

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **LAW ENFORCEMENT ADVISORY PANEL**

**Town and Country Inn  
Charleston, SC**

**May 18-19, 2017**

### **SUMMARY MINUTES**

#### **Law Enforcement Advisory Panel Members:**

Colonel Chisolm Frampton, Chair  
Major Grant E. Burton  
Michael Freeman  
Nickey B. Maxey  
Karen Raine

Bruce Buckson  
Lieutenant Warren Fair  
Captain Bob Lynn  
Special Agent Jeff Radonski  
Major Jason Walker

#### **Council Members:**

Zack Bowen  
Ben Hartig

Anna Beckwith  
Mel Bell

#### **Council Staff:**

Myra Brouwer  
Dr. Chip Collier  
Dr. Kari MacLauchlin

Kimberly Cole  
Cameron Rhodes  
Kim Iverson

#### **Observers/Participants:**

Adam Henderson

Francine Karp

Other Observers/Participants attached.

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened in the Town and Country Inn, Charleston, South Carolina, May 18, 2017, and was called to order at 9:00 o'clock a.m. by Chairman Chisolm Frampton.

COLONEL FRAMPTON: I would like to call to order the Law Enforcement Advisory Panel for the South Atlantic, and I will welcome you all here, and thank you for taking time out of your schedules to come. I know everybody has got a lot going on, but I appreciate you all taking the time to come and address these issues.

The first thing we need to do is we need to approve the agenda. Has everybody had a chance to review the agenda? I've only got one change that I would like to make to the agenda, and that is to move the Election of Officers from tomorrow afternoon to this afternoon, if nobody has any issues with that. Unfortunately, I will not be able to be here tomorrow, and so I think it's important that we get that done at the end of today. Are there any issues with moving that up to the end of the day today?

All in favor of approval of the agenda, say aye. Don't forget as we go through this, to try to remember to state your name on the microphone as we talk, and we will get started. Myra, are you going to give us an update on the recently completed amendments?

MS. BROUWER: May I suggest that we do a voice recognition introduction?

COLONEL FRAMPTON: Absolutely. We will start over here with who you are and your title.

CAPTAIN LYNN: Bob Lynn, and I'm a Captain with the Georgia Department of Natural Resources.

MAJOR BURTON: Grant Burton, a Major with the Florida Fish and Wildlife Conservation Commission.

COLONEL FRAMPTON: Chisolm Frampton, South Carolina Department of Natural Resources, Colonel.

LT. FAIR: Lieutenant Warren Fair, Maritime Law Enforcement Academy, United States Coast Guard.

MR. RADONSKI: Jeff Radonski, Assistant Special Agent in Charge, NOAA Office of Law Enforcement.

MR. MAXEY: Nickey Maxey, South Carolina DNR, Law Enforcement Board.

MR. BUCKSON: Bruce Buckson, retired, Florida Fish and Wildlife Conservation Commission, and also NOAA OLE.

MR. FREEMAN: Michael Freeman, commercial representative for Florida.

MAJOR WALKER: Jason Walker, North Carolina Marine Patrol, Major.

COLONEL FRAMPTON: Thank you. We also have Karen Raine. Karen was unable to be with us today in person, but she's going to be with us via webinar, and so, if you hear Myra interrupt us or a voice jolt sent from above, it's Karen, and so welcome, Karen.

MS. BROUWER: Okay, and so welcome, everybody. The first thing I wanted to do is give everybody sort of an update of what the council has been up to and make sure that you know about recently-approved amendments and things that are under development, and so this would be Attachment 1 in your briefing book.

What I did was I just put together a very brief summary of what's been going on, starting, of course, with snapper grouper. There is an amendment, Snapper Grouper Amendment 36, that you have discussed in the past. This is the one that would establish the spawning special management zones off of the coast of the South Atlantic. There is five different areas that you see up on the screen, and the amendment also revises the boundary of one of the deepwater MPAs, the Charleston Deep Reef MPA.

This amendment was submitted for review, and it is currently being reviewed in Washington, but I understand that things are moving kind of slowly, and so we are still -- We got a letter that it's been approved, but regulations probably will not be effective for another few weeks, sometime in the spring.

COLONEL FRAMPTON: Myra, do we happen to have, just for refreshing my memory, how they did the Charleston Reef MPA lines and the revision, or the boundary?

MS. BROUWER: I don't have that to show up on the screen, but my understanding is that it matches the permitted zone for deployment of the artificial reefs, and Mel is here, and I don't know if you would like Mel to give a little bit more detail on that.

COLONEL FRAMPTON: Mel, would you mind giving me just a short overview, since we talked about that last time?

MR. BELL: What we did with the particular reef, and you're talking about the deepwater MPA reef?

COLONEL FRAMPTON: Yes.

MR. BELL: There was the original boundaries in our permit, and some of the materials deployed ended up outside of the boundary, and so, through the Army Corps, we moved the permit, and so now the permit covers all the deployed materials. Then what the council then had to do was take the boundaries of the MPA and match them on top of the new permit boundaries, and so, right now, Amendment 36, everything lines up perfectly.

COLONEL FRAMPTON: Thank you. I think my question is we've talked a lot in here about enforceability, straight lines and how we do things like that, and so my real question is, when we moved it to cover the material -- When they moved the MPA boundaries, are they straight lines? Are they enforceable lines that we can use?

MR. BELL: Yes, it's still a rectangle. Everything is straight. We didn't get crazy.

COLONEL FRAMPTON: That was my real question, and so thank you for not getting crazy.

MS. BROUWER: Any other questions on Snapper Grouper 36? The other amendment that we worked on last year was Snapper Grouper Amendment 37, and this pertains to hogfish, and so this one split the boundary, the management, for hogfish into two different stocks, and so now we have North Carolina through Georgia and then East Florida and the Florida Keys.

One of the things that you guys got to comment on was shifting the boundary for the management portion for hogfish in the western side of Florida, and so now there is a boundary south of the line, due west off of Cape Sable, and so the South Atlantic Council manages hogfish to the south of that line, and so that includes the entirety of the Florida Keys, and the Gulf of Mexico Council manages in the Gulf of Mexico to the north of that line.

With hogfish, right now, the proposed regulations are up on your screen right now, and they're different, of course, for the two different stocks. The East Florida/Florida Keys stock of hogfish was found to be overfished and undergoing overfishing, and so the council put in a rebuilding plan and some pretty restrictive management for that portion of the stock, and so we have a different ACL that is substantially lower than the current one. There is a very small trip limit for the commercial sector of twenty-five pounds. There is a recreational bag limit of one fish per person per day, and this is down from it used to be five off of Florida. There is a six-month recreational season, and that's open from May through October.

For Georgia through North Carolina, that stock is doing better, but it's a data-poor stock, and so there isn't a stock assessment that can inform management decisions, and so the council had to establish an ACL and everything else, fishing levels, based on just landings information, which are also -- Those data are also pretty limited, but there is a different size limit of seventeen inches for that portion of the stock, a more substantial trip limit of 500 pounds, and a recreational bag limit of two fish per person per day. We are expecting that this amendment, which is also undergoing review, is going to be effective sometime this summer. Are there any questions on hogfish? Okay.

The next one is Amendment 41, which addresses management of mutton snapper, and so this one was approved for formal review in December, and it includes a different ACL for the stock. This is in response to a stock assessment that was completed fairly recently. It increases the commercial and the recreational minimum size limit from sixteen inches total length to eighteen inches total length, and it also changes, for regulatory purposes, the, quote, unquote, spawning months for the stock. There used to be a restriction just for the commercial sector during April and May, and, right now, we have extended it April through June, and so those are considered the spawning months for regulatory purposes, when we can establish more restrictive regulations to protect spawning aggregations.

It is currently still within the recreational ten-snapper aggregate, but you can only possess five mutton snapper within that aggregate. There is a commercial trip limit during the regular season, which excludes that April through June time window for the spawning season, and that is 500 pounds. Then, during the spawning months, the commercial sector is limited to the recreational bag limit, which is five per person per day or five per person per trip, whichever is more restrictive.

A proposed rule is expected to publish sometime around now, and then regulations would likely be effective probably in the fall, and so, currently, for mutton snapper, the Florida FWC already changed their regulations in state waters, and so we have a situation where you have different regulations in Florida waters versus federal, and so that is creating some confusion, and you are probably aware of that, and so that's going to continue for another few months for mutton. For hogfish though, the FWC decided to not change regulations in state waters until the federal regulations went into place, and so that one is going to line up, but, of course, there is the delay. Any questions on mutton? Okay.

This is just an update. There was an amendment that began development, Snapper Grouper Amendment 44, to address yellowtail snapper. The council gave us direction, last year, to begin development of this, and they were considering allocation shifts, basically to avoid in-season closures, and so there were several alternatives considering permanent reallocation of the commercial and recreational ACLs, and then the council, right before we went to public hearings earlier this year, also added an action that would consider combining the ACL for the South Atlantic and the Gulf.

We took that out for public hearings, and then, in March, there was some discussion about revisions that are currently underway for the recreational survey, the Marine Recreational Information Program, and that is going to likely affect some of the recreational estimates, and so the council decided to put this one on hold until those revisions are completed, and so this one is kind of on the backburner for now.

Then we have Snapper Grouper Amendment 43. This one deals with red snapper management and recreational reporting, and so the story here is, as you know, red snapper has been undergoing a stock assessment, and there has been some issues with the stock assessment, a lot of uncertainty with the data and a lot of uncertainty with discard information and continuing very high levels of discards, that are not allowing for limited harvest to occur, like we've had in the past with these mini-seasons.

The council currently still does not have an acceptable biological catch that they can use for management, and so they are in the process of collaborating with the Science Center and the Scientific and Statistical Committee. They're trying to come up with an approach that is going to allow for determination of an ABC that will then make the council be able to establish fishing levels for this species, but, in the meantime, they have given us guidance to continue development of an amendment that would look at other types of management that would also affect red snapper, but would also be broader in scope, and so we're looking at management measures to allow restricted harvest of red snapper, such as trip limits and gear restrictions. Then, on the recreational sector, perhaps allowing harvest on certain days per month.

There is also some alternatives about allowable fishing areas that would be defined by depth, where bottom fishing would be prohibited, and I know this is a hot topic with law enforcement, and so we're going to get into a more detailed discussion of this amendment later this morning, and then the other thing that the council is interested in doing here is coming up with some kind of permit to allow a better definition of recreational effort and targeting for snapper grouper species, the idea there being to get some reporting requirements in place to have better information for the recreational sector.

Then, looking at best fishing practices, perhaps requiring descending devices, perhaps modifying the circle hook requirement, and also the Snapper Grouper Advisory Panel has requested that the council consider a requirement of single-hook rigs for bottom fishing, and so those are the things that you will be discussing in a little bit more detail later this morning. Are there any questions on this one? Okay.

Then we have two amendments that address some of the objectives of the vision blueprint for the snapper grouper fishery, and so the council decided to split the commercial and the recreational management measures into two separate amendments, and so the Vision Blueprint Regulatory Amendment 26 addresses recreational measures.

Here, they are looking at making changes to the aggregate bag limit. They're looking at an aggregate for the deepwater species, an aggregate for the shallow-water grouper species, modifying the ten-snapper and the twenty-fish recreational aggregates and combining them into a single one. Then, within there, they're also looking at perhaps specifications for gray triggerfish and Atlantic spadefish, and maybe having a five per person limit within the aggregate, and so all of those are being analyzed right now.

They're looking at removing the minimum size limit for deepwater species. There is still three of them that have a minimum size limit, and the intent there is, of course, to reduce discard mortality. Then they're also looking at reducing the minimum size limit for black sea bass and the one for gray triggerfish, and so all of these are currently being analyzed.

We just did public scoping for this amendment earlier this year, and so we're still kind of in the early process of development. The council is going to discuss this in March and give us guidance on what stays and what goes, and then they might approve it for public hearings in August.

On the commercial side, they're considering a split season for blueline tilefish, red porgy, snowy grouper, and greater amberjack. They're looking at modifying the trip limit for vermilion in the second season, and they're looking at trip limits for the jacks complex, almaco, lesser amberjack, and banded rudderfish. They are also looking at making changes on both sides, recreational and commercial, to the shallow-water grouper closures. This is something that has been in place since 2009. Removing, again, the size limits for the deepwater species and then for gray triggerfish, and that would be just off of east Florida. Are there questions on those two amendments? Okay.

Then, in the Dolphin Wahoo FMP, again, this is something that was considered for a little while, and the council, again, told us to put this one on hold, pending the revisions to the recreational landings data. This one would include, again, shifts in allocation, combining the ACLs, creating gear allocations and that sort of thing, and so this one, again, is on hold for now. This is the one that would, I should mention, perhaps include an action to remove the requirement for operator cards in the for-hire component of that fishery. That is the topic that we're going to get into some discussion of after this update.

On the mackerel cobia side, there are some things that went into place recently for king mackerel, and so I'm not going to go through all of this, but I have listed them for you, for your reference. Then there is the cobia amendment that addresses the recreational limits for cobia, and so there is still -- This is still not finalized yet.

There is proposed actions that would reduce the limits to one fish per person or six fish per vessel, whichever is more restrictive, and there is a recreational minimum size limit of thirty-six inches and thirty-three for the commercial side. That would remain the same and then revisions to the accountability measures. Again, cobia is another topic that we're going to get into a little more detailed discussion about when Kari gets here later today or tomorrow.

Framework 5 addresses permit restrictions, and this is the one that allowed -- I am trying to remember. This is for taking away restrictions on commercial Spanish and king that prohibit retaining the bag limit when the vessels are on a commercial trip, and so that's pretty straightforward there.

There's an amendment that is being finalized right now. The council is going to look at this one in June, and it's for spiny lobster, and this changes the fishing levels for spiny, and it will include an action to prohibit traps for the recreational harvest of spiny lobster in the EEZ.

Then we're still working on the for-hire electronic reporting amendment. Again, we'll be talking a little bit more about this one later in the meeting. This is the one that would put in a requirement for electronic reporting for the charter vessels, similar to what is already in place for the headboats, and the council has already finalized this one. They are hoping that, by January of 2018, these requirements will be in place on a voluntary basis for the charter vessels and that, over time, it will become mandatory, and, of course, this would improve the quality of data that we have for that component. That is the update on what the council has been up to. Any questions?

MR. BUCKSON: Thanks, Myra. That was probably much more than I was able to digest as quickly as you were being able to present it, but one quick question. Back to the Framework Amendment 5, and I probably could have done the research myself, but when is that expected to take effect? Do you have any idea? It says the comment period closed on March 31.

MS. BROUWER: I would venture to guess maybe early August, if things continue to move along at the current pace.

MR. BUCKSON: Thank you.

MR. HARTIG: I had a question for our Florida representatives. We have different regulations for mutton snapper currently in federal and state waters, and so there's been a lot of confusion. I've had a lot of calls from my fishermen about can I keep a sixteen-inch-sized mutton snapper, and so I've treated it like we treat other species where we have different regulations in state and federal, and I've been telling them that, if you fish in federal waters and you catch a sixteen-inch mutton, you can keep it, but you cannot fish -- After you have that fish on your boat, you cannot fish for anything in state waters after that fact, and that's the way we've been doing it with other species, and I guess rudderfish and amberjacks are two species that come to mind where the regulations are different. From your perspective, am I telling them the right thing?

MAJOR BURTON: Yes, that's correct. We call it kind of like a transit provision, where, if you're fishing in federal waters and you have a species that there is a conflict with the regulations in state waters, as long as you don't stop and you go directly to the dock or the ramp, you're good to go, and so that's how we're enforcing it.

MR. HARTIG: I appreciate that clarification, for anybody that might be listening on the webinar, for mutton snapper, because I know I've gotten enough calls on it that there is somebody probably listening in, and so thank you for that clarification.

MAJOR BURTON: You're welcome.

COLONEL FRAMPTON: Any other questions or comments for Myra on her overview? Okay. We will move to operator permits and have an overview and discussion. Myra, do you want to give us an overview of it? Then I think we've got some folks here in the room that can give us a little bit more on state issues with operator cards.

MS. BROUWER: Sure, and, just to recap, what I did here, to remind everybody of where we are in this discussion, is just include excerpts from the minutes of the Law Enforcement Committee, when they met in December in Atlantic Beach, and they had a chance to discuss this very briefly, but it kind of shows you where the council is coming from.

They've had a lot of discussion about the utility of these operator cards and is law enforcement benefitting from them being required in the fisheries where they are right now, which is only dolphin wahoo and rock shrimp. The council members feel that, for the recreational sector, for the for-hire component of the dolphin wahoo fishery, they don't see a lot of utility. They generally agree that there is some utility for the commercial fisheries, and the question for you guys would be what needs to happen, as far as what can the council do to make these operator cards better and more useful for enforcement purposes, and that's where they're coming from. Basically, you can read what the minutes are talking about.

There was some clarification that was requested from NOAA General Counsel as far as violations and penalties and that sort of thing, and we'll get into discussion of that as well in a little bit, but that's pretty much the gist of it, and, as I mentioned earlier, the council did approve a motion in December to remove the requirement for operator cards from the for-hire component of the dolphin wahoo fishery, and so that's where we are.

COLONEL FRAMPTON: Thank you, Myra. I believe I'm correct, but, the last time we met, Grant and Adam were going to give us just a little bit of an update of operator cards in Florida, and so, Grant, we'll start with you, and you can sort of give us an overview of how you all see it and the utility of what you see.

MAJOR BURTON: Thanks. As far as the operator cards, it's something that's required for federal waters, and so what I did was I reached out to the Permitting Office in the Greater Atlantic and also in the Southeast Regional Office, and I just kind of asked them the same type of questions, maybe ten questions, just kind of trying to see what the utility was.

For the Southeast, for the most part, when I talked to the Permitting Office, as far as initially getting the permit, there is really nothing that is utilized with the operator card, other than the initial application, and then getting it -- Obviously they charge the fee of fifty-dollars, and so, if it's okay, I am just going to go through the questions that I asked them and then just provide their response from the Southeast Region and the Greater Atlantic. I just kind of compiled that.



The first question was is the permittee information accessible to the field personnel and how, and so the Southeast Regional Office said no. For the Greater Atlantic, it was yes. They post the list of all permit holders on a public website, and so it's accessible by the public, and it's also accessible to law enforcement, and it's updated on a daily basis.

For Question Number 2, what's the permit information used for, in addition to a list of who has the permit, and so, i.e., data collection? Again, we're going back to the utility of it, and what is the whole purpose of the operator card for both regions? The Greater Atlantic, they actually do use that for data collection. Every time somebody that has an operator permit that is operating a commercial vessel comes and lands, they are required to log in with their operator permit number and provide data, and that data is used, in some way, shape, or form, for management. That is based on what the Greater Atlantic told me. For the Southeast, the operator cards in the Southeast aren't used for gathering data or distribution of any type of information or outreach. Typically, they reach out to the people that the permit is assigned to for that vessel, and they provide outreach.

Going back to the initial reason for it, my understanding was that it was used as a form of ID. For the Southeast Region, in addition to operator card, they are also required to provide another form of ID, and so that kind of just didn't make sense to me.

COLONEL FRAMPTON: Didn't we, in our last discussion, say that we weren't going to accept an operator card individually as identification and that they would have to have some type of additional identification with them? Wasn't that part of our discussion last time?

AP MEMBER: We did.

COLONEL FRAMPTON: Okay.

MAJOR BURTON: Moving on to Question 3, after the permittee receives a permit, are there any additional requirements of reporting trip data, which kind of goes back to what I just said, and so there is no data reporting requirements for the Southeast. The Greater Atlantic, there is. I asked what the original reason was for the permit, and so the Southeast thought it was a form of ID, and the other -- The Greater Atlantic wasn't sure. They would have to look into it more, but they do not require an additional form of ID, the Greater Atlantic. They said their guess was that it was created as a registry and a way to uniquely identify the boat operator.

Another question I asked both offices was is the permit information used to contact the permittee in the future for fisheries notices, rule changes, or any other form of outreach, and so outreach and education may have been some of the rationale behind the operator cards, and that's coming from the Southeast Regional Office, but they weren't aware of any outreach or education done through the operator cards.

I think there was some discussion about whether or not they were receiving notifications, but I guess, with the advancement of technology, it's pretty easy to get updated fisheries notice updates. We get them by text and email, and some correspondence through the mail, and so it seems like that really wouldn't be a reason for us to hold on to that permit.

Another question I asked them was are there any prerequisites in order to apply and receive the operator permit, and there are no prerequisites, and so you're not required to have a certain Coast

Guard license or any other additional permits. You just basically apply for the permit in both regions. There is no background check or anything like that.

Another question I asked was the Southeast operator permit can be used in the Northeast fishery. However, the Greater Atlantic -- Well, I take that back. I verified it, but there was some confusion while I was doing my research, where it seemed like the one permit was accepted in one region and the other one was not, but it turns out that they're both accepted, and so my concern, as far as data collection and management, would be is that data collected? The Greater Atlantic is required to report their landings or their trip data, and, in the Southeast Region, they're not, but there is other forms of collecting that data. We have marine fisheries trip tickets, and there is also requirements under the CFR to do some type of reporting, depending on the species, and so there is other ways to collect the data.

Another question I asked is what do you think the effects would be, positive or negative, if -- One question would be if the Greater Atlantic and Southeast operator permits were combined into one overall permit, a coverall permit, and so they would just merge whatever species we decided to merge with the Greater Atlantic permit in the Southeast and just have one database, instead of them having that separation.

The other question was the Southeast operator permit, what if it was removed from the requirement, and I reached out and spoke to the Permitting Office for the Southeast Region on the phone, and they really saw no downside to it. I mean, there is really not much utility in it in the Southeast Region. They just get the permit and that's it. It's just something that they're required to have when they're out fishing for whatever falls under the operator permit, and so the dolphin wahoo.

One of the question I asked is why is there a fee associated to the permit for the Southeast and not the Greater Atlantic, and the Southeast claimed that -- I didn't do the research, but the Magnuson-Stevens Act calls for a collection of fees to cover the administrative costs of the program, and GARFO, the Greater Atlantic, though that the Southeast charges were for services of processing and issuing the permit, but obviously they don't charge. That was pretty much my research on that.

COLONEL FRAMPTON: Thank you, Grant. Can you go back to you talked about was the operator card accessible to the field and they post it on the website? One concern I would have with that is not everybody has that accessibility on a boat now. We don't all have -- I mean, I don't know how many of us at the table all have computers on boats to access that data if they need to, and is there a way for somebody to call in to get that data? Could we call our dispatch centers to get that data?

MAJOR BURTON: That would be for the Greater Atlantic, and so they would have to call into their dispatch center, something kind of like what we do in the field, as officers. Some of us have computers and some of us don't, plus, depending on the cellphone service, or sometimes we're using some satellite data, but we call into our dispatch center and ask them for the status of a permit or a license, and sometimes they have to reach out to NOAA to check on the status of the permit, and we have access -- Some of us have access to check to see if they actually do have a valid permit.

COLONEL FRAMPTON: Any other questions? I am going to ask Adam Henderson from South Carolina DNR if he will just give us his view of operator cards from a field officer's perspective doing it.

MR. HENDERSON: Looking into it, from my perspective, it seems to be a lot of redundancy within the operator card versus the licenses that are already required, and so, from my perspective, in checking a vessel, I don't see a great purpose in it. I could see a small purpose from the commercial sector, because not all commercial captains may be licensed through the Coast Guard, depending on the situation of the vessel and whatnot, and I can see some ability to be able to tie that captain in with the fishery, in that aspect, but I believe, like you all said, that it has been removed from the charter aspect of it, correct?

MS. BROUWER: The council would like to remove it.

MR. HENDERSON: Okay, and I don't see any point in it there, because they already are required on -- There is several checks-and-balances within their fishery for what they're targeting. It appears to me, almost, to be like a federal fishing license, in a sense. In the way that I would check a fishing license, it would be the same situation, that I would still have to verify with another form of ID to check that they correspond with each other.

COLONEL FRAMPTON: Thank you. Bob, do you want to comment on Georgia?

CAPTAIN LYNN: From Georgia, I would agree with Adam's perspective, as far as on-the-field law enforcement. I don't see the use or the need.

MAJOR WALKER: I agree with Bob, and I don't see a whole lot of point in doubling up.

MR. BUCKSON: There is some history that goes with the development of this, and I'm not sure that I recall what drove it and when it began, and that may be something that -- I don't know if Jeff can go back that far or not, but maybe Karen can as well, but I think there was an underlying driving force that had to do with the owner being responsible for any violations that were on the vessel, and actually some of the industry folks were interested in being able to penalize the operator as opposed to the owner being penalized.

I don't know that it has ever gotten to the place where an operator got the penalty, and that probably has to do with 904 regs and the rest of it that's within the federal system that determines what kind of penalty it will be, and I guess I'm asking a question, maybe of Jeff or Karen, if they recall when it began and what drove it and if in fact an operator can be penalized if this operator permit does not exist, because, as I said, I vaguely recall that some of the commercial folks, the owners, were interested in being able to better regulate the operators who might be violating unbeknownst to them.

MR. RADONSKI: My memory, and it's been a while since these cards were developed, but I believe it came out of the rock shrimp fishery, and there was kind of an industry drive, because we were having problems on the Oculina Bank, with incursions in there with gear. It was for that purpose.

The other point is, yes, the operator can be charged, along with the owner. Both are responsible for it, and so the operator card, I think, was more of a mechanism where a penalty could be issued for taking that card away, the operator card, versus just a permit sanction on that boat, because the captain could then go from boat to boat to boat and serve no penalty for that, and that was the purpose behind it, but the card itself can't be a real ID. It wouldn't match the federal requirements for a secure ID today. You would still have to have two IDs to verify that, but I think it's more the purpose of having that penalty and maybe take someone out of the fishery or sanction their permit for a permit of time, and I think that's what the industry was looking for.

MR. BUCKSON: This is the world according to Bruce, and this is not a governmental opinion, by any means, but it almost seems, like from what Jeff was saying and me putting it together, was it was a way for the system, the council or NOAA, to be able to regulate or help the industry folks regulate their employees, and so I don't know that it accomplished all of that.

Karen might be able to speak to that, but I don't know that has ever been operator permits that have been revoked, and, if that's not the case, then it's not doing really what the industry had hoped that it would do, and the industry may have come up with some other way to be able to manage those bad folks in the business as well.

MR. RADONSKI: I think you have to also look at the age of when this became a regulatory requirement, and nothing was done to keep up with technology in the permit itself. I think what's behind was sound judgment, but it never kept up with the times, and so I just saw, recently, come across my desk a violation where a person did not have an operator card, and we found out, through the investigation, that he did apply, and so we closed the case out that he complied with the regs and got his card. It's not an issue that we're out there slamming them hard for not having the operator card, but I think we do need to look at what other values it does have.

MAJOR BURTON: I would like to follow up to what Jeff said. The research that I got from the Permitting Office was that it had to do with the rock shrimp fishery, and so the industry requested that, and they said mostly from the vessel, because, in that fishery, many of the owners are not the operators, and so the owners wanted a way for the vessel operator, rather than the vessel owner, to be held liable for the violation, and so that's basically what you're saying, and that's what they were saying also.

COLONEL FRAMPTON: Michael, have you got any perspective from this from the commercial side of it that might help us?

MR. FREEMAN: I am not real familiar with when exactly this all started, but my question would be has an operator permit ever actually come up in a case and been used for that purpose? Has a vessel operator ever been held liable for a violation, as opposed to the vessel owner?

MR. RADONSKI: No, our common practice is the operator is responsible and the owner is responsible. It's pretty much equal in that respect.

MR. FREEMAN: If that's the case, I'm having a hard time seeing what the purpose of the card itself is. Then, beyond that, it's only tied to the rock shrimp fishery and dolphin wahoo, and I think that may actually be it. I am not seeing why you would need it for just a dolphin-wahoo-permitted vessel or just a rock-shrimp-permitted vessel. I am not seeing the utility for it.

COLONEL FRAMPTON: Myra, have we gotten Karen unmuted?

MS. BROUWER: I believe so. Karen, can you hear us?

MS. RAINE: I am here. This has been an interesting conversation, and particularly the information that Grant found was very interesting, because I will say, from my perspective, that I thought that the Southeast Region has a list of permittees, whether they were vessel permits or operator permits, and they were using those lists as a means of -- A list of people to send notifications to, because, although we still do have obviously lots of ways in which to learn information, you might have to go out and actually get on your computer or your phone app to get that information, and so I had thought that permittees, whether it's vessels or operators, were being sent notices, and so that was a utility that my office had certainly thought that operator cards brought to the table, that people would be notified.

I think it was during August, the August meeting, that it dawned on me that the folks who were getting their permits, operator cards, through the Northeast Region, GARFO now, probably weren't getting the notifications from the Southeast Region, but now it sounds as if perhaps no operator card is being used as a means of communication, and so, anyway, I thought that was very interesting.

As far as the genesis of the operator cards, I think everything that has been said is correct, to my remembrance, and I do think that the rock shrimp owners might have been thinking that, with an operator card, they would not be held responsible for violations, but, as Jeff pointed out, our practice is to hold both owners and operators responsible.

Last year, my office did provide a -- It may have been the last couple of years, but a PowerPoint presentation on how operator cards have been used, as far as sanctions, and I would have to look that up really quickly to see, and I don't remember the numbers offhand, but I will say, in general, if you look at our penalty policy, which, again, is available on the web, there are not that many violations overall that call for permit sanctions, whether you're talking about an operator permitting card or a vessel card. There are some, but, for particular violations, you can look at the penalty policy and see that.

I know that operator cards -- I think we have had some sanctioned. Some of them may have been for failure to pay a penalty, because, of course, when a monetary penalty becomes final against someone and they have not paid, it is possible to sanction their permit until the penalty is paid, but I could go back, or if Myra has it more quickly, and find the PowerPoint that was presented before.

COLONEL FRAMPTON: Thank you, Karen. Grant has got a little bit of something, I think, on his computer here to share with us, and Myra is trying to find the penalty. Have you got it? Okay.

MAJOR BURTON: I believe what you're talking about, Karen, is something that I was given, and it's dolphin wahoo operator permit cases. There were three NOVAs for failure to have the dolphin operator permit. The years of violations were one each in 2005, 2006, and 2007. Rock shrimp operator permit cases, there were two NOVAs for failure to display the operator permit, both for 2004 violations, and those permits were either issued or at least applied for, but not displayed.

Another one was permit sanctions in at least seven operator permits for cause as part of the initial penalty and/or settlement, five in 2004 and two in 2007. Permit sanctions in at least two operator permits for failure to pay a final penalty, there were two in 2004, both of which also are included in the for-cause sanctions above.

MS. RAINE: Right, and I don't know whether there have been any summary settlements for operator card issues or not, because my office wouldn't handle those. The Office of Law Enforcement would, and so that information was just strictly what came out of the Office of General Counsel.

COLONEL FRAMPTON: Thank you, Karen.

MR. RADONSKI: If you look at the penalty schedule, the first offence is a fix-it for that, and so it's basically warn them. Then the next step would be -- The second occurrence, I think it was \$250 up there. The third occurrence was \$500, just looking at the screen real quick, and so it is a step process in issuing summary settlements for that. It's not the first offence.

MS. RAINE: Right, and that's the summary settlement schedule. Then, of course, there is the larger penalty policy that if someone doesn't pay a summary settlement or if a case comes to the Office of General Counsel, we're looking at generally higher penalties within the penalty range.

COLONEL BUCKSON: I guess my question, probably for Karen and Jeff, is if there is -- If there is no operator permit, those violations that we were mentioning for those operator permit violations that have currently occurred, would there still be a penalty for that operator in a case where there is fisheries violations? Does that make any sense, the question?

MS. RAINE: Yes, I know what you're saying, and yes. Whether or not there is a permit does not affect whether or not somebody is responsible or that our office might charge somebody with a violation. For example, in most recreational, just folks going out and fishing, we don't have permits, although that's a little different. There might not be a different owner involved there, but certainly, even now, most of our fisheries in the Southeast do not have operator permits, and operators and owners are both held responsible. It's just that, if it's a type of violation in which a permit sanction might be issued, if there is not an operator permit, but there's a vessel permit, obviously it would be the vessel permit that could be subject to a sanction and not both an operator and vessel permit.

MR. RADONSKI: I think, looking at this, I heard the statement of what is the value of it to an officer in the field, and I think we have to look beyond the field, and it's being able to go after those and do permit sanctions for violations, and it is an avenue, similar to the owners, where we can go after the permit of the vessel. Here, we could go after the operator permit, but obviously it only impacts two fisheries in the Southeast, and regulations are out-of-date and probably should be geared up to where we are now with technology.

COLONEL FRAMPTON: Grant, tell me again how many violations you all had for the operator card.

MAJOR BURTON: They said three NOVAs for a failure to have a dolphin operator permit, and those were in 2005, 2006, and 2007, one each for each year, and then, in rock shrimp operator permit cases, two NOVAs for failure to display, both in 2004, and seven operator permit sanctions as part of the initial penalty and/or settlement, and five were in 2004 and two in 2006. Then they had a permit sanction in at least two operator permits for failure to pay a final penalty, and that was two in 2004. That's it.

MS. RAINE: I would say obviously there have not been many cases, but also it depends on the types of cases that are brought to our office and whether they have the cards or whatever.

MR. BUCKSON: I don't know if you know or not, Grant, but, when it said permit sanction, what does that actually mean? Was it revoked or suspended for a period of time or what?

MAJOR BURTON: I don't know. I mean, it could be either or. I'm not really sure, but I did have a question. Does NOAA have the ability to suspend somebody's privileges if they did not have an operator permit? Say, for like a longline violation or something like that, can you say, okay, you don't have an operator permit, because it's not applicable in this fishery, but can I suspend your privileges, kind of like what we do with the state, in state violations?

MR. RADONSKI: They're engaged in a fishery that doesn't require that operator card, but they do have an operator card, and is that what you're saying?

MAJOR BURTON: No, I'm saying if he's on a bandit boat or a longline boat and he is longlining inside the line and that boat gets cited, and he gets cited, and he gets the fine, and so does the owner of the boat, and can you do anything more? Like can you suspend that individual's privileges for fishing in that fishery?

MS. RAINE: I will answer that. If there is not a permit to sanction, generally -- I mean, we don't have a sanction then on his fishing privileges. However, with that being said, there have been occasions in the past that I am aware of, and I don't know if there are any recently, but there have been occasions in the past where, in settlement, someone has agreed not to fish, but, because there is no permit, if there's not a permit, then there's nothing to sanction to take away somebody's privileges, but somebody could possibly agree not to fish, but that would have to be in settlement.

COLONEL FRAMPTON: But they're only agreeing not to fish in the rock shrimp fishery or the dolphin fishery, correct?

MS. RAINE: I think we're talking about two different things. With Grant's example, where there is no operator card or permit and wondering if we could take away somebody's fishing privileges, not in a charging document, but it would be possible, in a settlement, to do that. I don't think that it happens very often at all, but people can agree to settle on different terms.

COLONEL FRAMPTON: With that being said then, what's the incentive for them to get the card, if there is no charging document?

MS. RAINE: We're talking about, again, I think a couple of different things. If somebody is supposed to have a card, then it would be a violation not having one.

MR. FREEMAN: If I'm understanding this correctly, if a captain is on a longline boat, for instance, and he has a fishery violation, you can charge the permit for the vessel, but there is nothing you can do to restrict the individual captain from being able to fish. However, if there were an operator card, you could restrict his ability to fish by revoking his card privileges, and am I understanding that correctly?

MS. RAINE: Yes, if it is the type of violation for which a permit sanction is available, and that would be on our penalty policy.

MR. BUCKSON: It seems, to me, that there probably hasn't been -- The use of that operator permit has not been fully realized in the South Atlantic, for whatever reason, based on what Grant has found out about using it for informational purposes or whatever it might be, and I don't know if that matters to the permitting section or to anybody else outside of law enforcement, and I think we are narrowly focused on what the law enforcement issues are, but, if our opinion is going to be something that impacts what happens to the operator card, I think it should be a broader -- The council should look more broadly at who else may either benefit or not benefit from it, which is kind of what Grant did when he made the phone calls to the different areas.

GARFO is obviously not going to change theirs. The Northeast is going to keep that. Apparently they have found some utility in it, but it doesn't necessarily mean that it has to work down here, but that is something that, I think, to keep in mind. Whatever this panel recommends, we should make it very clear that it is only with regard to the enforcement issues and not necessarily to the overall universe of how an operator permit might be able to benefit.

The other thing that, and this is more of a question, but I would wonder, if the council decides to discontinue the use of any operator cards, if the Permit Section or somebody else within NOAA, or anywhere, finds a use for this, what does it take to reinstate it? If we remove that, or if the council removes it now, do we put ourselves in a place where you're looking at, ten years down the road, to be able to reinstate it if somebody finds some utility for it? Thanks.

COLONEL FRAMPTON: I agree with Jeff that we should be looking further than where we are right now, because I do think that the value I see in it is that it makes for a more professional fishery for the people running the boats, and it holds them to a higher standard to stay in the fishery, which I think, in the end, benefits commercial fishing, but I do see what everybody is saying where we are in this.

MR. RADONSKI: Looking outside the realm of law enforcement, I would think the Science Center would find value in this. It would give them a known universe to tap into, but obviously the Science Center has got to speak for itself on this issue, but I think there is more value of it, and, as I said before, I think we need to move it up-to-date. It's just a really old regulation that, when they went from just the rock shrimp to the dolphin wahoo, they just tacked it on, and they didn't do real improvements to it.

MS. BECKWITH: I love the discussion that you guys are having, and this was sort of my pet peeve that I brought to the council table, and so I wanted to add a couple of things for consideration. Our discussion at the council has been really twofold. One has been is it useful for the charter industry, given that we have a captain's license and fall under a different host of regulations, and



then is there utility in it for the commercial fisheries, which, of course, have operators that don't have captain's licenses and other potential forms of identification?

If there is potential utility for the commercial industry, then the council would consider retaining it for the commercial fisheries, but we would need to develop an operator card that was functional and useful, and then, to me, depending on what the recommendation from you guys is, we're going to move forward with either retaining that for the commercial folks, if you guys find utility in it, but then the next charge to you would likely be what do we need to do to make that useful and what does it need to look like to be a valid ID and how can we maybe pull it into the GARFO system or bring the Gulf Council into the process as well, so we have the potential to have one operator permit for the commercial fisheries that spans the Gulf and the entire Atlantic and actually turn it into something useful?

That seems like it could be a very difficult process to achieve that, but that could potentially be a goal, and so I'm personally looking for the answer to sort of both of those questions, which is, as a charter crowd, we don't find the utility in the operator card, at the moment, with our captain's license, and that's our personal feeling as captains, but we want to make sure that that's not going to impact you guys, and then the commercial is a separate conversation.

MR. BUCKSON: Thanks, Anna. That was actually very helpful, and I saw heads nodding as you were speaking, and I think most of us are probably on the same page, and we may have gotten narrowly focused on whether it should stay or not, instead of looking at the broad picture. Just one side comment. The charter license is completely separate, when it comes to any kind of fisheries permit, than an operator permit.

A charter license gives you permission to operate the boat through the U.S. Coast Guard, and so it wouldn't have an impact on the fisheries violations, I don't believe, but, following up on what Anna said, I guess that causes me to lean more towards postponing any kind of permanent action to this and allowing us, whether we have to set a timeframe to make the council happy or not, but allowing us, or somebody, to work with the Permitting Section and whoever else may be interested in keeping this to find out if there is a way to, as Jeff said, bring it up-to-date and make it more useful. Staying as it is, I think the information that Grant provided, it doesn't show much utility at this point, and so we need a new thing, I guess, when it comes to the operator permit. Thank you.

COLONEL FRAMPTON: Thank you, Bruce. I don't want to put anybody on the spot, but, from the Coast Guard's perspective, what are you guys seeing in it? Is there any usefulness? Are you all encountering violations with it?

LT. FAIR: I don't have the actual numbers. I am reaching back right now to see what we had, to correlate it with what was previously stated. As far as utility though, we're kind of in agreement with everybody else. It's just another thing we check, but it really has no significant impact.

COLONEL FRAMPTON: Thank you.

MR. BELL: Anna and Bruce both did a good job of kind of summarizing things, but, just to be clear, right now, as far as what the council is sort of working on, at the last meeting I think it was, there was a recommendation to maybe pull it out of the for-hire sector for dolphin and wahoo. Part

of the problem with all of this is it only exists in two fisheries, and so we're kind of like half-in-and-half-out, and, indeed, the other problem is there is no consistency on a national level, with GARFO or the Northeast or whatever, but that's something kind of beyond our control.

The question for you all is exactly what Anna and Bruce talked about. Is there utility in this beyond how we're using it right now? Are there improvements that can be made? The council, from what I have seen, there is no move to -- There is no amendment right now to fiddle with anything, other than perhaps moving a little bit in the direction of taking it out of the for-hire piece.

We talked about industry and the evolution of this, and maybe it kind of came from the rockfish fishery and their industry and a desire for accountability for captains and not them, but part of this would be what -- We have industry representation, but, overall, if we were to move in the direction of taking it out of the two existing fisheries, what does the industry think about that, but I don't detect a lot of discussion from the industry about, yes, we really need this and we really want to keep it.

I don't know, but that would come out, perhaps, if we were to take some action, either taking it out or adding additional ones, and so I think what we're -- Don't feel like -- The council is not pushing anything in particular, but we are really relying on you guys and enforcement to -- If it's useful, fine. If it should be expanded into other fisheries, tell us. If it should come out, tell us what you think, but the discussion we've had this morning and the information that Grant has presented definitely needs -- Something needs to be fixed a little bit for it to be of use, I think.

MAJOR BURTON: I like to try to compare it to Florida and the way that we handle suspensions or revocations, where, if it meets a certain level, and say it's considered a major violation in state law, no matter if you have a saltwater products or a commercial license or not, you're going to be suspended or revoked.

Yes, you have to pay a fine to get back into that fishery if you're suspended. If you're revoked, you're done, and so, looking at this, it's so narrow in focus, where it applies to just the dolphin and wahoo and rock shrimp fishery, and, to bring some validity to it, maybe there's a way to find a way to make it a valid form of ID, in some way, shape, or form, and expand it to the other fisheries. That way, if you have an individual, and let's just say, for example, he's going out for the dolphin wahoo fishery and he gets his permit sanctioned, and guess what? I'm just going to hop on another boat and do something else. I don't care if that guy gets a ticket or not. I might get a fine, but I'm not going to pay it.

That's kind of what we were dealing with in Florida, where you get these guys suspended, and, if this was a similar scenario in Florida, they would just hop on a different boat and go do the same thing. I think a couple of things. Maybe we should -- This is just me talking, or Florida talking, but, to bring some validity to that permit, make it a valid form of ID and expand it to other fisheries. That way, you're holding them a little bit more accountable. If you get suspended or sanctions put on that operator permit, he can't just go jump on another boat. He's held accountable for his actions, and that's just my comment.

CAPTAIN LYNN: I agree with Grant. We're either going to have to expand it to where it has some enforcement teeth or get rid of it, because it's just in those two fisheries, and I know, in Georgia, you're not going to see much of any of it, especially rock shrimp. That's totally out of

Georgia. You see a little bit of dolphin wahoo, but there's really no enforceability in our state at all, and so we're either going to have to expand it and look deeper into this process or vote to get rid of it, one of the two.

MR. RADONSKI: At the federal level, we find NOVAs issued would be to the captain and to the owner. We don't go after the crew members or anybody else, but it's just going to be those two, unless there is some other circumstances that we find, but that generally is it. If somebody is suspended, yes, they could go on another boat, but they just couldn't operate as the operator. If we found that they were doing that with a revoked permit, then that would be a separate violation, but I think we have to look at both how this can be applicable in the field and other uses for a permit.

I think it's going to be more difficult to make it an ID, because of federal requirements on what an official ID is. It would be very strict, and I don't know if we could develop the resources in the Permit Office to follow up on all of the other documents that need to be done to make that an official ID, but it should include a photograph, a picture, their name, and then they have to have a secondary permit to go along with it that is verifiable.

MR. HARTIG: I know it's not an official ID, and ID things have changed a lot since we did this in rock shrimp, with 9/11 and everything. We've had a lot of changes about identifying U.S. citizens, and I understand that, but it was -- Back then, it was used as an ID, because a number of people didn't have anything else, in the rock shrimp fishery in particular, but, as someone who has to apply for these -- Most of the time, I pull this out of my wallet, and the only time I pull it out of my wallet is like in a meeting like this. I have never been asked for it on my boat, and I get stopped quite frequently by a number of different law enforcement people.

Usually when I pull it out, it's expired. This one is not, luckily, but I don't believe that we get a notification when it's expired, which is harder for something that you don't look at all the time. It's not like a permit, where you get a notification to file for your permits. If we do go ahead and require these in all fisheries, we need to have some kind of notification, and we also need to extend the time to reapply for these. It's only two years, and two years -- This is something that requires a passport photo for a fisherman. It takes me a day off the water to go get that photo and to do everything I need to put this in.

It's not like applying for the permit, when I can sit at home at night and fill out all my paperwork for my permit, and so this is above and beyond what we have to do for everything else, and so I see some utility in the card. I do see, especially as Grant was saying, if we expand it to other fisheries and put some numbers on it, I see some utility, from an operator perspective, of someone -- Like in an ITQ fishery, he would have a number, he would have a documentation, and, on the logbooks, he would have something that he could fall back on, possibly, to get part of that allocation going forward, and so there is some things to think about, but, please, if we go forward with this, make it longer than two years, at least like a driver's license. How long is a driver's license? Is it six or eight or five years? That would be great. That's the only real beef I have with it, is the time you have to renew it.

MR. FREEMAN: There's a lot of good discussion going on, and I kind of lost my train of thought of what I originally wanted to say, but, from an industry perspective, at least in its current form, I don't see any utility in it. That's not to say that it can't be useful, but, in order for it to be useful,

I believe you will have to expand it to cover every fishery, and, in that, at least from an enforcement perspective, it could be a good way of getting some of these chronic offenders out of the fisheries.

It's my understanding is that NOAA does give penalties to both the captain and the boat owner, but that doesn't prevent a captain from doing violations on that boat and then hopping to another boat or anything of that nature. I think that could be a real use for the card. I have lost just about everything else that I wanted to mention, and so I will leave it there.

MAJOR BURTON: I think, as well as expanding it, it would kind of be easy -- Okay, he's in a federal fishery, and he needs to have an operator card permit, and so that would make it easy, as opposed to just being so specific as one fishery, as far as from an enforcement standpoint. If they're in federal waters and participating in a federal fishery, commercial or whatnot, they need to have an operator card permit, and I think one of the benefits would be to kind of prevent them from hopping on another boat in another fishery and doing some damage there too, and you have a little bit more accountability.

Going back to the outreach and education, I think -- I don't think this would be a reason to keep it, because it's so easy to get updates on fisheries notices and changes, or you wouldn't be sending mail correspondence, snail mail, so to speak, for changes to regulations just specific to the operator card permit, and so I don't think that would be a reason to keep it.

MAJOR WALKER: I didn't know if you might expand a little bit on what is NOAA's revocation and suspension process. What are the odds of suspending one of these things and for what type of violations?

MR. RADONSKI: It's really going to be case specific. It's going to depend on what acts were accomplished. A first-time, minor offence is not going to result in it. It has to be severe, and it's going to go through a couple of processes, but it can come to that they're not paying penalties. That gives an avenue to put a hold on that permit, to get the penalties paid, and so it's hard to just zero it down. It's really case specific for us.

MS. RAINE: That's absolutely true, and then, of course, if the agency proposes to sanction someone's permit, they do have the opportunity to request a hearing before an administrative law judge.

MAJOR BURTON: They do the same thing in Florida as well, and I had a question. In the big picture part of it, and not just Florida, but all coastal states, would it be worth it to expand it to other fisheries? I mean, are we seeing people's permits that are being sanctioned or revoked or whatnot, them not paying the fine or not paying the fine on a different type of fishery, to where this would be addressed and it would kind of curtail that, if we are in fact having that issue in the federal fishery, because I honestly don't know.

I mean, we hand out major violation notifications, or flagrant violation notifications, and they're actually in a system where an officer can check in state waters, and some of these guys aren't able to get a saltwater products license number because they don't pay the civil penalty, but, until you get another violation, or a subsequent violation, to where it gets to a point to where they are revoked permanently, so that, no matter what they're doing, if they're actively fishing, that's an additional

penalty, and so is that something that we need to think about? Would it be worth it, in the big picture part of actually expanding it to other fisheries?

MR. BUCKSON: Just a quick question. I don't know if -- Grant, you may have mentioned it, but does the Greater Atlantic use it for several fisheries or just a limited number of fisheries or do you know the answer to that?

MAJOR BURTON: I think the application -- Let me pull the application up, but it addresses almost all of their fisheries. I think it was in the briefing notes.

MS. BROUWER: It's Attachment 4. I am pulling it up.

MAJOR BURTON: It has, at the top, almost all the fisheries for the Greater Atlantic, and it's all of those species at the top, and so it's for all of those, where the operator permit is required, and so we would basically be following suit to what they're doing, as opposed to just the specific fisheries, and that's good too, because, now, say the Greater Atlantic, if they get a sanction on any one of those fisheries, basically they can't commercially fish in federal waters, period.

MR. RADONSKI: You have to notice too that that doesn't include like HMS, the highly migratory, and so it's just specific to what is covered by the Greater Atlantic.

COLONEL FRAMPTON: After this healthy discussion, should we take a break and come back and then have Myra put, I guess, the highlights of our conversation up there and we can forward those to the council, as this conversation and a little bit of food for thought, and I guess come back and revisit this after they've had an opportunity to visit it?

MR. BELL: We definitely want to know, but here's something just to keep in mind, just so here's where we are. Where we are right now, in terms of the council, is there is consideration of removal of the for-hire piece from the dolphin wahoo, and so it would be interesting to know if you have a specific thought about that. Of course, that may still be down the road a year or so, but if you see utility in this reaching into the for-hire sector, fine. If you don't, fine.

The only other thing sort of on the table is the Dolphin Wahoo AP met a few weeks ago, and I think we will receive, in June, probably a recommendation for them. They had this same discussion on a little bit reduced level, but their recommendation to us, I believe, is going to be just to take it out completely, commercial and -- But that's just a recommendation from the AP.

There is really no other actions or anything, and so we would really like to hear from you all, if you have an opinion one way or the other, about the dolphin wahoo for-hire piece, and that's fine, and then also if you -- Obviously, kind of tracking the conversation, we sort of started off moving in one direction and then kind of came back to maybe there is some utility in this. If you would prefer us to perhaps kind of hold what we've got with the system and not tinker with anything and then you give us some specific guidance on a new, improved way to do it or something, that would be great, but there is no immediate action kind of hanging over us, other than consideration of maybe removal of the for-hire piece of dolphin wahoo.

COLONEL FRAMPTON: Maybe after we take a break we can come back and summarize, and that will give us some guidance on a new-and-improved version, and that will be a start with it. Does everybody think that's a wise direction? Great. We're on break for a minute.

(Whereupon, a recess was taken.)

MS. BROUWER: Do you want to me to do a quick recap?

COLONEL FRAMPTON: Yes.

MS. BROUWER: Up on the screen is the little bit of notes that I was able to capture from your discussion before we went on break, and so just a few little things. We talked about the differences between the Greater Atlantic Region and the Southeast requirements for operator cards. There is a price difference, and the Greater Atlantic Region does have some data requirements, and so that's the main issue there. There are no prerequisites to apply and receive an operator card. In the Greater Atlantic Region, they are tied to the vessel trip reports, but not in the Southeast.

We talked about the state perspectives, as far as the utility. There is agreement, in general, that an operator card is not needed for charter vessels. Field agents do still need to verify the operator card with another form of ID, and the feeling there was that there really wasn't a whole lot of use for enforcement.

From the NOAA OLE perspective, they consider the vessel owner and the operator both responsible for any violations, and so this is important, because I think it really -- I don't want to say it goes against the original intent of the operator card, but it does deviate from how the perception is that the operator cards are most useful, and that is to sort of flag operators that need to be flagged and not necessarily tied to the owner of that vessel and that vessel's permit.

That is the issue with the rock shrimp industry, too. They may have thought that the owners would not be held responsible for violations, but that's not how OLE has been using the operator cards for enforcement, and so, in the South Atlantic, most of the fisheries don't have this requirement, and we went over that, and we talked about the few instances where there has been NOVAs for failure to have the cards or display the permits. The Coast Guard stated that they're in agreement with everyone else that it's another thing they check for, but there is really no other use for the cards.

Then we talked about maybe perhaps the Southeast Fisheries Science Center may have some use for the information, except, in the Southeast, they're really not tied to any sort of data requirement, and so that would need to be looked into a little bit more, and, again, the suggestion for the Law Enforcement AP to spend more time figuring out, if these things are going to remain a requirement in our region, how they can become more useful and provide that guidance to the council.

I think, as Mel said right before we wrapped up, before the break, right now, the council would like to know if the Law Enforcement AP sees any utility in retaining this requirement for the for-hire component of dolphin wahoo and does this need to be expanded to other fisheries in the Southeast.

MS. RAINE: Before we get there, I would just jump in. I will find out -- I don't know what happened with the permit sanctions, but I should be able to try to find out between now and tomorrow morning, and so I will try to get that information to you.

COLONEL FRAMPTON: I think one thing we heard, Myra, if we could put it in there, and Ben brought up a pretty good point, is that, if we're going to keep the card, then we need to make the card valid for a longer period of time. The card would be good for five years or whatever we felt like, but that it would have some life to it before it would have to be redone or renewed.

MR. BUCKSON: I know we're trying to summarize, but I just have one more question that popped up. Is the Northeast, GARFO, and the Southeast the only areas that use the operator permit? Does anybody know the answer to that, whether it's used in the Pacific or --

MS. RAINE: Bruce, I think that that PowerPoint presentation from last year that my office provided might have that information, and so let me try to find that and go back and try to get an answer to that.

MR. HARTIG: When we talked about the council didn't follow through with other fisheries with the operator cards, there was a reason for that. If you're a snapper grouper fisherman and you're a mackerel fisherman, you're going to have the dolphin wahoo permit. That was one of the reasons we didn't require it in each fishery, was because those fisheries de facto -- You're out there and you're going to catch dolphin as a bycatch in those fisheries, and so you're going to have that permit in order to sell those fish.

That was one of the reasons why the council didn't go through each one of the plans. The only one I think of is probably golden crab and shrimp and Spanish mackerel. When you're fishing way on the beach, you're not going to interact with dolphin, and so those fisheries wouldn't -- Probably people wouldn't have operator cards, but Spanish mackerel, in the state waters of Florida, you don't have to have the federal permit anyway, but that is, I think, thinking back and going through some of the cobwebs, is why we didn't do it in each fishery, is because we knew that most fishermen were going to have to have one anyway.

MR. FREEMAN: To follow up on Ben there, what is the downside of requiring every fishery to have an operator permit? I mean, if you are going to have one, or, if most fishermen are going to have one, because most fishermen are going to have a dolphin wahoo permit, it's not like they would be required to get an additional card for each additional fishery. You could just apply it to every fishery and possibly pick up a couple of the stragglers that don't have a dolphin wahoo permit, and I don't see a real downside to that.

MR. HARTIG: No, and I wouldn't either, Mike. There isn't any downside to requiring it across the board.

MR. RADONSKI: I think we have to look too though -- I agree that it should be in probably every fishery in the South Atlantic, but we do have -- As we've said before, we've got to deal with also the Gulf, and what are we going to do about the Caribbean and the Mid-Atlantic? Are all councils going to join in together in the Southeast? That's what I'm saying. I thought you were asking us to solve those problems here too, and I was like, hmm, no.

MR. BUCKSON: I thought he was going to have you deal with Hawaii and American Samoa and places like that, but that could be fun. Probably a silly question, and this is probably for Jeff or Karen, but would it ever be the case where, if you had an operator permit for all of the fisheries, would it ever be the case that, if a violation occurred, that the operator would be the only one that -- It may depend on the type of violation. Say it's an undersized fish. Would it ever be the case that only the operator would be charged and not the owner as well? If you would prefer not to answer that, that's fine.

MR. RADONSKI: Karen?

MS. RAINE: That's funny, Jeff. I would say the policy -- If you look at the penalty policy, it's that owners and operators are responsible, and certainly each case is looked on its individual facts, but I think the penalty policy answers a lot of questions that come up, and I know it's a lengthy document, but it does have a lot of information in it.

MR. FREEMAN: That actually slipped my mind earlier. As far as NOAA penalizing both the captain and the owner, at the end of the day, it falls entirely on the owner if the captain says, well, I'm not going to help pay that fine or I'm not going to pay that fine. It's not like the captain is at risk of losing his permit. The vessel is, and so the captain could, very easily, hop to another vessel and fish for them, and now the owner is left with the entirety of the penalty or lose that vessel permit. I think an operator card could potentially go a long way in mitigating that.

COLONEL FRAMPTON: I would agree with that if we could see the teeth in it and how we would use it across the board. I think there is value in that.

MAJOR BURTON: I have a question. I am confident, with the commercial fine assessment, that the captain and the owner -- Does that apply to for-hire charters? Say you get a guy that is just captaining a boat and he's not the owner, but he's got the Coast Guard license, the six-pack or whatever, assigned to him, and do they get assessed a penalty for a federal fisheries violation?

MS. RAINE: Yes, and, generally, if it's a charter or a headboat, owners and operators, and, frankly, also, if it's somebody else who owns the permit, we're looking at all of them to be responsible.

MR. RADONSKI: One of the things too to look at is some of these permits are limited to a specific operator being on the boat for the permit to be valid, and because the owner of the boat wasn't able to apply for the permit or didn't qualify, and so the operator card could help in those instances too, just to identify someone and we know who they are, but, with charter boats too, a real egregious penalty, we could go to the Coast Guard and make a request to review the case for possible sanctions on the captain's license, but that is outside of NOAA. That is a request that we would have to make, and so I see where the operator card in the charter industry would help keep it in-house of NOAA for minor violations.

MR. FREEMAN: This is kind of following up on what Jeff said there. Would there be a benefit in having NOAA able to penalize the operator card itself for a for-hire vessel, as opposed to having to go to the Coast Guard to potentially try to sanction a captain's license?



MR. RADONSKI: I would say yes, and the Coast Guard has its own policies and procedures of when and for what reason they would pull a captain's license or suspend it temporarily.

MR. FREEMAN: So I think there would be some utility in potentially keeping the operator card permit for the for-hire sector as well, on the basis that it is expanded to cover every fishery. If you just leave it with dolphin wahoo and rock shrimp, there is no real utility there, that I see. Actually, that just crossed my mind. If you were to penalize an operator, or sanction his operator card, and it's only the dolphin wahoo and rock shrimp fishery, there is nothing to prevent that operator from simply swapping over to a king mackerel boat. I think that could potentially be an issue in the future.

MS. RAINE: This is Karen. I want to back up to something from a few moments ago about vessel owners being ultimately responsible for penalties. I just want to say that certainly I have -- I know that it's the perspective of some people, but, as far as NOAA is concerned though, owners and operators are responsible. I certainly have heard operators comment, particularly those who stay with a particular fishing boat, that perhaps the penalty is taken out of what money they may have coming, and so I just don't want there to be an impression out there that, at least from NOAA's perspective, that vessel owners are ultimately the only people responsible, because that is not our policy.

MR. FREEMAN: Karen, does NOAA have anything in effect that really -- Is there anything preventing an operator from simply jumping ship and going to another vessel? If not, I feel that there is more of a burden on the vessel owner, as far as violations are concerned.

MS. RAINE: Again, that is something that I know many people feel or think, but I just don't want there to be the impression that that is policy or that is what NOAA is striving for. While there is not a way for NOAA -- I think probably, absent an operator permit sanction, I don't know of a way that NOAA itself can stop an operator from going onboard another vessel, but vessel owners can certainly check with NOAA as to whether a particular operator has violations, and that's a little bit of a different issue.

I also believe that it is possible, at least in some jurisdictions, and I have heard of this, although it's been many, many years, and it may happen more or less than I know about, but that owners may have legal recourse against the operators, but that is totally outside the realm of NOAA. As I say, I've heard of that. I heard of a situation, and I am talking decades ago, and I don't know the results, but I was told by an attorney in another state who represented an owner that they had proceeded against the operator, but apparently the results were confidential or whatever, or at least I just never heard of them, and so that may be a possibility, but it's not something that I am saying people should or shouldn't do, but I'm just saying that I have heard of that.

MR. RADONSKI: Karen, on a vessel where the captain is also charged, but he leaves and goes to another one, the owner is still responsible for that full penalty though, right?

MS. RAINE: Generally, cases from our office are going to be charged jointly and severally, with the owner and operator charged together, and, just because an operator leaves a vessel, it does not mean that they are both not responsible anymore for that violation. They would still both be responsible.

MR. RADONSKI: Yes, but it still gets tied to the permit if the penalty is unpaid by the captain.

MS. RAINE: Well, if it's jointly and severally, they're both responsible for that penalty, and, yes, it can be tied to the permit if a penalty isn't paid.

COLONEL FRAMPTON: Karen, how often are they charged together?

MS. RAINE: Most often. If you look at -- That is the general charging practice, that owners and operators are charged jointly and severally together. If you look at our General Counsel website, every six months, there is an updated listing of cases that have been charged, and they don't have the owner and operator names, but they do have the vessel name, and they have the charge and the penalty, and so you can certainly see there what folks are being charged, and that would include whether or not there was a permit sanction and a monetary penalty and also settlements are on our website as well, so people can see what folks are being charged for particular violations, and this is nationwide.

MR. BUCKSON: We could probably talk about this for quite a few days here and not get any real good answers, because we're not the folks that actually implement this or decide whether to implement it or not, and so for -- My mind is about this big, and we're way outside of that right now, and so I'm going to try to get myself back into where we may be able to continue to move on.

I guess there was two things, and I think Mel explained it pretty well. The first thing has to do with the dolphin wahoo, where we stand on whether or not to -- What our recommendation might be as far as the operator permit for the dolphin wahoo. Then Ben threw the little twist in that that it basically applies to everybody, because everybody ends up catching them. That's not exactly what he said, but I was paraphrasing, but it has a greater impact than just somebody that is targeting dolphin wahoo, and so that's one thing that we need to do. I guess that we're kind of tasked with, at this point, giving some sort of recommendation there, and then the bigger picture is what to do in the long run, and so, in my mind -- Did you want to interrupt me? Of course you do.

COLONEL FRAMPTON: Yes, I did. I would add to that, if we're already charging the owners and operators together most of the time, what have we accomplished here? If they already have the card, by de facto, and we're already charging the owners and the operators together, what are we doing? What are we achieving?

MR. BUCKSON: I think that's basically where I got on all of this. I think there is potentially some utility for an operator permit. I agree with things that Anna said. If we're going to do it, we should do it and be consistent and be more nationally, possibly -- Have a perspective much larger than just a single fishery, and so I don't -- As I'm sitting here listening to all of this, I don't see an overwhelming case for requiring it, at this point, in the dolphin wahoo, unless there is an improvement to it, and so I guess that's my personal opinion with regard to the dolphin wahoo, which is a question, I think that Mel -- It's one of the questions that the council is interested in having an answer to.

The rest of it is, like I said, is I believe there is potentially some utility there, but it really needs to be reviewed, and I think Jeff made some points about that as well. It's been around a long time, and there really hasn't been much adjustment to it at this point. All right. I'm done.

MR. RADONSKI: I agree there. I mean, looking at the idea that, because other fisheries catch dolphin and wahoo, from our perspective though, that dolphin or wahoo has to be present and not fishing for. It has to be onboard. It's not necessarily going to be encompassing all of those just in case they catch the fish.

COLONEL FRAMPTON: Let's see if we can agree to what Myra has sort of highlighted here, that that's our case. We do see value in it, but we don't see value, a lot of value, in it the way it currently is implemented. If they want to do more with it, then we need to look at a comprehensive overhaul of the fisheries the card is used in, the issuance of the card, and that type of thing. Is that fair enough of where we are?

MR. RADONSKI: Yes, I agree. I think, also, we should be looking at reaching out to the Science Center and how can this help in data collection. If there was an IFQ system, how could that help in that? I mean, that's not a South Atlantic concern right now, but how could this be implemented not just in an enforcement realm.

COLONEL FRAMPTON: Hold that thought, Jeff. I want to make sure that we get that on here about the Science Center and data collection.

MAJOR BURTON: Maybe I should have asked, when I was reaching out to the Permitting Office, but they said it was used for data collection in the Greater Atlantic, and I don't know specifically what it's used for. Obviously we have other reporting requirements, trip tickets and stuff like that, and federal requirements, but, specific to that operator permit for all those fisheries on the permit application, I don't know specifically what they're utilizing that for, and so that would be good to know. Maybe we could kind of equate that to down here or not.

COLONEL FRAMPTON: The beginning of your comment was the Greater Atlantic uses it for data collection.

MAJOR BURTON: Correct. They do.

COLONEL FRAMPTON: Maybe we should look and see what kind of data collection they're doing in it and is that something that we need to look at in the Southeast.

MR. RADONSKI: You're looking at days-at-sea issues and a lot of other different things that are going on. They have their set-aside program, and there is so many different things that are going on up there that may be tied more to some individual.

COLONEL FRAMPTON: Any more discussion on this?

MR. BUCKSON: I couldn't let it go. I'm glad that Jeff weighed in, because, ultimately, I think the states recognize that, ultimately, this is a NOAA penalty and that they're the ones that have to either make it work or not work when it comes to the enforcement end of things, and so I'm glad that Jeff and Karen have been able to weigh in.

COLONEL FRAMPTON: Yes, and I appreciate that and their perspective in it. All right, Myra. Let's move on to the next topic.

MS. BROUWER: Okay. Next, you get to talk about red snapper and recreational reporting. For that, we have Chip to facilitate that for you.

COLONEL FRAMPTON: Chip, welcome. I would just warn you that you're right before lunch.

DR. COLLIER: This document is Attachment 5 that Myra sent out to you guys. When I brought it to you last time, it had several actions in it. A lot of them were dealing with requirements from the Magnuson-Stevens Act, and some of those were defining ABC and ACL and OFL and optimum yield, and those have been removed since our last meeting. The National Marine Fisheries Service has sent a couple of letters to the council indicating that we cannot reliably monitor the catch. Therefore, the ABC that we have is very difficult to manage to.

We are working on those issues outside of this amendment right now, and so what I have left in here was items that don't necessarily deal with some of those values that would be dealing with the ABC. Some of the reason that they're having difficulty with tracking the ABC for red snapper is because it's -- For the last two years, it's been a discard-only fishery, and primarily the source of discards is the private recreational fishery. Within that, it's surveyed through the MRIP program, and the feeling is, with the change that's coming into the MRIP program with the change in the effort side of the survey, the numbers could be changing dramatically. We don't know, but that calibration is going to be done in 2018, and so we'll see where we are from that.

With that in mind, going to Action 7, this is typically where you're looking at how we need to change a fishery in order to constrain it to the ACL. This one is more or less how do you guys envision a fishery while trying to keep it in a sustainable fashion, I guess, and so those are just some of the contexts to think about this. It's maybe not an open fishery, but maybe a constrained fishery, similar to how we have done it in the past.

Starting off with the commercial sector, we have the normal -- We have a suite of potential regulations, including Alternative 2, which is to prohibit commercial harvest of red snapper, and it's based on a couple of defined seasons. The seasons here, one is to avoid peak spawning, and so that's going to be during the summertime, and then the other one is avoid the spawning season. It's a little bit longer in Alternative 2b, and the third one is just keep it closed year-round. Some of the fishermen had indicated that getting a twenty-five-pound trip limit wasn't useful, because that's what we were discussing in the past with that very low ABC that had come out of the stock assessment.

Now we're still not certain what the trip limit is going to be, and the commercial sector may choose to not harvest that -- Not even deal with red snapper if it's a twenty-five-pound trip limit, but that was the feeling in the past, and there is also the possibility, in Alternative 3, to develop a commercial trip limit or modify the commercial trip limit.

When we've had the mini-seasons in the past, the trip limited started off -- In 2012, it was a twenty-five-pound trip limit. In 2013 and 2014, it was a seventy-five-pound trip limit. With the season being closed in 2015 and 2016, that's a zero-pound trip limit, and so there's different trip limits that we could do, and it's also possible to specify the trip limit in number of fish or weight of fish, and I think, with you guys' experience, with something like that, it might be good to weigh in on

that alternative. I think that is something that you guys experience, and you guys might have some thoughts on it.

MAJOR BURTON: I think, for small amounts of poundage, it would be easier, from an enforcement standpoint, to have an individual fish count. Obviously when you get into larger quantities -- Officers don't carry scales with them, and so, typically, when we're checking a boat that's coming in from offshore, for large quantities, we wait for them to hit the dock and then just kind of monitor the offload, but, for smaller amounts, it would just be easier for an individual fish count.

COLONEL FRAMPTON: I would concur with Grant that Alternative 4, at least from a law enforcement perspective, is easier for our officers to do a fish count with size limits. We are pretty versed in doing that.

MR. FREEMAN: A follow-up on Grant there, and I believe Chip mentioned a twenty-five-pound is what it was in the past, and one fish could put you over the limit. Right off of Ponce Inlet, where we fish out of, almost every fish that we have to release is a twenty-pound-plus animal. We don't really see a whole lot of small ones off there.

MR. RADONSKI: I agree with it's got to be number-based. To have effective offshore patrol, we need people to be able to count and not try to weigh fish offshore, but, as far as the other recommendations too, most of those are biological. I think, from an enforcement standpoint, the only comment that NOAA OLE would make here would be on the trip limit, and that would be number versus not having pounds.

MR. HARTIG: I appreciate that, and, certainly from the law enforcement perspective, the numbers on small quantities is a great way to. Just we're going to have high-grading with that. They're going to keep the biggest fish, and they're going to let the smallest fish go, and they're going to have fish on the boat that are dead. When they catch a bigger one, that animal is going to go in, and so it's not like you're going to be discarding live animals.

Is there a way to couch that with a weight and a number, and so not to exceed X amount of pounds? Is there some way that we can use the average size of red snapper, for five fish or eight fish, and then get some way to couch that weight and number together, so it makes it easier for you to enforce it and then it reduces the high-grading, if you see what I am trying to get at. This is just coming off the top of my head, and I haven't really thought this out.

MR. RADONSKI: When we have multiple ways to measure a fish, it makes it more difficult for enforcement than helping us out. We went through that with HMS issues, where there is like three different measurements for it, and we're going to have to prove that all of them were violated to have a violation and not just pick and choose which one we would apply.

MR. BOWEN: One thing too that we would just like to remind everybody is this is not really -- We want to set this up so it's not a targeted species. We want to set this up so it's as a bycatch, and so that's just a friendly reminder that it is intended to be a bycatch take and a bycatch fishery.

MR. BUCKSON: I don't think that I understood that completely, and I'm sorry. Can you help me out?

MR. BOWEN: I have to be careful how I word this, but we're not intending to set this catch for commercial, whatever that quota is or whatever that amount is, we're not intending for people to leave the -- The commercial fellas to leave the dock and go target red snapper. We are wanting this to be where they go out and they're fishing for some other species and they catch a red snapper and, instead of releasing it with a high chance of discard mortality, they get to keep a select few fish, whether it be numbers of pounds. We don't want them leaving the dock and going to target red snapper.

CAPTAIN LYNN: Instead of just going with a size limit or something, and so just a number? You catch -- You're out there fishing for black sea bass or whatever and you catch four, maybe four per boat or whatever, and just pick a number, and that's your bycatch limit for the day? Is that what you're saying, is basically you're going out there and not targeting them, but you happen to catch three or four that you don't throw back or can't throw back or whatever and you're just looking at being able to keep X number, although they may be fourteen inches instead of twenty inches and is that basically where the council is wanting to go with that?

MR. BOWEN: Chip can probably speak better to the point, but there is actions and alternatives in there where we will discuss minimum size limits for the recreational sector versus the commercial sector. Right now, I'm under the impression that we're talking commercial allocation, and, because those fish are more commonly caught in deeper water, there is some council members that tend to agree that maybe no minimum size limit might be the way to go with the commercial sector, but that may be different from the recreational sector allocation, because they typically fish in shallower water and the discard mortality is generally not as high.

CAPTAIN LYNN: That's kind of what I was looking at, is just being able to say you can keep X number, instead of a size. The first four you catch or whatever, you keep, and that's your limit.

MR. BOWEN: To that point, if it's me and you fishing, that's probably how we would do it, but there's some people that, when they catch that first four and they're seventeen inches, but yet they slide over and catch one that's twenty-five inches, like Ben's point, and chances are that they're probably going to put that seventeen-inch dead fish back in the water and keep the big ones, and that's what we're trying to get away from.

CAPTAIN LYNN: I don't know how you're going to do that, because, if I'm still out there fishing for black sea bass, and I reel up a twenty-incher versus a fourteen that I've got in the boat, I'm going to put the fourteen back somehow. He jumped out of the live well or --

MR. BOWEN: Keep in mind that we're on the record, and I would never do that.

CAPTAIN LYNN: I understand, but there are some that might, and so being able to predict and prevent that, in my opinion, is probably not going to -- It happens now with just black sea bass. If you're going black sea bass fishing, they're going to pick and choose.

MR. RADONSKI: I think we've had a problem, for many, many years, with high-grading in different fisheries, and I don't know how in enforcement we can really stop that or write the perfect rule. I think going with a weight limit puts enforcement at a disadvantage at sea, and we're not going to catch everybody at the dock either. We have to have the opportunity to catch them out

there, and so I don't know how we would totally stop high-grading from happening. That sounds like more of a cultural change that we might have to do.

MAJOR WALKER: I don't have a problem with the weight, from an enforcement standpoint. It's not that hard for me to estimate a basket of twenty-five pounds, fifty pounds, or seventy-five pounds. Chances are that I'm going to check that whole boat at the dock anyway. I mean, I may jump on and spot-check a license or the check the top of a cooler at sea, but our bandit boats are normally checked at the dock.

LT. FAIR: I just want to jump in as far as that. Most of the assessments that we're going to do or the boardings that we're going to do, we're not going to be able to do them at the dock. They're all out at sea, and the way things -- An issue for us is we would rather go off of size instead of estimating poundage, because we're not going to go back to the dock and observe your landings. That's going to be something we'll refer to OLE or our state partners.

COLONEL FRAMPTON: I think both of those are valid points, and I'm a proponent of the size too, but, in this case, when we're talking about as little weight as we're talking about, we might could consider that. We're not talking about a boatload of fish and trying to figure that out. We're talking about, what, seventy-five pounds gutted weight? It's not the ideal solution by any means.

LT. FAIR: I think, especially from the perspective of the Coast Guard, where you may have a larger cutter offshore that's not going to come in, doing the weight estimate -- Seventy-five pounds, if you're doing it all the time, I think you can do it, but, if it's once in a great while, it's going to be a more difficult task.

COLONEL FRAMPTON: I absolutely concur with that.

DR. COLLIER: Thank you very much for the discussion, and I think that goes kind of to the -- There is good and bad of both of these options, especially for a fish that gets as large as red snapper. It begins to come into play, some of that high-grading. Black sea bass might not be as bad of an issue, because it might be about a pound change, but it could be a twenty-pound change for red snapper, and it's going to be really hard to avoid it, but we will pass your information along to the council, and they will probably have similar arguments at their level as well.

As you had mentioned, size limits are another option, and Zack had mentioned this, where the Snapper Grouper AP had recommended not having a commercial size limit, due to the depths that they were fishing, and so that might be a consideration for them, but it's not certain what direction we're going to take this.

Alternative 5, under the commercial management measures, was looking at just prohibiting spearfishing gear from possessing and harvesting red snapper, and the reasoning for that is, as Zack had mentioned before, they want to keep this as a bycatch fishery. If you're actually targeting them with a spearfish, you actually targeted the red snapper, and so that was some of the idea with that.

COLONEL FRAMPTON: Any comments on that?

DR. COLLIER: All right. Going on into the recreational sector, there is similar alternatives for this. One of the alternatives, Alternative 2, looks at different time periods for opening the season for red snapper. Alternative 3 would be different bag limits and potentially a recreational vessel limit, and one of the thoughts with this is we would likely be looking at being more restrictive than what was in 2014, which was a one fish per person. In order to go down from a one fish per person, you would have to go to a vessel limit.

Trying to balance out, if you're doing a reduction in a private recreational fishing vessel and a charter boat vessel, a per-vessel might work, but, when you get to a headboat vessel, how do you do that, and could you set it up in such a way where your limits are restricted to a percent of people, paying patrons, on the vessel? If you have thirty people on a headboat, three fish per vessel isn't quite fair to the headboat, and so how do you get the same equity if you're looking at a 50 percent reduction on a charter boat and maybe a similar reduction on a private recreational vessel? How do you get a similar reduction on a headboat, and is there anything that could be written for a vessel limit for a headboat?

COLONEL FRAMPTON: Could you restate the question?

DR. COLLIER: Sorry about that. Let's say we're trying to get -- The vessel limit that we're looking at is a 50 percent reduction for charter and private recreational vessels. If we wanted to do a 50 percent reduction in harvest or 50 percent of the people can possess fish on a headboat, is it possible to write a regulation that would be that? It would be 50 percent of the paying patrons could possess a red snapper, max.

MAJOR WALKER: I would say not, because I paid my money to fish, and I want my red snapper, too.

MR. RADONSKI: That is kind of tough. Some of my thoughts were saying, if you have ten people, you can have X number of fish. If you're at twenty, you can have X number of fish on the boat. The problem with a head boat is it probably is more of a vessel limit than it would be a per-person limit, but what those magic numbers are, I have no idea.

LT. FAIR: Another thing to consider though is, if you do have that many people on the headboat, the fishing activity is not going to stop, and so then you've got to consider the mortality rate of putting those fish back in the water. Even though your number has been reached, you are still returning fish back, and what is that mortality rate going to be, because now you've got to stop catching red snapper. You can continue to catch whatever else is out there, but you're killing red snapper in the meantime.

MR. RADONSKI: What is the data on these headboats on what they're currently catching in red snapper from surveys? Do you have any idea?

DR. COLLIER: I haven't looked into it in great detail quite yet. I just got some of the information at one o'clock last night, and so I haven't had a chance to get on it, but I could definitely talk to you afterwards, probably after lunch or something like that, when I get a chance to look at it.

MR. RADONSKI: It's more food for thought. I mean, what are we looking at as a current take? I know a lot of charter boat captains and stuff, when they start getting into those type of areas, will



move out and, all of a sudden, fishing has died, and, from an enforcement standpoint, we're worried about that guy that's going to just stick around and keep harvesting.

COLONEL FRAMPTON: Myra, where, on headboats, it would be difficult and bycatch continues as others are targeting, and I think that's the consensus of the group. This would be awfully hard to manage, especially from a headboat perspective. Moving on.

DR. COLLIER: Alternative 5 is probably something you guys don't like at all, and this would be establishing fishing areas based on water depth, and so that would be used to establish the waypoints, and then the waypoints would be the actual information that's codified, but these different depth profiles would be used to establish a snapper grouper fishing area. Within that, within depths less than let's say 120 feet or 100 feet, depending on which alternative is selected by the council, that area would remain open to fishing year-round. Then an offshore area would be open to fishing during a defined season, and, once again, that's recognizing the issue with discards or higher discard mortality in deeper water.

MR. RADONSKI: I have a question. How would enforcement prove that it came from the allowable area at any given time? That would be very difficult to establish, because, once a fish is on the boat and they leave, they're free and clear. They could always say where they were fishing was in the shallow water.

MAJOR WALKER: That's very unenforceable and then prove that you -- What is 150 feet? How are you going to prove that in a court of law when it goes up to NOAA? I know it's difficult to certify a depth finder, and you've got more steps to try to go through to prove that case package already, and so I would not --

MR. BUCKSON: Just for Chip, a point of clarification. The depth would not be what the regulation would say. The depth would be used to identify the closed areas and then use a box or whatever to --

DR. COLLIER: Not quite a box. It would probably be a jagged line.

MS. RAINE: I suppose using the waypoints would make it a very jagged line with a lot of waypoints.

DR. COLLIER: If you look at something like that was implemented for Regulatory Amendment 16, which is the black sea bass pot depth line, it is -- It definitely goes in and out somewhat, but it doesn't have that many waypoints in it. I mean, I believe there is thirty waypoints or something like that. In all likelihood, this would probably have some more waypoints, but it's not a zig-zag. It's pretty consistent. It's not going to follow the depth contour perfectly, but it's going to be a good approximation of it.

MS. RAINE: I would just say what is not too many waypoints is probably in the eye of the beholder.

COLONEL FRAMPTON: Yes, and the fact that it's not too different -- We can't make a case like that. We can't win a case or prosecute a case based on that. We've got to have waypoints definitively and facts to be able to present to make that case.

MR. RADONSKI: That has to be an on-scene, at the point of time violation. That's not going to be any type of transit violation once they're outside of these areas.

MR. FREEMAN: As far as the depth limits on the sea bass pots, you're only talking about -- I would have to look, but I believe it's thirty-something permitted pot vessels, and it's a little bit easier to enforce when you can see where they have the pots in the water. If you try to do some kind of depth contour for red snapper, you've got thousands of boats that you have to somehow prove didn't land it in seventy foot and then go offshore to target something else, and it would be incredibly difficult to enforce, I would think.

DR. COLLIER: I do want to point out that this isn't just for possessing a red snapper. This would be for snapper grouper fishing overall.

MAJOR BURTON: So you have more protected areas, which would mean we would need more officers, more patrolling. It would just be more difficult and not just the zone itself, but just increasing our presence out there, whether it be a deterrent or to actually check people fishing. It would just be more of a burden and an enforceability problem.

MR. FREEMAN: If you do try to close whatever, say shallow than a hundred feet, the snapper grouper fishing period, it's not going to stop the vast majority of the people going out there, and I don't see any way you would be able to enforce the number of boats that would be out.

MR. BUCKSON: I would say though that it seems that these areas wouldn't be offshore, because they're less-than depths, and so that's one benefit, compared to having a protected area some fifty miles offshore.

MR. HARTIG: The real problem we have is this fishery is such a success story that people catch these animals trolling commonly now. If you're out there, the Coast Guard, and you're in a closed snapper grouper fishing area, and you stop this boat and he's got a fish on and it's a red snapper, I don't know. It's going to be harder to deal with, for sure, and so the council is going to have to think long and hard before we do something like this. The availability of trolling is very real. I mean, it's common now. It used to be rare, and now it's very commonplace to catch red snapper, in particular, trolling, and so we'll have to deal with that.

MR. FREEMAN: I just want to add on that the closures, or the SMZs, that are out there now are fairly small geographically, apart from one or two of them, like the Oculina Bank, and this would be thousands of square miles of -- It would be the entire coastline to X depth over what would have to be a fairly immense number of waypoints, and I just don't see that being feasible at all.

MR. BUCKSON: Another clarification. But those are allowable fishing areas. Is that correct, Chip?

DR. COLLIER: The inshore would be the allowable fishing area and then offshore would be allowable for a defined period.

COLONEL FRAMPTON: Moving on.

DR. COLLIER: All right. Alternative 6 is when the season would be allowable for offshore, and then, going into Alternative 7 and 8, and that's just relooking at Alternative 5 in a different light and what is being used to close a certain area. These could be tailored to hotspot areas and potentially make them into boxes, but we haven't really explored that in great detail.

Going into Actions 9 and 10, these are looking into the private recreational reporting and permitting. Action 9 looks at the actual permit for private recreational fishermen, and, with that, we have a couple of different alternatives for that. Alternative 2 looks at just having a private recreational fishing permit for red snapper or snapper grouper species associated with red snapper habitat, and what I mean by that are black sea bass are typically common with red snapper, or you could do it with gray triggerfish or some other species that they're typically associated with.

Then the last one looks at the entire snapper grouper fishery management unit, and that would require a permit, and the reason for the permit is the council would like to identify the universe of fishermen, private recreational anglers, catching red snapper. Everybody else is going to electronic reporting, whether it's charter boats or headboats or commercial vessels. That is happening right now, and, with the private recreational sector having such an impact on red snapper, we see the need to increase our information for the private recreational fishermen. There is a couple of different thoughts on this. One, is a private recreational permit good? What recommendations do you guys have for that, and should it be for an individual or should it be for a vessel?

MR. RADONSKI: How many states in the South Atlantic require fishing licenses that are going to be good out in the EEZ?

MAJOR BURTON: We also have what's called a Gulf Reef Fish Survey, that, when you go to register or sign up for your recreational license, they ask if you -- It's free, but you just have to register for it, and they take that data, from what I understand, and they have call surveys and mail-in surveys that these guys get. They fill it out and they send it back to FWC, or they just talk to them on the phone, about what have you caught today or what have you caught last month or whatnot, and so we have a similar survey to what you guys are proposing here. We are already signed up for it, and so, when we check somebody offshore or check somebody in state waters, we ask them if they have that Gulf Reef Fish Survey.

MR. RADONSKI: That's kind of where I was going, is U.S. Fish and Wildlife sells duck stamps that go on state licenses or migratory birds, and, somehow, in fisheries, we really haven't looked at that, but it could be a stamp or it could be signing up for a survey type of thing. I think trying to permit all the recreational fishermen that might be fishing for red snapper in the Southeast, that's going to be a lot of people, and it would hamper one office in St. Petersburg in trying to issue out permits. Maybe if we look at how we could do it with the states and be sharing information.

MAJOR BURTON: It's noted on the recreational license, and so you check them. You check to see if their license is valid, and it has it on there, whether or not they signed up for it for that year, and it's renewed. They renew it every year, and, like I said, it's free. It's just for data collection.

COLONEL FRAMPTON: It's almost like a HIP permit. It's the same theory as the HIP permit. Before you would get your license the next year, or when you would call to get your fishing license for the next year, they would ask you those questions for that survey.

DR. COLLIER: There's one thing I want to point out with that. Although it's free to the consumer, it is not free to the agency. They have had to enhance their MRIP survey, and, in order to do that, they take some sampling from the -- They actually have add-ons for MRIP, in order to do it, and what they do is they have certain docks that they have identified where reef fish fishermen go to, and so they sample those at a more frequent intensity than they would normally do.

Other states in the Gulf have tried to deal with the red snapper issues in different ways, whether it's through a similar electronic permit, and so I believe Alabama and Mississippi have electronic permits for red snapper. Texas has iSnapper that they use for reporting of red snapper, and so what we want to do, as far as the council level, is try to get consistency among the states and not have four different systems going on, because it does make it very difficult to collect all that data in order to best manage the fishery.

COLONEL FRAMPTON: Do you feel like you have gotten the sense of what you need from us or is there another pending question that we need to consider?

DR. COLLIER: One question is, based on what everybody has said, I didn't hear anything that we should do a vessel permit. It sounded like it should be an individual-based permit.

MR. FREEMAN: I see that the next action is modifying reporting requirements, and so is a vessel permit necessary for the sake of electronic reporting? Could that be done on an individual basis? I am not sure how that would all work out.

DR. COLLIER: You could set up the reporting requirements based on what your permit requirements are. If the permit is for a vessel, then you could have the vessel reporting requirements set up in such a way that they would be required to do it.

MR. FREEMAN: If that's the case, I feel that a vessel permit would be better, in regards to electronic reporting.

DR. COLLIER: The South Atlantic Council got a grant from the National Marine Fisheries Service in order to look at an app that would essentially work with ACCSP to develop a database of anglers. Through the app, they would get the permit. Then they would be allowed to report through that app, and so it would have both sides of it. It would have the permit side and the reporting side, with all the information for the anglers being housed at ACCSP. It would be accessible to all agencies.

COLONEL FRAMPTON: That sounds like a pretty efficient way to do it. When you get your permit, you tell them what you caught for last year for that data collection.

MR. RADONSKI: Except for the timeliness. How important is that data? But, if he had the app, they could be reporting each trip.

MR. FREEMAN: In regards to timeliness, the longer you wait to have people report, you're going to run into fairly substantial accuracy issues. In a week, you could run into accuracy issues. If you start talking about a month or a year, it's going to be problematic.

COLONEL FRAMPTON: I agree with you, but I think the good thing is there is a means to report it easily, for them to get that data. What the reporting time is can be worked out, but there is a mechanism for them to report pretty simply.

MR. RADONSKI: You've got to look at we're talking recreational, which is not going out as frequently. They're not in the business to go out fishing. They're out recreationally fishing, and so they may only go out once a month or less, and so that app, I think, would be something that they would be more apt to report.

DR. COLLIER: Since we have been talking about the reporting aspect, I have scrolled down to Action 10, and you guys were talking about Alternative 3 under Action 10. We have three different alternatives. One is monthly, the second one is weekly, and the third one is before they depart the vessel or disembark or load up the vessel at the boat ramp.

All of these, especially with the recreational fishery, it can be so intense that -- We do need data collection on a finer scale than a year, because, if we're dealing with ACL management, we might have to close within a season, and so that's an issue that the council recognizes is important, and we might not be able to just get information collected at the end of the year.

As Michael pointed out, recall bias is going to be a pretty big issue for this. Red snapper might not be that bad to remember how many you caught on a day. Tomtates are a different issue, and so somebody is going to remember that they caught three red snapper, but they might not remember the thirty tomtates that they caught, especially a month afterwards, and so that's something that the council is definitely going to have to wrestle with, but would it be beneficial for you guys to have -- Seeing that these guys are only going out maybe once a month, is it beneficial to have something like Alternative 3c, where they are required to report prior to getting off the vessel?

LT. FAIR: The only issue I would see with that is a means in which to do it. If you're talking about recreational boaters, you're assuming that everybody has a smartphone or some kind of device that they can do the electronic reporting. If they don't, or if they don't have service in whatever area they're fishing at, you're going to lose that information, or they're in violation of 3c.

COLONEL FRAMPTON: The law enforcement officer would have to have some way to validate that they did report and what they reported was accurate.

MR. RADONSKI: That was going to be my comment. From an enforcement perspective, and people that are non-reporting, how are we going to go and prove non-reporting? Especially in the recreational industry, we aren't going to know when they went out or came back in, unless we're right there and we see them, and so I think the app is a good application, but I just think it will be difficult to think that enforcement is going to be able to deal with non-reporting issues in that.

COLONEL FRAMPTON: I think accuracy in reporting would be critical. Yes, I reported, but did you report really what you caught? In order for us to do that at the boat ramp or on the boat or wherever we set it, we're going to have to have a way to prove that, and so I think that could be difficult.

MAJOR BURTON: Maybe I missed something, but is there an opportunity to maybe put this out voluntarily initially, to say provide the information there and just actually see how people are receptive to it? If you're just throwing this on them, that now you guys are going to be required, how about just put it out voluntarily and see if people are really taking a proactive stance on it and wanting to provide this information, because, if you go right off the bat and start requiring it for them, to report when they go and fish in the EEZ, you might get -- The data might not be very accurate. You're going to get a lot of people that aren't going to report, and so maybe kind of conduct some sort of outreach and show the benefits of it and put it out voluntarily with the app and just see how it goes from there. Then, maybe, down the line, make it a requirement.

DR. COLLIER: That's a really good point, and we are working -- We are going to do it in that direction, where it's going to start off in the pilot phase, with about 200 fishermen, working with us to make sure that the app is working correctly and it is useful to the fishermen and a usable piece of equipment, or tool, I guess, and not equipment.

While we're doing the pilot phase, we're also going to be conducting outreach. There is going to be someone hired specifically to be working on outreach on this reporting side of things, in order to communicate with the recreational fishermen, and I know you were at that meeting in Jacksonville where the fishermen got up and said that we want to report, or at least most of them got up and said that we want to report. There were definitely a few individuals that said, no, I'm never going to use such a thing, and I will lie to you when I do report.

MAJOR BURTON: Again, and I know I mentioned it before, but, again, we're creating more regulations and more requirements. Down the line, the staffing is -- For this private recreational sector, it's going to be a lot. It's going to be a huge burden on federal and state to be able to do the checks and balances and have that accountability. It's going to be a big challenge.

MR. BUCKSON: This is a much different sized universe than dealing with commercial fishermen, and so it's going to be a huge challenge to manage. For some of us older folks, like Chisolm, that remember prohibition, one of the things that was said during that time is to create a law is nothing. To enforce a law is everything.

If you make this a regulation that people are expecting you to enforce, somebody is going to be the bad guy, because I don't see that this is manageable at all when you're dealing with that type of universe, and I think that's pretty much what Grant was saying. The voluntary basis is another story. You can probably -- Especially when you're dealing with red snapper, everybody wants this resolved, and I think you're going to get a lot of folks to participate on a voluntary basis, simply because they want to get past the challenges that they've had.

MR. RADONSKI: Looking at it, with the people we have out there now, social media are reporting all of this stuff all over the place anyway. I mean, we get enough violations off of social media complaints, and I think looking at this and selling it and getting it more in a social media event might be helpful as well, where, what they're reporting, they can share, and they can have instantaneous gratification of some type of how they reported.

MR. FREEMAN: My understanding is that requiring electronic reporting for the recreational sector would serve the purpose of getting more accurate data than through the MRIP surveys, and so my question would be entirely voluntary reporting -- I would feel that you would get a higher

degree of accuracy and mandating it, and could you take voluntary reporting data and have your separate -- You have your amount of permitted recreational vessels, and you can take that high-quality data and apply it to the number of vessels you have permitted to try to get a better idea of what's being landed.

COLONEL FRAMPTON: I would say that, in general, law enforcement always wants voluntary compliance more than we want writing tickets. That is always our aim, but I think Bruce is right. When you look at the scope of the universe that you're getting ready to delve into, that's not the AP's issue, but we're just telling you that it's huge. It's huge.

MR. BUCKSON: A quick question for Grant on Florida's snapper reporting, or the reef fish reporting by the recreational folks, and is there a potential for a violation there, or is it just simply informational?

MAJOR BUCKSON: We're still taking an educational approach. I mean, if you look at the letter of the law, it is enforceable. If you check somebody with reef fish coming in or fishing for reef fish in federal or state waters, it's a citable offence, but we are putting out the educational portion still. I mean, I think the funding that was provided, and I think we got it from Deepwater Horizon funds, and it's up through 2018 or 2020 to provide this, and I think it's just basically for somebody to sign up. They are asked, and then we educate them on it, that, hey, you know you need to have the reef fish permit, but we're not citing people for it.

MR. RADONSKI: I would say, overall, the purpose of this, being a law enforcement group, is that we see that this has value in the data collection. However, we're telling you that it would be very difficult to enforce for non-reporters.

DR. COLLIER: Even if the app came back and like had something on it reported, you could check the phone, where it said it indicated that they reported something.

MR. RADONSKI: The non-reporters are what we're talking about, how we're going to know that they did report, and you're still talking about being at the dock and being there and knowing that they went out fishing. It's not like some of the other fisheries, where we have, in the commercial sector, mandatory reporting dates and no-fishing reports or other avenues that we can look to see if that boat left or not. We're talking a recreational fishery that's going to be on trailers that are moving all over the place, and we're not keeping tabs on individuals.

COLONEL FRAMPTON: I will just say this, just for the scope of it. South Carolina is eighth in the country in registered boats, with almost a half-a-million registered boats. Think about the number of people on each boat fishing and reporting, just in South Carolina. I mean, it would be a tremendous lift.

DR. COLLIER: Given that the reporting was -- That is really what we want too, as far as the data. We want people to report. I always get these two confused, but one of the Gulf States has a Scales and Tails app, which is essentially a hail-in and hail-out app. What you have to do is, in order to go out reef fish fishing that day, you have to hail-out, and that gives you your permit for the day, and this is all an app-based approach.

It doesn't necessarily -- It wants you to report by the end of the trip. In order to go out and get a valid permit for the next trip, you had to report your previous trip, and so that gets you the information. It might not be all that enforceable, as far as data, as far as you missed them at the dock. That person made it home and that's fine, but, at some point, we would get our data, because, in order to go out again, they would have to do that hail-out. That is what is caught in Alternative 5, and not a very eloquent way, but that's what that one is looking at.

MR. RADONSKI: That has a lot more moving parts to it. It might be a little more enforceable, and you're really creating them to be compliant, because they can't be going out checking that. The question I would have is, once they're out there, how would we know that they have -- Do they have to show some type of proof on their iPhone or whatever that they have that day's license?

DR. COLLIER: Yes, that's what they do now, is they would have to have that license on their phone. The problem is what Warren has brought up, and that is what if they don't have that smartphone? What if they still have a flip phone? Scales and Tails has got around that, where they have a call-in system as well, and, luckily, it's a fairly small state. I believe they're talking that they only have 20,000, or I think less than 20,000, people in their system, and so it's not that bad. When you're talking the entire South Atlantic, it could get much, much larger.

Action 12 is looking at best fishing practices, and these best fishing practices are looking at ways to reduce discard mortality of red snapper and potentially reduce bycatch of red snapper. Alternative 2 looks at requiring a venting tool be onboard or a descending device be onboard, and we have these separated out into whether or not it should be onboard a recreational vessel and a commercial vessel.

Those go through Alternative 2a through 2d, and Alternative 2e is requiring the use of a descending device when releasing red snapper in greater than 100 feet, and that one is really get at the discard mortality issue and trying to get these fish back down to depth, and so that one was required when people are fishing in greater depths where discard mortality is higher.

Moving on, I think you guys have discussed this one a little bit, looking at Alternative 3, to require the use of single-hook rigs, and we have two different alternatives that were developed for this, fishing for or possessing red snapper or fishing for or possessing snapper grouper species. Then the fourth one is looking at modifying circle hook requirements. If you guys remember, right now, there is a circle hook requirement north of 28 degrees. However, south of 28 degrees, there isn't one. The circle hook requirement came in place due to a previous red snapper amendment.

Red snapper have migrated to everywhere, and there are red snapper south of 28 degrees, and so should we adjust that circle hook requirement? Also, in the Gulf of Mexico, in their circle hook requirement, they require the use of non-offset circle hooks, and, with non-offset circle hooks, they have a higher probability of hooking in the mouth and not in the gut than offset circle hooks, and so that is the reasoning for considering those different alternatives.

In developing these alternatives, I really struggled on how to avoid impacting the yellowtail snapper fishery, and so any advice you guys might have on how to avoid the yellowtail snapper fishery with that circle hook regulation would be greatly beneficial to me. If any of these are enforceable, it would be good to hear that as well, but I know it's lunchtime.



COLONEL FRAMPTON: Do you want to take a break, and we'll come back after lunch and pick it up here?

DR. COLLIER: Yes, we can take a break and then pick it up.

COLONEL FRAMPTON: Let's take a break. It's 12:00. Let's be back at 1:30, and we'll just pick it up here and see if we can help there.

(Whereupon, a recess was taken.)

COLONEL FRAMPTON: Chip, we'll turn it back over to you.

DR. COLLIER: All right. When we left, we were talking best fishing practices for the snapper grouper fishery. We had gone through all the alternatives, and you guys wanted to think about them over lunch, and so hopefully it was a productive lunch, very thought-provoking, and you guys have some ideas for some best fishing practices, in order to either reduce bycatch of red snapper or discard mortality of red snapper.

To go over a little bit of discard mortality, as your brains warm back up, for red snapper, in the most recent stock assessment, they used a 28.5 discard mortality for the recreational sector, and I believe 39 percent for the commercial. When we're looking at the total removals of red snapper for the past few years, most of the removals have come from the private recreational sector in the form of discard mortality. That is what has kept the fishery closed for the past two years, due to the previous year. It exceeded what the ABC was allowable for that year, and, therefore, they closed it the following year.

That occurred in 2014 and 2015, and we will get the information for 2016, but what we would like to do, in Action 12, is try to figure out ways that we can reduce that discard mortality to prevent that from happening in the future, and hopefully we have a more sustainable fishery as well as people going out fishing have a better experience. Right now, they're not having a very positive experience in having to throw away all the red snapper that they're catching.

With that, Alternative 2, like I had said, it requires venting tools to be onboard, either on a commercial or recreational vessel, and that's 2a and 2b. 2c and 2d looks at requiring onboard a descending device, and then 2e is requiring the use of a descending device in greater than 100 feet. Going on to Alternative 3, the use of single-hook rigs if fishing for or possessing red snapper, and Alternative 3b is all snapper grouper species.

Like I had mentioned before, Alternative 4 is looking at changing the circle hook requirements, potentially changing it from defining that it be a non-offset circle hook and then trying to look at readdressing that line at 28 degrees, trying to just focus on the yellowtail snapper fishery, if possible, where that requirement would stay in place where they don't need circle hooks for the yellowtail fishery, but they would be using it in essentially every other fishery. That's what we're trying to do in Alternative 4.

COLONEL FRAMPTON: What do you think is the proposed preferred alternative?

DR. COLLIER: I think 2a through 2d would definitely be preferred. I don't know if a and b, which those are the venting tools -- That's a little bit of a controversial topic, whether or not you encourage people to vent fish or not. Some studies say it's beneficial and some studies say it's not beneficial. If people are trained properly, it seems like there is some benefit to using venting, and, descending devices, I think that is going to be a no-brainer for the council. The question is should it be voluntary or should it be mandatory.

I see no problem with making it mandatory to have it on your vessel, and it comes in so many different forms, whether it's a weighted milk crate or some kind of weighted item to get the fish back down, and so that makes it possible, but, when you're dealing with something like black sea bass, people are going to respond differently, and we're looking at multiple species and not just -- Well, it could benefit multiple species. This is focused just on red snapper, but it could be used for all of those.

I don't know about Alternative 3, and one of the questions that came up at the Snapper Grouper AP was is this single-hook rig required for commercial or recreational, and it's not defined here. I have a feeling it was for the recreational sector, but I'm not positive, and so that probably should be specified, because there are several -- When the guys are fishing for b-liners and species like that, they will have multiple hooks on the rig, and sometimes they will have multiple hooks for other fish too, some of the deepwater species.

LT. FAIR: If I may, what is the advantage of Alternative 3 over 2 with using descending devices, and have we thought about coupling them together?

DR. COLLIER: They can be coupled together, and so these aren't independent. I think the only one -- Like even the sub-alternatives for 2a through 2d, they could be all selected as preferreds. That's not a big issue. They don't impact anything, but, when you get into Alternative 4, that is looking at different circle hook requirements and where that would occur, and so, those alternatives, you would have to pick one alternative or that, or the council would have to, and also for a single-hook rig.

The reason for the single-hook rig is they're looking at -- For some of these species, they're only allowed to possess one, and, so if you're dropping two hooks and you're only allowed to possess one and you catch two, one is going to be a discard, and there is a discard mortality associated with a lot of the fishing, and so trying to prevent some of the bycatch.

MR. RADONSKI: Just on the descending device, it sounded like your definition was very, very broad, and so I don't know if the council is working on a clear definition that could be enforceable, because we've dealt with this sort of thing with turtle mitigation gear, et cetera, et cetera, but everything is defined out a little bit better.

COLONEL FRAMPTON: I would say, looking at this from the aspect of enforceability, we have our guidelines of best practices for enforceability, and most of this stuff in there, as I see you have it written, is pretty definitive. I mean, an officer can step on the boat and ask if you have a venting tool or not and do you have a descending device or not, and can I see your rigs?

As far as enforceability, I don't see -- The only thing I see in there that makes it any kind of, if you want to call it complicated, is the line north of 28 degrees, and we can -- If it's a straight line, we

can do that, and I don't see any issue with enforcement of the recommendations you have there. What the best recommendation is for bycatch reduction and all that, that's not my expertise.

MR. FREEMAN: How would Sub-Alternative 2e be able to be enforced?

DR. COLLIER: That would be a difficult one to enforce. Obviously somebody would have to be out there watching those guys descend the fish. 2e is the requirement to descend red snapper in greater than a hundred feet, and you would have to have somebody out there observing it, and maybe this is one of those alternatives that just goes out to the public just to tell them this is a really good idea, and it might not come back as a preferred, just because it is very difficult to enforce, and I don't know, but outreach, I think, would be a very big one for this, and that's something that we're definitely going to focus on.

COLONEL FRAMPTON: I would agree with that, and I also would agree with Jeff that a definition of a descending device, so that it's not left up to discretion. You could see some pretty wild rigs out there, and, whether it works or not, I don't know, but I would think a definition there would be helpful.

DR. COLLIER: Oregon just recently published a rule requiring descending devices, and I believe it's one of the first rules for descending devices on the west coast, and that's where I ran off to, was to get my computer for that rule. What they have written in their rules is when angling for groundfish or Pacific halibut in the Pacific Ocean, or when in possession of groundfish or Pacific halibut, all vessels shall have a functional descending device onboard and shall use a descending device when releasing any rockfish outside of the thirty-fathom curve, defined by latitude and longitude, as shown in Title 50 Code of Federal Regulations Part 660, Section 71. Upon request, a descending device shall be presented for inspection by any person authorized to enforce the wildlife laws or a representative of the department. In this sub-section, a descending device means any device capable of returning a rockfish back to a depth of at least a hundred feet to assist the fish in recompression and to improve the fish's chance of survival. That is how Oregon has defined their descending device, or developed their regulation for it. It still doesn't state exactly what a descending device is.

MAJOR BURTON: I have a thought. Kind of like with boating safety equipment, your life vests and life preservers are supposed to be readily accessible, and maybe you could kind of throw that caveat in there, and maybe that would kind of entice them to use it, as opposed to you checking a boat and they've got to dig through and spend a couple of minutes just to get the descending device or the -- Like the safety equipment, it's got to be readily accessible, and so maybe you have some wording in there.

That's not to say that we're going to write tickets for it, but just to kind of throw that in there. When we check a boat and they've got to dig for it, we could say, hey, you know you're required by law to have it readily accessible, just to kind of throw that out there. That's not to say that we're going to start writing tickets for it, but just have that extra verbiage in there to encourage them to start to use it, because, if they know that they have to have it readily accessible, or at least on the deck, then it's like, well, I've got it here, and I might as well just go ahead and use it kind of thing, as opposed to all I've got to do is have it onboard and it could be anywhere on the boat.

DR. COLLIER: With Alternative 4 and it trying to limit interactions or trying to prevent impacting the yellowtail snapper fishery, is it possible to do it with some other kind of regulation, like if you're in possession of -- That's the hard part, is the chicken-and-the-egg here, because, if you're in possession of yellowtail snapper or fishing for yellowtail snapper, you could have j-hooks on your vessel or something like that, but, if you're not in possession of that species, you can't have j-hooks, but you can't catch a yellowtail until you've actually put hooks in the water. If they get stopped before they fish, they could have an issue. I am just trying to figure out a different way to get at that 28 degree line, if you guys have any other options or any ideas or if it's best to keep it the way it is.

MR. BUCKSON: For whatever reason, and maybe it's just that I haven't awakened since my short nap after lunch, but I'm not sure that I understand exactly what the issue is. The yellowtail fishermen don't want to -- It's not good to use circle hooks for yellowtail, correct? Okay. So you're trying to get a regulation that will allow them to continue doing what they're doing, but use circle hooks everywhere else, the non-offset everywhere else?

DR. COLLIER: Great translation.

MR. BUCKSON: Okay. I don't have an answer for your question though.

MAJOR BURTON: I've got a question. Wasn't this j-hook rule recently passed? How long has this been in effect, the 28 degree --

DR. COLLIER: Since 2010, and so it just changed in the Gulf of Mexico.

MR. BUCKSON: Does 4b actually -- Is that the one that does not impact the yellowtail fishermen at all or am I misreading that?

DR. COLLIER: Yes, that would not impact them at all.

MR. BUCKSON: But it doesn't help the --

DR. COLLIER: It doesn't help the discard issue south of 28 degrees.

MR. BUCKSON: But I think, from an enforcement perspective, that line would be easy to enforce, but it may not be accomplishing what you're trying to accomplish.

COLONEL FRAMPTON: I think Bruce hit it on the head. From an enforceability standpoint, those things we can enforce, but what accomplishes what they really want, I don't know that we're the panel to give you that.

MR. RADONSKI: Yellowtail, I'm assuming that's probably even a small area that's off the Keys that is primarily yellowtail fishing.

DR. COLLIER: Thank you, guys, very much for your time and your brains.

MR. BUCKSON: Roughly where is that 28 line?

MAJOR BURTON: I am guessing the 28 was established based on the landings of yellowtail? They established that line and the majority of yellowtail that's landed are south of that line and that's why they have that? That's what made me think of drop it down lower, and at what point does it say that there is an abundance of yellowtail being landed, and maybe we could drop it down and maybe we couldn't.

MS. BROUWER: This was done back in 2010, when the council was considering a large area closure specifically for red snapper, and that same amendment put in the requirement for the circle hooks, and it was specifically to improve the situation for red snapper. I am not so sure -- When we had the meeting with the Snapper Grouper Advisory Panel a couple of weeks ago, this topic came up, in relation to yellowtail.

The guys who commercial fish for them were telling us that the reason they can't use circle hooks is because the de-hooker device that they use only works on j-hooks, but I am not so sure what the issue is, as far as the recreational fishermen not being able to catch them on j-hooks, and I don't know if that line was specifically put in place in relationship to yellowtail fishing. Like I said, it had to do with red snapper management.

COLONEL FRAMPTON: Thank you, Chip. We appreciate all your input.

DR. COLLIER: Thank you, guys.

MS. BROUWER: The next item is something that came up in conversation at the council meeting in December, and the council basically just wanted some clarification, some discussion, from the Law Enforcement AP members on how these fishery closures are enforced, in particular when the closure happens and then there is a reopening of a fishery, perhaps just for a couple of days, and so there's a chance that a vessel may still be offshore when the clock strikes midnight, and that's the official closure of the fishery, or they may be just getting to the dock and they're in the process of offloading, and how is that enforced?

I sent an email requesting some input, mainly from the state reps, as to how this is done, and what I got back was that, basically, it's left at the discretion of the officer who is doing the reporting, and it also depends on how the regulation for that fishery closure is worded. We put this item on the agenda just to get maybe a little bit more discussion on that item to bring back to the council.

COLONEL FRAMPTON: What responses did you receive?

MS. BROUWER: Like I said, folks who replied said it depends on how the regulation is worded. If it says that everything has to be by 12:01 and the fishery is closed, but then there is some discretion that officers have to use, and it's basically on a case-by-case basis, I guess, and it depends on the circumstance.

CAPTAIN LYNN: I think, with any of that, it would be just good law enforcement work if you have to prove your case if it's closed. If you decide to charge somebody for fishing when it was closed, you're going to have to build your case based on the evidence and the facts that you have, and so it would be kind of difficult, and you're naturally going to have to give the fishermen the room for error, just err on the side of caution.

COLONEL FRAMPTON: I think a lot of it, to repeat what Myra said though, is how is the law written? Is it must or may? Those types of things are going to factor in as to how we make a case. Do they have to be at the dock by a certain point or can they be in transit, but it's going to depend on how the law is written.

CAPTAIN LYNN: Most of them that I've seen, I think it's just basically that it closes at a certain date and a certain time and it doesn't say anything else, and so it's pretty well up to the discretion of what you can prove on hand.

MAJOR WALKER: Generally, we ask that the boats be to the dock by 12:01 or whatever, and then we allow offloading after that, and so it's not -- Our guys may sit and observe a boat to be in by midnight, but, even then, you have to consider weather patterns and things like that, and tides for inlets and transit time, and so it goes back to what Bob was saying. I think, if you give the fishermen the benefit of the doubt and try to build a good case -- It's not like you want to write speeding for one mile an hour over. You want to write a great case that you can win, and so, to me, we enforce the boat being to the dock at the time, but that also goes, without saying, that you allow some room for error to build a better case.

CAPTAIN LYNN: You can always get a search warrant for GPS and pull lat/long and times. That GPS is full of information, and so, to build a good case, you can always -- If you think something is there that is worth working with, an officer can build a case, if that's what needs to be done.

AP MEMBER: Honestly, my experience has been more they want to go ahead of the season than after. That's where your advantage is, is to get the first hit at a fresh fishery.

MS. BROUWER: Right, but the reason this came up is because the council was considering -- There was some ACL left to be caught for vermilion, but there was the indication that there would only be enough for a very short opening, and so then they started wrestling with that. Is it worth it to open the fishery back up just for a couple of days, and is that going to create issues when the closure finally comes in? Is that going to be an issue for enforcement?

Subsequent to this discussion, the other thing the council talked about is there needs to be more clear guidance to the agency for when a fishery should reopen. At that time, the agency was operating on, well, if there is -- When there is 95 percent of the ACL that's been caught, then the fishery closes, because that is too small of a range to reopen, but that also depends on the amount of effort, and it depends on the species and all these other factors, and so the agency requested that the council come up with a little bit more specific guidance for when they could consider a reopening, and the council basically said, well, if there is enough indication to allow the fishery to reopen for at least two days, then we do want you to reopen, and so that's where that ended up, and so, to follow up the whole conversation, they wanted just some input from you all if that was going to be okay.

LT. FAIR: If I can speak to the enforceability part of it, you just touched on it right there. If you're at 95 percent and we're only going to open it for two days, from my perspective and the Coast Guard's perspective, we have a job aid that we push out to the fleet, and I mentioned this yesterday, but my students, or anybody in the fleet, can go from the beginning to the end of that BOJAK, or the boarding office job aid kit, and do everything accurately and be 100 percent wrong at the end of that boarding.

To mitigate that, we push out the LMRB, the living marine resource bulletin, that has the next month's changes, and you can use the BOJAK and the LMRB and effect a boarding and be 100 percent wrong at the end of that, because of these issues where you can open and close at midnight, and so then we tell the students to use the SAFMC website for the most up-to-date, but you've also got to consider the impact to the actual fisherman.

If it closes at midnight and the guy has been out there fishing for three days, my guys are trying to stay on top of the regulations, and it closes at midnight, and so, if we're opening it up for that short amount of time, every time you do that, we've got to push something out to the enforcement officers that says, okay, it's open or, okay, it's closed, or it's only going to be open for two days. It's not like a cocaine case or a marijuana case, where you put stuff in there and flick it back and forth and get this cute color and you know it's a narcotic.

It changes on a whim, and so I would consider, if it's only going to open for a temporary amount of time, that needs to be established, and, if we're at 95 percent, maybe that's where we hold. Yes, you didn't hit your maximum yield for that time, but are we going to be able to enforce opening it and closing it back and forth?

MR. RADONSKI: My concern here is you almost can create a derby-type fishing too, where they may say, hey, we're going to open it up for two days, but it's bad weather, and people go out there and take the shot, and it might be better to see if we can tack that on to the next year's quota, I think, versus trying to do a two-day derby fishery, and it does make -- I don't think it's unenforceable. I don't want to say that. We have those type of fisheries all over the country already, but, the very short period of time they're talking about, I don't know if it's worth it.

COLONEL FRAMPTON: I go back to how is it written? If the fishery closes at midnight, is possession of it after midnight against the law or do they need to be back at the dock, so the fishermen can figure out what the rule is. If they can possess it, then they're good. They're on their way back to the dock, but, if possession is illegal after a certain time, then they know, with their transit time, they've got to be back and ready to offload.

MR. FREEMAN: How we've always dealt with it, when you have a closure coming up or you have a very short period that you reopen, our boats will be back to the dock tied up by 11:59. I am not sure of the actual legality of it, but I would imagine that even having possession after the closure just opens a whole can of worms that is unnecessary. I do agree with Jeff that, maybe as opposed to a two-day window -- I believe the council just recently got permission to carry over unused quota, and it would make a lot more sense to maybe just tack that remaining 4 or 5 percent on to next year's.

MS. BROUWER: It's interesting that you bring that up. It's something that they're considering, because it was recently published in the guidelines to the National Standard 1 Guidelines, and this carryover provision is something they very much want to implement and be able to use, but it needs to be incorporated into their management strategy, and that's what we're working on, but it is something that would alleviate these issues.

MAJOR BURTON: I think there's something else to look at, too. Let's say you open it up for two or three days or however many days, just to get that 100 percent, and there is that chance that

they're going to exceed that ACL, which would subtract it off the following year, and so I mean it's a six-in-one-hand-and-half-a-dozen-in-the-other. You want to provide as much opportunity to the fishermen as possible, but it might hurt them in the long run. Say we extended the snapper season by a week the year before, and we ended up going over our ACL, and so it's just something to think about.

MR. BRUCE: About three years ago, I hung up my law enforcement hat, but I didn't lose it, and so I completely understand what everybody says from a law enforcement perspective, and I think you all couched it very well and explained it very well, that, from an enforcement perspective, there is potentially some issues.

The other thing that I think is important for anybody that's listening to understand is that we're not against the fishermen. I don't think anybody sitting here is against the fishermen getting all the fish they can get, but it's just a matter of answering the question that was posed of how easy is that to enforce and how is it enforced, and I think I appreciated hearing Michael's comment about what he does with his fishermen, because that's the kind of thing you want to hear. You are getting your fishermen to comply, and hopefully that's what the industry would be doing.

It would make everything easier for us, but all of the other issues that were mentioned I think make complete sense, that if there is a way to hold over and, if it's not going to impact the fishermen and put them out of business by missing two days for that particular year, then maybe that's the better solution of all of it, but make sure that you understand that you're hearing an enforcement perspective in answering the question and not that we're against the fishermen being able to get all they can get.

MAJOR BURTON: I agree. Also, I think that, when you make a notification that the fishery is going to be closed at 12:01, there should be something there so that, basically, it makes it as black and white as possible, like you said, and to land. The definition of land, in our rule, is it's brought to shore and it's at the dock, landed, tied up. You don't want to throw any other kind of variables in there, because then you're adding confusion and discretion and interpretation, and it just starts to become a mess.

COLONEL FRAMPTON: Any other concerns on that? All right. Myra, are we ready to move on to cobia regulations?

MS. BROUWER: Hold on. Kim has a question.

MS. IVERSON: Thank you for indulging me. Sometimes I have to answer these questions in great detail, when there is an opening and a closing and coming back, and I have a fisherman that says what am I required to do, and I'm not trying to put anybody on the spot here, and I have pulled up the CFRs to read, and I realize that it may be applicable to different fisheries at different times, but I have a fisherman that says, okay, if the fishery closes at 12:01 midnight, do I need to be back at the dock tied up? Do my fish need to be offloaded? Can I leave them onboard, because I fished for two days and I'm tired and I'm back at the dock at 11:30? Can they be in cold storage? Does cold storage mean on the boat, in the box?

Having some clarification maybe, and, again, I don't know if this is relevant here for this discussion, but the wording -- I know that you talked about the Fishery Bulletins and the Code of



Federal Regulations, and it says the prohibition on sale and purchase of a closure -- Does not apply to fish that were harvested, landed ashore, or sold prior to the effective date, and we understand that, or held in cold storage by a dealer or processor, but I guess I am asking if maybe you could have a little bit of discussion or defer to somewhere how you, from an enforcement standpoint, apply that closure and what that means at the dock. What can help me to clarify what I can tell the fishermen? Again, I'm not trying to put you on the spot, because it should be clarified in the Fishery Bulletin.

COLONEL FRAMPTON: No, I don't think you're putting us on the spot, but I might put you on the spot. Can you give us an example of a fishery that you're talking about and give us the wording and then we can give you an interpretation of that?

MS. IVERSON: I can look that up.

COLONEL FRAMPTON: I don't think we can paint it all with one paintbrush and say that's the way it is.

MS. IVERSON: Okay. Maybe we can just keep it with vermilion snapper, since that's the one that's going to be reopening. For b-liners, for vermilion snapper, if the season were to open for two days and that fishery remains open until 12:01 a.m., is that vessel required to be back at the dock and tied up? Is that vessel required to have those fish offloaded, to be back at the dock early enough to have those fish offloaded?

I have the Fishery Bulletin that came out for the most recent closure on the 12<sup>th</sup>, and it said the closure applies in both state and federal waters for vessels with a federal commercial permit for South Atlantic snapper grouper. The prohibition on sale or purchase during a closure for vermilion snapper does not apply to fish that were harvested, landed ashore, and sold prior to 12:01 a.m. on May 17, 2017 and were held in cold storage by a dealer or a processor.

MR. RADONSKI: I think that one is clear. They had better be at the dock before 12:01 and offloaded. Where the discretion would come in is --

COLONEL FRAMPTON: Or at the dock and not offloaded.

MR. RADONSKI: Well, it says sale, too.

MAJOR BURTON: There's an "or" in there though. Is there an "or"? Can you read that again?

MS. IVERSON: I will read it from the Fishery Bulletin that was issued on May the 12<sup>th</sup>. The prohibition on sale or purchase during a closure for vermilion snapper does not apply to fish that were harvested, landed ashore, and sold prior to 12:01 a.m. on May 17, 2017 and were held in cold storage by a dealer or a processor.

MR. RADONSKI: That boat needs to be there and unloaded, and I think the sale part of it. That's where the officer discretion is going to come in, from the sale of it. We're not going to be looking and say, oh, it's 12:02 and you didn't get it sold yet, because you didn't get a check. Every attempt is there, but guys need to get off the water. If they have fish that are part of the closure, for them to be legal, they need to be at the dock.

MS. IVERSON: Offloaded from the vessel. Thank you.

MR. FREEMAN: I would read that the CFR was cut-and-dried on that one. They need to be offloaded in the possession of the wholesaler, but what we have to keep in mind here is that a lot of these guys get off work at about six o'clock on a weekday. Do you expect a boat, during a two-day opening, to be back at the dock by noon the day before it closes? I feel that there needs to be some standardization there, and it would make a lot more sense, at least from the industry perspective, that we need to be tied up to the dock to be able to unload the following business day.

MAJOR BURTON: I look at it as -- Like for IFQ boats, sometimes they come in at two or three or four o'clock in the morning, and they sometimes won't even offload the next day, because there is other boats in line ahead of them to offload, and so that's something to think about. I know that's not applicable to all the fisheries, but, from my experience, you have boats that sometimes want to offload the next day or when they get back to the dock, but they can't, because the fish house is closed, the wholesale dealers are closed, the retail dealers are closed. There is nobody there to process the product. They're landed. It's there, and it's at the dock, but that's just something to think about too, you know. I mean, I kind of agree that, depending on how long the fishery is open, you have to plan ahead, but --

MR. RADONSKI: There is advantages too when it comes to IFQ. Number one, we're getting a landing notification and there is VMS. When they come to the dock, we can follow that. There's a lot of other things that are going on to watch that, and I do understand that, and that's why I keep saying officer discretion needs to be in play here, and don't, at 12:01, say are the fish still on the boat. There's got to be some business sense to it, and I think most officers know that and understand that, but our key, from enforcement, is they're off the water at the dock, or off the grounds at the dock.

MAJOR BURTON: You also look at the intent, too. What's the intent there? The intent is just to make sure they're not fishing during the closure. Like you said, it's officer discretion, but we want to try to make it as straightforward as possible. It needs to be easy to understand for all officers, whether they be a first officer, FTO, or a veteran officer.

MR. RADONSKI: But if it's two days later that they're coming in, that's where it's clear-cut. Trying to make that time, we understand, but a two-day delay, that's going to start being a lot different issue.

MR. BOWEN: This subject was actually brought up by a person that, one, is a dealer, and, two, owns some boats. It's like Mel and I were discussing in the background. If the dealer owns the boat, if they're the same entity, that was brought up, but the reason he brought up this -- He has what we define as traditional bandit boats, those boats that do six to eight knots, and, to fish for these vermilion, his boats are sixty-five or seventy miles offshore.

If the fishery closes at 11:59 or 12:01, he was asking this, and so does his boat have time to steam back in after the fishery closes if it takes his boat six or eight hours to get back to the dock? That's where this question arrived from, and so it didn't come from a guy that owns a center console with two outboards that runs forty knots. It came from a guy that has traditional bandit boats that does

six or eight knots and travels long distances offshore with six or eight hours, or nine hours, of steam time.

CAPTAIN LYNN: Can you go back the closures, Myra? Maybe I misunderstood, but does it not say -- The sale or purchase during the closure does not apply to fish that were harvested, and I assume that is or sold prior to, and so harvested prior to 12:01. If you harvested them, like you were saying, offshore prior to the closure and then you were transiting back, do I interpret that wrong?

MR. BUCKSON: I've got the CFR right here that they referenced in there. The final -- It's talking about if restrictions are applicable after a commercial quota closure. The last sentence in the Paragraph c says the prohibition on sale/purchase during a closure for the applicable species does not apply to fish that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor, and so it's telling you what it doesn't apply to, and it applies to those fish that got into a dealer's place or were sold, and, actually, it says cold storage too, and so it doesn't apply to those. The closure doesn't apply to those fish.

MR. RADONSKI: Right, and it's a three-pronged issue, fish harvested before and landed before and held in storage, which, at a dealer, that's going to be in their freezers. It's not going to be a cold storage facility. The other thing we would look at in this is when does the notification go out? If the notification goes out at 11:30 p.m. that you've got to be in by 12:01, that's not enough lead time. There should be enough lead time to plan to get back into shore.

MR. BOWEN: What generally happens when the Federal Register comes out, or the notification comes out, and there's a percentage of the ACL that is left to be caught, what typically happens is they give you an open day and a closed day, so you know before you leave the dock when it opens and when it closes, and so there's not that short of a notice, but, again, I'm going to ask the question directly, so it's on the record. If the fishery closes at 11:59 on a certain day and that boat stops fishing at 11:58, does he have steam time to get back in to sell his fish? That was the question that was raised to us at the council table, and I think that's the question that we're looking to have answered here.

MR. RADONSKI: Karen, are you still on?

MS. RAINE: I am.

MR. RADONSKI: I am throwing that to you.

MS. RAINE: Okay. You know, Bruce said that he had the actual regulation, and I think I would really like to look at that, because I have come across spawning closure issues where -- Let's just say that it might not be as clear as everybody thought, and so, Bruce, can you tell me which regulation you're looking at?

MR. BUCKSON: The one that was referenced in the Bulletin took me to a link at 622.190, Quotas.

MS. RAINE: Okay. I'm going to look at that real quick.

MR. FREEMAN: While Karen is looking at that, it is dependent on the actual fishery. Not every CFR says that it needs to be landed, offloaded, and sold prior to the closure, but, with the specific example we have, that's pretty cut-and-dried. There's not really any room for steam time. If you're out fishing for vermillion, you have to be back to the dock and unloaded, and it has to be in your wholesaler's facility prior to 11:59, or 12:01, whatever it is.

MR. BOWEN: If that's the case, then that effectively cuts out a traditional bandit boat with a small percentage of the ACL left. That completely cuts the traditional bandit boat out of what is left of the fishery. That does nothing but benefit the day boat with the outboard motors that can run thirty or forty knots. That completely cuts out the bandit boat fishery, completely.

MR. RADONSKI: But, from the law enforcement perspective, that, we aren't measuring. That's a council issue.

MR. BOWEN: I agree. I just wanted it on the record that that completely cuts them out.

MR. FREEMAN: All of our boats run four to eight knots. We're in the same position, unfortunately, which is why I brought up earlier that I would like to see some kind of standardization for the CFRs. I don't know that there is ever really a need to have the fish sold and unloaded prior to the closure. Maybe standardize it to where they need to be tied up to the dock prior to the closure. With Zack is talking about, if you have a two-day opening, and you're running four or six knots, you're not going to be able to get more than a couple of hours of fishing in. In that instance, it would make a lot more sense to carry that quota over to the next season.

MR. BELL: I agree with all of that, and particularly up our way, where you run a lot farther and you have some of these traditional boats. It just doesn't work. The other kind of question I had, related to this, is some of our fishermen are also dealers, and so they could be tied up. They could be tied up at the dock at 11:59, but the fish are on the boat. In that case, it said they had to be sold and in possession of the dealer and in cold storage. Well, they are in possession of the dealer. Effectively, they're sold. It's just kind of one side to the other side, and so that's another thing that can kind of come up in our region, just from some of our folks, to think about. That's a nuance.

MS. IVERSON: Now that this is going full circle, that was kind of my concern, is that a fisherman gets back to the dock and he has fished hard for two days, and he's back at the dock, and he's tied up, and he's no longer fishing, and he has a dealer permit. Is cold storage considered in his box on the boat? There is some gray area there, and I'm not asking -- I appreciate all of this discussion. I think it's really helpful for us to identify the need to have consistency on the requirements, especially when these two-day openings come and these guys are fishing hard and trying to get back.

Again, from an enforcement standpoint, I recommend that they use the language from the CFRs and that they're back at the dock and the fish are offloaded. Again, the discussion here has been helpful, in that there may be some discretion if the fisherman has fished hard for two days and those fish are there and the intent is to have them offloaded. Thank you for the discussion. I think it's been really helpful, and I will continue to recommend what was written in the CFRs, with the understanding that there may be some latitude there.

MR. RADONSKI: To Kim's point though, cold storage on the boat, I don't think that counts, because that is the third thing that's said. It has to be sold for that, but, again, that's going to be discretion by an officer that's on the scene and seeing what's happening at that point in time, and I really do not want to see tickets written at 12:02 for this. That would make no sense.

COLONEL FRAMPTON: I think I would just reiterate what Jeff said a couple of times about discretion. We want to take good cases to our courts. We don't want to split hairs to make a case on something like that, because our reputations are on the line as officers, and so I would just reiterate that it's officer discretion and intent in all of this.

AP MEMBER: If you want to clean up that particular regulation, I think the easiest way to do that is either make it mandatory that the boats are tied up and landed or the fish are offloaded, and that takes out the gray area. I mean, sold, there is a gray area. Offloaded, there is not.

MR. BUCKSON: I have to wonder, when I'm reading this, and taking it in a little bit broader context, and obviously we're waiting for Karen to get back to us, which is good, but I have to wonder if the council contemplated these short reopenings when they drafted this language or if they were just simply talking about a quota that everybody had well in advance notice of when it was going to be closed. It doesn't seem to be an emergent type of issue that they're addressing, but it just seems like the normal quota closure. When it's done, here's the issue, but they may have, and I'm just not sure they considered this type of thing.

MAJOR BURTON: How often does it happen to where you get to a point to where you're looking at a reopening of just a couple of days? Is that common or is it pretty rare?

MS. BROUWER: It's pretty rare, and that's what I was getting ready to say. This is not something that happens very frequently, and so, for that reason, it hadn't really been an issue, but that's why it was brought up, because maybe it's going to be happening more frequently, but, then again, we've got these carryover provisions that hopefully are going to alleviate those issues.

MR. RADONSKI: But we do have, in the same light, emergency closures that could happen that could be short notice.

COLONEL FRAMPTON: I think, at this point, we should probably wait a second on Karen and get her interpretation of it before we --

MS. RAINE: I don't know that there's an interpretation. I mean, I'm looking at the regulation, and, of course, they don't have a day or a time, but it does say that the prohibition on sale/purchase during a closure for the applicable species does not apply to fish that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or a processor. If there is an opening and then it closes, that is what the regulation says, and it does seem to connect all of those different elements.

COLONEL FRAMPTON: Thank you, Karen. I don't think anybody has got any -- Is there any further discussion on this?

MR. FREEMAN: Just real quick, to speak to Zack's point about if you've got someone that owns a vessel and also is a wholesale dealer and -- It may not be the case everywhere, but I have never

seen an instance where the corporation which is the dealer is the same as the corporation that owns the vessel, and so, just because you own both of them, I don't see that working, as far as I own the boat and I'm the dealer. I would defer to Jeff on that, but I feel like you would probably be in violation.

MR. RADONSKI: I agree with you. A lot of times, one entity is the fish house and another entity is the boat, though they are commonly connected by the people in charge, and so I agree with your assessment there.

COLONEL FRAMPTON: I think it's all back to intent. What's the intent? Then it goes there. We will take five minutes, and then we will start on cobia.

(Whereupon, a recess was taken.)

COLONEL FRAMPTON: All right. If everybody is ready, we will reconvene and start on cobia.

DR. MACLAUHLIN: I am Kari MacLauchlin, council staff, and I'm going to go over a few things with you about cobia. We wanted to get some input from the Law Enforcement AP about a commercial permit requirement for cobia. Also, I did include a reference document in there that has the cobia regulations by state for 2017, just because the federal waters are closed from the Georgia/Florida line through New York to recreational harvest of cobia.

However, Virginia has kept their state waters open. They will open on June 1 through September 15, and North Carolina is keeping their state waters open May 1 through August 31. South Carolina is closed, state and federal, and Georgia, their state waters are open, but, in general, my understanding is that they only catch cobia in federal waters, but commercial is still open. Then the east coast of Florida, that is open recreational and commercial at this point.

We've been having a lot of questions, especially for folks in South Carolina, who can't fish state or federal waters, about the -- There is no federal commercial permit requirement for cobia, and so it has the same possession limit. There is some pending regulations that the council has put through in Framework Amendment 4. We are waiting for the final rule, and that will reduce the bag limit to one per person, but, the commercial, right now, it's just two per person is the possession limit for commercial and recreational.

Without any federal commercial permit requirement, there is also lots of questions about if they have to sell to a federal dealer or not, and that seems to be kind of a gray area. I have received lots of calls, and, Mel, I think you guys have too, about, well, if I want to catch cobia, especially in South Carolina, and I get the State of South Carolina commercial fishing license, then I can go in federal waters and catch the cobia, and then there's lots of questions of, well, do you have to sell it, and who do you have to sell it to, and so it's been challenging, but it seems that some people maybe are fishing for cobia commercially.

COLONEL FRAMPTON: I would like to call on Mel and get his perspective.

MR. BELL: She's doing fine, and that's a fact. The commercial fishery is open in federal waters. I think part of what's going on is that the real commercial fishery that has existed was not really a directed fishery. It was more of a bycatch fishery of the snapper grouper, or other federally-

permitted folks that would bring in their two cobia, and so we've got a little thing going on here, and perhaps it's South Carolina, or maybe it's other places as well, where folks have figured out that, okay, we can go out and be commercial fishermen and target these cobia, and it's become a bit of a directed fishery.

These may be people that are also in other commercial fisheries or they may be people that are otherwise in a charter fishery, or they may just be regular old recreational fishermen, but they have become, from our perspective as a state, properly licensed to land fish in South Carolina and sell to a wholesale dealer and away they go, and we were talking earlier about there is also, with that, if you're going to be a commercial fisherman in federal waters, there are additional requirements, from the Coast Guard perspective, in terms of the safety inspection vessel, and that's tiered, based on if you're inside of twelve miles, I believe, or outside of twelve miles. There are different requirements.

If someone meets all of those requirements and does the right thing, in terms of going through a dealer, and, again, as Kari mentioned, there is still some question, and I am awaiting clarification from NOAA GC, or do they have to sell to a federal dealer or can it be a state dealer or what's the deal there, and that's still an area that is kind of open at this point, but, for South Carolina law, it has to go through a South Carolina dealer.

In our case, all of the dealers would be South Carolina dealers, but it's just that some of them would also be federal dealers, and perhaps the answer is, and I am not pretending to interpret the laws, but it may be that it works out that, well, if they hold one of these other federal permits for snapper grouper or dolphin wahoo or whatever, then they would have to go through a federal dealer, because the federal dealer, the way it's set up, has to buy from someone who is a -- That's the problem here and what we're asking you guys about, I guess, is there is no cobia permit. There is one for kings, and there is one for snapper grouper, and there is one for dolphin wahoo, but there is no cobia federal permit, and so it seems like a little gap and that maybe the council could fill that need.

MR. RADONSKI: I think this goes way back. My memory is telling me that, at one time, cobia was part of the king mackerel and Spanish mackerel permit, and it included bluefish, I think, too, but that's so many years ago. What you're describing here I think is difficult for federal enforcement too, because it's not going to be clear out in the EEZ that it's a commercial vessel, which is open, versus a recreational, because you're going to look at it and they're going to say, oh, I'm commercial, based on a state license. Then, when we look at their vessel registration, it's going to say recreational vessel and not commercial.

I think it would cloud, for us, that issue out there, and my recommendation is that we would put forward to the council for this that, to be deemed commercial cobia, you have to hold either a snapper grouper or king mackerel or Spanish mackerel permit or a legitimate federal commercial permit of some type to be deemed a commercial vessel.

LT. FAIR: The only way, out on the EEZ, that we would differentiate is going back to what you said. If you run the registration and it comes back as a recreational boat, he still is going to have to meet the requirements of a commercial fishing industry vessel, and so he would also have to have the exam sticker that was mandatory in January, and so, if they don't have that, and he doesn't have those requirements, he is obviously not a commercial vessel, and we could figure that out,

and he would be in violation of the carriage requirements, but that would be one way to differentiate it, but, going back to what you're saying, with regard to holding another permit, that makes it a lot easier and cut-and-dried, because the only violation they're going to get is not having that dockside exam and the carriage requirements.

DR. MACLAUHLIN: Our Mackerel Cobia AP and the Cobia Sub-Panel, which is a new extension of the AP that the council put together for additional cobia expertise, they met jointly as one group, and the AP Chair actually had requested that they talk about a commercial permit requirement for cobia at their AP meeting.

I included the Mackerel Cobia AP meeting report, with their recommendations, and they were -- They were concerned about that it's very gray and they don't know who you sell to, when it's really clear, for every other species that has some kind of commercial permit requirement attached to it, that you have to sell to a federal dealer, and except for cobia. It's the only one, because it doesn't have its own -- We don't have a CMP commercial permit. We have a king mackerel commercial permit and a Spanish mackerel commercial permit.

Also, we have a CMP for-hire permit, and so then there was the question of, well, if I catch cobia on a commercial trip and I have the CMP for-hire permit, then I have to sell to a federal dealer, even though it's a for-hire permit. It's still a federal permit. Then it just got -- Then the conversation got very, very fuzzy.

The AP was -- In general, this is going to reduce confusion and the loopholes. There may be illegal sales. This would help with illegal sales. There were some people that were concerned about an additional permit requirement and an additional reporting requirement for people who had not had that before, but, in the end, most of the AP members were supportive of some kind of commercial permit requirement just to make cobia, with the increased interest, and then also that there is a directed fishery in some areas at certain parts of the year now, and they talked about that a little bit, when, before, it wasn't a big deal, because it was a bycatch fishery. Then the states were covering that at any point.

The council has talked about this before. A few years ago, in Amendment 20A, they actually had an action, and they were going to consider creating a new commercial permit for cobia, or just saying you have to have one or the other commercial permits, and they removed it. They removed the action, and they left it, because they felt like the states had that covered. It was a bycatch fishery, and so there was no need to put an additional permit requirement.

However, it does seem that things have changed with that, and so the AP did approve a motion asking for a limited access cobia federal commercial permit with also some kind of a requirement of commercial sales of cobia or you could also just have any federal commercial permit to qualify. They just wanted to make sure that, for the legitimate commercial fishermen that were participating, that they would be able to still access the cobia, but still kind of remove some of the confusion and hopefully close some of the loopholes.

When we had the discussion about who do you sell -- Do you have to sell to a federal dealer or not, and it wasn't super clear, and so I had -- Myra had sent this out to you, this table that I am not sure what to put in here, and so I wanted to see if you guys had some input on this also, where the cobia are caught in state waters or federal waters and then a vessel without any federal permit on



it, or a vessel with the federal CMP permit on it, and then the dealer without a federal dealer permit and a dealer with a federal dealer permit, and I have no idea if you have any input. We are working with General Counsel also to get this filled out, because we keep having questions from the states also about this.

MR. BELL: Not speaking for you guys, by any means, but I think the most important thing, from an enforcement standpoint, is clarity of what is it that the current regs allow us -- If there is some confusion in the current regs, then what do we need to do to perhaps tighten up or fix the current regs? You all can have opinions as to which way you think it ought to be, but I can tell you right now that the folks in St. Pete, General Counsel, are still mulling this over, and I awaiting an answer that I have promised our law enforcement people, to provide clarity to which way, and it's primarily the federal dealer or not a federal dealer and which way do we go, or what do we tell people when we're saying, hey, yes, fine, you're a commercial fisherman and great, and you've got your Coast Guard sticker and good for you, but it has to be a federal dealer or it can be a state dealer, and that's what we're looking for, is clarity for you guys on the water.

MR. RADONSKI: I don't see where the federal/state dealer really comes into play here, because there is no permit that is requiring them to go to a federal dealer. That is what is going to tie them into who they sell to, and so, absent that, I think the bigger question here, and especially when there is questions there in federal waters, is, absent a definition of what a commercial cobia fisherman is, is the state license going to be enough to say I'm a commercial, and so they meet all the commercial requirements.

Obviously you can just buy it, I think, in the state, but it kind of hampers us when we don't have that type of definition of what a recreational angler is and a commercial angler is for the purposes of cobia. I would say that we would look at, for federal waters, do they meet the safety requirements required by the Coast Guard for a commercial vessel? Do they have a state license?

Then we would probably have to say, yes, you're a commercial fisherman. Absent all of that, and even though they have the license, if that boat is registered as recreational, we would probably have to look at that one a little bit harder, but, right now, the way it is, it's almost unenforceable, because it used to be the bag limit was the same, commercial or recreational, for incidental catch of cobia. I think we do need some stronger definitions of what commercial means for this fish if they're going to have two separate bag limits.

MS. RAINE: I don't want to step ahead of anything that Monica is doing, but cobia is difficult. I will say, from my perspective, sometimes trying to define what a commercial versus a recreational fisherman is, outside of selling, might be difficult. Even it might be that, in some states, maybe folks can sell their cobia if they have a state license and they don't have to be a commercial vessel, in the sense that we might think of it, federally.

One thing that I know that I have looked at with cobia before, and not in the context of a case, but of these types of questions, is during a recreational closure, because there isn't any real distinction between recreational and commercial fishermen, but, when the recreational fishery is closed, and, please, somebody correct me if I'm wrong, commercial fishermen are still allowed to fish and to sell.

The difference seems to be whether or not the fish was sold, and I will point out that it's not whether they intend to sell or anything like that, but it's if the fish are sold, and so that can be challenging, because I think an investigation would have to follow that fish to see if it was sold, because somebody might intend to sell and then not sell, or maybe not intend to sell and then sell. I don't know, but, from my personal perspective, it seems like a permit could help resolve some of these questions and even to whom somebody can or can't sell the fish, because I believe that federal dealers may only purchase fish from folks with federal vessel permits, and so that can create issues as well.

COLONEL BROUWER: Kari, do you want to --

DR. MACLAUHLIN: Here is the language in the regulations: Coastal migratory pelagic fish, and that includes cobia, harvested in or from the EEZ or adjoining state waters by a vessel with a valid federal commercial vessel permit or a charter vessel headboat permit may be sold or transferred only to a dealer who has the federal dealer permit.

What that sounds like is that, if the cobia are caught, and the only federal permit that pertains to cobia are the for-hire permits, then, if you have a for-hire permit, then you have to sell to a federal dealer. Then the same way, vice versa, coastal migratory pelagic fish from the Gulf or South Atlantic EEZ may be first received by a dealer who has a valid Gulf and South Atlantic dealer permit only from a vessel that has a valid federal commercial vessel permit or a charter vessel/headboat permit.

That is why it's a little murky, I think because the permit in question is a for-hire permit, but we're talking about who they can sell to. I think that's why it's been not clear, and when people call and they ask if they have to sell it to -- I don't know what to tell them. I say to check with your state or call Mel.

MS. BECKWITH: At least for the State of North Carolina, and Jason can correct me if I'm wrong, but one of the reasons that at least the North Carolina council members didn't support putting this under a permit when we had this discussion a couple of years ago is we have commercially-licensed folks in the State of North Carolina that don't hold any federal permits. They are state commercial fishermen.

Cobia are caught in state waters, and the majority of our cobia are caught in state waters, and so we did not want to require a commercial fisherman in the State of North Carolina that did not hold any other federal permit from being forced to get a federal permit and then sell all of his catch to a federally-permitted dealer for catching a species in state waters and not ever fishing in the EEZ. I think cobia is a more complicated species, in our viewpoint, than some of the other ones, and, if we would have put it under one of the federal permits, the pushback would have come from our state commercially-licensed fishermen.

MR. BELL: Just to add confusion to this, in South Carolina, cobia is considered a gamefish, and there is no sale of fish caught in state waters, but the bulk of our fish are caught in federal waters, and so we're kind of the inverse of North Carolina, and so the permit kind of works for us, because we're talking federal waters only, whereas, for North Carolina, it's kind of a different fishery, and so that just adds to the complexity of the issue, I guess.

DR. MACLAUHLIN: We have some AP members from Virginia that the council had put on, and they pointed out the same thing that Anna pointed out, that they were concerned about their folks who were legitimate commercial fishermen and who have been doing this for a long time, but they are in state waters and additional permit requirements and reporting requirements for them.

MR. RADONSKI: But they would only need a federal permit if they go into the EEZ.

DR. MACLAUHLIN: But the regulations specify that CMP fish harvested in or from the EEZ or adjoining state waters.

MAJOR BURTON: But doesn't it say that it's only if they're a federally-permitted, for-hire vessel? If they didn't have the federal permit and they caught it in state waters, they're fine, correct? Okay. I am getting confused.

DR. MACLAUHLIN: But if they did not have the federal for-hire permit and then caught it in the EEZ, which they can, because there is not a commercial permit requirement and it's open, then who do they sell to?

MR. RADONSKI: A state dealer.

DR. MACLAUHLIN: The dealer can only accept fish from a federally-permitted vessel.

MR. RADONSKI: State dealers are still there.

COLONEL FRAMPTON: A state dealer can accept it from somebody that is non-federal.

DR. MACLAUHLIN: Okay, and so this one is, if the cobia are caught in state or federal waters by a vessel without a federal for-hire permit, they can only sell to a state dealer who does not hold a federal dealer permit, but it doesn't matter where they're from.

AP MEMBER: What if they have cobia onboard from federal and state waters? Where do they sell those?

MS. RAINE: Would there be an issue if they had a commercial permit for another species? Would they have to sell to a federal dealer? I don't know, and I'm just asking.

DR. MACLAUHLIN: Yes, I think it's in the regulations as a valid federal commercial vessel permit, and so I would assume that it could be any, like snapper grouper, king, Spanish, or any of the federal permits. Then they would have to sell to a federally-permitted dealer and vice versa.

MS. RAINE: Right, and so wouldn't it be a vessel without any commercial permit?

DR. MACLAUHLIN: I think any federal, for-hire or commercial. That's what it looks like.

AP MEMBER: It says "or", and so any permit.

MS. RAINE: Of course, at some point, we would want to make sure that Monica agreed.

DR. MACLAUHLIN: Yes, I've sent her this table. I think it's on the list of things.

MR. FREEMAN: Just to clarify, if a vessel does not have any federal permits and a wholesale dealer holds both a state permit and a federal permit, we cannot buy fish landed in state waters, with how it's listed here?

DR. MACLAUHLIN: I mean, that's my understanding of the language. CMP fish harvested in the EEZ may be first received by a dealer who has a valid Gulf or South Atlantic dealer permit only from a vessel that has a valid federal commercial, and so, if you have the federal dealer permit, then you can only purchase from a vessel with a federal permit of some kind.

MR. RADONSKI: From the EEZ.

DR. MACLAUHLIN: I think it's state -- I think it doesn't matter where it's caught, except for South Carolina.

MR. RADONSKI: I just do not see where state-caught fish can't go to a dealer who has state and federal permits. What we're more interested in is that the federally-permitted vessel is selling to a federal dealer.

DR. MACLAUHLIN: Okay. We will continue this, and we'll work with GC and get it clarified, and then we'll make sure that you guys all get this.

MR. HENDERSON: Can you have recreational catch along with the commercial cobia catch?

DR. MACLAUHLIN: That seems to be dependent on the state, and so South Carolina, no. It has to be a commercial or a recreational trip. It can't be both. That's what Amy Dukes told me. It can't be a combination trip. Georgia is similar, except there seems to be that, on some trips, you can have the recreational bag limit, and that was put into place for their overnight vessels, so that the guys could fish off of it, but, if you -- I think, if it's caught on a for-hire trip with paying customers, then you can't sell that. North Carolina, you can. They can do combo trips, and Florida can do combo trips, and, for Virginia, it's fine.

MS. BECKWITH: For the state commercial permit and not for the federal. With the North Carolina state commercial permit.

DR. MACLAUHLIN: You can sell cobia off a recreational trip in North Carolina and Virginia and Florida.

COLONEL FRAMPTON: I would question, at this point, how much of an enforcement issue this is versus -- I think I am handing this back. All those in favor, raise your hand. I don't know that how this is worded and what we're looking at here is an enforcement issue.

MR. RADONSKI: The only issue that I do see that is enforcement-wise is the lack of identifying a commercial vessel that's got cobia. Is it truly a commercial vessel or a recreational vessel, and we need some type of regulatory indicator of what it is defined as.

MR. BELL: In other fisheries, that would be a permit for the appropriate fishery. If there was such a thing as a cobia permit, we wouldn't be having any of this discussion now, because everything would be clear, and that's one solution, but I agree that this is really a matter of the laws and someone interpreting what we have now, and, if we have some holes -- A point that I was, again, trying to make is the important part for you guys is clarity of what the law says, and that's what I think we owe you a better explanation of, is what -- You shouldn't really have to be sitting here trying to figure out how to interpret this. We should be able to provide you with that.

LT. FAIR: I would just offer, void of a cobia permit, if the vessel meets the requirements of a commercial fishing industry vessel by having the dockside exam and the appropriate carriage requirements and it is stated that they are going to sell the catch, by virtue, they're a commercial fishing vessel, and that's how we would identify it.

MS. RAINE: I would just point out that, in the cobia fishery, when the recreational fishery is closed, the way, apparently, you determine between recreational and commercial is whether or not the fish were sold and not whether they intended to sell them, and so that creates some interesting challenges.

MR. BELL: But that's an after-the-fact verification, and that can be done through the dealer reporting system. The federal dealer reporting system, which is a weekly system, is quicker. In our case, in South Carolina, it's a monthly reporting system, but we can reach out to dealers and document that, but it's an after-the-fact verification, you're right, and you can't prove intent. You just document whether it happened or not.

MS. BECKWITH: If you have a federal permit, a commercial federal permit, does that mean you have to sell all your catch to a federally-permitted dealer or just the catch under that permit? For instance, in my situation, for the guys in North Carolina, if our state commercially-licensed fishermen -- If we require them to get a federal permit, will they be required to sell all catch, including our state species, to a federally-permitted dealer, or will they only be required to sell the cobia to a federally-permitted dealer?

DR. MACLAUHLIN: My understanding of all the federal dealer requirements are those are all for the federally-managed species only.

MR. FREEMAN: It would just for any species that you harvested in the EEZ during that trip, would it not?

MS. BECKWITH: No. If we put the cobia under a federal permit, then cobia caught in state waters would -- North Carolina would complement, and cobia caught in state waters would probably end up being sold to federal. I suspect that that's what the commission would --

MR. FREEMAN: That's if you harvested cobia both from the EEZ and state waters during the first trip though, I would imagine. If you harvested exclusively from state waters, even though you have a federal cobia permit, I don't see an issue with selling to a state dealer.

MS. RAINE: I think it's going to depend on what the regulations say. We do have some regulations that, regardless of where the fish are caught, a particular regulation might apply, and so I think it would really depend on how the regulations are worded.

MS. BECKWITH: I think that's how our snapper grouper commercial permit is. It doesn't matter where they're caught. If they catch, whatever, black sea bass, in state waters, they still have to sell to a federally-permitted dealer.

MAJOR WALKER: I think snapper grouper you're correct, but king mackerel is not.

DR. MACLAUHLIN: Any more questions?

COLONEL FRAMPTON: Any more discussion on this? Any more questions on this?

MAJOR BURTON: So as long as you let us know what we need to ask for at the dock or while they're underway.

DR. MACLAUHLIN: I will be sure to get kind of a summary sheet for you guys once we get everything very clear. I will send it out and then you can share it, after we get the blessing of GC.

COLONEL FRAMPTON: I think, in South Carolina, we are waiting on the blessing from the GC in order to know how we're going to move forward. Am I correct about that, Mel?

MR. BELL: Right, and I think, in the meantime, kind of the default is it's got to go to a dealer, because of the aspect of, if it's commercial, it's sold. All dealers are South Carolina dealers, at a base level, and some happen to be commercial, but it definitely has to, right now, while we're waiting on clarity, it definitely has to go to a, in our case, a South Carolina dealer. That's the simple, default answer at this point.

DR. MACLAUHLIN: Thank you for the input.

COLONEL FRAMPTON: Let's take five minutes.

(Whereupon, a recess was taken.)

COLONEL FRAMPTON: We are ready.

MS. IVERSON: I was the one that brought this one up. When we were having public hearings, back in January and February of this year, earlier, we were aware -- We were made aware, through one of the FWC officers that attended our public hearing, that they were making cases on a regular basis, recreational cases, where someone had over the bag limit or undersized fish onboard.

They asked us how are those fish counted or how are they reported, and I said, well, I guess they are written up and reported as recreational landings, and so we were having an informal discussion on that, and the officer said, well, we don't confiscate the catches. When we write the citation, the angler is allowed to retain those fish, and I would like to be responsible in some way or try to help to report those fish, and they're obviously not going to get caught -- Maybe in MRIP, but I don't know that that would be the case. What this particular officer was saying is that these types of cases go on or these types of citations are issued on a fairly regular basis, down in the Florida Keys at least, and that made us aware, or made me aware, in that informal conversation, that those fish were retained.

Then we had another incident, during our March meeting in Georgia, where a recreational angler really broke a lot of laws and was caught with red snapper onboard without a proper fishing license and several other citations. There were discussions that that fishermen, and it got out on the fishing forums, et cetera, was also able to keep his recreational harvest, even after the citations were issued. I would like to have some maybe open discussion, and in talking with other fishermen, on how that is handled on a state-by-state basis and what maybe the rules and regulations are.

CAPTAIN LYNN: The Georgia case, was it one of our officers that did it? In Georgia, if we write a citation, the fish are seized.

MS. IVERSON: Thank you, and it was my understanding that it was a Coast Guard boarding.

CAPTAIN LYNN: Okay, and they would have done it under a federal package, I'm sure, which that is another -- That is not handled by the state, what we do, and that would be under NOAA's guidance and OLE's guidance, which is totally different than what we do there in the state.

LT. FAIR: I think the case is the 33 Contender case? That had quite a few prohibited species onboard, and I think there were some undersized as well and some carcass condition violations. Our direction, and what we have been passed from NOAA, is we don't seize anything. Back in the day, we used to seize catch, but we no longer seize catch. If there is a seizure, it would be a NOAA Enforcement officer that would meet us at the dock. If they're going to make the seizure, they would make the seizure on our behalf, but we don't seize any catch.

MR. RADONSKI: I will clarify from the OLE standpoint. Yes, we have gotten away from the small cases of doing seizures. It's storage of the fish for several years is what could occur, and then we have to go through the disposal process, when we can simply document with a photograph and present it in court. We aren't going to walk into court anymore with fish. What we're really looking at, it's this fish that we can sell and put in escrow and hold the money for it, but recreational catches are just too small for that.

It is very time consuming, especially if you have a Coast Guard cutter that is fifty miles offshore making a case and it's a small bag limit. We aren't going to make them come all the way in. Commercial boats, we may have them order them in and then an agent or an officer meets at the dock and takes care of it, but it is a mechanism really of available resources and storage of seized product. With the documentation we can do now, it's not necessary. I don't know, Karen, if you want to add anything.

MS. RAINE: No, but I would just point out that, in some cases -- Some of these cases may or may not get to our office. It depends whether or not they're summary settlement cases, but, for cases that do come to our office for review and issuance of a NOVA, if we have the information on the value of the fish, we can and do add that to the NOVA amount.

MR. RADONSKI: Yes, and those are in commercial quantities, too. Sometimes we don't seize. We just find out what the value of it is from the dealer when it was sold and include that in the case package. Then General Counsel will take that into consideration.

CAPTAIN LYNN: As far as your question as far as reporting those, we don't -- If they're seized, they're seized, and I don't know of any reporting mechanism we have to report that catch or that seizure. We haven't, that I know of, for the nineteen years that I am aware of anywhere.

COLONEL FRAMPTON: I think you will find we go back to this that there is a lot of officer discretion. They're the ones making the case, and they know what they need to make that case, and things have changed as the digital era has come in and the ability to photograph fish, and I think you've got to take each case on a case-by-case basis, and the officers do that, whether they write them warning tickets or whether they write them tickets, but what is the intent. I don't think there is a black-and-white answer that's going to fit every scenario of what we do with fish. I think you've seen, over the years, that we probably take less catch now than we used to, but a lot of that is due to digital photography and it being admissible in court and those types of things, and so I don't know that there is a one answer fits it all for that. Grant, you can --

MAJOR BURTON: Depending on the circuit or the county, as long as we have a blanket destruction order from the judge, we're able to photograph the evidence, and we have it in the statute, too. It's competent evidence, as opposed to bringing in the stinky fish into court, and, for the most part, we will either return it to the resource or -- If it's dead, we'll return it to the resource, and not in front of the defendant, obviously. We take it off, and the officer will later meet up with somebody to witness the destruction, or we will donate the fish to a charitable organization, or we'll just release the fish alive. We try not to seize it, because we would have freezers full of fish, but we will either donate it or return it to the resource.

For commercial seizures, we have a specific license that we would sell it to the wholesale dealer, so it's trackable, and so, for our marine fishery trip tickets, for reporting purposes, we sell it under a certain number, to where it is put into the pot of landed fish. Even though it's illegal, it's still reported, but we don't have a mechanism, to my knowledge, that is for recreational reporting, but, for commercial, we do.

MAJOR WALKER: North Carolina operates very similar to Florida.

MR. BUCKSON: I am hearing several different issues that are kind of flying around. First of all, there is how the state handles it, and then there's the way the federal system has to handle it, and there is some questions that I will probably ask about that in just a second. Then the other piece is we seem to be mixing what it requires to make a case with what actually happens to the fish, whether the fish go back to the harvester or not.

I think Grant did a good job of explaining what Florida does, because I'm familiar with that, and, normally, if there is a violation, and this is the world according to Bruce, the violator shouldn't get the benefit of that product. It's not the same as a narcotics issue, but you wouldn't give cocaine back to a guy that was possessing cocaine, and so it's kind of along the same mentality, as far as I'm concerned, even though it's clearly different and completely different, because it's not contraband, necessarily, and it's just an undersized fish.

I don't think we should see the violator get the benefit of that product, but it doesn't mean that you have to keep the product and seize the product, as was described by the state officers, to be able to make a state case. As Chisolm pointed out, you can take a photograph now, and there is probably state statutes that cover that for all kinds of different things, because, as Jeff said, a judge doesn't



want to see a bunch of rotted fish come into his courtroom just to prove a case when you could have done it -- Then the other issue that tags along that is we're conservation agencies.

If it's alive, you don't want to kill it anyway. That flies in the face of -- That was one of the arguments we had in Florida years ago, when judges wanted us to bring the evidence. We can't do that, in good conscience. If it's alive, we need to release it. That's kind of the right thing to do, and, it being a conservation issue, and so I think I highlighted like two or three different things there, but I think you're kind of -- I'm looking at you, and you're shaking your head, and so you're kind of getting the gist of it, but, back to the federal system, and this is the part that I've always been a little bit confused about, and it might have to do with federal regulations and handling evidence and some of the challenge there.

I don't know if the federal system allows you to destroy or just trash a fish or release a fish alive without seizing it in a case like what we may have heard described, and they may have no other choice, within the federal system, but to give the fish back to the harvester, and that's probably something Karen and Jeff would have to answer, because I think that's kind of where -- It almost sounded like what the question was, Kim's question was, about why did those people get those fish back.

MS. IVERSON: It is also an issue of public perception, that a fisherman that breaks the law is actually rewarded by being able to keep those fish that were illegally harvested, and that was the discussion that we had with the officer down in Florida that was saying informally, and this was an informal discussion at the public hearings, that was saying that those fish are allowed -- Those anglers are allowed to retain those fish, which may or may not be the case throughout all of FWC.

At the federal level, when the Coast Guard did that boarding off the coast of Georgia, again, those fish were not retained, and that all occurred while we were having our council meeting, and so the fishermen that play by the rules, the majority of fishermen, were very upset, number one, that this angler did all these things and did all of these things badly and had multiple violations, and, number two, that he was able to retain those fish, and that's the reason that I wanted to have some clarification, so, when I get contacted by the media or I get contacted by other anglers that are concerned about this process, what actually occurs and why. That is beneficial for me to explain, at the federal level, that those fish can't be retained under the way it's prosecuted at this time.

MR. RADONSKI: Just some clarification here. I mean, we can seize at any time, but we do have to look at CAFRA issues. A lot of these are handled -- That's dealing with federal rules and regulations for forfeiture of property, and remember there is more steps in the federal system of what we have to do.

We seize the catch, but we also have to forfeit the catch, and the ability to get cases in a timely fashion -- We have sixty days to get a case package. Well, we have thirty days to get the case package, and General Counsel has thirty days to make a decision on it, and so we have a very short time period to work on that case for seizures. Then we have find storage, and then we have long periods of storage, and we're not seeing it as a punishment. If there is a need to seize it, we do, but, if it's really to prosecute the case and there is not a real strong need to seize, we don't.

MS. IVERSON: To that point, I believe, in what was stated earlier, the State of Florida doesn't necessarily seize the catch, but returns them to the resource, and I believe that was what you said.

MAJOR BURTON: Correct. Basically, we will return it to the resource, and so we will have it destroyed if we have a court order where that allows us to destroy the evidence, but document that violation with a photograph, but we don't do it in front of the defendant or whoever. It's in our policy to make sure we do it off to where he just can't go and pick it back up.

MR. RADONSKI: For federal, doing that would constitute a seizure, and so we have to go by different rules with seizure at that point, and we could not just return it to the sea. The defendant can return it voluntarily, but we can't make them do that, and we do warn them as well, especially offshore, that understand that these fish are illegal and, if you get caught by the state, it's another violation that would be separate of this one. We could have a federal violation, say a size limit or a bag limit, a minor bag limit, and we don't do the seizure, but we will warn them that, coming in, if they're boarded by a state officer, it could constitute a separate violation under state law.

MS. IVERSON: I would hope you would contact that state officer.

MR. RADONSKI: No comment.

MR. BUCKSON: For Jeff or Karen, is there a threshold as to when you decide, like number of fish or -- When you decide to keep them or not keep them?

MR. RADONSKI: We're actually working on some different policies concerning that right now, but we're looking at what is the value, and is it going to be worth the time to sell it and then put the proceeds into an escrow account, which then would give the defendants opportunities, if they win their case, that they would get the money back, versus fish that has been in the freezer for three years.

COLONEL FRAMPTON: Any other questions or discussion on that?

MS. IVERSON: Thank you. That's very helpful, and I appreciate it, again.

COLONEL FRAMPTON: You're welcome. Thank you. What should we do now?

MS. IVERSON: Do you want to do media and public affairs?

COLONEL FRAMPTON: Sure. That will be fine. We've had a little bit of a change to the agenda, just in order, and not the agenda itself. That was Number 7, and so we will work on now doing the media and public affairs.

MS. IVERSON: I hope you had just a second or two or some time to look at the briefing book materials, but, again, this is just giving me guidance on how cases are handled at the state and at the federal level. I've been doing this long enough that I have a list of contacts in the briefing book, and I'm going to put together a state-by-state on how I get information on law enforcement activities, and also from the Coast Guard and NOAA OLE. We will get that pulled up and maybe just go through this list.

Maybe you could provide me guidance, because, ultimately, I think we want to cumulatively promote law enforcement activity and let folks know that you are on the water and that you are

enforcing fisheries violations when they occur and that there is enforcement, because many times we hear, well, we don't see anyone and there is no enforcement, there is no enforcement.

There are limited resources, and everyone realizes that, but, recently, I've gotten some calls from fishermen that were actually given citations by the Coast Guard, by the states, in marine protected areas, which was kind of interesting. They weren't angry. They just wanted to make sure that they had the correct information, and this was the citation that they received, and so enforcement officers are out there, both at the state and federal level, and they are issuing citations. They are making cases.

One of the examples that I gave in the briefing book, and we'll go through this state-by-state, is an article that appeared in the *Miami Herald*. It's primarily Keys-related, but it was a really interesting, short read, a short story, about a case that was made at Fish Busters, which is a fish house down on Stock Island, down in the Florida Keys.

At least it shows that the cases are being made and the undersized hogfish were seized, and law enforcement was active, and so I included that as an example of the type of cases that are being made or the activity or having a higher profile and raising that profile. This was in the *Miami Herald*, and so it reached a lot of people. I don't always have access to that information, but what I would like to do is to be able to forward information that's received at the state level and at the federal level on enforcement activities.

There was a recent -- This came out in the *Fish News* on red snapper activity, red snapper enforcement activity, in the South Atlantic and the Gulf, with the new seasons being announced, and that was very, very helpful. If you didn't see it, I can pull that up, but that was forwarded. It was forwarded through NOAA Fisheries, or through NOAA OLE. That article was forwarded in several places, and so our intent, or my intent, is to help, working with our Outreach Specialist, is to highlight these cases. If there are people that we need to work more closely with to get this information out, I will be glad to do so.

Just starting with Florida, FWC has a great media relations group, and I work closely with Amanda Nalley, and they do press releases of all sorts everything from bears to turkeys and everything else that is covered, but, again, they do include fisheries. Then, each week, we get weekly updates from FWC, from their Law Enforcement Office.

Then Bobby Dube is one of the field agents that works down in the Keys, and he is one of the people that was quoted in that *Miami Herald* article, and I think he kind of works really closely with local media, through FWC, and I didn't know if any of the other states might have a person like that, or if FWC has another officer that works closely with the media on a more localized level. Of course, you guys at FWC do a great job with your social media activities. They actually have a designated person that gets that out.

With Georgia DNR, I went online, and I get their press releases from Georgia, the general announcements and press releases, and I did go to your Law Enforcement Division and saw that you have an annual report, but I didn't see anything that was sent out on a weekly basis.

CAPTAIN LYNN: That's kind of been spotty lately, but we do have a weekly activity report on our website, and it's [www.gadnrle.org](http://www.gadnrle.org). If you go to one of the dropdown boxes, you will find the

weekly activity, and it's basically just a summary of activity by regions. We do have a social media page. We have Facebook and Twitter. Our PAO is Mark McKinnon, and he's at the headquarters office.

MS. IVERSON: Thank you. I appreciate that input.

MAJOR BURTON: We actually have the equivalent of Bobby Dube for each region in our state, and we have six regions, and so there would be six people just like Bobby Dube that communicate with the media on press releases and interviews and such, and so I can get you the contact information for the other ones that are applicable on the east coast.

MS. IVERSON: That would be great. That would really be helpful. With South Carolina DNR, I get the general news releases that come out of Columbia and then the Marine Resources -- I'm on their general email distribution list, and so I get everything that comes out, and, again, it's a broad spectrum of things. Marine fisheries are kind of a narrow focus and a very large agency responsibility, and I understand that. Then I didn't see anything specific for the law enforcement.

COLONEL FRAMPTON: Law enforcement, we have a PIO, but I'm not sure he's the person that you're looking for -- In South Carolina, we have a PIO, Captain Robert McCullough, but he does not do the press releases. I can work to get you a contact name for the captain in Charleston, if you would like that, if that would help you.

MS. IVERSON: Okay. Thank you. Then, moving up to North Carolina, the Division of Marine Fisheries, I work closely with Patricia Smith, who is on our I&E Advisory Panel for, again, general news releases. I am on the very exciting proclamations email list for all of the North Carolina Division of Marine Fisheries formal proclamations. Then I didn't see anything specific with North Carolina Marine Patrol that comes out.

MAJOR WALKER: Patricia Smith mostly runs all of our social media news releases. You could add myself or Colonel Dean Nelson to the Marine Patrol list if you need to.

MS. IVERSON: That's very helpful, and, also, before we get into the federal end of things, but, from the state level, are you at liberty to -- If you're making a local case, and you say, wow, this would be great if we could get this information out, kind of give me a heads-up that maybe there's an investigation or a case that's been made or a citation issued that would make a good story, and I use that *Miami Herald* as an example of a story where, obviously, Bobby Dube from FWC was involved, but I don't know how that works, if you're at liberty to do that or if there is somebody that would be able to do that on a state-by-state basis.

I am not trying to put anybody on the spot here, but, if you have a story or if you have something that you want to share, please don't hesitate to contact me or Cameron Rhodes, our Outreach Specialist, that may be of interest or that we could forward something specific.

MAJOR BURTON: It really depends on the circumstances and how hot of a topic it is. Typically, something like this, obviously, we would hear about it up in headquarters, to where we would make sure that we put the press release out or follow up with this on a press release from our Division of Marine Fisheries. They coordinate with the Division of Law Enforcement and just put

out the right message, so we're all on the same page, when we have something like this, but, initially, obviously, you would see the news article.

They would pick it up in the weekly, or they would hear about it by word of mouth, and then Bobby Dube would get called. Then, if it's something that we need to push out or have a proper - Not a proper response, but message it correctly from headquarters, then we would coordinate it that way, and so it just depends, but, like for commission meetings, when we pass rules, Amanda would put out a press release, but she gets it approved through our division, the Division of Marine Fisheries Director, Jessica, and so it just depends.

COLONEL FRAMPTON: I think this is an area that we can work with you, and we can go back and try to improve our communication with you on cases that are made and interesting stories to get put out. I agree with Grant that it's a case-by-case basis of what we really think is important, but we can definitely work with you and try to get you some more stuff.

MS. IVERSON: Okay. Thank you for that. We would be glad to help in any way we can. I have a newsletter that we can put out, and we can forward any type of press releases or anything like that, good news stories on enforcement, through our social media outlets. I do get information at the federal level. I get the weekly highlights. There are weekly highlights from NOAA OLE, and also, if you guys hadn't seen this, there's a new feature that has video clips on special cases that are being made.

(Whereupon, a video was presented.)

MS. IVERSON: I think we can all agree that that's pretty awesome, and the ability for NOAA OLE to get that type of production out there and get those stories out there is a very beneficial thing, and I don't advocate that we go into movie production here at this end of the table, but I was excited to see that, and that's a great way of getting the story out. I think they did a really good job of showing the enforcement end of things, but also the importance of having good data and how not having that good data available and having the amount of product on the market drove the prices down and it hurt everybody when a few people were breaking the law and how this case was worked over time.

I wanted to bring that to your attention and see if we can collaborate or help support continued efforts in that manner. I don't think we're going to produce those types of things on a regular basis in the Southeast, but we can work collaboratively to better publicize -- I know, personally, the fisherman that got boarded when he was in an MPA, off of the North Florida MPA, and so, if we can take those cases and work together and show that they were boarded and that they actually received a citation and this is what it was and this is how it was prosecuted, and not just to say that this is law enforcement at work, but to raise awareness that there are MPAs out there and why there are deepwater MPAs and the importance of having those areas and having them protected.

I don't know if you have any other discussions or -- As you have pointed out, Mr. Chair, we can work collaboratively together to help -- The input that you've given me here is good in having some additional contacts. I think, over the years, I think I know everyone, and then I meet some new people or find out that there are Bobby Dube's throughout the State of Florida, and so that's helpful for me, and just remember to keep us in mind as you make cases.

The weekly reports, I go through the weekly reports, and, if there are cases that are of interest, I turn around and contact the law enforcement office, but, if there's something that you want us to help you with or a project that you're working on or something along those lines, please let us know, and we will be glad to work with you collaboratively.

MR. RADONSKI: I understand the need for putting the message out, but, at the federal level, one of things we do is, especially within NOAA, is we kind of have to protect the case. General Counsel really doesn't want to have anything put out by the case unless somebody is charged. The U.S. Attorney's Office has policies that are very similar, and, in fact, they're the ones that are going to put the messaging out.

If you go to our website, you will see a list of a lot of work that we do in NOAA, and you will see a lot of cases related from the U.S. Attorney's Office and other things, but we're driven on the case, and we do get contacted, a lot of times, by press for different things, but we are very limited on what we're going to discuss and how we're going to discuss cases and what information is going to be relayed.

I know the State of Florida works under a Sunshine Law, and it's a little different than the federal government, but we do want to get the good work out there, and that's why we have that dedicated NOAA webpage for law enforcement, and that group that -- They have done several films with OLE out of the NOAA group, and all of them have been excellent in putting the message out there of what we do for a living, but I just want to caution that sometimes we may not be able to release things immediately. We have had several cases where people want the information now, and we just aren't at a point where we can release it.

MS. IVERSON: I appreciate that, and I have understood that, in working over the years, but I do get information from the Department of Justice. I get their press releases, and those are often helpful, too. This is something that came out, and it was very timely, from your office, from NOAA OLE, on the partnership between NOAA and the state partners in enforcing red snapper, and this is the article that I was saying that was forwarded by several outlets, and I would encourage -- I mean, I think this is great.

MR. RADONSKI: In fact, Allie Rodgers sent me a message to make sure that we talked about that this week, and so thank you, Kim. I appreciate that. Also, I think on there too is -- We are doing our policy priorities workshop right now, getting our policies for the next five years, and we're looking for stakeholders and partners to put in what they think priorities of OLE should look like, and we are taking public input from councils and everybody else, but I think the time ends tomorrow on that.

MS. IVERSON: Yes, and I contacted Allie after this came out, and kudos for having that, and this is something that -- Quite honestly, the media just loves prepackaged material, and they want to send that out. They jump on this, and they'll forward it and use quotes from the article to talk more about red snapper and law enforcement activities, and so this is great.

MR. RADONSKI: There's also Kim Amendola down in the Southeast and her shop. We get things put on Twitter down there, and so, things that we can put out, we do. Generally, it's going to be some type of press release that we'll put out real quick that way.

COLONEL FRAMPTON: Anything else? Kim, I want to thank you for your efforts there. I think it's very important that we tell our story, and that's something that we need do, as law enforcement divisions and across the country, is tell our story and tell what we're doing to protect the resource, and so I appreciate you sort of taking the step forward to link up with us and see if we can enhance what we're doing to tell the natural resource story and let people know what conservation agencies do, specifically law enforcement, and so thank you.

MS. IVERSON: Thank you, Mr. Chair, and thank you to everyone for your input. Just remember that we're here around the corner, and so I know you're very busy, and I appreciate the opportunity to go through that exercise.

COLONEL FRAMPTON: Thank you. Let's take five minutes, and then we'll come back and wrap up.

(Whereupon, a recess was taken.)

COLONEL FRAMPTON: We're coming back to the table. I think we've gotten an awful lot done today. We've had some lively discussions, but I think, at this point in the agenda, so we can wrap up at a reasonable time, it's time to, as Myra said, claim a new chair. I have talked to Bob, and he's shown a little bit of interest in doing it, and I think, with the group's permission, can we just claim Bob as our new Chair?

MS. BROUWER: Yes, you can nominate him and --

MAJOR WALKER: I will nominate Bob Lynn to be Chair.

AP MEMBER: I will second it.

COLONEL FRAMPTON: Any discussion? Congratulations. (Applause) I will say this. I know Jason is going to rotate off in the next meeting or two, and, Grant, you're going to rotate off in the next meeting or two, and I just want to thank you all for your commitment to this and your participation in it. It means a lot, and we have absolutely enjoyed getting to know you, and don't be a stranger to come back. Bob, congratulations. Myra will take good care of you.

CAPTAIN LYNN: I will need it. I appreciate it.

COLONEL FRAMPTON: I think, if that's all we have, we can adjourn for today and start back tomorrow.

MS. BROUWER: Yes, and so there is only one item that is on the agenda, and also Other Business, and I didn't know if -- The only item under Other Business that we have is what Jeff mentioned, to perhaps discuss a little bit about the OLE priorities. The deadline to submit comments is tomorrow, but I think -- I don't think the agency is going to get mad if we submit comments later, and I'm not sure how you all want to handle that, but, if there is time and energy to hash that out tomorrow, that would be one thing to take care of and then the presentation on the law enforcement app, and so nine o'clock? Is that good?

COLONEL FRAMPTON: Nine o'clock is good. Thank you.

(Whereupon, the meeting recessed on May 18, 2017.)

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MAY 19, 2017

FRIDAY MORNING SESSION

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The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Town and Country Inn, Charleston, South Carolina, May 19, 2017, and was called to order at 9:00 o'clock a.m. by Mr. Bruce Buckson.

MR. BUCKSON: This is Bruce Buckson, for those that are not in the room. Our Chairman, Chisolm Frampton, is unable to be here this morning, and he asked if I would just try to kick off the meeting and move us through the remainder of the agenda. He did a great job yesterday of getting us through the majority of it, and so obviously he didn't trust me with too much, but there's a little bit here, and it's actually going to be some interesting information, I think, that we get, at least on our first presentation.

That being said, there is at least a couple of members that aren't here, but we will continue anyway. I am not sure that the Coast Guard rep will be here today, but I did see Michael Freeman, I believe, and so I think he will show up here in --

MS. BROUWER: He had to leave.

MR. BUCKSON: He had to leave as well? Okay. So we've got what we're going to have here for the Law Enforcement Advisory Panel. I would like to call to order the Law Enforcement Advisory Panel for the South Atlantic Fishery Management Council for the final day here on the 19<sup>th</sup> of May.

With that said, we'll have a couple of items for the Other Business at the end of the day. Just for the AP members, we will chat just a bit about the Office of Law Enforcement priorities, just get some information from Jeff Radonski on that, and we encourage you folks, through your agencies, to have input to that. We will also -- I think Myra will encourage us all to make sure that we get our votes in for Enforcement Officer of the Year, and the first three on those, before the end of the day, if we could.

With that said, I think the only agenda item that was actually left was Number 6, and that's the Updates on Electronic Reporting Projects, and, with that, I will hand it over to Myra and let her get us started on that. Thank you.

MS. BROUWER: Thank you, Bruce. Yes, we have, on the line, Francine Karp, who is with Harbor Lights Software, and she is one of the folks who are on the team that is developing the electronic reporting pilot project, and so she is going to tell you guys a little bit about where we



are with that project, and, in particular, where we are on the development of the law enforcement app, and so, Francine, take it away.

MS. KARP: Thank you. I appreciate you having me here today to kind of go over what we've been doing, but, more importantly, get your ideas on where we can go with one of the projects. What I am going to do is go over, real quick, some of the things that we've been building for the ACCSP, and we have a project going on, and it's going to probably go through the end of August, and it involves about twenty-five federally-permitted charter boat captains in the South Atlantic, and we are using eTRIPS/mobile, which is an app that was already built for the Northeast, and now we're taking it and we're modifying it and putting it out to the fishermen and getting their feedback, and that is currently being built on Android and iOS tablets.

What we tried to do was address many of the things that the South Atlantic wanted to do, and one of them was a timely reporting, and so this end of the project will kind of go over the timely reporting. The next thing we're doing is we're building a dockside reporter, and what this does is it basically takes the dockside interview and puts it onto a tablet, and it's really a pilot project to see how quick and how accurate we can get the data in, so that we can send the data to the ACCSP.

There is also an integration of an electronic measuring board, which is kind of cool, and so the dockside reporters and the people that go dockside to do the interviews, they can use this Bluetooth to get the information onto the board, and so they don't have to touch the tablet at any time, and then here is the important part, and this is where I am looking for your feedback, is a law enforcement application.

What we're trying to do with that is we want to provide officers with any data that would help you in determining reporting compliance. One of the things that the South Atlantic Council wanted to do was to make sure that there was a way to have the enforcement get the data, so that they would know who was in compliance and who was not.

This is kind of a quick overview of what we just explained, and so we have the eTRIPS on the boats, and they are reporting their catch. We have the electronic measuring boards, the dockside application, and the management tool was actually taken out of the project, due to funding, and then the enforcement application. This is where we -- The idea behind this was to give you guys an app that you can use, and I say guys, but guys and gals, that gives you an app that you can search records for at the ACCSP. That question mark is around search records, and that's kind of what I want to talk to you guys about today.

We are going through this project, and we're to the point now where we're going to be building the mobile application. Android and iPhones are what we're targeting. One of the questions that I wanted to ask was do most of the officers out there have Android or Apple iOS phones? I don't see a lot of you guys with the touch phones, but maybe I'm wrong about that. That is one of the questions I had.

How can we enforce the upcoming, and, actually, I believe it was put in now, but the South Atlantic Council's electronic reporting requirements? How do we enforce those, and how do you see yourself in the field, if you do at all, enforcing any of that? The next big question I have is what data elements would help you in this area? Is it the last time they uploaded a report? Is it a status of their permits? What can we give you access to that might help? Again, Apple and iOS tablets,

and, if there is any of you that are listening today that want to be involved in this, let me know. We don't have funding to give you a tablet or anything like we have with the captains, but you would have to use your own phone, either the Android or the iOS version. I guess we will start with the first one, and I throw this out to the group. How do you see yourself enforcing the electronic reporting requirements, or do you, in that area?

MR. BUCKSON: Thanks, Francine. Let me ask just a couple of questions as you get started, and then we'll hand it off to the law enforcement representatives that are here. Just for your information, there is a representative from Florida here, Georgia, North Carolina, South Carolina, and the federal folks, the Office of Law Enforcement, and so each of them will be able to weigh in.

One thing that might be beneficial, at the end of all of this, and I don't know if it's going to be available to us, but having a copy of your presentation may be helpful to everybody as well, and so that's just a note to that. I think, if we can stay on the questions that you have on this slide, I will open it to those law enforcement representatives, and we'll see where the discussions go. I think one of the things that I am sure that you will hear from some of them is whether or not they want to participate, and so I will let them begin by addressing the questions that are on the screen now.

MR. RADONSKI: I do have a couple of questions. One is on the security of this app. Will you go through NOAA's IT folks, to make sure that it's secure apps or how we limit who can have access, because this will be sensitive data. Probably those are the first two questions I have.

MS. KARP: I will check with the ACCSP if they are going to be checking in with NOAA IT. The intent of this was to go directly to the ACCSP database, and we are currently doing that with eTRIPS, which also, obviously, has that element of security in there, and so any user name or password that you were given to get into the database would be given by the ACCSP. I am not sure if you're looking for what encryption methods they use or things like that, but it is something that I can actually ask the ACCSP and get back to you.

MR. RADONSKI: Just knowing what data is being collected, and we deal with our VMS as well, and it's pretty tightly secured. Those are more the measures of how are we controlling this data and who would have access to that particular app.

MS. KARP: Okay. Yes, that would be controlled by the ACCSP, and possibly on the fed side. The ACCSP controls the database, but, as far as who is putting in the user names and passwords and allowing access, that could be done on the federal side. That's kind of the way it currently is now, that, if we need to give a user name and password to a captain who is federally permitted, that goes up to Joe Myers on the fed side, but that is controlled at the ACCSP level, and they have all of that put in place as to who gets what access and how they allow access to those databases.

MR. RADONSKI: Thank you.

MR. BUCKSON: Thanks, Francine. Maybe, since you're not in the room and you can't see the faces, maybe I can try to make this go a little easier for you. Let me just ask each of the representatives to comment on a couple of questions that I jotted down that I think are part of your

list. That way, you may be able to keep a tally, knowing that you're dealing with Florida, Georgia, South Carolina, North Carolina, and the feds.

Maybe we can start and work our way north, and we'll start with Florida. I think the one that I heard that I know she is going to want to know is whether or not you want to participate in the pilot program, if you have anybody in your states that would want to participate in the program, understanding that it's iOS or Android.

MAJOR BURTON: As of now, the only individuals that have smartphones that are issued by our agency are going to be the captain level and above, and so our officers and lieutenants in the field have flip phones, and so that's not to say that, in the near future, there might be a possibility that we would all be issued smartphones, but, as of right now, by policy, we are not permitted to use our personal phones to conduct agency business, and so while we're working, and that's why these phones are issued to them, and so that would be one hurdle right now. Again, that's not to say that that won't happen in the near future. I have no idea, but that would definitely be one of the problems, as far as participation.

Also, maybe this is a capability that we could have, that an officer would be utilize their computers. All law enforcement are issued computers, and there are a handful of investigators, I believe, that do have smartphones, but, for right now, it sounds like it would be a great idea, but I have a couple of questions. One would be how often are they required to report? Is it a weekly reporting by these captains? I don't remember.

MS. BROUWER: The proposal, or the amendment, I should say, that is putting in place the electronic requirement for charter vessels is a weekly reporting, and we're going to continue to talk more about other types of reporting that -- As Chip mentioned yesterday, we're looking at a reporting app for the private recreational sector, but the frequency of reporting is one of the things the council is very interested in improving.

MAJOR BURTON: Okay. Sounds good. That makes sense.

MR. BUCKSON: Thanks, Grant.

CAPTAIN LYNN: Much like Florida, our officers do not have the availability of departmental cell phones. Our sergeants and above do, but our sergeants -- They work as much in the field as they can, but they are not always there, and so it would be beneficial, at this time, if there was a computer download or app that we could utilize in the field, because all of our field folks have computers in their vehicles and in their boats.

MS. KARP: Do you know what the platform is on those laptops? Are they Windows 10 or above?

CAPTAIN LYNN: They're Windows 7 right now.

MS. KARP: Windows 7. Okay. This is really good information. It's something that I guess we didn't really think about, was you guys not having access to smartphones.

CAPTAIN LYNN: In Georgia, we are looking at, in January, buying all of our officers phones, but that's just tentative in plan, and that doesn't mean that it's going to happen, but, right now, just

operating off of what we do have, everybody does have a laptop to work with in the field, and so that would work for Georgia.

MS. KARP: Grant, do you guys also have Windows 7?

MAJOR BURTON: Yes, I believe so. I have Windows 10, but that's because I just got a new computer, and so I think, eventually, they would probably upgrade to Windows 10, but, right now, I believe we're the same as Bob's state.

CAPTAIN LYNN: We share the same group that does the mobile reporting. We copied you all, and so we work off the same platform that you all do.

MR. BUCKSON: Thank you. For Grant and Bob, I assume that, if you had the ability, that you would be interested in participating in the pilot?

CAPTAIN LYNN: Yes, I would find an officer or two that would be interested that would be able to participate.

MAJOR BURTON: I think it would be a good idea. It just seems like it would be a great informational tool, at the very least, but if we could also have something that's compatible, where we could look it up by computer, to start with. I know the app is a good idea, but, like I said, we don't have smartphones for officers in the field, and, as far as what data elements would help us in the area, it would be the last uploaded report, the status of the permits, and so the ability to look it up by vessel or name would be fine, would be good information as well.

MR. BUCKSON: Thanks, Grant. Thanks, Bob. South Carolina?

MR. HENDERSON: In South Carolina, at least the coastal officers, the majority of them do have smartphones. Unlike the other states, we don't all have laptops. Some do, but not all, and I think it would be a good asset for informational purposes. I have heard before about the enforcement capability of the electronic reporting, as far as being able to follow through with that. In South Carolina, we do an affidavit that gets issued, and then we have somebody from the statistical department come to court for prosecution on that, and so I have heard that mentioned before, that aspect of it, but I think it would be good for informational purposes.

MR. BUCKSON: Good. Thank you.

MAJOR WALKER: Our North Carolina officers have iPhones, and I don't see a problem participating in your pilot program. However, North Carolina does not have JEA, and so, most recently, we were denied access to many federal reporting -- We worked a case recently where we were comparing state and federal landing requirements, and we were denied the federal reports, and so I don't know that we would be able to participate in your program at all. That would be up to your attorneys.

MR. BUCKSON: Thank you, Jason. I had forgotten about that, and, Francine, there is a long story that goes with that, and I don't think there's an issue between enforcement sharing the information, but it's just the logistics of it and the inability to just -- They're not allowed to.

MR. RADONSKI: We operate with iPhones in the field as well as laptops on Windows 7. We really don't want to go to Windows 10. It creates a lot of problems, but, yes, I'm sure we will and want to participate, and that would cover my district of agents from Florida to North Carolina and enforcement officers.

MR. BUCKSON: Thank you, Jeff. I guess back to you, Francine. I am not sure that we covered all of the questions that you had there, and if you can kind of point us in the right direction on what else you need.

MS. KARP: It's good information. You guys are kind of a little bit all over the place, and I will bring that back to everybody and see what they want to do with that, as far as the Windows 7 machines as well. The data elements, from what I have heard, it seems like the date of the last upload of a report and a status of their permit, and is there anything else that may be in that database that we could give you access to that would help you in the field?

MR. RADONSKI: I am assuming the app is going to be a light version of full access to all the other information then, correct?

MS. KARP: Correct. It was kind of meant to be a let's get it out, get something out there, and the concept to prove that we could have the officers log in on a mobile device and look at items within the database. That was the concept of the pilot project, but I would like to make sure that you have access to information that you would need.

MR. RADONSKI: I see that is basically elements of information that you're doing. Obviously that's not the only information we're going to need to be able to prosecute failure to report or late reporting, et cetera, but those are good indicators in the field. There would be a lot more work that would be done at our agent and officer level in the office, but, as long as we have full access to all the data that we're going to need and officers out in the field have that light version, I think that would be a good start.

MS. KARP: Okay. Great. Do you guys have any other questions about the project itself or anything else that I can answer for you?

MR. BUCKSON: I don't see anybody raising their hands at this point in the room, but I will ask maybe just a general question. Is there a place, or do you have available, what data that it collects now, in some sort of format that may help them be able to narrow down questions for the future on what they would like to see? That's one question. The other question I have is are you going to be doing demos of how this works, or is that part of what the pilot program is? I will leave those two with you.

MS. KARP: The first one, as far as what's in the database, that must exist somewhere. That is something that I will ask the ACCSP, if they happen to have a list of all the data elements that are in that database that we could search on, and the second question, again, was --

MR. BUCKSON: Whether or not there is going to be a demonstration of the app somewhere.

MS. KARP: Yes, and so what our plan is, because we're building this from scratch, it's to first go back and gather from you what you would like to use. Then what we're going to do is do mockups

of the software, the screens themselves, and we'll take that back to anyone that wants to participate. We will send those out, via email, and get feedback on it, and say the brightness of the screens, if you're going to be using it during the day, and are the buttons big enough? Does it flow logically, that, if you click on this, this happens?

Once we kind of get your feedback from that, we will then start writing the code behind the application and then work with the ACCSP to be able to get requests from their database, so that we'll be able to hook up and make that link to get to the data that you're searching for, and so we'll do along the way with the participants is, first, as I said, give you the wireframes, is what they're called. Then, once we get the app to a stable enough state, we'll have you take it out and use it. Then we'll continue to get feedback from you of how it looks on the device and if it's acting the way it's supposed to. If it's crashing, you can send us logs and that sort of thing. That is kind of how we build the software, and so this is getting built from scratch, and I hope that answered your question.

MR. BUCKSON: Yes, it did, actually. For whatever reason, I may have thought we were further along.

MS. BROUWER: To add to what Francine said, the council has received some grants from NOAA to do outreach and some training for part of this, and that's what we're going to hear about from some of the other staff in the room here in a little bit.

MR. BUCKSON: Thank you, Myra. I got a little further ahead. I got excited about this, and I wanted it to be something fun to be able to see, and so I was going to ask about timeframes, but I won't do that. I will wait until we hear the rest of the story from the rest of the presentations. I guess it's back to you, Francine.

MS. KARP: Okay. Timeframes, we are probably going to be starting this within the next, I would say, two to three weeks. We have other projects going on. We've got the fish measuring board, and we've got the dockside reporter that we're finishing up. eTRIPS is basically -- I think they have worked out everything within that, just about, now.

This is the last leg of this pilot project, and so what I'm going to be doing is reaching out to the state reps that we're working with in the project and ask them if they have anyone that might be able to participate or want to participate. We are looking maybe at twenty to twenty-five participants. I think that would be fine. I will ask if there is any funding, maybe, to get some devices in the field. I am not sure on that, but I can get back with you.

MR. BUCKSON: Okay. That sounds good.

MS. BROUWER: Francine, just a question. The Law Enforcement AP usually meets twice a year, or they have expressed the desire to possibly meet twice a year, and so there is a potential for them to come back together sometime in the fall. Would that be a timeframe that would be doable for you guys to set up some kind of a demo or training? I mean, where would that fit into the development of this app?

MS. KARP: Yes, that's fine. That's actually a good time. Yes, that would be fine. By then, my hope is that it would be built and the bugs worked out and ready to go.

MR. BUCKSON: Thank you. That's helpful. This may be a premature question, but I was intrigued by the measuring board piece of this app, and I am wondering if the -- I don't have a clue how that works, and that's fine if it has not progressed this far, but I wonder if that -- Whatever it does, does it save that data to the app?

MS. KARP: Yes, it will. What the plan was -- It's Bluetooth, and so you will be able to, while you're on the board, without handling the tablet, be able to input the data into the tablet, where you could say it's a thirty-two-inch striper. That information will Bluetooth into the dockside reporter app.

MR. BUCKSON: Okay. Thank you. I appreciate that. I don't know if that was the end of your presentation or if we answered all of your questions, but, if we didn't, if you have other questions, we're available here.

MS. KARP: I think you did. This is a really good start, and so what I'm going to do is write all of this up. I will be in touch, and I know that we'll be speaking with Mike Errigo on this as well, and we'll keep you guys informed. If there's anyone that wants to participate, if you can just send your information. I think, if you go to the next slide -- Again, feedback from the officers, and just to let you know that we want that. We want your feedback, and let us know if what we're doing is correct for you guys. The next one, I believe, has my contact information there as well. There is my information, and you can call me or email me any questions or anything like that, and we'll just let you know as it progresses.

MR. BUCKSON: Thank you. This is Bruce again. Any other questions from other panel members for Fran? Seeing none, thank you very much, Fran.

MS. KARP: Thank you. I appreciate the time. Take care.

MS. BROUWER: Thanks, Fran. Yes, the presentation was emailed to you all as a PDF file, a week ago or so, but I can definitely resend it.

MR. BUCKSON: We are on to the next presentation.

MS. RHODES: Good morning, everyone. I'm Cameron from the South Atlantic Council staff. I am just going to speak to you briefly about some of the outreach initiatives that will accompany this amendment. Initially, year one, will be pre-implementation, and so we have hired a new staff member to handle this. She will be responsible for training initiatives, and she will be traveling around the South Atlantic region in order to host these training programs. She will also be handling online video webinars, and these trainings are not only specific to law enforcement, but they are also specific to charter captains. Her name is Kathleen, and she will be onboard, and she will be working with that, and we'll shortly be in touch with you. I believe she starts in the middle of June, and so she'll be in touch with all of you, I'm sure, at that time.

After year one, when we host these quarterly trainings and monthly webinars, year two will be dedicated to support, and so Harbor Lights, which is the app development group, will be responsible for manning a twenty-four-hour call line, in order to support captains and law enforcement officers who have questions, and, other than that, that's pretty much the plan that we

have in place now. Year one is pre-implementation, where trainings will occur, and year two is going to be help services, in order to clear up any confusion.

We recognize that it is likely that, since it won't be a requirement, it's likely that people won't show up for the training in year one, and so that could present some difficulty down the road, but we're hoping to get a lot of outreach out there in order to encourage our captains and other law enforcement officers to participate in the training programs, and that's something that we're working on right now, is trying to come up with some outreach initiatives that can reach them before it actually becomes an implemented law. If you have any questions, you can go ahead and ask. I might not have the answers, but I will be sure to put you in touch with someone who does. Thank you.

MR. BUCKSON: Thank you, Cameron. Panel members, anything at this point?

MS. RHODES: Do you all have any thoughts for how we can better encourage law enforcement officers and the charter fleet to attend these trainings that will be happening around the South Atlantic region at different times throughout the year? Do you have any thoughts on whether you think Facebook or social media platforms, maybe video campaigns, or what have you seen to be most effective within your communities?

MAJOR BURTON: I think those are all good. If you wanted to coordinate with our Marine Fisheries management coordinator, Amanda Nalley, she could post it on our website, because people regularly visit our website as well, and so that would be another way to communicate to the public. As long as we have a pretty good heads-up of when the trainings are occurring and the locations, we can just have our officers attend them.

MR. RADONSKI: I think another way is maybe link up with our JEA technician down in the Southeast Region, Brian Mattingly. He can send out targeted emails to JEA partners of where the trainings are.

CAPTAIN LYNN: I know you said that you will provide it, but would you come to an agency and provide training, or is it going to be just an area-specific and we have to come to you? Say we have a meeting at our office, for our coastal rangers, and could we get you to come down and do a presentation, where you would hit all of our law enforcement officers at one time?

MS. RHODES: I believe this new staff member will be able to do that when it's requested, and so, if you guys do have a meeting coming up, we will make sure that she is in attendance or I am in attendance.

CAPTAIN LYNN: That's good. If she could reach out to me at any point in time, once she gets onboard and this draws closer to your projection. Just put her in contact with me, and we can make that happen, as far as Georgia goes, and we'll have all of our law enforcement officers up to speed on what's going on and trained up, so that wouldn't be an issue.

MAJOR WALKER: We could set up training, like Bob was saying, at our district meetings. We have those quite often, and, also, you could get with our port agents that do sampling at our fish houses and get the meetings scheduled to the fishermen through those guys.



MR. RADONSKI: Just a question. Are you trying to have law enforcement and fishermen together in this training, or are you trying to do it separately?

DR. COLLIER: It can be done separately. It would be nice to have some law enforcement officers when they're talking to the charter boat captains. That way, they're aware that there is a law enforcement component associated with the app, and they're aware of the enforcement, kind of the carrot-and-the-stick approach, that they know the stick is there and they can be using this information for enforcement.

MR. RADONSKI: That's exactly why I was asking. I see more of a benefit of doing this together in an outreach approach, versus us against them type of an approach.

CAPTAIN LYNN: That wouldn't be an issue as well. I mean, you could train our folks, and then, wherever you have one of these sessions at, Savannah or Brunswick, as long as we're notified, I have no issue with sending an officer or two, although they've already been trained. They can at least be present to be there, and so that's not an issue either. Just let us know when and where.

MS. RHODES: Great. Thank you.

MAJOR BURTON: I agree with Jeff. I think it's a great opportunity to build on those partnerships with industry and law enforcement as well, and not just to say, hey, this is potentially going to be a law enforcement -- Something that we can enforce, but just having that partnership and just saying, hey, we're aware of it too, just to make sure we're all on the same page kind of thing, and I think that's just another great opportunity to build on that.

MR. BUCKSON: Thanks. I think that was some good questions there, and I think that will probably be helpful for them scheduling, and we'll leave it at that. Are there other questions?

CAPTAIN LYNN: The key, to me, would be just communications between us, the law enforcement agencies, and the program. Just be sure to reach out, and I think every one of us in the room will accept and oblige and take care of it. I don't think there will be any pushback.

MR. BUCKSON: Good. Thank you, Cameron. I think this will be interesting, to see how it works out. There are some unique opportunities here, and I think we're in 2017, and we're at least moving forward a bit. Next, we have --

MS. BROUWER: Chip was going to fill you in on the other project that we have.

MR. BUCKSON: Okay. Chip is going to give us an update on I guess it's more outreach.

DR. COLLIER: The other project we are talking about is something we talked about yesterday, and that's the electronic reporting for private recreational anglers. That app is in development. We just had a pre-planning meeting a couple of weeks ago, and the developer has been in communication with ACCSP to make sure that there's a good data flow and how to set up the structure for, one, the permits and, two, the actual reporting.

The permit information would be housed on ACCSP, and so it would be accessible to all state partners as well as federal partners, and the data is also going to be housed there as well, and so,

once again, that information could be pulled by state and federal partners that have access to the database.

Within the electronic reporting app, what we're looking at doing is developing it for the snapper grouper fishery, and we're also considering development of it for the cobia fishery in Virginia. They are interested in getting that developed in Virginia, just because of the -- They feel that they need better reporting in that area, and so we're considering having the app developed for that, and, also, Virginia is looking into providing some outreach in that area for fishermen to use it.

The main impetus, or the main part of this project, for the South Atlantic Council, in developing the app, is also the outreach part, and the outreach person is going to be starting after the council meeting in June, and so they're going to be working on information for private recreational anglers on the app. The first part of it is going to be engaging recreational fishermen to be part of the pilot. What we're looking at is about 200 fishermen to be part of the pilot project, at least for the snapper grouper side, and maybe some more for the cobia side.

Then, within those 200 people, they're going to be split up amongst the four states, with higher concentrations in North Carolina and Florida. Florida is going to have the highest concentration of number of anglers. Since most of the effort is in Florida, we're trying to balance it that way, and we're trying to get as much information as we can. We have talked to some groups, and they definitely have expressed interest in being involved with the project, and so we're going to go forward with that.

Kelsey, I believe, is going to be starting on June 19, as I had mentioned, mid-June, and so we'll be working on development. Once we get started, we can give you guys an update at the next meeting, but this is kind of just starting off, much like the outreach for the other grant. Both of them are going to start in mid-June.

MR. BUCKSON: Thank you, Chip. Any questions for Chip?

MAJOR BURTON: Chip, you mentioned 200 individuals, and is that per state or is that overall for just the South Atlantic?

DR. COLLIER: That would be overall. It would be 200. I'm trying to remember how many we had in Florida, and I believe it was sixty to eighty people is what we're looking at in Florida, or maybe more, but I forgot to mention that there is going to be a few other things that we're testing out with this app.

One of them is going to be an alert system, to let people know if they're fishing in a closed area, whether it be a special management zone or a marine protected area, and so it could have alerts like that. We're discussing on how to develop that and see if it would burn up somebody's battery too fast. That's a concern for us, and so, if that GPS is on the whole time, it might actually shorten the life of that cellphone offshore.

Another component that we're looking at is the ability to take pictures of released fish, in order to validate some of the claims of the released fish. It validates the identification, and it can also be used to validate the size of released fish, giving us some information on size distribution. The only component of the recreational sector that we have any size distribution for is the observer data

from MRIP, and they are generally on headboats. In Florida, they have expanded to charter boats, but that's pretty limited right now.

MR. BUCKSON: Thanks, Chip. I have one question. Following what we heard from the abilities that the law enforcement folks have, is this going to be an app that law enforcement will be able to get into as well? If so, is it just going to be through the same as what the previous one, the Android and iOS?

DR. COLLIER: This app is going to be developed for Android and iOS, and I think those are the two platforms that it's going to be developed for, and so it's going to be open to those. I don't know if there is going to be a web-based program. I think we are discussing that, knowing that some of the people aren't going to have access to smartphones, but this is a new pilot project, and we're going to figure out all the bugs and then improve it. We are not expecting perfection in the beginning, but we are going to be using a group that has developed these offshore reporting systems for other state agencies, and so they know what's going on. They've been through the wringer already.

MR. BUCKSON: Thanks.

MR. RADONSKI: The only thing I would really suggest is this is potentially leading to collecting of evidence, and we do have to start looking ahead, to be able to get that evidence into court. How are we going to verify it? I mean, a photograph is great, but the metadata is going to have to be captured in there too and not taken out, like they do in most of these social medias. We have to know who, what, when, where, why, and how, and so those are just things I'm just throwing out there to be thinking about for a law enforcement application of any of this information.

MR. BUCKSON: Thanks, Jeff. Any other questions for Chip or comments?

MS. IVERSON: Just for clarification, and I was sitting at the back of the room, and we're talking about two different apps. One would be the law enforcement app, and the app that you're talking about now, Chip, is the recreational reporting app that would not be used for law enforcement purposes, and is that correct?

DR. COLLIER: That's correct. The app that you're referring to was for charter boat vessels and headboat vessels, and so this is just for private recreational anglers. We haven't developed a law enforcement component side for this yet.

MS. IVERSON: I just wanted to clarify that, because I think Jeff was talking about law enforcement capabilities, and, sitting at the back of the room and listening, it sounded as if the images or the photos that you were taking for reporting purposes were intended for law enforcement, and I just don't want to mix those two, I guess.

MR. RADONSKI: In reality, an app is created, and it's collecting data, and whether its intended purpose is for that, it may have law enforcement applications to it, and that's why I am saying that how we preserve it -- Even like electronic monitoring that's out there on longline boats, it still has law enforcement applications to it, and so any data that's collected has the potential of being evidence.

MS. IVERSON: That being the case, then I think that the participants in this pilot project should be made aware of that, if that's -- Not necessarily the intent, but, if I were participating in the pilot project, I would want to know how that information could be used.

MR. BUCKSON: Thanks, Kim. Anything else for Chip on this particular issue? Thank you. Myra, are we at the end of the agenda at this time? Why don't we just take a few minutes of break, and then we'll come back and we'll cover, which I don't believe will take long, the Other Business. Then would give you all an opportunity also to think if there's any other Other Business that you may want to bring up, and so we'll be recessed for ten minutes. Thanks.

(Whereupon, a recess was taken.)

MR. BUCKSON: I will call the meeting back to order of the Law Enforcement Advisory Panel. We have members back at the table, and we now have completed the agenda, as written and as approved, and we have Other Business is the remaining item, and that actually sometimes could potentially be longer, but we're going to try to keep it concise today.

There is probably three different things that I wanted to make sure that we covered, and the first one is I would like to give Jeff an opportunity, since he's the representative here from the NOAA Office of Law Enforcement -- He had mentioned yesterday, I believe, or someone has mentioned yesterday about the Office of Law Enforcement had sent out their enforcement priorities nationally for input, and so we'll let Jeff just address that and possibly find out how you may be able to still provide input before the end of the day or when that may be extended to.

MR. RADONSKI: Thank you. This is the national priorities for the Office of Law Enforcement, and we do put it out to our stakeholders and state partners and federal partners, and we want feedback on this. As you see here on the top, these are the national priorities. These are the priorities from 2015 to 2017. We do update this every two years, and we're in the cycle of updating right now.

Those are the national priorities. You can see they're very generic and not real specific, but that is an overall view that all of our divisions would follow. If you go down, if we get down to the Southeast component, as you see, seafood fraud and safety is a priority, and all the way down to observer harassment. We have different priorities, and we're looking for input there.

One of the things we are looking at for priorities is not necessarily putting them in a rating of high, low, or medium ranges, and so we're just looking for input in that as well, but, looking for your geographical area, what you think might be priorities for federal enforcement action. We would like the comments, and we ask that you send the comments to Tracy Dunn, who is the Assistant Director in Charge, or Manny Antonaras, who is the Deputy Special Agent in Charge for the Southeast Division. If there's any questions, let me know, and I will try to answer them. Thank you.

MAJOR BURTON: Jeff, when does he want these by? Wasn't there a hard date? Was it today?

MR. RADONSKI: Yes, it was today, and I know that Tracy had contacted and sent it out, and I know it should have gone to your bosses too as well, but this is from the Law Enforcement Committee, if you want to send something in as well, and so we do need them right away. I do

not know what the timeframe is by the Director of getting this document done, but you can just shoot emails to Tracy or Manny.

MR. BUCKSON: Thanks, Jeff. Just to provide just a bit of background on this document, I was in OLE at the time that I think the first priorities were done, back in 2011 or 2012 or whenever it was, and it's a -- As you can see by the date on the top, it's a two-year span, because I think they're confident that things don't change, necessarily, for your priorities on an immediate basis. It usually takes a little bit of time.

This is a public document, once it's completed, that the industry usually takes a very close look at. Congressional aides take a very close look at it, because they want to find out where the federal money is being spent and what it's being used for, and I think the importance for the states to be able to provide input is -- Quite often state priorities may not be exactly the same as the federal priorities, but there may be a nexus or an overlap there that OLE may not be aware of, and I think it's a benefit to be able to provide some input.

I would also recommend that, even if you don't have any input, that you let OLE know, let Tracy know, that we have reviewed this and it seems to stand well for our agency, and I think that's a benefit to them, knowing that at least the states have looked at it, because it gives them the opportunity to reach back to you if they have anything in particular that they have questions for.

MR. RADONSKI: Also remember that this is how the JEA programs are progressing too, where we're going to priority levels in the JEA program. Here is an opportunity too to express, by state, priorities that you see too that need federal attention.

MR. BUCKSON: On the marketing end of this, I think it's a great document for the general public, the industry, and congressional folks, as I mentioned, to be able to see what's going on, so they understand that -- The JEA program, as Jeff mentioned, and just conservation law enforcement in general has a focus and knows where they're headed, and also it gives the opportunity for some of those folks to understand that the conservation law enforcement in this nation is probably not at the level that a lot of people think it is. Every agency has budget issues, and they may not have the staff that they would like to have to be able to accomplish things, and I think this probably gives them a perspective of that.

There may be industry folks or council folks that want to see particular things focused on, and, when they see this document, they understand why you don't have the ability to address every little thing, and so I think it's an important document, once it's completed. That's just my little sideshow there to encourage you to at least give them a heads-up to say we looked at it and we're good with it or give them some input, and so thank you, Jeff. We appreciate that.

MR. RADONSKI: No, I appreciate it.

MR. BUCKSON: The one other thing that I wanted, after talking to some council members, that I wanted to bring up for the panel before we adjourned during this meeting, and it was something that we covered yesterday, and we chatted about it for a lengthy period of time, and that's the operator permit.

I just want to make sure that we are on the same page as a group, and I will try to make it concise, but I also want to get input from you folks. I don't want to reopen this and spend a lot of time discussing it, but I think what I learned is it's a value to the council members to be able to know what the law enforcement folks -- What their opinion is of the operator permit program.

My summary of it would be that, as it stands now, from what I heard yesterday, that the law enforcement folks seem to agree that, as it stands right now, it's not necessarily providing a utility that you could not do without. It's not urgent to keep it in the status that it is now, but there is also a potential, based on the information that we got yesterday, to use that program for a lot more than what it's being used for now.

That being said, if it progressed, and I think this panel would say that, yes, it's something that would be great to keep, but, without some changes and some modifications to it, it really is not -- The utility is not there to where it's a must-have, and can somebody better phrase that or have an opinion about what I said? Was I accurate in what I tried to summarize for the AP?

MR. RADONSKI: Bruce, I agree that we have to relook at and update it, but we shouldn't just discard it. I think it can provide some important information, not just for enforcement, but the statistical science side, for multiple reasons, and even, I think, for the council, for future decisions they may have to have. I think it needs to be relooked at and probably brought up to current needs and standards that we have.

MR. BUCKSON: Thanks, Jeff. Other comments?

CAPTAIN LYNN: I agree. I concur. Kept in its current state, it really serves no real purpose. If effort is going to be put into it to bring it up to speed, bring it up to date, and expand it, then, yes, I could see use for it.

MR. BUCKSON: Thank you.

MAJOR WALKER: I don't disagree, and, as far as North Carolina is concerned, without JEA, I would like to know more about how our violations might play into the suspension and revocation process with that, as well as, honestly, our enforcement of it. I don't know that North Carolina will be able to even enforce that card at this time, and so, as far as North Carolina is concerned, I won't stand in the way of it, but we really don't have an iron in that fire.

MR. BUCKSON: Thank you, Jason. Good point.

MR. RADONSKI: I think there might be some applications though in the Atlantic States Marine Fisheries Commission rules and regulations for you guys on not necessarily just the South Atlantic, because the Northeast does have a similar program as well, and so there may be some applications that the State of North Carolina could use it as well.

MR. BUCKSON: I think one of the things that I am hearing is the AP wants to stay involved in how this progresses, to be able to at least have some input as we move along, and I think Jeff and/or Tracy Dunn or somebody from OLE will represent at the council meetings with regard to this issue. Jeff is shaking his head yes.

MAJOR BURTON: I agree, and it's something that obviously we would -- If we were to keep it and start enforcing it, it would be something that, obviously, we would turn over and work with NOAA on, because it would be under CFR. We don't have something that mirrors that in our Florida Administrative Code or Florida Statutes, but I agree with what everybody is saying, as far as there's really not much utility now.

If we were to update it and make it more viable and have some backing to it, in expanding it to other fisheries, I think you are holding some of these boat captains a little bit more accountable and be able to do kind of like what we do in Florida, where you would implement some sort of a sanction or a suspension or revocation, ultimately, to a fisherman, to where he can't just bounce around in certain fisheries.

MR. BUCKSON: Thank you, Grant. I appreciate that. The other piece of this that I think is important and that will have some influence or impact on how it either develops or doesn't develop is the fact that it's within the Permitting Section and it's not within OLE. It's within the Permitting Section of the Southeast Region, and so they would have to be engaged on whatever happens to it, and they would probably be interested to know what enforcement could use on that as well. I was just informed, and I apologize, but Karen Raine is on the phone as well, and she had a comment, too. Karen, are you there?

MS. RAINE: I am here, and, actually, it was just to follow up from yesterday. I went back and looked at the PowerPoint presentation from last August, and it does appear, from that, that GARFO and the Southeast are the only regions with operator permits. That is my take-away.

As far as the question as to what happened with the permit sanctions that were issued, I can't tell exactly from the PowerPoint presentation, and I did try to look around my computer to find some information really quickly, but one of the difficulties is the computer database with our cases that would have contained these cases from 2004 and 2006 has been deactivated, and so I can't access, and nobody really can, I guess, at this point, access information that way.

I will say that, for cases in which a permit is sanctioned for a failure to pay an overdue penalty, those permit sanctions are generally in place until there is some resolution to the payment of that penalty. For the other sanctions that were issued, I really do not believe they were revocations, but some amount of time, and I will continue to try to find more detailed information, but I just don't know that I will be able to at this point.

MR. BUCKSON: Thank you, Karen. We appreciate the follow-up on that. Any other comments on the operator permit? Then we'll close this for real this time. I don't see any from the panel, and so we'll move on. I believe that that wraps up the agenda, but Myra probably has at least one thing that she needs from us all.

MS. BROUWER: Just a reminder that I need to tally up your votes for the Law Enforcement Officer of the Year nominations that will be included in the council's briefing book, so that the Law Enforcement Committee can discuss and select a recipient for that award in the fall.

Then the other thing I was going to ask is -- I am looking at scheduling another meeting in the fall. October is a pretty busy month, but maybe there is a week in there where I could bring you guys together for a couple of days. If not, it would have to be probably in early November. I'm just

throwing that out there for you all to let me know if you have any conflicts or any suggestions for when that meeting should be scheduled.

MR. RADONSKI: I can say right now that, generally, for us, for NOAA OLE, early November is probably a little better, because October and September is the end of the fiscal year and performance reviews and a lot of other work that has to be done in closing out and opening up on the financial side, and so I'm just saying that.

MR. BUCKSON: Thanks, Jeff and Myra. I apologize that I didn't make the last meeting, and I know that this meeting is separate now from the council meeting, and I think I understand why, that it gives the opportunity for -- It doesn't interfere with council business and extend the council business too long, but there is -- In my opinion, there is some benefit, and I really appreciate Ben being here and Mel being here and Anna being here. I think we got some great input from them during our discussion yesterday. Scheduling this LEAP meeting outside of the council meeting kind of restricts who might participate in that. Did I miss something on why it is separate from the council meetings now? I'm sorry.

MS. BROUWER: No, that's fine, and I'm glad you brought that up. It was actually logistically - - It created some issues running things kind of in conjunction with the meeting, and there was little opportunity for interaction, really, and it just -- It just didn't seem to work as well as when you guys meet and then there's a summary report that can then be discussed at a council meeting and not be so rushed, and so the request came from AP members at the March 2016 meeting, I believe, and then recall that we held a joint meeting with the Law Enforcement Committee in August, and that was at their request, and so that is also a possibility. Council members that are in the various committees normally try to attend the advisory panel meetings regardless, and so there is no need to actually formally convene the AP and the committee together unless, of course, there is a request that it be done that way.

MR. BUCKSON: Thank you. That's helpful.

DR. COLLIER: Just to build on that a little bit, the council has indicated that they don't like concurrent meetings. They want to have -- Because they generally operate as a committee of the whole, or not a committee of the whole, but they -- Everybody sits at the council as the committees are going through, and they all comment through the period, and they feel like they miss some of the council members' contributions if there's a concurrent meeting going on, and so it's kind of changed from the way they used to do business in the past.

MR. BUCKSON: Got it. With that, you're going to be looking for some input from us on when the best time is, and the other -- When are the council meetings for this year? Do you know?

MS. BROUWER: We have the June meeting coming up, and that goes from the 12<sup>th</sup> through the 16<sup>th</sup>, and that will be in Ponte Vedra, Florida. Then the September meeting will be, I believe, here, at this hotel, the third week of September, and then the December meeting, I believe, is in Atlantic Beach, the first week in December, and the Law Enforcement Committee doesn't necessarily meet every time the council meets.

Obviously, if there is business to be done, the committee convenes, and so I can't -- It's convening in June, for sure, and I'm not sure whether we'll have a Law Enforcement Committee in



September. The presentation of the award is done at the beginning of the council meeting, and so the committee doesn't have to meet, unless there is something to be discussed.

MR. BUCKSON: September is where?

MS. BROUWER: It's here in Charleston, at this hotel this year.

MR. BUCKSON: Okay. That's so everybody has got kind of a rough idea. October or November is kind of -- That seems to be what fits. Any other comments on that, on the meetings? No? Seeing none, anything else, Myra? Any of the other council staff that's in the room have anything else for the group? Because I think they're probably going to hit the road here as soon as we say we're done. I don't see any, and so, with that, we will adjourn the meeting, and I look forward to seeing you all next time. Thanks.

(Whereupon, the meeting was adjourned on May 19, 2017.)

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

Transcribed By:  
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