

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT ADVISORY PANEL

**King and Prince Hotel
St. Simons Island, Georgia**

March 2, 2015

Law Enforcement Advisory Panel Members:

Col. Chisolm Frampton, Chair
Capt. Rama Shuster
Nickey Maxey
Karen Antrim Raine

Col. Jim Kelley, Vice-chair
Lt. Mike Mastrianni
Capt. Doug Lewis

Council Members:

Mel Bell
Lt. Morgan Fowler

Zack Bowen

Council Staff:

Bob Mahood
Kim Iverson
Dr. Kari MacLauchlin
Dr. Brian Chevront

Gregg Waugh
Myra Brouwer
Chip Collier

Observers/Participants:

Special Agent Tracey Woodruff
Paul Nelson

Rusty Hudson

Additional Observers Attached

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened in the King and Prince Hotel, St. Simons Island, Georgia, March 2, 2015, and was called to order at 1:30 o'clock p.m. by Chairman Chisolm Frampton.

COLONEL FRAMPTON: I would like to welcome everybody to the March Law Enforcement Advisory Panel Meeting. At this time can we just take a second and go around the table. There are a few new faces; everybody introduce yourself, where you're from and your relationship on the committee. I'm Chisolm Frampton. I'm the colonel in South Carolina for South Carolina DNR. I have been on the committee; it seems like a long time now.

CAPTAIN SHUSTER: Rama Shuster, Florida Fish and Wildlife. I'm the Offshore Vessel Coordinator and the JEA Administrator for Florida.

CAPTAIN LEWIS: Doug Lewis, Georgia DNR Law Enforcement. Like Chisolm, I've been here a long time.

MR. CARSON: Mark Carson with Georgia DNR Law Enforcement.

MR. BELL: Mel Bell, South Atlantic Council. I'm Chair of the Law Enforcement Committee.

MR. MAHOOD: Bob Mahood, South Atlantic Council Staff.

COLONEL KELLEY: Jim Kelley, Colonel, North Carolina Marine Patrol.

MR. MAXEY: Nickey Maxey out of Bluffton, South Carolina. I'm the DNR Law Enforcement Lawyer with South Carolina.

MS. RAINE: Karen Raine, NOAA General Counsel, Enforcement Section.

MR. WOODRUFF: Special Agency Tracey Woodruff with NOAA Fisheries, Charleston, South Carolina.

LT. MASTRIANNI: Lieutenant Mike Mastrianni, U.S. Coast Guard, Training Facility, Charleston, South Carolina, South Atlantic KOR and Caribbean.

LT. FOWLER: Lieutenant Morgan Fowler, U.S. Coast Guard.

COLONEL FRAMPTON: Has everybody had a chance to review the minutes from our last meeting? Are there any additions, deletions or discussions about those minutes? The minutes are approved. Has everybody had a chance to look at the agenda? Do we have any additions or deletions to the agenda? The agenda is approved. Myra.

MS. BROUWER: The first item on the agenda is going to be just an update to bring everybody up to speed on what the council has been up to since you last met last March here in Georgia. There is Attachment 1 in your briefing book. I will just sort of walk you through that. Please stop me you need clarification or if there is something I'm leaving out.

I will cover the snapper grouper amendments and a few other amendments that I'm familiar enough to talk about; and then we will Kari, who South Atlantic Council staff here, and she is going to talk about all the mackerel amendments, and Brian is here to address dolphin and wahoo issues and golden crab.

It may take a few minutes to get through; and then what we'll do for the rest of the meeting is we'll walk you through the actions and alternatives included in a couple of developing amendments. What we need from the AP is whatever recommendations you have for the council. If you see any red flags, anything that you think might be an issue for enforcements; that is what we bring you here for is to make sure we capture any recommendations or any concerns that law enforcement may have as far as what the council is considering.

Attachment 1A, we have first the Snapper Grouper Regulatory Amendment 14. This is an amendment that was recently approved. It became effective on December 8th. It had several actions pertaining to several species of snapper grouper. It changed the commercial fishing year for black sea bass as well as the recreational fishing year for black sea bass.

It modified a trip limit for gag to where the trip limit is 1,000 pounds, but then it goes down to 500 pounds when 75 percent of the commercial ACL is met. It modified the accountability measures for vermilion snapper; and it modified the commercial and recreational fishing years for greater amberjack. Those regulations have been approved and they were effective on December 8th.

We have Snapper Grouper Regulatory Amendment 16. This is one that is currently under development, and I'm not going to talk too much about it because Brian is here to walk you through that one. It is the amendment that is addressing the annual closure that was put in place for black sea bass pots when the council increased the ACL for that species back in 2013. We will be talking about that one in a lot more detail in a little bit.

Snapper Grouper Amendment 36 is another one that you'll get a chance to review more in depth. Gregg Waugh, our Deputy ED, is going to be up here a little bit later to walk you through that one. That is an amendment that is considering implementing spawning SMZs, spawning special management zones; so we're talking drawing lines on a map, we're talking boxes, the whole MPA thing, revisit it for that amendment.

Snapper Grouper Amendment 20 is one that was recently submitted. It has not yet been implemented. It addresses changes to the annual catch limit for snowy grouper as result of the stock assessment. That amendment is currently just undergoing formal review; so it is going to be a little while before that one is implement.

Snapper Grouper Amendment 22; the Law Enforcement AP has had a chance to talk about this one. This is one is one that has kind of been under development for about four years, I think, or maybe longer. The council is considering a recreational tag program for snapper grouper species that have very low recreational ACLs.

The idea is we have certain species like snowy grouper, for example, where the ACL is only 523 fish, and we keep going over that ALC, so the council said, well, let's consider, perhaps, a tag program that is going to help us keep better track of that ACL. The council is going to talk about that amendment in the Snapper Grouper Committee tomorrow and Wednesday.

What we're going to do is kind tell them, okay, we've been talking about this long enough, so please make a decision whether you want us to really continue developing that amendment or not. The issues there are how do you allocate the tags, for one, if the states were to administer such a program, which my feeling is that's what the council would like to see.

Even the National Marine Fisheries Service has expressed that they are willing and able to administer the program, there are complications. If the states were to do it, there are issues with how the states can implement things. Some states like South Carolina have to go through the legislature; and then again, the issue is allocation of tags.

Again, there would be some potential enforcement concerns with that one; but like I said the council hopefully will make a decision at this meeting and tell us either, yes, let's continue developing or, no, we're going to put it on the back burner. Any questions so far?

Okay, Snapper Grouper 29, this is one that was approved. The final rule has not yet been published, but this one is going to change management for gray triggerfish and it is going to the ACLs for several species. The methodology for the ACLs are determine was changed a little bit, so those numbers will change.

For trigger fish, there was a change in the size limit, so there is going to be a 12-inch fork length minimum size limit for triggerfish on the east of Florida. It is going to be 14 on the west coast, and it is going to be 12 inches also through Georgia, South Carolina and North Carolina. That is new because it didn't use to be a minimum size limit off the coast of those states.

Snapper Grouper 32; this is the one that addresses blueline tilefish. I don't know if you're aware that there has been a lot of talk about blueline tilefish the last few weeks. This one is currently under review. The proposed rule comment period just ended last week. This one is going to basically make bluelines a bycatch fishery.

The species was found to be undergoing overfishing, and so the council has proposed a 100-pound commercial trip limit and a one fish per vessel per day for three months out of the year and no retention for the rest of the year. There are some pretty hefty restrictions on this fishery, and the council will be talking a lot about blueline tilefish during the Snapper Grouper Committee on Wednesday afternoon.

Snapper Grouper Regulatory Amendment 22 addresses gag and wreckfish. This one was submitted to the agency just last week, so we still have the proposed rule and the final rule to go through. That one just addressed the ACLs based on the latest stock assessment for those species. The council did consider modifying the bag limit for gag, and then they decided to just stay with the way things are, so there are not going to be any changes to the bag limit for gag. Snapper Grouper Amendment 33; Brian, did you want to help me with that one?

DR. CHEUVRONT: Snapper Grouper Amendment 33 is also Dolphin and Wahoo Amendment 7, which is bringing back of fillets from The Bahamas. It was rather controversial. What the council has done is it took final action December. The council chairman is in the final review on this, and we will be submitting it very shortly to SERO.

This amendment not only allows dolphin and wahoo fillets to be brought from The Bahamas the way it is currently allowed for snapper grouper. It also modified the regulations from snapper grouper. It used to be you could bring back up to 60 pounds of fillets of snapper grouper in any format. You now have to have the skin left on the fillet.

Two fillets, regardless of the size of those fillets, will count as one fish. There have been some issues with folks not really being sure as to what the species were that were being brought back and how it was. There was difficulty with weighing the fish at sea, that sort of thing. This was a compromise.

This actually tightened up some of the regulations that were already in existence for snapper grouper and included a provision for dolphin and wahoo to do the same thing that did not exist before. Law enforcement, except from the state of Florida, has been fairly against the idea of doing this, but the council went with the idea of allowing the practice to continue that already existed, tightening it down a little bit, and then also allowing this to happen for dolphin and wahoo just to bring some consistency among the species that folks were trying to bring back from The Bahamas.

There was a provision in there that the council considered at one time to exempt wahoo from the U.S. bag limit. The reason for that was in The Bahamas you can have in possession in The Bahamas 18 fish in any combination of dolphin, wahoo, tunas and king mackerel. All you can have in the U.S. EEZ is two fish per person per day.

After talking with some of the fishermen in Florida; that they actually did wahoo trips over there and they could have ended up coming back with a lot more wahoo. Well, the council had that as its preferred alternative right up to pretty much the eleventh when they decided wait a minute, this is kind of letting the camel's nose under the tent even further here and said, no, if you're going to be in the U.S. EEZ, you have to abide by the U.S. EEZ possession limit.

Whatever the fishermen are doing in The Bahamas recreationally – that is what we're talking about here – they have to abide by the rules that are the most restrictive in terms of possession; and so they can have fewer wahoo when they come back into the U.S. because of the U.S.'s more restrictive more limits.

They can also have fewer dolphin coming into the U.S. EEZ than would be allowed under U.S. regulations, because you're allowed up to 60 fish per vessel per day, assuming you have six folks on the vessel, but you're only allowed up to 18 possession in The Bahamas. If you're coming back from The Bahamas with fillets, you better not have more than the equivalent of 18 dolphin on board that vessel. You can't stop to fish. You have to be on a continuous path back to your homeport. That's kind of the way it ended up.

MS. BROUWER: So moving along, Snapper Grouper Amendment 34 is the next one. This one was also submitted last week. This one basically just brings consistency to the accountability measures that are in place for snapper grouper species, and it addresses allocation for dolphin and wahoo. As I said, it was submitted last week, so it will be a little while before this one is implemented.

Snapper Grouper Amendment 35 is one that I will be talking about a little bit more in a little while; and so we'll go into that one in a little bit more detail. It removes four species from the Snapper Grouper Fishery Management Unit that were requested by Florida that they be removed because they're a very minor species mostly landed in state waters. Then it also addresses golden tilefish endorsements, so I'll talk more about that one in a little bit.

Brian already addressed Dolphin and Wahoo Amendment 7 which was joint with Snapper Grouper 33. Dolphin and Wahoo Amendment 8 was joint with Snapper Grouper Amendment 34. It addresses allocations. Then we have Golden Crab Amendment 9. This one considers changes in accountability measures to make everything consistent across managed species.

Coral; this one is probably of interest to law enforcement. It includes expansion of the northern and western boundaries of Oculina Bank HAPC, and there is also an action there that addresses transit through the Oculina Bank; expansion of one of the other Coral HAPC's, the Stetson-Miami Terrace HAPC and the Cape Lookout HAPC.

This amendment was approved in August, but still awaiting publication of the final rule, as far as I remember. For the mackerel amendments, I'm going to get Kari to come up here and walk you guys through the rest of those.

DR. MacLAUHLIN: I'm Kari MacLauchlin, South Atlantic staff, and I'm the lead on mackerel. I, just last week, put together a document called "Recent Changes in CMP Regulations". Mike sent that around. It turned out to be pretty useful so I sent it to my Mackerel AP. Mike Collins should have sent it around to you guys.

I think we're going to post it on the website and everything because we've actually had four amendments become effective since you last met. We also have one that was submitted for review, and then we have two more that they're going to be talking about at this one. The first one is Amendment 28. It is not in this document because it was effective in July.

That is the one that prohibited bag limit sales of king and Spanish mackerel except for state-permitted tournaments in the South Atlantic. In the Gulf bag limit sales are prohibited, king and Spanish, except for state-permitted tournaments and fish caught on for-hire trips on vessels that have both for-hire and the commercial permit.

In the South Atlantic it is only the state-permitted permits, so for-hire bag limit sales don't happen anymore. It also put into place some income requirements – I'm sorry removed the income requirements for king and Spanish mackerel permits.

COLONEL FRAMPTON: Are you saying in the state-run tournaments, that they can sell them?

DR. MacLAUCHLIN: Correct; they can sell for states that want to allow them to sell. Yes, it is the fish caught in the tournament.

COLONEL FRAMPTON: Can be sold by the tournament?

DR. MacLAUCHLIN: And it has to go through a dealer and it has to for a charitable non-profit organization. I think Mel has something else to add.

COLONEL FRAMPTON: Mel, you know I couldn't let that go.

MR. BELL: Right; it is only for the states that want to do it that way.

COLONEL FRAMPTON: Thank you for clarifying that.

COLONEL KELLEY: North Carolina has a tournament license and all of the fish are sold by the tournament. All the proceeds go to charity and all the fish are accounted for.

COLONEL FRAMPTON: Are the fishermen that catch the fish recreational fishermen or are they commercial?

COLONEL KELLEY: Anything in this tournament is recreational.

DR. MacLAUCHLIN: Next we had the CMP Framework Action 2013. That is the actual name of the title. It was effective December 19th, and it put into place trip limits in the Florida East Coast Subzone for king mackerel. This area is the Flagler/Volusia Line to the Dade/Monroe Line in the winter. They consider the king mackerel they catch there to be Gulf stock king mackerel.

Starting November 1st to the end of February the trip limit is 50 fish per trip; and then beginning on March 1st and continuing through March 31st if 70 percent or more of the Florida East Coast Subzone quota has been harvested, the trip limit is 50 fish. If they're under 70 percent of their quota, it gets bumped up to 75 fish. That is meant to help them reach the quota on that last month of the season.

Also in the CMP Framework Action was the provision to allow Atlantic Spanish mackerel harvested in gillnet gear to be transferred between the vessels if they go over their trip limit in one haul. You guys gave a lot of really great suggestions when we were developing that. The Mid-Atlantic has a similar provision for their scup otter trawl, and we were able to use that.

It is only the allowable gillnet gear that is specified for Atlantic Spanish mackerel. The transfer takes place in federal waters between the vessels with valid Spanish mackerel commercial permits. The receiving vessel may possess no more than three gillnets on board after the transfer is complete.

All fish exceeding the applicable daily vessel limit shall remain entangled in the meshes of the net until transfer. The quantity of fish transferred to any single vessel shall not exceed the applicable daily trip limit. One transfer per vessel per day and then a call-in required to the NOAA Fisheries Port Orange Law Enforcement Office.

The next one was CMP Framework Amendment 1. That increased the Spanish mackerel annual catch limit to 6.063 million pounds; and then also the Gulf Spanish mackerel ACL went to 12.7 million pounds in the 2014/2015 fishing year and then 11.8 million pounds in the 2015/2016 years and then 11.3 million pounds in the 2016/2017 and subsequent year. That was just an ACL increase.

The next is Amendment 20B. That actually was effective March 1st. This one has several actions in it. For Gulf king mackerel, it took away the step-down provision for the commercial trip limit in the northern and southern subzones. It is just 1,250 pounds all year. Then also it changed the fishing year in the northern subzone for Gulf king mackerel.

It also allows transit of commercial vessels with king mackerel through areas closed to king mackerel fishing. Gear has to be properly stowed. One of the more complex things is that it separated the commercial quotas for Atlantic king mackerel and Atlantic Spanish mackerel into northern zone and southern zone, which is at the North Carolina/South Carolina Boundary.

It goes all the way through the Mid-Atlantic and is just for king mackerel and Spanish mackerel just for commercial quotas. Then it gave a portion based on their landings' history in a certain time period. That is the first time that has gone through for those two. We have a potential upcoming change, Mackerel Framework Amendment 2.

It is under NMFS review; it was submitted in November. That is going to kind of address the Spanish mackerel trip limits on the new southern zone and northern zone. Currently right now Spanish mackerel is set up north of the Georgia/Florida Line through the Mid-Atlantic. It is 3,500 pounds all year.

But then in Florida through Dade/Monroe County Line, it kind has one that switches. It is 3,500 pounds March 1st through November 30th; and then starting December 1st it goes unlimited on weekdays and 1,500 pounds on the weekend. Then when 75 percent of an adjusted quota is met, it is 1,500 pounds every day; and then when 100 percent of the adjusted is met, it is 500 pounds. It is really complex and it is only for Florida. CMP Framework Amendment 2 is going to just have it in the southern zone. Clear as mud?

Then we are talking about Amendment 26. You have on here Amendment 24. That was one more they were going to consider of changing the commercial and recreational allocation for Atlantic Spanish mackerel, but the council has decided to postpone that; so it is going to sit for a little bit. We have Joint Amendment 26. We took this out to scoping in January and we have a stock assessment for king mackerel, Gulf and Atlantic; so we need to update the ACLs for that.

Well, the stock assessment using new information considers the boundary between the Gulf and Atlantic stock to not be this shifting with the mixing zone on the east coast of Florida. It is just

more around the Keys; so pretty much they are considering the king mackerel caught on the Gulf side to be Gulf and Atlantic side to be Atlantic with a very small mixing zone in the Florida Keys.

We have to re-designate the stock boundary and management boundary, which will be down around the Keys. The mixing zone will be this very small area from Dade/Monroe to the council boundary in the Keys; so it is just really that southern eastern part of the Florida Keys that is going to be the mixing zone for king mackerel.

We started adding actions to look at that. One of them would be to establish sub-quotas for some of the areas like they have now for king mackerel. Maybe for the Florida East Coast Subzone we would have a sub-quota; and then maybe for the new mixing zone, which is that little area around Keys, there would be a sub-quota. We did scope some management measures. We had one meeting in Cocoa Beach; one in-person meeting in Cocoa Beach – we did a webinar for the rest of the scoping – to talk to those guys about any management actions that they would like to see.

Since they're kind of going to redesignate these management zones for king mackerel, now is the time that they could talk about if they wanted to put in an endorsement for fishing in that area; did they want to redefine that area; you know, move that boundary south or something like that, a little closer to the Cape.

They weren't really that interested in anything like that. Maybe we'll have some trip limits and bag limits changes come through, but I think it will be way down in the future. I don't think we'll do any big management measures. For Gulf king mackerel, it would be update their annual catch limit, their zone quotas. They have theirs all chopped up into zones. Then they're going to look at their recreational and commercial allocation.

The other one that is in Amendment 26 is a provision to allow bag limit sales of Atlantic king mackerel caught in the small coastal shark gillnet fishery. From what I can tell anecdotally and then also looking at information, this is only really in Florida waters, on the Florida east coast. It is the shark gillnetters.

Before Amendment 20A went through and prohibited bag limit sales in the South Atlantic, they would sell their bag limit of king mackerel. Gillnet is not an authorized gear for king mackerel, so they can't just sell it under their king mackerel permit. They all have valid king mackerel commercial permits as well as their shark permit.

They right now are just having to discard those. They can't bring them and sell them. Their bag limit is two person and then they have a three-person limit. I'm sorry, the bag limit is two per person Atlantic king mackerel in Florida waters, but the shark trips don't have any kind of crew limit on them. I don't know how big the crew is.

How big are the shark gillnetter crews; are they very big; three people? Okay, so that's people, probably. Okay, Rusty he thinks three. It is a very small number. Pulling the information, it is a really small number of king mackerel in this fishery that has been sold as a bag limit sale. We took that out to scoping and the council will consider including this.

It is just in 20A they prohibited all bag limit sales except for those state-permitted tournaments, and this would be a very special provision for vessels harvesting sharks with gillnet. They have to have a valid commercial king mackerel permit. They would have a vessel limit they can put on if they want with the bag limit. Michelle Duval said that she thought maybe there were a few folks in North Carolina who this could also apply to; but if it is, the numbers that I pulled from ACCSP is really small, like one person every year or something.

MR. HUDSON: As far as the large coastal sharks, there are limits for those. With the small coastal sharks and now soon the smooth dog sharks off of North Carolina, there is a lot more catch that is involved there, but still the bag limit on the king mackerel; and from what you just said, there are some North Carolina boats that may also want to participate with that two king mackerel.

DR. MacLAUHLIN: I don't know if you guys have comments or questions on that one before I move on to the next amendment. This is a very beginning period, so we may bring it back to you the next time you meet or send it out and ask for comments.

MR. MAHOOD: This kind of shows you how things go around in a cycle, because at one point in time – and this is going way back – the councils prohibited the harvest of king mackerel. They were catching king mackerel and selling them, and the council decided that wasn't fair to the king mackerel fishery.

Now you've got a cycle that has gone around where now the council is considering going back and letting them do it again. Whether they will or not, I don't know, but it is just an interesting phenomenon as well as the issue of the sale of recreationally caught king mackerel is a cyclic thing that goes around and around. Some of you have been here for the whole thing, I think. I know Karen has.

COLONEL FRAMPTON: Well, I think that must say that the king mackerel species is a pretty healthy species if we're back to that.

DR. MacLAUHLIN: Okay, the last one, we haven't even really scoped this. This is Amendment 28. The council is still trying to decide how they want to proceed with this. This is one that would either consider separating the king and Spanish mackerel commercial permits into the Gulf and an Atlantic permit, separate permits.

We did scope that and there was mixed public comment about that. The councils are considering splitting the FMPs so we would basically separate them and there would be a Gulf CMP FMP and an Atlantic.

At this meeting NOAA General Counsel is going to do a presentation and lead the discussion about legal considerations of how we're going to do this. Then we'll see how they want to proceed. Then we will send it back to the Gulf Council and see if they agree and then maybe start moving forward on that.

MS. BROUWER: Okay, there is a couple more to go. We have one generic amendment that is still being developed. It is going to address the timing of reporting requirements for commercial

logbooks. It would standardize when those reports are required. It would do so for snapper grouper, coastal migratory pelagics and also for dolphin and wahoo as well as golden crab.

This one is under development. However, there is a pilot study that is being conducted through the Southeast Fisheries Science Center. We are going to coordinate with them and with the Gulf Council. That one is on a longer track. There is one outstanding amendment that has been out there for a while, and it has an action to improve the reporting requirements for bycatch for discard data collection. This one is still being worked on.

We are waiting on reports from the Southeast Fisheries Science Center and the Regional Office to give us a comprehensive bycatch reporting system for the southeast; and then it is the council's intent that this would be the amendment that would then implement this bycatch reporting. That is what the council has been up to. Are there any questions?

MS. RAINE: I have a question. Every time I see CE-BA, it reminds me of CE-BA 1 and the waypoints. I do think there was a commitment at some point for the council to revisit those 220 waypoints. I'm again wondering what the status of that is.

MS. BROUWER: I do recall that there was discussion about that, and I believe it was brought up at the previous LEAP meeting in March. To my knowledge we have not talked about that. It has not been on the council's radar yet, but we can certainly bring it up. I don't have a feeling for where this is on their priority list, but that certainly can be brought to their attention. I can do that.

MR. MAHOOD: For those that are not aware, we're talking about law enforcement likes straight lines instead of all these little zigzagged lines and all the different waypoints. I think Myra is right; there has not been any discussion of addressing those, but there is constant discussion with the deep-water shrimpers and the rock shrimpers and those folks about the areas that they're going to be allowed to fish. I believe a recent amendment took some of that area from them, so I'm not sure what that is doing to the line. We will look into that and I'll pass that long to our chairman.

MS. BROUWER: I should mention that the Deepwater Shrimp AP is scheduled to meet in the spring, so this may be something that comes up during their discussion. Then it would go forward to the council as a recommendation from the AP. I'm sure it will be discussed at some point this year somewhere.

COLONEL FRAMPTON: Why don't we take a five-minute break and then we'll come back and go over the status of Joint Enforcement Agreements. All right, we'll call the meeting back to order, and at this time we will go over the status of our Joint Enforcement Agreements. Bob.

MR. MAHOOD: I had asked Myra to put this on here. Number one, the JEA Program is near and dear to my heart. In South Carolina we were able to get this thing kicked off with Senator Hollings. The pilot program was run out of South Carolina, and I think it went very well. Senator Hollings was able to convince other congressmen that it was something that we needed to look at on a national level. It has taken off since then. I can't even remember the year; it has been so long ago.

There were a number of issues going on that time and I won't go into that history that led to the need for that. I think around the country the JEAs in different shapes and forms have taken off and been very productive for our fisheries' enforcement relative to the council rules and regulations that are promulgated by the Secretary of Commerce.

Now, more recently I've heard some disturbing things about JEAs and the future of JEAs and this type of thing. I've been concerned about it. One of the things that I've gotten put on the agenda for the Council Chairmen's Meeting in June is to look at that throughout our range of the eight councils and see kind of what the status of it is.

I've been talking to the hierarchy up in Silver Spring trying to get some background information on historical funding levels and the outlook for future funding levels and this type of thing. Here today I was wanting to get some input from NMFS, if they wish to, and specifically each of the states about their JEA programs; are they getting enough for what they need to do under the Magnuson Act; how is it working out. I don't expect people to be negative, but be honest with how things are going.

Mr. Chairman, that is all I'm asking is maybe we start with the National Marine Fisheries Service and then go around to each state and give me some input on how it is going and what the outlook is. I might say one other thing is coming from the background of being a state director in two states, one which still doesn't have a JEA and I couldn't get it when I was up there, I think the state directors have a certain perspective on that. It is an issue that I think a number of people are thinking about.

MR. WOODRUFF: I know on the agenda you were all expecting Jeff Radonski. I'm sorry to say he can't be here today, but I can at least speak on behalf of OLE in regards to my work with South Carolina and Georgia, our JEA partners there. We've been very happy with the work the officers have put forth. The training they receive is obvious in the cases they give us.

I have two cases I know of and worked with two officers in Little River, South Carolina, that produced – we actually found two commercial vessels that were harvesting more snowy grouper and red grouper fillets that were landed and found in a hidden compartment. That kind of work goes a long ways, and I'd just like to say that we're happy with the results of the program in those states that we've worked with; along with Florida as well in talking to the agents in northern Florida.

COLONEL FRAMPTON: I guess I'll kick it off a little bit and we'll do this as a round table. As more things come to mind, maybe we can just bring it up. I will say that, Bob, you're right, South Carolina was within in the pilot program. I'm thinking we're probably about JEA Number 14 or 15 by now, but we're pretty far into the program.

We're grateful to Senator Hollings for helping drive the train to get us that money. Of course, we knew that the funding level that we were at for the first several years of JEA wasn't going to stay at the level it was. We've seen it go up and down and we've seen it at some pretty far lows, really. It has come back a little bit.

Without that money, it is pretty hard to do the offshore fisheries for the MPAs and those types of protected areas without that funding to buy the equipment and have those folks. I think it is like anything; it is cyclical and goes around, but I will say that the funding matrix of how we get money is a little clearer now than it was years ago.

There are a lot of different factors in it. NOAA OLE has been pretty transparent in the last couple of years once that matrix came out of how they look at the funding is done. Of course, we'd like to see more funding. I think some areas that we're working on – I know Tracey is working on it with us – is that we talk more about the JEA contract that the state has and what we can do together. I know Tracey has a lot more responsibilities that just South Carolina.

Tracey being an ex South Carolina officer, we kind of feel near and dear to him. I think overall things are good. Magda is gone and Brian is there, and we hear good things about Brian. What I'm hearing is that things are on track for the next contract. We're currently in – I don't know if you call it negotiations, but we're in the process of getting the agreements together.

We'll go forward from there and see where we see where we end up in funding and direct-buy purchases. We had some changes this year in direct-buy purchases. They were done a little bit differently. It is not the way I'd love to do it and it is going to be all right. From what I'm hearing, things are fine. Of course, we're waiting on a new director of OLE to be announced, and that is a process that will run its own course.

From South Carolina's side, unless there is something I really don't know behind the scenes, which there very well may be, things are good. Things are fine and we're looking forward to another contract and hopefully seeing an increase in the funding. Bob Mahood, I appreciate you bringing this topic to the table. I think it is a great time and a healthy place for us all to talk about our agreements. Hopefully, North Carolina is in the works still of getting one. It is a great topic. It benefits us all and I know it benefits the council.

MR. MAHOOD: Chisolm, are officers directly funded by the JEA or just part of their salary is funded by JEA? How does that work in you state?

COLONEL FRAMPTON: In South Carolina the hours they do were funded, if that makes any sense. We do the hours and then we bill them for those hours. That is a little bit different than we did it in the past, but that's the way we do it now; and that is fine. When they do patrols, they log their hours, and then we go back and bill them for those hours in an agreed-upon rate. It depends on what enforcement they're doing and what vessels they're using, if an aircraft is used, but that's how it works.

MR. MAHOOD: It seems like originally a person was hired; the salary was covered by the JEA.

COLONEL FRAMPTON: Originally, yes, the JEA paid – depending on what your salary level was during that particular contract, it paid that salary. They were on a temporary grant and it paid their salary. There was a lot of talk years ago about having a unit; that is all they did was JEA. That gets pretty tough to do. It is pretty expensive and it takes a lot of people I think when you

think about it from Rama's perspective and you look at what it costs to run those boats and have an available crew to go on the boats.

South Carolina, as we went through the economic downturn – we're definitely on the upswing of it now; but when we were 60 or 70 officers down and you're going to do an offshore patrol enforcement, you need three or four officers and a vessel to do it, and you've still got state responsibilities to do at the same time, coming up with those people was hard to do. I really think the way we do it now where we put the patrols together when we can do it, when we go and we come back, it works better in this environment.

Rama can probably tell you more than we can tell you, but having large patrol boats, I think they're great, they're wonderful, but there is a bunch of costs that come with that. Having crews and trying to figure out how much do those vessels need to be gone to make it worthwhile and rotating crews in and out to do that, I think for today we're in good shape where we are. Of course, the more funding we get, the more we can do, and the more we can fund. That's how we've done it in the past and where we are today with it.

CAPTAIN SHUSTER: We recently completed our JEA review. Actually last week we had Mike Fry, Tracy Dunn and Brian Mattingly up for two days. We had not had a review since 2009. I don't know how often the other states are receiving their reviews, but our last one was in 2009. We completed the review on the first day up in Tallahassee at our headquarters, reviewing paperwork, digging through old reporting forms, looking at some direct purchases.

Then we moved down to one of our larger vessels for an overnight trip. We were blessed with some great weather. We had aviation support briefly. They had to RTB due to some mechanical issues. Then we were able to find the shrimp fleet later on; pulled an overnigher. Talking about Brian Mattingly, Brian stayed up for I would guesstimate close to 30 hours and refused to go to sleep. He is a hard-charger and he refused to go to sleep because he was worried he was going to miss something.

He said, "This is my opportunity to learn what the states do." That was pretty impressive, but he does get a little dizzy after about 20 hours. He is a trooper; he is a great guy. On to our JEA, we use 100 percent of our JEA funding to supplement our offshore boat program. We will soon be up to 14 boats. We do not use any of the funding tied to any positions.

For us that is kind of a precarious place to be because if funding went away, you would have to try to absorb positions, so it is just a place we choose not to be. One of the things that was very apparent to me during our JEA review, speaking with Tracy and Mike and Brian, is the emphasis on directed patrols.

Now, all of our state officers and up work in the JEA arena; so if they're out on patrol and they encounter JEA activity, they can claim it. However, these offshore boats, when they leave, they are on a directed-focus patrol. That was something that Tracy and the staff really liked was the directed part of that.

One of the things that came up in conversation with the regular patrol fleet is how do we know that is a state patrol versus a federal patrol? It was a question I really didn't have a good answer for because typically, through trying to provide the most bang for the buck, with a smaller boat you sit in a chokepoint or a funnel.

You sit at the mouth of a river or maybe just a busy point where people congregate. If that a JEA check or is it a state check? That is not data that we collect. I think over the years possibly if it has been a federally managed species or a federally regulated species and you're out there, there hasn't been a lot of emphasis on where that line is versus state or federal.

It has just been you're out protecting a federally managed resource and it is ours to manage and share together both as a state and a federal stock. They was something they wanted more data on. I think the fix for us will be just another checkbox on our JEA form to indicate after the inspection just ask the folks are you returning from federal waters? We will have some better data there to differentiate between a state and a federal inspection. Other than that, they're really the same inspection, as you guys know.

COLONEL FRAMPTON: In asking you that, are they talking about a more directed patrol at a directed species of fish or are they talking about a more directed patrol of doing federal enforcement versus state enforcement?

CAPTAIN SHUSTER: That is a great question. It was not species-specific. It was task-specific. When you leave the dock, are you focusing on federal issues? If you are in a chokepoint or a funnel point – and this example came up – and you get 25 boats that come through that are all returning from state waters, even if it was a state grouper fishery, per se, are you claiming all those 25 boats or all the hours that you worked on those 25 boats towards your JEA? Those were answers that is new territory for us as far defining how we would separate that because currently we don't.

COLONEL FRAMPTON: Bob can probably speak to this a little bit. Originally when the JEA was set up, it was state officers were already fisheries' enforcement, and it was a benefit to help fund us to continue to do more fisheries' enforcement and help us to get further offshore to do more federal fisheries' enforcement. They went hand in hand.

We were already out there doing enforcement and they wanted more enforcement done on federal species and further offshore. We were all willing to do it, but we didn't have the equipment or the number of people to continue to do that on a regular basis. I asked you that because we've been down this road before in the JEA about getting species-specific on the patrols.

I know in South Carolina – I don't know in Florida or Georgia or North Carolina – when officers leave the dock, probably 90 percent of the time they're going out to do enforcement. They're not going out to do one type of enforcement. They're going to do fisheries' enforcement, boating enforcement, public safety enforcement.

When they go and they know they're going offshore or they're going to do enforcement at a chokepoint, yes, that is for fisheries coming back in, but it is also for safety. It is for a multitude of reasons. We've all been down this road with Otha about where we were and the fact that we

can't be species-specific when we do things a lot of times because it almost prohibits you in the end in your reporting from exactly telling what you've been doing. You may check a king mackerel fisherman in the morning, but you may check dolphin, wahoo and cobia that afternoon; so how do you divide up all this time. The bottom line is we're doing JEA enforcement.

MR. MAHOOD: I think that's a problem in not just fisheries' enforcement but a lot of enforcement. Well, I have a friend retired from the Highway Patrol. He said they used to have these programs that, okay, we need to report how many hours of DUI enforcement are we doing, how many hours of speeding enforcement?

He said when we go out there, we're not going to let the DUIs go because we're doing speed enforcement. I think it follows with every type of enforcement. It is hard to nail down and say, okay, we're enforcement officers. We are out here and if we see a state violation, we're going to enforce it.

If we see a federal violation, we're going to enforce it. It is a thin line you walk, and I can understand Tracy's concern because you can look at something and say these guys are sticking it to us because they're charging everything off to the JEA. Do you charge boat hours, is that how you do it, whereas they're charging man-hours in South Carolina.

CAPTAIN SHUSTER: We have an agreed-upon rate for certain types of types and then we have agreed-upon rates of the cost to provide an officer or actually the ranks. Just to be clear on that – and those are great points, but we were not asked species-specific. However, I do remember that in the past, but on this one it was just being able to differentiate what is a state patrol versus a federal patrol. One of the other things on a very positive note for us with the larger boats and the very directed patrols was they were amazed that we were not charging them for travel to the boat and preparatory time for the boat.

We currently start billing or charging or claiming, whatever you want to refer to that as, at the very earliest is when the lines come off the dock. They said, "Wow, you guys are investing a lot of time on a directed patrol for federal fishery and you're not charging us for it." I said, "Well, we can't." They said, "Well, you should."

I felt it was very productive. They did ask for a little better clarification on the when and the how as far as what was theirs and what was ours, but they also offered a few things. We're going to wait until next year's contract – we just got a template – before we change anything, so we don't change anything midstream. I would expect some philosophy changes for our JEA enforcement next year.

CAPTAIN LEWIS: We just finished our audit in January. They were supposed to have come last year and some things came up, and we couldn't all get together. We just got ours knocked out, and we're doing basically the same thing and they asked the same questions. When our folks leave the dock, it is set up with the size boat as to how many people have got to be on the boat.

We've gone from 38 down to 24 folks. When we start doing a joint patrol or a patrol, it is going to take two or three or four folks to go. Trying to get two or three or four people together now is

kind of designated. We just tell them if we get out there and we start working this right here and something comes up with the state, we knock off from that and just go ahead and do what we've got to do with the state stuff.

We're in our 13th JEA right now, fixing to start to start our 14th, so that is why I knew you were ahead of us in a good way. We started back around 2000. Bruce Buxton came up to help us to get ours set up and Tracy. They actually went out on patrol with our folks and boarded some boats, also. The one thing that I told them about that they needed to keep in mind, and it seemed like it kind of surprised Brian, we were still responsible for our state duties.

This is not our primary mission. I was appraised through time that the folks up there were beginning to lose sight of that. If it came down between us having to do our state mission, what we were hired to do for the state, or doing what they wanted more for them, we're going to have to cut them free. That looked like it kind of surprised Brian, but he is new to the program, anyway. My thing for them and I would like for them remember is that this is our secondary duty.

It is still part of our primary function, fisheries' enforcement; but like I said earlier, we were doing this prior to getting the JEA. We just weren't going offshore and worried about the federal fisheries out there as much and stuff coming back in. That's the only thing that I'm afraid – and I told Bruce before he left that is the one concern that I had was them losing focus on this is our only mission is federal fisheries; and it is not.

We still do the hunting and fishing on the inland stuff and everything else. We had a group set up at one time, back when we had the 38 folks, that their primary duties was going up and down the coast working JEA stuff. It was good in some aspects and it was bad in others. All of our officers were doing JEA. That group was just focused; that was their whole duty. They never went inland. They were running over each other quite a bit, but we don't have that issue now. Everything seemed to go real well through the audit. We haven't heard back from them yet. They didn't see anything that we really were at fault or whatever.

MR. MAHOOD: How do you bill your hours, by man or by boat or some other mechanism?

CAPTAIN LEWIS: Both, right. Like Rama said, depending on the size of boat, the cost per hour to operate it and then the officers on board, whether it takes two people or three people or whatever, based on that, the salaries of those folks.

COLONEL KELLEY: This won't take a lot of time. We actually are the closest we've ever been to having a JEA. Last year when the General Assembly met, we had one chamber that said the marine patrol will not, and they underlined and bolded "will not" enter into a JEA. Then the other chamber came back and said the marine patrol will, and they underscored it and bolded it, enter into a JEA. Then the governor got the budget and his came out that said we may.

Currently we're waiting on direction from above to decide where we're at. We're as close as a signature at this point. Captain Anthony has been working with the JEA for the four or five years. Currently he has been working with Brian. From the matrix that I saw, we would bill out the same way. Each vessel would have an hourly rate and each man that was assigned to go on the vessel

would be his salary. We would be in tow with what all the other states are doing. Other than that, that's all I've got.

COLONEL FRAMPTON: I think that's good news. From where you've been in the past and what we're hearing now, that sounds encouraging.

COLONEL KELLEY: It is encouraging and it is something I look forward to; but again right now we're on a respirator. Depending on what the governor decides; that is our fate.

MR. MAHOOD: I guess this is a question for Karen. One other aspect initially was that under the JEAs, the states would provide the state prosecutors or whatever they were called at the various state levels; that they would handle some of the minor cases, especially the recreational cases. I know at first that was going on, but is that still continued or is that something that just kind of went by the wayside?

MS. RAINE: I'm assuming it is going on because we're not getting a lot of those cases. My understanding is that the states really are handling a lot of the cases; and, of course, the summary settlements are taken care of – these fellows would know how to answer that better than I at this point.

MR. MAHOOD: Well, if you're not getting them, somebody is getting them/

COLONEL FRAMPTON: Bob, that is correct; the states are handling what they have jurisdiction over. I just want to go on record for saying you look at the new matrix; and one of our concerns in South Carolina was we have a huge recreational fishery. It is not a year-round fishery, but it is pretty doggone close to a year-round fishery.

South Carolina is I think eighth in the country in registered boats. Our boating and fishing population is tremendous. We wanted in the matrix for that to be factored in. Although we don't have near the commercial fishery that some other states have, we do have a large recreational fishery. I think they have accomplished some of that in the matrix that has been developed.

I just want to say that because we don't send a lot of cases to NOAA GC; that doesn't mean that South Carolina and our officers aren't out there. I'm not inferring that at all. I'm just saying that there has been a lot of talk about NOAA General Counsel in a lot of different meetings and cases that go up there. I want to go on record to say just because we don't send a ton of cases to NOAA General Counsel, our folks are still out there doing JEA enforcement. That's the real mission of what we're doing.

MS. RAINE: And I would say that was the point for you to handle a lot of those cases.

CAPTAIN LEWIS: I would also like to say, Bob, that we have great cooperation between Tracy and Al. You can call them and if they don't answer the phone right then, usually within 30 minutes they're calling you back. It is a lot better than some of the officers I've got working for me. Everything that has gone up lately, we have been handled real well.

I appreciate that and I think you for what you all do. I think the states and the folks in the field are getting along real well. It is still set up to where they want us to handle everything that we can handle, and that is what we're trying to do. One thing we did talk about in our audit was when you start figuring out cost per case; then how do you offset that with what you're trying to get at by compliance. You know, a good compliance record, which one do you want, do you want good compliance or do you want lots of cases. That is something else that was also brought up.

MR. BELL: I'll just weigh in as state manager here. I go way back to when we started this in South Carolina, and I was running the Artificial Reef Program. We saw this as an opportunity – remember due to council action, those artificial reefs in federal waters are special management zones. This was an opportunity for us to actually put those regulations related to the SMZs in place and have assets out there patrolling.

The SMZs kind of became waypoints for the patrols offshore. They served as sort of aggregation points, if you will, for the fishermen. You had a lot of contacts or ability to interact with fishermen. From a management perspective, I think it is great. In South Carolina's we have invested significant state resources into these things that are in federal waters; that this allows us to kind of take care of. From our perspective, it is fantastic.

From the council's perspective and from my opinion as we deal with management options out in federal waters, we've got to have assets out there. Whether it is SMZs or MPAs, just regulations in general, anything to get more law enforcement out there and make it easier to actually enforce the regulations is better. It is a fantastic program from my perspective, and I fully support it.

MR. MAXEY: Is the DA's office or the solicitor's office able to get JEA money for helping prosecute cases for us; is that something that is out there? Okay, I was just wondering.

MR. MAHOOD: But it kind of was part of the understanding that under the JEAs the state would be obligated to do some of that. I think it has worked well. We still hear and you still hear – and I want Rusty; he is our history here from the fishermen – but let me tell you before the JEAs you didn't go to a meeting that ten guys weren't telling that they're never been checked in 50 years. We still hear it some, but, Rusty, we don't hear as much as we used to. I think the enforcement has definitely been better.

know I don't get it like I did, and I used to get calls but it is all resource-dependent; we know that. Building on what Mel said, that is the critical part the council is interested in, to make sure we have enforcement out there. I think it is going to be the council's role to make sure that the funding is available for these JEAs and other federal enforcement.

COLONEL FRAMPTON: Any other comments on the JEA? I will say in Charleston we do a lot with the Coast Guard. The Fishery School is there on the old navy base. Our coastal officers do a lot with them. They train our new folks in fisheries' enforcement. I will tell you one other major positive that comes out of the JEA is they are, when available, always willing to fund our folks to go to the Law Enforcement Training Center here in Brunswick.

If you don't know, that is a first-class school; and when our folks have the opportunity to go down here and it be paid for by NOAA, it is huge. It is a major win-win for us, so we're appreciative of the educational opportunities that come out of it. When we look at our cops' displays and we look at our public outreach, the general recreational fishing public is appreciative of what goes on. I don't know that we do that great a job of selling them totally on what the JEA is and how we do it, but they're pretty appreciative of it when they see it and they can take in what the meaning of it is and how much it helps our fisheries.

CAPTAIN LEWIS: The other thing that I would add is they don't turn around and want to ask anymore what are you doing in federal waters? They're used to seeing us there now. I think that adds a lot to it.

CAPTAIN SHUSTER: Bob, one thing that I have to add that I didn't bring up earlier or hear anybody else comment on it is how do we handle these situations – this will always be state-specific and hopefully they will be very rare, but the fact of the matter is it does happen. How do we handle inconsistencies when a state for whatever reason has to do something inconsistent with the feds as it pertains to JEA?

It is one of those situations where everybody is on eggshells and typically something is worked out, whether extra effort is given to a fishery in a different manner, but there are times when – whether it be decisions through our commission do not go consistent or a stock assessment, whatever the case may be, and I can think of a couple that have happened in the last couple of years with red snapper; things of that nature, and it would be a nice thing to work on maybe and have it defined ahead of time if a state needs to go inconsistent, this is how it will be dealt with.

MR. MAHOOD: I feel for you guys, especially on red snapper where the state is still allowing harvest and the federal waters have been shut down. I know what you mean; what do you do? If you get a guy in state waters with a red snapper, unless you watch him come in from somewhere, it is pretty hard to make a federal case against him. I just don't know. You just kind of hope you have the wisdom you need to work through it.

CAPTAIN SHUSTER: I guess how we handle it in those situations; that part is never really in question, but how do we keep our relationship healthy with our funding partners through NOAA, and that is more the question. Typically we add in some extra effort on something else and, hey, this is what we're doing and this is how we're going to try to make up for this inconsistency here. It always flies but it makes you wonder. It makes you go how is this really being used? I know for our federal partners it is just as much an uneasy situation to be in because they're wanting the full enforcement level that they're accustomed to. Anyway, that is what I meant by the comment.

COLONEL FRAMPTON: We had on the agenda reports from each state on their JEA. I'm assuming that we'll let this discussion have been that and not go back up. One thing I had on my state report is I just wanted to thank Tracey for those – and I'm aware of the cases that were made in Orié and all the work that went into those; so you for all your hard work with them and the time you put into it. It does not go unnoticed. All right, we'll move on to, Myra, Amendment 35.

MS. BROUWER: What I'll is just quickly walk you through this decision document, which is basically just a very short summary of what is included in the amendment. This is the same document that I'm going to use to walk the Snapper Grouper Committee through what is included. It is very straightforward.

As I mentioned earlier, this amendment contains just two actions. One of them removes four species or proposes removing four species from the Snapper Grouper FMU. As I said, this was something that the FWC requested that the council consider because these species are a very minor species – most of the landings occur in state water – and also to make sure that there is consistent regulations between state, federal, South Atlantic and Gulf.

Some of these species are not managed in the Gulf, but they are in the South Atlantic; and so it is very inconsistent and obviously that creates issues for enforcement. We have this table here that explains what the regulations currently are for these species. The four species that the council is considering removing are black snapper, dog snapper, mahogany snapper and schoolmaster.

Schoolmaster is one of those ecosystem component species that basically were kept within the Snapper Grouper FMU for data collection purposes only. There is no ACL associated with that particular species. Then the other action is clarifying the regulations for the commercial golden tilefish longline endorsement.

This is something that came to the council's attention last August when we were out doing public hearings for other things. Members of the public came to us and said were you aware that folks have figured out how to get around the requirement for having a valid longline endorsement in order for golden tilefish once the commercial ACL has been met.

What we were told could potentially happen and had happened – of course, this was all anecdotal information – folks were choosing to wait to renew their longline endorsement, which would then essentially allow them to fish hook and line for golden tilefish even they weren't supposed to because the longliners are not allowed to fish for golden tile under the trip limit that was put in place for the hook and liners.

They were waiting to renew their endorsement, which essentially that they didn't have a valid endorsement so then, therefore, okay, well, we don't have a valid endorsement so therefore we can fish for golden tilefish using hook and line. That was problem one. The other thing that they figured they could do was transfer the endorsement to another vessel and use the vessel that used to have the endorsement on it to fish for golden tilefish using hook and line. They had figured out to get around the issue.

Of course, no one came forward to say, yes, this is happening, this has happened. We asked FWC if there had been any complaints; but nonetheless the decided, okay, well, this is something that needs to be clarified in the regulations so that this doesn't continue happening. There are several alternatives in this amendment that allow the council to decide how best to clarify the way that they initially intended the endorsement program for the longline component of golden tilefish to work.

Here is Action 1. We separated it out into five different alternative mainly just to give the council the option of saying, okay, well, we're going to remove one or two or three and not all of them. Of course, they picked removing all four species as their preferred. We took this out to public hearings recently and nobody had any issues with this action; and so I don't anticipate the council making any changes to that.

I'm not going to go through all the nitty-gritty of what we have in here, but we do have to illustrate what the landings have been between state and federal so that folks understand how minor these four species are. It is going to make a tiny little change to the Deepwater Complex ACL because black snapper is included. I think it is going to reduce it by a few hundred pounds.

Removal of the other two species is going to also have an effect on the snappers' ACL, because those two species are included in that complex. Of course, economic impacts are very minor. What we're going to request the council do is just make sure that they still want to keep these four alternatives as they preferreds; and if not, then to tell us how to modify it.

I'm not going to pause and ask for any questions. If you guys see any red flags or any enforcement issues as I go through this, then please speak up. Here is Action 2. There were originally four alternatives under this action. Alternative 2 just basically deals with making sure that the words "valid" or "renewable" are included in the regulation to prevent folks from waiting to renew their endorsement and therefore fish the hook-and-line quota.

The council's preferred is to include the words "valid" or "renewable" and also include that the longline endorsement needs to be valid or renewable at any point during the entire fishing year; so then that would take care of this issue of maybe transferring the endorsement to another vessel. That is the current preferred, and that mirrors their original intent when the endorsement program was first put in place through Amendment 18B.

Alternative 4 is the one that they chose to remove from consideration; and that one would have allowed the endorsement holders to fish the hook-and-line quota. The rationale for the council removing that was because that was not originally the intent of the endorsement program and it didn't fit the purpose and need with what they were doing.

They simply wanted to clarify the existing regulation and so they took it out. One of the comments that we received when we took this out to public hearings was, well, the council should have left that in there before they sent this out to public hearings because some folks don't feel that it is fair and equitable for these 22 golden tilefish longline endorsement holders to not have access to the hook-and-line quota when everybody that has a commercial snapper grouper permit does have access to it. Even though the council allocated 75 percent of the commercial ACL to those folks with the endorsement and 25 percent of the commercial ACL to everybody else, they still felt that was not fair and equitable.

Basically that is what is included in this amendment. The council, as I said, is going to, at this meeting, make sure that there is nothing they want to change; and when they meet again in June, then they're going to approve this for formal review. There is still a good bit of time to make sure they don't want to make any other changes.

That is all I have for this one if there are any questions or recommendations. Usually with every amendment, as you know, we have in Chapter 5, which is where the council conclusions are written up and we explain why the council took the action they took, we include a little blurb about law enforcement and whether there were any recommendations from the Law Enforcement AP. That's why we bring this to you guys to make sure that you have a chance to comment on everything the council is considering. The next item on the agenda is Snapper Grouper Amendment 36.

MR. WAUGH: I'm going to walk you through quickly Amendment 36 that deals with the Spawning SMZs. I know from the past your input has been large, rectangular boxes. We're not going to be able to deliver on all of that here, unfortunately. I wanted to talk a minute on Page 5, and you can either follow along on the screen or if you want to follow on your copy is fine as well.

This is a little different because what we're doing is laying out a process for identifying spawning sites. We don't think we have – the information on aggregations is a lot less refined for the South Atlantic, but we're going after spawning sites for snapper grouper species, looking at bottom topography, current systems and so forth.

We're identifying these special areas that seem to be important for a large number of species. We're looking at providing more protection there. These Spawning SMZs would only consider prohibiting fishing for and/or possession of snapper grouper species. We're not making any changes to the existing MPAs.

We've got a purpose and need statement in here, and I'm not going to go through that. I want to get pretty quickly right into the actions. If you have comments when we get to the ones looking at the actions and looking at the areas, just holler and we'll handle them then. The first action deals with modifying our special management zone procedure.

Right now it is not keyed into spawning protection, and so the current SMZ procedures does not allow protection of natural bottom important for spawning. This SMZ process was set up to deal with artificial reefs, for the most part, so the council wants to modify that to include protection of natural bottom that is important for spawning by designating what we call Spawning SMZs.

That is just to differentiate them from our regular SMZs. That would allow us to do this. Action 2 lays out a procedure where we can use our framework, which is a quicker process for implementing changes to make adjustments to the size and numbers of these. They looked at just to include modifying existing Spawning SMZs.

Their current position right now is to modify their framework for the Snapper Grouper FMPs to include modifying or establishing new Spawning SMZs. A big part of this approach is going to be cooperative research with the fishermen. They'll be out there working with researchers as we identify sites that are important. If they're outside of the existing sites that we have proposed, we will be able to consider modifying those.

If a particular spawning event is occurring with some regularity just outside of the area that is protected, then we can modify the size of it. Those two actions are more administrative if you

think about it. Where we start getting into establishing these special management zones, we go from North Carolina south.

The council has based this on a lot of work done by our MPA Expert Workgroup, input from advisory panel meetings, and you'll see those comments in here. The council has asked us to look at areas in the Malchase Wreck and the 780 Bottom off of North Carolina. What we've got are some alternatives here. It is to look within the Malchase Wreck area. We've got one alternative that would establish an area is 2.47 square miles and then one that is one square mile.

In the 780 Bottom, what they told us were some larger and smaller areas. We've got alternatives that look at this. We've got charts in there that show the Malchase Wreck and 780 Bottom here. Then we've got these a little bit larger. We're trying to get the Malchase Wreck is a wreck – Alternative 2B would be one square mile and then Alternative 2A is 2.47 square miles.

For the 780 Bottom we've got three alternatives that range from 3C is four square miles; 3B is twelve square miles in red; and then the green is 24.75 square miles. I'll pause here. I don't know if you want to offer any comments as we go through these or you want me to go through all the areas so you have a picture of what is being proposed for the entire range and then you offer your input. It is up to you how you want to proceed.

MR. MAHOOD: I just wanted to point out to Karen those nice sharp square boxes there.

MR. WAUGH: And we envision fewer than 500 waypoints for these. Okay, that is North Carolina. South Carolina, we've got the restated action would establish – we're looking at the area of Devil's Hole/Georgetown Hole; obviously a very popular spot. This hinged a lot on the council's decision to just go after snapper grouper fishing.

Some place like the Georgetown Hole, if you talked about prohibiting all fishing; that would probably be a deal breaker right there. Our Snapper Grouper Advisory Panel originally suggested an area of one square mile. We've got one that's one square mile. The council asked us to look at a smaller portion and a larger portion.

Then we've got two areas that the state has permits for Area 51 and Area 53. These locations are not widely known, and we are trying to get as far through process as we can without disclosing where they are. We've got a description of the areas. They were set up with the express purpose – and Mel can elaborate on this – to protect fish and not for fishing.

CAPTAIN SHUSTER: As you're going through these, can you let us know how far offshore this SMZ is in relation to the land, because that really defines the user group that is going to be using it? As they get closer to shore, we get the weekend warrior with a Jon Boat versus the farther it goes offshore we get a more educated user typically in there.

MR. WAUGH: That is an excellent question. I can't tell you right now. I'll have to get that information for you, but that's an excellent point. Maybe we can look on the chart and sort of gauge how far offshore it is, but I'll make sure that we add that for each one. The ones off of Georgia are approximately 60 miles offshore.

Again looking off of South Carolina, the Areas 51 and 53 are each about 2.25 square nautical miles in size. Again, these were set up over sandy bottom. Then we're looking now at Devil's Hole. We've got alternatives in there; 2C is the smallest, which is one square mile. That tracks what our Snapper Grouper Advisory Panel recommended. Alternative 2B, which is the red box, is 4 square miles; and Alternative 2A is 13.5 square miles.

Again, those of you who were around when we did this first amendment of 14 MPAs; the larger area you go, the more social and economic impacts you're going to have on the fishermen; the more benefits from protecting that area.

COLONEL FRAMPTON: What kind of gear restrictions are you –

MR. WAUGH: We're talking about, in terms of gear restrictions, prohibiting all fishing for or possession of snapper grouper species, so that is how the regulations would be written; similar to what we have for our existing MPAs.

COLONEL FRAMPTON: It would not be where you could not troll?

MR. WAUGH: Correct. Trolling would be allowed; that's correct. But, again, if you're trolling in these areas, you would not be able to possess any snapper grouper species.

COLONEL FRAMPTON: It is the possession of is prohibited and not the – I've got it.

MR. WAUGH: Correct, right. Mel, to put you on the spot, I don't know if you have a feeling for how far off Devil's Hole is offshore, distance from shore?

COLONEL FRAMPTON: It is Georgetown Hole?

MR. WAUGH: Yes.

COLONEL FRAMPTON: It is probably 50 plus miles offshore.

MR. WAUGH: And then off of Georgia, Zack said there were about 60 miles offshore in Georgia. We got two areas here we're looking at; the Georgia MPA Reconfiguration, adding some area around that, and then the St. Simons area. The Georgia Reconfiguration, this blue area is the existing MPA. Alternative 2A, which is this green box, would add 113 square miles. 2B, which is this red box, which tracks that depth contour more, that is 71.5 square miles. Then Alternative 2C is this smaller box here that would add 52 square miles.

Again, what we're asking the committee and council to give us guidance on are the approximate sizes that you're interested in looking at in these different areas. We're then going to go out to a round of public hearings. After the March meeting hold some workshops, perhaps a workshop in conjunction with our Snapper Grouper Advisory Panel Meeting in Charleston to allow fishermen the chance to draw some boxes on the chart; let them be the first one. Bring all that back to the council in June, and then they'll pick the sites that they want to have analyzed in detail and go out for another round of public hearings.

COLONEL FRAMPTON: Are you asking us if the boxes are too big or too small?

MR. WAUGH: We would look to you to provide any guidance you can from a law enforcement perspective that could help influence the council on which of these alternatives to choose.

CAPTAIN LEWIS: Do you have any idea how much fishing that is going on in these areas now?

MR. WAUGH: That's a difficult thing to answer. Our commercial logbook grids are almost 70 miles by 70 miles in size, and so it is very difficult to figure out within one of those huge statistical grids what portion is coming from this area. The headboat grids are a little bit smaller. Well, actually they're good bit smaller. They're ten miles by ten miles, so that helps a little more.

The short answer to your question is no, and it is going to be very difficult to quantify what is being caught in that area now. That is why we want to go out for two rounds of public hearings to get input from the fishermen on what they think the impacts are from these sample areas and how can the council choose them or adjust them to minimize the impacts.

CAPTAIN LEWIS: Also, how many states have the vessels to go that far, because I know Georgia does not?

MR. WAUGH: Right; and that's obviously a law enforcement issue. It is the same issue we deal with in our existing MPAs. Part of this is we're going to have ready for June what is called a System Management Plan. That will outline what projects are needed and what resources are needed for monitoring, for enforcement, for outreach. We are going to be working with fishermen doing cooperative research to try and at least get eyes out on the water collecting data and monitoring. We recognize it is going to be a challenge for enforcement, particularly for these that are far offshore.

CAPTAIN SHUSTER: Do we have good science on the bottom around this area? I know this sounds like I'm getting off into a technical thing outside of law enforcement; but if we have a good break in the bottom, that kind is almost somewhat self-policing and would help law enforcement rather than necessarily trying to enforce a square when really we should have a circle or enforce a rectangle when really we should have a square; so we could have the lines possibly line up with what is on the bottom. I don't know if that's possible, but that could very much be helpful to law enforcement because there wouldn't be the desire to try to bottom fish on the line, per se, because it would sand or whatever is down there. I'm not familiar with the area.

MR. WAUGH: And you'll see some of that like here you can see this is where the break is right down the middle of these; and you can see that's where we have some of our observations of spawning fish in the past. That is why you see here you've got these boxes drawn to try to more or less parallel that shelf break. The same thing up here; this is an existing area.

You're got this shelf break here and you've got these little green spots are locations where spawning fish have been found. That is the idea to try and match the bottom topography there. I think where it is really evident is up in this Devil's Hole or Georgetown Hole. We're looking for

areas that jut out into the Gulf Stream. Those appear to be very productive sites for a lot of different species to come in and use.

We're looking to protect this core area here. In this case you can look at rectangular boxes to protect that core area. Now, we've worked with Dr. Will Hayman to do so cooperative research and MARMAP to work up the samples in here. We have some data that has been collected from within these areas here that is currently being analyzed. To the extent that we can structure the boxes so that they are north, south and rectangular, we've done that like here and like up off of North Carolina for the Malchase Wreck and the 780 Bottom where you've got this really interesting looking spot here. Where we can do it, we've done that.

That is an excellent point that some of these areas, when you look and you're away – like the green one here, 2A, you're into some bottom that does not look to be along a break so there would be less of an edge effect there where people want to fish right up against the edge; and the same thing here.

Okay, and then moving down to Florida, we had a suggestion to look at the Warsaw Hole that is down off of the Keys and to look in the Daytona Steeples area. This is the Daytona Steeples. It is just north of Cape Canaveral. It is approximately the same distance offshore. Well, it is a little deeper than the oculina is.

Then in terms of alternatives, we're looking at 2A would be the largest. This green area is about 27 square miles; 2B, the red area, would be 12 square miles; and 2C, 6 square miles. This is within our Coral HAPC that we're waiting for the final rule to come out on our Coral Amendment 8. Once that comes online, it will prohibit any bottom-tending gear in this entire Coral HAPC, which is this larger colored area here; but then within that we want to look at prohibiting snapper grouper fishing within this area.

And then the Warsaw Hole is down here west of Marquesas. We've got two alternatives there; 2 square miles is green and one square mile is the red. Those are all the areas. The other actions that we have; seven is to move the existing Charleston Deep Artificial Reef MPA 1.4 miles to the northwest. The state has already changed the boundary, so this would move the MPA designation to track that boundary change.

COLONEL FRAMPTON: How much are you moving the boundary change?

MR. WAUGH: 1.4 miles. Roger went ahead and put in the latitude and longitude on those spots. This is the existing box now; and so we're just sliding box to the northwest.

MR. BELL: The state has already, through the Army Corps, moved the permit; so what the council would simply be doing is matching up the regulations to match with the permit.

MR. WAUGH: And then the final action is the council directed us to look at establishing transit and anchoring provisions. We have one, Alternative 3, to prohibit anchoring by fishing vessels in these Spawning SMZs. I had someone ask me if we prohibit anchoring in MPAs, and I looked

through the regulations and I couldn't find where we did. This would be a first for our MPA-type regulations.

MS. RAINE: I just have a couple of comments. The fewer the waypoints – I mean, you all know the things that law enforcement is recommending is the fewer the waypoints the better; square rectangular boxes, the better; bigger boxes are better. With the one square mile suggested sites, there is a lot of ocean out there and one square mile is not that big, and you all know that. I'll just make that point.

I think it is the Warsaw Hole that's in the Keys; I'll just point out that a lot of the closed areas or a lot of protected areas in the Sanctuary are marked by buoys and that type of thing so folks down there in particular are used to the protected areas being marked. You might want to think about how you're going to handle that.

With the transit provision, I haven't checked this against other transit provisions. I know that sometimes different provisions are being promulgated for a specific region; but to the extent that all the transit provisions can be the same, I think that is helpful to our constituents who are out there trying to figure out what they can and can't do. If in some areas the provisions say one thing and in another area they say something else, that could lead to unintentional violations. I would just encourage consistency to the extent possible.

COLONEL FRAMPTON: Can I ask you to go back and look at the South Carolina SMZs again?

MR. WAUGH: Yes; that's Georgetown and here you've got a bigger chart. Here is Georgetown Hole.

COLONEL FRAMPTON: I was looking for a preferred alternative.

MR. WAUGH: The council doesn't have any preferreds and won't be picking them at this meeting. We would hope they'd pick them at the June meeting before we go out to our second round of public hearings. We want to go out to the public and rather than telling them these are the boxes the council is considering drawing; we're saying this is the important area – at the center of the important physical area to protect, and here are some sample boxes. If you did one that was one mile, there is what you have; four, and then thirteen, and asking them what do you think we should be looking at?

MR. BELL: To that, it was several Snapper Grouper AP meetings ago that the concept of perhaps a square mile around just the right sweet spot in that area was acceptable to some of the Snapper Grouper AP at that point at least as an option to explore. That is why we're focused on a very specific hydrographic/bathymetric feature that we're hoping might function similarly to some other places where those elbows kind of work that way.

The Snapper Grouper AP actually kind of threw that one square mile concept out originally. I know that's fairly small. As Rama was talking about earlier, you do have good bottom all around that area, but we were trying to get it down to something that was at least kind of acceptable to them and focused on that specific feature, and that's why it is shrunk like that.

COLONEL FRAMPTON: Thank you for clarifying that. I think with that explanation I'm a whole lot better off on it. Let's protect what we need to protect and not go way outside the boundaries and be way more restrictive than we need to be. That was my question on the box size is how do we get from one to four; what are we really trying to protect here and be reasonable with it.

MR. BELL: If I might, the point about – I get the smaller box is more difficult. We'll call them the manmade areas, but the artificial reefs converted into an SMZ; all of our artificial reef SMZs right now that have been in place for years and years that we have enforced are relatively small boxes. That seems to work all right.

I do understand the problems associated with a little box in the middle of a big ocean; but one good feature about those, like again Rama was talking about, there is sand bottom all around that. In With some artificial reefs we do have buoys and some we don't. In theory if we could maintain a buoy a little bit farther offshore in say a hundred feet of water, we could even incorporate a buoy into that design.

MS. RAINE: I should say that in the Florida Keys, for example, they have a number of small areas. They might be triangular or whatever or square or rectangle, but they have buoys up into those small areas so the people knows where they should and shouldn't be. That definitely helps with the protection of the area as well as enforcement. As I say and as you know, a square mile is not that large and that can be challenging for fishermen and for enforcement, I would think.

CAPTAIN SHUSTER: I'm going to comment to add onto that. I'm going to save this for another meeting and bring this up, and I think it is very applicable here. I think we really need to look at our guidelines for enforceability when it comes to boundaries on SMZs and MPAs, research areas. In particular, we're using a philosophy that came from the days of Loran C and perfectly square boxes and as large as possible.

One of the reasons why I asked about how far we are offshore is because your fisherman that is operating out there has very good equipment. Even some of these old, rundown commercial boats have very good chart-plotting equipment on them. I think we can look at carving out a good piece of bottom that works best for the industry or for the fishery. It contradicts the LEAP's recommendations for many years on that, but I think we need to recognize how far technology has come since those recommendations were made originally and continue to be progressive in our thinking. I know Karen is ready to throw something at me.

MS. RAINE: I just say that these recommendations have been made even after the days of Loran C. It is something that has been consistent. I understand where folks are coming from when they make those recommendations, but I would just point out that these recommendations have been made even after the days when Loran C was the primary navigational aid.

COLONEL FRAMPTON: I would just say one thing. In a roundabout way that was part of my questioning how big the boxes need to be so that we're only restricting really what is necessary to be restricted and not going way beyond the bounds of what piece of habitat needs to be restricted. If we only need to protect one square mile, why are we going to four?

I think that goes a little bit to what you're saying is you protect what you need – you protect what you need to protect and we make amount as minimal as is possible but as reasonable as possible to get what we need. I think Karen is right; we've looked at enforceability guidelines in Atlantic States many times and how they do it in the northeast and how they do it here. We'll keep going with that, but I think if we go at it with the idea that we're not going way beyond the margins of what we need to protect, we really are doing the best we can for law enforcement and for our constituents.

CAPTAIN SHUSTER: And that was well put, Karen, and I respect there is also a different vantage point trying to get a good prosecution on something. I understand that; but again back to technology, any of our offshore assets that are using modern equipment and Coast Guard can with a hundred percent certainty put a boat in a mile square box.

Now, trying to get a prosecution on that could be – I understand that can be different, but we're landing airplanes in zero visibility with GPS and it is very easy to put a target in a box much smaller than a mile square.

CAPTAIN LEWIS: Also remember the headache we went through with Grays Reef trying to get buoys out there at that place. We lost that one. The other thing is we put them out there now – you know, I'm a big supporter of buoys. We fought that battle together and lost it – some of these are going to be right near the shipping lanes, and then also how are we going to light them out there? It is another thing to think about. Like you say, a square mile in a big ocean, I don't know how many people, if it comes to a jury trial that could get a conviction off of a square mile in a big ocean.

MS. RAINE: Don't misunderstand me, I'm not trying to say we should close off the whole ocean. I'm not saying that at all. I'm just saying these are things to consider when you're looking at what needs to be closed off on what activity is in that area. I know that I bring up the buoy situation in the Sanctuary a lot, and I know it is a different situation in the Sanctuary than it is elsewhere; but that does aid in the folks down there knowing where they can and can't be and what they shouldn't be doing.

That doesn't mean they always follow that, but all the tools are there to help them when you're talking about an area that is so far offshore. Sometimes I wonder – I know that technology certainly has improved over the years, but I don't know that all of the fishermen that are going out there always have all that technology. Probably more and more do especially the further offshore you go, but part of this also is to help enable fishermen to comply without any kind of enforcement activity.

COLONEL FRAMPTON: Mel, being the artificial reef man that you are and knowing a lot about reefs and buoys; one, what is the deepest reef we've marked; any just ballpark idea? I don't think there is any way we can go Georgetown Hole and buoy it. It is entirely too deep.

MR. BELL: What is reasonable is at one time we tried to maintain buoys on a reef that was in 80 feet or water, and that became problematic because of depth and expensive mooring systems and

all and also because of the proximity to shipping channels as well. Right now the deepest we maintain is about 60 feet.

Yes, some place like the Georgetown Hole, that would be a deep-water mooring system, which would be really, really expensive. But like Area 51 is right on the edge – I mean, we’re talking 70 feet of water and we might could keep a buoy there if we needed to, but you’re really pushing it. We could maintain them in about 60 feet and afford it. Once you start pushing out to a lot of areas, you’re beyond what would be reasonable maintaining buoys.

MS. RAINE: I do understand that. Another issue that comes up is I think to ensure that all of these areas are on NOAA charts. I know NOAA is getting away from paper charts, which people have different opinions, I suppose, but to at least ensure – I don’t know that all the fishermen, when they’re out there, have access to electronic charts, but at least to have that available so that folks are on notice in that kind of way as well.

MR. BELL: Yes, that actually came up recently in a case where individuals were boarded by the Coast Guard in an MPA. It wasn’t on a chart, it wasn’t on an electronic chart, and they said, you know, we didn’t know. We had some discussions with NOAA about how you get the MPAs on the charts. I think we made the proper connections in that, so I think that is doable.

NOAA kind of looks at charts as it is aids to navigation and safety and stuff, so this is more of a regulatory thing, it is not a safety thing. But, I think we’ve made the proper connections and we know who to talk to and how to make that happen, so that is certainly reasonable. Like you said, they don’t necessarily use paper charts anymore, but it could certainly be on the electronic or additions to the paper chart, which they still make. But you’re right, that would be very helpful to the fishermen.

COLONEL FRAMPTON: Anybody else want to revisit anything that Gregg has shown us?

COLONEL KELLEY: I just have one question. As far as buy-in or comments from North Carolina fishermen because this is new for them up there, how much support have you had?

MR. WAUGH: These areas were considered by our MPA Expert Workgroup. We did scoping and honestly didn’t get any input at all from North Carolina. I think that was just too early in the process. I think when we go out for this round of public hearings, we will get some. This whole approach has been tailored to get more buy-in, to go as small as we can to protect the critical area, minimize the social and economic impacts, let the fishermen have input in choosing those sites and then commit to a process to monitor them with the fishermen and evaluate them with the fishermen.

This is going to be sort of on the council to show that we can work with the fishermen to do this and build that trust over time, because that has been an issue, quite frankly, with our existing MPAs. We’re trying now from small up or build that support and get voluntary compliance and get fishermen out there on the water doing some of the research in these sites so that then will see the benefits and then there will be more buy-in.

COLONEL FRAMPTON: Gregg, I think you all are to be commended for wanting to work with the fishermen and get buy-in from the fishermen, have the fishermen give you feedback on what is going on out there. Not to beat a dead horse; the states do have offshore enforcement capabilities but all that is weather permitting. It will be JEA funding permitting.

I think we're all on good track, but it will be good weather. Enforcement is possible and it is there but it is limited when you start talking about 40 or 50 miles offshore and we start to look to the Coast Guard for help with that some more. We do have some assets that can go out there and some of that; but having buy-in from the recreational community and the commercial community into these plans is critical.

MR. BELL: One quick thing we're talking about; we have Type 2 MPAs right now; so the SMZs, the concept would apply. I think one benefit of that is that you have people out there, that are out there doing something legal, trolling or in shallower water they could be diving or trolling, but you have eyeballs out there. You have at least kind of a little bit of deterrence perhaps to someone doing something illegal at times because there is people around watching.

I know that California has some sort of – we heard about it this morning a little bit – like an MPA monitoring thing where citizens can help monitor MPAs as far as who is doing what out there. You do have the potential in the Type 2 approach, if you will, to have people out there legally that have an interest in those areas that can certainly pick up the phone and pick up the radio, whatever.

Now, getting an asset out there in time to do something about it; that is another matter, but there is a certain level perhaps of deterrence in just – it is sort of like the 7/11 that is on the real busy corner. Maybe they don't get robbed as much as the 7/11 that is tucked back here in the dark somewhere; just because you've got a lot of traffic and you've got people around. I think that is kind of an advantage to that approach myself. That is just my opinion.

COLONEL FRAMPTON: Well, public outreach and education will go a long ways to making it successful. I can't help but ask Gregg this question. Any more thought given in the council or has anybody thought anymore about VMS in any of these fisheries?

MR. WAUGH: No; we got beat up really –

COLONEL FRAMPTON: Should I just take that as a no.

MR. WAUGH: Yes; we got beat real bad at the last round of an attempt to put in VMS. I think our next bite at the apple somewhere down the road may be an electronic reporting device that is GPS enabled. I think that has a lot less negatives associated with it. It doesn't give you the real-time reporting, but you get where the vessel is fishing. You can go in and look at that and then figure out where you want to do some patrols. I think several years down the line we might be able to bite that apple again. I think VMS in the South Atlantic – and Mel can elaborate on this – I think that is done for a little while.

COLONEL FRAMPTON: I promise that was an innocent question.

MR. WAUGH: No problem.

MR. BELL: I don't have anything to add to that other than he is right, we got tore up pretty good.

COLONEL FRAMPTON: Thank you, Gregg, great report.

MS. BROUWER: We are almost done. We have Regulatory Amendment 16 to go through and Brian is going to walk you through that. Then I think there may be at least one other business that Mel wanted to bring up.

MR. BELL: Well, I may have already had my question answered.

MS. BROUWER: Well, maybe we don't need to go there. I'm sorry, there is a presentation scheduled on MPA compliance.

DR. CHEUVRONT: Regulatory Amendment 16 is an amendment that the council is looking at based on the black sea bass pot fishery. Now, one of the things that has happened in this fishery was that the black sea bass ACL was increased greatly. In order to get that ACL in place rather quickly and because of the potential for interactions between the black sea bass pot fishery and northern right whales, the council put into place a closure on black sea bass pot usage from November 1 through April 30 each year with the idea that they were going to come back and look at this and figure out what could be done to allow some fishing in it.

Now, the reason that was done is because there would have – if they had not put that closure in place, it would have delayed while they waited to get a biological opinion regarding potential interactions with black sea bass pot gear. Now, it is okay to say here that there has never been a documented interaction between black sea bass pot gear and northern right whales.

However, there has been some cases where it has not been clear what the gear was that was entangling whales, and it is just not known. There is the potential that it either could have happened or could happen in the future. It has just never been documented at this point. What the council has done – and I'm going to try to jump here and we're going to kind of cut to the chase here on some of this.

The current status quo is that we have this closure in place on black sea bass pot gear from November 1 through 30th. What the council is considering doing is having a limited opening of some sort of area during that time frame. Now, there are lots of different scenarios. There is actually 13 different scenarios in this amendment that the council is currently considering.

They're all based on depth, time and area closures. What they're trying to do is there is some overlap between where black sea bass pot fishing has traditionally occurred and where northern right whales are known to travel. Now, northern right whales move south from New England, basically the Gulf of Maine, and they're off the Carolinas starting about November and then they go primarily to their winter calving grounds off of Georgia and Florida.

Then starting about late February or early March, they start migrating back north again. Now, this is a critically endangered species. There are about 450 or 460 northern right whales known to exist this point. Approximately 50 of those whales make the trip south every year. Not all of them are pregnant cows. Sometimes there are males that just make the trip and sometimes there are females aren't pregnant at all. They get a number of new calves each year

The concern is trying to figure out ways that the council could allow some fishing to occur and not have an interaction with whales. Now, understand that there has been a lot of management put in place on the black sea bass pot fishery in the last several years. It used to be it was basically anybody who had a snapper grouper permit could fish black sea bass pots.

That number has been reduced 32 endorsements now. It used to be to fish as many pots as they wanted. They're limited to a maximum of 35 pots. They used to be able to leave their pots out whenever they wanted to, and now they have to tend to their gear. They cannot leave the pots and store them wet, basically, in the water.

There are a lot of restrictions that are in place; and now that the ACL has been increased greatly, the fishery has the potential of remaining open all year long. Even under the current scenario of Alternative 1, the no action, it is only estimated that 97 percent of the ACL could be taken up even with the hook-and-line being able to fish all year long. They have 300 pound trip limit during part of the year and a thousand pound trip the rest of the year; but it is not anticipated that the entire ACL would be taken.

To kind of cut to the chase here, if you've got the attachment for this, it could be rather painful. This decision document is over sixty pages long. Part of the reason is because there are fourteen alternatives. We have waypoints listed for all the different alternatives. We have maps showing what the closed areas would be in there.

Then there is a fairly significant economic analysis that is in there showing what the differences would be between the different alternatives. Part of the reason that the economic analysis is as extensive as it is, is because the purpose and need, as expressed right now by the council, is primarily an economic need to provide some relief to the black sea bass pot fishermen who were shut out of fishing for much of the year because of the low ACL that used to exist.

Now, when they had that lower ACL, one of the things that happened is this fishery, which traditionally occurred in the wintertime, was forced to occur in the summer. The fishermen like to fish this gear in the winter they say because it provides them with a better quality product and a higher price.

If you look at the value of the fishery price per pound; and sure enough, based on the data in recent years, you're showing about a dollar per pound higher for those fish that are landed in the winter than the ones that are landed in summer. The ones that were landed in the summer in the few years were landed during a derby.

These guys were out to catch these fish as quickly as possible. The fishery, before the ACL had been increased, one year lasted 42 days. That was it; the commercial fishery for black sea bass

lasted 42 days; and so that made it very difficult. Now we've got a completely different scenario, the stock is rebuilt, and so the council is trying to look at ways that they can consider opening this fishery to more black sea bass fishing.

Now, the criteria that was used, there is a designed critical habitat area for northern right whales for a calving zone, which is primarily this area here, about central coast of Georgia down to about Daytona Beach, roughly. That is the current critical habitat area. One of the alternatives basically says that area remains closed.

Now, all the other alternatives are variations on this theme, based on where people can put the pot gear; distance; depth, whether it is 20 meters, 25 meters as maximum depth inshore; and then the times that they can do this. Some have the closures for that entire November 1 through April 30th. However, off the Carolinas there are not many whales sighted from mid-December until mid-February, so maybe they could open it up the entire time during that period and then close it back up again when the whales start migrating back up north.

The council has come up with a rather complex suite of alternatives to deal with this. Instead of leading you painfully through each and every single one of these alternatives, I'm not sure that is the best use of your time to do that. I think what would be most helpful to the council at this point is if you can talk about in the generalities.

As the council goes and continues to consider these alternatives, what kind of advice can you give to the council from a law enforcement perspective that help them as they are looking at alternatives and trying to decide which one that they would like to look at more closely or eventually choose as their preferred alternative, which they may choose their preferred alternative at this meeting.

I'll just show you an example here. If look at, for example, the third alternative, you can see there is 15 waypoints here that define this closed area from about Cape Hatteras all the way down to about Ponce Inlet. Okay, we've got 15 waypoints here. This also doesn't cover state waters. The states would be asked to provide – whatever protection that the council decides to put in place for the whales, the states would be asked to complement it in state waters for the same time frames and that sort of thing as well. I don't know what else to put out there. Mel, do you have something?

MR. BELL: I was going to say it is real obvious these are not straight lines. It is nothing like a straight line. You might want to comment on what the waypoints represent in terms of different options.

DR. CHEUVRONT: The waypoints are basically following the depth contour. In some of them, they're open part of the time, some of it is closed, and so it sort of comes and goes. Now, Alternative 3, I will tell you, has one of the fewest number of waypoints, and it is at 15. You can get up to – how about this one; it has 41 waypoints, and here is your map.

You can see how now we're getting a little more complicated with where all these different waypoints are. The depth contour here is about 25 meters, and that is off the Carolinas. Then when you get from the Georgia/South Carolina, it is a straight line until you get to the point where

the critical habitat area occurs and then it follows the contour of the critical habitat all the way down. Karen.

MS. RAINE: A lot of my comments are really meant to try to help the fishermen to be compliance when things come so complicated. When you have so many waypoints, well, even trying to enter those into a computer to make sure that you're in compliance, you might mistake one or two. Again, the fewer waypoints as possible, the better for everyone, I think. I know that none of this can be a straight line in a perfect world, so I know that is not going to happen; but the fewer waypoints you have, I think the better opportunity there is for fewer mistakes that lead to better compliance. I think that would be the goal; one of them, anyway.

DR. CHEUVRONT: What you could do is you could offer that as official advice to the council, and it might be a good thing even to go ahead and maybe make a motion or somehow to – and I know, Karen, we've gone through many, many times, but this is a concern for law enforcement that I think we'll just take officially back to the council again. I have no idea what is going to happen with it; but if that is what you want to do, I think that would be a good way to go.

MS. BROUWER: And just to reiterate that all of this would only apply to 32 vessels; that's it. Only 32 vessels would have to abide by these regulations.

DR. CHEUVRONT: Because only 32 vessels can fish black sea bass pots in the entire South Atlantic. I think last year only 28 of them actually fished. Jim.

COLONEL KELLEY: How far offshore are the lines as far as the outer boundaries?

DR. CHEUVRONT: This, again, is a little bit more difficult to talk about. I think in some places it is just a couple of miles. When get down off of Florida, you're looking at fewer than ten miles. Then you get some places like off of Brunswick County, North Carolina, you're looking at probably 70 miles.

COLONEL FRAMPTON: Isn't it done on depth?

DR. CHEUVRONT: It is done on depth and not distance to shore.

COLONEL FRAMPTON: And the average black sea bass pots are in what, 30 or 40 feet of water?

DR. CHEUVRONT: No; deeper than that. It is even further than that. It can go out 75 to 80 feet. There are cases of that happening as well, so it can go out there. Even like, for example, in this alternative, even if that area was closed, there is going to be some black sea bass pot fishing further out into the EEZ than that closed area. This is not going to shut down the entire black sea bass pot fishery while these closures are in place. It will reduce the landings, but it will not completely shut down the fishery.

COLONEL FRAMPTON: I know you're looking to us for comments to give back, but what kind of thoughts is the council having on restrictions for these pots? Are they thinking that they're going to make the fishermen stay with the pots the whole time the pots are overboard?

DR. CHEUVRONT: They already do. You can't keep the pots out there. They're also looking at some increased pot marking requirements, weaker weak links, and even now I think we're going to consider even weaker line strength so that the breaking point of the lines is easier – happens more readily. They're also looking at gear marking.

One of the things is that they want to have specific gear marking just for the black sea bass pot fishery; so that as entanglements are found in the future, they can really actually get a feeling for is this black sea bass pot gear. They're working with the Large Whale Take Reduction Team to modify gear-marking requirements for black sea bass pots.

MR. BELL: The thing to keep in mind and the reason that is such a mess is because we're following a depth contour. When we talked to the whale people, they talked to us in terms of water depth, where they see the whales, where they don't see the whales. I guess what we're having to do here is describe very specifically a line, but what you're really trying to follow is a depth.

I guess perhaps we can't just say inside this depth or outside that depth. Then it becomes fairly simple, but that doesn't hold I guess in terms of how you have to define the law. That is why it is such a mess. It is not that we were really trying to come up with a – it is trying to describe in points a depth contour.

Again, that is because when we're dealing with the behavior of the whales, it is described to us in terms of inside this depth or outside this depth. You should certainly perhaps point out that is kind of a mess to try to enforce in terms of a line and lines are very important and comment on the enforceability of something like that. And even the simplest one wasn't all that simple.

DR. CHEUVRONT: And other things that I want to make sure you're aware of; the council is hoping to move on this regulatory amendment to the point that in June they want to vote to send it for public hearings and then take a final vote on the amendment at their December meeting. This is probably your chance to talk about it. The other thing that Chip just said to me; you might want to talk about if you have any recommendations on enforceability of some of the line-marking things and line strength, whether you would like to have the regulations stated at, say, in terms of breaking strength of the line or if you have a preference in terms of diameter of the line and that sort of thing. I think that could help the council determine how they should word these sorts of regulations.

COLONEL KELLEY: What they did with the gillnets in North Carolina, they allowed the tensile strength to be equal to or less than what the breaking link was. If the breaking link was 35 pounds and the line would break at 35 pounds, that is how they gauged it.

DR. CHEUVRONT: And that is one of the options that they're considering for talking about lines. Line strength is something that the council is really going to discuss seriously for the first time at this meeting. They haven't come up with their wording yet on how they want to handle this. It is in the recommended alternative that is being brought to the council, so this is just now being developed. They don't have official language on this yet; and I'm not even sure they're going to adopt it.

LT. MASTRIANNI: You might have said it and maybe I just missed it or didn't read it in here,, but these 14 alternatives, are they all the same in terms of the closure dates and what or would not be allowed or do they all have individual recommendations for that?

DR. CHEUVRONT: They're book-ended, either starting November 1 or November 15th and ending April 30th, basically. The opening and closing dates off the Carolinas might change a bit. The critical whale habitat area off of Georgia and North Florida pretty stays the same, although there is a little bit of modification of the area, but that is closed for the entire season. Actually we've talked with black sea bass pot fishermen off like the Ormand Beach area, and they're fishing out on the other side of that, anyway, all year long. They're feeling like this is not going to affect them very much.

MS. RAINE: I haven't dealt with the break strength, to my knowledge, and so how do you prove that something falls within the law or outside of the law? I just don't know anything about it so I don't know how you go about establishing.

MR. BELL: That is not something I honestly see law enforcement –

COLONEL FRAMPTON: Isn't that the all-trap folks that do that; Tracey, am I right about that? Yes, the all-trap folks would be the ones to put that out there.

MR. BELL: And a lot of these requirements; they're already dictated by what came out of the large whale take-reduction input on this; and they'll use like number eight and number ten Osprey or something. What is really dictated is there is certain breaking strengths now. There are certain weak link requirements and there are certain marking requirements. All we were looking at was perhaps other options that might make the whale people feel a little comfortable with the traps being out there, I think. That is not something that you'd certainly do out there in the field.

COLONEL FRAMPTON: Well, I think we go back to what Karen said any number of times and Rama has talked about it, too; the fewer the waypoints, the easier it is going to be for enforcement to get its arms around it and do some real enforcement with it. I think when you've got it like it looks up there, I think it is going to be difficult for enforcement to get all that in place to make good cases on it and to do enforcement.

CAPTAIN SHUSTER: I just met Paul here in the back of the room; and I'm curious does the black sea bass industry use high flyers at all in any of their gear?

MR. NELSON: I'm Paul Nelson. I'm a bass pot fisherman from Florida. We just use Styrofoam floats. Right now we have a 400-pound breaking strength on our traps pretty much, and they're trying to reduce it. As far as the line strength goes, the requirement now is number ten wire and we're trying to reduce it down to where it has got less breaking strength.

Right now for the right whale we have to paint every 60 feet with orange paint on our rope for visual for the whale. I think they're trying to make all one color so it is noticeable. If a whale runs

into it, they can find out that it is a bass pot. I think that is some of the rules that we're fixing to talk about tomorrow.

CAPTAIN SHUSTER: And the type of boats you're using; would they be capable of supporting high flyers?

MR. NELSON: A lot of our boats now, we're going to a day fishery because we don't leave them out anymore. We're always on top of our gear. I have a 31-foot boat. I only carry 18 pots; so 18 high flyers on my boat would be a lot. It would be expensive and it would be a lot. It is a lot of extra weight on the boat.

There is hardly enough room for the pots. I used to have a bigger boat and I used to fish 35 pots back during the peak back when we had the big closure, a 42-day season and all that. I had a bigger boat then and it was a lot easier, but I went to a smaller day boat since we're not able to stay offshore anymore.

COLONEL FRAMPTON: Paul, can I ask you one more question. When you look at what is proposed up here and you look at the number of waypoints that are being proposed for the area, how does that affect you guys?

MR. NELSON: It is going to affect the guys north of us. Where we're at right now, we fish way offshore there already. We're not even going to get anywhere near it in Florida. It looks like off North Carolina and Georgia – Georgia doesn't have any pot fishermen. South Carolina has got a couple or three and then North Carolina has got the majority of them. They're probably the ones that are going to be more affected. We've only got six pot fishermen in Florida. That is how it would be enforced; and where the waypoints are now, we're going to be offshore of that, the one that is on the screen up here right now.

CAPTAIN SHUSTER: I know that does look laborious to enter that many waypoints, but we currently have in our state shrimping rules in Florida shrimp lines with that many if not more. It does look daunting, I get that, but it can also be entered into a \$99 hand-held Garmin from West Marine, so it is not quite as daunting as it may look.

DR. CHEUVRONT: And to that point, nobody fishes pots up and down the entire coast; so they're really only affected by the area mostly where they are. Yes, you have the first 18, roughly, points that are off of North Carolina on this example. If they're fishing off of Onslow Bay, they're probably not going to go down to Cape Romain to fish pots. It is not going to happen.

MR. NELSON: Speaking for most of the fishermen, we're willing to work with any kind of waypoint. We have computers now that we can punch in every waypoint we need to do. We can hold up to a thousand points. It is not problem with punching in the waypoints and stay offshore of them. The fishermen are willing to work with everybody to try to get fishing.

MS. RAINE: I will just say that sometimes we see the cases where they make mistakes entering the waypoints. Again, regardless of the fishery you're talking about, the more waypoints there

are, the greater the opportunity for error. Even someone – I don't know if it was the Federal Register or agency – on one of the rules some time ago made an error in the waypoints.

There was a republication but my only point is the more waypoints you have, the opportunity for error. As I say, sometimes we're the ones who are seeing those cases where I don't think folks were meaning to put in the wrong waypoints, but somehow something got missed or something got inadvertently put in incorrectly.

CAPTAIN LEWIS: I'll be with Karen on that one. When it gets to a courtroom, you're going to have 12 people sitting on a jury looking at this stuff right here and saying how in the world are you supposed to figure this out? We have enough trouble ourselves trying to figure it out; and we're expecting 12 people who wasn't smart enough to get out of jury duty to be able to understand it and convict somebody from that? We need to keep it simple; the simpler the better.

LT. MASTRIANNI: I just wanted to make the quick point that the comment was made that you look at it and maybe just the people off North Carolina only have 18 waypoints. I've got to make the comment that for the Coast Guard, the guys I train are from North Carolina all the way down to the Florida Keys and a lot of times they operate from North Carolina all the way down to the Florida Keys and back around. There are agencies out there, the Coast Guard specifically, that would have to have all these waypoints and would consider that.

COLONEL FRAMPTON: I think we're about to end this conversation, but I agree with Doug. If you look at rules and regulations in today's world, when you ask the general public or you ask fishermen you have to do 99 things in order to be legal, there is a bigger opportunity for mistakes; and for the commercial fishermen those are costly mistakes.

I think going back to the fewer waypoints, the simpler it is, the better it is for enforcement, the better it is for the general public and the general fisherman that is trying to do it and trying to do it right. I don't think that any of them are setting out to do it wrong. I think if this group agrees that would be our message back is we're trying to make it as reasonable as we can to get what we need, but as simple as it can be, too.

DR. CHEUVRONT: I might add, and I'm not in law enforcement, but if anybody is out to do it wrong, it doesn't matter how many waypoints that are out there; they're going to go out and they're going to ignore whatever is there, anyway. I think that is just my two cents. The one thing I would like for you to still do – before we get off of this amendment – is if you could weigh in on what you like to see, if possible, regarding a description of lines, size of the line diameter or stated in breaking strength, as Jim has suggested. Do you have a preference on that or not?

COLONEL FRAMPTON: Not to cut you off, but we're not the line folks. We're not the all-trap people. Whatever the experts at NOAA think, we enforce all-trap guidelines with weak lines and those types of things; so for us to comment on rope strength would be way out of our realm of expertise. Is that fair enough to the group?

COLONEL KELLEY: Brian, what does the take reduction team recommend?

DR. CHEUVRONT: For what?

COLONEL KELLEY: For breakaway.

DR. CHEUVRONT: 2,200 pounds right now. There is some research that we're getting where they have looked at lines that have been recovered off of whales to find out what are the ones that didn't break or which ones did; so they're being able to have some data that looks at what is a reasonable breaking strength for lines to protect whales. There are some estimates out there that is fairly objective based on what they were able to get off of whales.

MR. COLLIER: My name is Chip Collier. I am a biologist here with the South Atlantic Council. I was asked to go over ways that we could potentially track compliance in the South Atlantic for our protected areas. The reason that was brought up was from an oculina meeting where the patrol officers have been going out and not really seeing any violations; whereas, the researchers are going out and they say every time they go out there, they're seeing violations.

I was trying to figure out a way to figure out can we actually get compliance and it led me down this road. You guys know what a protected area is. I have a definition up there of a marine protected area. In the South Atlantic we have eight official Deepwater MPAs. We have 51 special management zones; and then we have five Deepwater Coral HAPCs.

Within each of those they have different regulations in there. I'm not going to go through all the regulations. One thing we do know is we don't what compliance is. Are people going in there and fishing illegally? We can look at some of this stuff like oculina and the shrimp trawl vessels, specifically, and we know with VMS whether or not they're violating regulations.

But for the recreational fishermen and other fishermen, we don't know what the compliance is. This is coming from advisory panels and also the public where they state at public meetings that there are violations occurring. However, to no fault of enforcement agencies, when they go out there, they're not seeing them. It is a needle in a haystack when they go out there.

Do they get there at the right time? One is because electronic monitoring isn't required for all vessels. In all likelihood the South Atlantic, the way people have fought against it, it is probably not going to happen with electronic monitoring. The other problem is fishermen communicate with each other.

Communication is much better on the water than it used to be; and these guys can call up right when they see a marine patrol officer go out of their slip and say, "All right, they're on their way and you guys need to get out of there." Finally, we have Type 2 MPAs, so some fishing is always allowed.

If a guy is having a bad day and they see anybody around, they might just drop down where they are and start fishing for a little bit. Once again, compliance can definitely reduce the likelihood of some of these MPAs reaching some of their goals, especially for the Oculina Experimental Closed Area. That was done to try to increase spawning in the Oculina Banks. There are some known

spawning sites within there and the fishermen know those spawning sites as well; so when they go there, they can catch fish pretty regularly, but hopefully they're not using it.

I went back and looked at some tools that were available that were available to look at compliance. I'm sure you guys know all these very well. Direct observation is going out there on the vessels; electronic monitoring, whether it is VMS, AIS or GPS. There is different technologies with radars. There is some underwater listening devices that hold some promise where you can actually get an acoustic signature from a vessel and you might be able to track that back to an individual.

There is potential for drones; not necessarily aerial drones, but they do have boat drones now, so it could actually be out in an MPA and running on something like sonar or solar power. Then finally what I'm going to talk about mainly today is satellite imagery. That can be done for a couple different ways.

Then another thing that was brought up was potentially using citizen science as well as a way to track compliance. For some of the MPAs like the Oculina Banks where it is only 15 miles offshore, you might be able to utilize some of the citizen science to get back to compliance. Looking at satellite imagery, on the top right I actually have an image of a vessel underway in the Oculina Banks. That is through an electro-optical satellite image.

There is also a thing called synthetic aperture radar. The benefit with synthetic aperture radar is it doesn't necessarily get blocked by clouds; whereas, the electro-optical gets blocked by clouds. There is issues with each of the gears that could be used for satellite imagery; and the cost varies significantly.

The image I have up there is that is an actual free image that you can get from the USGS. They can also range up to \$5,000 per scene, and some of the scenes can be quite small, maybe less than 25 square miles. The resolution is also going to vary on price. The higher resolution, the higher price. The resolution on the image that I have there; that is 15 meter resolution. It can basically get down to a 45-foot vessel.

Then the seen imagery and frequency varies depend on which satellite you look into. Right now I don't know if all the protected areas or potential protected areas are covered by satellites. It is very good coverage in some of the satellites; but because we don't have a request for this information, it doesn't continually take an image until it gets a good image in the area.

If you pay for that, you pay much more, but you could get an image to guarantee that you're getting some observations in that area. A test case that I came with was the Oculina Experimental Closed Area. It is a closed area off Fort Pierce. It is about 92 square miles. What I present today is going to be four electro-optical images.

These were from the Landsat Satellite. They have a Landsat-7 and an Landsat-8, which actually goes over the oculina area. It is at 15 meter resolution. It was analyzed by a friend of mine at C-Stars at the University of Miami. Once again, these images are also available at a five-meter resolution, but is a fee. Within the Oculina Banks, there is basically five areas that are really high profile in the Oculina Banks; Sebastian Pinnacles, Twin Peaks, Steeples, Chapman's Reef and Jeff's Reef.

The researchers really harp on Chapman's Reef and Jeff's Reef as being two of the most pristine Oculina Reefs out there. Going from this GIS image, I also have the satellite image, and I'm going to overlay the two and the graphs get pretty easy. In each one I'm going to keep those five little reefs that I had circled, and those are rough areas of where those reefs are located.

Then there is going to be the overlay of the actual satellite. You see a thin red line; that represents the actual oculina area; and then in yellow, that is going to be a potential vessel that is in the area. Then on the top left; that is going to be a northern part of the Oculina Banks; and then the bottom right will be the southern of the Oculina Banks.

In those I'm going to circle the potential vessels in blue. Hopefully, we can follow this. Right here around the Steeple area, there was one vessel that you cannot see at all; but if we go down to the bottom right where this is coming from around the Jeff's Reef area, we can see right here there is a boat wake, hopefully. You can see the boat wake there, boat wake there and boat wake there.

This vessel and that vessel actually show up pretty well; so where this boat wake actually stops, you can't see anything. It could be an image issue where the resolution isn't fine enough to actually pick up that vessel. This is one of the better days. Here is another one where you can actually see a vessel traveling through the Oculina Banks. This is one is right on the edge. You can see its boat wake.

There is another one here where I put two images together. You can see a vessel travelling through the area. It seem like it is coming from the direction of Chapman's Reef but there is no telling whether or not it was actually there or fishing there. Then you come down here; there is one that is getting close to Jeff's Reef. Then there is one that is actually outside of the Oculina Banks.

This is one of those bad days where there is a lot of cloud coverage. There is one vessel up here around the Sebastian Pinnacles; and then towards the middle there is a vessel that is traveling back in from offshore. This is one of the most recent ones that we had. Right here around Twin Peaks there are vessels that are stationary. Then towards there are several different vessels, several outside of the Oculina Banks and there appears to be three vessels that are inside the Oculina Banks.

Just as an investigative tool, satellite imagery can provide pre- and post-regulation effort. And that was brought up today; what is effort in some of these MPA areas that are being proposed. Satellite imagery might be able to be used to track that down a little down. You can also compare effort inside and outside of MPAs.

Is it truly a lot of non-compliance in there or is it just a few individuals? It looked like most people that were fishing on that one day where we had a lot of vessels, most vessels were outside of the MPA. There are multiple scenes and multiple sources. Some private sources are out there for satellite imagery; and then we can also use the USGS images.

To get it cheaper, images aren't available that day; you have to get them the next day. It can be used by enforcement; not necessarily to enforce the laws, but maybe optimizing time of enforcement activities. One big downside of this; there is only one or two scenes per day where

an image could take at two o'clock or it could be taken at six in the morning and around six at night; so you're not always getting the most optimum time when the guys are fishing.

It can be difficult to determine if a fisherman is actually fishing illegally because we're not actually getting that kind of resolution. We're just going to be able to see how many people are actually using the area. It is not real-time data; so if we are communicating this, it is going to be the day after or potentially later when these things are presented to law enforcement.

Cloud coverage can block detections for some of the capabilities or for some of the images; and then costs can add up fairly quickly and may become cost-prohibitive. I have some concluding points and questions for the AP. There is potential to track compliance at a rough scale for the South Atlantic using this satellite imagery.

Vessels can be observed at the 15-meter resolution. Ideally we would get down to a much finer resolution and hopefully cover the entire Oculina Banks. Right now we can't determine if a vessel is fishing illegally. I haven't been able to look at some of fine-scale details to see if an anchor is out or to look at other things like that. Finally, cloud coverage is going to be an issue especially for the electro-optical images.

Some of the questions for the AP is how useful is this technique to law enforcement and the council to estimate compliance? These are things we would want you to discuss. Would you recommend this as an additional effort to be pursued to track compliance in the MPAs? Finally, are there other recommendations to compare protected areas within and then areas outside if we're going to compare compliance in those area? With that, I will take any questions.

COLONEL FRAMPTON: Can you tell if a boat is just transiting an area or how do know that the boats on your image aren't just transiting the area?

MR. COLLIER: I'm thinking when we get down to the five-meter resolution, you're going to be able to – I mean, if you look at that vessel that is in there right now, it is a fairly large area, and you're talking 92 square miles within that area, and you're seeing vessel pretty well with their boat wake. You'll be able to pick up a boat wake. If it is trolling for a fish, it might be much more difficult.

COLONEL FRAMPTON: Is it one shot or a sequence of shots that it takes?

MR. COLLIER: A single shot.

CAPTAIN SHUSTER: I find that pretty interesting. I have some concern that it is of much use legally. However, for a source of intel, I think it has the potential to be very valuable. We currently use the VMS in a similar fashion, and we still always respond to the area to actually identify the person and the vessel in the area. We could use this a lot like that.

A couple of problems we will have in Florida and oculina is if we have a boat that is out on patrol; this is data that you would want to gather in the middle of the day; so to give the fishermen enough time to get out there, so maybe 10:00 a.m. you want to pull a shot. Our problem that we will have

is we will have to stay inside cell coverage, because our computers on board do not have data capability via satellite.

Again, that is something we can get past. There is a monetary expense to that. But to be out there already and to be able to look and say there is ten targets in there versus spending hundreds of gallons of fuel running south down the state to determine through radar that there is nobody there, I'd like to see how it balances out. I'm interested in see what it actually costs for the shots, how they would be managed.

We also would need that data real; a day later would not be – so whatever that cost for the real time is what we'd have to have. I also had some concern that if we're pulling this shot real-time, the expectation of immediate response in an offshore environment like that is not always available based on weather, schedules, whether or not crew has worked all night the night before. There are so many factors that are just variable. It is very interesting and I think it is worth looking into.

MR. COLLIER: I'm not certain we can actually request a certain time of when an image is taken. It is only going to be over the top of that area for a short amount of time. That can be pretty difficult. As an actual way to do enforcement, I think it is going to be pretty difficult. There are mechanisms or Pew is actually putting together this system called Catapult that actually puts together AIS, VMS, satellite imagery, radar; it puts it all together in a response time that they can feed this information to law enforcement afterwards.

Something like that would be great, but they're actually looking at very different scales than what we're looking at with this. It is operational in three areas within the world right now, but it could be a ways off for the South Atlantic.

One other thing that we could potentially do with the data that is currently available is look at how compliance has been in the Oculina Banks going back to maybe 2004. Lansat-8 has been up I think since 2008 and Lansat-7 I believe since 2007. Some of those images might be available to go back and really focus energies on certain days of the week, months when activity seems to be higher.

CAPTAIN SHUSTER: Are you allowed to transit the area?

MR. COLLIER: It is no possession of snapper grouper species in that area.

CAPTAIN SHUSTER: Okay, but you can transit the area, correct?

MR. COLLIER: Yes.

CAPTAIN SHUSTER: Can you stop in the area?

MR. COLLIER: Yes.

CAPTAIN SHUSTER: Can you drift across the area?

MR. COLLIER: It is a rough estimate of compliance.

MS. RAINE: I guess I feel that I probably ought to say that as you know right now the agency is not using drones for enforcement purposes to make cases. I don't know that satellite imagery is that different; and I think that would be something that would have to be explored. I don't know whether the agency would be any more interested in doing something with that right now because it seems to me it would be similar to drones.

MR. COLLIER: Well, there are no numbers on top of the vessels, so it would be virtually impossible to pinpoint exactly who is violating the law. We recognize the limitation for enforcement. This is mainly for compliance and not trying to get down to writing tickets or even having a successful case on that.

MR. WOODRUFF: I just want to say from an OLE standpoint, if a tool was used or satellite imagery was used, we would have to look at the whole picture and consult with our general counsel before we made any decisions whether we would move forward on any cases that are made.

MR. BELL: I was just going to say I'd see this as simply almost strategic level intel gathering. It is not anything that would be actionable necessarily particularly for the free stuff or the cheap stuff. If over a long period of time you could develop a sense of where people seem to be hanging around, then maybe it just simply tells you where you might want to send an asset.

I don't see this ever becoming anything actionable in a tactical sense or being able to deal with something immediately in a case. If you want something better than that, they can direct an asset to do something, but you're going to pay out the nose for it. Until it becomes a lot more affordable, I don't see that happening either.

COLONEL KELLEY: Cheap is good and free is better. I think it probably is a good tool for demonstrating that there are people there. Being able to tell exactly what they're doing, you're going to have to put the assets there.

MR. MAXEY: Is this not the same thing the military is using now out of the country to look – I think that technology is already there.

MR. COLLIER: Yes; they're using this type of technology. They have much better resolution. They're able to look at your watch and tell time from it, but we're not going to get to that. We'd want to be look at large-scale scenes, so we don't actually want kind of resolution.

MR. MAXEY: I mean like Homeland Security off our coast now; do they not look at this same thing to see people coming in and out? I mean, if it is already out there, why would we be paying this kind of money to get the technology?

MR. COLLIER: There would be grants available potentially through Homeland Security, through some of those funds to look at certain technologies. I don't know if they would really look at this satellite imagery as being a benefit to Homeland Security. It might be some kind of acoustic

monitoring; they might prefer that trying to be able to listen to vessels coming in real-time into ports. That might be something that they would look into more.

LT. FOWLER: The question was asked about the Homeland Security to monitor people coming in. We have this kind of like a tethered blimp or a giant weather balloon down in Key West. We can't even keep people coming up from Cuba with it. I shouldn't say we can't see it but not with a very good amount of accuracy or success. The answer is probably no.

MR. BELL: It is like a lot of things that DoD has access to; some amazing assets. Eventually, years or decades from now, the technology may wander over into this arena, but right now – you know, they can do amazing things but we can't afford it.

COLONEL FRAMPTON: Thank you; great presentation. Myra has one more announcement she would like to make.

MS. BROUWER: Just a reminder that this year again we need to come up with nominees for Law Enforcement Officer of the Year. I will be sending all the LEAP members a request for nominations in the next few weeks. We will go through the same process. Those will come to me and then the AP will select by a process of voting the three top nominees among the five. Those will go to the Law Enforcement Committee in June, and under closed session they will discuss the nominees and they will recommend one deserving officer to receive the award in September. Look for that in the next few weeks from me.

COLONEL FRAMPTON: Any other business for the good of the order? Before we close, Mel, thank you for coming. We would like to see you at more of these. It added a lot to the discussion. Bob, thanks for spending some time with us and giving your perspective on things. It adds a lot to the discussion. Anything else? With that, the meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:00 o'clock p.m., March 2, 2015.)

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March 2015

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