part of that discussion, I think that would be – especially when we get to tweaking MPAs. We've had a lot of talk and a lot of discussions over the years about how MPAs are formed and, believe it or not, straight lines versus curved lines. If we could just be part of that when we go to tweaking, I think that would be helpful to everybody in the process so it is not formed and then gets back to us and we have angst over it. Anybody else want to comment on that? Tracy.

MR. DUNN: Does the council still have a copy of the law enforcement guidance that we provided a long time ago?

MS. BROUWER: Yes; we do.

MR. DUNN: All right; most of that is in there. If they just used that, it would be helpful.

COLONEL FRAMPTON: That being said, I still think it would be helpful if we were part of the meeting. We will bring our book on guidance with us.

MS. BROUWER: Okay, moving on, Snapper Grouper Regulatory Amendment 20 is one that we are working on right now. It addresses an assessment that was done on snowy grouper this past year. It was an update assessment. Snowy grouper is under a rebuilding plan; and so we're just looking at the results of the assessment and seeing what changes need to be made either to the rebuilding plan or the biological parameters for snowy grouper. Initially this amendment was going to include also mutton snapper since there is an assessment that is currently ongoing. However, there have been some delays with that assessment from what I understand; so I believe in the end Amendment 20 will probably only cover snowy grouper. The council is going to be discussing at this meeting as well. If you have questions on that one, let me know.

There are really no changes to existing regulations. There is consideration for maybe some changes to the recreational regulations for snowy; so we'll just have to see what the council wants to do at this meeting. That may be something that will come to the AP later this year mainly for information purposes.

Snapper Grouper Amendment 22 is one that the council has been discussing for some time. This one would put in place a recreational harvest tag program for deep-water snapper grouper species. Right now we're sort of on hold for this amendment. There was some uncertainty as to whether this proposed tag program would be considered a limited access privilege program; and if it is, then it would be subject to certain requirements.

When the Snapper Grouper Committee meets later this week, we're going to get an update from NOAA General Counsel that will tell the council basically if they need to follow certain requirements when they go to propose a recreational tag program. That is where we are on this one. Any questions on 22?

COLONEL FRAMPTON: That might not be a bad place for the Law Enforcement AP to be involved when we start talking about a tagging program and how enforcement is going to deal with that just to make sure when it comes to be; that we're part of it and support of it and everybody knows how we think on that. I just want to offer that up. Any comments on that?

MS. BROUWER: The next one is Snapper Grouper Amendment 27. This one was approved and regulations became effective on January 27th; and that's why it is still here. This one changed the management jurisdiction for Nassau grouper and the South Atlantic Council assumed management jurisdiction for Nassau throughout its range.

It also changed the crew size restriction for permits that have two permits, the snapper grouper unlimited or 225 and the charter or headboat permit. They were initially just limited to three crew members; and so that is changed and now they're allowed to have four. It also took away the bag limit retention restriction that was in place for captain and crew for for-hire vessels for snapper grouper species.

It used to be that they were not allowed to retain their bag limit of snapper grouper species and now they are. It modified management for blue runner in that it took out of the federal management unit; so blue runner is now only managed by the state of Florida and no longer in the Snapper Grouper FMP. Any questions on that one?

MR. KENNEDY: The retention of catch by crew; if they have the appropriate permits, does that allow sale then?

MS. BROUWER: No; the restriction on sale has not changed. They not allowed to see their bag limit.

MR. KENNEDY: Okay. I mean there is going to be a parallel issue coming up with dolphin, I'm certain, so I just want to make sure we're consistent.

MS. BROUWER: Okay, the next one is Snapper Grouper Amendment 29. This one is under development. We did public hearings for this amendment in January; so the council is going to be deliberating on this one quite a bit this week. This one would put in place annual catch limits for stocks that have only reliable catch. We call them ORCS.

These are stocks that there is not a lot of information on, that there are not going to be stock assessments that can be done on them anytime soon; and so the South Atlantic SSC took some time to determine a methodology that would be appropriate to assign ABCs and ACLs for this group of stocks. Amendment 29 would apply that methodology.

It involves the council selecting how risky they want to be as far as management; and so they need to choose a risk tolerance level. They're going to be discussing all of this during this week. This amendment also includes changes to management for gray triggerfish. It does include consideration for a commercial trip limit for gray triggerfish and maybe a commercial split season. Any questions on that one?

MS. BROUWER: Amendment 32 is one that is early on in its development. It is going to address the recent stock assessment for blueline tilefish. Blueline tilefish was assessed in 2013. It was found to be overfished and undergoing overfishing; so the council needs to put regulations in place to end overfishing; and if overfished, there needs to be a rebuilding plan.

The amendment would take action to put these things in there. Currently we just have placeholder actions in there. The SSC still needs to meet in April and tweak the recommendations and need to look at some additional projections that were done for the species. We're going to have to wait to put the new numbers in there. However, the National Marine Fisheries Service did receive a request from the council to take emergency action to change the annual catch limit for blueline tilefish. That is in the works right now. Any questions on 32?

COLONEL FRAMPTON: I think we are going to take a break to see if we can get the screen adjusted so we can read it from here. It would be helpful.

MS. BROUWER: I'm just going to keep going through; we're almost done with snapper grouper. The next amendment I was going to bring to your attention is Snapper Grouper Regulatory Amendment 21. This is one that was requested by the council at the December meeting. They are scheduled to approve it at this meeting; so there hasn't a whole lot of time.

It is basically just going to address a handful of snapper grouper species that have low natural mortalities. When we have a low natural mortality, the threshold for declaring a species overfished is very low. One of the things the council has done with the recommendation of its SSC is to go ahead and set the minimum stock size threshold at 75 percent of the spawning stock biomass at MSY.

When you do that, basically it avoids species fluctuating between an overfished and a not overfished condition. This came to the council's attention at the December meeting when they were discussing the stock assessment for blueline tilefish. Blueline tilefish happens to be one of the species that does have a low natural mortality.

With the support of the SSC, the council wanted to go ahead and change that definition of the minimum stock size threshold for blueline tilefish since it is so close so that they would not be an overfished status that applied to that stock and there wouldn't need to be a rebuilding plan put in place.

Hence, how quickly this amendment has developed; it will be discussed at the Snapper Grouper Committee and the council, like I said, is scheduled to approve it for submission to the secretary at this meeting. They will be taking public comment on Amendment 21 at this meeting as well. Any questions on that one?

Then there is Snapper Grouper Amendment 33, and I'm actually going to skip right over that one because that's one that you're get into a whole lot more detail here shortly when Brian comes up and discusses it. It has to do with transporting fillets from the Bahamas not just for snapper grouper but also for dolphin and wahoo. I will let Brian to you about that one.

Then there is Snapper Grouper Amendment 34, which basically is one that is going to address all the accountability measures and make sure that they are compatible. The council has already taken action to tweak the accountability measures that are in place for the Coastal Migratory Pelagics FMP to make sure there is consistency among them. They're getting ready to do that in Snapper Grouper Amendment 34 for snapper grouper species.

Those are the amendments in line for snapper grouper. As I said, dolphin and wahoo is going to be addressed here shortly. Dolphin Wahoo 5 was one that was approved earlier this year and basically it just modified the ABCs and ACLs for dolphin and wahoo based on updated landings' information and the change to the MRIP methodology.

At this point I think I'm going to see if Kari wants to just briefly go over what is going on with mackerel. For the other amendments, this is just for your information so you can see what the council has been up to and what they're getting ready to do. These are just the highlights. Here is Kari with mackerel.

DR. MacLAUHLIN: Okay, we have a couple of active amendments in mackerel. I am Kari MacLauchlin and I'm council staff. Amendment 20A was submitted recently and so it's under review by NMFS now. It prohibits bag limit sales of king and Spanish mackerel except on for-

hire trips for vessels with the commercial and for-hire permits; and then also eliminates the income requirements for the king mackerel and Spanish federal permits.

Amendment 20B is still going back and forth between the councils. It has six actions in it; and a couple of them are just for the Gulf Region with king mackerel zones and boundaries; fishing year for Gulf king mackerel and then trip limits for Gulf king mackerel. One thing that this amendment, once it is submitted and if it is approved, for king mackerel and Spanish mackerel in the Atlantic, it sets up a northern zone and southern zone with the line at the North Carolina/South Carolina State Line.

Then it allocates part of the commercial ACL to that northern zone, which is North Carolina north and then the southern zone. This was based on the council had selected some historical landings between North Carolina and the Mid-Atlantic, their percentage of the landings over ten years, I think, and then the rest to the southern zone.

We going to review it again at this meeting. There are a couple of things that the Gulf and South Atlantic Councils haven't agreed on; so we're going to work out a plan for that. Hopefully, they will take final action at this meeting and it will get submitted. It is a little behind our expected schedule for it.

We had a framework action. This one was submitted and is under review by NMFS right now. This is one that we talked about last year at your AP meeting that had the transfer-at-sea provision for Spanish mackerel caught in gill nets; and then also a step-up for Atlantic king mackerel. This has one has been approved and we're waiting for that to be implemented.

We also have an amendment to update the Spanish Mackerel ACLs. This is called Framework Amendment 1; and we're actually starting a new way to title the framework amendments to be consistent between the Gulf and South Atlantic Regions. This is actually the first one and it is called a framework amendment. Even though they've always been framework amendments, but they've called framework actions and adjustments.

That is why it is 1; it is actually not the first framework amendment; it is just we're going to start titling all of these the same way; so we call it Framework Amendment 1. It is two actions to update the Spanish Mackerel ACLs because we just got the results of the stock assessment. It increases the Atlantic Spanish Mackerel ACL a little bit and then it also increases the Gulf Spanish Mackerel ACL. The council will take final action at this meeting and the Gulf will take final action at their April meeting, and we will get that submitted for review.

There are also two amendments, Amendment 24 and 26. These are joint amendments that we scoped in January. The committee and council will be reviewing these at this meeting and providing some guidance to staff and then also figuring out a timeline for these. Right now it is very broad so we're not sure what actions and alternatives will be in there.

The first one is to look at sector allocations for Atlantic Spanish and Gulf King Mackerel. The Gulf Council had decided that they wanted to – they passed a motion at their meeting in

February to delay this one until after the king mackerel stock assessment results. We will talk about that at our committee meeting what to do for that.

It is basically looking at the recreational and commercial allocations and maybe considering some way to move some recreational to the commercial allocation for Atlantic Spanish Mackerel. Then we've also talked about kind of an in-season mechanism that would just move a percentage over if the recreational hadn't hit a certain percentage of their ACL and then go back the next year; so it would just depend on the conditions. We'll see how that goes.

We got some good input during scoping and I will be reviewing that with the Mackerel Committee. The other one is Amendment 26. This one is to split the king mackerel and Spanish mackerel commercial permits into the separate regions. Right now if you have a king mackerel or a Spanish mackerel commercial permit, you can fish in the Gulf and then all the way up through the Mid-Atlantic.

This one, we just scoped it very broadly; what do people do think about this; what are some ways that you could do this if they wanted to proceed. It would allow each council to make changes in their region without affecting the other regions if there was a Gulf king mackerel permit and an Atlantic king mackerel permit and the same for Spanish. We got some scoping comments; they're very broad.

The Gulf Council at their February meeting decided to wait until after the king mackerel stock assessment was finished to really move forward with this one. Our committee will be talking about this on Thursday. We will get some guidance and figure out a timeline for what we want to do if they want to wait for that king mackerel stock assessment.

One thing with the king mackerel stock assessment, they had a data workshop and it had come up that the boundary between the two stocks may be around the Keys. Now the boundary down in Florida moves in the year when you have that mixing zone. The assessment workshop is coming up, so they'll get into that a little more; but should that biological boundary change, there may be some changes in the management between the two councils in the future. We'll see what happens after the assessment is done.

COLONEL FRAMPTON: Can you go back and repeat what you said about how they're going to divide up the permits; and if you were a Gulf fishermen you could come around and use your permit in the southeast and whose quota does that go against; and how would that work?

DR. MacLAUCHLIN: Well, currently you can just get a king mackerel or Spanish mackerel permit and you can fish all the way from Texas all the way through the Mid-Atlantic. It just counts for the whole Gulf and Atlantic Region. It depended on where you landed – I think Ben may want to answer this question. Do you report by the zone that you harvested in and then it gets counted towards the quota for that zone?

MR. HARTIG: Basically, as Kari explained, the way it works now, there is one permit. You can fish anywhere where these animals are. What we'd like to do is separate the permits out and then have qualifications for the Gulf. It could be very simple. If you have landings in the Gulf,

you would get the Gulf permit. If you have landings in the Atlantic, you would get the Atlantic permit.

It could be very simple and you could get both permits if you have landings in both areas. You could get much more complicated and you could set up – and we have different regions and each region has a quota. For each region with a quota, you could have some kind of qualifiers to get an endorsement for that area.

That would be more specific, but it would allow the Gulf to try and limit effort that is coming from our east coast into the Gulf. Their main concern right now with king mackerel are the number of east coast vessels that come to the Gulf and catch a majority of their quota. That has been precipitated by the lack of Atlantic king mackerel on our side. That is what they're concerned about; and they could address that as well.

Then we have concerns in an area of the east coast around the Jupiter area, east central Florida where the population levels are so high; there are a large number of permits in that area. With that, we have a number of fishermen who participate part-time. When the fishery gets a low abundance like it is now, all those people drop out; they don't fish. When a big year class comes into that fishery, they all jump back in it and take the heart back out of that stock. We'd like to by area look at these different areas where we have problems and address them if we separate the permits out.

COLONEL FRAMPTON: Should we be looking at how we – I don't want to sound like I'm trying to eliminate anybody from the fishery; but how do we help to work on the problem of people jumping into a fishery and jumping out of a fishery so that we maintain that core group in there that we want?

MR. HARTIG: I like the way you think. The council does need to address that, in my opinion, in certain specific areas in particular. Now, North Carolina doesn't seem to have the problem that we do on the lower east coast. In the past while we've been able to try and solve problems in our area, North Carolina has said, "Well, we don't have those problems so we don't want to do that."

Now if we separate the permits out, I think we can set up specific areas where we know we have problems and then maybe set up qualifiers where you get to the core group of fishermen. It is interesting as the mackerel stock rebounded from its overfished condition we had a core group of fishermen – like you said, a core group that participated and over time there were so many permits – yes, it is limited access, but there 1,400 permits allowed; so that's too many for people to jump in at different times when the fishery gets better

What it has done is we had that core group and the fishery got better and then we had a bunch of people jump in; and then the fishery has constrained again so we're back to the core group. To me, identify that core group of fishermen and then try and limit it to them now and then allow some more people to get back in as you can, as the stock recovers, in a rational way. That's my thinking on this and not keep people out forever but to allow people in and out as the stock goes through sign waves of abundance, which it has over its managed history

CAPTAIN LEWIS: I'm not sure I understood you right. Are you saying now you can get a permit from both sides and you're trying to limit that?

MR. HARTIG: Yes; right now there is one permit that allows you to fish Spanish mackerel or king mackerel in the Gulf or South Atlantic or Mid-Atlantic all the way to New York; so it's one permit now. What we'd like to do is separate the permits out by Gulf and South Atlantic. That's what we'd like to do to try and get at some of these effort concerns that we have in our fisheries on the Atlantic side.

CAPTAIN LEWIS: If you do that, would you be able to get a permit for either side?

MR. HARTIG: The way I see it, yes. As long as you have some level of landings – and it could be one pound; as long as you have some level of landings, it could be very simple. You could get a permit to fish in the Atlantic if you had one pound of landings in the Atlantic; and you could get the Gulf permit if you had one pound of landings in the Gulf. To me that's the most simple way we could do it.

CAPTAIN LEWIS: If you can continue to get a permit for the Atlantic and Gulf; why have you accomplished then?

MR. HARTIG: Well, what you can do from there is you can get more specific in your qualifiers for specific areas where you have problems. That is what I'm getting at. You can set up – like that East Coast Zone like I was talking about where we have high population centers and a large number of permits, you could isolate that area and set up some qualifiers in that particular zone to fish that would reduce the number of permits in that area.

COLONEL FRAMPTON: So are we basically talking about taking the CMP permit and making it a regional permit?

MR. HARTIG: Actually it is a regional permit now. No; when you mentioned regional, I was thinking of the whole region; but, yes, we would separate into the South Atlantic Region and the Gulf Region, absolutely.

MR. BELL: I was just going to point out in looking at the issues with the king mackerel fishery, there are some regional differences. Like in South Carolina, for instance, we don't have guys that would be considered part of a core group because it's not really a directed fishery so much. Whatever we do in terms of solutions, you just have to be sensitive to regional differences.

COLONEL FRAMPTON: Thank you, Mel; and that's exactly what I meant. I want the resource to be available for all, but how do we manage it in the right way so that we have the stocks?

MR. RENDA: Looking at it from a fisherman's point of view, last year we discussed about doing away with the latent king mackerel permits, and this is from the North Carolina Region. We talk about the abundance of fish and getting into a fishery; but I'm more concerned about the lack of other fisheries and where you turn to an abundant fishery because you have to subsidize your income.

That's why doing away with the latent permits was not a good idea. If all of a sudden other fisheries start to slack off; you have got to have something to turn around and make an income. True, when the king mackerel becomes abundant and guys are jumping in, to use your phrase, maybe they're jumping in because other fisheries are on the decline and they still have to make a living. Thank you.

COLONEL FRAMPTON: I wholeheartedly agree with what you're saying. Rama.

CAPTAIN SHUSTER: I have some concern when we start creating these subzones and transit provisions. A lot of our fishermen in South Florida, particularly around the Keys area, will transit from one of the northern areas on either coast. For instance, if a guy has a South Atlantic, he does qualify for South Atlantic, but he fishes out of, say, Naples or Everglade City, will there be any limitations for that fisherman to transit back to his home port?

CAPTAIN LEWIS: That also brings up another issue. If you go to regional areas, checking boats coming from one region into another, it makes the enforcement that much more difficult when you narrow the scope.

MR. HARTIG: If I may, yes, that's true; and I think if we define these regions, we would define it based on the areas where these fish are actually occurring and caught so that wouldn't be that much of a problem. Most of these fish in their migratory patterns are in discrete areas for the time that they're being prosecuted in these fisheries. I think we could help alleviate the law enforcement problems; but I would certainly bring this before you to weigh in. It would be very important. On the transit issues, we just introduced some transit – well, we eliminated the transit problems for the people in Naples, basically. We addressed that situation just as you mentioned. Which amendment was that, Kari, where we did that?

DR. MacLAUHLIN: It is actually in 20B.

MR. HARTIG: Okay, it is still in 20B.

DR. MacLAUHLIN: But it will allow transit for king mackerel through any closed areas as long as you caught the king mackerel in an open area. It was specifically for around Collier County.

CAPTAIN SHUSTER: And I'm familiar with that provision from the gill net fishery; but that will carry over to all of these new subzones as well, that same thought process for allowing transit?

MR. HARTIG: Yes, it will. It was originally brought to us by the FWC based on what was occurring in that Collier County area. Then after we started working on it, we thought we might as well apply it to the rest of the regions as well. You can transit as long as your gear is stowed and you're in a continuing transit mode.

MR. RENDA: Another issue that was brought last year, and I don't know where to address it, but I would like to get an update on it. With the Spanish mackerel we were talking about catch

limit and gear limit; and that's pretty tough. That's really tough to accomplish; to have gear limit and catch limit at the same time. You can have one without the other.

Also, because with the gear limit they were saying about cutting a net and transferring it to another boat; and now you can generate a problem where the guy had 200 yards, he takes this guy's gear to put it on his boat, and now he has got 300 yards over instead of the 800. It generates a law enforcement nightmare.

Another thing, catch limits I agree with but not when you have gear limits. If I put out an 800-yard net and I happy to get lucky on this one particular day and considering all the other days when I didn't get so lucky, and you happen to get the one payday and discard dead fish; I mean, that is just totally useless. Can we get a clarification on what they're talking about cutting a net? Are we talking about cutting the float line and the lead line; are we talking about now going over the 800-yard net limit? How is this evolving; what is happening with this; is there any way to get an update?

DR. MacLAUHLIN: I was trying to pull it up on our website, but I can't get to the website. That was actually approved in December for submission; and it is under review. We had the provisions – like spelled it out in the alternatives – and set it up to where only when a transfer was occurring in this way they would be able to do this. I'm sorry that I can't pull it up and we don't have it in the briefing book.

There were some specific items where you had to cut the net and transfer it if you went over in a set. We used language from the same rule in the Mid-Atlantic for otter trawl. They have a similar transfer provision; so if you go over in one set, you can transfer part of it to stay under your trip limit. With the Spanish mackerel, they can transfer part of it; and that way there is a gear restriction that you can only have two gill nets on board; but under this very specific situation, the receiving vessel would have more than two. They would have two and a portion of another one.

Then they also have to have a call-in to at least leave a message to give law enforcement a heads-up that this is happening. There is a specific number in the regulations that they would do this when they were going to transfer so that law enforcement would know. That was a recommendation from the discussions I had with you guys last year about being able to do that.

COLONEL FRAMPTON: Would you like us to look further into this and give you more of an overview of where we are? I can't speak from a position of authority because I'm trying to figure it all out in my head right now. Tracy, do you know?

MR. RENDA: Here is a wild thought. Maybe we could work something out that is really, really pretty good. We have logbooks and we have more or less transmitting catch at a very, very early stage. We did away with the Pony Express and all of that. If a man is fishing for three weeks and he is getting minimal catch and he has a catch history, he has got trip tickets and everything; can we waiver maybe once in a while where instead of going over the limit – now, not excessively over the limit, but if he has been turning in trip tickets for three weeks and he has been catching a minimal amount of fish and all of a sudden he gets a payday where he can kind

of recoup – instead of going through of all of this, well, I’m cutting my net and now this guy has got that and this guy has got that; but I’ve been sending in trip tickets for the past months and finally I got a good payday and I’ve got to get rid of it; it would really help the commercial fishermen quite a bit. Since we’re going for an elaborate way of doing this; why not make it a little more elaborate where maybe the fisherman could really get a good payday for once? Thank you.

COLONEL FRAMPTON: I’m all for the fishermen getting a good payday; don’t get me wrong. We’ve got to figure out from the law enforcement perspective how we will look at this and enforce this as we go. Tracy.

MR. DUNN: I’m getting caught up on how elaborate things have gotten, but we don’t want it more elaborate because that just – I mean I understand what you’re trying to say, but because things are getting so complex, adding complexity to it for the poor enforcement officer is just going to make it very, very difficult.

COLONEL KELLEY: Also seeing the temptation when a fisherman runs into an event like that, that he sets back out because the fish are there at the time; so it makes it difficult.

CAPTAIN LEWIS: Also, what is minimal and what would be maximum? That’s the problem; it is open.

COLONEL FRAMPTON: We have to figure out some guidelines because when you leave it open, you don’t need enforcement when it’s open. There is nothing to enforce. I know what you’re saying but I also get it is bad practice to be on the fish and be discarding perfectly good catch that you could be using. Anymore discussion on this?

I think what we’re going to do is they’re going to e-mail something out and we can talk further about this in the afternoon after lunch when we meet with the full committee. Maybe we can get some background information so when we come back to the table we will be a little more up to speed on the issue. Will that work for you, sir?

MR. RENDA: Yes; that’s fine.

MR. DUNN: Just one other comment as I sit here and process all this; it is almost sounds more like an IFQ Plan would be better if that’s what you’re looking at. Okay; I just thought I would throw it out there for you, but that’s really where you’re heading with that philosophy. I will take that as a no.

COLONEL KELLEY: I hate to ask this, but you said something earlier about the charterboats and bag limit sales. Could you run back and go over that one more time, bag limit sales and charterboats?

DR. MacLAUCHLIN: In Amendment 20A, which we submitted in the fall and it is under review right now, the council decided to prohibit bag limit sales of king mackerel and Spanish mackerel except for those fish caught on for-hire trips with a dually permitted vessel. As long as

they have both the for-hire and their federal commercial permits and even if it was caught on a for-hire trip, they can still sell that.

COLONEL KELLEY: Thank you; I missed the part about the federal permits.

MS. BROUWER: Okay, I'm going to quickly run backwards to bring Coral Amendment 8. There has been a request to chat about that one a little bit. This one is the one that addresses the northern extension of the Oculina Habitat Area of Particular Concern. The council approved it for public hearings in June.

The public hearings were held in August and the council approved this amendment for submission to the secretary in September of 2013. I don't think we've heard – we're going to get an update from the regional office later this week as to where this amendment is during its review. I believe Karen had a comment.

MS. RAINE: I just wanted to comment on a couple of things. One is on transit issues. I believe either the last meeting or the meeting before, this issue was briefly touched on. It was pointed out that there a number of definitions now it appears within the shrimp fishery for stowage of nets and what that means for transit.

I would just encourage the council to perhaps look at all of those definitions. I think there is a potential of confusion within the same fishery you have different requirements for transit. The other point I would like to make now is boundaries. Chisolm brought this up earlier and Tracy commented as well.

We and I think those of individually have commented throughout the years that the fewer waypoints the better so that the lines are straighter. I would encourage in this expansion that there be a rectangle or box rather than perhaps a variety of lines; the fewer waypoints, the better. That also reminds me of CE-BA 1 where – and I know it has been some time – there were 220 waypoints; and when this was going through, my remembrance is that there was a commitment by the council to take a look at that again in either the next or the subsequent amendment. I don't what kind of progress has been made on that and so I guess I would just request a status update.

MS. BROUWER: I don't have a status update for you on CE-BA 1. I'm not sure that we have had any discussions about changing the way that those boundaries have been defined. I am going to turn to Anna Martin at this point to see if she has more information on that. Anna is shaking her head no, so I will make a note of that, Karen, and perhaps at the next AP meeting I will have an update for you.

MS. RAINE: Okay, you might want to take a look at the transcripts from the June 2009 meeting on CE-BA 1 and some of the motions that were made as a result of that. That would definitely be appreciated I think by the law enforcement side. Thank you.

MS. BROUWER: Okay, I'm making a note; thank you.

MR. HARTIG: If I may, Karen, when we have a technology such as VMS that allows fishermen to fish closer to these areas, what we've tried to do is tried to draw these lines as close as possible using the technology we have available. Now, does that hold as much for areas where you have fisheries that are monitored by VMS?

That to me just takes what the fishermen get out of the fishery from that unit, VMS, allowing them to fish closer, allowing us to draw the lines not so straight and being able to get them away from habitat but still allow them access to grounds that they need. To me that technology works it both ways. It allows us to draw the lines a little bit differently.

We try and keep them as straight as possible; but as you see in the way our areas are lined out for the rock shrimp fishery, there are some differences where we move the lines somewhat. But to me when we require this technology on the shrimp fishermen, we should allow them some latitude in being able to allow that technology allow them to fish closer. Being monitored with VMS by law enforcement allows us to do that.

MS. RAINE: Tracy or somebody else might want to address this issue as well; but there are a couple of issue I think that are presented by the lines regardless of whether VMS is being used. One is from a very practical standpoint, the more waypoints there are that have to be entered in, the more opportunity for mistake and error.

Certainly even with a smaller number of waypoints, I have seen occasion where fishermen have made errors in plotting the boundaries. Again, the greater number of waypoints you have, the greater opportunity for that kind of error, which, frankly, could either work to their benefit or detriment as far as fishing area.

Even this agency – I can't remember which one – has published a Federal Register Notice where the number of waypoints are so many that there were errors. I think in trying to eliminate errors that I think are unintentional, I think that would be to everybody's benefit, both the habitat and the fishermen. Even though VMS is tracking these fishermen, we still want to put people I think in the best position of being able to comply without something going amiss.

MR. DUNN: I couldn't have said it better. That is exactly what I was going to comment on is we have seen that; and again it is more transposing numbers into a system. If there was a way to upload it into an existing GPS, possibly, but I have to agree with Karen.

COLONEL FRAMPTON: We're working on a technical issue; so let's take just a few minutes for a break and we will reconvene in a few minutes.

COLONEL FRAMPTON: If I could get everybody to take your seats so we can reconvene the meeting. We had some questions that came up over the break, and we're going to go back and revisit a few issues.

DR. MacLAUHLIN: First, I want to go back to Mackerel Amendment 20A that had the bag limit sales. I said that bag limit sales were prohibited except for for-hire trips on dually permitted vessels; but that's only for the Gulf Region. In the South Atlantic to sell king

mackerel or Spanish mackerel, you must catch it on a commercial trip with a federal commercial permit, but it has to be a commercial trip.

The Gulf Council had decided kind of towards the end that they wanted to allow the fish to be sold from the for-hire, but that is only for the Gulf Region. I wanted to clarify that because it was brought to my attention. Then also in that amendment there is an exception for sale of fish caught in state-permitted tournaments in both regions. For example, North Carolina has like a license program that they already had set up to track their tournament sales for king and Spanish mackerel; so something like that. Those will continue to be allowed.

COLONEL FRAMPTON: I don't want to put anybody on the spot, but how do you do your king mackerel tournaments, Jim, as far as the catch that comes in? I think, Tracy, we went over this years ago, just to bring you back up to speed. Can you tell us how you do that; you might be able to shed a little light on where we think we're going or any input the advisory panel may have to the council?

COLONEL KELLEY: The tournament purchases a tournament license from the state. When the fish come in, they're weighed and sold to a specific dealer. Those fish are recorded on trip tickets and then the proceeds go to charity.

COLONEL FRAMPTON: Are the fish commercially caught fish or recreationally caught fish?

COLONEL KELLEY: Being as they're sold, they go down as commercial.

COLONEL FRAMPTON: And that goes against the commercial quota?

COLONEL KELLEY: Yes.

COLONEL FRAMPTON: I guess I could find an issue with that. I see Mel over there. Let me see how to say this. I would have angst about that because basically are you not bartering or trading or selling the fish that were caught recreationally and now they're commercially – do you see what I'm saying?

You're paying to be in a tournament, you've paying for the privilege of being in that tournament; so you're going out and catching fish for the tournament who is then in turn selling the fish and you are a recreational fisherman catching them under the auspices of being a recreationally licensed fisherman. Then the fish are being taken back and sold and being recorded as commercially caught fish. Are you following me, Tracy?

MR. DUNN: Yes, absolutely. I would think the commercial side would have a real issue with it; but as far as the enforcement side, it just always seems when you start mixing recreational and commercial, that becomes problematic.

CAPTAIN SHUSTER: One of the things that we're talked with is making sure that the seafood is wholesome and is safe to make it to market. We have no tools to enforce quality control on a

recreational boat; so we have very high standards that we impose for a commercial vessel, finally divided ice, shelf boards, you name it.

None of that exists on a recreational boat; so when we're out on the water, the fish could essentially be laying there with no ice. They're participating in a recreational fishery and then three hours later it is thrown in a 55-gallon drum, some ice thrown on it and it is transported to market. If you don't follow that fish all the way to the market, enforcing it is very difficult.

DR. MacLAUCHLIN: I just want to remind everybody that this one has already been approved for submission and it is under review. If there are specific comments that you would like to give to the council about any future actions dealing with bag limit sales coming from the Law Enforcement AP; that would be great. However, the councils have already made that decision and moved on from 20A. I just want to remind everybody.

COLONEL FRAMPTON: I think on a bigger note, our issue would be the sale of recreationally caught fish and however that comes about. We should think about that as we move forward. This isn't a new issue that has been brought up. It has been around for some time. In South Carolina we have looked at several different ways to try to conquer it, but I think it's something that the panel ought to be involved in and ought to have say in. Just from the minutes we've talked about it, there are lots of issues with it from the enforcement standpoint.

CAPTAIN LEWIS: I think the problem when it goes for sale without it being given or donated; that is when it goes into the commercial aspects of it.

COLONEL FRAMPTON: Doug, you're right; and, Karen, isn't it bartered, traded, sold is the verbiage?

MS. RAINE: It may be, but it is true that this is already – the tournament sale, there is a specific – I mean, it is separated out so that it is specific and the rules just apply to the tournament sales; so that is the path that the council is going down; so there you have it.

COLONEL FRAMPTON: Well, at least we have brought it up and we can have future discussions on future species when we talk about it. We were going to go back and talk about one more issue, I think.

DR. MacLAUCHLIN: During the break we were talking about how I was saying in this Amendment 20B, which is going to be reviewed by the committee again at this meeting, that would establish the quotas for king and Spanish for a northern zone and a southern zone; and so I wanted to show you guys the map and explain that a little more.

If you wanted to see this, it's in the briefing book for the council meeting under mackerel and it is Attachment 3B. This is the Amendment 20B Decision Document that I'll use to walk through with the Mackerel Committee. We have a couple of things where we have to change the language. We were calling them like regional ACLs, but we're going to call them quotas because we have one big commercial ACL and the regional quotas are going to go under there.

That is something that they're going to change – the committee will approve that language change. What is going to happen is they considered a couple alternatives. One would basically give North Carolina its own quota and then everybody else; and that means all the way through the Mid-Atlantic all the way to Florida would be fishing on the general Atlantic.

That was one alternative that the councils considered, but they decided that they were going to actually go with a different one under Alternative 3. What that one does is sets up a northern zone and southern zone. They decided to do that because when we were talking about just the North Carolina quota, then everybody else had a quota; and because the Mid-Atlantic landings were a relatively small level of landings, that it would just be easier to just have North Carolina and include the Mid-Atlantic with theirs, because it is almost all North Carolina landings.

That is what they decided to do; and then the way that they decided to do the proportion of the commercial ACLs for that northern zone and southern zone was to look at the average of the proportion of landings from the 2002/2003 season through the 2011/2012 season. Then there is also a way to set up a transfer between these quotas is necessary.

For example, if that northern zone was not going to hit their quota and they have a lot left over and the rate of harvest looked like they were not going to; but the southern zone needed some more quota, they could negotiate that transfer of quota. North Carolina and Florida would be the leads on that with input from the other states.

We modeled that after the transfer for summer flounder in the Mid-Atlantic, the way that they do that. We used the same language. In here we have the maps of what this would look like and where the boundary is. This is the boundary for the state waters agreed upon by South Carolina and North Carolina. Basically, this southern zone here would be fishing on that southern zone quota; and then the northern zone, which would include North Carolina and then all of the Mid-Atlantic Region would be fishing on the northern zone ACL.

Because at this time that king mackerel boundary down here between the Gulf and the Atlantic, it moves in April and November; so April through October it goes all the way around the Keys; and then when that boundary moves, it moves up here and creates that East Coast Florida Zone. Then the southern zone, just this area right here will be fishing on that southern zone quota. That is for king mackerel because we have that moving boundary between Gulf and Atlantic.

COLONEL FRAMPTON: I understand what you're saying. I guess my question is specific to the North Carolina/South Carolina Line. If you caught your fish in North Carolina and you came into Little River and you decided to land in South Carolina; would that be going against the southern zone or the northern zone?

DR. MacLAUHLIN: They will be tracking it through the landings; so it's where you land. Obviously, this is something that could happen and the council discussed that; but we also talked about because the way that they allocated – you know, they want to allocate between the northern and southern zone, it is based on a historic proportion of landings in North Carolina north and then South Carolina, Georgia, Florida put together. We looked at the proportion of

landings; so if people are doing that regularly, then it is going to be counted towards wherever they landed; right?

COLONEL FRAMPTON: I can see that from an enforcement side of the house could be an issue.

DR. MacLAUCHLIN: Well, when we were really talking about this, we looked at some of the state quotas that the Mid-Atlantic uses for summer flounder; and this is something that can happen as well because those are tracked by landings. This is a possibility but my understanding is that the committee and the council didn't feel like it was a concern enough at this time to where it would really shift, who was fishing for what.

In general in the southern zone, the overwhelming majority of the landings that are going to be given to the southern zone quota are in Florida. Those guys are probably not going to move out that far; maybe they will, but maybe not at a level that is going to impact either of these quotas.

COLONEL FRAMPTON: Okay, any questions on that. Yes, sir.

MR. HARTIG: Yes, just a point of clarification to your question. Yes, it will occur; and is it a law enforcement violation, no, so you won't have to worry about it. How often it will occur, based on where the fishery – the major fishery as prosecuted in North Carolina is in the northern part of North Carolina. You would have a long way to drive your king mackerel to South Carolina, which given the price of king mackerel would probably be prohibitive for you to do that. Now, if that starts to become a problem in the future, we'll address it.

COLONEL FRAMPTON: Thank you; that is very helpful. I just wanted to bring that up and have clarification on that.

DR. MacLAUCHLIN: I think that you were going to be e-mailed the version of that amendment with those Spanish mackerel transfer-at-sea provisions for gill net transfers. That was going to be e-mailed around to you guys and you can check out the actual language. That is the amendment that was submitted and is under secretarial review right now.

MS. BROUWER: Okay, just a couple more amendments that we wanted to make sure the Law Enforcement AP was aware of. We have been doing these generic amendments the last couple of years dealing with reporting requirements. Gregg has been the lead on those, so I'm going to let him go ahead and just give you a brief update on those.

MR. WAUGH: The first one is the Generic Dealer Amendment. What this does is require mandatory weekly electronic reporting. It also puts some teeth into the enforcement that the dealer will not be authorized to purchase additional product unless they are current in their reporting. The proposed rule was published on January 2nd and the comment period closed on February 3rd.

They will process the comments and then we're looking for this coming into effect some time later this year. Jack McGovern will give us an update during the committee meeting. What this will do is help us finally be in a better position to track our ongoing commercial ACLs.

That is the first one. Are there any questions on that dealer amendment? Okay, the second one is the Generic For-Hire Reporting Amendment in the South Atlantic. This does essentially the same thing for our headboat sector on the Atlantic. These regulations became effective January 27th of this year. They are required to report weekly electronically; and they are not authorized to fish if they have not reported. That is in place now. Are there any questions on the headboat reporting in the South Atlantic?

COLONEL FRAMPTON: Not yet.

MR. WAUGH: Okay; and then the third one is our commercial logbook reporting. The council worked on this for quite a while. Our original intent was to allow fishermen to complete the current paper logbook online; so that instead of mailing in the card copy, that it would be done online. It changed some timing so that the fishermen would have all the information to submit. We got comments that we should really work on this jointly with the Gulf and so we're doing that. At the same time the center began work on a pilot study, and we got an update at the last meeting and we will get an update at this next meeting.

Now, that pilot is looking at using an electronic logbook on board the vessel; so at some point we're going to have to revisit this and determine whether we still want to wait until they complete that electronic logbook pilot study before we come back and revisit this issue of having fishermen just be able to fill out the existing logbook electronically rather than mailing in the paper. Right now where we are on this is we're waiting for NMFS to complete the pilot study and we'll get an update during our Snapper Grouper Committee on where they are with that.

COLONEL KELLEY: What kind of timeframe are they looking for the fishermen to report on those logbooks?

MR. WAUGH: On the commercial logbooks, what the pilot is looking at is having on-board electronic logbook input; and so that would be immediate there or once a vessel is back on shore. All those details would be worked out and that would have to be done through an amendment; and the council hasn't even had any discussions about the timing and so forth.

Okay, let me mention one more that is really new. It isn't on your list here. If you step back, we've taken care of the dealer reporting. We've taken care of our headboat reporting. The final bit to get a better handle on tracking our ACL is charterboats. The two councils again are working together on this.

The intent is to examine the feasibility of moving charterboats out of MRIP, allowing MRIP to then focus just on private recreational vessels. Charterboats would essentially report exactly as the headboats in the South Atlantic are currently required to report; so that would weekly, electronically, and they would not be authorized to fish unless they are current in their reporting.

Again, we've been under a number of years of ACL monitoring and our quota tracking is starting to catch up to that. This would be a big help in plugging those gaps. Again, this would have to be developed through an amendment and go out for hearing; so you guys would have an opportunity to comment on that again.

COLONEL FRAMPTON: I think we would like to have a chance to be in on the discussion of being current before they could fish more and how we would address that from the enforcement side. Doug, do you want to comment on that?

CAPTAIN LEWIS: We've got to know or who is going to stop them from going back out?

MR. WAUGH: Well, we did have a presentation from NMFS at our September meeting on how they intend to do this on the headboat sector. We can pull that presentation up and get it out to you. It would require the center to look at these data and ensure that the vessels are reporting on the frequency. The regional office, their permits office would have to look at this as well and then send out a notification when a permitted vessel has not turned in a report.

MS. RAINE: Essentially the prohibition on continuing to fish would involve an investigation. It would end up being another potential charge.

MS. BROUWER: Okay, this brings us to the end of our update. Last but not least is CE-BA 3, which went through many changes over the time that it was being developed. Currently it only has one action to consider improvements to bycatch and discard data collection. The council is awaiting an update from NOAA GC; and that is scheduled to occur at this meeting.

We will see at the end of this week how we proceed with this amendment. That wraps it up for the update. If you have any questions, let me know. Mr. Chairman, if it's okay with you we'll move into the discussion of dolphin, wahoo and snapper grouper fillets.

COLONEL FRAMPTON: Thank you for the update, good job.

DR. CHEUVRONT: Okay, this is the first time that this has come before you. I'll give you a bit of background on what has happened here. At the June 2013 meeting the South Atlantic Council was requested by some fishermen from Florida to be able to bring dolphin and wahoo fillets back from the Bahamas much the same way as they can already with snapper grouper fillets.

So at the September 2013 meeting the council gave direction to staff to develop a one-action amendment that would basically mirror what is currently allowed for snapper grouper but for dolphin and wahoo. Staff did that and in the process of putting that together we realized that there were some issues that needed to be addressed that this action could not address.

The council had some extensive discussions and told staff, okay, come back to us with some actions that will consider all the different possibilities and ramifications of how we could make this work. You have in your briefing book – it's Attachment 2B – a decision document that the council is going to be looking at.

Now, make sure you're looking at 2B and not 2A; because 2B basically has the summary of all the issues that are being considered. Where we are now is this has come back to the council after they have given staff direction in December of what to do; the second page of this document has the motions that the council made in December to direct the staff of what they wanted to do and consider.

As it turned out, originally this was just going to be a dolphin and wahoo amendment, but the Snapper Grouper Committee got hold of it and they decided, well, wait a minute, we need to consider some things in snapper grouper as well that are related. Okay, that all went back and then the Interdisciplinary Plan Team that is made of council staff and NFMS staff got to talking about this and said, well, we need to treat this as a comprehensive thing, that we can consider all the different possible ramifications about the way that this could be handled.

As we had gotten into this, we discovered there were some differences between the way the Bahamas handles snapper grouper species and the way they handle dolphin and wahoo species and how does that impact what could happen bringing fish into the EEZ and all this other stuff. In a nutshell, some of the issues that had come up is that in the Bahamian regulations they stipulate that 60 pounds of demersal species, which includes snapper grouper, can be in possession while in Bahamian waters. That is allowable either as whole fish or in fillets or however folks want to do it.

When you get to dolphin and wahoo it gets to be a little bit more complicated because dolphin and wahoo is you can have up to 18 fish on the vessel, but it is any combination of dolphin, wahoo, tunas and king mackerel. You could have 18 wahoo if you wanted to as long as you didn't have any of the other species on board.

Well, of course, when you get into the U.S. EEZ you're allowed two wahoo per person on board the vessel, and so that creates some issues there. What the fishermen were trying to do is, well, if we're allowed to catch these fish legally in the Bahamas, these are Bahamian fish, let's see if we can come up with a way to bring them legally back into the United States on board the vessel.

This is what this amendment is trying to do is to look at are there ways that this can be done. Now, of course, in doing this we got into some of the snapper grouper issues that kind of mucked it up a bit because the snapper grouper species; that provision was done a number of years ago and since that time the council has put some restrictions on snapper grouper species that didn't exist at the time this was done.

There are six actions that the IPT would like for the council to consider. Some of these are very much related to law enforcement issues. I would like to do is Actions 1 through 4 pertain to dolphin and wahoo. Actions 3 through 6 pertain to snapper grouper. You've got two actions, 3 and 4, that pertain to both.

What I'd kind of like to do is let's walk through action by action and talk about what concerns as law enforcement folks you would have with each of these actions and alternatives. Now, there was law enforcement representation on the IPT, so there are some concerns that are already there, as well as the state of Florida.

They were having some internal concerns about this; so prior to the briefing book going out, we had provided them with a copy of the actions and alternatives that the IPT had come up with so that they could discuss those and that they could provide comments as well.

COLONEL FRAMPTON: Excuse me for interrupting; the law enforcement that was present at the IPT, is that NOAA or is that state law enforcement, just so we're clear who is giving guidance on that?

DR. CHEUVRONT: It was NOAA. Okay, if you scroll to Page 5 of this document, the previous pages basically are giving you the history and leading you up to where we are at this point now. Pages 3 and 4 have the actions and the alternatives that the council saw in December, which they at that time told staff please fix this for us and bring us back something that we can discuss in March.

Action 1; this is an action that mirrors pretty much what is currently in place in concept for snapper grouper species. This action considers exempting dolphin and wahoo legally harvested in the Bahamas from regulations that require them to be landed with head and fins intact, which is what is currently required; so you must land dolphin and wahoo with head and fins intact regardless of where they come from.

However, if you have snapper grouper species, you can land them as fillets. They're exempted from that head and fins intact regulation. The council wanted to consider ways to allow this for dolphin and wahoo. The problem then becomes since the Bahamian regulations are in numbers of fish and not pounds, how do we translate fillets of dolphin and wahoo into what they can bring back.

One of the things that the council had discussed was, well, one fish, two fillets, easy. You have 36 fillets. The problem is that some dolphin and wahoo fillets are really big if you do one per side. That's not real helpful to these guys. We looked at, well, okay, that Subalternative 2A is two fillets per dolphin or wahoo, so you could have up to 36 fillets.

Then we started looking at, well, regardless of the number of dolphin and wahoo fillets, how many pounds would we then consider to be equivalent to one fish. The IPT has recommended 10 pounds, 20 pounds, 30 pounds or 40 pounds of fillets. Well, 40 pounds of fillets is a lot of fillets off of a single fish, dolphin or wahoo.

Before we go on, I think it might be good if we could have some discussion of this one action, which is the issue in general of bringing dolphin and wahoo fillets back; and then if the council decides to go ahead with that action, how do we count fillets? What is this AP's recommendation on how to count fillets?

CAPTAIN SHUSTER: We've looked at this pretty thoroughly; and any type of poundage recommendation is simply presenting numerous law enforcement obstacles from calibrated scales to movements on boats, testifying, court issues; it seems pretty endless. The only viable option here from our view is 2A, which are two fillets equal one fish.

COLONEL FRAMPTON: Not to open up a can of worms, but is there a definition of what a fillet is? Karen probably knows where I'm going, but it would be helpful to establish first – I mean I know what a fillet is, but from an enforcement term what constitutes, for lack of a better term, a whole fillet?

MS. RAINE; I don't think that there is a definition, although later you will see in these actions there is a suggestion that skin be attached for identification purposes. It could just be a piece of meat without any identifiers attached to it. I will say, too, that I certainly support what Rama said as far as issues if the council were to choose a poundage.

However many fish they decide might be a fillet, it is something I don't particularly have an opinion on, but numbers would work much better than poundage for all the reasons that Rama spoke to.

COLONEL FRAMPTON: Are the numbers that are on the alternative; are those real numbers; is this what it could be or are we talking these just general numbers; could we be talking hundreds of pounds of fillets?

DR. CHEUVRONT: I think what the staff is trying to do to get the council to consider – and the council has not discussed these poundages at all yet – is to come up with what they could consider could be an average amount of weight of fillets from a single dolphin or wahoo and what they would think would be reasonable. We looked into does anybody actually know what is the average weight of meat that comes off a single dolphin or wahoo overall.

COLONEL FRAMPTON: Well, I think that varies greatly from a chicken dolphin to a bull dolphin; and I think those are all part of the discussions that have to come into play. A chicken dolphin is not going to be much. A big bull dolphin, you could meet your poundage here very quickly.

DR. CHEUVRONT: Exactly. The staff came up with these subalternatives mainly as a way to get the council to discuss the issue and try to come up with how they wanted to handle this. I think what the council would probably appreciate from this AP is a discussion of the pros and cons of using pounds versus numbers of fillets and what the different issues would be. Rama has stated some, but there may be other issues as well.

COLONEL FRAMPTON: You can see the issue with enforcement trying to do any type of at-sea boarding and doing pounds.

DR. CHEUVRONT: Well, currently they're doing that with snapper grouper, though, right, because it is in pounds.

MS. RAINE: I just have a clarifying comment. Apparently the 600 regulations may define fillet which means to remove slices of fish flesh from the carcass by cuts made parallel to the backbone.

MR. KENNEDY: This is a major impact for us in South Florida. I don't think there is more than a hundred miles of coast that gets subjected to this problem. It is our area. I see the difficulty in weighing fish on board. We have it even on the casual trying to weight with these groups. Obviously, the fillet is an easier way.

My only thought would be is there a way to determine that a singular large fillet can be brought back in a piece somehow, maybe by a distinctive cut or some other way so it would be easy to see and enforce. That would be the only account, because some of these wahoo go 60, 80 – I've had two friends catch them at a hundred pounds and that has got to be –

COLONEL FRAMPTON: Where did they catch them?

MR. KENNEDY: Diaz caught 106. It is an issue. On the other hand, if you figure 18 fish and you figure fillets, I mean you're talking about a massive amount of meat that the average recreational guy – and that is who is getting hurt by this is the guy who has the 25- to 30-foot boat that can't go over and cannot bring back more than a few hundred pounds of fish. Even though I'll probably get excoriated when I get home, I think that two fillets equals one fish is probably reasonable. Maybe they find a way to roll them and we can find bigger bags for them.

COLONEL FRAMPTON: Is there any thought to a minimum size on the fillets and then you get to bigger fish?

MR. RENDA: Did anybody think about measuring it and consider a fillet 12 inches. We all have rulers. We don't have calibrated scales but we have rulers. Twelve inches is one fillet; 24 inches is two fillets; 36 inches is three fillets. That could be for law enforcement really easy to enforce.

DR. CHEUVRONT: I'd like to ask a clarifying question. Are you saying that the sum of 12 inches – I mean as many fillets as you want as long as they totaled up 12 inches counts as one fillet so you could four 3-inch fillets if that's what you wanted as would count as one 12-inch fillet?

MR. RENDA: Whatever law enforcement feels is the way to go; but obviously to weigh it, we see it as a definite problem here; but to measure, you know, they all have rulers on the boat. It may simplify things a little bit. What the council has to do is decide how many inches us considered a fillet.

COLONEL FRAMPTON: I'm trying to work through this in brain as we go along; but if you've got a bull dolphin that you've got a two-foot fillet on each side, explain to me how you would see that working out with how the recreational guy would bag it and that we would know that was all off of one fish.

MR. RENDA: It wouldn't matter if it is off of one fish. If you turn around and say you're allowed 20 fillets and if you can get 20 12-inch fillets out of six fish, well, then it's six fish. If you get 20 fillets out of 20 fish because they're going one foot each, then that's how you get your limits.

COLONEL FRAMPTON: So we would determine or give an opinion on what is a reasonable average size fillet; is that what you're saying? I'm just making I understand what you're saying.

MR. RENDA: They can come up with any size they want, but now we have a good standard to go by.

MR. KENNEDY: The only problem I have with that is we're trying to be consistent with the 18 – they call them pelagics, we may not, but those 18 fish I would think the easiest thing – look, it is no pleasure to be boarded, guys. I have boarded a bunch of times. All has been well, thank you very much.

You can lay out the number of fillets and count them; but measuring them, we might as well be back to weighing them. We're talking about efficiency and speed and not having any longer of a contact than is necessary. Rama and I were talking about we're going to start counting them in terms of 22 of these and 42 of those.

I think the issue is a fillet, whether it's 20 inches or if it's – you know, you get one of those monster wahoos and it goes 36 inches, it is one fillet, and I think that's the easiest way to count it. Maybe they have to be bagged separately. That would make sense to me. You're going to bag them separately, anyway, if they're that big.

COLONEL FRAMPTON: What about the idea of – it may sound crazy, but in South Carolina we do shrimp by a 48-quart cooler full of shrimp and we designate that heads on or heads off and we allow some discretion in there for ice and those types of things. Suppose we went down that road, we're getting a much bigger quantity of fish much quicker, that a enforcement officer could theoretically look through the 48- or 96-quart cooler or a couple of those without talking about getting in an ice hold and undoing it all. That may be an idea.

MR. KENNEDY: It's an idea. I think the issue with that is also that it is a volume of fish. We're trying to marry up 18 fish in the Bahamas, getting them through the EEZ so they can be legally landed. It impacts the small guys. The guy that has got the 60-foot Viking, God bless him, he probably flies four or five times a year; and they don't care what you fly back in with.

This is only possession in the EEZ. It would seem to me the easiest thing is if we're going to count fillets the way the FWC has suggested, that would be simple. It would be 36 fillets, whatever the size. I think you're insane if you're bringing that much fish unless you're going to have a meeting on the mountain and break up the bread and the fish; but that's a lot of fish in my opinion.

COLONEL KELLEY: I agree with Mike. Regardless of how long the fillets are, if you keep them intact, counting 36 is probably the easiest way to go.

MR. JOLLEY: Well, just to point out as Mike did, everybody recognizes that we get some pretty big fish in the islands and those fillets are big. We've been talking about being able to cut big fillets in half as another possibility. From a practical standpoint, big fillets, whether you've

got a great big cooler or not, it is not an efficient way to cool fish for a week long, for example. We really need to think in terms of what do we do with these great big fillets? We going to need to cut them in half I think, Mike; at least cut them in half.

MR. BELL: What seems kind of logical, if 18 is sort of the magic number on fish, you can just kind of leave it up to the individuals. If they have big fish, they cut them; but ultimately what you end up with is 36 what we'll call fillets. It is 36 pieces of fish and you can cut it any way you want, but that's probably the simplest way to approach this as long as you don't exceed 36 pieces fish, which we'll call fillets, then that is the way to do it. On a large fish, you may need to cut it up, but then that will just count as more fillets.

CAPTAIN SHUSTER: I think that's a great suggestion because we're ultimately going to go back to or what we would like to go back is two pieces of meat, two fillets equal one fish; so that would decrease the number of fish, but that would solve that issue with the storage of large fillets.

CAPTAIN LEWIS: So what you're saying is instead of 18 fish, he may only have 14?

MR. BELL: Yes; that would be their choice. If you get a couple real big smokers or something and you've got to cut them, you cut them, but then you've cut down the number of fish that you'd actually be bringing back. Again, volume-wise you sort of end up with about maybe the same amount of fish.

MR. DUNN: Well, like I said, I'm kind of getting caught up here. The fact is the whole grouper issue is I was trying to digest that. If you're going to allow it – I'm not supporting of it at all; but if you're going to allow it, that is where I was headed was the officer has to be able to just count. It is efficiency; you don't have to try to match two fillets together to make sure they're one big fillet. You just count them and you're under or over. It is the decision of the fisher then on how they want to do that.

MR. KENNEDY: And realize it is only going to be heartburn on wahoo. Most people bring back wahoo. They really don't care about – they do bring back a dolphin but a big wahoo is the touchstone, because you can only have two of those in the EEZ. Dolphin, the U.S. limit is far better than the Bahamian limit.

I think you're got to be – you're fishing the Bahama limit and transiting back with that; and I think we can live with two fillets equals one fish. I'm real warm and fuzzy, but it is probably the best of all the alternatives. I'm balancing the ease for law enforcement. I'm also balancing the fact that we don't want to be spending two hours of your time weighing fish, counting fish, looking for a match line. I mean, I get that.

MR. DUNN: Just for the record; we are concerned about what they bring back as far as a count from the Bahamas because they've got to follow those laws. Just because they come back in the EEZ, we will still be looking at them from the Bahamian law's aspect.

MR. KENNEDY: I just want to be absolutely clear. When I said you were fishing the Bahamian limit, that means that get enforced when you come through and whenever you get stopped and you better be in direct transit, you better not be doing high-speed trolling, you better not be stopping to pick up some chicken dolphin. You ought to be transiting back in, no stop, with your 36 fillets.

MS. RAINE: I think though Tracy's point – and he'll correct me if I'm wrong – is that regardless of what the Bahamian law is, the fishermen still need to be in accord with U.S. law; and that might mean bag limits, closed seasons and whatnot.

MR. RENDA: What the Bahamians do stays in the Bahamas; and what the United States does, it stays in the United States. You're in the EEZ, you follow the United States laws; case closed.

DR. CHEUVRONT: And also as part of this, if you have been fishing in the Bahamas, you cannot stop and fish in the U.S. EEZ on your way back. You must be in a continuous transit back to port. If you're in the Bahamas and part of your catch that you're bringing back is some dolphin, you can't stop and pick up more dolphin. You would have to continue.

MS. RAINE: That may be the return trip from the Bahamas, but I don't know that there is anything right now that would preclude someone from fishing in the U.S. EEZ on their way to the Bahamas, then fishing in the Bahamas and then coming back with fish that may have been caught both within U.S. and Bahamian waters.

MR. KENNEDY: I think that one is pretty easy to me because if you caught 15 or 20 dolphin and took them into the Bahamas, you're in violation of their rule. If it is going to be a Bahamian rule, it has got to be you're measured on the return. I don't think anybody fishes unless it is to eat the night before or the night there. I don't think anybody is asking to combine the limits.

MS. RAINE: I'll just say my point is we aren't going to know where those fish were caught. There are many issues with allowing fillets; and we're only I think starting to talk about some of the tip of the iceberg.

CAPTAIN LEWIS: From what I'm hearing, according to the LE, we're not in favor of that at all.

COLONEL FRAMPTON: I think looking at it from an enforcement aspect, I would say that most folks are complying people and they're going to comply. I'm trying to figure out how we always get in that area where you've got somebody that goes over, they fish, they take gallon zip-lock bags, which is the general means of doing it. They cut and put three fillets in one bag and freeze it. How are we going to figure out in the ocean, going through this, what all this guy has? I'm just trying to not get in – excuse the pun – that boat.

MR. JOLLEY: Just a point to Karen's comment; if you fish in U.S. waters on your way to the Bahamas, before you clear customs, as soon as you get into the Bahamian waters you're in violation because you're not allowed to fish until you clear customs and get your fishing permit.

MS. RAINE: I don't know that I understand this perfectly, but isn't the fishing permit valid for a number of days? Is it 90 days, 60 days; so do you need to go back each time to customs? That is not clear to me; I just don't know the answer to that.

MR. JOLLEY: To that point, you have to clear customs every time you go back into the Bahamas; but when you get your fishing permit, it is good for I believe 90 days. You could use the fishing permit on one trip, come back to the United States, clear here, and then in 30 days go back to the Bahamas where you'd have to check in through customs again, but you can use the same fishing permit if it's less than 90 days.

MS. RAINE: And I would say or not make it all the way to the Bahamas. VMS is not on these boats and so certainly this would be an opportunity for a door to be opened to using the permit when perhaps someone wasn't in the Bahamas.

CAPTAIN LEWIS: You just brought up a point I hadn't thought about until then. If they're filleting these things and freezing them, how are you going to tell there is one, two, three or six fillets in a bag?

MR. KENNEDY: My sense is one bag one fillet. I've never caught a dolphin or a wahoo that I could – I mean, it just makes sense, one bag/one fillet. I'm not going to get two fillets from a dolphin into one zip-lock bag. That won't normally happen; if that's what you're saying.

CAPTAIN LEWIS: Will there be something in here that says that is the way they've got to do it? If we don't say it has got to be done that way, then somebody may try to fold one over, so that will just fold it over and have a fillet of fish fit inside the one that is folded over. There is always a way to hide them if they're wanting to unless it is specified there is going to be one fish per bag.

MS. BECKWITH: Later on the amendment we talk about options for a call-in provision or VMS, which may be more complicated than it needs to be. I had a thought of how practical would it be to require along with the Bahamian fishing permit some proof that you were actually in the Bahamas; a hotel receipt, a gas receipt, something along those lines where it would be simpler than having a call-in provision or it's certainly unrealistic to require VMS on recreational boats; but kind of an added consideration for Coast Guard to look at that discourage folks from using that 90-day permit within the EEZ once they've come back.

COLONEL FRAMPTON: Well, I think one thing you'd have is when you go to the Bahamas you do your customs declaration; so that could your one thing that you've gone to the Bahamian government and declared that you're there. That would certainly be proof that you were there, you cleared customs and you were fishing under a Bahamian permit. Am I right about that?

MR. JOLLEY: You are correct and we get papers to verify that we have cleared with customs. A fishing permit is just one of the documents that we get. We might have three pieces of paper qualifying that we've been to the Bahamas again. If that is not present on the boat and he is coming back and trying to use his fishing permit a second time, something is wrong.

His passport should be stamped showing he made the second trip. Plus he has got to clear customs in the United States when he returns. We have to report back in. There are two ways to do that. One is an automatic where you apply for a number and you can do it all by telephone. They can still at random come and say, "Where are you, Mr. Jolley, I'd like to come and check the boat and what you have aboard." If you don't have that particular setup, then you have to report within 24 hours to the local customs like in Palm Beach International Airport.

COLONEL FRAMPTON: So you're in quarantine still when you come back until customs clears you?

MR. JOLLEY: That is correct.

MR. KENNEDY: I may be wrong, but I thought somewhere I saw there would be a requirement to have the cruising permit and the fishing license on board. It may be in another one further down.

MR. JOLLEY: Your cruising permit is another piece of paper that you have on board the boat when they clear you at customs in the Bahamas. I think you get three documents.

MR. KENNEDY: That's correct.

MR. JOLLEY: So if you go back a second time and fish on the old fishing permit, you still have to get a new clearance document from the Bahamian government, plus the stamp on your passport.

COLONEL FRAMPTON: Somehow I think maybe I've gotten a little confused in this. Karen, if I can ask you let's go back and look at what U.S. law is to what they can legally do to make sure we're not trying to circumvent that.

MS. RAINE: Currently – and I'll use the snapper grouper as an example – snapper grouper coming back from the Bahamas is allowed to be filleted, but that is the only exception to U.S. law. They have to abide by everything else. I will point out that trying to determine if the fillets are snapper grouper is yet another issue which would again come up with the dolphin and wahoo on how do you determine that a piece fish flesh is whatever the fisherman says that it may be. There have been times that I have seen fishermen say that a fish flesh was a particular species; and even thinking that it might have been an illegal species and it has been tested and it wasn't. There is that whole issue as well that comes up with these types of provisions.

COLONEL FRAMPTON: The one good thing about that is it is pretty easy to distinguish dolphin and wahoo fillets. Rama.

CAPTAIN SHUSTER: With that, I just want to point out that Action Item 4 is going back to that grouper snapper regulation and adding requirements or provisions in that to keep skin intact, so there is some retroactive items there. I shouldn't say retroactive, but we would like to go back and look at snapper grouper and bring those rules up to be more consistent with where folks would like to go with dolphin and wahoo.

MR. RENDA: It seems like this issue to really be complicated. It seems it could also be a custom's issue. Now, the Coast Guard can inform – the boarding officers are all custom's officers. I know it might seem a little crazy, but we have an attorney general who can maybe sift through this a little better than us people when we're talking custom laws, import laws, country borders and stuff like that; and maybe dump it on his lap.

COLONEL FRAMPTON: I appreciate your comments. I think, though, from the southeast and southeast law enforcement, we want to be the voice as to how, for lack of a better term, our boots on the ground and boots in the boat are going to enforce this and that we are all uniform in this that something is not handed down to us that is totally unenforceable from our side of the house.

I appreciate that but I think that's the mission of this advisory panel is to come up how best in the southeast – you know, we're all cross-deputized as NOAA agents and Fish and Wildlife agents and those types of things. We maybe could get there, but I think from this group we need to come up with some recommendations. Right now I don't see a real clean recommendation coming out of this group. We might go back and get Rama to restate where Florida thinks we should be and make sure Karen thinks that's going to be acceptable for the EEZ. Karen.

MS. RAINE: Yes; I just want to go back to another point. My recollection at the IPT meeting was that there was some concern that folks going over to the Bahamas actually don't go through customs each time. I will just throw that out there.

COLONEL FRAMPTON: You have to clear on your initial trip over. You must stop and clear with the Bahamian Customs for port of entry. Generally it is the closest port of entry when you go over. Am I still right about that, Rama? You generally clear at the closest port of Bahamian entry that they have a customs' official there. You're in quarantine until they come and give you your cruising papers.

MS. RAINE: That may be the law, but again my recollection is that there is some concern that some folks may not actually be doing that.

MR. KENNEDY: That's an easy one. If they're not doing it, then they're in violation of whatever rule we come up with. We've got to prove whether we were there or not.

MR. JOLLEY: We've had all kind of clandestine activity over the last two centuries, for God sake. Prohibition was one example; drugs are another; illegal lobster and all kinds of things. You have to clear. If you get caught over there, they're take your boat, they'll put you in Fox Hill in Nassau. That is not the place to be.

Most American fishermen now are much less inclined than they were 50 years ago, for example, to go over there and fish illegally and come back just because the Bahamians did not have the capability to patrol their waters as carefully as the United States does. Believe me, those penalties are so severe that the American fishermen are very careful about that stuff now. Unless you're in the drug business or some other kind of clandestine activity, I doubt that there are very many Americans still going over there and coming back without clearing.

COLONEL FRAMPTON: Let's go back to the issue at hand; what is our recommendation? I think I'd give a little deference to FWC on this because they're going to be ones that are dealing with it mostly. Is this something that we should take back up, Mel, in the full committee after lunch and maybe give us a few minutes to talk it over, think about it and maybe we can come back with some recommendations, Mel?

MR. BELL: I kind of anticipated we would probably do that. If it would help, I think you are right in FWC being a big player in this. To kind of keep things moving along, you might just kind of see what Rama thinks about some of these. We can finish it up after lunch in the joint meeting.

COLONEL FRAMPTON: For the sake of what we're doing and getting through the agenda, let's continue to go on in the agenda with the presentation. We'll talk about this at lunch; we'll go back through it with Mel and see if we can come up with a recommendation for the council. Is there any opposition to that? Has anybody got any heartburn with doing that?

CAPTAIN SHUSTER: That sounds like a great idea.

DR. CHEUVRONT: Okay; Action 2 is an action that would exempt dolphin and wahoo harvested lawfully in the Bahamas from the bag and possession limits in the U.S. EEZ. This becomes an issue because remember you're only allowed two wahoo per person on board the vessel at any given time.

However, if you're fishing legally in the Bahamas, you could have 18 wahoo on board regardless of the number of people on the vessel. If you've only got two folks coming back, because they're transporting fish they would only be allowed four fish or in this case it would be eight fillets if you decided to count fillets or however you decide to denote this.

The way it is currently monitored by FWC – and, Rama, please correct me if I'm wrong – is that once you're into the U.S. EEZ from the Bahamas, you're only allowed to have the U.S. possession limit even in snapper grouper. There is an action later on that parallels this exactly but for snapper grouper to allow you – because you cannot legally stop and fish in the U.S. EEZ once you have left Bahamian waters; that you would be allowed to keep Bahamian limits. That includes dolphin as well.

If you've got six people on board that vessel, you would still be limited to 18 fish total, which could be 18 dolphin. Even though you would be allowed 60 fish if you were in the U.S. EEZ, you would be limited to that 18 fish from the Bahamas. This action; currently now if somebody should come into the U.S. EEZ, you're subject to U.S. possession limit. Alternative 2 would be to exempt the U.S. possession limits for dolphin and wahoo and you would have to abide by Bahamian possession limits.

MR. MAXEY: What if you fished multiple days and you go over and you fish four days and you come back?

DR. CHEUVRONT: It is a vessel possession limit regardless of the number of days that you fish in the Bahamas. If you're stopped by the Bahamian authorities, you're allowed 18 fish total of dolphin, wahoo, tunas or king mackerel. It doesn't matter how many days you've been there.

MR. MAXEY: But if you're over there and you've got a house and you've got a boat and you fish for four days, how does that work about getting your fish back?

DR. CHEUVRONT: Ship them back; you can't bring them back on your vessel.

COLONEL FRAMPTON: I guess my train of thought is just because it's legal in the Bahamas may not mean that it's legal here; and we need to stand on where we are; what we can enforce and what we have authority over. I'll just leave it at that; we need to stand on what we can enforce and what we can do.

CAPTAIN SHUSTER: We also for Action Item 2 have Alternative Number 1, which is no action in reference to the bag limits in the U.S. EEZ.

MR. DUNN: I'm going to take a little different bent – and I may not survive the lunchtime after this – if we allow the fillets and have to go to all the trouble of figuring out or determining that these fish were actually caught in Bahamian waters; I think after that if we're saying, okay, now you're held to the Bahamian limits, whatever they may be, I don't see that as problematic. The problem is determining that they did catch the fish on the day – well, I'll take that back. If they have multiple-day trips and they come back in, that could be a problem because we're looking at stamps and whatnot four days past.

COLONEL FRAMPTON: All that being said, if we can legally prove or they legally establish they were in the Bahamas and they fished and they come back into the U.S. with over the Bahamian limit –

MR. DUNN: Over the Bahamian limit, yes – we're really looking at proving that they were fishing in the Bahamian waters – I as enforcement would look at the Bahamian limits. I've already gone to all the trouble showing that they were really fishing in the Bahamas; so I would look at the Bahamian limits to see if they've violated that under the Lacey Act more so than they met our limits.

I see the problem, but we've already gone to all the trouble of proving that they were caught in the Bahamian waters. After that, it is just a matter of – well, the other side is they're heading back in as – yes, I'm rambling now, but clearly for anybody who catches them, we've already done all the work. After we stop them, they head straight in; now there is a problem.

There is no VMS and there is no indication that they're going to do it and we don't always have the resources to make sure are transiting. We haven't heard from the Coast Guard either, who could potentially have more opportunity – and I apologize for catching you off guard, but they would have as much potential as FWC is running into some boat and probably tracking them closer.

COLONEL FRAMPTON: I never even thought about Lacey, so I appreciate you bringing that up. Karen.

MS. RAINE: I know this position is just speaking to exempting from the bag and possession limits, but there are other management measures that sometimes come up. There are closed seasons. At different times there are closures for a variety of reasons and will this mean if they are exempt from the bag and possession limits, which I don't necessarily agree that they should be, but what else is this opening?

DR. CHEUVRONT: Okay, in the discussions that the council has had in regards to this so far is that in dolphin and wahoo there are no closed seasons right now. However, in snapper grouper, where there are similar actions coming up, basically any species that is prohibited or in a closed season would not be allowed to be brought into the U.S. EEZ even if it was legally landed in the Bahamas, which makes it a little tougher for Tracy.

MR. DUNN: Well, actually the point of my previous rant was why are we allowing it in the first place? Once you open that door, now you have all these other considerations. My first choice is don't allow it, and it is a lot cleaner for enforcement when they board that vessel because now we're opening, okay, they're from the Bahamas, do we allow this, do we allow that, and it's really just going to make much more difficult.

MR. RENDA: Tracy, I want you to understand I was a New York Nassau County police officer; and I was authorized by the state of New York to enforce all the laws and ordinances within the state of New York. Now, if somebody did something wrong in New Jersey, I didn't have authority to arrest this person. How do United States officers have authority to enforce other countries laws?

MR. DUNN: Through the Lacey Act. That is exactly what that Act is meant to do – and interstate; so you have interstate and international violations and other shipping concerns as well. If somebody goes to the Bahamas and violates their law – and we usually look more commercial, but if they violate their law and leave that jurisdiction so that the Bahamians can no longer investigate it, we can use their underlying law.

Now there is cooperation and there are all sorts of things that go into play with that, but that is what the Lacey Act is specifically designed to address. That is the same like with the New Jersey thing. If you as a New York officer discover that, you bring it to our attention and we investigate it because now they've left the jurisdiction in which the violation occurred; and we can charge them.

MR. RENDA: Yes, but New Jersey is part of the United States and –

MR. DUNN: But the Lacey Act applies interstate as well as international.

COLONEL FRAMPTON: The Lacey Act is done I wouldn't say every day, but the Lacey Act in fish and wildlife agencies and law enforcement is extremely common.

MR. DUNN: We do it quite a bit as well.

COLONEL FRAMPTON: It's extremely common. One thing I'll say is – I think Karen was hitting on a second ago – what kind of precedent are we setting here as to what is going to be opened up down the road. I think that's something we need to think about. Karen.

MS. RAINE: I was just going to echo Tracy and the other commenters are correct about the Lacey Act; but I'm wondering what kind of resources the agency wants to put forward to bring forward those types of cases particularly in talking about recreational folks. That's just sort of a rhetorical question, but it's out there.

MR. KENNEDY: I find out this suite of actions somewhat confusing, which is kind of scary given my background. I have always viewed this as being more of a transit type circumstance. The way we have in Florida; it's illegal to have a gill net; but you can transit state waters with a gill net under certain conditions as long as you're met whatever the regulation is from whence you came.

The same thing would be; that we would be looking at what the Bahamas allow and allowing people to make direct transit. Most of the people affected are small boaters; they not big boaters. They're people with a 30-foot boat, maybe smaller or maybe bigger. It is a huge economic issue for us in South Florida.

There are a lot of other little issues that go into this with the transit issue; but it seems to me the issue ought to be, (A), how do we allow them to transit; and (B) it is consistency. We're already allowing this to happen in other fisheries. If we have a consistent suite of rules, it just seems to make more sense; particularly since it benefits a small group of people in South Florida. I don't know how much fish is brought back. I don't know if there is any way to tab; but those are the two issues that I see here.

CAPTAIN LEWIS: How did that ever get started?

MR. KENNEDY: What?

CAPTAIN LEWIS: Allowing those others to come back?

MR. KENNEDY: It was an independent council action I think back in the mid-nineties. I think John may have looked at this, but I looked at it. That has been the rule for a long time. The fact is that in practice – I'll say this – most people who go to the Bahamas bring back these fish filleted, anyway. What happens on Memorial Day – and I mentioned this to Rama – what happens on Memorial Day is everybody gets tuned up; it's the beginning of the cruising season; and there are a bunch of enforcement actions taken; and a lot of people go like what the heck just happened to me because they're not aware of it.

So you have inconsistencies with snapper grouper – and, oh, by the way, your snapper is like this. If there is a fish you could probably bring intact back, it would probably be a snapper as opposed to a long wahoo or dolphin. It is really a matter of consistency with an existing rule that

would also work with what has been going on down there for years and protect the small boaters from getting whacked by this intended consequence, in my mind.

MS. RAINE: To the point of consistency with other rules; I think it's probably fair to say that law enforcement wasn't in favor of the fillets for snapper grouper, but the council passed it, anyway. I don't know that anything that has been said today is inconsistent with what law enforcement has said in the past. The other point is with transit; again these boats aren't being monitored by VMS; and so whether they're actually fishing in the United States or in Bahamian waters – I mean, truly from just the transit viewpoint, I don't know that we would be able to show that one way or the other.

MR. KENNEDY: You still have the problem with they have to check into the Bahamian authorities; and if they don't, they're in violation of their rule and our rule. At some point we have to make some kind of an accommodation for what the most logical thing is. If I go to the Bahamas for three days and I stay over there, I'm bringing back a Bahamian limit, as long as I stay in direct transit, I don't stop to fish, I check in with the customs, there ought some accommodation. You have to at some point trust the documentation these folks have.

COLONEL FRAMPTON: I agree that whatever customs documentation they produce, we need to accept that. I don't think there is any discussion about whether it is fake documentation. Let's go on to Action 3.

DR. CHEUVRONT: Okay, this Action 3 is to establish reporting requirements for vessels bringing fillets of dolphin and wahoo and snapper grouper species into the U.S. EEZ from the Bahamas. Currently there are no reporting requirements. The second alternative is that vessels bringing the fillets in must call law enforcement identifying themselves as having fish harvested in the Bahamas on board the vessel.

The third alternative is vessels that are bringing fillets back from the Bahamas would be required to have a NMFS-approved VMS on board. The IPT is really hoping the council is going to figure out how they want to handle – if they're really serious about VMS, we really want to get them to say that because having done VMS analysis for a commercial fishery it is a huge amount of work.

That's on the economic side because that's what I normally do; and to do it now for recreational vessels is like, oh, my God, because what is going to happen is if these vessels have VMS on them, they're not going turn it on just when they're going to the Bahamas and back. They're going to have to every time they leave the dock.

We need to get the council to seriously consider is that a viable alternative; because if they not really seriously considering doing that, please take it away, seriously. The other issue with this is Alternative 2 is who is the law enforcement that's going to be called? Nobody wants that job. Florida doesn't want it and NMFS doesn't want it. We need to figure out who is going to be called.

CAPTAIN SHUSTER: On Action Item 3, this was one of the ones we felt needed a little more studying or homework to be done on it because out of the three alternatives we do not see anything feasible here; so we're recommending Alternative Number 1 if we must stick with these three, which is no action and no reporting requirements. I can elaborate on that if anybody would like.

COLONEL FRAMPTON: I look to the committee here. Let's keep going and we will revisit these after lunch and after we've had a chance to digest it a little bit and see we can come up with something that will work. Tracy.

MR. DUNN: I wanted to say one thing about VMS. Regardless of what the council thinks, the burden on the staff, because we do have power-down provisions, would be enormous and we are not staffed to deal with that type of fishery.

COLONEL FRAMPTON: I would concur with Tracy; doing that would be a pretty big lift to try to get that to where it was up and running, enforceable and ready to go. I think that would be tough on the states, too.

MR. DUNN: Commercial is a different matter.

DR. CHEUVRONT: Okay, Action 4; this actually is going to be a pretty one for you to handle. Action 4 looks at requiring fillets of dolphin, wahoo and snapper grouper species brought into the U.S. EEZ from the Bahamas to have skin intact. Alternative 1 is snapper grouper fillets from the Bahamas are not currently required to have skin intact. Alternative 2 requires it for snapper grouper species; and Alternative 3 would require it for dolphin and wahoo.

CAPTAIN SHUSTER: We support the skin intact. However, something was brought to my attention today that there is varying amounts of skin that could be intact. From a law enforcement perspective, we would like to see the entire skin intact. I'll let Mike explain further on that.

MR. KENNEDY: The only comment we had is that there are times when it is difficult – it is convenience. If it comes to this thing passing or not, then I think everybody would agree keep the skin intact on the snapper, grouper, dolphin and wahoo. The concern was that some people do freeze their fish coming back; and if we could get by with having enough fish to identify whether it is a whole vertical slice three inches long or something, it would make it easier for processing the fish when you get home. That was the discussion we had.

COLONEL FRAMPTON: Can we make that as a motion to the action?

DR. CHEUVRONT: You can make a recommendation to modify the alternatives in the action if you want to say that you don't necessarily think skin needs to be on the entire fillet but you have recommendations how that should be handled. I think it the intention of the IPT was that the skin would be on the entire fillet; but you all think that is not necessary, then –

COLONEL FRAMPTON: I think just to clarify we would just want clarification in there that the skin would be on the entire fillet. John.

MR. JOLLEY: The skin certainly is going to help with dolphin and wahoo in terms of identification. It is not going to be as easy with snappers. A lot of different snappers are harvested in the Bahamas. Once the scales come off – and a lot of times scales do come off – it can be quite difficult to identify the fish with just the skin of some of these snappers because they're so closely related and they look so similar; but it will help dolphin and wahoo.

COLONEL FRAMPTON: Are we ready to make that recommendation that we would like that verbiage? Rama.

CAPTAIN SHUSTER: Yes, I believe so. I just want to point out the varying background or skill level of the people inspecting these, whether it be various different agencies, they need all the tools they can get to help to identify the species.

COLONEL FRAMPTON: The LEAP recommendation is consider adding clarification language that would indicate that skin must be intact on the entire fillet.

MR. KENNEDY: I think we can live with that. The intent is to be consistent across all. If we've got to have one fish with the skin on and one with the skin off; I understand John's point that it is hard to differentiate.

COLONEL FRAMPTON: I think we're fine with that language. Does anybody want to add to that? I think it is a great place to start. Karen.

MS. RAINE: I guess I have a question. If the skin doesn't necessarily help with identification with some of the snapper groupers, what other methods besides having to go to forensics might help? I will ask Mr. Jolley that since he raised that as an issue because, of course, having to take fish through a forensic process is time-consuming and costly; and so what else might help?

MR. JOLLEY: I don't know.

MR. DUNN: Best method; leave them whole.

CAPTAIN LEWIS: Second.

COLONEL FRAMPTON: I would recommend that we leave the language like it is; and if we have any further clarification after lunch, we will revisit it. Let's move on.

DR. CHEUVRONT: Okay, Action 5 was an action that was suggested by law enforcement as a way to bring parity to what is currently being considered for dolphin and wahoo. That would be to actually remove the provision to allow snapper grouper fillets to be brought from the Bahamas back into the U.S. EEZ.

Alternative 1, no action, is that you can bring up to 60 pounds of snapper grouper fillets back into the U.S. EEZ as it is now. Alternative 2 would require that snapper grouper lawfully harvested in Bahamian waters be maintained with head and fins intact. I have a feeling, though, that fishermen would be pretty stunned by this action since they came to us with dolphin and wahoo thinking they were trying to get parity going in the other direction and now an action has been considered to take away what they can already do as well as consider not allowing them to do dolphin and wahoo.

MR. RENDA: That is a common occurrence in the commercial fishery; so welcome, recreational fishermen, to our life.

MR. JOLLEY: Well, from a practical standpoint I will add this to the conversation. Many of us go and stay for sometimes periods of several weeks; so the practicality of keeping these fish whole in a 25-, 26-, 27-foot boat is totally impractical. We might be allowed to bring back, say, 30 snappers and groupers that we caught in deep water, which we have been doing for decades, I might add. It is just not practical to keep all those fish whole that time. It is practical to keep holding a single or a two-day trip, but not for extended trips. That's the real rub there.

MR. DUNN: Just a point of clarification; when you're on this trip for several weeks, are you staying – I assume you're staying at some physical location, right?

MR. JOLLEY: Small boaters are the new gold mine for the Bahamas because they need all the services. You come over there in a 150-foot yacht, you've got a crew, you've got everything on board you need. You don't need any services. The small boaters, yes, they've got to have a place to stay, they have to have ice, they're going out to eat if they don't cook on the board.

MR. DUNN: And I appreciate that and my question is instead of bringing them back on the boat shipping them. You're talking about trying to maintain them, anyway. You have them all right there, you fillet them out, you pack them and you ship them home. That way you avoid any of the trouble we're talking about right now as far as transiting through the EEZ.

MR. JOLLEY: Well, that's an excellent point if you were in the United States; but if you're in the Bahamas, things just don't work as cleanly as they do in the United States; and consequently if you had all these things in a cooler and you bound it up and take it over to Marsh Harbor Airport to be flown back, you might be lucky to get it back in a reasonable amount of time, you know, iced and everything else.

If you take it back yourself because you're flying back and you're leaving your boat, yes, that works fine, that's not a problem. Most boaters in these small boats are going and they're coming back after their stay whatever length of time it is and they're bringing the fish back with them in the boat. Now, I suppose if we had to, we could make somebody else fly home with a cooler full of those fish, but that would be unusual.

CAPTAIN LEWIS: What are these fish being used for when they get back; are they being sold or what?

MR. JOLLEY: I'll give you example. I might leave Palm Beach and go to West End for four or five days. While I'm over there, I might catch four or five different species of snappers and maybe a few groupers. I might have 30 fish that I'm bringing back. I might also have a couple of people with me; and when we get back, some of those fish are divided up among those that were on the boat and then some of them go to neighbors.

We have ways of packing these things and freezing them for several months, too. A lot of that is going on because this deep-water fishing methodology that was only available to a few fifty years ago is now routine for these small boaters. They run these things off of 12 volts and they're fishing in 6 or 700 and 1,200 feet catching these deep-water snappers. They're spending a lot of money even on these small boats when they go.

It might be \$200 a night for your room and another hundred dollars just to leave your 28-foot boat there at the dock. They feel as though they're justified in bringing back some significant fish. It may be the only trip they take through the summer, and they're thousands of these boats going and coming from Fort Pierce to Key Largo, I'm telling you. It is big business to the Bahamians.

MS. RAINE: Just to back up a moment and to clarify again that the current snapper grouper; the current exemption applies only to fillets and folks still have to abide by the bag and possession limits in the United States.

DR. CHEUVRONT: That is Action 6.

MS. RAINE: Right; but I'm just saying currently.

MR. KENNEDY: The people who are again being penalized are the average small boaters. The guy with the big boat probably doesn't have this issue and to bring back fish with heads and fins on, whether it is snapper grouper or dolphin and wahoo, is beyond the capability of most people. We're talking about the guy who runs over for two or three days and runs back, generally a pretty law-abiding guy, he has spent a ton of money – and our local marinas make a handsome profit off of this because what happens is a guy will come down from Fort Pierce, he'll drive his boat down to maybe Palm Beach.

He will put in there to load up; he'll go over the Bahamas; he will spend a ton of money and he spends a ton of money coming back; so it is this average person who can't afford to have a large cooler nor can they afford to ship the fish back. The intent of this issue, when it was first brought up, was consistency with snapper grouper because it seemed to be inconsistent to allow the smaller fish to come back chopped and the bigger fish having to come back heads and fins intact.

COLONEL FRAMPTON: I would say from the look of the group that Alternative 1, no action, would be where we are? Karen.

MS. RAINE: You mean to allow the snapper grouper to continue to come in?

COLONEL FRAMPTON: Correct me if I'm wrong, but they're already allowed to do that, correct?

MS. RAINE: Yes, they are. I would say that I would be surprised if the council backed away from that, but that doesn't mean that we might not make another recommendation. I will tell you right now my understanding is that it is difficult to enforce that; and if you're talking about thousands of vessels, I'm not sure that we have the manpower for that, anyway; but in any event it is difficult to enforce. It sounds like from what Mr. Jolley said leaving the skin intact isn't necessarily going to resolve some of the issues that we have with snapper grouper, which I did not realize. I guess I appreciate you bringing that point up, but I didn't realize that wouldn't be necessarily an overall solution.

MR. DUNN: This and Action 6 kind of get me back to what I was trying to not be flippant about; but once we start down that road and say, well, we exempt them from this because they caught it legally, then that opens the door for all the legal catch coming out of the Bahamas being exempted from our laws. I think we need to take a step back and actually as the Law Enforcement Advisory Panel advise as to what is the most enforceable, which would be heads and fins intact. The council has not always done what we wanted.

COLONEL FRAMPTON: I agree with you; and I'm certainly speaking for myself and the rest of panel can echo it, but I don't want to be the one to come forward now and say, well, we're going to take that away from the recreational fishermen.

COLONEL KELLEY: Especially since they've come to us and asked for others, I would hate to take away something they're used to at this point.

DR. CHEUVRONT: It's like giving your kid a dollar for an allowance and he said he wanted a raise; and you said, "Well, now you only get seventy-five cents."

CAPTAIN SHUSTER: We are gaining another tool. Although it may not be the thing that fixes everything for identification, we are gaining another tool in skin intact.

DR. CHEUVRONT: I wanted to throw one thing out because it sounds like maybe you're going to be talking maybe at lunchtime about some of this. One consideration, it sounds like to me from all the discussion, the one species that really has this exemption from U.S. possession limits' issue is wahoo. Is it feasible to consider only exempting wahoo and then require not exceeding U.S. possession limits on anything else? I don't if that's feasible or not.

COLONEL FRAMPTON: I don't know that this group has the authority to exempt.

MR. DUNN: And again we're an advisory panel; we don't take away; we don't give; we advise. We wouldn't be taking away anything, but it brought up a point that I think at least now we're getting into consistency issues. Why don't we do this to be consistent with that snapper grouper one? I think that's a slippery slope.

I have already see in Action 6 where we start going, okay, why not exempt them from bag limits. I just caution the group that as the Law Enforcement Advisory Panel I think we need to advise them and the council decides ultimately – and I respect that – and we try to enforce the laws they give us, but I think it’s our job then to advise is most enforceable. I don’t see where we’re going here in what have already on the record or in the regulations as being the best enforceable set of regulations.

COLONEL FRAMPTON: Well, I do think that being said, that best method practice would be awfully hard to differentiate between snapper grouper species once they’re filleted only as a recommendation from the law enforcement community that it is easier to identify fish when it is head and tail intact. That is not a stretch. We all know that to be the truth. I think that is something we should think about.

MR. RENDA: I think as law enforcement group and making opinions, you don’t want to offend people but we have to do what is right and what is easiest for law enforcement and then let the authorities who have the right to change the laws or put these in force, but we have to recommend what is best for us. Head and tail is best for law enforcement; case closed.

CAPTAIN LEWIS: I’m kind of like Tracy. The heads and fins intact is the best way to go, and I think it’s our duty to tell them what is best. If they do something different and it goes downstream from there, then it is on them and not on us. Also, what is it going to do if we start to open this door up, that we start trying to do local stuff between states and all that and allowing that Pandora’s Box to get opened further than we ever really wanted it to get cracked.

COLONEL FRAMPTON: I think that being said; is it the advisory panel’s opinion that our recommendation would be that it is easier to do enforcement with head and tail intact?

MR. KENNEDY: I have to disagree just for the record. I think it’s ridiculous that would you come here with a bunch of honest fishermen that asked for a break on one thing and they’re agreeing to leave the skin on, which is easily enforced, and now you’ve put a burden on them that is unreasonable.

COLONEL FRAMPTON: I appreciate that, but I don’t think we’re changing anything. I think all we’re saying is from the enforcement point of view, enforcement is easier with head and tail intact. We’re not asking for a change. I don’t know that there is a good solution here. We’re not recommending that they change the way they do it. All we’re saying is best practice from law enforcement for identifying fish is head and tail intact. Does anybody want to add to that or any issues with that statement?

CAPTAIN SHUSTER: I think you can say that about any species. We’re recently going through that with shark; and again not to make a recommendation, I believe you made a factual statement there that if the fish is one piece and whole condition, it is typically easier to identify.

MR. DUNN: The shark is a good example. That is consistent with the advice we’ve given on all species. As a matter of fact, now shark must come in whole. You can no longer fin them. We’re not deviating from our previous advice.

COLONEL FRAMPTON: Anymore comments on that action? I wonder if we can get a recommendation to go to lunch. I think we'll recess and reconvene after lunch at 1:30.

(Whereupon, the meeting was adjourned at 12:10 o'clock p.m., March 3, 2014.)

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2013 - 2014 Council Membership

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24	., fisherynation.c...	bfisherynatio@gmail.com	30 min
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20	Abeels, Holly	habeels@uif.edu	31 min