

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT ADVISORY PANEL

**Westin Jekyll Island
Jekyll Island, GA**

March 7-8, 2016

SUMMARY MINUTES

Law Enforcement Advisory Panel

Col. Chisolm Frampton
Karen Antrim Raine
Capt. Bob Lynn
Capt. Rama Shuster

Bruce Buckson
Sgt. Mark Carson
Lt. Mike Mastrianni
Nickey Maxey

Council Members

Mel Bell
LTJG Tara Pray

Dr. Roy Crabtree

Council Staff:

Gregg Waugh
Chip Collier
Julie O'Dell

Myra Brouwer
Dr. Brian Chevront

Observers/Participants:

Dr. George Sedberry
Leda Dunmire
Mike Burnett
Dr. Bonnie Ponwith

Dr. Marcel Reichert
Leann Bosarge
Frank Helies

Other Participants Attached

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, March 7, 2016, and was called to order at 1:30 o'clock p.m. by Chairman Colonel Chisolm Frampton.

COLONEL FRAMPTON: Good afternoon and welcome, all, to the South Atlantic Fishery Management Council Law Enforcement Advisory Panel meeting. I call this meeting to order, and does everybody have a copy of the agenda? Are there any revisions or changes to the agenda that anybody would like to make? I do understand that we may have to jockey the agenda a little bit with some presentations. We'll see how that goes. Has anybody got any issues with that? All right, so approval of the agenda.

Let's start through this and we'll get started, but we'll start over here. One thing is I want to welcome Bruce Buckson back to the advisory panel. Bruce, I'm glad to see you here. You were sort of like my mentor here a long time ago, and so welcome back, and I know you bring lots of experience and knowledge and good things to the table. We're glad to see you and glad to have you back as part of the panel. If we can start with you and we'll go around the room, and we've got two new faces or three new faces, and then everybody will know who each other are.

MR. BUCKSON: Good afternoon. I'm Bruce Buckson. I'm officially retired from all service at this point, but I'm very anxious to be able to participate in this LEAP once again. It's been several years since I've been a part of this, and I'm happy to be able to be here today, and I think Chisolm was very politely just saying he's an old guy. Anyway, thanks.

LTJG PREY: Good afternoon. Lieutenant Junior Grade Tara Prey. I work at District 7 in Miami, Florida, and so I serve as the representative for the District 7 Admiral, and I'm on the South Atlantic, Caribbean, and Gulf Councils.

LT. MASTRIANNI: Lieutenant Mike Mastrianni, U.S. Coast Guard. I serve as the Training Coordinator for the South Atlantic and Caribbean Regions for the United States Coast Guard.

MR. MAXEY: Nickey Maxey, South Carolina, also a member of the South Carolina DNR Law Enforcement Advisory Panel.

COLONEL FRAMPTON: Chisolm Frampton, and I'm the Colonel from the South Carolina Department of Natural Resources, and I've been the Chair of this committee for a while.

CAPTAIN SHUSTER: Rama Shuster, marine law administrator and law enforcement captain from Florida. This will be, most likely, my last meeting in official capacity. I have taken a lateral back in the field. I may stay involved through the next meeting or so with a mentee, but this will be my last official meeting.

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

MR. CARSON: Mark Carson, Georgia Department of Natural Resources, Law Enforcement Division. I am filling in for Bob Lynn.

COLONEL FRAMPTON: Great. Thank you. Welcome, all. Myra, do we need approval of the minutes? Has everybody gotten a copy of our last meeting's minutes? Any additions, deletions, or changes to those minutes? The minutes are approved. Now we will have our first presentation.

MS. BROUWER: What I was going to do is walk everybody through what the council has been up to and which amendments to their various FMPs are under development or have been recently implemented, and make sure everybody is aware. Brian is going to start us off talking about Regulatory Amendment 16 and Amendment 33 to the Snapper Grouper Plan. Then I will just give you a brief walk-through of that and see if anybody has any questions, and so we'll get started with that.

DR. CHEUVRONT: Just a quick update on Regulatory Amendment 16. That was sent to SERO for approval by the Secretary of Commerce on Friday, and so we just literally got it in. What that amendment does is allows black sea bass pot endorsement holders to be able to fish during what had been the closed season, from November 1 through April 30, but it also -- The reason why it had been closed was due to potential interactions with North Atlantic right whales.

What the council was able to work out was a way to keep the pot fishermen away from, depending on where you are, 97 to 99 percent of all North Atlantic right whale sightings during that period, and so they're having to fish a little further out than that, but it's still those thirty-two guys with a thirty-five pot maximum limit. A lot of the fishing in the northern areas, South Carolina and North Carolina, they're not going to be able to do much fishing in that January through March timeframe especially, which is when most of the whales are around, because the weather doesn't allow it, but that's a pretty lucrative fishery for a lot of those guys in November and December.

When they could fish in closer to shore, it was also in some of the winter months, but this was the compromise that the council reached, as a way to try to keep the whales safe and protected and allow these guys to get back on the water some. There was a lot of negotiation, and it went back and forth for a couple of years to get this thing through, but, for those pot fishermen who were involved in the process, I think everybody walked away thinking that this is a pretty good compromise.

Nobody got everything, absolutely everything, they wanted, but I think that they've been able to make this work. I don't even have, off the top of my head, all the individual details of how this works, because it's based on the different time/area closures, based on the sightings of the whales, but it's based mostly on depth areas that determines what the closure is going to be. There's that. Are there any questions on that one?

Then Snapper Grouper Amendment 33 and Dolphin Wahoo Amendment 7, we had a lot of discussion here about this. In general, the Law Enforcement AP was not real excited about this amendment, to put it kind of mildly. This was the amendment that allows folks to bring fillets of dolphin and wahoo and snapper grouper species from fish that were caught in the Bahamas back into the U.S. EEZ.

Those regulations went into effect on February 22 of this year, and you have, in your briefing book, you have an Attachment Number 2 that is what Myra has up there right now, and I just want to go over this with you real quickly and just remind you of what's in it and a couple of things that

might be some sticking points in terms of compliance with some of these regulations with fishermen that you all might want to be aware of.

Then, at some point, this AP probably ought to have a discussion of how is this all going to be enforced and what can be done, and so let me just give you a quick run-down, and this does not follow exactly the way the actions went. It is all the same information, but it doesn't follow the way it is in the amendment. I just tried to make it into bullet points of things that would be helpful.

Even this, I wrote this with the idea of if you need to pass this on to other people who may be involved in the enforcement of some of this, this is, in bullet statement, all the different things that are regulations that need to be followed when you find somebody who has got fillets onboard, presumably from the Bahamas.

One of the first things is that dolphin, wahoo, and snapper grouper species brought into the U.S. EEZ from the Bahamas, they have to have the skin intact on the entire fillet to aid in species identification.

One of the things that I think there's going to be some enforcement issues with is two fillets, regardless of the size of the fillet, is going to count towards one fish towards the bag limit for snapper grouper and dolphin wahoo, and that largely was done to aid law enforcement, in terms of being able to count fish. There's really no good way to weigh fish when you're out at sea, and a lot of times what folks do is they will put them in zip-lock bags or freezer vacuum-seal stuff they might take onboard.

What I expect is that a lot of the folks who will be bringing back, especially dolphin, large dolphin, if they cut that fish into multiple fillets -- If you cut one long dolphin into ten fillets, that counts as five of your fish, if you're carrying fillets, and so folks are going to be pretty unhappy about that, when they discover that, but that's in the regulations. They could take each of those fillets, and if they want to fold it up however they want to and freeze it that way, that's okay. They can do that, but as soon as they starting cutting it individual fillets, two of those fillets counts as one fish, regardless of how many fish they came from.

One of the things that we're telling fishermen when they talk to us about this is that the bottom line is when you're in the Bahamas, you follow the Bahamian regulations. As soon as you cross into the EEZ, it doesn't matter what you did in the Bahamas. You've got to follow the U.S. regulations. If it's legal in the Bahamas, but not in the United States -- If you bring it into the U.S. EEZ, if you're in violation. That's the bottom line.

I just reiterated what the possession limits were for dolphin and wahoo, and one of the things that could trip up some people is you can get ten dolphin per person or sixty per vessel or two wahoo per person per day. One of the things that could occur is sometimes people will take their vessels over to the Bahamas and fish over there and not all of the fishermen will be on the vessel coming back. They're either staying in the Bahamas or they're flying back, and so it's the possession for the number of people on the vessel when they're in the U.S. EEZ.

If there's two guys on the boat coming back, they can have four wahoo. Even though there may have been six guys fishing on the boat, they can only bring back based on the number of people on the vessel.

Everybody on the vessel has to have stamped and dated passports to prove that they are returning from the Bahamas. Sometimes the Bahamas has been known to be pretty lax about that. If you're just going over and fishing, even if you're not stopping in a port somewhere, if you're bringing fillets back, you've got to make the effort to stop in and get your passports stamped and dated. The vessel has to have valid current Bahamian cruising and fishing permits onboard, and those are two separate permits that you get when you go over to the Bahamas. They can get those permits that will last for an entire season, and so it doesn't have to be something that they just got on that trip, but they just have to be valid during that period of that trip.

Once the vessel is in the U.S. EEZ, it may not stop for any reason. It has to be in continuous transit through the U.S. EEZ on its way back to a U.S. port. If they have stopped -- Now, I'm sure if there's a vessel problem, a breakdown or something like that, that's obviously at the discretion of whoever is stopping them, but, by and large, that vessel needs to be moving constantly.

The gear also has to be appropriately stowed. Some of these boats, when you say "stowed", there is no place to put it underneath the deck, and so what has to happen here is that they must remove all terminal gear, that means any hooks, any sinkers. Anything that's on the end of the line must be removed by the time they are in the U.S. EEZ. Just putting that hook on the eye and laying the rods down on the deck, that's not appropriately stowed. The hooks and the weights have to be removed.

Of course, just as reminders, recreationally-caught dolphin and wahoo snapper grouper species from the Bahamas cannot be sold or purchased in the United States, and any recreational fisherman coming from the Bahamas with fillets are not exempt from any U.S. federal fishing regulations, such as fishing seasons or recreational bag limits or sizes or prohibited species, such as Nassau grouper. That's sort of a reiteration of the statement above about it may be legal in the Bahamas, but as soon as you get into the U.S., you're dealing with U.S. closed seasons, prohibited species.

I know one of the problems that I've heard from talking with Jessica McCawley is they're concerned about people bringing Nassau grouper back from the Bahamas, and that is strictly prohibited. That's a prohibited species in the EEZ. That's basically all the regulations that went into that amendment, kind of in a nutshell here, on this one page. Free free to hand this out to folks if you think that will be helpful for enforcement.

The State of Florida is working right now on getting concurrent regulations with the ones that were passed in this amendment, and we're not there yet. We're expecting it to happen, we hope, by the end of the summer, at least I think from our last discussion with Jessica McCawley. At that point, once everybody is onboard with the same regulations, the plan is that our outreach people and the State of Florida Wildlife Commission outreach folks are going to work up some kind of an outreach program to target fishermen, primarily in southeast Florida, about these changes in regulations, so that they understand.

What we don't know at this point is -- Like I said, it's only been two weeks, roughly, that these have been in effect, and so I'm guessing there probably hasn't been much interaction with this, but I do know that there have been some fillet violations in the last year or so, and we've had some folks who were pretty upset when they got pretty hefty tickets for bringing back fillets illegally, and so this was something that the State of Florida really wanted, and that's kind of how we ended up where we are here.

What we would like for the LEAP to start doing at some point is working up how is this going to be enforced, if the state and the federal folks start talking together and figuring out what's the practicalities of making this happen. Does anybody have any questions about the amendment?

MS. RAINE: I don't have a question, but just a comment that if someone is coming back from the Bahamas and they're in violation of Bahamian law, they could also be in violation of the --

DR. CHEUVRONT: The Lacey Act.

MS. RAINE: That's something to keep in mind as well.

DR. CHEUVRONT: That's actually addressed in the amendment. We do talk about Lacey Act violations. We put in the comments there about the guidelines are even when you're in the Bahamas that you have obey regulations. Then when you get into the U.S. EEZ, you've got to obey U.S. regulations. I used to try to tell people to keep on the good side of everybody. Whatever is the most restrictive been the two countries, that's what you should do, but if you're in the Bahamas and you catch a Nassau grouper, feel free to eat that sucker before you come back into the U.S. EEZ, but don't come back with it. That's kind of really the bottom line.

COLONEL FRAMPTON: So you can't fish your way back from the Bahamas.

DR. CHEUVRONT: You cannot. You cannot stop and fish the weed line, and that's if you have fillets onboard. You can if you don't have fillets onboard. If you come back -- Say a lot of guys don't want to bring a whole dolphin back, because those are pretty big fish, but if they're willing to do that, then they can come back and fish the weed line and then they have to abide by the U.S. possession limit, which is ten fish per person on the vessel, up to a sixty-fish maximum.

One of the things is that they need to be careful that they could have up to eighteen wahoo onboard from the Bahamas. Their regulations allow up to eighteen wahoo, and this is going to probably catch some people when they're coming back, is that it's two fish per person on the vessel, and so they had better be eating a lot of wahoo or something like that.

I've talked to some of the fishermen, particularly -- I think they said it's September and October that they can actually have trips where they're catching just wahoo when they go over there, and so that might be a time that some of these guys would find themselves in trouble. Our goal is to try to educate folks as much as possible, as soon as we get the concurrent regulations in place.

COLONEL FRAMPTON: I think that's probably the most interesting topic, and I really believe that's probably the topic that law enforcement can do the most good at, which is outreach, and explaining to folks that -- In South Carolina, we don't have a lot of boats that make a straight shot from South Carolina to Walkers Cay in the Bahamas, but we do have a few boats that do that, but our outreach efforts there -- Rama, I'm not speaking for you, but I think that's where our outreach hours and our JEAs can be helpful, in putting this out.

DR. CHEUVRONT: Yes, and I think that's why this one-page sheet -- I specifically did it at a one-page thing, so you can hand it out to whoever you think needs to see this, whether it's officers or you want to give something to the public.

COLONEL FRAMPTON: I think I'm all about it, but I think internally in this group that we need to figure out -- We all know how people are going to bend the rule and bend the law and try to find that loophole in the law of these fillets and bagging it. My question is if they take a dolphin and they fillet it and then they start cutting it and putting it in one big freezer bag all sealed, are we going to say that's one fillet, or are we going to say that's your whole fish? Their argument is going to be, well, I cut it into four pieces, but it's all in one bag.

MS. RAINE: I would say though the regulations seem to be pretty clear that two fillets equal one fish, regardless of size.

DR. CHEUVRONT: Right. It does say that very, very specifically.

CAPTAIN SHUSTER: I've had the privilege of working 100 percent marine fisheries for just shy of the last year, and I've learned a lot about outreach from them, compared to the outreach we were doing in law enforcement before. I thought I had law enforcement outreach nailed, but I found that I didn't.

Going back to outreach, which I think is the answer to almost all of these questions, this needs to be a very joint effort with marine fisheries management and the councils and states in this. I'm glad you brought up the transient or visiting boats. We are the launching site for much of the country, and so we appreciate the council's support and the Law Enforcement Advisory Panel's support in getting this passed, because it does benefit everyone.

Back to these things. We've got it here. It could use some polishing on a few things. We're talking about cutting up fillets, and the rule is very clear. I think through outreach and, potentially even some more workshops in the form of outreach -- In attending meetings, we can work together with the fishing community to come up with solutions to some of these things. What do we do now? What has become the norm when you go into Whole Foods or Fresh Market? We're not carrying paper bags anymore, right? We have changed our bags, and so, working with industry, we could make suggestions and recommendations. If you're going to be one of these groups that are going over there and targeting these big fish and you want to bring them back, we can possibly come up with some other type of bag that will hold them.

In the event, over time, that's an option, and we can look at many other things, but the rule is very clear right now that two fillets equals a fish, but I think how it's messaged and actually getting in the communities and not just waiting for the opportunity for a vessel stop and then telling them or something like that, but we've got to get way out in front.

Our marine fisheries management folks are in the process already. We're working on some fish identification keys, and, again, away from that air-brushed photo of what it looks like underwater and using an aquarium facility, but what it looks like, a piece of a fillet, after it's been laying in the cooler. We're learning to focus on other key indicators, such as lateral lines and the shaded mottling of the skin and things of that nature.

COLONEL FRAMPTON: I think that's very true, and that's something we might could go back to SRFTC and ask them if they can build that into some of their training as they have people from across the country, or at least from the Southeast, in there, these fillet IDs. It's not going to be that big of an issue for us, but for you guys. We will see it, but we're not going to see a bunch of it.

AP MEMBER: It's easy for SRFTC. We can do that. We don't currently have any I would say good picture or identification keys for fillets, just because the pictures that we have, it's difficult for us to say use this as a key with these morphological characteristics on this fillet and you will definitely will be able to identify that that is a dolphin wahoo or something like that.

Obviously dolphin wahoo is going to be a little bit easier to identify the fillets. With smaller snapper grouper species -- They're available between the Bahamas and Florida and the EEZ, part of the EEZ, off of Florida. We do that a little bit. When the Coast Guard person comes to our class, we do take them to a fish house. That is part of their training and qualification, is they have to be able to identify fish on ice.

We do have some local DNR, and once a while we do offer it, if we have it available, and NOAA Enforcement officers come -- We do try to do that a little bit, with this now in place. If something that exists that I don't know about and somebody wants to send me some type of identification key for fillets, I can definitely look at that and try to incorporate it, or we can try to build something.

COLONEL FRAMPTON: I don't have an official key to send you, but we put together a fish ID book on our own, trying to address what you said, which was what's the fish look like dead on the dock, versus not lit up in the water, to try to help folks get that under them, but maybe something like that, if we go through some of this. This could be hard to identify a fillet when it's frozen in a chunk.

You can take a fillet and cut it and not cut through the skin and stack it and put it all in a bag. Good luck identifying that, but it's one fillet, and that's going to be a challenge for law enforcement, when it's a frozen chunk and they say, well, that's one fillet. It's all still intact and I haven't cut the skin, but I folded it back six times and it's this tall.

DR. CHEUVRONT: Right. A two-foot dolphin fillet all folded up.

COLONEL FRAMPTON: All folded up in one big ice block is going to be tough to ID.

MS. RAINE: The issue of fillets is broad, and identification of fillets is really broad, but just this issue, we've got -- In the Gulf of Mexico, their regulation prohibits any fillets, and, of course, in the South Atlantic, it's only certain species, and so that also is an issue as far as law enforcement, and this is a variation on that issue, we'll say, a variation on the theme, and sometimes, or often it's going to be the case, where something more than just officer observation is going to --

AP MEMBER: If you're in the Bahamas, then you're allowed two fish of one species and then you fillet those fish and there will be twenty fillets, but if you bring them into the U.S., is it the U.S. catch limit that applies, or is it the Bahamas?

DR. CHEUVRONT: U.S. catch limit.

AP MEMBER: That's what I thought.

DR. CHEUVRONT: Actually, in the Bahamian regulations, they allow fillets in the Bahamas, and their regulations are by pounds. You can have so many pounds of demersal species, and don't quote me exactly on this, because I'm speaking from memory and it's been a year since I've

worked on this document actively, but I think it's sixty pounds of demersal species, which includes all the snapper grouper things, that you can have on your vessel in the Bahamas.

They don't limit you by what species. You catch whatever you want. They basically don't have size limits, and so this is -- What you get in the Bahamas, you can bring back, and if they allow you, for example -- I don't know, because I don't know all the species that you can get over there, but let's say -- I don't know why you would want to get something like b-liners or something over there, but let's say you did. You would have to abide by the U.S. bag limit once you got into the EEZ, even though that was all you caught while you were in the Bahamas.

AP MEMBER: If you go over there and you fish it and catch it, you better eat it.

DR. CHEUVRONT: You better eat it if it would be in violation of the --

COLONEL FRAMPTON: Or fly it back.

DR. CHEUVRONT: Don't say that, because you're still in violation if you're flying it back. The regulations still apply, but nobody is going to get stopped doing that. Until just recently, I was fishing every year in Bermuda, and there were things that I could catch in Bermuda that I couldn't catch in the U.S., and so just eat it before you come home. That's just how you do it.

COLONEL FRAMPTON: So you can't even fly it back?

DR. CHEUVRONT: Technically, no, but people could do it and I'm sure get away with it, because how many customs people are going to know fisheries regulations?

AP MEMBER: I have a question. We were talking about the wahoo, and I think I understand it, but like if somebody has -- It says two wahoo per person per day, and so if they leave on a Friday and come back on Saturday, then it's two on Friday and two on Saturday, on their way back? I just want to make sure I'm clear on that.

DR. CHEUVRONT: Technically, I think that is correct. However, in terms of enforcement, usually it's basically a daily limit is what you look at on that, right? Karen, how do you all handle that?

MS. RAINE: With daily trip limits, if it is per day and if they're allowed to be fishing more than one day, there are some fish where if they're out for two days they have to have other documentation onboard. You would have to give me a moment to look that up, but there are some where you have to have documentation, for example if you're a charter boat or a headboat, of passengers receipts of payment for the length of the trip and that type of thing. I don't know if that's for every situation that you're talking about, but it might be. I just don't know. I will have to look real quick.

AP MEMBER: I didn't know of a real specific way -- I guess if you have your passport stamped on a Friday and --

COLONEL FRAMPTON: My question is suppose you go to the islands for Christmas and you're there for a month and you have people coming in and out and your cruising permit says you arrived

on December 20 and you're not coming back until after the new year. How are we going to figure all that out?

AP MEMBER: It's still sixty per vessel maximum.

COLONEL FRAMPTON: I realize that, and we can look at it and say it's how many people are on the boat at the moment. There's not a lot of room for discretion, if you ask me, in some of this, and especially if you fly it back. It could get messy quickly, because the same thing goes on with lobster, people flying lobster back.

I don't think most people go -- Rama, you would have to answer this one, but when I lived in that world and we went to the Bahamas, we went for weeks on end. We didn't go over to the Bahamas for the weekend. Fuel was too much. We went and stayed for a period of time and were in and out and in and out and in and out.

CAPTAIN SHUSTER: You have to keep in mind this particular constituent group that fishes these tournaments quickly frequently. Today's boats -- Sometimes these are day trips. I mean you can run over and fish for the day and be back home and your boat cleaned before the sun goes down. While that still exists, and, again, a reminder for you guys, it's forty-seven miles, I believe, at its closest point. People are running jet-skis and people are running thirteen-foot whalers across. This is not just like somebody setting a record. These are routine things, and so we're not talking about the other side of the world.

Chisholm is absolutely right there is still the vacationing portion of those which will rent a cottage for a month or something like that, or a week, and then so we look at all perspectives of this, but the day trip or the one-day tournament situation is still very likely.

MS. RAINE: As far as the possession limit, and this is under the South Atlantic, the bag and possession limits, 50 CFR 622.187(c), possession limits, and, again, this is snapper grouper. Provided each passenger is issued and has in their possession a receipt issued on behalf of the vessel that verifies the duration of the trip, a person aboard a charter vessel or headboat on a trip that spans more than twenty-four hours may possess no more than two daily bag limits of species, other than red porgy. A person aboard a headboat on a trip that spans more than forty-eight hours, and who can document that fishing was conducted on at least three days, may possess no more than three daily bag limits of species, other than red porgy. Red porgy has its own provision that a person aboard a vessel may not possess red porgy in or from the EEZ in excess of three per day or three per trip, whichever is more restrictive.

COLONEL FRAMPTON: But that's for charter/headboats. That's not for recreational vessels.

MS. RAINE: That's right, and when you get to dolphin wahoo, there is not a provision that talks about when you've been out more than one day, and so it appears to be a daily bag limit. At least I'm not seeing it. I stand to be corrected, if necessary.

MR. BELL: I remember all of this was related to trying to figure out how to make this work, but I don't recall about a discussion about how to count the days and what makes the clock start and what makes the clock stop, and then it would be days or times or whatever, but it sounds --

COLONEL FRAMPTON: But you're saying a pretty important thing, because it's per person per day, and so now we've got to put the two together.

MR. BELL: Yes, and where do the days come from.

COLONEL FRAMPTON: If we're going to enforce it, who was here on that day? How many people were here on that day that fished?

AP MEMBER: I think you still have to count the people onboard when the vessel is stopped. If you exceed the bag limit --

COLONEL FRAMPTON: Of the two people onboard bringing the boat back --

AP MEMBER: If there were two people onboard for two days, then -- It's determined how many days, is where I think --

MS. RAINE: As far as what a day is, down in the 622 regulations, 622.11 is bag and possession limits, general applicability. In (a)(1), the bag and possession limits apply for species or species groups in or from the EEZ. Unless specified otherwise, bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Unless specified otherwise, a person is limited to a single bag limit for a trip lasting than one calendar day. Unless specified otherwise, possession limits apply to a person on a trip after the first twenty-four hours of that trip. The bag and possession limits apply to a person who fishes in the EEZ in any manner, except a person aboard a vessel in the EEZ that has onboard the commercial vessel permit required under this part for the appropriate species or species group. The possession of a commercial vessel permit notwithstanding, the bag and possession limits apply when the vessel is operating as a charter vessel or headboat. A person who fishes in the EEZ may not combine bag limits specified in subparts B through V of this part with a bag or possession limit applicable to state waters. A species or species group subject to a bag limit specified in subparts B through V of this part taken in the EEZ by a person subject to the bag limits may not be transferred at sea, regardless of where such transfer takes place, and such fish may not be transferred in the EEZ. The operator of a vessel that fishes in the EEZ is responsible for ensuring that the bag and possession limits specified in subparts B through V of this part are not exceeded. I believe that we're talking about a calendar and that would start at 12:00 and then go the following day, if we're talking about a calendar day.

COLONEL FRAMPTON: Isn't that written in regards to a charter/headboat that goes out for an overnight trip?

MS. RAINE: This is a general applicability, and they're talking about you can only have bag limit, unless there are regulations that specify otherwise. In snapper grouper for the South Atlantic, you do have regulations that allow for certain species to have two bag limits if you have the proper documentation. They don't talk about private recreational vessels, however, and so people need to look at exactly what is provided.

CAPTAIN SHUSTER: You are correct, and there's no loophole in that that we're aware of, and you can get down facilities for each member. Then when you start getting into the timeframes on the Coast Guard requirements side, you would have to have two licensed captains onboard, due to the duration of it. You get this situation outside of --

COLONEL FRAMPTON: I get that it's a much easier situation on a day trip. It's going and coming.

MS. RAINE: I will just point out that, again in 622 regulations, trip is defined. This would be at 622.2 that trip is defined. Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp. You can have several trips within one day, but you can only have one bag limit for that day, unless otherwise provided.

MR. BELL: Rama, we know we need to take the number of people onboard times some figure for day, however we're going to mention that, but then what would -- If it's not all just day trips, what do you think you're going to see, average-wise, or -- Again, if they're cutting some of these fish up into smaller pieces -- If it was just like two days max or three days max, would that work, do you think, if they intend to have more fillets than two times or three times the number of people?

CAPTAIN SHUSTER: Two things here. I would really love to pull up the rule language as a group here today. That could be very helpful. I think, and I'm not 100 percent sure, but I think we might be jumping off just a little bit to the left or the right of the rule language. I will just have to look at it again there. Do we have the accessibility to pull that up on the screen?

Then the other thing is this is a great opportunity to work together on some potential problems, getting a bunch of minds together, but please keep in mind that we've been bringing filleted snapper grouper back from the Bahamas for quite a while with no skin on them. We actually have more now that what we did in the past, and, so just while we're problem-solving, just keep that in mind.

It is my understanding, and also I believe the intent of this rule, is we are setting a fixed limit as part of the design of this rule. Whether you're there one day or six weeks, you're still only allowed to bring the same fixed quantity back, and that's why we're discussing it here, to see if we can read that together up there, because I think our conversation about it at this meeting, complicated with multiple days and stuff, I think we may need -- I don't think that's an issue. I think, by design, it's pretty simple.

MS. RAINE: If you're talking about private recreational boats and not the charter/headboats, because the charter/headboats have -- If you look at 622.11, the general provision of the bag and possession limits, it's where the bag limits apply to a person on a daily basis. Then when you go to the specific species, it might just have a -- Unless the regulation somewhere specifies something different specifically for that group.

COLONEL FRAMPTON: I think, from the Law Enforcement Advisory Panel, and you all certainly correct me if I'm wrong, we should go back and reiterate what Rama said and what I've mentioned about outreach and education to our fishermen, to the industry, to the council, as well as state agencies. They should work with each other collaboratively to push out what these new rules are.

I mean they are very specific and black and white. I think we've talked enough about it today to realize that we could get into some loopholes or some difficult situations, but you guys have been doing it with other fish coming back from the Bahamas, and so hopefully you've got the expertise

already in place to figure that out, but I think it would be the voice of this panel that we work with outreach and our groups and agencies to push this out, to collectively do outreach through our JEAs or through our agencies to get the word out in how we do this, since it's there and it's in place and we're not going to change it. We're going to have to figure out how to enforce it and how to do it the right way.

AP MEMBER: I agree with that, and I would second that. I do have a question for the group of what your thoughts are on -- It's not specifically mentioned, but what your thoughts are on spearfishing equipment and stowage. I haven't -- It's about commonsense, but I want to make sure we're all using the same commonsense and discussion. Fishing gear appropriately stowed I believe covers everything in the language, but I don't know that it gets into spearfishing equipment.

COLONEL FRAMPTON: I don't have the South Carolina Title 50 with me, but I believe in South Carolina that stowed gear is below the deck. It's not on deck. I'm assuming there is a definition somewhere of what stowed gear is.

MS. RAINE: Interestingly, I believe that there are a variety of regulations. I know of one, and I think some others here encourage consistent regulations, but sometimes, depending on the fishery, the council has decided to adjust. I am not sure offhand, but there may be some regulations that talk about spear guns, but I don't know offhand. If not, that may be something that should be considered.

CAPTAIN SHUSTER: As this rule developed, we started off very clear that fishing gear would be stowed by a mindset of exactly what Chisholm was mentioning. Somehow, I think we forgot to keep our fishing hat on, because you have a law enforcement hat on and a fishing hat to understand reality, and some of these boats, particularly the guys fishing in the wintertime, a lot of the time it's under very fast, center-console boats. I think they're flying half the way and they're in the water half the way back and forth to the Bahamas.

Some of this fishing gear, \$600 or \$700 or \$1,000 a pop, they don't want it floating and bouncing around in floor holds and various things, and so the safest place for those is -- That's how we ended up back, in this case, just removing terminal gear and being in a safe place.

MS. RAINE: I will note, for snapper grouper, at 622.180, prohibited gear and methods, rebreathers and fixed spearfishing gear in the South Atlantic EEZ, a person using a rebreather may not harvest South Atlantic snapper-grouper with spearfishing gear. The possession of such snapper-grouper while in the water with a rebreather is prima facie evidence that such fish was harvested with spearfishing gear while using a rebreather. I know this is directly out of the regulations --

MR. RAMA: It's mentioned many times in there throughout 622, and none of it talks directly about spearfishing gear.

MS. RAINE: In the Keys, I think there might be something about spear guns, but, again, the council look at all this consistency with regulations would be --

COLONEL FRAMPTON: Is your question -- Can you sort of go back and restate your question and the answer you're looking for, and maybe we can --

AP MEMBER: In my mind, I would think we would apply the same discretionary philosophy towards a spear gun, a custom-made \$1,200 or \$1,300 spear gun, and that we wouldn't want it bouncing around the bottom of the floor hold either, whether it be one that would fit in a rod holder or strapped in an overhead or something like that. It would be safe, or I shouldn't say it would be safe, but it would be legal.

COLONEL FRAMPTON: Some type of definitive way to show that it's legal, but it's not in the realm of being used.

AP MEMBER: Right, and would we consider possibly, as a group, suggesting language, as an alternative, of possibly the bands removed or something like that? Would that be reasonable, or do we even need to do that?

MS. RAINE: I would say it would be helpful to have regulations that are as clear as --

MR. BUCKSON: (The comment is not audible on the recording.)

COLONEL FRAMPTON: If this suits the panel, Myra has graciously offered to get us some material together and send it out to us and we can look at the wording and the crafting of it and maybe come back and see how we want to craft that, how it's said, so that it works for everyone.

MS. BROUWER: I can go online and look around, but if you send me suggestions of where to look, I can just put some stuff together. Then, rather than getting into the wordsmithing in here, we could maybe do some wordsmithing via email and then when we meet again, maybe later this year or maybe not until next spring, but maybe a recommendation from the LEAP that we could take to NOAA GC that could be incorporated into the rulemaking. Does that sound doable?

MS. RAINE: I think that's great, but I would suggest the sooner the better. I don't know where the council is in developing regulations or where this might fit in, but --

MS. BROUWER: I don't know that this sort of thing would have to be done through the regular council process, and so I think it would be useful to get Monica, perhaps, to weigh in on it and see how this -- I think we wouldn't have to go through the whole amendment process to define what "appropriately stowed" means for spearfishing gear. I think it would be an easier thing to accomplish.

AP MEMBER: (The comment is not audible on the recording.)

MR. BUCKSON: Just one quick question, for Rama, I guess. Is Florida still working on these regulations? If so, maybe we could deal with these questions before Florida gets all the way through it.

CAPTAIN SHUSTER: Thank you for bringing that up. The rule is in draft form. It will be presented, I believe, in April. Then it will have to go back for final approval after that, and so it will definitely be summer before we have an approved rule.

COLONEL FRAMPTON: Any other comments or suggestions on that? We will try to expedite getting the stuff out. We will do the best we can on that.

AP MEMBER: This is really a question I guess for Karen or everybody, but by allowing this transit, is it worded in the way that the bag limits are not applicable or that the -- The way I was reading the rule, I thought we may have had something where the sale of recreationally-caught species under the bag limit -- That we may have created a loophole, and is there anything from that angle that you've looked at, that you can think of?

MS. RAINE: I thought it said that these fish cannot be sold.

MR. BUCKSON: (The comment is not audible on the recording.)

COLONEL FRAMPTON: Can you read that again, please, Bruce?

MR. BUCKSON: It's Paragraph (b) of 622.279 (b), dolphin and wahoo possessed pursuant to the bag and possession limits specified in 622.277, the dolphin wahoo may not be sold or purchased.

MS. RAINE: 622.192 (a), a South Atlantic snapper grouper harvested or possessed in the EEZ onboard a vessel that does not have a valid commercial permit for South Atlantic snapper grouper for snapper grouper harvested in the EEZ and possessed under the bag limit specified in 622.187(b) may not be sold or purchased. Then it goes, and I'm trying to find -- Even fish from the Bahamas, they would fall under South Atlantic snapper grouper if it's a snapper grouper harvested in the EEZ and possessed under the bag limit, it may not be sold or purchased.

MR. BUCKSON: 622.192 says snapper grouper possessed pursuant to the bag limit specified may not be sold or purchased.

MS. RAINE: Right.

COLONEL FRAMPTON: Isn't this a topic we're going to get into on the agenda somewhere else, for what Mel and them are working on now with the sale of recreationally-caught fish?

MS. BROUWER: Not today's agenda, no.

COLONEL FRAMPTON: Not today's agenda, okay.

AP MEMBER: I can work on defining the question a little better and trying to think like an attorney.

COLONEL FRAMPTON: We have an attorney, and so we can stop that process,

AP MEMBER: That we thought up and said, wow, did we create something that could be used by the feds by basically creating an exemption from the rules that could be used in another place.

MS. RAINE: I am going to talk to Monica about this issue.

COLONEL FRAMPTON: Any more discussion on that? If not, why don't we take a five-minute break and come back, and Myra and I will work on the agenda and what we're going to do next. A ten-minute break.

MS. RAINE: Is Brian coming back? He had mentioned that you wouldn't be able to fly the fish back from the Bahamas and that you would be in violation. I don't believe that's correct, and I checked with Monica really quickly as well. I think if you're in the Bahamas and you fly the fish back over, then it's not in the EEZ. However, if those fish are in violation of Bahamian law or if they're flown into Florida, for example, you might have a problem as well. I don't know, but as far as being in violation of these particular regulations, because they limit from the EEZ, I don't think they're in violation.

COLONEL FRAMPTON: Thank you. Myra, it's all yours.

MS. BROUWER: Okay, and so just a quick overview, and if you want more details, I will be happy to elaborate a little bit more on each of these amendments, depending on what I remember today. Snapper Grouper Amendment 34, this one was also an amendment, Amendment 8, to the Dolphin Wahoo FMP. This is the amendment that basically made all the accountability measures consistent for the snapper grouper species.

Recall that when the requirement for ACLs and AMs came into place that all the councils were kind of scrambling to put all those requirements in place, and so some of our accountability measures were a little bit disjointed, and this amendment made sure that everything is pretty consistent across the board, and so that's a really good thing. That one was effective on February 22 of this year.

Snapper Grouper Amendment 35 removes four species from the Snapper Grouper FMP: dog snapper, mahogany, black, and schoolmaster. This was something that FWC had requested, and the council considered potentially removing Nassau as well, but Nassau is a threatened or endangered species and so, therefore, it was deemed in need of federal management, and so that one is still in the FMP.

This amendment also clarifies the regulations for golden tilefish and what the endorsement program was supposed to do. We call that a council split. The commercial ACL for that fishery for the longliners, they got 75 percent of it and the hook and liners got 25 percent, but there was a trip limit that was just for hook and line. The longliners are allowed 4,000 pounds and the hook and liners are allowed 500 pounds, but what was happening was some folks figured out to get around the regulation and they were waiting to renew their endorsement. During the time that their endorsement wasn't valid, they were fishing on the hook and line trip limit.

The way the regulations were written, that was technically okay. This amendment clarifies the council's original intent that the 500-pound trip limit be only for the hook and line vessels, and 4,000 pounds for the longliners. That one, we're still waiting. The Notice of Availability just published, and so there's going to still be a proposed rule and all that stuff, and so that's going to be a little while.

Snapper Grouper Amendment 36, you guys are well aware of this one. This is the one that puts in place the spawning SMZs. That amendment is going to be discussed during the Snapper Grouper Committee tomorrow and Wednesday, and the council is scheduled to approve it for submission to the Secretary at this meeting.

That amendment also contains a system management plan for the SMZs, and then there's a separate one for the deepwater MPAs. The intent there is to have a plan that includes an enforcement component, an outreach component, and a research component, to basically evaluate how these area closures are working for management. Tomorrow, Chip is going to walk you through the detailed components of the enforcement bits of those SMZs.

Then there's an amendment that we just started working on for mutton snapper. This is one that we're working on very closely with Florida, because the state wants to have compatible regulations on mutton, and we want to make sure that everything is as Florida would like it to be, and so we had scoping meetings earlier this year. We got lots of comments, and we're going to be talking about it again during the Snapper Grouper Committee.

The intent there is to update the fishing level recommendations for that species. There was a stock assessment that was done recently, and so we need to update the ABC. The ABC actually goes down a little bit, even though the stock assessment said they're in good shape and they're not overfished and they're not undergoing overfishing, but what happened was the model that was utilized for this new stock assessment is better than the one that was used back in 2008, and so it estimated that the adult population was actually smaller than the previous model, and so we're going to have to bring it down just a little bit.

Also, I do know there's been a lot of concern about the level of exploitation during the spawn, and so we're looking at putting in regulations to tone that down. Florida is looking at a vessel limit and having the spawning season be defined. Right now, it's May and June, the way it's spelled out in the regulations, but that was put in place a long time ago, and so the state approached the council and said, hey, we need to figure out exactly when those spawning months are and then see if we need to have more restrictive regulations during those months or maybe year-round regulations. That's what that is about. Any questions on mutton? That one is pretty early on, and so you'll probably get to see again next time you meet.

Hogfish is the other one that we're working on right now, and that one I will be telling you a whole lot more about it in just a little bit. That one is at the public hearing stage. We just had the public hearings in January and February. It's an environmental impact statement and it's under a statutory deadline, because the Florida stock of hogfish was found to be overfished and undergoing overfishing. The council has two years to put in place a rebuilding plan. We have twelve actions in that amendment that I will walk you through.

We just submitted Regulatory Amendment 25 on Friday. This one increases the ABC for blueline tilefish and it changes the fishing year for yellowtail snapper. The idea there is to make it so that if a closure were to happen, because the commercial ACL is met, that it would happen during early summer or late spring, which is the time that the fish are spawning anyway, and it would allow the commercial guys to fish through the winter season, which is when they make the most money.

This one also increases the bag limit for black sea bass, from five to seven, and so this one, like I said, was just submitted to NMFS on Friday, and so six months from now, regulations will be effective. We're not going to see that increase in the black sea bass bag limit for the start of this fishing season, in April.

Dolphin Wahoo 7, we just talked about. Dolphin Wahoo 8, as I said, was joint with accountability, and it just changed the allocations. 90 percent of the dolphin wahoo ACL goes to the recreational sector, and the other 10 percent goes to the commercial. That one just became effective.

Then Dolphin Wahoo Regulatory Amendment 1 was submitted recently. That one puts in a trip limit. This is one that the council approved in December, and so it implements a 4,000-pound commercial trip limit once 75 percent of the commercial ACL is met. No word yet on when that's going to be effective.

Golden crab is another accountability measure thing. That was another one that was included. There is nothing currently going on with coral. Mackerel, the council is getting ready to approve this one at this meeting. It is a joint amendment, of course, with the Gulf Council and it revises allocations. There is a provision to allow bag limit sales of Atlantic king mackerel in the small coastal shark gillnet fishery, and then they were talking about changes in management measures for the Florida East Coast Subzone, but I don't know the details of if that's changed. I know that the Gulf Council had a different preferred than our council, and so that one may still be in flux, and they are scheduled to flesh it out later this week.

We're going to talk some more, either later this afternoon or tomorrow, about the logbook. We're going to talk about the one that is for charter vessels and for headboat, but there's also in the works a commercial logbook amendment that is taking a little bit longer to develop. There was a pilot study that the Science Center was doing. This would implement electronic logbooks for the commercial sector. The Science Center is supposed to be giving us updates on how that pilot program is going.

Then we have Comprehensive Ecosystem-Based Amendment 3, which has been sitting there for a number of years. This is the one that would put in place a bycatch collection method and just spell out the whole protocol for dealing with bycatch. Again, the council receives updates from SERO and the Center. Again, no word on when we're going to finish this one yet.

This is the charter boat amendment, the one that we're going to talk about a little bit more. This one would put in place a required electronic reporting for charter vessels. There is already a required electronic reporting for headboats. It would line up the timing of requirement. It would shorten it, and so it would be a weekly thing. There are some enforcement components in there that I think Gregg was really wanting the LEAP to weigh in on for that one.

There is also a pilot that's being done that the council put in a proposal through -- I forget, but it's jointly with ACCSP, but it's modeled after a program that was put in place in Rhode Island, where they tested a tablet-based software to use for charter vessels up there. It's actually pretty cool. We got funding for that. I don't think it's gotten off the ground yet. We're waiting on the funding. That's what we've been up to, in a nutshell. Do you have any questions?

CAPTAIN SHUSTER: Are we going to talk about the dolphin amendment, in regards to allocation and --

MS. BROUWER: The allocation?

CAPTAIN SHUSTER: That particular amendment.

MS. BROUWER: We are not scheduled to, but if there's anything that you want to bring up, I can certainly mention it to Brian. If there's time, he can come and --

CAPTAIN SHUSTER: We had a stakeholder voice concerns about the messaging for the closing season after he already hauled back his gear and he was loaded down with fish. The season closed, but he couldn't make the dock in time, and it resulted in thousands of pounds of fish being discarded.

MS. BROUWER: I will have to look into that. I do remember that being an issue, and I don't recall whether that was addressed or how, and so I will have to get back to you on that, but I do remember there was some discussion about needing to make that exception for boats that were already out when the closure notice was released. I will check with Brian to see.

What do we have next? Hogfish. This is your attachment that you have in your briefing book. This is the document that I presented to the fishermen back in January. It's similar to what we're going to be using to walk the Snapper Grouper Committee through this amendment. I will point out the differences as we go along.

Basically, there was a stock assessment that was done on hogfish in 2013. The SSC reviewed it in October of 2014. It was found to be appropriate for management. At the same time, there was a study that was being conducted on the genetic structure of the stock, and that study found that hogfish do indeed belong to two genetically-different stocks, and so this amendment would split the hogfish stock into those two components, Georgia through North Carolina, and then East Florida/Florida Keys.

The assessment was found to not be appropriate for managing the stock off of Georgia and the Carolinas, mainly because the data for that part of the world for hogfish are really lacking, and so the SSC did not feel that the assessment was reflective or could be used for management of that stock. Then the status of the Georgia through North Carolina stock of hogfish remains unknown, which means we can't really change things like MSY and all that good stuff.

We do have several actions. Here is a figure of the proposed boundaries that would define where the Gulf of Mexico/West Florida Shelf stock and the Florida/Florida Keys stock split. The preferred currently is that red line that you see there, and this was based on a recommendation from Florida enforcement, because it's a line that is already being used for other regulations, I believe pompano or something, and it just -- I guess, from what I understand, there is not a lot of fishing activity right around that site, and so it would be a good demarcation point between the two stocks.

There were some folks during the public hearings that had dual permits, that have Gulf permits and South Atlantic permits, and for some reason they thought that the jurisdictional boundary was going to work better for them. I'm not quite sure why, but there was only a couple of people that preferred to keep that boundary at the jurisdictional boundary.

I don't know if anybody has any comments. I should say that right now, as we go through this, this is like your opportunity as the LEAP to give the council recommendations on any of these actions. The council is scheduled to approve this amendment for submission in June, and we're going to try to pull that off. Like I said, we're under a statutory deadline, and so if there's anything

that the LEAP would like to recommend as I go through these, then just please stop me and we'll capture it.

CAPTAIN SHUSTER: I can reiterate what Myra said there. The line was put together by quite a bit of law enforcement input, to minimize the number of boundaries for our fishermen, and for law enforcement alike, and so there was a lot of thought that was -- Is that proposal above it the original proposal?

MS. BROUWER: That is the Monroe County/Collier County line.

CAPTAIN SHUSTER: No, above.

MS. BROUWER: This one? I think that is the Collier/Monroe County line. This is the line due west of Cape Sable, and that's the jurisdictional boundary.

CAPTAIN SHUSTER: So it would be between all the kingfish zones and various other things we have there. We thought we were just creating more confusion, and so we support the Florida law enforcement proposed boundary.

LT. MASTRIANNI: I need to say, from the Coast Guard perspective, the way that we currently teach our law enforcement officers is the jurisdictional boundary is where we draw the line in terms of what students come through our course and which units come through our courses. There is a school in Louisiana that teaches Gulf regulations, based on the Gulf Fishery Management Council, and then in Charleston, South Carolina, we teach the South Atlantic and Caribbean Council jurisdictions.

We currently teach our boarding officers or law enforcement officers based off of jurisdictional boundaries, which is the blue line. That would be the easiest way for us to combine our schools and teach our units, the jurisdictional boundaries, as opposed to teach them all the fishery regulations that may change. From a Coast Guard perspective, and feel free to disagree with me, but it's easier for us to use the jurisdictional boundaries.

CAPTAIN SHUSTER: That's very valid, and I agree with that 100 percent. Something to keep in mind with the hogfish stocks is these boundaries don't move around. The Gulf of Mexico will most likely wind up in a situation where they're going to have to take management action, and it will probably end up being -- I am not a biologist by any means, but it will probably end up being a subzone, to where we may see something looking similar to what we have here happen, only from the Gulf of Mexico side. One way or the other, that stock needs to have some protection, from the way it was explained to me, and so we feel this is the best method to do it, through the South Atlantic. I don't know what the other version would look like, because it hasn't happened yet.

MS. BROUWER: In fact, the Gulf Council is working on an amendment that has the same alternatives, and their preferred currently is the same as our council, and so they're onboard with putting that boundary, just for hogfish, at the line due west of Cape Sable.

CAPTAIN SHUSTER: So it would be exactly the same if they do it?

MS. BROUWER: Yes.

LT. MASTRIANNI: If that's the case, that's -- That way, both of our schools are teaching the same regulations.

MS. BROUWER: Action 2 just specifies maximum sustainable yield for both stocks. It remains unknown for Georgia and North Carolina. Then, for Florida, we go with what the model says the MSY needs to be, and so the council just needs to take action to adopt that. There's really nothing more there.

There is an action to specify the MSST, which is the level below which a stock is considered overfished. Again, this is something that comes out of the stock assessment, and so the council has several alternatives here. Their preferred is to specify that threshold at 75 percent of the spawning stock biomass at MSY.

These are these management benchmarks that really don't come into play a whole lot, but that need to be put into place for each of our stocks that has a stock assessment done. This is where we get into more of what fishermen pay attention to. This action would set the ACLs for each of the -- Actually, this is for Georgia and North Carolina. For this stock, the SSC recommended an acceptable biological catch that was based solely on landings.

It is a method that is included in the council's acceptable biological catch control rule, but it's for species that are unassessed, and so the SSC has recommended an ABC. Then the council's preferred is to set the annual catch limit at 95 percent of that ABC.

Here is how the SSC arrived at that level. Their methodology, basically, is to pick the highest landings between 1999 and 2007, which happen to be, I believe, 2006. Then they have a couple of scalars that they adjust it with. One has to do with the risk of overexploitation, and this is where it's based on expert judgment. They have a whole bunch of criteria that they use to come up with this number, and then the council selected a risk scalar based on that level of overexploitation, and that's 0.7. You just multiply all that through, and your ABC for that stock ends up being 35,716 pounds whole weight.

That gets divided into commercial and recreational. One thing the council had requested that we provide for their consideration is to specify the recreational ACL in numbers of fish, as opposed to pounds. Here, what we've done is just used the average weight of a recreationally-caught hogfish in that part of the world and then applied that to the recreational ACL in pounds to come up with the recreational ACL in numbers.

The council's preferred would be 988 fish for the recreational ACL. For the commercial ACL, it would be around 23,000 pounds. This is, again, for Georgia through North Carolina. Here, basically we're just showing -- If you compare these numbers to the average landings over the last ten years, the last five years, there doesn't seem to be any issue. The landings of both commercial and recreational have been below those average landings, and so we think we're doing okay.

However, we did get a lot of -- I shouldn't say a lot, but there were some fishermen that voiced concern about these numbers, and mainly it's because they just don't trust the data. As you know, we have a lot of issues with MRIP, and especially for species like hogfish that are infrequently

encountered in that survey, and that's because these are mostly caught in spearfishing. They are caught with spears, and so it doesn't seem that MRIP is adequately sampling that portion of those landings, and so we have issues with the data, but that's what we have.

This is showing you landings that were used to come up with the allocations. The allocations had to be recalculated, because originally they were for the entire stock, but now that we're splitting the stock into two, we're using landings just for the appropriate geographical area, to come up with what percent should go to the commercial and what percent should go to the recreational. The allocations have changed from what it used to be. Are we good? Stop me as I go if you want to recommend anything.

Action 5 puts in place the rebuilding plan for the Florida stock. The council basically takes the SSC's recommendation and adopts those projections from the stock assessment, and so their preferred is to rebuild that stock in ten years, with a seventy-two-and-a-half percent probability of rebuilding success. Year one, as far as management goes, would be 2017, because that's when we expect the regulations to go into place, the amendment.

What that looks like is these are the acceptable biological catches that you would have during the rebuilding time period. You can see that the ABC is pretty low, and I will show you how that compares with average landings in a minute, but here is the council's preferred. For 2017, the ABC for Florida and the Florida Keys would be 38,000 pounds.

AP MEMBER: What kind of reduction is that?

MS. BROUWER: 75 percent for commercial and 85 percent for recreational. That's just based on average landings. This is what I used to explain to the public that this is what we're looking at and this is where we are. You can see here, in this box, the average landings for commercial were around 13,000 pounds, 14,000 pounds, and we need to go down to about 3,500. That's a lot.

However, in Florida, the majority of hogfish are caught recreationally. I think the allocation ends up being 90 percent recreational and 10 percent commercial, or close to that, but then look at recreational numbers. The average landings have been over 100,000 fish, and this is in numbers of fish, and we need to go down to about 18,000 fish. That's a pretty substantial reduction.

COLONEL FRAMPTON: In your public hearings, what was the public's number one or prioritized alternative to reaching it?

MS. BROUWER: They understood the assessment says these reductions are necessary. We had issues from the folks that fish for hogfish commercially in the Keys, because they do multi-day trips. As you will see when I get to that action, the council is recommending a trip limit, and it's a daily trip limit. They said this is not going to work for us. Of course, they're recommending reductions in the bag limit and all that, and some folks have their own suggestions for that. We will get to that all that.

Again, here, the ACL would be set at 95 percent of the ABC, to be consistent. Here is what this looks like. These numbers, just so you know, may change a little bit. This is just doing it the straight using the average weight to convert, which is an issue when you are considering an increase in the size limit, which is something the council is doing.

If the size limit is going to go up, presumably, your average weight is going to go up, and then you're actually going to be kind of gipping the fishermen if you set your ACL in numbers using that method, and so we had proposed a methodology to correct for that. The Regional Office had their own way to propose to correct for that, and we had a conference call just on Friday with the SSC to get their recommendations, and so we're going to be hearing and hashing it all out during the Snapper Grouper Committee, and so these numbers may change a little bit, but probably not by much. You can see that obviously the reductions are quite substantial.

Then we go through the whole process of establishing the recreational annual catch target, which is the same methodology the council has been using for other assessed species. Currently, the ACTs for snapper grouper are not being used to trigger accountability measures, but they're in place, should the council decide to utilize the targets instead of the ACLs to trigger accountability measures.

They have a preferred each for Georgia/North Carolina and for Florida. That's what these numbers look like. This is for Georgia. We are talking 840 would be the ACT, and compare that to 988 recreational ACL, and that's numbers of fish as well. This is for Florida.

Then we get into all the management measures, and this is when all the fishermen start getting really excited. An increase in the size limit for the Georgia/North Carolina stock to seventeen-inches fork length. Hogfish in that part of the world get to be a lot larger than in Florida, and so another thing to keep in mind, from a biological perspective, is these are -- They're all born female. When they reach a certain size, they change to male. It's a socially-mediated kind of transition.

In Georgia/North Carolina, the length at transition is twenty-four-inches. In Florida, it's sixteen-inches, and so there's a good bit of difference there. There was a fair amount of support from folks that thought that this size limit should be increased. For Florida, they're looking at an increase to fifteen-inches fork length. Currently, the size limit is twelve.

There is also an alternative to do the step-up increase, which some folks favored, but I will show you -- These figures here, the top one is for Georgia/North Carolina and the bottom one is for Florida/Florida Keys. You can see that the fish that are recreationally landed up there are much bigger, and this includes headboat and MRIP, and, mind you, this is numbers of fish.

We have tiny, tiny numbers to work with. Over here, again, the blue is MRIP and the red is the headboat survey. There, you can see everything is sort of around that twelve-inch size limit. The average length of recreationally-caught hogfish in Georgia and the Carolinas is 25.8-inches, and so they're a lot larger up there. In Florida, we're looking at the majority are -- The average is 13.8.

Then we went through this exercise of calculating the percent reduction in harvest. The problem is right now, as I'm showing this to you, it's not all being taken into consideration at the same time. This is the projected reduction in harvest just for the size limit. Then we're going to have a different one for the bag limit. We're going to have a different one for the proposed recreational season, but what does it look like when you put it all together? I don't know yet. We're still trying to work that out. The region is working on a decision tool that would put all these things together and figure out how they would all work in conjunction.

At the preferred fifteen-inch size limit, we are looking at a 61.3 percent reduction in recreational harvest for Florida. That's pretty substantial. Here's the figures for the commercial sector. Again, the hogfish in Georgia and North Carolina are much bigger. Here is for Florida. Here's your average length. This is for the commercial sector, and here's for Florida.

Your percent reductions, of course, for Georgia and North Carolina at the seventeen-inch preferred, you're looking only at a 2 percent reduction in commercial harvest, whereas in Florida, at the preferred size limit, you're looking at a 49.4 percent reduction. Any thoughts? Am I going too fast or are we good?

AP MEMBER: Lot of change.

MS. BROUWER: Lot of change, yes. Then, looking at a trip limit, the preferred right now is 500 pounds for Georgia and North Carolina. There is just a couple of fishermen that are actually landing hogfish commercially in these numbers. North Carolina does have a commercial trip limit. I think you're allowed 100 pounds the first day and then 150 pounds each subsequent day, up to a total of 750 pounds, or something like that.

That is something the council talked about. There were recommendations that they consider that as one of their alternatives, and they decided that just a straight trip limit would be easier, and so 500 pounds is what their current preferred is. The one fisherman that came to the meeting and commented said that he could work with that.

In Florida, however, they are considering a twenty-five-pound commercial trip limit. Based on the average commercial weight of a hogfish in Florida, that equates to eight fish, and so that is something that those folks are not happy about, and this is why they've suggested a multiday trip limit specification, which the council hasn't talked about.

Again, these are people that there's so much switching back and forth. They may just fish for hogfish for a few months of the year and then they switch to something else, but for that little bit of time that they depend on hogfish, this is --

MR. BUCKSON: You said that some of the fishermen in Florida were suggesting a trip limit for more than -- To be able to do more than one trip in a day? Is that what you were trying to tell us?

MS. BROUWER: No, I think they would like -- Sorry if I confused you. They want a daily limit, so that they can have multi-day trips.

CAPTAIN SHUSTER: They go out for a week or two days or three days.

MS. BROUWER: This is a very small number of vessels.

MR. BUCKSON: I'm not sure I've gotten my head wrapped around that, in terms of challenges from the enforcement side for a daily limit.

CAPTAIN SHUSTER: I think we discussed it a little bit in touching on the Bahamian issue, those same things. When the guys go out at 11:59, does that count as your first day and then a few

minutes later you can have the second day? We really have to do a lot of work on that. It sounds like it could cause some concerns for law enforcement.

MR. BUCKSON: (The comment is not audible on the recording.)

MS. BROUWER: Is there something that the LEAP would want the council to consider? Is there a recommendation, or do they need to be more specific or flesh anything else out in the amendment, to make it clearer or easier for enforcement?

CAPTAIN SHUSTER: I really need to go back to our management to speak about that more, but we can safely say that multi-day limits do create some law enforcement concerns.

MR. BUCKSON: I was just trying to think, is there any other species where it's a multi-day limit, or however you described that?

CAPTAIN SHUSTER: In Florida, all I'm aware of is our charter/headboat exemption, which we get calls on it daily, but there's really very few vessels that can carry out all the provisions and actually do that.

MR. BUCKSON: It might be a good idea, but I just can't get my head wrapped around it right now. That's probably because I'm old and I'm used to just trip limits.

CAPTAIN SHUSTER: We may want to make a note on that. Most likely, I would think a large portion of those boats in the Gulf would have VMS on them already, and so you would actually be able to look at when the vessel departs. There may be some validation to multi-day trips that we didn't have in the past. It's worth looking at as this progresses.

MR. BUCKSON: That's probably a good thought, but that probably also needs to be vetted pretty thoroughly, because there's additional costs for different types of monitoring and VMS is not just all of a sudden it works and somebody has got to -- Certainly there's a lot of possibility.

COLONEL FRAMPTON: Does the council have any fiscal impact on what VMS monitoring would cost the fishermen? Have they looked at any of that in this?

MS. BROUWER: There was an amendment, Amendment 30, that eventually just went defunct because there was so much opposition to it, but I believe there were some analyses in there that looked at costs. I could dig that up if you're interested, but they have looked at that, and there was an analysis that was included in that amendment.

Moving on, Action 10 would look at the bag limits, and so the council's preferred currently is to put in a two fish per person per day bag limit for Georgia and the Carolinas and go down to one fish per person per day in Florida. Currently, the bag limit for hogfish in Florida is five fish, and there is no bag limit in federal waters off the rest of the South Atlantic states.

Here is just basically your distribution of catch per person for MRIP and headboat. Here is per vessel and, of course, your reductions, if you went down to the per-vessel limit, would be much bigger. For Georgia and the Carolinas, there is really no reduction in harvest, to speak of. For

Florida, at the one person preferred, it would be a 44 percent reduction in recreational harvest for those folks.

Then the other thing the council is looking at, as far as management to achieve the needed reduction, is establishing a season. This is just for Florida. They talked about maybe doing it for Georgia and the Carolinas, but there really wasn't any need. Those folks over there are more restricted in when they can go out fishing by the weather and the distance they have to cover. Their preferred currently is to make that season last from July through September for Florida hogfish, and here is just to show you the distribution of landings. The red is the average over time, and so the peak is right in that July/August wave.

That's pretty much it. The last action basically just aligns the accountability measures. Since now we're going to split the stock into two, we need to specify accountability measures for each of the two stocks, but basically it's the same thing that's currently on the books for the entire stock. They did add one alternative, back in December, that is less restrictive, because it looks at accountability measures being triggered when the ACL is exceeded two years in a row.

My understanding is that SERO doesn't think that it's a viable alternative, because it's not restrictive enough, especially for a stock that is undergoing overfishing and is overfished, and so they're going to recommend that the council remove it from consideration, and so that leaves the rest of the stuff that's already in place. That's what is in for hogfish. Like I said, June is when the council is supposed to approve it. We will try to make that deadline, and that's it.

COLONEL FRAMPTON: Any comment or concerns or ideas we need to pass on to the council for the hogfish amendment? Okay. Thank you.

AP MEMBER: I just have one quick question. There was no debate or there's no possible alternative for moving that division between the Florida/East Florida group and the Georgia/South Carolina? That's pretty hard and fast and that's going to stay the line?

MS. BROUWER: My understanding is that just happened to fall in the spot where they just didn't have a lot of samples for the genetic study, and so it just made sense to make that boundary right there, but the resolution just wasn't there, and so that's not going to change.

COLONEL FRAMPTON: Any opposition to taking five minutes? Five minutes.

MR. WAUGH: What I would like to say, just first off the bat, is this is a start of the process where we would like to get you all more involved in working with the council in how we ensure that not just what regulations we're putting in are enforceable and then sort of leaving it, which I think has been the traditional role of the Law Enforcement AP, but it's to get you all actively involved in how do we make sure, on an ongoing basis, that our regulations are being enforced?

If there's something we need to do in addition to what's already in place, then let us know, so that -- I hate to say a law enforcement plan, because immediately people think of some document that everybody has to approve and that, but more an approach. What I would like to do is go through and just touch on what we're proposing for charter vessels.

I will do this quickly, because I want to focus in on the enforcement side of it. Then we have a series of presentations that either Bonnie will come in and do or I will walk you through that just talk about what is the compliance that we have now for our headboats, what's the compliance for dealers, and then looking at size and bag limits, and get you all's feedback of is this about the correct level of compliance that we can expect, or are there some species, which we think there are, where obviously we need to do something else, whether it's us helping with outreach or whatever. Feel free to stop and ask questions as we're going through this.

This is our amendment for our for-hire sector, and the council is looking at this to approve all the actions here and then final approval at the June meeting. You all have the full amendment, and any comments you all want to make on this, now would be a great time to make them, because the committee can address them. What we're trying to do with this is to get our charter vessels reporting weekly electronically, just like our headboats are. Again, I'm going to go through this pretty fast.

We're trying to improve the accuracy and timeliness of data. We want to be able to use this to track the recreational annual catch limits more quickly, because, right now, with the MRIP data, we're waiting -- Data are collected by two-month waves and then forty-five days after that wave is when we get the data, but we think, over time, if you get the whole for-hire sector reporting weekly, you can use that to gauge where the entire recreational sector is.

Right now, there are seventy-six headboats that are reporting, and that's the number that there are -- We brought in these charter vessels and you're bringing in about another 2,000 vessels, and so it's not an easy task. There is quite a few vessels, but the approach we're taking is to allow fishermen to report this either through their computers at home or, if they don't have computer access, to a computer in a library, or they can input it real time on the vessel, the full range. We're not requiring that they provide this data get to shore, but we are working with the State of South Carolina and MRIP on a validation process, so that we will be able to verify that data.

In terms of charter vessels, right now, if they are selected, they have to provide fishing records, but none have been selected, and this is the same thing where we were with headboats and we came up with that amendment. What we're proposing is Preferred Alternative 2 here, which is weekly or intervals shorter than a week, if notified.

They will have to provide electronic reports by Tuesday following each week that ends on a Sunday. You fish through a Sunday, and, by that Tuesday, you have to send in your report. That's the same deadline as our commercial dealers now, and Action 2 will change that for the headboats, and so we'll have that data coming in on a Tuesday.

Our preferred sub-alternative is that they report all fish harvested and discarded on all trips, regardless of where harvest is, and that's our current headboat requirement. If they have a federal charter vessel or headboat permit, then we're going to require that they report all fish harvested and discarded, even if they're fishing in state waters on a trip. We looked at daily, but we're giving, just like we did with the headboats, giving authority for the Center to go to daily, if need be, but we're just specifying weekly now.

Again, it's just highlighting, and we really drove this home during the hearings, that if you have a federal permit, charter vessel permit, you're going to have to report all the trips. What I really

want to talk with you all about is delinquent reports. We're adopting what's in place for headboats now. A delinquent report automatically results in a prohibition on harvesting or possessing the applicable species by the permit holder, regardless of any additional notification to the delinquent permit owner and operator by NMFS. We're building in a catastrophic provision and no fishing. If they don't fish, they have to send in a report with the same deadline. They can pre-file those reports ahead of time.

To us, in some of the feedback we've heard, and these are things we want to get clarified from you all, is that since -- Right now, the headboats, for-hire, is open access. If someone doesn't follow the rules and they were to get their permit sanctioned or revoked, they can just go out and buy another permit, and that's being interpreted as the council isn't as serious about the reporting requirements as they are other regulations.

We're addressing that. We're going to put in another control date at this meeting for our for-hire sector, and we're going to start developing a limited entry program for our for-hire sector. That will give us then a permit that if they don't comply that that permit can be sanctioned.

COLONEL FRAMPTON: Backing up a little bit on reporting, what's your sense, from agencies and folks that you've talked to, about -- You know we make ours report monthly. What's the sentiment from fishermen and from agencies about moving reporting up dramatically?

MR. WAUGH: We haven't really gotten a lot of comment on the weekly. There seems to be -- You've got those that don't want to report. They don't like the data, but they don't want to report. We've gotten a lot more concern about the area, which I will get to in a minute, but I haven't had much concern about the weekly.

COLONEL FRAMPTON: This would be all electronic?

MR. WAUGH: Yes.

COLONEL FRAMPTON: If you go to it this way and not currently a manual way of doing it?

MR. WAUGH: Right, this would all be electronic. Again, with these annual catch limits in place, and we're dealing with this with cobia this year. The cobia annual catch limit was exceeded last year, and so now the Regional Administrator has to shorten the season this year, and so we don't know we're over until we're over. If you're getting weekly, then the council could perhaps take some action, or we can build in a provision for the Regional Administrator to take some action, to adjust regulations so you don't have that overage, or as high an overage such that then it really starts affecting the next fishing year.

COLONEL FRAMPTON: Would it be worthwhile to go through the states that are at the table and talk about how we report? We report monthly, and if they don't report, then they get a letter that says you haven't reported and you have so many days to report. Then, at the end of the day, that process goes on for a very short period of time, and then it comes to law enforcement and then we ensure the reporting happens or we write tickets and they're assessed points against their license.

I guess ours is worse than what you really want, because we extend it out, with courtesy, longer than you all would like, but we only make them report once a month. At the end of the day, we have great reporting. We probably only have 3 to 5 percent of the people that don't report. Initially, it was probably 75 percent of the people report and the rest of the folks, when we get a hold of it, they seem to come around to, okay, I will get the reports in.

MR. WAUGH: Yes, and I think that would be a great discussion to have. That's the gist of what we want to come out of this. The only other item is Action 2 in here, and we can come right back to that real quick. Action 2 just changes the timeframe on the headboats, to get them reporting at the same timeline, and the third action was to have the charter vessels report according to these blocks that the headboats are now, and that's exactly what South Carolina does.

Coming back to your question, this is exactly what we would like to talk about. The council is committed to working with the State of South Carolina on the minimum data elements, because you all have an existing logbook program that's been in place for a number of years, and so working with you all on your minimum data elements and working with Highly Migratory Species minimum data elements. The whole intent is that anybody fishing for-hire does one report. Our hope is that will go to the Atlantic Coast Cooperative Statistics Program, where it's a central place, and then each agency can pull the data from there.

Things to be worked out are the timing requirements, because what we've talked about with South Carolina is anybody fishing in federal waters that has a federal permit will need to report weekly, but the rest of your guys can report monthly. That's a little bit of a nuance to work out, but exactly what we wanted to talk about was, okay, if it's weekly and they are told that if you haven't turned in your report that you're not authorized to fish that following week, what are the specific steps that are taken then? Can the system automatically send someone an email on Thursday morning that, hey, we don't have a report from you?

Then if you still don't get in the report, is it the following Monday that you get another email, automatically generated, that says you aren't in compliance and you're not authorized to fish, and, if you're out fishing, you're subject to a fine?

What are the steps that you all would recommend that get put in place to ensure this, because what we don't want to happen is what's going on now with headboats and dealers. At the end of the year, when it comes time for permit renewal, if they haven't filled in their data, they get a letter saying you don't get your permit renewed until we get your data, and so what do they do? They go out and get a six-pack and sit down and make up the data and shoot it in and they get their permit. That's totally unacceptable. That doesn't give us good data, and it doesn't foster compliance.

With that being the sort of way it's done now, what do you all recommend? How is it done in each state, and then can you all give us a consensus recommendation as to how the council should approach it?

CAPTAIN SHUSTER: I think I need you to back up a little bit further and give the council's vision of what you expect enforcement to do. We have a very robust state reporting system commercially, but we can validate it, meaning if a boat caught X number of pounds, our auditor

can go back, whether it's a year from now or two years or two months, and say yes, that boat landed this.

The data, without some accountability, is only as good as the paper that it's written on, and so is it only the enforcement of the permit, if you're not getting that voluntary data, or is there some other accountability piece I'm missing, because I feel like I'm not putting the whole puzzle together here as far as the original --

COLONEL FRAMPTON: Maybe we should do this. Let's go back and, if the states are prepared to do this, and just give a thirty-second bit of how reporting works and eventually does it ever get to law enforcement for us to deal with it? Ours, like I said, they're supposed to report monthly. They have until the 10th day of the following month to report, to have all their data in. If they don't meet that, then a letter is generated to them. They get that letter, which says you have X amount of time to report. If they don't do that, then a delinquent dealer report is sent to us.

CAPTAIN SHUSTER: This is a state program?

COLONEL FRAMPTON: This is a state program. This is how South Carolina reports for charter/headboats, wholesale dealers, for commercial licensing across the board. Then we get a list, broken down by charter fishermen and wholesale dealer, as to what they're delinquent in. It's we haven't got your report, basically. It's not broken down to what's on the report. It's black-and-white. We either have the report or we don't have the report.

By the time it gets to us and we validate with our reporting section that, hey, these are the people on the list and they're delinquent -- If they say they're delinquent, then we go out and write them tickets. We go out and deal with it, and then they're assessed points by South Carolina against their commercial license. When they accrue eighteen points, they're gone. That's, in a nutshell, how South Carolina reports. In a really simple way, that's how we report, but it's on a point system.

I will say that most of the time it doesn't get to that. By the time we get there, they're ready to -- Because they're going to pay then. They're going to pay twice. I don't know how other states do it, but is that kind of helpful to what you're trying to draw out of us?

MR. WAUGH: Yes, it is, and so the 10th day of the following month. Then how long is it until they are contacted after that?

COLONEL FRAMPTON: I think they get another ten days to comply, but they are delinquent after the 10th day of the following month, but we have this long grace period to try to get the data in from them.

MR. WAUGH: Okay. Then eventually law enforcement goes out and talks to them?

COLONEL FRAMPTON: At the end of the day, it gets to law enforcement. We get a delinquent wholesale dealer list and a delinquent charter vessel list, and it tells us they're delinquent for August, and then we go deal with it. Most of the time, if it gets to us, you're going to get some kind of a piece of paper. It may be a written warning, but we track all of that, so we can go back

-- If you're late twice, we've warned you twice. Here's the warnings you've gotten, and you're getting a ticket this time, but that's in a nutshell, how we do it.

From my perspective, and this is my perspective, we give them too much time to report, but I would fear with the weekly reporting that that could get -- That could be tricky. That could be tricky for enforcement, for the communication to be that fast from the reporting to the field to implementation. It could almost be changing faster than you could keep up with it. The way I think about it is where does that leave boots on the ground in the field who are the ones doing enforcement? They're the ones on the boat listening to the guy saying, I reported and I did this and yada, yada, yada. It's a dog-and-pony show for them at that time, because they're trying to call back to whoever reporting is or headquarters and say, do you have this?

I'm not so sure that, and you all correct me if I'm wrong, that doesn't turn into something that has a life of its own that we really can't control at all. For you guys, it would probably be the same thing. You're out there on a cutter and you're doing enforcement, and we do enforcement with you all on cutters.

LT. MASTRIANNI: I would have concerns about specifically, depending on how far we are offshore, how do -- Maybe we call back here, but is there a website? We jump onboard and say, as of 4:20, are they good or are they allowed to fishing right now? It could be a case where every boarding that we do or every vessel that we come across that we're supposed to go to a certain website, because that creates an issue on its own, in terms of who is maintaining that website and how available is it.

If it's not available for all units that don't have internet access, what are they supposed to do? If it's a case of they're in violation, you know they're in violation this week and they shouldn't be out fishing, but they report a landing, can that just be sent right to the Regional Office and have it go from there and either a fine or whatever the appropriate action is, saying we know you landed fish and got money for those fish when you were in violation of your reporting data, and so take the boots on the ground out of it completely?

MS. RAINE: No.

LT. MASTRIANNI: No?

COLONEL FRAMPTON: My question to that is if they're doing federal fisheries, is the violation taking place when they're in federal waters doing it? Is it a violation of federal fisheries that it would be sent to NOAA to deal with, or would it revert back to the state? I'm asking an attorney question. Is the violation taking place when they've gone in federal waters and fished under a permit that has been -- Is the permit being suspended or revoked?

MS. RAINE: No, neither. In order for a permit to be sanctioned, there has to be some sort of due process and opportunity for a hearing. The way the regulations are currently written, they talk about when someone is going to renew a permit that they need to get in all the documentation that the Region requires, and I don't believe it's specifically spelled out in the regulations themselves, but I believe in the renewal of the permit that it's spelled out that you have to have all the reports up-to-date.

It might not be that -- It could be the reporting or it could be some other issue that they have, that if their permit renewal isn't considered complete, my understanding is that the Region will let them know, and if they don't get in the documentation at a certain time, whatever it is, the permit will be considered abandoned. There is not a sanction, as such, but it's considered -- My understanding of the way the regulations are written, it's considered abandoned. When you're talking about --

COLONEL FRAMPTON: How do you get from abandoned to found again? In your system, how do you get from abandoned to being back in good standing?

MS. RAINE: Also, for a lot of permits, there are -- Some permits are open access, and so that's not going to be so much of an issue. Some permits have a time limit on them, and it can vary, as to when they can rejuvenate, I will say, the process. I think with some fisheries it's a year and some it might be sixty-days, and so it depends on the fishery. That's my understanding.

A permit that's considered abandoned, there is no permit sanction. According to the regulations, it's just considered that the person abandoned their renewal. When it gets to a delinquent report automatically results in a prohibition, yes, but that doesn't mean that the permit is sanctioned. That means basically that we need to first prove that the report was delinquent, and then prove that they were fishing when the report was delinquent, and so that's sort of a two-step process.

As far as the permit sanctions, those are a form of -- It would be like the Magnuson Act as far as enforcement actions that you can take against a fishing vessel and its permit. You might be issuing several penalties and/or you might be issuing a permit sanction for cause, because of some violation.

Of course, what we're looking at in our office is the penalty schedule and the penalty guidance, and so not every violation has a permit sanction associated with it, and some violations might not have a permit sanction associated with it until it reaches a certain threshold. There are a variety of things going on.

I will say that some of my concerns about just sort of -- It seems to me what we're talking about is the process and not so much the regulation. I mean you must report within a certain time concerning the process. That isn't necessarily spelled out in the regulations, and you brought up validation. That would be a concern of mine, from how we're going to prosecute or whether there's a case.

Another is how many portals is this information going through, because every time it goes through a different portal, it's not impossible, but that just adds to the paperwork or documentation that needs to be completed, and I guess naively, and certainly ignorantly some time ago, I thought when reports were being turned in that they went directly to the Science Center.

It's only been in the last year-and-a-half or two-years that I've come to understand that they may take quite a journey before they get to the Science Center, and so when you're looking, at least from my perspective, when you're looking at a case and you need to go to each stop along the way and make sure that everything -- That the report was in fact delinquent or that it never was received, and so we're proving a negative in that.

Another issue that comes up for reports that are coming through is what edits have been made to them, because I understand that sometimes there is some amount of editing. For me, looking at a case, in addition to all of the sort of regular law enforcement, boots-on-the-ground types of things that you might be talking about, there also needs to be some sort of investigation. You might not consider that boots-on-the-ground at sea, but it would be boots-on-the-ground on land to try to figure out what happened along the way at these different steps.

COLONEL FRAMPTON: I think either way is supporting the action that boots on the ground take, and, to me, that's the most critical thing, is that our folks know and feel supported when they take an action, that validating documentation or things to make that case are in place behind them.

MS. RAINE: I don't know if this is what you meant by taking boots off the ground and if something comes up delinquent that you just start sending them something, but we have to go back and ensure that each step of the way that the report didn't get caught up somewhere, and they say the more stops it makes -- It's not impossible to do this, but it just becomes more complicated, I would say.

In my perfect world, the reports would go directly from the fishermen or dealer right to the Science Center, and then we know it's date-stamped that that's when it came in. There's not as many steps, but, as I say, I understand now that it does go through a number of steps. It's just the time that it takes to ensure that we know what happened at each point.

MR. BUCKSON: I appreciate the fact that you're asking these questions now, even though I haven't seen you for a long period of time, but it's -- Albert Einstein once said that to cast a law is nothing, but to enforce a law is everything, and so you being here actually exemplifies that. I will say that he was talking about prohibition at the time, but his statement is truly correct. If you don't consider everything ahead of time, then you end up with laws that -- There are some points that have been made I think that are excellent points, and there may be some history we can get, and I don't think Karen would have it, but HMS has a report that's required and there's some enforcement activity that goes with that.

Very little, and this is the point I want to make, is that very little of it actually ever gets to an agent level or an officer level, because it's a reporting issue. The other thing I'm not sure that we might be able to do is to -- We talked about permit sanctions a moment ago, but, before that, we were talking about reporting requirements.

Possibly there's a violation for not reporting, and, separately and distinguishably different, is a violation for a permit sanction. You may be able to address the issue that you're most concerned about, is getting people to report, by simply -- If it leads to a permit sanction, then it goes through the permit sanction process. That may be -- Everything that everyone said about the timing on this really sounds good. I can use my debit card, and before I get back up to the room to check, it's going to be logged in and the people have their money and I can check that online.

This is a little bit different. The thing that's going to be the challenge is timing, to be able to make sure that we are really confident, in sanctioning somebody, whether it's for failure to report or with a permit sanction, based on data that we've never done before, and I don't know how you do a trial system to get to the place where you're making something like that work and still get buy-in to get the data that we're looking for. That's a huge challenge.

MR. WAUGH: We've been doing this now with headboats for -- I think this is maybe the second year, and so that's seventy-six vessels, approximately. That gives us some experience, and the dealers, a lot more dealers, that's been in place for a couple of years now. I think, coming back to Rama's question about what the council wants, we got told we were going to have these annual catch limits, and you're going to have them on commercial and you're going to have them on recreational, and there's got to be accountability measures if you go over that.

It's just like if you go over your limit on your account, bam, you're hit with that overdraft fee. The overdraft fee for cobia this year is the season gets shortened. If cobia were overfished, this year there wouldn't be a recreational season, because they would have to pay back, and so I am convinced that we will get a very high level of compliance by making the public and the affected people aware of why they need to report this data weekly and what's the cost if you don't and we go over, you go over, and what's the cost to you, and so I think we'll get better compliance.

We're sort of in here talking about the hammer, but I think there's a lot of carrots for them too, but you've got to have some enforcement. I don't think it needs to wait until the end of the year for permit sanctions and to be talking about that. I think if they're not reporting that I think having this with a system -- I know you all would like the data to go to the Southeast Fisheries Science Center, but our hope is it will go to the Atlantic Coast Cooperative Statistics Program, which is a coast-wide system, and it's a place that can do all the data management.

They can have it time-stamped and they can do the quality control, and so then the Southeast Fisheries Science Center can pull that data off of the system whenever they want and they will track if a record has been modified. They will have that in there. That's all doable on the data management side.

MS. RAINE: I say that not as a fishery manager, but just the fewer steps as possible, but that's my only point there with respect to what I'm looking at, but not to say that fishery managers might want it to be handled differently, obviously.

CAPTAIN SHUSTER: The reason I asked my question earlier is we separate our --

COLONEL FRAMPTON: Can you tell me that question again?

CAPTAIN SHUSTER: The question about what your vision was and what was the accountability piece of this. I did, as Myra requested, get my ducks in a row and ready to talk about this. As you can see, I don't have anything to talk about and Chisholm has got all this stuff spread all over the table there, and so we separate it much differently, as you know, with wholesale dealer reporting requirements. There is not anything with all of our other charter fishermen. We categorize them as recreational fishermen.

That was my disconnect with the thought process. By going back to boots on the ground, which there's been some excellent points made about communication. Our boats don't have -- I should say not all of our boats have the ability to communicate back to shore when they're offshore. Satellite phones are just expensive things to feed, and that needs to be thought about. Connectivity in other federal permit issues that we deal with, I can't tell you the amount of time that we spend on the satellite phone trying to work, normally with one of our agents, because these are frequently after the offices are closed, and now we're going back to this Monday from 8:00 to 5:00 service

that's provided, and so now we're going back to individual agents and hoping they fill the gap of this 8:00 to 5:00 machine.

Then let's go beyond all of that and let's go back to customer service and our interaction. We're in a time period where every single interaction we have is very, very important, and when we're holding folks basically so we can work through this complex animal, or is it -- What's the word that I want to use, Karen?

MS. RAINE: Abandoned?

CAPTAIN SHUSTER: Is it abandoned or -- What does that mean to this poor guy with six paying customers from Ohio that just spent \$1,000 for a day of fishing and not a day of smelling exhaust out of one of our cutters or one of our state boats alongside for a couple of hours. I look at these things, and I'm not trying to push it off of law enforcement, but I look at this as an administrative function that needs to be monitored administratively outside of law enforcement, and then, when these actions have been taken, when it's had time to be appealed and all of that, then law enforcement gets a, whether it be quarterly or monthly or annually, a Permit 1, 2, 3, and 7 are suspended and go get them, folks.

To tie this up with the day-to-day interaction, where we're doing so much regulation already during these inspections, I don't know what good can come out of that. I was somewhat envisioning, not understanding the accountability piece maybe, that you were looking for validation of reporting.

When Myra first sent that out, that's kind of the way I went with some of my homework there, was how do we know, over time, that an angler is not just reporting something that's easy to report, almost like when you have something saved and you hit "send", so we can get back to cleaning fish and dealing with customers. That, we would be able to document, if an officer boarded you on March 6, that you had eleven dolphin, two grouper, and a black sea bass, how do you know at the end of the month, or whatever this time period is, that he reports eleven dolphin, one grouper, and a sea bass? I didn't know really if that was the angle we were going for accountability in this. If it was, that would be very intensive, man-hour-wise and investigative-wise, and so I've learned a lot here in discussion.

LT. MASTRIANNI: I would just like to, from a Coast Guard perspective, second that. I think if we keep that as an administrative function, to the point of actually revoking or suspending or whatever you want to call it there, but the permit. Not only if they expect all law enforcement agencies like quarterly, but I would also suggest that in that whatever you're doing with the permit, either suspending the permit or revoking it or what have you, that you do it for a specific amount of time, so it's not a case of every quarter you get a list of Permits 1, 2, and 3 are currently suspended and they're going to be suspended until they get their data in, because then you're going back to a case of how many times do you have to check the website to make sure that this vessel is -- I guess suspended might be suspended for a month or a quarter or whatever, to make it pretty standardized and enforceable.

MR. BUCKSON: I agree totally about the administrative function. That's where I was making my point about my experience in the past, where it was rare, or very infrequent, that the agent or officer actually got involved. The part that I do know that I saw the wheels fall off of the train or the truck or the car or whatever was when the administrative folks -- I shouldn't say administrative,

but when the administrative process was not connected with law enforcement until a blazing fire needed to put out, and so it's important to be -- There's got to be some sort of connection with enforcement along the way, even if it's a potential list of whatever -- I don't know how it would be crafted, but it's important to stay engaged along the way, instead of having a problem if it's two years down the road.

MS. RAINE: A couple of things. Just to clarify, when I'm talking about validation, I'm thinking about e-signatures and that type of thing, to be sure that we know what was sent was from the person or whatever. Again, I think we need to be careful about how we're referencing what we think may or may not be happening.

Again, permit sanctions, if it's a revocation or a sanction for a period of days, those only happen through, at least within NOAA for fishery violations, through the Office of General Counsel issuing a notice of permit sanction, which someone has the ability to -- Under which someone has the ability to request a hearing before the Administrative Law Judge. That too can take some period of time.

I certainly would encourage people to look at our website, for a variety of reasons. I think there's interesting information on there, and I think there might be some interesting information to other people. I know the law enforcement website is more exciting. There are more photos and videos and --

COLONEL FRAMPTON: We've caught some exciting people.

MS. RAINE: But we do have case decisions. We have lists of notices of violation and assessment and permit sanctions that have been issued, along with settlements, and we have what I think is important for a lot of people, are the various penalty schedules, the policy for the assessment of civil administrative penalties and permit sanctions, as well as summary settlement schedules and that type of thing.

If you look at the penalty matrix, for example, for the Magnuson-Stevens Act, which is on page 23 of the pages, you will see that there aren't that many times when a permit sanction might actually be issued. They're for egregious types of violations. That's something that folks might be interested in looking at.

Again, when somebody hasn't reported, their permit isn't suspended. The prohibition against fishing comes up, but then, again, it's up to law enforcement -- I say that, but it involves my office, to prove that they didn't report and then that fished. Nothing has been -- There hasn't been any permit sanction, as such, but just a series of violations at that point.

COLONEL FRAMPTON: Can I comment on that? In South Carolina, by the time it gets to law enforcement to deal with, we write the ticket, but our statistics people have to come testify as to whether they reported or not. The duty of the case is not on us, because we are going off of their data and what they can substantiate as time-dated-stamped stuff. I think one thing we ought to keep in mind, and I don't know if this pertains so much to law enforcement, but it would pertain to statistics folks or fisheries people that get the data.

The workload on those people to compile all this data weekly will be significantly more than it is on a monthly basis, because you may be telling them to drink out of a garden hose. They can't digest the data they're getting fast enough to do that.

MR. WAUGH: If I could, what I am hearing, and I agree with you totally, is that you need to administratively manage this. To me, I can see that process being something the council can work with you all to lay out what that should look like. To me, from us talking about this, say we've got all the data going to ACCSP and we've got validation on the water, so that we can verify that charter vessels are reporting accurately. We've got a time stamp when it goes to ACCSP and we track that.

If we want then, two days after the Tuesday when they're supposed to report, the program automatically sends them an email, just friendly reminder, saying, hey, we don't have a report. Then maybe the following Tuesday to say, hey, you're a week late and you're not authorized to fish and you're fishing in violation, but we still don't contact law enforcement. Then we see if we get the data, and then, what you're saying, is just periodically -- Then say we go to two weeks after or three weeks after and there's a list of people who are not compliant --

COLONEL FRAMPTON: In the middle of that, if they fish and you have landings ten days from now that show that they fished during that period, in my opinion, the onus will be on you to testify of what data you have that's time stamped or dated as to whether their permit was actually in effect. It's not so much law enforcement's responsibility.

MR. WAUGH: Right. Definitely, and, to me, that's where you design the system administratively and you can do a lot of what I would call forensic law enforcement on the computer. If you find people like that, then that's something that should go to law enforcement, or could go to law enforcement. Say you get a monthly report of this guy didn't report at all, and so we need you to go down and talk to him. A separate question for Karen at some point is how do we fine that individual? We want to write him a ticket, just like the state does. These guys haven't reported and this one demonstrated -- There's a missing report here. He didn't report for two weeks, and then he went out and fished. Here's the data and he's in violation, and so issue him a ticket.

Administratively, that's what we want to do, and so what you all get is you get a report saying, okay, these are the vessels to go and either write a ticket to, and we've got the background to justify that, because they demonstrated themselves that they fished, or that we don't have any report and so write the guy a ticket because they haven't reported.

COLONEL FRAMPTON: Let me go full circle on you, because Bruce is right. The issue I see with -- The scenario you're saying, I don't have any issues with that. My concern is boots-on-the-ground enforcement forty-miles offshore. They board a boat and they call and they say there's a problem. They call statistics or whatever, but what do you want them to do, because they've got them. They've got to do something. You've either got to tell them to lay it down and walk away, and my concern with that is you don't have to do that too many times and you're going to have a law that they're not going to enforce. They're not going to ask it, because they're not going to want the answer, because they feel like their time is being wasted and what they find nobody is prosecuting.

MR. WAUGH: Then what you're saying is you've got boots on the water and they pull over a charter vessel and they want to know whether he is current in his reporting, and that's what you're asking?

COLONEL FRAMPTON: Basically, yes.

MR. WAUGH: Then, administratively, you've got to have a system with a central website that they can go to and determine, or a number they can call and say is this guy current.

COLONEL FRAMPTON: That's right, and it's got to be real time.

MR. WAUGH: Yes, but that can be handled administratively. That's part of the administrative system, that you build that capability in there.

MR. BUCKSON: Who is building this animal?

CAPTAIN SHUSTER: Being a boots-on-the-ground person, I don't see how it's going to work when you're on the water. If you're saying that you're going to issue a notice of violation and let us know that someone is delinquent, why is that person on the ground going to check this person forty-miles offshore to see? I look on this list and he's not on this list, he's good to go.

MR. WAUGH: I don't disagree with you.

CAPTAIN SHUSTER: If he is on this list, then we've got an issue.

MR. WAUGH: Right. Wait for him at the dock. You can check them at the dock when they come in. You can find out who on this list is in violation and hit them at the dock. You're not getting them for that trip that they're making now, but you're getting them for past trips.

CAPTAIN SHUSTER: You're getting them for past stuff, and so catch them at the docks. Doing this work at sea is really not an issue.

MR. WAUGH: Unless you want to go that added step and do it.

CAPTAIN SHUSTER: But we've got other things we've got to do too.

MR. WAUGH: I agree.

COLONEL FRAMPTON: We do, but I will say this. When we get the delinquent charter vessel report, they all get it. Everybody on the coast will get it that does fisheries enforcement, and so you don't have to look at a list too many times and see that this guy is a repeat offender, and so you see him and you check him. It's like running somebody for warrants. That intuition kicks in and you wonder if this guy is that or that or the other, and off it goes.

Your system would work as long as it's successful by boots on the ground or on the boat, so that they can real-time do it, because it doesn't take too many times to say, I'm not going there, because you're not going to get good information.

MS. RAINE: I might be wrong on this, but I suspect that a lot of the cases would come to our attention through the Center, saying here's a list of folks who haven't been reporting, and when I think of boots on the ground, I'm thinking at sea, but investigators who --

COLONEL FRAMPTON: Or agents on the ground.

MS. RAINE: Right, to do things. I don't know how much would happen at sea or not, but, I guess in my mind, I was thinking of the Center would probably provide law enforcement with some information about folks, but I could be wrong on that, but that was sort of what I had thought might happen.

I also will point out that under the summary settlement schedule that there are provisions for summary settlements for some of these types of violations. When you look at the summary settlement, you will see the national summary settlement schedule and then there is also regional schedules, and then a separate Marine Sanctuaries schedule. On the national schedule, you will see failure to maintain, make, keep, submit, or complete required dealer reports, logbooks reports, trip reports, or catch reports, if no other related violations. So, for example, a first violation would be \$500.

Now, the dealers have, in the Southeast Region -- We have a separate dealer failure to report and so, in the Southeast anyway, the Southeast provision would fall into effect for that, but for the vessels, the national would. Under the current summary settlement for dealer failure to report for a first violation, after receipt of notification related to reporting, \$750 for each overdue time --

MR. WAUGH: Sorry, but \$750 for each --

MS. RAINE: \$750 for each overdue time period charged, up to six periods. This category can be used again after one year without a same charge violation. A second violation would be \$1,000 for each overdue time period charged, up to six time periods, and a third would be \$1,500 for each overdue time period charged, up to four periods. This is all online.

After that, the case might come to us, or if there was some extenuating circumstance, we might take the -- In general, a lot of these cases would be anticipated to be handled through the summary settlement system. Then, of course, if somebody didn't pay them summary settlement, then it would come to our office for a review, to see whether or not -- All of the information I'm talking about, we would need to ensure was there so that we knew that there was a violation, would need to be there for summary settlements too, because if someone didn't pay it or wanted a hearing, it would come to our office. Hearings don't flow from summary settlements, but basically a failure to pay a summary settlement, or somebody wants a hearing. Then they come to our office for the issuance of the NOVA.

MR. WAUGH: Where can we go to see how many of those summary settlements have been issued?

MS. RAINE: You would have to ask law enforcement, because I don't know. I don't have information on summary settlements or from specifically -- For any particularly type of violation, my Office of General Counsel, our region, we don't keep those. We only have information on the

the NOVAs that might have been issued, and I will tell you for reporting -- I looked back a few years and didn't see anything, but I know I haven't issued a NOVA for anything.

Again, you can, in the recent past, and I'm not going to talk about the distant past, because I can't necessarily remember, but if you look online, on our website, we will have a listing of all of the cases nationwide in which Notices of Violation and Assessment have been issued, and I'm just talking about the Southeast when I say the last couple of years. That's what I was looking at.

What's online is, by region, a short description of the case, I think the case number, the NOVA amount, and then there's a separate section for settlements. What will be listed are, for example, NOVAs that we've been able to serve. Sometimes we do have some service issues, but you know where we've gotten confirmation that the person has been served with the NOVA and a permit sanction. You can go back and look and you can look at administrative law judge decisions, circuit court decisions, district court options, supreme court decisions. Those are all listed since 2010, so that it's easy. You can find them other ways, but they're all on our website, so that they're easily accessible and you can see what the judges have been saying and doing with different types of violations.

MR. BUCKSON: Gregg, just to make sure that I understand it, the whole purpose of this is to get better data.

MR. WAUGH: And faster.

MR. BUCKSON: And faster, so that we can make some decisions, different than what we used to, instead of having to wait for a whole year to close it down. That makes sense. You had mentioned, and I should have been familiar, and I apologize if I wasn't, but you've been doing this kind of as a test program in the charter boats or --

MR. WAUGH: Headboats. Headboats have been in place at least one year, and maybe two.

MS. BROUWER: January of 2014.

MR. WAUGH: 2014. So 2014 and 2015.

MR. BUCKSON: I wonder if there is a way for maybe this group to take a look at how that's been working and then maybe get some ideas on how to move forward with doing some sort of enforcement. I guess the first question is, is there any requirement for those permits or has there been any enforcement of that process?

MR. WAUGH: I don't know, and that's what we were trying to start here, and I don't know if I said this before, but Mel is our Chair of our Law Enforcement Committee, and he talked to us and we assured him that we won't be scheduling any more concurrent sessions, because they like to sit in on it, and what we would like to see come out of this is perhaps a joint Law Enforcement AP/Committee meeting in Charleston sometime hopefully before our June meeting, and we'll see. If not, definitely before our September, to get into those sorts of nuts and bolts and look at it.

Bonnie may be coming in to do some of these presentations, but there's information in here on the reporting requirements for headboats, and at least there is information on how late they are and a

comparison that I found very interesting. In the Gulf, you have a lot more compliance, because they're under a limited-entry program. In the Atlantic, they're not, and that's one difference that jumped out at me.

There is some information in here, and we asked her fairly late in the game to put this together, and the same thing with the Region and you all, but just to get the process started. We've got some of that information, but I agree with you. What can we learn from that? What I would like to see us do is lay out what that administrative process is.

I think Rama asked who is putting this together. It's NMFS working with the council and ACCSP, because we're all part of ACCSP. ACCSP is a repository for data, and they set standards for data, and so we're -- That, to us, is a good, logical place for people to send the data. They have now worked out the process in the Northeast. The Northeast, or GARFO as they're called now, they pull data regularly from ACCSP, and so we're working on the process so we can do that down here.

I think that addresses Karen's point. You want as few places as possible, and so if you've got various types of software collecting this data, because people can report in various ways, you just want to make sure they're getting these minimum data elements, when it goes into the database that it fits into the database, and then the Northeast or the Southeast can pull from that database, and the council can pull from that database. All the partners and state partners can get at that. There are certain confidentiality issues that have to be addressed for confidential data, but, to us, compiling with that status of landings are for an annual catch limit that covers North Carolina and South Carolina, that's not going to be confidential.

CAPTAIN SHUSTER: One more question, going back to Chisholm's comments. Are you part of the pilot program?

COLONEL FRAMPTON: I am not. Law enforcement is not part of the pilot program. Actually, statistics and all that is in a whole separate division from us.

CAPTAIN SHUSTER: Okay, and so you're talking about your state reporting. Are they also going to have to do the federal reporting and your state reporting, or is this going to suffice?

MR. WAUGH: No, one report is going to suffice, and these are some of the details that we're working out, but we have indicated -- The council has said they want someone to hit "send" one time and that takes care of all their reporting.

CAPTAIN SHUSTER: Is the intent truly to get the states to have their own machine and then feed the feds data, or do the feds really want to manage this? The reason I ask that is very early on in the process, if it is anywhere envisioned for the states to manage this, we need to bring in offices of licensing and permitting and a lot of other folks beyond just Rama, because it's the entire machine.

MR. WAUGH: The idea is for that data to go into ACCSP, the first step. The only state that we have that currently has a for-hire logbook is South Carolina. We're still talking with them. They would like the data to come to them first, so that they can clean it up and then do error checking and send it to ACCSP. The question is, will it also work if it just goes to ACCSP and then they

download the data and do any corrections that need to be done and then upload a more verified file. That's in the works, but we'll --

COLONEL FRAMPTON: Rama brings up a very good point. That really is the discussion for our licensing and permitting folks. I gave just the overview of how it eventually filters back to us for enforcement.

MR. WAUGH: At the federal level, ACCSP has access to the permits, and so they can link those too.

CAPTAIN SHUSTER: Thank you. Sorry for so many questions.

MR. WAUGH: No, that's fine. This is the exact detail we wanted to get in and start this process, because what the council wants to do is get more accurate and timely data and, within this charter boat program, using South Carolina, because it is the only state in our area with an existing program, MRIP, which is in charge of all the recreational data, they are conducting a project, using South Carolina's data, to come up with verification methods that then our charter vessel and the headboat logbook would have to meet those verification standards.

What we would hope is down the line we would get our other state partners to adopt similar programs. North Carolina was all set to do it and it hit a roadblock near the end, where the fishermen started objecting to it, and they got told by their legislature that you can't implement this now, but I think as people see the cobia season getting shortened and we don't like the data -- We agree with you, and wouldn't it be nice if you had accurate, timely data from your for-hire sector? I think you're going to see more interest in this, and then each time a state comes onboard, then you're going to have to go through the same process of making sure you've got the links to the permits and so forth.

I think that's good. We've got guidance on the administrative side and how to set it out, and I think, again, as I said, what we would do is work something up and then bring it back to you all at your next meeting.

COLONEL FRAMPTON: Okay. Any further comments or questions?

CAPTAIN SHUSTER: One thing more about handling it in state versus federal. In Florida, we would have to have significant -- I mean we would have to create it and then extend our authority, and so that would be a big undertaking all on itself, and so right now we don't have a method to do that. It would be purely through --

MR. WAUGH: That's if you were trying to get your state vessels into a system like this?

CAPTAIN SHUSTER: No, the actual accountability piece of that for a citation. Right now, all we would have would be our federal authority. It's not impossible, but it's just a big undertaking to create new rules and new legislation.

MR. WAUGH: Yes, and we're waiting to get guidance from Monica on this. There's an issue within the headboat reporting -- I think it's pretty clear that we have authority if a vessel has a federal permit, that we can require them to report regardless of where they're fishing, whether it's

state or federal waters, but there are some vessels that are just state-permitted, and there are some headboats that are just state-permitted that if selected in the federal program to report -- The question is do we have authority to enforce them to report if they don't have a federal permit and they're fishing just in state waters? We're supposed to get that guidance this week.

LTJG PRAY: Can I just ask when the next AP meeting is?

MR. WAUGH: It hasn't been scheduled yet, but I think, in terms of moving this along, in terms of the reporting requirements for the for-hire amendment -- Right now, we're scheduled to approve that formal review at our June meeting. If we come out of this council meeting with that still being the timeline, then I think we would definitely want to have that joint meeting before June, so that the council would have benefitted from you all's recommendations. We could flesh out that administrative process, as much as we can, in the amendment itself.

Now, to back up one second, we're also -- The Mid-Atlantic is starting to look at requiring electronic reporting from their for-hire. There's an effort also in the New England Council's area, but NMFS is more taking the lead up there on an amendment to deal with their reporting, and so we've got for-hire vessels for dolphin wahoo that are in New England and the Mid-Atlantic. What we're doing, we're in the process of talking to the Mid-Atlantic Council and the New England Council and GARFO to make sure that we get agreement on our minimum data elements.

That is so important that the council may decide to hold off on final approval for this amendment until September. We'll have some of those discussions at this meeting, and if they're holding off until September, then that gives us a little more time to work up more details before we bring you guys back together, but it will be before the council finalizes the for-hire amendment.

COLONEL FRAMPTON: Thank you. Thank you for that explanation and run-through and giving us the opportunity to comment on it, although we commented probably a little bit out of our expertise, or at least I did. Bruce will go with me on that, Almighty Bruce over there. Anyway, with that being said, I think we will recess for today. Thank you, all.

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Westin Jekyll Island, Jekyll Island, Georgia, March 8, 2016, and was called to order at 8:30 o'clock a.m. by Chairman Colonel Chisolm Frampton.

COLONEL FRAMPTON: Good morning. Welcome back to the meeting. I think I would like to open the meeting today by wishing Myra a happy birthday. Happy birthday, Myra. Thank you for all your efforts and what you do for this committee. We certainly wouldn't have the agendas we do, nor make the progress we do, without you and your efforts, and so thank you very much and happy birthday.

MS. BROUWER: Thank you. I appreciate it.

COLONEL FRAMPTON: We will start off with a presentation this morning.

DR. PONWITH: Good morning. I am Bonnie Ponwith, Director of NOAA Fisheries Southeast Fisheries Science Center, and my primary purpose for being here this morning is to wish Myra a happy birthday, but, secondarily, I would like to talk to you a little bit about compliance, and so

we're going to cover two main presentation areas. One is on ACL monitoring and the other is on length frequency information we're seeing, as an indicator of compliance in the fishery.

This is a slide that shows commercial landings under the commercial landings monitoring system and what percentage of them are coming in on time in units of the number of tickets, which are on the left side, and in units of what percentage of the weight, of the total weight landed, came in on time on the right side. If you take a look, the above pies are both 2014. The lower pies are 2015.

What you see, first of all, is we're making forward progress. This is good news. In terms of numbers of tickets, you will see the on-time percentage was 56 percent. In 2015, that bumped from 56 percent up to 65 percent. The bad news is I'm sure we can do better than 65 percent on time.

The reason that this is really important is the way this ACL monitoring system is set up, it's so that all of the information that we have in our hands represents census information. Everything that we're missing, every dealer who does not send in a no-fishing report, it means that we're missing information for them, and we can't have missing information.

We fill that box by using math. Early in the season, we use math from what happened last year, what did this dealer do last year, and sometimes last year is a good proxy for what they're doing this year and sometimes it's a very poor proxy, but we can't have those empty cells. The best way to minimize the amount of estimation that we're doing is by having as close to on-time census data as possible, and that's what we're shooting for.

This is the South Atlantic reporting for the commercial landings monitoring system, and you will see the blue below is weight that's reported on time, and the orange up above is the weight that's reported late, and the X-axis are weeks of the year. What you can do is see some patterns. You can see that those last weeks of the year that the reporting performance is pretty poor, and that coincides with the holidays. That just gives you a feeling for how we're doing across the year with on-time reporting.

Then this is an odd slide, and this is part of the reason that I wanted to come and talk with you about this. What it depicts is for vermilion snapper alone, which is a January to June season, when the reports are due and when we're seeing the data show up from Landing Week 1. What you will see is Landing Week 1 was due one week after the landing, and that we saw somewhere around 85 percent of those landings reported. By the second week, in other words a week late, we were close to 100 percent, and so what we're seeing right here for vermilion is things are not too bad. They could be better, but they're not too bad.

For Landing Week 2, we got close to 95 percent of the landings in by the due date, and so there's a learning curve. People were not as good the first week as they were the second week. They were more on time the second week, and, again, by the second week those Landing Week 2 data were due, we had close to 100 percent.

Then we go to Landings Week 3 and Landings Week 4. Here, what we're seeing is we didn't have a good week on Landings Week 3. We had a lower percentage of them due, come in on time, and then Landings Week 4 was very, very good, and so you see some variability for vermilion snapper.

MS. RAINE: Bonnie, I'm sorry to interrupt, but one question popped into my mind. Is there any correlation between a higher percentage of no-fishing reports and those not being reported as timely as actually fishing reports?

DR. PONWITH: I don't know the answer, but that's a very good question and it's germane, because a late no-fishing report is as damaging to the system as a late fishing report. In fact, it could be more damaging, because if we don't get a no-fishing report, we assume they had fish and we estimate how many fish they had. If they simply didn't have fish, but forgot to tell us or chose not to tell us, you could end up with prematurely closing a fishery.

MS. RAINE: I'm wondering if fishermen might think it's not as important to get the no-fishing reports in as quickly.

DR. PONWITH: We are trying to include the importance of that in our outreach, but I am going to make a mental note, and I'm going to make a physical note, that I would -- Because I would be interested in doing sort of a comparison of how late are fish reports and how late are no-fishing reports, and see if they're consistently -- If they're the same or if there's a differential, because both of those are crucial. That zero is really crucial.

MR. BELL: I think human nature is they probably tend to think that I didn't fish. I think we see that in our system.

DR. PONWITH: It's crucial, and that is an easy outreach, because for people who wish to be compliant, understanding that that's as crucial for compliance as the other fishing, that revelation can really make a huge difference in how much estimation we have to do and how many erroneous assumptions we're making on those estimations.

Then, finally, what we see in this slide is just to teach you how to read these slides, because we're going to show you some different species. The size of the box basically gives you a feel for how much variability there was in how late or on time reports were, and so the skinnier the box, the more precisely on time they were. The wider the distance, the bigger the size of that box, the more variance there was, and so let's go ahead and move on.

We can take a look then at -- You see the red dots are black sea bass, the blue dots are tilefish longline, and the yellow dots are jacks. You can see the size of those boxes and the length of those whiskers gives you a feel for how much variability on how on-time they were and where those boxes are in the percent. It gives you a feel for just how late they were. Again, the take-home message on this is that we really have some room for improvement.

This slide is all South Atlantic ACLs for 2015. Again, we eventually get there by the seventh week. We get closer and closer to 100 percent, but what that means is you have these species where you're at risk of hitting that ACL early in the season, being one, two, three, or four weeks behind can be very destructive, and, again, that take-home message is everything we don't have we estimate, and those estimates are based on assumptions, which can be true or maybe don't hold. It's in the best interest of the system to get that as close to 100 percent on that first week as possible.

This is over the fishing year of 2015, the number of days late that we had for these different species. It's just basically a histogram of the number of days late. For black sea bass, we had reports that

were up to about sixty-days late. For tilefish longline, it's fewer participants, and they tended to be a little more diligent. The dealers tended to be a little more diligent, and that was under fifty days was the latest report, but take a look at jacks. That is a late report, that last dot up there. Again, this shows that distribution in the box and whisker plots.

Here is a slide that shows the different species along the X-axis and what our final disposition of the ACL was at the end of the fishing year, or when the fishery closed. It's less important -- It's a very busy slide, but what I want you to do is look at colors. If you look at red, that means we were more than 105 percent of the ACL in 2015. If you look at the -- It says blue in the key, but I think what they really meant is green, but the green color on this chart means that we landed within 95 to 105 percent of the ACL. We were darned close. It also means that the person putting this slide together was color-blind.

Then the peach color is the situation where we were below the ACL. There are two reasons for being below the ACL. Number one, they simply didn't catch those fish, but the other reason is we pulled the trigger too fast. We made some estimate that said we need to close and we closed down the fishery and those fish that we estimated didn't materialize and we ended up closing early. Both of those are hazards of having a higher percentage of estimated fish, as opposed to having complete, 100 percent reporting.

The quality control that we use for this is we run checks for duplicate landings, to make sure we didn't get double trip tickets. That can cause some real problems. We identify unreasonably large landings and then get back to the dealer and say we're seeing something that's peculiar and we want to ground truth it, and then we spot check the dealer reports against the logbooks. All of these things happen to make sure the data we're using for these important decisions are good.

COLONEL FRAMPTON: How often do you find discrepancies between dealer logbooks and catch?

DR. PONWITH: I can't give you a percentage off the top of my head, but if you're interested in finding that out, I can let you know. For delinquent reports, our first course of action is to work through the port agents and the start partners to identify the businesses that we're having problems with.

We send email reminders. We also send hard-copy letters to dealers who are behind in reporting, and you can see here in this slide that we contacted 201 dealers and sent a total of 1,200 letters or emails over the course of the year. Then we also work with the Regional Office, with Roy Crabtree's shop, to place permit holds on permit renewals for dealers who are missing reports.

MS. RAINE: A couple of things. One, the 201 dealers, are those 201 individual dealers, or are some of the dealers repeats?

DR. PONWITH: I would say, based on this, that they are unique dealers.

MS. RAINE: Okay, and the other, and it may just be a matter of semantics, but sometimes words are important, but yesterday we also had a discussion about how renewals were, at least according to the regulations, they weren't so much renewing a permit if they don't have all of their information in and they don't respond to the Permits Office to get all of that information, which

would include reporting, but the renewal is considered abandoned. I don't know that I would say that it was on hold, but that it's considered abandoned, under these regulations.

DR. PONWITH: What I can do is I will look into that, because we certainly want to use language that describes the repercussions in a way that comport with the regulations.

MS. RAINE: Sometimes I know people are using shorthand language to describe perhaps the same thing.

DR. PONWITH: Yes, and we want to be very precise when we're talking about particularly legal repercussions.

MR. WAUGH: Is there a set time period when if a dealer is late that they get an email or a contact?

DR. PONWITH: There is a set time period.

MR. WAUGH: How could we get those details? Who would be the person to talk to?

DR. PONWITH: That would be Steve Turner and Dave Gloeckner, and if you CC me on that, that would be great. The point of all of this is there is a huge push to get more stock assessments done, because better science is better management. One of the bottlenecks in being able to get stock assessments done is the pressure we're putting on our data collectors, and that would be Steve Turner's shop.

Every second that Steve Turner's shop spends chasing down late reports is a second they don't have available to be doing really helpful analyses on the data that they do have in their hands, and so my view is that the industry misses out, because we could prematurely or do a late closure because of these estimates, and so it's in their best interest to have the best information in the hands, but it's also that they miss out again, because these analysts are really, really talented, capable people, and the time they're spending on getting these letters out and chasing these late reports is time that they're missing from being able to do these valuable second-tier analyses.

We have some uncertainty on the delinquent reports, and we want to be completely clear with our colleagues in the law enforcement area on this. First of all, there is some permit information from multiple sources. We have the four states, ACCSP, and SERO, and we want to be 100 percent sure that we've created a system that enables us to detect these sort of multiple reporting pathways, because the thing we do not want to do is accuse a dealer of being late or not following the process when in fact they did. That's damaging to those relationships, and it certainly doesn't help you build strong law enforcement cases. We're working with these entities to remove as much of that uncertainty as possible.

Next, on data management, we have five entities involved in the data management: the company that helped us develop the software, GulfFIN, ACCSP, SERO, and the Center. Occasionally, we end up with a hiccup in the communication among those entities, and, again, we want to be careful to assign attribution. This report is late because of something we did and not because of something the dealer did, and so we want to close that loop so we have absolute certainty that if a report is late that it's late because the dealer was late and not because of something that we did.

Once we have completely cleaned those areas of uncertainty up, then we feel as though we're better positioned to be working closely with our law enforcement colleagues and with our legal colleagues to actually set in motion some definitive actions to reduce the amount of late reports. That is the presentation on the reports.

MR. BELL: It's the reporting day and you're at 60 percent, and so you're missing 40 percent. At what point do you fill in the blank? Do you wait a couple of days, or when does that estimate get created?

DR. PONWITH: The reporting day is Tuesday, and the day we begin -- We accumulate those data and go through the QA/QC. By no later than that Friday, we are working with those data, by no later than that Friday. We could be working with it earlier. What we do is we have a series of algorithms, and we use the algorithms that best fills in that blank.

MR. BELL: Yes, and I think you've described that to us before, how you do that, but it's basically by that Friday you're ready to populate a number in there.

DR. PONWITH: Yes, and the exception is those -- We had some kerfuffles here about the first two weeks. The first two weeks are the hardest two weeks to fill in the blanks, because on the first week -- If you have people who are late on their reports on the first week, there is no zero week to be able to fill those empty cells with, and so you have to borrow data from the year before. That's when we start getting complaints of last year it was calm out here and this year there is pre-hurricane and how can you use last year?

It's because you don't have a zero week to be able to borrow data from to fill that in, and so the very first two weeks of a fishing year are the most difficult to estimate, but as long as the fishery doesn't close in two weeks, the longer the time series you have for now-year fishing, the more robust those estimates become, and an estimate doesn't stay an estimate forever.

As reports come in that are late, you use those reports to reduce the need for filling in the blanks, and so those estimates always get better as the season goes on for that first week. Are there any other questions?

MR. BUCKSON: Bonnie, it's very enlightening how all this has an impact on what the council does as far as management. A couple of questions, and it's just curiosity, but on the one side you had 65 percent reporting. Do you have any idea what the numbers are related with that? How big is the universe on the field?

DR. PONWITH: That's a hard number to get at. I mean we could get at it, but it's not a number that we know off the top of our heads, and the reason is because we know how many dealers there are, but not all dealers deal in all species, and so it's a factorial kind of a combination of the number of dealers, the number of dealers who deal in that species, added up together. That would represent the total number of reports you could possibly have.

MR. BUCKSON: Do you allow dealers -- Let's say they're kind of seasonal or something, and can they like sort of pre-file if there will be no business for the next --

DR. PONWITH: We tried to make this as easy on those dealers as is humanly possible, and yes, my understanding, and I remember talking about this on the council, and we decided it was a good idea, to be able to say I'm moving to Tahiti for the winter and I'm not reporting for this period, so that they don't have to once a week from Tahiti remember to send that email. We make it as easy to be compliant as possible.

MR. BUCKSON: Back to my question, just ballpark, you're talking thousands of dealers, I'm sure, and so it's a lot of people that you're trying to -- Now, your office gets fed all of this information from ACCSP?

DR. PONWITH: All of those partners, yes.

MR. BUCKSON: Then you're the ones that actually --

DR. PONWITH: We put it in the system, yes.

MR. BUCKSON: Okay, and so it's your group that has all the information?

DR. PONWITH: We are the go-to source for who is naughty and who is nice, in terms of compliance, yes.

MR. BUCKSON: You were talking about some of the ramifications of the delinquent reporting and the permit abandonment or non-renewal, and I'm not sure which one it is, but I understand that there are some ramifications. Has there ever been any other legal action that has moved forward from this reporting, or lack of reporting? Do you know if your data has ever been used to make a case?

DR. PONWITH: I don't know the answer to that, and I guess I would defer to counsel, but, if --

MR. BUCKSON: If that's an inappropriate question, that's fine.

MS. RAINE: No, it's not, and, as I said yesterday, in the recent past, I know I haven't made any cases, but, beyond that, I don't remember, but I don't think so. The thing is, and I stated yesterday, I think really the idea is that it would start with the Center instigating some sort of action, as far as sending something to the Office of Law Enforcement, and then there would be some sort of investigation, you know paperwork and that type of thing, and then we do have summary settlement schedules that apply to these situations.

If for some reason somebody didn't pay the summary settlement or if the case for some reason, if somebody thought that our office ought to review it, in terms of our office, but I think the genesis though of any kind of enforcement action is with the Center.

DR. PONWITH: The sense that I have from our folks is they are eager to get to a point where actions can be taken. In fact, it's not even the council who are the most adamant about getting to that point, but it is the compliant dealers. It's like I'm doing this and I'm doing my part and you let me know who those people who aren't going their part are and we can help you with that. I mean the compliant dealers want compliance, because a lack of compliance weakens their contribution to a better fishery.

The sense that I have from our data people is that those two areas of uncertainty are tightening, and as soon as they're confident that they've got the uncertainty in those two areas under control, they're in a much, much better position to start referring situations.

MR. BUCKSON: It sounds like this is relatively fresh. I apologize, because I've been out of the picture for a while, but this whole process of reporting and trying to get the --

MR. WAUGH: I'm sorry, but I wouldn't say it's fresh.

DR. PONWITH: No, we've been at this for is it two years, two or three.

MR. BUCKSON: I guess I'm talking about the tracking and how some of this -- It sounds like, having gotten to a place where there's really that connection between the data that you have and the law enforcement groups, other than going back to the Region and letting them deal with the permits.

DR. PONWITH: What I would anticipate is once we tighten those areas of uncertainty, where we feel we have those under control, we will be more comfortable coming to law enforcement and saying we've got a consistent compliance problem we would like to refer to you.

MR. BUCKSON: (The comment is not audible on the recording.)

COLONEL FRAMPTON: When you say going to law enforcement, you're referring to going to Karen, or are you referring to coming to us?

MS. RAINE: No, the Office of Law Enforcement.

MR. BELL: To that point, that's the critical handoff, because we do this at the state level. Chisholm can tell you, and we're working on a slower system. It's a monthly reporting system, and we're sort of moving in slow motion, but I can tell you, from personal experience, that that handoff -- When I say, okay, go get them, that's got to be 100 percent squeaky clean, because, if it's not, then bad things happen.

COLONEL FRAMPTON: We all become liable, especially them. Our enforcement guys are totally counting on the data they're given to be real-time data that it's been run backwards in the system and that there is no glitch in it, and you made mention of that, to making sure it's all correct.

MR. BELL: But we had to build in some -- Chisholm can tell you that we had to build in safeties and backups.

DR. PONWITH: Again, it's assigning attribution. Why is this late? Is it the system or is it because one of the data suppliers, the state or ACCSP or somebody, or is it us, ourselves? Did we make a mistake? We want to close down those possibilities to the point where there is almost virtual certainty that this dealer was late and this dealer has been late over and over and over again and it's time to do something, because it's happening to the detriment of the compliant dealers.

COLONEL FRAMPTON: You started off your conversation by talking about relationships and partnerships with fisheries and with dealers and with our fishermen, and my take on all of this is

we want a more professional fishery and we want a more professional industry. We want better reporting, but I think, at the same time, we've got to make sure that we're giving them enough time to accurately report and how fast can they really get that stuff turned in?

I know in South Carolina that we complain a lot about being in slow motion and about how long it takes to get to that point where we pull the trigger, but when we do, we're right. There is enough time in there, because you've got to remember that if you're going to see this through, you've got to go to court and you've got to win in. You've got to have a jury of your peers that are willing to say that's a reasonable amount of time that they're going to do this.

DR. PONWITH: What I would say is that --

COLONEL FRAMPTON: I'm not defending being late, but I'm just saying with outreach and education and being reasonable about what they can do goes hand-in-hand.

DR. PONWITH: Outreach and education is really important, and I concur. The decision to report weekly went through an enormously long public process before that vote was made by the council. That was a decision by the council informed by science and informed by the states and informed by the managers and informed by the constituents. The end of the fishing week and the time between the end of the fishing week and the day that report is due is also something that went through a very long, laborious process.

Late is late. How late is something before you take an action, there is some latitude in that decision, but, again, what you want to do is honor the decision that was made by this collective, the council, the constituents, everybody, and say we've decided collectively that we're doing this and I think rewarding compliance by penalizing non-compliance is a smart thing, because it's in the best interest of a well-managed fishery.

MS. DUNMIRE: I'm Leda Dunmore with the Pew Charitable Trusts. Is there any interaction between this and the vessel electronic logbooks?

DR. PONWITH: We use the paper logs of the vessels right now to ground-truth some of the electronic dealer reporting. Your question is when we move to operational status on electronic reporting for the vessels, will these be linked?

MS. DUNMIRE: Yes, and I guess I don't have a sense of the timeline. This has been a couple of years and where is the vessel program?

DR. PONWITH: The vessel program just completed a pilot stage, and I will be reporting on that later on this week in the Data Committee. Essentially, we had fifteen vessels. They were a mixture of vessels from this side and around the corner in the Gulf. It was a mixture of gear types, so that we could get as much information on what works and what doesn't and what do the fishermen like and what do they not like and what do the data recipients -- What is working? We have those data and we have all the feedback. We have also gotten feedback from the vendors who supplied equipment for this, and we're synthesizing that now.

MS. DUNMIRE: I guess my question is to monitor commercial ACLs, the idea is vessel and dealer eventually will both be used?

DR. PONWITH: Right now, we're monitoring ACLs via dealer electronic reports. I think that we are a long way from using vessel logbooks to monitor ACLs. That's not to say we couldn't evolve to that point, but certainly having those vessel reports electronically gives us a much more efficient way to do the ground-truthing between the dealer reports and the vessel reports, but there are quite a few steps we would have to go through. First of all, we have to implement it at the operational scale, which is a huge, huge, huge deal.

MR. WAUGH: Just to clarify the timing, the council started -- This was a joint amendment with the Gulf and South Atlantic Councils, and we started it back in 2012. That's why I was saying like three or four years, but the final rule was implemented on August 7, 2014. 2015 was the first full year. Now we're into the second full year, and if you look at that summary slide, there are some ACLs that we're over by quite a bit. Some of the slides show that there are some dealers that are reporting quite late.

Up until now, a dealer could not submit a report all year and when they go to renew their permit, they just have to provide some data to fill in those gaps and then they get their permit. Will sometime this year the Center start initiating contact with law enforcement to enforce some of these requirements on these dealers, such that at the end of 2016 a dealer that hasn't reported or has been extremely late, that there is some consequence to not turning in the data?

DR. PONWITH: The answer to that is the timing of that step, which I agree with you is the crucial step to put the teeth into this, the timing of that will be determined by closing those uncertainty gaps. We are working on them actively right now. We know what the major problems are, and we're working -- It's slow, because it's not just in our hands. We have to work across those data collection entities to be able to close those gaps, but we're shooting for as close to absolute certainty that if a report isn't in our hands that it's the dealer's fault as we can before we get to that point, because we don't want false positives. That would be really destructive, we think, for the system.

MR. WAUGH: But we can't say that will happen in 2016?

DR. PONWITH: I will see if I can find an answer to that, whether that's at this point unknown or whether we can say yes, we're on track for that happening in 2016. It's kind of a binary answer. I will get back to you with that.

COLONEL FRAMPTON: Bonnie, from the time you all determine that someone is late, that a dealer is late, how long before you can definitely say they are late, in your world? What does that timeframe look like in your world, when you realize somebody is late, for you to backtrack through your own system to say it's not on us and it's on the dealer? What does that timeframe look like, before it could potentially start to head to law enforcement?

DR. PONWITH: That's what I am talking about, those uncertainties. Those uncertainties, we're working through, and sometimes it's a matter of time to realize that no, this was definitely the dealer. Sometimes I'm not sure we ever have that clarity.

COLONEL FRAMPTON: Is it like a week? It varies?

DR. PONWITH: It varies. It depends on the cause, how long it takes for us to realize who is --

COLONEL FRAMPTON: That there is a problem.

MR. BUCKSON: Bonnie, as you're working through what it's going to look like, closing those gaps, as you say, to be able to get to the place where you're comfortable to say to law enforcement that we need some sort of action here, I don't know if you are or are planning to, but it may be beneficial to reach out to OLE, or even General Counsel, and explain what you're doing in the background to confirm that this is a problem that we need to pass on, before you pass on the very first one. That takes care of sort of the things that Chisholm was explaining.

COLONEL FRAMPTON: I would offer up Mel.

DR. PONWITH: I think that's really smart, is when we think we're getting close, I think it's a smart idea to reach out to our law enforcement partners to say by such and such a time we will have closed the loop on causality of lateness, such that we will be ready to start referring instances.

MS. RAINE: I think, to follow up on what Bruce is suggesting, before referring that first case, we should have a conference of some sort to go over it, because I know that a bit more than a year ago I provided the Center with some information, as well as OLE, about the types of information we would be looking for. Maybe we can go through that type of thing, just to make sure everybody is on the same page and everything is together.

MR. BELL: The process that we eventually worked out for us at the state level, we worked out - - We were hand-in-glove with law enforcement. We came up with an agreed-upon process, and they were comfortable and we were comfortable, and we're still comfortable, that -- I sign the affidavits and they go to them and they write tickets. Some of them just pay the ticket and that's it. The ones that want to go see the magistrate, we go with the officer to see the magistrate, and we're basically 99.9 percent -- It's a slam dunk. We can do that. Again, it's a smaller system operating.

COLONEL FRAMPTON: But is a slow system to get to that point.

MR. BELL: But it's effective.

COLONEL FRAMPTON: It's effective, but it is a slow system to get to that point, which kind of goes against everything we're hearing about what we want.

DR. PONWITH: What we want to be fast is compliance, and if dealing with a non-compliant entity takes a long time, I'm comfortable with that. This doesn't have to be overnight, because it's not like writing a ticket is going to get us that information.

What we're desperate for on the science side is that information, but my sense is that as compliant people see that there are repercussions for non-compliance that it incentivizes continued compliance, because those are the people who get it. This isn't for Bonnie. This isn't for Roy. This is for me. This is for a healthy fishery and a vibrant industry and this is my part. Dealing with non-compliant people helps win hearts and minds to becoming compliant through different means. This is a really useful conversation. I have to get back next door, but I think we were also going to talk about compliance with respect to size and bag limits.

MR. WAUGH: I will make sure they know to come in here and get you before SEDAR starts.

DR. PONWITH: That would be awesome. Again, I hate to shut this down, but I do have to run over there, and I don't want to miss the chance to talk, because there are some really interesting patterns in this data that I would love to be able to talk with you a little bit about, as opposed to just having you flip through the slides yourselves.

First of all, let me acknowledge my wonderful, wonderful teammates, and this is Steve Turner and David Gloeckner and their team, who analyzed these data to be able to get this information to you in a way that's approachable and useful to help us make decisions about how law enforcement can interact with the science, and so they're a good group of folks.

The headboat survey non-compliance process, we have it right here. The reports are due from one to fourteen days after the end of the fishing week. One week after the fishing week ends plus one week is what we use to determine compliance, and, again, fifteen days after the fishing week, we send an email notification to the owner. Twenty-two days after the end of the fishing week, they get a delinquency notice, which is a warning letter sent to the owner. Greater than one month, we notify OLE. Again, these protocols were developed in consultation with both OLE and General Counsel.

MS. RAINE: I just want to point out that warning letter -- Words mean different things in different contexts. The warning letter is not an enforcement action in this context, because it's something from the Center and it's not something from law enforcement or my office.

DR. PONWITH: All right. Here we have it. This the headboat survey data. The blue bars are trip reports, and the yellow bars are weekly inactivity reports, and so this kind of gets to what you were asking for the commercial guys, but only on the recreational side, on the headboat side. This gives you the number of reports that we're dealing with on an average fishing month.

This is a bar chart of delinquency, and so this is how many weeks late the trip reports are. This is 100 percent of the trip reports broken down by how late they are, and so, happily, a huge percentage of them are not late, but every proportion of them that are late creates some real problems for us in terms of our ability of understanding what those landings were and in terms of wasted time chasing those things down.

Here, we have delinquency of submitted reports in the South Atlantic and the Gulf by the number of weeks after the reporting week, and so you can see, by comparison, how the Atlantic is doing compared to the Gulf, and you can see that we are not doing quite as well.

MR. WAUGH: Bonnie, do you have a feeling for why that difference is?

DR. PONWITH: Yes, the moratorium.

MR. WAUGH: So it's because they're limited-entry permits in the Gulf and they face the potential consequence.

DR. PONWITH: The bottom line is you really don't want to mess with losing your permit in the Gulf of Mexico. If you lose that, there is no getting it back, and so that's the world according to

Bonnie. I'm assigning a behavior to a possible cause, and that's my hypothesis, but I think it's a pretty darned good one.

MS. BOSARGE: Bonnie, on your first slide, you said that at twenty-two days they get the letter, the warning letter, and the license or the permit is on hold. What does that mean?

DR. PONWITH: Again, it's imprecise language, but what it means is if a person does not report and they are on record as being delinquent, it can jeopardize their ability to renew their permit until they submit those data.

MS. RAINE: Maybe, just to help clarify, there is a difference between renewing a permit and not having all of the applicable information, such as reporting and that type of thing. I think there's a certain amount of time that the Permits Office will wait to get all the information. The regulatory language talks about the permit renewal being abandoned. That is different than if a case was referred for some sort of enforcement action and the permit might be sanctioned or revoked. They are two different types of activities.

If somebody was late, there is not an automatic sanction on the permit. However, that is a little -- What may happen, if you're a fisherman, is that if you don't submit your reports on time, you may also find yourself, if you continue to go out fishing, in a situation where not only do you have a late reporting issues, but, if you were out fishing during that time of prohibition against fishing, when you don't have your reports on time -- Of course, all this has to be proved and it's not going to happen automatically, but it's up to the agency to prove these potential violations, but one could find themselves with additional issues.

COLONEL FRAMPTON: On charter/headboats, do you see any correlation between people that are true charter/headboat fishermen that are doing it for a living and those people that -- I think in South Carolina what we see is people that are doing it for a living and are compliant and those that are sort of in and out of the fishery are less compliant, because they're not doing it for a living and their license is not their livelihood and they're doing it to pay dockage or pay fuel, but they're doing it for miscellaneous expenses to boats. To me, what I remember, is they're less compliant than those folks that are doing it for a living. It kind of goes back to that whole professional fishery.

DR. PONWITH: That seems logical. I don't have fingertip-ready data to corroborate, but it seems logical, but I will say that, for being in the headboat program, one of the criteria for being included in the electronic reporting in the headboat program was more of the consistently professional folks. Now we're going to shift to length frequency, and so what we have here is a chart that shows the length frequency of black sea bass in the headboat fishery.

The upper number in each of those slides are the number of black sea bass, and, in each case, they are close to 2,000 fish that have been measured. The number of trips that have been sampled, it ranged from 156 up to 385, and I think the red line is the size limit.

I was shocked when I saw this, because my question to them was, hey, this isn't marked on the slide and it should be and is that red line the mode or something and they said no, that's the size limit. Basically what you're seeing is everything that's to the left of that red line is not legal, and I will tell you this. These are data that are collected by dockside intercept port agents, and so it's

biologists who are at the dock who are measuring. Those biologists are not law enforcement agents. Their job is to collect data at the dock in a way that represents as good of a representation of what the full fleet is doing as possible, but this is what they're seeing, and that's not good. That is not good to see that high of a percentage of fish that are below the legal limit.

Cobia is a little bit better. You see those red lines in each of those. Again, a significant number of fish measured and a significant number of trips sampled, and you can see there is still a number of fish that are below that red line. Vermilion snapper, likewise. That's a lot of fish that are below the legal limit, and so it's something to keep an eye on. Mutton snapper, a little bit better, but still of concern, particularly in 2014. Then next is gag. That's not too bad.

MR. BUCKSON: Bonnie, can I interrupt you for just a minute? The bottom axis on all of those graphs, is that percentage or is that number of fish?

DR. PONWITH: That's the length.

MR. BUCKSON: I don't see how that could be. The red line is -- I thought that was twenty-four-inches, which is the limit.

MR. WAUGH: It's in metric. It's probably centimeters on the bottom, and they put the line up there in inches, so us non-metric people can --

DR. PONWITH: I will have a conversation with my folks that put those slide together. I didn't catch that when I took a look at this. Sorry about that, for the confusion, but let's go then to the next.

MR. CARSON: I've got one question. Speaking with our folks that do the creel survey, when they measure this out, they're measuring it in millimeters. Then they lump that into an inch category, and so, in Georgia, the black sea bass is 14 percent that is illegal, but that 14 percent falls within that one-inch. If a law enforcement goes in there and he stretches his tape measure out, or uses the tape measure of the person catching the fish, he's not going to write them a ticket for being undersized.

DR. PONWITH: Let me go back one slide. Here is an example of just what you said. Gag length frequency, look at 2012, which is the upper-left block. What you will see is there a huge spike of fish that are just sub-legal. You, as law enforcement people, will ask yourself, do I make my investment on pinching someone for a fish that's one-centimeter or less short, or do I make my cases on fish that are grossly?

Really, what you should be looking at is not only what percentage of the fish are sub-legal, but what percentage of those are dancing on the line versus way to the left of the line, because those are your hay-maker cases, not the ones where they forgot to --

MR. CARSON: That, in Georgia, is 1 percent.

DR. PONWITH: Yes, and so I think that is a really important issue. Then let's go to the greater amberjack. Take a look at those lines. This is an example of yes, we see a spike that's immediately

adjacent to that red line, and you might say we may give those folks a pass, but look at the percentage of fish that are way below that line.

With greater amberjack, we've got an issue, and that issue is the smaller they are, the more difficult it is to tell greater amberjack from a lesser amberjack. I am not an expert on lesser amberjack biology, but I'm just guessing that lesser amberjack, on a whole, tend to be smaller than greater amberjack, just guessing, and so what we may need to do is think about the repercussions of the difficulties of being able to capably identify a greater amberjack from a lesser amberjack and take that into consideration as management measures are imposed.

If we have a situation where John Q. is keeping grossly-undersized greater amberjack, that confounds the intent of that regulation, but if the reason they're keeping them is because they are mistaking them for lesser amberjack, we may have a situation where we may wish to consider generating one regulation for both of those, even if it means that it becomes extremely difficult to land a legal-sized lesser amberjack.

That is what this slide is telling me, and that would be something that would be valuable to put on the list of things to do with the scientists in conjunction with the managers, to explore what kind of options exist for this, because this is a worst-case scenario in terms of compliance with size limits.

COLONEL FRAMPTON: I look at that as an outreach issue. It's getting people to understand what they're looking for.

DR. PONWITH: I think before it's outreach that it's this. I think we should go to our port agents and ask them how hard was it for you to learn to tell a like size greater amberjack from a like size lesser when they're both small. If the answer is nigh to impossible and I have to count rays, that's not an outreach issue.

COLONEL FRAMPTON: No, that's right.

DR. PONWITH: If there are some simple ways to tell them apart where you don't have to count rays -- You're not going to get a fisher to count rays on a fish to decide whether it's a legal lesser or an illegal greater. That's just not in the cards. I think that that's why I say that it would be valuable to explore this by partnering the scientists with the managers and look at what is the root cause of this, what are some possible ways to mitigate for it, and if there aren't easily-accessible ways to mitigate for this, maybe we would like to consider some changes to the management, so we don't end up keeping these really young greater amberjack, to the detriment of the management intent.

MR. WAUGH: Bonnie, one thing on greater amberjack -- I am just looking at our website. The greater amberjack size limit is twenty-eight-inches fork length.

DR. PONWITH: Twenty-eight, and they've got thirty-six.

MR. WAUGH: That might slide it to the left. We don't have any size limit for the other jacks, and so they could just be calling them the other species, some of them with no size limit.

DR. PONWITH: We will double check on that. King mackerel, again, a pretty sharp knife-edge there. It looks like the majority of the illegal fish were marginally illegal, as opposed to there being a consistent problem with really small fish.

COLONEL FRAMPTON: If you look at that in the conversation you just had, that's a pretty recognizable fish and it's pretty easy to determine exactly what you have.

DR. PONWITH: Yes, if you mistake that for a red snapper, you've got a problem.

COLONEL FRAMPTON: Exactly.

DR. PONWITH: Then hogfish, again, this is really logical, because you have a pretty clean gear type in terms of being able to -- We're hearing this from the industry themselves, saying I can tell a legal fish from an illegal one and I don't spear ones that are illegal. The data bear that out. That's it.

It seems like some initial discussions about what to do about greater amberjack, and what we can do is revisit that slide with the correct -- I apologize for that, and then see to what extent that issue still exists, but it's one that we're concerned with, because any time you have an ID issue, you hope against hope that those species are allopatric, meaning they are found in different areas and so you never have to worry about -- You can use the area to differentiate them, sort of like we do with gag grouper and black grouper. They are kind of in different areas with very little overlap, and so the ability to tell them apart isn't as big of a deal, but when they're found in the same area, it creates some enforcement issues and it creates data issues and it's challenging.

CAPTAIN SHUSTER: A couple of comments. I want to go backwards, if I may, on reporting for just a minute, if you don't mind. I would just like an opportunity to comment on that. I appreciated the opening of your presentation, talking about relationships and how important they are and valuing what it takes to keep them.

Something that I want to keep in perspective is this is an administrative issue, and I would like to hope that myself and peers understand what the advantage would be for someone not to report. In many other fisheries, there is a reason for activities. There is a reason or something to gain by not reporting, but is there anything to gain by a fisherman not participating in electronic reporting?

DR. PONWITH: What we are explaining to them is, back in the olden days, we used to look at who reported last year and what dealers reported the most for that species and we would go to them and say you need to report this year, and we would use that as a leading indicator of how close we were to an ACL.

Before the reauthorization of the Magnuson Act, there could have been a perception that if I withhold my data until the last possible minute that they won't close the fishery and we'll get some more fish out of the deal, but now, with accountability measures, and now, with the fact that for all missing data they don't get a buy on those data and we estimate what's missing and we use the estimate to close the fishery or keep the fishery open -- What we're trying to do is communicate that process to the dealers, to the point where they understand there is really very little incentive for not reporting.

CAPTAIN SHUSTER: Thank you, and that brings my point even clearer. This is an administrative issue. There is nothing to gain as an individual fisherman by not reporting, and it could be through negligence or it could be through laziness or it could be just through poor bookkeeping skills or it could be a vast array of things, but have compounding effects on our communities and our relationships, i.e., somebody that starts off with a simple administrative error and now goes fishing next month, after the process has been vetted through that this permit is in violation and now his permit is in some status of purgatory here, and he goes fishing. Now we have somebody that has just created or committed an actual violation that may be more lasting or have profound effects on him.

In my mind, we're looking at law enforcement as a tool to help solve this issue, or get better compliance. However, I think law enforcement should be at the very, very end, and so I think there's a bigger piece on outreach and there's a bigger piece on education, long before we ever get to this, and if we're looking at cost hours through our JEAs, if we're looking at outreach hours through our JEAs, as law enforcement being the tool for outreach -- As I said yesterday, law enforcement has a lot of contacts. We are a piece of outreach, but if that is our tool for outreach, as a team we're missing the boat.

We need additional one-on-one outreach in our fishing communities, through outreach specialists, through individual shows, through workshops, through things like that, and not just depending on let me tell my troops and then my troops are supposed to be doing outreach as they go out today, and that's not going to be adequate.

DR. PONWITH: You know, I can't disagree with you. I feel as though law enforcement officers have a million skills. They're communicators, they're outreach experts, they're in the community and they're advisors. The one skill that is unique, that nobody else has, is that ability to enforce laws. Because that's the unique skill, that's the skill you want to protect.

If we can use law enforcement agents to help with outreach, I think that's wonderful. I think that it's way more effective and way more -- It builds those relationships much more strongly, but they can't be the only source of that outreach. We are committed to using port agents are part of our outreach.

We are committed to using council meetings and the public hearings and the Q&A sessions as an opportunity for outreach, to help people understand what feedback loop compliance brings to them as an industry and what the costs of non-compliance are to them as an industry, to internally incentivize compliance, because that just makes all of our worlds better, law enforcement, the industry themselves, the data people, the managers. Everybody is more effective if compliance happens.

CAPTAIN SHUSTER: Agreed, and I would like to share just a little thing that I experienced or observed, particularly as officers mature in their own growth. Oftentimes, officers, when they first get into law enforcement, have a need to explain something very thoroughly, and so they may be issuing a warning and they may be educating and they're doing a great job. The constituents, the people, they're into it and they're listening. Then, at the very end, the officer says, and, by the way, I need to let you know that I can take you to jail for that or that's a second-degree misdemeanor or that's punishable by a \$100,000 NOVA.

That relationship, that interaction, just crashed and burned right there. You had them, you had them, and educating, educating, educating, but, when you do that, that comes across as a threat and it changes that relationship, and so that is why -- Now, is it valid? Yes, but that is why I think the importance of keeping separate outreach and not just relying on that officer with the carrot or the consequence there doing the outreach -- I think you will get more out of educating and explaining to people, to where if they buy in, better data equals better access. If you want them to report on their own and not because -- If we're truly thinking about relationships, it's not because law enforcement is going to come after them.

I understand we have our part in this, but I'm really pushing back on the education and outreach component. With this said, we've got electronic reporting that's been out since 2014. I think we could very easily just roll right into enforcement in the Southeast and say that we've had it out there since 2014. In all reality, it hasn't been enforced since 2014, and so I think another entire campaign should go along with this of, hey, we're beginning to enforce this and we're beginning to -- Do you know what I mean?

We could easily say, hey, you have, in one of those hundreds of blue Fishery Bulletins that you received, we gave you notice, but that's not -- In my mind, in Rama's mind, that's not a good outreach. That's just my thoughts. Thank you.

DR. PONWITH: I appreciate the opportunity to come and talk with you. Again, we can't succeed without you. It is a crucial, crucial component of a well-managed fishery, and so I thank you for all that you do.

COLONEL FRAMPTON: Bonnie, thank you for the time to come in here and share what you've shared with us. I appreciate your comments about law enforcement and realizing our partnerships, and we are in this together, and law enforcement is the pointy end of the stick at the end of the day. We can continue to have this conversation and work with your group and have suggestions about what is the best way, but I think we all realize that you can't do it alone and we can't do it alone. We've got to do it together, and so thank you again for coming in and sharing this. Hopefully we can come up with some good things on reporting.

DR. PONWITH: Thanks, everybody.

COLONEL FRAMPTON: Can we take five minutes? Let's take five minutes.

COLONEL FRAMPTON: Welcome back. We will work on this being a kinder, gentler session. I think let's take a minute and sort of go back through what Bonnie said, not verbatim, but are there any more comments or discussion or would anybody like to make a recommendation from the panel that we go on record with? I thought it was a pretty interesting discussion.

I know yesterday we talked about how some of the states do reporting and that type of thing, and I see where Bonnie and them are going with it, and so I will open it up to you guys. Any comments or anything we want to go on the record as advising?

MR. BUCKSON: Are you asking for a motion or --

COLONEL FRAMPTON: No, I'm not asking for a motion. Just any comments on it?

MR. BUCKSON: The one piece that I think Bonnie got, but I don't know how it will come back, was the importance of getting enforcement involved in creating the system before the system goes into action. I don't know how we would -- That may be a recommendation that the panel might want to offer up, to make sure that we stay engaged. I know that's one of the things that -- Before it gets down to here is your information and go write a citation for somebody.

COLONEL FRAMPTON: I would say that -- Karen, I would assume that you all would be instrumental in dealing with the council, since a lot of the engagement will come through you all from law enforcement. It will come through OLE to you.

MS. RAINE: Yes, but I would suspect, based on our penalty schedules and summary settlement schedules, that a lot of the actions will happen without coming to me, but I do think the Office of Law Enforcement and the Center -- We need to get together again to be sure that everybody is on the same page as far as the type of documentation that we're looking for.

COLONEL FRAMPTON: Kind of a best practices.

MS. RAINE: Yes, and I had provided some things a bit over a year ago, but just to be sure that we're on the same page.

CAPTAIN SHUSTER: I would like to see a -- I think I already voiced it, but I would like to see a dedicated outreach effort beyond what we look at for law enforcement, boots on the ground in our states, in our communities, whether it be workshops or whether it be coinciding with scheduled meetings or whatever the case.

I understand and realize the need for enforcement at the end, but I think we should never need enforcement on something that is an administrative function that actually benefits the fishermen. It's, again, better data and better access. We don't want it to try and do something where it's compounding and the next thing you know you've got suspended permits or permit sanctions or things like that. I just would like to really stress that effort.

MR. BUCKSON: Just as a follow-up to that, I think this a somewhat unique set of regulations, because it's a known universe, and so the outreach, following up with what Rama was saying, is not going to be as difficult as it is in trying to outreach to the entire fishing world of we've changed the size limit or something, but they've got people that are reporting to them, and so it's easy, or relatively easy, to contact people, but there's nothing wrong with additional outreach.

MR. MAXEY: I think there needs to be more emphasis put on enforcement on it. Instead of a guessing game -- I mean she's playing on a guessing game and they're going to shut down a season. To me, that's unfair to everybody. It needs to be exact, instead of just putting numbers in because somebody doesn't report. That's what I don't like.

MR. BELL: I was just going to say that Rama is right on the money. The outreach piece, keep in mind the state partners, state resources, have relationships with these people already. They license them, and we try real hard to do that sort of outreach, but relying on the state agencies or get them involved in that outreach piece, because the Center doesn't -- They don't have a lot of capability, necessarily.

They can do some things, but the folks at the state level know the state agencies, and you could use that to your advantage, in terms of that outreach, but you're right that it is all administrative until it finally gets to that point where, boom, now you've got engage the stick, and that's what law enforcement represents, is the stick. Before that, there's all kinds of cool carrot. If they understand the carrot is better data, better decisions, better management, fisheries that stay open because you're not closing them prematurely, that's the carrot, but when it finally comes time to use the stick, they need to understand, and it needs to be really clear, but use the state partners in that outreach.

COLONEL FRAMPTON: I don't think Bonnie was asking for us to do the outreach. I didn't take that away. I think we can be part of the team of helping do some outreach, but I didn't get the sense that Bonnie was asking us to do the outreach as officers. Any more comments on that?

CAPTAIN SHUSTER: Following up on the comment yesterday of outreach at the law enforcement level versus outreach on a fisheries management level are two different animals. We tend to focus on regulatory X, Y, and Z and this is what you have to do, but if you want to convince and show people the benefits, sometimes it's best to engage our management folks in the outreach efforts, because now they're understanding the personal benefits versus just the significance of what's going to happen to me if I don't. Management is better at teaching us what is going to happen to me if I do, kind of a different way to look at the same thing.

COLONEL FRAMPTON: Any further comments on this, before we move on? Great. Thank you. Are you ready?

MS. BROUWER: What we will do now is Chip is going to walk you through, as I said yesterday, the enforcement components only of the draft system management plans for the deepwater MPAs and the spawning SMZs. After that, we will get Mike Burnett on the phone to talk to you about the turtle excluder device policy, and then that will wrap things up. We will talk about other business and that will be it.

MR. COLLIER: With this basically excerpt from the system management plan, it starts with the executive summary, just to give you a little bit of background of what we're trying to do with the system management plan, and then it goes into the law enforcement section. That starts on page 2.

With the deepwater MPAs, we contacted the LEAP last year in regards to what you guys thought the overall enforceability of the deepwater MPAs were, and here are the characterizations. We had a high, moderate, and low, and this came out of -- It's basically the exact same classifications that came out of the Oculina Experimental Closed Area, and so we used the exact same wording for that, and then tried to get the feel for what was going on in the deepwater MPAs.

If you go down to the table, here are the eight deepwater MPAs. The closest state is generally which state agency was going to respond. We have North Florida, St. Lucie Hump, East Hump. Those are all in Florida, and so Florida commented on those. If you guys are still good with the ratings that you gave in 2015, those were all high. Not to call anyone out, but, Rama, that would be your area. I believe you commented on that in 2015, and it was in some regards to the changing of your assets on the east coast.

CAPTAIN SHUSTER: Yes, we did move equipment around so we had a specific law enforcement platform or vessels that could target and focus on these areas. By having an asset there, an MPA could be a dedicated function of its daily operations. We still have to keep in mind weather events can sometimes last for twenty or thirty or forty days, and it can eat up a big portion of your year.

We do kind of stand out there, in North Florida in particular, with a low on both sides. I am kind of going back through my mind on that, but we do have a dedicated platform there. One thing I may come back around and comment on further in the discussion is the importance of aviation, and that's state aviation, in our offshore enforcement. It's really huge. It's something that I would like to see a joint consensus and maybe a push to communicate that and show the importance of that to our federal partners, to our JEA.

Aircraft by itself can't do a whole lot, and in the past we've looked at aircraft by itself and what can it do, and it gets low marks for enforcement, but an aircraft with a vessel, now you've just multiplied it times a hundred times, and so I think we need to make sure we're looking at it together like that, and that kind of factors into some of the enforceability ratings.

MS. RAINE: I have a question as far as you moving assets around for North Florida. There was a case that went to hearing on the North Florida MPA, and one of the issues that was brought up during the hearing was the difficulty of getting out there. Now, this was a few years ago, and so do you have another asset that is able to get out there more easily than the patrol boats that were able to access the area?

CAPTAIN SHUSTER: We placed a -- Actually, it's a brand-new purchase, but it's a forty-foot SAFE boat. The sentinel, which is now based in Jacksonville. We moved another forty-foot boat to New Smyrna, and we have another one now at Cape Canaveral. We moved one of the existing boats down to Jupiter, and so we really put something on the east coast that we didn't have in place before with the one boat at Cape Canaveral.

MS. RAINE: Because I think some of the testimony was that it took quite a bit of fuel to get out there and then there wasn't a lot of time to spend out there before the boat would have to come back.

CAPTAIN SHUSTER: I think that's still accurate, depending on weather conditions. If it's a smooth day, you can get out there and have a lot of fuel to burn. If it's a rough day, you're going to get out there and you're going to have maybe a couple of hours and return. These same factors apply to aircraft. Any true MPA that is offshore -- I don't know that Oculina is a valid representation of that, because it's so close to shore, but -- North Florida kind of compares to the offshore things we have in the Gulf.

MS. RAINE: I think North Florida is about sixty miles offshore, and, again, in the case that an administrative law judge heard, that was as far as the penalty phase went. Something she took into account was the difficulty in enforcing that area and just physically getting out there if you need to spend time out there, and so I guess I'm not clear on whether that has really changed.

CAPTAIN SHUSTER: It's still sixty miles offshore, but it's dedicated access and a dedicated team.

MS. RAINE: I guess my conclusion is there still is some difficulty in enforcing something that far offshore. You might have more assets available to you, and different types of assets, but there is still some inherent difficulty.

CAPTAIN SHUSTER: Yes, and anything that would apply to all offshore patrols.

MS. RAINE: Right, and I'm just pointing that out as an example of the case we had.

CAPTAIN SHUSTER: I appreciate you bringing that up, and would you make a recommendation that we should evaluate our rating of how we evaluate that?

MS. RAINE: That's up to you, but I am just -- Why don't you review this decision? It's on our website, and I will get you the case number, but you might want to look at that, at some of the testimony that the judge relayed about that area, about different things that they would take into consideration.

MR. COLLIER: What year was that case, Karen?

MS. RAINE: It's the Lady Diane case, I believe, and it is on our website.

MR. COLLIER: It's been on there for a while, right?

MS. RAINE: Yes, and it's under the case decision. I think it might have been a 2013 decision.

MR. BUCKSON: What was the case again?

MS. RAINE: Lady Diane, I believe, but I'm going to look real quick.

MR. COLLIER: It went to the administrative judge, but they didn't show up, right?

MS. RAINE: Right. The owner and the operator requested a hearing, but the owner settled before the hearing, but then the operator did not appear, but we went ahead and presented. The agency presented its case anyway, and there was a decision.

COLONEL FRAMPTON: If I can interject here, I don't know if it would be helpful -- I know Bruce was here, but not too many years ago when we originally rated the MPAs and what our capabilities were -- Karen, you were here I think then too. Is it beneficial to anybody at the table for us to go back and sort of give you the nickel tour of sort of how we got here? I know for most folks it's -- Most of the MPAs are, at least in South Carolina, are pretty far offshore. It's a funding issue. It's a weather issue. It's a manpower issue.

We do enforcement on the MPAs. We do them, just like I think you all do them, with aircraft. We do them with boats, but it's weather permitting and it's the time of the year, but with the limited resources that we all have. At least our MPAs, off the top of my head, are Type II MPAs, and so they can troll in them, but they can't bottom fish in them.

Just because the plane sees them -- They can relay some good information back, but, in order to really get where we want to go, we go back to you've got put somebody on that boat, and fifty

miles offshore or thirty miles offshore, it just depends on how many assets we have working, the weather, and all those things factor into our ability and capabilities to do MPA enforcement.

MS. RAINE: Right, and the name of the case is David Eugene Smith. The docket number is SE1104625FM and the vessel is the Lady Diane. The initial decision and order is dated February 4, 2013. It's easily found on our website, and the entire decision is there. Jack McGovern was there to testify about the type of MPA it was and that type of thing. Then, of course, we had Florida officers there, and there is a discussion in the decision about some of the difficulties, because of the type of MPA it is, as well as its position offshore. That's the only case that we've had in the South Atlantic with MPAs, and so I think it's interesting reading.

MR. COLLIER: It was definitely interesting reading what the administrative judge was looking at. I think that was --

MS. RAINE: That's why I would suggest not even just the cases that come out of the South Atlantic, but out of the Gulf and other parts of the country. You might be interested to see how the various judges are handling issues. Some might be similar to what we see in the South Atlantic and some not, but I think it's interesting reading.

MR. BUCKSON: A couple of things that come to mind is I recall that we probably had days and days of meetings about SMZs and MPAs for a while.

COLONEL FRAMPTON: Straight lines versus curved lines.

MR. BUCKSON: I think one of the things I recall, most importantly, was that enforcement folks didn't want to get in the position of telling the council how to manage fisheries, but we wanted to make sure that it was clear what some of the challenges might be with different types of management schemes, MPAs being one of the questions specifically, and most of us, or some of us, sitting around the table know some good and bad examples of enforcement and MPAs and one particularly off of Florida that didn't work out quite the way that it should have. It was put where it needs to be, but it was a learning experience.

We didn't want to end up in that situation again, where law enforcement did not say anything about an MPA being created and ultimately, ten years or five years later, the council and other folks came back and said, why aren't you enforcing this, and we sit back and say we can't. Why didn't you tell us that in the beginning?

We were trying to get ahead of things at the time, but, by the same token, we had no opinion whether it was a good idea or a bad idea to use an MPA. If you're going to do it, here's how you should do it. The only way that we thought that we could really portray that was to try to give some assessment of MPAs and what we were going to be able to do, what enforcement was going to be able to do in these areas, and that's where the high, moderate, and low came up and we would try to identify what some of those issues were, for the accessibility.

I know, in my mind, when we said accessibility, I was thinking distance from shore. If you had one that was sixty miles offshore, as an example -- In my mind, I never saw that as ever meeting a high, unless we had thousands of people and thousands of boats that could go out, or aircraft that could go out, but, be that as it may, it gave us all some sort of idea of what to expect.

I think at that time I recall talking about expectations, and we were trying to set expectations, everybody's expectations, on the same level. This is the best way that we found at the time to come up with it. Does that mean it's still valid at this point? Maybe not. Maybe it needs to be revisited and try to come up with better ideas.

One of the things, when I spent some time in NOAA, is we tried to look at different ways to monitor MPAs, with satellite data and with all kinds of different things, and we never really got far. It was just the inability to have real-time data that we can legally get to. It was just not going to happen.

You could get historic data somewhat -- I shouldn't say easily, but you could get some historic data, but that's of no value to enforcement, and so it may be for management to be able to say here is what is going to happen and take a snapshot from a satellite photo and things, but we never really got to a place -- We're never going to get VMS on all the people, and that's one way that we work, but you're dealing with recreational fishers and so it's always going to be a challenge, and I haven't gotten any wiser to figure out a better solution to it, but this at least sets expectations, hopefully, to get more of what they expected. Every day, somebody is going to be sixty miles offshore on the North Florida spot.

COLONEL FRAMPTON: One of the other things that came out of that discussion was there was an enforceability guidelines book. I don't know if it's a book, but something out there, and we really went back to enforceability guidelines when commenting on MPAs about straight lines and how enforcement does enforcement on things like that and what were the best practices for us to have in place when the MPA was designed, so that we could do enforcement on it and know for certain where they were and where we were, in order to take the case to NOAA. That's the nickel tour of where we were years ago when we came up with these ratings in this council.

CAPTAIN SHUSTER: Chip, we may -- We were looking at dedicated assets and looking at capabilities of our equipment and actually why we chose that equipment in that, but certainly, in saying that, we also diminished the fact that it's sixty miles offshore, which we have a piece of equipment that's supposed to be capable, easily, of a hundred miles offshore, and so we may want to look at those again, based on reconsidering the distance really. A dedicated person and a dedicated piece of machinery, that's there, but to have something consistent with all our state partners, we may want to reevaluate that.

MR. COLLIER: Florida is much different, where they do have a vessel that can get there. Other states are limited.

COLONEL FRAMPTON: I would say that we have vessels that can get there, but I think it's weather related and I think it's how long can the vessel stay on scene out there is a big deal. We have vessels that can go out there, but we try to look at enforcement of it with commonsense, and when it's small craft, we're not going out there, because nobody else is out there, or we use our aircraft.

Granted, we don't have vessels like some of the bigger boats, but we do have vessels that can go out there and do enforcement on it, and we've done patrols with the Coast Guard out of Charleston on the yellowfin and some of that stuff to go out there, and so it's not that it doesn't happen, but we are limited by vessel size and capabilities and that kind of thing.

MR. COLLIER: Rama, do you want to change it from a high to a moderate or to a low?

CAPTAIN SHUSTER: I wouldn't go any lower than a moderate for North Florida. I would recommend leaving St. Lucie and the East Hump really where they're at.

MR. COLLIER: Okay. In Georgia, we have a low. Should we just continue with the low?

MR. CARSON: Yes.

MR. COLLIER: South Carolina, continue with the low? We've been in discussion with Jim Kelley in the past, and I believe he would like to continue with a low. It leaves the new one we added to there, and it comes to Tara, where the Coast Guard actually responded, and we got some ratings there. It was low, for the most part, with the exception of the Snowy Wreck off of North Carolina. I know that might be in a different jurisdiction, and so I don't know if you were able --

LTJG PRAY: That's the district to the north, District 5. In District 7, I would leave them all at low, just because of competing priorities and limited resources. As others have commented, for our eighty-seven-foot patrol boats, getting offshore in any sort of sea state is still difficult. We could probably reevaluate in the future, as more resources come online, because we are teed up for new fast-response cutters. That would be five to ten years.

COLONEL FRAMPTON: Bruce will still be here.

MR. BUCKSON: Yes, I will.

MR. COLLIER: Thank you, guys, so much for going through that table with me, and we're going to do the same thing for SMZs, but that's going to be a little bit later. We're going to continue on this one. Here are some assets from the Coast Guard that was provided from previous times. Tara, does this look --

LTJG PRAY: Yes, and the sixty-five isn't on there, but some of the distances that you mentioned, it would be realistic to use the sixty-five. That's one of our aircraft. In District 7, there are no allocated living marine resource aircraft. It's reserved for search and rescue and drug and migrant interdiction operations, and so we have them and they can do concurrent missions, but that's an accurate reflection.

MR. COLLIER: Okay. Then the next section right there, Karen had given me some updated language, and so I'm going to put that in there. There were just some minor modifications in there. Going into the goals for the enforcement section --

MS. DUNMORE: Can I ask a question? Do drones factor in here at all?

MR. COLLIER: Actually, we were going to get some comments from counsel on drones.

MS. RAINE: I will just point out that at this point the agency is not using drones for law enforcement purposes.

MR. WAUGH: What would have to occur or what could the council do to allow the use of drones for enforcement? Does anybody know?

MS. RAINE: I think it's a broader question than just our agency.

CAPTAIN SHUSTER: From the State of Florida perspective, we don't use drones and we don't participate in any events that may even have the perception of using drones, based on public opinion and outcry and basically the overall acceptance of the big-brother. We facilitated, many, many, many years ago, an event where a drone was tested by NOAA on one of our boats that is manned by our officers, and, to this day, we are still answering inquiries that come back up that we have to say no, read the data on that. That was ten years ago and we don't do that. It's just not comfortable territory.

MS. DUNMIRE: It sounds like a Pandora's Box. Maybe I shouldn't have asked the question.

MR. BUCKSON: Just a quick follow-up to Rama though, just because your OLE counterparts aren't here, but when he said it was NOAA testing that, it was not OLE that was testing it and it was not General Counsel. It was the NOAA aircraft section, basically, that were testing that drone, and so enforcement wasn't involved in it.

CAPTAIN SHUSTER: Thank you for clarifying that. I think actually that was looking at seagrass or something like that. Wasn't that aimed at looking at the sea bottom and stuff and it had nothing to do with enforcement?

MR. WAUGH: We'll come back and talk about this, because we're working on a habitat presentation for our June council meeting, on Monday afternoon, to have a demo of gear, underwater drones, if you will. There's a lot of technology out there that can be used to monitor, and, in fact, MPAs are far offshore. We can't move them in, but I think it's -- The council will start this discussion in June, but I think there are technologies out there to make the enforcement of MPAs very simple.

It's just a question of whether we have the intestinal fortitude to put that in place, but if they're important for management and need to be enforced, there's technology out there, and we're going to have this discussion at the council. I don't want to try and get that discussion going here, because I know there is a lot of issues to contend with, but we will be looking at that in the future.

CAPTAIN SHUSTER: I think any time we're looking at drones right now that we should rethink aircraft as an underutilized tool that we do have available. We have a person in it, and I'm not diminishing technology, because I know it's just as good, if not better. The military uses it, but, right now, we have aircraft and we could get better aircraft. The public is already accepting, or receptive, to aircraft. They are not currently, to the best of my understanding, in our JEAs, due to reimbursement funding amounts or the cost to operate, and so that is an area that, again, could be enhanced greatly without any of the negative side effects, and it would provide many, many other benefits to our fisheries other than just the MPAs.

COLONEL FRAMPTON: South Carolina does not use drones, but I will say, sitting on the National Association of Conservation Law Enforcement Chiefs, there has been, in the recent past, a lot of talk about drones and the use of drones in fish and wildlife agencies and that type of thing,

and so I think it would be a very interesting discussion, but there are a lot of -- There are a lot of issues to talk about in the use of drones doing enforcement, a lot of issues. Thank you for your question though.

MR. COLLIER: The goals for this section are to enhance enforceability and compliance with deepwater MPAs. The first objective is to consider the seven criteria from the AP. The second objective is to ensure enforceability of deepwater MPAs. The third one is to improve surveillance and monitoring of deepwater MPAs. Objective M is to maintain or improve the application of law and regulations for deepwater MPAs, and the final one is to increase user participation in surveillance, monitoring, and enforcement of deepwater MPAs.

It's not to say that there is going to be people writing tickets, but they're going to inform officers more often. I know it's not great right now with people and what they consider tattling on each other, but you know we can use that information as managers.

COLONEL FRAMPTON: That was part of the original conversation, was voluntary compliance within the industry that may be out there and that type of intelligence coming back.

MR. COLLIER: So are you guys good with these goals?

COLONEL FRAMPTON: Any comment from anybody on the goals?

MR. COLLIER: Then Action Item 1, and these are very similar to what was in the Oculina report last year, and the original deepwater MPA as well. Action 1 is to develop cooperative enforcement via intelligence and asset sharing meetings and training to encourage coordination of deepwater MPA patrols and investigations.

I believe there was some concern in the past of duplicate effort, and they just want to make sure that that's not going to occur and everybody is communicating and everybody knows what's going on out there. With that, having an oral report at this meeting I think would be a good opportunity to talk about enforcement and engagement in some of the deepwater MPAs, and actually all of the marine protected areas. If you guys really don't like any of these ideas, let me know and we can get them taken out. The council is going to, hopefully, be taking final action on these at this meeting.

COLONEL FRAMPTON: What type of deliverables in the report would you be looking for from the LEAP?

MR. COLLIER: I think, with that, it's -- I mean I think some of it is just talking about the information that they have, the assets that they have, the concerns, just an overall discussion at these meetings of how we can improve the overall enforceability.

MR. BUCKSON: Is there one done for the Oculina now, a report?

MR. COLLIER: There is a report that's done. I haven't heard a report given at the LEAP, but it's actually in the Oculina report to have one done.

MR. BUCKSON: I guess this report would be similar to that, so we have a reference.

MR. COLLIER: Action Item 2, and there's another task under there, is to continue to have officers train at the Coast Guard Southeast Regional Fisheries Training Center. From what we've heard in the past, that's been a very successful training program. I have never attended.

COLONEL FRAMPTON: I attended some years ago, and it is a very good training program.

MR. COLLIER: So we definitely want to continue that. Another task under this one is to develop a patrol reporting form and database for determining compliance in MPAs and develop a centralized database for information access. What we're looking for with that is right now it can be very difficult to get the information on whether or not an MPA is being -- If there is any monitoring that's been done in the area, but we also need to know if somebody goes out there and they don't find anyone.

That's just as important, because no one being out there is important. We hear all kinds of reports that people are in these MPAs and violating all the time, but, in talking to Rama in the past, they go out there quite a bit and they're not seeing that many people violating, and so, as the council, they're having to wrestle between one group and the other. The truth is in the middle, but which side of the middle?

CAPTAIN SHUSTER: That's a valid point. In some areas, we go out there only so that we can say we were there and there was nobody there, so then we can go patrol where all the people are at and be productive with federal fisheries, but you're still using the asset to run out there just so you can say that --

COLONEL FRAMPTON: I go back to my original statement of MPAs. It's what assets do you have available and what's the weather like and what other fisheries are going on. What other things are we doing in law enforcement at that time? That dictates whether we're going to send a boat fifty miles offshore each way to check and see if somebody is out there. We do the best we can with it, but, like we've said and said all along, enforcement of MPAs that are twenty-five or thirty or forty or fifty miles offshore is a difficult task, at best.

MR. BUCKSON: This says to develop a patrol report and database. Database for multiple agencies for enforcement is going to be a monster. It's going to be a real challenge to do, and that's the first thing. The second thing is the report. I am not sure that any agency -- Again, this is where I'm speaking well on the other side of my retirement, but I'm not sure any agency wants to develop a new report or add another report, and I'm not sure how all of this would be accomplished.

I am wondering if maybe the task, instead of develop, is you may want to consider "consider developing" or something to that effect, rather than putting a definitive task on something that may never be able to be accomplished. Again, it's that expectation, but somebody is going to come back one day and say, where's your report and where's your database and I would like to see that. It's just a thought. Like I said, I don't have a dog in it, and so it's --

COLONEL FRAMPTON: I am going to throw it back at Bruce, because he brought the dog up. We have tried for -- We have all collectively tried for an awfully long time with NOAA, with OLE, to come up with a database to report out of the JEAs. To this day, I don't think we've got a reporting database in place that we all use that you can pull data from. Karen, you may -- I don't

think it's there. We don't collect the -- We don't have our own database within our JEA program to pull that data, and so it would be each state internally doing it, I think, whether it's manual or however each state collects its data, but that could be a labor-intensive project that you're asking for.

MR. BUCKSON: It may not mean that these individual states and OLE and the Coast Guard can't report on what they did, but having it in a central database or a central or consistent form may be the challenge.

COLONEL FRAMPTON: The ability to drill into that, I would say it's non-existent. Is that safe from Georgia and Florida to say that?

CAPTAIN SHUSTER: I think it's very accurate, and, Bruce, that was an excellent comment. I'm going back in my mental rolodex, and wasn't that possible driven either -- What was the original demand for that? I feel like we were answering a request, and that goes back several years, on this issue.

MR. COLLIER: A lot of it comes down to the fact that we come to these meetings and it's very difficult to get a report on what enforcement has been done. It's likely due to a lack of a form being present and a lack of a database, because one person can't get all the information together, and it relies on everybody putting it all together and coming from different sources. If we potentially had a JEA database --

COLONEL FRAMPTON: I would offer up that this should be a topic for a future agenda. I think it's a very worthwhile topic. We all know the challenges that we've had in the JEA program with the database and where we go in our states, but I think that this group could certainly do a better job of coming up with some type of overall report, as we do in other things, a state report and a Coast Guard report, of what the states are doing and what they've done in fisheries enforcement, and try to give it to you that way, instead of trying to go down this route of databases and all that, because, frankly, I don't see that happening in my world. I don't have the capabilities to create a database to do that.

MR. COLLIER: Instead of maybe going full-out database and form, maybe giving you guys some ideas of what we would like to see as minimum data elements to consider?

COLONEL FRAMPTON: I think if we could leave it that let us give you overall state reports of what the states are doing in enforcement of MPAs and that type of thing.

CAPTAIN SHUSTER: Would it be accurate to say we all document on our actual JEA forms our MPA activities?

COLONEL FRAMPTON: We all do boarding summaries, which would could pull some stuff from, but that is all a manual go back through every JEA boarding report and pull it. That's why I say if we could give you a -- If you all would be all right with an overall these our efforts in enforcement, I think we could give you that without a lot of trouble, but I think that's a very worthwhile conversation to have with the LEAP, and I'm speaking for myself. I should ask Georgia and Florida and North Carolina if they're comfortable with that mentality going towards it.

CAPTAIN SHUSTER: We can provide that.

LTJG PRAY: The Coast Guard provides a list of metrics, and so it would be real easy to --

MR. BUCKSON: I wasn't suggesting to completely remove that task. I was suggesting rewording it so that we don't lose sight of it as a potential, but just not make it something that --

MR. COLLIER: Action Item 2 is going to change a little bit, because it states to maintain high enforceability for the Florida deepwater MPAs and increase enforceability rating to at least moderate for the other deepwater MPAs. This is recognizing the fact that you guys are going to have to purchase new vessels and maintain the vessels that you do have. It's going to require more money, but, ideally, we would like to have better enforcement of these deepwater MPAs. We do want to get it from a low.

CAPTAIN SHUSTER: When you get out of -- I don't know what anybody else's equipment is here, aside from one or two pieces, but when you get a good fit for a piece of equipment, the distance does diminish. You get in an enclosed, climate-controlled cab, and just all heck can break loose out there, and it's not that difficult to get there anymore.

Now, there are times when it's a slow go. Trust me. I'm not saying it's like walking to your next-door neighbor's house by any means, but we feel that we've done that along the east coast now, and we actually had a larger vessel that was over there and it wasn't a good fit. It was sixty-five feet long, and you would think that it would be better for it, but it was actually contrary. These smaller, low center of gravity, fast boats actually -- The bigger boat, in the past, was thought to be better. You could go out there, but then you couldn't do anything, because you couldn't get alongside anybody. You couldn't get your small boat off the deck of the big boat without tearing something up.

I think there is something to be said for continuing through the JEAs to look at equipment and finding a good fit for everybody's individual missions, because we're all different. Everybody's manpower is different and other enforcement needs are different. That's my thoughts on that.

COLONEL FRAMPTON: I will say that I concur with that, but I think that if we really want to have a real discussion about that, then we need to have NOAA OLE at the table, because they are the ones that administer our JEAs, and we collectively work together on our priorities and where our priorities are. Our funding comes from them and we have funding matrices and we have other matrices as to how things are done, and everything we've talked about with MPAs, the cost, the weather, manpower, that all has to be taken into account when we do this.

I don't say this in a negative way at all, but JEA is not the only thing that enforcement has to do. We do all of our own recreational boating and we're talking about -- South Carolina is eighth in the country in registered boats. We're a small state with almost a half-a-million registered boats, and so our plate is full, and I would very careful to obligate us to more unless there was secure funding in place on reoccurring basis that would give us big boats, and we know that when you start talking about big boats and consistent enforcement, you're talking about a lot of people and a lot of money and a lot of resources.

I mean you're talking a million-dollars for a boat and you're talking about rotating crews and you're talking about maintenance and fuel and officer safety and getting these people to that thing. It's all doable, but there is a lot that goes with it, and I don't think we're opposed to doing it. We've been doing it and we like our JEAs, but you've also got to remember that we have our state responsibilities to do too, and, at least from South Carolina's perspective, those responsibilities are vast.

That's manpower that comes back, and we work with our own General Assemblies to get folks and get funding. I am sure if we have more people that we can do more with more assets, but we rely on our JEA, I think primarily for the funding of those assets and operating those assets, and that is an expensive proposition, coming from a state that had a bigger asset and trying to use -- You know you hear the Coast Guard talking about -- They're talking about eighty-something-foot cutters that are weather-limited.

South Carolina is never going to get an eighty-something-foot cutter. I'm just going to tell you. I just think that those are all the things that need to be taken into context before we go down this road, because our priorities in our JEA are set with the Office of Law Enforcement in NOAA, and they have their priorities of where they would like to see that money spent. Everybody wants to have their hand in the pie, and that's fine, but it's a very limited pie and how the matrix is broken down of funding between states is a constant issue of who is getting what, and it varies up and down, and so I just think that we should say all that upfront before we go down this road and people are disappointed in what we tell them. I will turn to Georgia or Florida to echo that or --

MR. CARSON: I definitely agree. Georgia has an issue right now with manpower. I think this is the third year we've not hired anybody, but we are going to have a ten-person plan for this year. I would say half of those or better go to the north Georgia lakes. As far as funding on the coast, we may get one or two, but that's just going to fill the holes that we already have to help with recreational boating, recreational hunting, stuff that we already deal with that are expected from the citizens of Georgia that we do.

CAPTAIN SHUSTER: I would like to point out something in here that I think may have been good for an individual fit, but maybe not appropriate to represent everybody, is the cost amount and identifying the type of vessel. If we're going to leave any figures in there, I could make recommendations from Florida's perspective, but I would have no less than \$500,000 in there for a vessel, and I would probably not specify a center console, because that would not be of any benefit to Florida for this mission, and so I will just leave it at vessel.

Then budget, keeping in mind that Florida is maintaining fourteen of these, and some other states might be one or two, but we're operating around a million a year and not \$200,000 a year, and so that could be somewhat misleading, not looking at the totality of all the states in the states and just seeing all it takes is \$200,000 a year to patrol these. That would be very misleading, and so if you wanted some guesstimates to throw in there, it's a million-plus a year, and what we have found, going back to my comments a minute ago on the vessel, is I feel like we've found a niche, and it may not be perfect, but some of our larger vessels that are these million-dollar boats that are very, very expensive to feed, in many cases aren't the best thing to be out there.

We moved a lot of these things into the Gulf. Actually, we've sold some and moved our two remaining into the Gulf, where they can benefit from multiday or weeklong trips, because in the

South Atlantic, we need to get there efficiently and fast, and the world of large-displacement outboards has opened up many, many opportunities we did not have in the past, and so, again, these forty-foot go-fasts are actually -- This may sound weird, but they're almost more seaworthy and usable in poor weather conditions than these big boats that cost a million-dollars and aren't real productive. I would rather be in the forty-foot rigid hull. We can all put them on a trailer and back them into our shops and unbolt three or four outboard motors and throw some new electronics in them and you have a brand-new boat.

COLONEL FRAMPTON: You make that sound really easy. Put it on the ground with the motors on it and pull it out.

CAPTAIN SHUSTER: It's about fifty-grand in outboards. Triple-300s is -- Again, finding the right equipment, things get more achievable.

COLONEL FRAMPTON: Rama is right. South Carolina has gone to that theory of smaller, faster patrol boats. We have a forty-foot patrol boat that has triple-300s on it, but you are still weather limited in what you're going to do, and I say this. You're not going to go out there in four or five-foot seas and run fifty-miles an hour. If the boat will do eighty, you're not going to do it. You're a pin in the ocean, and you need to realize that.

If you do go out there, you could beat the equipment to death, and so you know we just have to -- The reality is where we all are in this. I think we all want to do MPA enforcement. We're not opposed to doing it at all, but we are limited in what we can do, and I think when you hear the Coast Guard say they've got eighty-eight-foot cutters that are limited in what they're going to do, then we should take heed at that and realize if they're limited in an eighty-eight-foot cutter, what are we going to do in a thirty-eight-foot center console, and we also have to look at our own people's safety and what we're asking them to do. I just think that it's a worthwhile discussion, but we've got to know that enforcement is -- We're constrained by budgets, and our budget in MPA enforcement comes from NOAA OLE and the JEAs.

MR. COLLIER: Any values that are in this, they are just put there just for some discussion.

COLONEL FRAMPTON: You got some.

MR. COLLIER: We're not tied to any of the values, and so I have no problem with you guys saying you are completely off base.

COLONEL FRAMPTON: As Julie would say, your time is up.

MR. COLLIER: Patrol deepwater MPAs with aerial and at-sea assets, Rama had mentioned that you guys -- You definitely want to try to get aircraft put on the JEA, and is that the --

CAPTAIN SHUSTER: It's a huge priority. I think it's under valued. There is not currently a reimbursement to the JEA. The bang for the buck is tremendous.

MR. COLLIER: Within this, I also have -- I put in there some costs for what it would take to operate, how long it would generally take for monitoring an MPA, and then I also had a number of monitoring events per MPA per year. Start throwing darts.

The costs, the trip would generally last about twelve hours and the patrol would potentially have up to three officers, about forty-dollars per hour for the officer, including all fringe. Operating the vessel is about a hundred-dollars per hour, and so a total cost per monitoring event was around \$2,600, and we are looking at five monitoring events per year, like I said earlier. Some of these are lofty goals.

CAPTAIN SHUSTER: Did that come out of our cost projection sheet?

MR. COLLIER: It did not.

CAPTAIN SHUSTER: It did not? Okay. I would have to refer back to our cost projection. In our JEA, we have that broken down.

MR. COLLIER: We generally don't get to see stuff like that, and so I kind of just put stuff together here.

MR. CARSON: In Georgia, those numbers are way low, all the way around.

MR. COLLIER: All right.

CAPTAIN SHUSTER: I would like to refer to our cost projection sheet, because it breaks it down, but I happen to think those are reflective of our costs as well.

MS. RAINE: I would just say, based on my understanding, you might have a patrol lasting approximately twelve hours, but the further offshore an MPA is, the -- I mean it's not going to be twelve hours for every MPA. It might be two hours.

MR. COLLIER: Right.

COLONEL FRAMPTON: In the twelve hours, if you're looking at it from our side of the house, we've got to pay our folks when they leave home and get them there and get them back. Then they've got travel time, and so half of their day is getting to the boat and riding to the MPA, and that's not saying they do any enforcement in between, because -- This is getting a little off-topic, but when we leave to go do a patrol, we may leave and say our goal is to go check the MPA, but if we're passing bottom fishermen here or boats here, we may be checking HMS here and we may be checking CMP here, and we may be just checking recreational boats, and so, at least in South Carolina, we are not that mission-specific that we say we're going to check an MPA and we've got blinders on and we don't see anything else.

It could be an all-day event just to get to the MPA and you get out there and there's not a soul out there, and then you come back, and you have to look at that as the -- If you look at our states and the amount of recreational boating activity we have and those types of things, we have to carefully allocate our manpower as to when we decide to send them. I'm think the numbers are off, and I'm not saying what you're saying is not right. It is, but we go back to this same recurring theme of manpower, money, and our other responsibilities that we have to the citizens of the state.

MR. COLLIER: I think that's one thing we recognize, is manpower and money, and one way to get more money is to begin citing this in multiple different documents and trying to say, all right,

look at this one. This is what they want and this is how much they want to spend and this is how much more money we need.

CAPTAIN SHUSTER: To do that all as individuals, I think we need to refer back the cost sheet that's included in all of our JEAs and keep that individual per state.

MR. COLLIER: All right. A remote monitoring program was mentioned, and that's basically using satellites to do this. It's more or less to help inform patrol efforts and not to do any patrolling itself, and that was two different tasks, I believe. Citizen science is basically to give some more information to the law enforcement officers about when violations are occurring. It's similar to the one before, and it's more or less trying to get some additional information from fishermen that are already on the water.

Report on enforcement and compliance activities to the South Atlantic Council, basically this is just they want to know how often patrols are occurring and how well these areas are having compliance, because when we're doing evaluations of these areas, if there is a non-compliance, it's going to show up that these MPAs are not working, but, in all actuality, they could be working if there was compliance, and so it could be a big loop there that's kind of feeding into each other.

The next one is provide compliance assistance to user groups. This gets to Rama's earlier discussion on outreach and education. It doesn't necessarily have to be officers, and I will try to look through that one again, to make sure it's not just officers that are mentioned.

Action Item 8 is to encourage North Carolina to commit to a JEA with NOAA. That's not going to happen with Michelle being the Chair. That wouldn't be too good for North Carolina to be asking their legislature, and so we're going to wait until after Michelle is done with being Chair to pursue this one, and that's why it's actually deemed as long-term.

COLONEL FRAMPTON: That whole topic has been on the table a long time, and they've been working with North Carolina for a long time to try to get a JEA implemented there.

CAPTAIN SHUSTER: Chip, on Action Item 7, it may be worthwhile to look at the National Marine Sanctuaries Program for outreach. They have volunteer boats that are non-LE that are people that support conservation and volunteer their time. That said, they do have a vessel provided and they do have fuel provided and they have outreach material provided. They have about a twenty-foot extendable pole provided, and they go out there and they fly the flag. It's marked as an outreach vessel. If anybody is doing something wrong, they pull up to them and say, hey, would you like some literature on -- They paper-clip it on the end of a pole and they hand it over to them and they tell them how they can fix it.

It's an effective tool in the National Marine Sanctuaries. It's not something -- It's not a Florida program, but our near-shore MPAs, Oculina in particular, where you're only -- What are we in the bottom corner, fourteen or fifteen-miles offshore? I mean that's so close to shore that everybody is there on a Saturday and those areas can benefit from that type of outreach. I don't think it would be cost-effective to do it for our stuff. It's well offshore, but near-shore MPAs can benefit from that.

MR. COLLIER: Okay, and then the final one is to deal with adjudication and make sure that we do review certain cases. If there's issues that are coming up in the cases, get it to the LEAP and you guys make recommendations on how we can improve the rules and regulations.

MS. RAINE: We don't have that many cases overall that end up going before an administrative law judge. There are even fewer that might end up in district court or a circuit court, but you may also want to, again, look at our website and look at cases from other regions that might be decided, because there may be similar issues that are being dealt with. Overall, we don't have that many that are being heard and decided, but there are some that there is issues, as I say, in other regions, that might be comparable.

MR. COLLIER: I think that's -- There is more budget items and different things like that. I think that's all I had. The SMZ document is very similar. It has very similar action items in there. The one big difference would be changing from five patrols per year to ten patrols per year, and there would actually -- If there's certain spawning times that we can concentrate on, that was one thing that the council would like to recommend, is trying to get enforcement around spawning times, but if spawning is occurring for different species throughout the year, it's going to be difficult to specify which time to get out there. I think that's all I had, unless there are any other questions.

COLONEL FRAMPTON: Thank you. I think you've hit on some topics that are on law enforcement's agendas every day back in our states, and they're topics we deal with on a daily basis. Maybe they're topics that we have a lot to say about, but it's very worthwhile to talk about, and I think as we move forward and we go through these things that we as a group can collectively help to report more on our enforcement efforts and what we're doing in a broader scheme, so that that can be reported back the LEAP and the LE Committee. Thank you.

MR. COLLIER: Thank you, guys, so much for your time.

COLONEL FRAMPTON: We appreciate it. I'm not taking a break, because --

MS. BROUWER: I need to get Mike Burnett on the phone.

COLONEL FRAMPTON: So two minutes?

MS. BROUWER: Let's take a couple-minute break, so I can give him a holler and get him all set up.

MS. BROUWER: Everybody, Mike Burnett from Protected Resources is on the phone, and he is going to walk you all through the "turtle excluder device policy". Take it away, Mike.

MR. BURNETT: Good morning. Our office drafted a TED compliance policy based on a requirement that was implemented in the April 18, 2014 biological opinion. We were required to develop a policy that would specify the data requirements and standards used for taking actions, primarily closures to address non-compliance. This is basically a way to ensure that our conservation measures implemented under the Endangered Species Act are actually effective, and this is stemming from various litigation we've had over the years asking what do we do if you find out if TEDs are not working as previously anticipated in past biological opinions.

In May of 2015, we drafted an initial go at this policy, envisioning how we would implement that data that would be used and how it would be sorted and the threshold that would be used to indicate when we have to do additional management measures, whether it be time/area closures or things of that nature.

This is above and beyond individual enforcement actions that would be taken on any individual boat. This is, again, we're trying to determine and assess overall trends in the fishery, and so we're trying to get basically an idea of what the fishery on a whole is doing and impacts on threatened and endangered sea turtles.

Based on that initial draft, which we were working with various state representatives and various enforcement agencies, from Texas all the way to North Carolina, but primarily this was actually initiated in the Gulf of Mexico. It kind of was spawned out of an earlier exercise about using boarding forms and boarding data and things of that nature, but we expanded it out to other state representatives as well.

Following that draft, we got a lot of input to responses and comments that we basically all compiled and answered, and we produced basically a response to all the comments, so people could see we're trying to be as transparent as possible and give people more insight into why we're doing this and how we're doing this. That was distributed to all of the individuals that were participating in this exercise.

Based on some of that input from the states, we developed a new draft, which is I guess what is being displayed there at your meeting, and this was just a few weeks ago. We went through all the TED boarding data, including information from the Office of Law Enforcement, our Gear Monitoring Team, the U.S. Coast Guard boarding reports, as well as JEA state agencies that submitted information that we were able to utilize for this inventory of information.

The earlier iteration of this policy, we were looking at quarters, sampling periods based on three-month quarters of the calendar year. Based on, again, as I mentioned, on the input, we have changed that now. We looked at overall efforts throughout the year, both in the South Atlantic and the Gulf of Mexico, and we tried to distribute the sampling periods that kind of capture equivalent periods, because obviously there are certain times of the year when there's not a lot of activity. We didn't want to have those sampling periods, if there's a lot of activity or you only have a handful of boardings to pull your analysis from, we didn't want that to potentially skew things.

We went to basically three four-month periods versus the four quarters, and so that's the new policy, the new iteration of that, and we also outlined what data would be used. We're trying to supplement what we get from various law enforcement entities as well as the Gear Monitoring Team with fisheries observers that are mandatory on shrimp vessels. That gives us another data pool to work with, to try to even out the biases, both from GMT and from Law Enforcement, to try to get -- Also, it gives a little more randomness to the whole process.

If you guys have any particular questions or specific questions, the thresholds are still the same, because it's what is required in the biological opinion. In the process, I think we kind of outlined how we would be implementing a potential closure, and that, again, is based on two periods of basically eight months of boardings that would fall under the 88 percent threshold, or actually it's

84 percent threshold. That would be basically until we can demonstrate that enforcement and outreach had changed that and boardings demonstrated that TED compliance was back over those thresholds. If there are any specific questions, I'm happy to entertain those.

CAPTAIN SHUSTER: I would like to, first off, just say thank you for the amount of effort that you and your team has invested in addressing some of these concerns, particularly with the biased information, or potential biased enforcement, via Law Enforcement and GMT, and so it's really come a long way from what we started working with a couple of years ago.

If you could explain to us still how some of these zones work, per se, and our Florida vessels go up to North Carolina or South Carolina and never make landfall, but are fishing off that area and decide to tie their TEDs up or just have violations through improperly maintained gear or what have you. Talk about the zones and where these violations will apply to.

MR. BURNETT: Sure, and I know most of this is theoretical, because we would have to know the particulars of any potential scenario to implement any closure. Again, we anticipate that, given the sample sizes that we envision and what we've seen in the fishery thus far that we basically would have to have -- The fleet would have to really decline and there would have to be widespread ignoring of the TED requirements for a potential fishery closure.

Now, to answer your specifics, again, it would depend on the situation, but, for example, if we had a significant number of boardings that showed let's say off of Texas, and we felt they were home ported around a certain area, that we could address those vessels by a potential closure in that particular area, where we know those vessels are going to be fishing at, like if they're state-licensed vessels, because this would apply off of the state and federally-permitted vessels.

Again, what we want to do is honestly we want to change that non-compliance and try to influence the fishery to improve compliance with the TED requirements. It's a little more complicated, for the federal fishery in particular, because it's a very transient fishery. Vessels can fish off of Florida during certain months of the year and then be off of Texas in other parts. Again, it's going to depend on the situation and what we find in the boarding violations. If we feel that specifically one or two vessels are sewing up their TEDs, obviously there is going to be penalties enacted on those particular vessels, and if we feel it's just one or two vessels, that's not going to trigger a fishery closure.

Again, this is going to be the majority of inspections over eight months that would have to trigger a closure. If it's just a -- If we have that level of severity, and I'm not sure if you're familiar with how we rank violations, but it would basically have to be significant violations over a significant number of inspections for us to be compelled to consider a fishery closure.

CAPTAIN SHUSTER: Thank you for that, and we can see, again, all the efforts that are there to identify what triggers it and how it could open back up. Still, I feel some -- Even though we understand this is the worst-case scenario and it would take the entire fishery to be -- I shouldn't say the entire fishery, but a fishery in any specific area to be really in poor compliance to ever get to this point, but what if all of our Florida boats were off of the Carolinas for an entire season? Would Carolina -- Just please go with me for this scenario. Would Carolina be closed because of the actions of Florida vessels?

MR. BURNETT: Again, this is kind of hard to speak on hypothetical situations, but it, again, depends on if we felt that effort would potentially remain in that area. Like if we knew that next month all the vessels would be heading back to Florida and those vessels that were the problem vessels, we would probably have to close the area, because the impact is not to -- We totally recognize the fact that we don't want to penalize areas or fishermen that are complying with the TED regulations, but we're looking at the overall impact to sea turtles and if those vessels -- If there is a significant portion of the fleet that's moving around, we would probably have to consider where that fleet might be during the closure.

We wouldn't close an area if we feel that the vessels would simply move away or would not be fishing there during that time period. What we're trying to do is, again, influence industry to change, and by closing areas that would have no impact on the fishery or influence them to change their non-compliance with the TED measures, then that probably wouldn't be deemed to be effective. Again, I apologize that I'm not really giving your hard answers, but it's really hard to speak on, because there are so many different scenarios that could be in play here based on those vessels in particular or what states we're talking about or the time of year.

CAPTAIN SHUSTER: I understand it's a moving target and it's a difficult thing to define, and thank you for going with my scenario there. The other thing is what have been the latest efforts to reach out to industry as far as their support of this? My last involvement was our meeting in Mississippi, and what has transpired since then?

MR. BURNETT: Sure, I can speak to that. The Gulf and South Atlantic Fisheries Foundation have actually, the past year, been conducting outreach and courtesy boardings as well, working by going to net shops and trying to get the information out to fishermen about the need to ensure that their TEDs are in compliance and not just when they're -- At all times, and not just do it once and forget about it. You have to maintain these nets and ensure that they are effectively excluding sea turtles.

That's been going on as well. We have talked with SFA and some other groups. I was just at the Louisiana Fisheries Summit in New Orleans, trying to get information out about potential impending regulations for skimmer trawls, TEDs in the skimmer trawl fishery, that we will be entertaining here over the course of this year, and so we have tried to get that outreach out there, and I think with the Gear Monitoring Team doing what they do with outreach to the industry and the Gulf and South Atlantic Fisheries Foundation, working with industry, we've -- I think that message has been well received, and I think looking at the TED compliance, we're in the high nineties, and I think that reflects those efforts.

CAPTAIN SHUSTER: Thank you, and then the last thing is in the opening, which is really good that you've put this in there, but you say that it is still the goal to move this data away from GMT and away from Law Enforcement. Do we have any type of timeline or thoughts on how long it will take us to move over to an observer program or some other form of achieving this data?

MR. BURNETT: I think we want to use all available data, because the more boardings we have, the more likely it is that we have a better snapshot of the entire fishery as a whole and we're not looking at one or two violations taking the picture, and so I think we would still plan on using TED inspection data from enforcement, whether it be OLE, U.S. Coast Guard, and JEA, that goes into it as well, as well as the GMT doing their job and then also observers.

Again, you can see what we've done in the past few years. Just the sample sizes are still limited, and so I think that's going to be a reality into the future as well, because of resource limitations and things of that nature. I think we still need to rely on whatever data we can to ensure we have an adequate sample size.

CAPTAIN SHUSTER: I believe we may have one more conversation with our management and possibly some of your staff, but, again, from Florida, thank you very much for all the additional work you put into this. I would also like to thank Dr. Crabtree for really getting involved with law enforcement and speaking with us and thank you. It's come a long way.

MR. BURNETT: No problem. Are there any other questions that I can answer?

MR. HELIES: Hi, Mike. This is Frank from the Foundation. Just real quick, this is the first time I've seen this new iteration, and I was noticing that you guys are moving forward with observers doing the TED inspections now.

MR. BURNETT: Yes, sir. I don't think we've actually -- Right now, they are still doing the observer training, or they might have already done the first round last month, but they have to do the training and then we're getting the GoPro cameras to all of the observers, and we're still working out how that data will be conveyed to Pascagoula for review and implementation into the database.

MR. HELIES: Okay. If you can keep me posted on that, so I can at least get that out with our outreach. That's going to be a concern to industry, and so I just want to make sure we get out in front of this. I know we discussed it at the Mississippi meeting, that there's going to be some issues with observers potentially doing these inspections, and so I just want to get ahead of it.

MR. BURNETT: Okay. No problem.

MS. BOSARGE: Mike, this is Leann from the Gulf Council. I know a lot of what we're doing here is to be proactive in case we have a problem on the data side, and what I was wondering is, as you're tracking some of these compliance rates and things of this nature, are we able to track what the compliance issues are? In other words, trends? Is a lot of the compliance in the angle that the TED is at or is has it actually been sewed up and things like that? Are we able to track that?

I am just trying to think proactively, from a management standpoint, so that if we did have a problem that we would know maybe where to focus our efforts, where the biggest piece of the outreach and education component might be, besides the location maybe of where these are happening and what the biggest violation was.

MR. BURNETT: I think over the past year or so, I think we've -- When we first started this, obviously we had more issues initially, and when we started ramping up efforts, we saw a lot of real steep angles and we saw there were some instances of total non-compliance by sewing the TEDs up. I think in this recent year that we've seen more just technical violations, smaller issues, whether it be the bend bar or one of the measurements being an inch or two too short or something.

I think we're narrowed down to where it's just more of just smaller maintenance issues and things of that nature, and yes, we can track that. We obviously want to keep on top of this, and so if we start seeing TED compliance slide, we can try to increase and focus our outreach efforts, whether it be GMT or Foundation or if it is we think there is a small pocket of non-compliant fishers, we can -- Law enforcement will have that kind of insight to that and they can address that directly.

Obviously what we want to avoid is getting to the point of, after having two sample periods of eight months and then having to act then, we want to obviously be acting as we are sampling, so it's more real-time reaction, action and reaction, and so I think all the components, whether it's enforcement or outreach and just also management monitoring the situation, I think all of those come into play and can help to ensure that the fishery can still operate as well as protecting and conserving sea turtles. I think it's all interrelated.

MR. COLLIER: Mike, this is Chip with the council staff. You had mentioned that some of the enforcement and some of the monitoring is going to be done through OLE and JEA. North Carolina, who has a significant amount of effort in their inshore waters, doesn't have a JEA, and so are you going to address that area differently, or how is information from that area going to be included?

MR. BURNETT: In those situations, we might have to lean more on GMT observer coverage. To what extent observers work in North Carolina, I'm not sure, but we might have to -- If we start seeing where North Carolina is not really well represented in the TED database, we might have to do some focused GMT surveys up there, so we have an idea that North Carolina is tracking along with the rest of the fleet and there's no weird situations there.

MS. BROUWER: Any more questions for Mike?

COLONEL FRAMPTON: I believe we're good. Thank you, Mike.

MR. BURNETT: Thank you.

MS. BROUWER: Mike, thank you so much.

MR. BURNETT: All right. You guys have a good day.

COLONEL FRAMPTON: You do the same. Good-bye. Any other questions or concerns?

CAPTAIN SHUSTER: Something I was trying to just elaborate on there, and I think Mike helped illustrate that, is there still are some unknowns in this, and we are putting a focus on protecting sea turtles, but also while making sure that our industry is in its safe state, so we don't end up with unintended closures that may be very difficult to reopen and things like that, making sure that if closures do take place that they're in the appropriate area and that Florida boats don't trigger a closure for you guys and vice versa.

It's a moving target, and so it's difficult for Mike and staff to even define this. I think, ultimately, everybody says we're not going to let it get to this point, and we're looking good with compliance now, but I always think it's important to ask what if and could this happen. They've done a great job of illustrating how bad it would have to get in order for that to happen, but it still is a possibility.

DR. CRABTREE: We've spent a lot of time talking about this, but we've tried not to lay it out in too prescriptive of a fashion that it would end up tying our hands if we found ourselves in something unanticipated, and so there are, like you said, a lot of unknowns. It will just be dependent on what we're seeing. It's very difficult to lay out exactly what would happen, because we've never really been in that situation before.

COLONEL FRAMPTON: Talking about TEDs and relating it back to our JEAs, I feel like in the Southeast that TED enforcement is a significant priority within our OLE JEAs. We spend, during the season, a significant amount of time doing TED inspections, and it's interesting that the numbers that I got are very similar to the numbers you got, and I'm not seeing anything any different, but I think we continue to keep TEDs in our JEAs as a priority in the Southeast and what interests me is the number of trawler licenses we issue, but then how many of those boats are we really seeing out there trawling?

To me, it's an interesting thing. We start out hot and heavy and then it diminishes off pretty quickly, but our TED enforcement is a big thing for us, and it's a big priority in our JEA, and so I think we'll keep working at it. Our outreach and dockside and all that, having people on the docks and trying to help people and trying to make sure they're compliant and they've got the right angles and that type of thing, it's all good as far as I see.

CAPTAIN SHUSTER: Dr. Crabtree, did we address that portion of it? Chisholm just brought something up and jogged my memory, but did we do where our dockside would no longer count against compliance rates for dockside inspections?

DR. CRABTREE: Not necessarily, but we've had discussions about indicating on the form whether it was a dockside or an at-sea kind of situation, but I don't think we've wanted to completely rule out using dockside inspections. The GMT guys and all have assured me that they can tell if a boat is completely inactive versus a boat that's fishing.

CAPTAIN SHUSTER: It just goes back to the relationship piece, which I always harp on, is our dockside stuff in Florida is courtesy. It's to help folks, and so for that data to reflect in a negative manner -- I know it's one tiny little piece, but those are just things that didn't set well with our folks, that that would show basically a non-compliance for the industry. We really were there to help them.

COLONEL FRAMPTON: Yes, it's proactive.

CAPTAIN SHUSTER: Those are some of the things of why it's important to look at all the intricacies of these for your state, because there is -- Granted, it looks like we'll never get there and compliance looks great right now. However, all these little things exist. From Florida's perspective, I would like to know we have some large organizations -- We would like to see where they stand on this and also run it through our managers, of course, to see where the state ultimately stands, but they have made great headway in making this a better document and a better proposal.

DR. CRABTREE: We are very close to lining this up, and my hope is this policy is going to -- That doesn't mean that we don't come back to change it at certain points.

AP MEMBER: Is this document strictly otter trawl, or is this going to apply to the skimmer trawl as well?

DR. CRABTREE: It is right now, but if we go forward and require TEDs in skimmer trawls, then we have to develop it at that point. We had a discussion about that at the last Gulf Council meeting, and one of the concerns that the Gulf Council raised was the indicator of skimmer trawl versus otter trawl, and we agree that is compelling.

Whether or not that would require us to make modifications to the policy or not, I don't know, but we will end up redoing the biological opinion at some point. Of course, the other thing that's still pending out there is there is still open litigation on all of this that presumably is going to get before a judge sometime this year, and we'll have to see what happens. There is lots of levers and pieces moving on it.

COLONEL FRAMPTON: Any other comments or question on this before we move on?

CAPTAIN SHUSTER: Maybe just a recommendation from Florida, and I don't know if it can be from the entire advisory panel or not, but just continuing to place a strong emphasis on the goal stated in this project of moving over to a complete observer program and making sure that's not a lingering goal, but make sure it's a priority on implementation of it.

DR. CRABTREE: If I could, I would like to see us get to that. If we see very different compliance levels in the observer data than we're seeing in the law enforcement data, then, of course, that means we're going to have to go back in and adjust the baseline and the biological opinion and all of those things, and so it sounds great, but it's not a simple thing to get to and I'm sure it's going to take some time to transition over to that, but certainly that has the potential of giving us an unbiased view of things.

AP MEMBER: Jim Kelley might be a good source of information for something like that, because he dealt with observers on gillnet boats for sea turtle interactions, and then they also have observers that they put on vessels to monitor sea turtles as well, and so he might give some insight on how exactly all that stuff is worked out.

COLONEL FRAMPTON: Great. Anything else on TEDs? Any comments? Thank you. Thank you, Myra.

MS. BROUWER: Sure. I guess that takes us to Other Business, and I wanted to also introduce Bob Lynn, who is our Georgia representative here, and I didn't know he was. He wanted in the room and Julie asked who is that, and I said I don't know. Anyway, this is Bob. Welcome and thank you for being here.

I have one item under Other Business that I'm just going to say, because I don't want to forget, and I should have put it in the overview and I forgot. Law Enforcement Officer of the Year, I will be, as usual, sending out an email to you all requesting those nominations, and we'll go through that same process that we've done over the last few years. I will get the AP to review the nominations once they all come in to me. I will send them out to you all. Then you have to select three of those candidates to pass on to the council, and they will be talking about that in June, and

they will do the award in September. I just wanted to make sure that I reminded you of that, and so be on the lookout for an email from me.

COLONEL FRAMPTON: Do you want to talk about the Chair and the Vice Chair?

MS. BROUWER: That's up to you, Mr. Chairman.

COLONEL FRAMPTON: That's fine. We can talk about it. It's on the agenda, and we need to figure out, I guess as a group, consensus of where we are on electing a new Chair and a new Vice Chair. Currently, the Vice Chair is Jim Kelley from North Carolina, and we need to figure out where this group wants to go. I think Mel talked -- Am I right there are term limits?

MR. BELL: What it says in the policy document for Chair is it's one year at a time for Chair and Vice Chair until you change it, but I don't think there's an actual term limit on Chair. There are limits for members I guess at some point, but I don't think that's something you need to worry about right this second.

MS. BROUWER: I believe there is a limit for the Chair in the policy that was discussed this morning during AP Selection. My understanding is that the AP Selection Committee was going to review the policy and maybe recommend some changes. I do know that different APs have their own way of dealing with chairmanship terms and stuff. For example, in Snapper Grouper, they decided that they want a Chair to serve for four meetings or two years, whichever one works out to be. That's how they've decided to do it.

I think eventually, once we get feedback from the AP Selection Committee on how that policy is going to be changed, if it's going to be changed, then that may give you guys a little bit more guidance on how to proceed regarding terms.

MR. BELL: Some APs are a lot larger than you all, particularly Snapper Grouper, and so it's a lot more people kind of coming in and out, and so that's something to consider, the uniqueness maybe of this group, being state reps and all, but I wouldn't worry about anything right now.

MS. BROUWER: No, and the other thing that I think was talked about during AP Selection, and I can't be in two places at once, but there has been some interest from folks, council members and just various people, to perhaps expand the membership of the Law Enforcement AP and open up more seats, perhaps have fishermen serving on the LEAP.

I think the committee might benefit from comments that you guys have regarding that, if that were to be something that they want to do. Do you guys want to grow and expand, and do you want to see some fishermen sitting on the LEAP?

MR. BELL: That's something the committee would like your input. I realize it's not --

COLONEL FRAMPTON: My comment would be that we go back to the goal of this committee. It's to look at what the council is doing and their proposed changes and are their changes enforceable by the Coast Guard and by our states? That is the context of this group. That's what we're here for. Our purpose is to kind of go back to, in simple terms, what we talked about with

MPAs and straight lines and curved lines and what works best for enforcement and what are the enforceability guidelines that work for us, since we are the ones doing the enforcement.

I think it's great to have other people on the AP, but our goal is to give feedback to the council if the rules and the proposed changes they're doing are enforceable. We are the one to tell them that. Has anybody else got any comment on that? I'm not opposed to having other people here, but we're not exactly holding court either. We're collectively saying we think this is doable and we can enforce it and this is how we would move forward with it or we would like to see it this way.

MR. BUCKSON: Let me offer something that I probably would have never thought that I would offer. One of the things I have always noticed in the LEAP is that unless there is specific issues of interest to an industry, whether it's conservation NGOs or the fishing industry, there's little participation or little observer -- There is a few number of observers.

I don't know how you improve that unless we possibly add or open a seat for someone on the LEAP. I probably have some of the feelings and concerns as what you just expressed, Chisholm, but I mean we talk about outreach a lot, and this may be a really good place to have some of that outreach, is in the nuts-and-bolts stages of discussing this. Then it would be interesting to have some of the industry, other than -- We have the Foundation here about the TEDs, but we haven't had someone sit around with us on some of those MPAs, which might be interesting. It's just kind of food for thought. It could open the door for some potential benefits for us to hear folks during the process.

COLONEL FRAMPTON: I think it does if they have a background in the fishery and they're active in the fishery and they're, so to speak, an active captain and as to how they run their operation and whether they can comply with -- What's the difficulty in complying with a curved line for them? Is their concern the same as ours, that's it harder for a trawl to figure out the scalloped line than it is a straight line? I think those kinds of discussions and input would be of value to us.

MR. BUCKSON: Plus, there are some of those informal things that we have -- We walk out of this room during some of those informal discussions we have and it would seem to be very beneficial -- It has always been beneficial to me if you've got somebody else from a different mindset.

COLONEL FRAMPTON: Are you saying we're closed-minded?

MR. BUCKSON: No, I didn't say that about you, but if we have somebody else's -- They talk to their close people and they have the opportunity to say, hey, they aren't as weird as I thought they were.

MS. RAINE: A couple of things. I agree with Chisholm that the purpose of this committee is to -- I thought it was to bring a law enforcement perspective to what the regulations are and how they might become more enforceable or better enforceability through some adjustments to the language or whatever, and that fishermen often have other APs that they can belong to.

In the recent past, we did have someone who was here focused on the fishing community and that's kind of whatever, but, to get to your concern, Bruce, maybe we could have the -- Either we meet

more often in conjunction with other APs, to get those kinds of perspectives, or have meetings where we actively solicit and invite more of an audience, but sort of a participatory audience, and to get viewpoints and issues and concerns that way.

Maybe there is a way to focus on how to focus enforcement and prosecuting the laws on what they're thinking, but yet to bring in through another avenue, whether it's joint meetings with other APs, more of those to focus just on the enforceability types of issues, or to solicit more of a participatory audience.

COLONEL FRAMPTON: I would agree with Karen.

CAPTAIN SHUSTER: I agree with Bruce's comments there. I think this is a really great opportunity, and sometimes I think having that other perspective there keeps us looking at all aspects of enforceability and not the black and white part of enforceability, more of what's the gray area of enforceability.

We did have Mike Kennedy in the past. I know, as of late, I don't think he's been in attendance, but he served as a great resource for Florida on fisheries issues, to reach out and say what's the other side of this. I think to have somebody in here just to bring those little things up to us, I think it would be a huge benefit to the team, to get that other perspective in real time, so that we don't leave and table things until the next meeting, or wait until the states go back individually and get that other perspective. We've got the other perspective in the room right now to help work through an issue. Those are my thoughts on it.

MR. BELL: It's whatever you all are comfortable with. I guess the way I was thinking of it is if you viewed a person, regardless of what fishery they kind of were from, as sort of a technical representative of that fishery, they could help you kind of think through things from their perspective. You know the law enforcement side of the equation, but, kind of from the other side, how do things play or work? Where are some of the little things that -- It might help you as a resource, if you find that useful.

Keep in mind like remember yesterday when you were talking about the fillet thing and all. You went through all of that and now we're down to the implementation and you all say, what about this and what about that? If a person like that or people like that would be of some value to you in kind of thinking things, they might kind of identify stuff that you would input to us, from an enforcement perspective, but it's whatever you see as a value or not.

There's other ways. Like was described at the beginning, you could bounce things off of a resource, and also Gregg has mentioned that we're going to try to -- I think kind of not do this concurrent thing, if we can avoid that, and have the AP meet independently, or perhaps they could be brought up against another AP meeting or something, but it's a little rough like when Myra or I need to kind of be in two places at once and you don't get the focus that some APs get. I think we can improve that, just by adjusting the schedules and stuff.

COLONEL FRAMPTON: Absolutely.

CAPTAIN SHUSTER: Sometimes when we think about fishermen, I think we may wonder what we might get there, but I mean look at somebody like Ben Hartig. He's a fisherman, and wouldn't

he be a great asset in here, and dozens more. Maybe, if the panel chose to move forward, we could think about maybe being part of the selection process, the LEAP actually being part of the selection process, versus the regular council or something like that.

MR. BELL: If you had recommendations or something, I would think that would work, but you're right. You've got to have the right person.

COLONEL FRAMPTON: I think our recommendation would be that we look for that right person, that right fit into the panel, to complement the panel with their fisheries experience.

AP MEMBER: Another idea, to completely take you off the topic of focusing on just one person, is maybe look at Chairs of the different committees, so that if you have like Snapper Grouper has like five different things coming up, you could have the Chair of the Snapper Grouper or a member from the Snapper Grouper Committee that's been dealing with this issue, and so they have a lot more knowledge on it than somebody just sitting -- That's just one token person on there, and maybe this could be a rotating seat.

MS. BROUWER: You mean AP and not committee.

AP MEMBER: AP, yes.

COLONEL FRAMPTON: I think that has a lot of value. That type of instance has a lot of value to us, the subject matter expert.

MR. BELL: Pull them in as a resource, because you're looking at the same thing from a different perspective.

COLONEL FRAMPTON: I think our recommendation would be that we explore that and see if that's possible, to bring somebody in that's knowledgeable in the field that we're discussing, or the issues we're having. I can see where that would be of value to the group.

MR. BUCKSON: These people are going to be here. They're going to be at the meetings.

COLONEL FRAMPTON: Great. Anything else? We will work on Chair and Vice Chair at the next meeting. Myra, thank you for your efforts. Happy birthday again.

MS. BROUWER: Thank you.

COLONEL FRAMPTON: I can assure you all that we would not have these meetings if it was not for Myra and her diligence in getting the agenda and getting it all planned, and so thank you very much.

MS. BROUWER: What I am going to do, as far as the report, is since the Law Enforcement Committee meets right after lunch, I am going to go busily type all of this up and provide Chisholm a draft. Chisholm is going to deliver that draft report to the committee, and, unfortunately, you guys are not going to be able to review the draft before that, but we will make sure that everybody receives a copy of that, and, again, this is a complicated thing, doing these concurrent things. It

just doesn't work out so well, and hopefully this is going to be the last time we have to do it this way.

MR. BELL: We will be extremely sensitive to that.

MS. RAINE: I have a question. Yesterday, there was some conversation about a meeting this summer. I am just wanting to know sort of when you thought that might be and how many days it might be.

COLONEL FRAMPTON: Where.

MS. RAINE: I think Gregg said Charleston, but just any kind of details, and the sooner the group receives them --

MS. BROUWER: Hopefully by the end of this week we will have a better idea of how the council wants to proceed, and this is in regards to the charter/for-hire amendment, and so if the Data Collection Committee, and I believe that's when that is being discussed, wants us to hurry up and have that ready to go in June, then we'll have to bring you guys together before that, but my feeling is that we may need a little bit more time, and Mel is here to corroborate or deny that, and then we'll have to go from there, but hopefully we'll have more information on that by the end of the week.

MR. BELL: From Bonnie's presentation this morning discussing the commercial issue, there's a lot of moving parts to now implementing something for several thousand charter boats. We were talking about just a few headboats, and so, given that there's a lot of moving parts and things to consider, I am becoming less and less tied to trying to make this happen by June, and so that's where we really could use some -- As we talked about, working very closely and trying to think through all the things that we would need to accomplish to implement it.

CAPTAIN SHUSTER: I really don't have a dog in the hunt personally here, but as a group, as a panel, maybe reconsider going back to two scheduled meetings. If we think about all the issues that have gone over the entire year, of really getting into the nuts and bolts and enforceability and have ample time to share thoughts and actually being productive, versus dabbling on the surface, I think an additional meeting would be well warranted.

MR. BELL: Think about it, and so any of the other APs, and so your Mackerel or your Snapper Grouper or whatever, you've got things going on, but you guys are attached to everything that's going on. Everything we do has a law enforcement component to it, and so maybe that's one way of -- Meeting a little more frequently to just address stuff.

MS. RAINE: I know that sometimes that second meeting was in August or separate from a council meeting, but, if it was at the same time as a council meeting, that might also help with having -- If the idea is to have the Chairs of the other APs or whatever, and hopefully not overload anybody to give more time, to pull in those kinds of discussions as well.

COLONEL FRAMPTON: Okay. We will work towards that. Anything else for the greater good? Thank you, all. Meeting adjourned.

(Whereupon, the meeting was adjourned on March 8, 2016.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
March 29, 2016



South Atlantic Fishery Management Council – Law Enforcement Advisory Panel Meeting Jekyll Island, GA

Date: Monday, March 7, 2016

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Bob Crimian	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/> NGO <input checked="" type="checkbox"/> Recreational <input type="checkbox"/> Govt. <input type="checkbox"/> Charter/For-hire <input type="checkbox"/> Other _____ Describe
Dean Foster	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/> NGO <input checked="" type="checkbox"/> Recreational <input type="checkbox"/> Govt. <input type="checkbox"/> Charter/For-hire <input type="checkbox"/> Other _____ Describe
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South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
Charleston, SC 29405