

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **LAW ENFORCEMENT ADVISORY PANEL**

**Town and Country Inn  
Charleston, SC**

**May 23-24, 2019**

### **Summary Minutes**

#### **Law Enforcement AP Members**

Capt. Bob Lynn, Chair  
Colonel Bruce Buckson  
Lt. Pat O'Shaughnessy

Sgt. Garland Yopp, Vice Chair  
Nickey Maxey  
Capt. Scott Pearce

#### **Council Members**

Mel Bell

#### **Council Staff**

Dr. Brian Chevront  
Cierra Graham  
Christina Wiegand  
BeBe Harrison

Myra Brouwer  
John Hadley  
Kathleen Howington

#### **Observers and Participants**

Lt. Warren Fair  
Cynthia Fenyk

Tracy Dunn  
Michael Paul Thomas

Other observers and participants attached.

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened in the Town and Country Inn, Charleston, South Carolina, on May 23, 2019 and was called to order by Chairman Bob Lynn.

CAPTAIN LYNN: I will call the meeting to order of the Law Enforcement Advisory Panel. Good afternoon, everyone. It's nice to see you again on our yearly meeting. The first thing I would like to do is just go around the table. We've got a couple of new faces, and some I've seen, and one that I understand that won't be with us any longer, because he's retiring, and so good luck with the retirement. We will start with the Coast Guard and work our way around and introduce everybody at the table.

MR. GALLEGOS: Hi. I'm Anthony Gallegos, and I'm the XO at SRFTC.

MR. WALLER: Hi. I'm Shawn Waller, and I'm the Training Chief at SRFTC.

LT. FAIR: Lieutenant Warren Fair, Commanding Officer of SRFTC.

LT. O'SHAUGHNESSY: Pat O'Shaughnessy, Southeast Supervising Enforcement Officer for Tracy.

MS. FENYK: Cynthia Fenyk, NOAA Office of General Counsel, Enforcement Section.

MR. DUNN: Tracy Dunn, Assistant Director in Charge of the Southeast Enforcement for NOAA.

MR. MAXEY: Nickey Maxey, DNR, Bluffton, South Carolina.

MR. THOMAS: Michael Paul Thomas, DNR, Law Enforcement.

CAPTAIN LYNN: Bob Lynn, Georgia DNR, Law Enforcement.

SGT. YOPP: Garland Yopp, North Carolina Marine Patrol.

COLONEL BUCKSON: Bruce Buckson. Lieutenant, I beat you. I'm already retired.

CAPTAIN PEARCE: Scott Pearce, Florida Fish and Wildlife, Division of Law Enforcement.

CAPTAIN LYNN: Thanks to everyone. First on the agenda, I see the approval of the agenda. Does anybody have anything they would like to add or subtract or any objections or notes? I take that that the agenda then is approved as it stands. The approval of the April 2018 minutes, has everybody had time to look at it or have anything that they would like to add, any notes? Okay. I will take that as an approval then. We will move on to Item Number 1, which will be Ms. Myra.

MS. BROUWER: Good afternoon, everybody. Thank you all for taking time to be here, and it's going to be a short meeting, but we've got some interesting topics, and the first thing I would like to do is catch everybody up on what the council is looking at in terms of amendments that have been recently submitted or regulations that are pending. There are a couple of amendments that we're going to spend a little bit more time discussing, mainly just to give the AP a chance to comment, because they will go through the council approval process before you all meet again,

and so I will spend a little bit more time on those, and the idea is to give you guys a chance to, if you see a red flag, if you see any enforcement issues, a chance to get that on the record, so that the council will be aware.

This is Attachment 1 in your briefing book, and so, basically, I have just listed all the amendments. Starting with the two visioning amendments, the AP had a chance to discuss these last year, but I wanted to remind everybody that these have been approved, and so they are undergoing rulemaking, and so one of them is just -- Actually, it got shrunk quite a bit at the December meeting.

The council decided to take no action on three of the actions that were proposed, and so this one is just going to remove the minimum size limit for three deepwater snappers on the recreational side, reduce the size limit on gray triggerfish just off of Florida, back down to twelve inches fork length, and then make a change to the specification for the aggregate for snapper grouper for the twenty fish, and so only ten fish within that aggregate can be of any one species, and so those are the three changes there.

For the commercial, there were a whole bunch of actions, and I'm not going to go through all of them. Basically, there were several commercial split seasons, and a couple of changes to the trip limits, and a trip limit for the other jacks complex, a size limit on the commercial side for almaco jack, and so these two amendments are -- Hopefully the regulations are going to be effective, I imagine, before the start of the fishing year, and so by January 1, hopefully.

The next one that I wanted to remind you of is Snapper Grouper Abbreviated Framework 2, and this one adjusted the catch levels for vermilion snapper and for black sea bass, and this one just became effective on May 9, and so I didn't put the numbers up there, but, basically, the catch limit for sea bass is going to go down by quite a bit, and the one for vermilion is going to go up. Other than that, there were no changes to any other management measures, but that's been effective recently.

Another one that the AP discussed was Amendment 42, and this one made changes to the sea turtle release gear provisions, and the AP had a chance to talk about this one last time we met, I believe, and give your recommendations, but this one has also been submitted to NMFS, and so those regulations should be effective in the next few months. Any questions? I know I'm going kind of fast. Okay.

Regulatory Amendment 30, this is one that the council is going to be talking about in June, and they are expected to approve this for submission to NMFS, and so, because the AP hasn't had a chance to look at this, and we always want to make sure that there are no enforcement issues, we put the actions that are being proposed in this amendment for you to look at, and so this one looks at revising the rebuilding schedule for red grouper.

Action 1 is just very technical, and it has to do with the timeframe for rebuilding, but then there is a couple of actions that are going to extend the seasonal prohibition for red grouper only and only off the Carolinas, and so this one was born of when the council was doing port meetings for their snapper grouper vision blueprint, the strategic plan for the snapper grouper fishery, and we got a lot of comments from stakeholders that red grouper were still in spawning condition after May 1, and they suggested that the council consider extending the closure to protect those spawning fish,

and so the closure now is expected to be extended by a month, and so it will be January through May, just for red grouper, and it's for both commercial and recreational.

Then, finally, there is an action to establish a trip limit for red grouper, and the council's preferred is for that to be 200 pounds gutted weight, and so it's pretty straightforward, but I wanted, again, like I said, to give the AP a chance to comment if you all see anything that you would like to comment on for this amendment, and I will pause here. All right.

Then the next one, another red fish, this one a little bit more popular, red snapper, and so, back in March, the council was notified of the length of the recreational and commercial red snapper seasons for this year, and, in discussing that, they want to explore making some changes to how those seasons are structured, and so they are looking at possibly removing the requirement that if the projections show that the red snapper season would be three days or fewer, that there would be no season for that year.

They are looking at just taking that away, and I know that's something that there is some concerns there, safety at sea and things like that, and they are also looking at modifying the start date for the recreational season and the commercial season. Right now, they both start in July, and we have heard concerns from fishermen who would like the council to not allow fishing during the red snapper spawning season. They spawn for a good chunk of the year, but the peak spawn seems to be June and July, and so they are looking at making changes there, and so we're still fleshing out alternatives and options, and so this is the very early stages of development, but they did indicate, back in March, that they wanted to move things along, so that changes would be effective for next year, and so that's why we're bringing this to you guys and spending a little bit more time talking about it, because you won't have a chance to see it before it goes final.

Then the other thing that they wanted to do was to modify the days of the week that recreational harvest is allowed during an open season, and so, right now, it is specified that it's Friday, Saturday, and Sunday, and it's consecutive weekends, I guess is what they're called, depending on however many days the Science Center projects the season can be open.

They got into this discussion about, well, can it be -- For example, this year, the season is supposed to be five days, and they said, well, can we just have Saturday, Sunday, Saturday, Sunday, and Saturday, to sort of extend it and minimize the probability that there's going to be some kind of bad weather event that is going to get in the way of people fishing for red snapper. Right now, the way the regulations are written, that's not really allowed, and so they are looking at modifying that to give themselves a little bit more flexibility in how they choose, however many days the season is allowed to happen for, how that is going to be structured.

Again, concerns there are the shortness of these seasons and safety at sea, and some of the smaller vessels might not be able to get out, and the boat ramps get crowded, and these are all things that have been voiced to council members and the council in general during past seasons, and so what we've done, as staff, is basically just dig up all the comments that were received when Red Snapper Amendment 28 and Amendment 43 went into place and how the agency, how NMFS and the council, responded to a lot of the concerns that folks had then, and so we'll present that to them in June and see what happens, and so what I wanted to see is if the Law Enforcement AP had any comments on this particular amendment for the council.

COLONEL BUCKSON:

CAPTAIN LYNN: Just a question, and I think I understood what you said, but just to clarify. Would it kind of be potentially a floating set of days, or would they actually put -- As you mentioned, if there was five days, Saturday, Sunday, Saturday, Sunday, Saturday, would that actually be in the regulation, or would it be kind of a floating?

MS. BROUWER: We're trying to figure out how to allow them that option, but I'm not sure, for one, whether it can be done, because there is -- The agency, NMFS, needs to have an appropriate amount of time to notify folks, and so there's got to be appropriate notice for some of these things, and so I think -- The council can't just say, okay, NMFS, tell us however many days and then we're going to tell you how we want to distribute it two months ahead of the season opening. It's difficult.

There are some in-season modifications that are set up to happen that way in other parts of the country, and so one thing we did was include -- I think it's the halibut in-season, and they have like different areas that are open out west, and they do have a way to do sort of like that. It's not a floating thing, but it's kind of very quick changes that give them some flexibility, but they have things like a hotline that fishermen are supposed to call, where they can get information on the season that's coming up and that sort of thing, which, obviously, we don't have here, but we included that as well for the council to see, that it's possible, and I really don't know where they're going to go with this, but that's why. I wanted to see what you guys thought.

LT. FAIR: I think the conversation was, when I was there, is the Friday, Saturday, Sunday and then the Saturday and Sunday was what the decision was, but I think there was a discussion -- I think, like Myra said, if this Friday, Saturday, and Sunday is a bad-weather event, if you take out that entire weekend for the fishing season, and so now they've only got one, and so, if they split it over three weekends, if this weekend did have foul weather, at least they could capitalize on the backend.

As far as an enforcement perspective, it doesn't matter to us really. I do tend to concur with, if the season is going to be less than three days, or three days or less, to reduce that derby-style fishing and a massive SAR rescue, from that aspect of the safety of life at sea, I tend to agree that that's probably an appropriate choice, but, as far as the enforcement stuff, for the three weekends, I'm good with it.

MR. BELL: Warren is right that that's part of it. Part of it too is that remember that last time we had two three-day weekends, and this time we have five days, and so it's a two and a three, and the reason for that is, if you do really well, like we had decent weather last year, and so the harvest was pretty good, and, if you do really well, we still have a fixed ACL that we're trying to stay within, and the reason it's five days this year is because we did really well last year, and so, if we continue to do really well, it may not -- Theoretically, it could go lower, but then you get to a problem with how small is too small and all, and I think all the council -- That folks were looking for was just some flexibility, and we are right now kind of directed right on top of the spawning season, which, as Myra said, they do spawn over a long period but we kind of hit peak spawning, and a lot of folks commented on that, that why are you hitting them real hard when they're trying to spawn if you're trying to rebuild them, and so can we slide that around to a different time.

Then, remember when we've done this before, and we ended up in December, or we ended up in the fall, the weather was horrible. If the weather was horrible, then you've got more issues associated with safety at sea, but then also maybe your harvest goes down, and so it's just looking for some flexibility, I think, is all the council is trying to do. It's just to see if we can kind of do something a little different.

MR. DUNN: As far as enforceability, it will be just a little bit more difficult, because, if you have that derby, and I understand safety at sea, and I appreciate that, but, as far as if we have a limited number of days, and people know that a bad-weather day -- Everybody is going to be going out, and we just don't have the resources to really handle that sort of thing. It will be like Black Friday at Wal-Mart, and so it's something just to keep in mind as far as management goes. It gets to be a real issue, and then there will be the people that go out two times each day, or maybe three times each day.

CAPTAIN PEARCE: I think I understood there was an option that they would have flexibility, where they might be able to call a hotline to see if the season has changed at the last minute or things like that?

MS. BROUWER: Well, no, that's a system that's currently in place out west for halibut. What I was saying is that it's doable, but it would require -- It would be a little more complicated. We are not set up, in our region, to have very quick in-season adjustments like that, but we wanted to make sure the council understood that, yes, it's possible to do something like that.

The other thing -- The Snapper Grouper Advisory Panel, one of the things they suggested is why not do sort of a -- Not a split season, but allow harvest ahead of the spawning season and close it for those two months, and then, if there's any ACL left, continue to harvest after September 1. We're putting that out there as well for the council to consider for both commercial and recreational. If there's any way that you guys can think of that would work and not be a problem for enforcement, by all means let us know. Like I said, it's very early in the process for this amendment, and I don't even know if it's going to stick around, and we'll see, but that's what is going on with red snapper.

CAPTAIN PEARCE: I would just say for us, and I think I can speak for most people in law enforcement, when planning is so key, you're much better off when you have set dates that you can plan on, even for LE, because, if we have to scramble to try to make sure we have resources to work a last-minute opportunity, and so I think your idea of spreading it out as best you can with what you're got and then possibly evaluating what your returns were and then maybe opening it again later would be reasonable, and I think, for the public, being able to plan around their summers, their time off, that's always going to be easier than trying to rush, and for safety at sea, because people -- If it changes at the last minute, they end up going out there when they weren't equipped to go and things like that. I think, even if you might have a bad-weather event, if you could take even three days and stretch it out over three weekends, you're better off than doing three days in a row, to give people an opportunity.

MS. BROUWER: All right. Moving on, another amendment that is -- This one, we just got direction to get started, and it's one that would put in some more special management zones, and so North Carolina submitted a request for designation of thirty, I believe, artificial reefs off the coast as SMZs, and then South Carolina has also submitted a request for four additional sites to be

designated as SMZs, and so here is -- There is differences in the restrictions that would be put in place, based on what was requested by the states.

North Carolina requested that only handheld gear be allowed to fish for snapper grouper species and only the recreational bag limit could be retained for species that were harvested with spear. Then South Carolina has requested that harvest of snapper grouper would be limited to the bag limits and the only allowable gear would be handheld gear, including spear without powerheads, and so we're going to be working on this amendment this year and into next, however long it takes.

The next one, I'm going to pretty much skip right over this one, because Kathleen is going to be coming up here shortly to give you a presentation on where we are on this, and so I'm going to save that for her, and so that's it for snapper grouper, and then there's a couple other things that we wanted to remind you for coastal migratory pelagics, and Amendment 31 has gone through, and that is to remove Atlantic cobia from federal management, and so that is proceeding, and, also, there's a couple of framework amendments that would make changes to king mackerel trip limits, and so I'm not going to go into detail about that. If you have any questions, Christina is here to answer them. It's fairly straightforward. The council is going to be requesting, in June, that NMFS take emergency action to modify the king mackerel trip limit.

Then another amendment that you guys -- I believe you spent a good bit of time talking about this one, and that's Spiny Lobster Amendment 13. This is one that had to do with bully net regulations and updating the procedure for coordinated management with Florida, and so the AP talked about this, and so this one is, again, another one that's been submitted, and so we're awaiting rulemaking on that.

Then Dolphin Wahoo Amendment 10, and I don't even know where to begin here. This one has a bazillion actions, anything from ACL adjustment, optimum yield, allocations, and there's some gear restriction things in here. One of the things that we're going to be talking about a little bit more later on is this bullet down here towards the end of page 6, allowing bag limit sales of dolphin for dually-permitted vessels, and so this amendment is going to take a little while to develop. The council is going to be talking about it in June and again -- We put it up here to give you guys a heads-up that it's coming. If you have any questions or would like to talk about any of these proposed bullets here, John Hadley is here to help out with that. Any questions or issues with dolphin?

MR. DUNN: Let's talk about sales. What prompted the request to allow the recreational sale of dolphin?

MR. HADLEY: The council has received two motions, and we have an agenda item under Other Business that's going to get into some of the details, because also the Mackerel AP had their own recommendation, but the initial impetus for the council adding this was the Dolphin Wahoo AP made a motion asking to allow it again. Also, the council has received a lot of public comment, particularly from folks in south Florida and the Florida Keys, requesting that the council at least consider allowing bag limit sales again. The focus is on charter boats only and not for private recreational vessels. Right now, it's focused on dually-permitted vessels only, but there are certainly a lot of details that would need to be worked out if the council went down that road.

MR. DUNN: We spent a long time getting recreational sales limited, if not completely eradicated, and it's kind of disappointing to see this come back, because what always happens, and I've already seen it in other areas, and we'll talk about that, is, yes, this is a limited thing, but that is the beginning of a trend then, because more and more people will want to see it. If one person has it, one sector has it, it will end up growing into others, and then we're right back where we started from, and it's hard enough to deal with recreational sales. The commercial industry doesn't care for it. It cuts into their profits, and the product isn't kept near as well, and enforcement -- I guess we really don't worry about that, and we just worry about can we enforce that, and, if you allow partial sale, that just complicates our ability to recognize when an improper sale is going on.

MR. HADLEY: I will say that the Mackerel AP mirrored your comments very closely, and they were opposed to it. They didn't think that any bag limit sales should be opened. However, if they were opened for dolphin, they did request that they consider other species, just because you have a competitive advantage there for folks that do target dolphin, and then, as you mentioned, you kind of open Pandora's Box, and so that was mirrored in the Mackerel AP's sentiments as well.

MS. BROUWER: There will be another opportunity to talk some more about bag limit sales later on, unless there are other comments that anybody would like to make right now. Then the next one, I just wanted to bring to your attention here that we are -- The council is considering adding frigate and bullet mackerel as ecosystem component species in the Dolphin Wahoo FMP, and so this is going to be talked about in June. We had scoping hearings, and those comments are going to be presented to the council in June.

Then there's a couple of -- Well, just one, but a comprehensive amendment that is being developed, and this is a comprehensive amendment, and so it would span across FMPs, and it would apply to snapper grouper and dolphin wahoo, and it would make any changes to recreational accountability measures, including possibly removing in-season accountability measures, to get away from having in-season closures, and so we're still fleshing out actions and alternatives there, and so I just wanted to make sure that the LE AP was aware of that one. Any questions or comments on what the council has been up to? The next item on the agenda is, like I said, Kathleen Howington is here to update you on what is happening with the for-hire reporting amendment.

MS. HOWINGTON: I'm going to give you a little bit of an update before I go into this. Like you guys know, in 2016, the South Atlantic Council approved an amendment that would require charter fishermen to electronically report their fishing efforts. That then got approved by the Secretary of Commerce in June of 2018, and we're still waiting on the final rule. We were hoping that we were going to be able to receive it before the summer season kind of kicked up, but, from what I can tell, I think it's still with the lawyers. There is some concerns about the Gulf's for-hire electronic reporting amendment and the Mid-Atlantic one and how it's going to work with the South Atlantic, and so the lawyers are trying to figure all of that out, and so I don't have a timeline for when we're going to get that final rule.

However, when I was first hired to the council, my project was to go out and do outreach for charter fishermen, to teach them about this amendment, get tablets and phones into their hands, kind of let them play around with these tools, and part of my grant was also to teach law enforcement. It was originally going to be that I would go in person, when requested, and I would conduct webinars, but, because the timeline has been pushed back so far, we've been thinking that maybe we would make a video. I actually have been hired full-time as a SEDAR coordinator, and



so this is no longer my full-time project. This is something that I'm just trying to finish up on the side.

Hopefully the video would be able to be sent out to you guys, and you guys could give us feedback on it, and I would edit it, and then we would be able to send it out to law enforcement, and they could watch it whenever they want to. They can also fast-forward, if they've already been to one of my trainings and they already know about the amendment, and they can just go to the end and kind of get a synopsis of enforcement and timeline and implementation, that kind of thing.

The good news/bad news, the good news is I'm still here, and you get to hang out with me, and the bad news is my presentation is not finished, because I don't have the final rule, and so I don't have the final details, honestly, but we can do this one of a few ways. I can just go over this presentation, and you can interrupt me whenever you feel like I don't like how you're talking about this, or I don't like this, or I can go slide-by-slide, or I can give the whole thing, and, at the very end, I can take questions, and so does anybody have a preference for how we do this? You can interrupt me willy-nilly then.

All right, and so I'm going to act like I am giving the video that I'm going to be sending around and try and do the presentation like that, and, when I get to a slide that I just don't have details on, you will know, because it will be blank, and it will say "available with final rule", and it's very obvious. I apologize for this.

Welcome to the for-hire electronic reporting law enforcement training for the South Atlantic. My name is Kathleen Howington, and I have been hired to go around and do outreach for law enforcement, to let them know exactly what's going on in the South Atlantic with for-hire electronic reporting, give an overview on what the South Atlantic Council is, as well as give an overview of the amendment, and then kind of talk about some regional differences between the South Atlantic, the Mid-Atlantic, and the Gulf.

First things first. What is the South Atlantic Council? Well, to answer that question, I kind of have to backtrack. In 1976, the Magnuson-Stevens Act was passed, and it established eight regional councils in the United States: the North Pacific, Pacific, Western Pacific, Gulf of Mexico, New England, Mid-Atlantic, South Atlantic, and Caribbean. I work for the South Atlantic Council, and that is what this training is for, is for the South Atlantic region.

Now, the South Atlantic Council manages the Exclusive Economic Zone, or the EEZ, that ranges three to 200 miles off the South Atlantic of the coast of North Carolina, South Carolina, Georgia, and the east coast of Florida. The council is made up of recreational and commercial fishermen, state agency reps, and federal partners, including NOAA Fisheries, the Coast Guard, U.S. Fish and Wildlife, ASMFC, and the Department of State.

They manage multiple fishery management plans, ranging from coastal migratory pelagics all the way to spiny lobster, and they meet for four week-long meetings in the year, March in Georgia, June for Florida, September in South Carolina, and December in North Carolina. The ultimate goal of the South Atlantic Council is to conserve and to manage.

Now, why do you care, as law enforcement? Well, I'm going to be going into the different regional differences, and so I wanted to give you a little feedback on this is the South Atlantic, but we're going to be comparing to other regions as well.

Law enforcement training is going to go into three parts. I'm going to go over the electronic reporting amendment that the South Atlantic has approved, its regulation details, and some possible electronic reporting tools that captains are going to need to be made aware of. We'll then go over the timeline of the amendment, past and present, and I will go over a law enforcement compliance application, how to use it and what you can use it for.

Part one, the for-hire electronic reporting amendment, and don't get overwhelmed. Basically, we're going to go over who, what, when, where, and why. The first thing is the what. The South Atlantic Council, in 2016, approved an amendment that stated that all charter vessel operators with a federal for-hire permit in the snapper grouper, dolphin wahoo, or coastal migratory pelagic fisheries, when the amendment is implemented, will be required to report their fishing data via a NMFS-certified reporting tool on a weekly basis.

Why? Why are charter fishermen suddenly needing to do this? Well, the short story is better data. Right now, in the South Atlantic, the charter fleet currently has a survey called MRIP. MRIP interviews about 10 percent of the for-hire fleet via phone calls or dock intercepts. There is a long reporting time period in between being interviewed and when the numbers are released, and it's estimate-based, and so only about 10 percent of the fishermen actually get a voice in this survey.

Electronic reporting is hoping to fix that. It will increase the accuracy of the data, because all fishermen are being interviewed, and everyone has an equal voice, and it allows near real-time data to become available, because it's electronic, and so the turnaround time is much faster, and it's census-based, like I said, and that makes our in-season datasets more complete, and so there's no more missing numbers or zeroes where there shouldn't be, and it reduces the recall bias, because of a quicker reporting time.

This applies to two different sectors. It applies to the charter and headboat vessels. Headboats already currently report to the Southeast Region Headboat Survey, and now they're just going to need to report on a more rapid basis, and so, that way, they're matched with charter fishermen. Charter boats, however, like I said, haven't been reporting at all, and so they're going to need to start reporting via a NMFS-certified tool on a weekly basis.

What should be reported? The first section that needs to be reported are identifiers, your captain ID, vessel ID, number of crew, and your number of your anglers. After that, then the council is requesting trip details, and so start date and time of trip and the start and end location, or your port, and the hours within the trip that the charter fishermen are actively fishing, the location of the fishing, and the average depth fished as well as the end date and time of the trip.

Then the council is requesting catch details, target species, which can be in categories or groups, and so it can be all grouper, or it can be specifically mahi-mahi. Then what species were caught, how many of the species caught were kept, and how many were released. Then, finally, economic information, the gear used, charter fee, fuel used, and the fuel cost per gallon.

All of this is going to be reported on a weekly basis. Now, to define this, the week starts on a Monday, and it ends on a Sunday, and the reports are going to be due the Tuesday following, and so charter fishermen are going to have to have all the active fishing done in that week turned in by the Tuesday following the next week.

If a fisherman doesn't go out at all, if, for some reason, you encounter a charter fisherman that knows that they haven't been going out for a week, they need to turn in a did-not-fish report, saying that they didn't go fishing the whole week. This is also known as a no-fishing report, and it looks like the negative reports that commercial fishermen already turn in.

All of that applied just to the South Atlantic region. However, there are some geographic differences that law enforcement officials need to know. For example, the Mid-Atlantic has already been requiring charter fishermen to report since March of 2017. They have to have a VTR filled out before even entering the port, and they must electronically report within twenty-four hours of hitting the dock, and they must have records of their past reports on their boat at all times, and so the reason why we bring that up is fishermen with both South Atlantic and Mid-Atlantic federal permits, when the South Atlantic's amendment is enforced, will be required to report the South Atlantic datapoints that I just went over, but on the Mid-Atlantic timeline. That twenty-four-hour turnaround that I mentioned for the Mid-Atlantic is going to apply if a fisherman has both South Atlantic and Mid-Atlantic permits.

On top of that, there is some regional boundary issues. For example, Mid-Atlantic management, actually, for black sea bass and scup, actually starts north of Cape Hatteras, and so, if a charter fishermen is in that region, they need to have Mid-Atlantic permits, as well as bluefish are always underneath Mid-Atlantic management, no matter where the fisherman is in the South Atlantic.

Then there is the Gulf. Now, the Gulf, like I said, is currently going through the rulemaking process to implement electronic reporting for their charter fleet as well. Their possible requirements include a hail-out with an expected return date and time and location, a permanently-affixed GPS that is always on at all times, landings that must be reported prior to the offloading of fish, and their headboats are going to need to report more rapidly, just like in the South Atlantic.

Geographic differences, and bear with me, because this is difficult to explain, and it takes me a bit, but, if the South Atlantic amendment is implemented first, charter captains that have both South Atlantic and Gulf permits will have to report to the South Atlantic region, and then, when the Gulf's amendment is implemented, charter captains will need to start reporting to the Gulf's requirements, including the VTR, the hail-in and hail-out, and this is regardless of fishing location. If you're in North Carolina, and you have both South Atlantic and Gulf permits, a charter fisherman will have to still meet the Gulf requirements. If the Gulf's amendment is implemented first, good news. Fishermen with both Gulf and South Atlantic permits will just start reporting to the Gulf's requirements, regardless of fishing location, and so, if they have that permit, they have to meet the Gulf's standards.

Then, of course, there is some regional boundaries. Gulf management begins northwest of Highway 1, but this is excluding hogfish, and the South Atlantic management actually ends at Cape Sable, and king mackerel, which has a mixing zone, and so keep those in mind when you're going out, and I'm seeing a lot of questioning faces, and so I'm going to pause.

COLONEL BUCKSON: Two kind of questions that I thought I had until you went through that part, and so I'm assuming the fishermen will already know what they're supposed to do before you do this training to the law enforcement folks, and the law enforcement folks are not going to be your trainers.

MS. HOWINGTON: No, and I am just -- I have already been going out and trying to do outreach with charter fishermen. They should know that this is coming down the pipe. Every single charter fisherman in the South Atlantic has received, at the minimum, three letters from me, not including emails or flyers, and I have been doing my best to get the word out, but, most likely, and I say most likely, and don't quote me on this, when the final rule is released, there will be time in between where NMFS can go out and do some more additional outreach.

On top of that, charter fishermen are supposed to be receiving a notebook saying this is what the requirements are, but, just in case somehow they missed that, or their address is wrong in the SERO permits database, I wanted to allow law enforcement to know. That way, in case they encounter somebody in between the final rule and when it actually gets implemented, they can know what's going on, and they can let the fishermen know what's going on, but I do not expect them to be official trainers at all. Fishermen should know this.

CAPTAIN PEARCE: Just to clarify, when you talk about vessels that are permitted in both the Atlantic and the Gulf, and you said, basically, until the Gulf gets up to speed, they have to report on the Atlantic, and that means -- Do you mean if they fish in the Gulf that they're reporting to the Atlantic, and so, once the Gulf comes up and they get their stuff set up, then it goes completely to the Gulf? Even if they're fishing in the Atlantic, they report to the Gulf?

MS. HOWINGTON: Yes. If a boat has both Gulf and South Atlantic permits on them, and the South Atlantic goes first, regardless of where they fish, and it doesn't matter, but the permits go with the vessel, and so they will have to report to the South Atlantic until the Gulf kicks in. Then, once the Gulf kicks in, they will start reporting to the Gulf, and the South Atlantic Council actually put wording in the amendment that said that, if a fisherman is reporting to a more stringent reporting policy, it will accept those reports. That way, fishermen aren't going to have to go out and duplicate reports. We're doing our best to make sure that it's one and done.

CAPTAIN PEARCE: So it's more streamlined, and your fishermen aren't having to keep up with one or the other, and that information gets disseminated once it gets reported?

MS. HOWINGTON: Yes.

LT. FAIR: I appreciate Scott clarifying that. If one council is up before the other council, and it's a more stringent requirement, and say the Gulf is going to be more stringent, because they've got hail-in and hail-out requirement, if you're in the South Atlantic -- As an enforcement officer, how are we validating or verifying that information when we're on the boat that they did hail-in and hail-out, and how do we confirm that? If that's a requirement, and we're on the boat, how do I validate the fact that they are in compliance with reporting requirements?

MS. HOWINGTON: That's a good question, and I'm hoping that a lot of that is going to be detailed in the final rule. The amendment did not have enforcement details, and so I can't state that. I can give you examples of how other regions have done it, but I can't tell you how it's going

to be done in the South Atlantic or the Gulf, especially with the Gulf, because they are still in the rulemaking process, and so I can't help you with that. Sorry.

MR. DUNN: We already have fisheries that require hail-in and hail-out, and so it's an ongoing problem, and it will be a problem with this as well. A boarding officer doesn't always know that they did do that, but they just report that back to our agency, and we double-check it. If your communications can get back to us during working hours, we can check it, but it's a problem already that exists.

MS. HOWINGTON: There is a law enforcement compliance app that I'm going to be going over that you will be able to put in the permit number or the vessel ID, and you will be able to pull up when the last electronic report was, and so that you will be able to use, and it's already free, and it's been pilot tested in the South Atlantic. We'll talk about that. It's the third section. That, you will be able to do. The hail-in and hail-out though, that has been a question that fishermen have asked me, and, unfortunately, I have to say, until have the final rule in my hand and I know exact details, I can't tell you.

MR. DUNN: I have to add one thing to that. Those fisheries are VMS, and so we do get some electronic information on that, whereas this will not be, and even the new one in the Gulf will not be satellite-based. It will be cellphone-based, and so there will be a problem with that being a delay in information.

COLONEL BUCKSON: Just a question. Was there any pushback, or has there been any pushback, from the industry on reporting and being able to comply with that Tuesday report time, and is it a daily report that they do, or is it a week full of data that you get at one time?

MS. HOWINGTON: Specifically, on the timeline, there hasn't been pushback for the Tuesday deadline. A lot of times, that's because, typically, when I'm going out and I'm doing outreach, I have the tablet, and I'm able to show them how quickly they can put a trip in, and so fishermen don't seem to be that concerned about that.

Then, for your other question, it's a weekly report of fishing effort, and so the fishermen can go in and, if they want to, sit down on Sunday night and just put in that here are all the trips that I did and send, but they do have to say that I did three separate trips this week. However, if they only did one trip, and they turned in a report for that, then they're good. That's their weekly fishing effort, and they don't have to turn in a did-not-fish day or nothing additional, but, if they did three trips every day, then they have to turn in all three of them.

MR. DUNN: So there's no immediate requirement to submit that report upon return to the dock?

MS. HOWINGTON: Not in the South Atlantic. In the Gulf --

MR. DUNN: In the Gulf, it's automatic.

MS. HOWINGTON: Right. It should be that they're putting in the electronic and they hit Wi-Fi and they send it off, and, in the Mid-Atlantic, they have to have a paper report filled out, but they don't have to have it electronically turned in until twenty-four hours later.

MR. DUNN: So a boarding officer, upon the return, should be able to see a written trip report?

MS. HOWINGTON: For the Mid-Atlantic. For the South Atlantic, the fisherman doesn't have to write anything down at all. They don't have to turn in that report until that weekly deadline, and so I have some fishermen that have told me that they keep tallies on their boat, and I have some fishermen that don't really like that, and I ended up -- I have actually developed a laminated data sheet that fishermen can get a wax pencil and write stuff down. Then, when they get home, they can just turn on their computer, and they don't have to have the technology on their boat. Fishermen in the South Atlantic seem to enjoy that, and so, if you know of anyone who needs them, I have tons, and I will ship them out to whoever needs them.

LT. FAIR: If the Mid-Atlantic is up first, and they're dually-permitted in the South Atlantic, then they should have a written report on hitting the dock?

MS. HOWINGTON: Yes. If a boat has a Mid-Atlantic permit and a South Atlantic permit, they need to be meeting the Mid-Atlantic standards already. They should already be turning that in. They need to have I think it's three months of fishing history on their boat, and it can be electronic, but they need to have that, and they need to have a paper VTR filled in as they hit the dock, and they need to have an electronic one turned in within twenty-four hours.

MR. DUNN: Until this is all 100 percent finalized in all three different -- Law enforcement officers are going to have to know all three regions requirements, depending on who is up first.

MS. HOWINGTON: The Mid-Atlantic is already through. They already need to be doing that, and so, if you run into anyone with a Mid-Atlantic permit, they should already be meeting that standard, but, yes, ultimately, and this is going to be a continued thing. Since all three regions have slightly different issues, law enforcement officers that are running into dually-permitted charter vessels are going to need to know that the Gulf is more stringent, and so then, if you have South Atlantic and Gulf, you need to meet the Gulf standards. The Mid-Atlantic is more stringent than the South Atlantic, and so, if you have South Atlantic and Mid-Atlantic, you need to be meeting the Mid-Atlantic time standards, but the South Atlantic data standards. If they have all three, the fishermen have to meet both Mid-Atlantic and Gulf requirements, because neither of those councils added in language saying that they would bow to a more stringent reporting policy, and so they actually need to do both.

CAPTAIN PEARCE: Just real quick, based on what I'm hearing on the South Atlantic, this is not going to be enforceable by a boarding officer, based on a weekly report, and this is something that is going to be more investigative and more audit controlled, versus a boarding officer. Now, the Gulf sounds like it could be, and the Mid-Atlantic, obviously, sounds like it was set up that way, but just you all need to know that that weekly report, that's not going to be a boarding officer -- Something they're going to be dealing with, and it would be most likely something that's triggered by information or something else that's going on. I guess you don't know if there's a mechanism to do audits or anything like that.

MS. HOWINGTON: I don't know about them doing the audits. We do have that app, and the only way that a law enforcement officer will be able to say that you are out of compliance is if they saw a fisherman out on the water and they knew the fisherman was fishing a charter trip, and

not private rec, but a charter trip, and then the next week they saw them and pulled up the permit and said, okay, you didn't report last week.

MR. DUNN: So no enforcement, basically. It's going to be very, very difficult, but that was the point that I was going to make, and it's really just letting the council know that there is very little that can be done, except for follow-up through investigation. The other problem I see is it's going to be -- The boarding officer is going to have to know what to look for. He's going to have to know to ask are you dually permitted and things like that, and so it's just a little training issue.

LT. O'SHAUGHNESSY: We have similar type of regulations or requirements in the HMS fishery, for example, with the dealers. The dealers have weekly reports that they have to do, and, there, the program sends us reports rather frequently. In their data analysis, they have found that these dealers have not submitted these reports, and then we take that as sort of a lead and go out, but it's not going to be something that can be done on the water. Given the limited amount of NOAA Law Enforcement ability, it's going to be difficult to do that at the pier as well.

MS. HOWINGTON: Which is exactly why I'm here, is because I'm really hoping to get a lot of feedback on this of -- I actually had a slide in there of please remember to check permits, and this is what will help you look for this, but it's a very thin line of -- I am not an official law enforcement trainer, and I am just trying to help, and so I kind of want to know -- By the end of this, hopefully you guys will be able to help me, but I do not feel comfortable saying this is how you should go enforce things, because that's not my job, and it's not my job to go to a police officer and say you should be enforcing it this way, but to help me add in slides of, okay, you're law enforcement, and you're going to run into this, and this is going to be difficult to enforce, but letting fishermen know that this is a requirement and letting them know that maybe an audit could happen and asking what permits do you have and then letting them know what their responsibilities are. Would that be a good slide to add in?

LT. FAIR: Just like Mr. Dunn said, I think the water that needs to be carried back to the council is this is not necessarily going to be an enforceability piece. It's going to be a behavior modification and education to the boater piece of, when we're out there doing a boarding, we can go through and we can do all of our enforceable stuff that ends up in black-and-white paper that we send to the lawyers that they can enforce, but, as far as did you report last week or you had a no-fish week, I might not even have connectivity, and I don't know.

A lot of our boardings are cold hits, and so we didn't do the prior research that we're going to go board -- I don't know what boat I am boarding today, and so I won't be able to enforce it, and so it's the intent of what does the council want us as enforcement officers to do? If it's be able to enforce this to the letter, I don't see that, unless there is some other logistical things put in place to get us there, but, if it's an educational behavior modification piece, sure.

COLONEL BUCKSON: I think what you were just -- The question you asked about how to present it to enforcement, you will get a lot rougher questions from them than you did from us, if it's presented without that explanation, and so I would suggest that you let them know that we understand that here's the part that you can really help us with.

MS. HOWINGTON: All right, and so adding in that this is an educational piece and please inform charter fishermen of what's going on, and we recognize the difficulty in enforcing this, because of

the lack of ability to be able to check up on hail-in and hail-out and the lack of -- When you're out on the water, not having internet. Adding that in as a pre-cursor to the training would be helpful then? Okay. Are we ready to move on to the rest of this presentation? Okay.

That is all the regional differences, and then the top-five concerns. Like I said, I've been going out, and I've actually been doing in-person trainings with fishermen, and I've been having really great conversations and meeting them out on the docks and getting some very colorful language thrown at me, and so the top-five things that they have concerns about with this.

The economic questions, and my favorite quote that I've heard so far is that your job is to manage fisheries and not fishermen and why is the council doing this? They really don't understand why the council cares about economic questions at all. If a fisherman asks why do I have to tell you about fuel used and cost per gallon, a way that you can explain it is that management is actually legally required, by the Magnuson-Stevens Act that I mentioned at the beginning, to take economic information into account.

These four data points are just a snapshot of the economic impact, and these questions are going to be private, and it's going to be secure, and no one is going to be able to look all this information up, but, on top of that, this snapshot can actually help with, for example, disaster studies, and so, if a hurricane hits, and suddenly we're trying to figure out if this area is going to be labeled a disaster, boots have to hit the ground, and questions have to be asked about economics. How many trips do you normally take out? What normally do you charge during this time? How many trips did you lose because of this information?

Eventually, once that snapshot is informed, then they can turn around and label a fishery a disaster and actually get maybe some compensation. Having this snapshot already taken may be able to speed those disaster studies up, which that has been the best way of explaining it to fishermen, and, most of the time, they will look and be like, okay, and begrudgingly accept, but, just as a heads-up, that has been the biggest kickback I've gotten when I've been out at the in-person trainings.

Personal costs, what is this going to cost me, and the three electronic reporting tools that are currently available in the South Atlantic are free. You just need a phone, a tablet, or a computer, and it takes about ten minutes or less, with practice. Now, if a fisherman gets hit with a huge haul, it may take them longer to put the trip in, but, hey, you got a really nice catch, and so that's pretty nice.

Why should I report accurately and why shouldn't I lie? Once again, going out to this is an educational thing. Fishermen, as soon as you look at them and say that more accurate data leads to more accurate management decisions, and, if you want management decisions that reflect what you're seeing out on the water, more accurate data is going to help, and fishermen understand that. They get being able to have a voice, and they get turning it from an estimate-based survey to a census-based survey, and fishermen understand that. Ultimately, it's better data and better management, and that's the key.

How or who will use this data? I will inform you as soon as I know how this is going to be used and what the timeline is going to look like for implementation and what's it going to look like for



assessments, and we don't have that written up just yet. I can give you what I hope, but it's not in black-and-white.

Then enforcement details, and I did want to pause right here and thank the Coast Guard for all their photos that they have put on public space, and I tried to notify who took these, but they are absolutely gorgeous, by the way, and so thank you. Enforcement details will also be in the final rule, and so hopefully, when you guys see this video, and I will be sending it out to all of you before I send it out to anyone else, and I will be able to give you more information on this.

Then these are a few of the concerns that have been brought to our attention by permit holders. If you would like further information about conversations that I've had, please feel free to reach out. I have gotten in touch with a lot of charter fishermen, and so I've kind of been able to actually go out and talk with them and see what they're seeing out on the water, and it's been fun.

Then some examples of reporting tools, and so, like I said, there are currently three apps available for fishermen to be able to report their charter trips: eTRIPS, SAFIS online, and VESL. Now, VESL is already approved by South Carolina for their state charter fleet, and so VESL is working on hopefully moving to more of a regional thing, but, in South Carolina specifically, their charter fleet already reports on vessels.

eTRIPS is tablet, smartphone, and computer friendly, and it's already certified for use in the Northeast and the Mid-Atlantic for commercial and for-hire vessels, and it's has a 24/7 help desk. If you want to, you can call the help desk and download it for free and look at it and play around with it, but it looks like this, and the feedback that I'm getting now is these pictures are too small, and so I'm going to make them bigger, but, in the top left, you have all of your trip reports, and so, that logbook that I mentioned for the Mid-Atlantic permits, they actually can have years of their reports on their tablet and just be able to hand it to law enforcement officers, instead of having to have all their paper VTRs.

Then fishermen can go in, and they name their favorite species, their favorite trips, and they can have favorite ports, licenses, vessels, anything you want, and that takes all these gigantic lists of thousands of species and thousands of ports and it narrows it down to about ten. They would go in, and they will say, all right, I'm starting a trip, and they would fill out all of the data points, and these are automatically filled out after the first trip. The first trip, you have to go in, and you have to fill out everything. The second trip, you go in, and, as long as nothing has changed, you just fill in a few different things, and everything else is automatic. Then they have their trip summary, and they submit, and I'm sorry that these pictures are small. I will make them bigger for the official thing.

Now, for the phone, it's basically the same, but it's on your phone, and so, on the left, you have your logbook and all the different trips that you've taken out and then the catches. You would go in and select your favorites, and you go in and fill out all the data points, and then you can go through your trip summary.

SAFIS, SAFIS is web-based, and it can only be done on a computer. It can be done on a phone, but it's kind of clunky, but, if fishermen don't have a smartphone or a tablet, the SAFIS website is pretty good, and it's the exact same thing as eTRIPS, but it's just on a website, and so you go in

and you click on your permit, and you fill out your favorites, and then you fill out the data points that are in yellow that are required and hit “submit”, and that’s your report.

Then, finally, VESL. Now, VESL is South Carolina only, like I said. They are already using it, and they’re ready to go. You need a computer for this, but I do know, from VESL, who is Andrew Peterson, he is looking at moving to mobile, and he’s looking at moving to region-wide, and so this is hopefully going to be another tool that fishermen can use. It looks like this, and so it’s the same deal. You go in, and you have your trip, and you submit your favorites, and you fill in all the data points, and you submit it.

Then, on the far right, and this is what I love about VESL, fishermen can actually go and see if they are in compliance. Yellow means you’re okay and you need to finish filling out, and green means good, and red means bad. That is something in VESL. If a fisherman knows that they’re going to be going out, and they need to figure out if they’re meeting all the requirements that they need, VESL is actually pretty good at keeping track of that.

Then, like I said, there are probably going to be some more reporting tools in the future, and the South Atlantic Council already has a webpage up for for-hire electronic reporting, and we’re going to be updating any tools that get approved by NMFS. That will go on there, including manuals, videos, webpages. Everything a charter fisherman might need will go on that webpage.

Then the timing of the amendment, and this is going to be the fastest part of this training, by the way, because here is the timeline so far and then whatever the future timeline looks like. As soon as we get the final rule, with the implementation of, okay, the final rule has been passed and here’s when implementation should start, here’s when enforcement should start, here is the Gulf versus the South Atlantic, and all those timelines are going to go on here, so that law enforcement can know exactly what they need to know for whatever region that they’re in.

Then the reporting compliance app. The law enforcement mobile application, or the reporting compliance app, is free. We’re going to go over how to use the mobile application, and then the mobile application also has a portal for communication and interdepartmental communication. First off, this is what it looks like. It is simple, and it is to the point. All you have to do is ask for charter and headboat permits or a vessel ID or operator permit, and you hit “submit”, and then what will pop up is that red box on the right, and so you see Robert Olsen, and then it says Last Positive was 2016-09-08, and remember that it’s a week’s fishing effort due the following Tuesday of every week, and so that date must be within the sixteen days and they are within compliance. This also has the last negative reports. Now, this doesn’t do hail-in and hail-out, but it’s simple and easy to use. It’s permit number, have you turned in your report or have you not recently.

I am thinking that I might just get rid of this, but I will go through it anyway. If you’re a law enforcement officer, and you run into somebody on the water, or you run into somebody on the dock, and you know that they went fishing last Monday, and they turned in a report, and they didn’t go fishing the rest of the week, then, on the 9<sup>th</sup>, they are in compliance. They are good, as long as they reported that one trip.

Now, if you know that they went fishing on Monday and Tuesday, and they didn’t turn in reports for those days, if you check on the 16<sup>th</sup> and you don’t see those reports, they are not in compliance anymore. If they did turn in reports, and they didn’t go the rest of the week, then, on the 16<sup>th</sup>,

they're good. Now, if they didn't go fishing at all for the entire week, and they didn't turn in a did-not-fish report, they are not in compliance. If they did turn in a did-not-fish report, then they are, and so, if you know that a fisherman's boat has been out of the water, and you haven't run into him in a while, and he turns in a did-not-fish, he's good.

Then the community space. Now, this is completely voluntary to use. Please consult with your supervisor before you use it, but the law enforcement compliance app that was developed was developed by a company that already did law enforcement communication called Gold Shield Technologies. They actually worked with enforcement up in the north, and so they went ahead and connected this enforcement app with this -- It's basically social media for law enforcement guys. If you want to go on and communicate with other law enforcement officers, you may. It is free to use, and it is voluntary, but I would consult with your supervisor before you do, just to see if they're comfortable with it.

Then that's the end of the presentation. It's super short, really, and not complicated at all, I know, and so I've already heard that I need to emphasize that this is an educational process and this is not an enforcement slide and that the council would love it if law enforcement officers knew what was going on and could spread the word, and is there anything else that you feel like I should add or tweak or fix up?

CAPTAIN PEARCE: The compliance app, is that also computer friendly?

MS. HOWINGTON: Microsoft 10, I believe, yes. I don't know if it works on Macs.

CAPTAIN PEARCE: Because our officers don't have that mobile phone capability for state-issue phones, and so they would all be using their mobile computers and things like that.

MS. HOWINGTON: It should be, but I will go back to the app developer and double-check. Like I said, this is the same company that works with Gold Shield, and so they should know that that's going to be a concern, but I will make certain that that goes back to them.

MR. BELL: Just so you know the big picture, the South Atlantic Council took a little different approach from the Gulf Council, in terms of structuring the program. Our approach was -- Well, the Gulf's approach was more of what they called the gold standard, and so it has the bells and whistles on it, the VMS requirement and the hail-in and hail-out and those sorts of things, and that's appealing, and I understand that. Our approach was to take more of the silver-level approach. It's let's start with something we feel the fishermen can understand and can kind of implement and work with, and then we'll build into gold later, once we can afford that, perhaps.

That's why the differences in the Gulf and the Atlantic, and, as was mentioned, we've had a program in place in South Carolina for charter boats since 1992, and so we've been doing this since 1992, kind of in slow motion compared to this, because ours are monthly reports, but our guys were already acclimated to a logbook type of system, and they are already aware that, from an enforceability standpoint, there is really no on-the-water issue at all, but Michael Paul will tell you that, once a month, I sign affidavits, and if folks are not reporting, and particularly if they have not reported for a couple of months or something, but we have the ability to go out and touch them and actually write a ticket.

Our success rate going before magistrates is like 99.9 percent. I mean, it's pretty cut-and-dried, and so there really -- In the South Atlantic's version, there really wasn't a lot of desire for this to be an on-the-water thing, necessarily, but, of course, we do have this app now, and so what I was curious about is sort of your impressions of how you would see using something like that working on the water. I know, in terms of when we basically tell law enforcement that we've got a violation and go write on that, then they know they're writing on something solid.

You don't want to write a bad ticket, but you're going to use this app, and the app, I guess, has safeties in it, or checks or whatever, but do you see that being useful to you on the water, in terms of -- Then, again, I'm not sure that I understand some of the details of how that might work, in terms of your knowledge of what that person has or hasn't done over the course of a week or whatever, and you're not tracking these guys every day or something, and so you run into this individual, but that's -- The idea was to try to build some tools into this thing that might be useful to you, and so, if that's useful, great. If it's not useful, then we need to know that as well.

Just so you understand the differences, and, if I were a better person, I would be willing to bet you, with the delays that we've been having in the final rule, I wouldn't be surprised if it ends up being when the Gulf has and we don't have the overlap where we have implemented and they haven't, and I'm just guessing, because that, obviously, is an issue, if we go first, and so that would just be my guess, but I'm really interested in knowing kind of what you think about the on-the-water piece, but, again, from the South Atlantic's perspective, it was really more about enforceability later on for non-compliance with reporting, and that's what we do as a state and how it has worked, but we're moving in kind of slow motion.

This is a weekly thing now, and it's very similar to what the commercial guys have to do, the dealers and all. They've had these weekly reporting requirements for a while, and it's all about -- The good thing about this system is that it's all about improving the data, because, right now, our recreational data are all coming from the Marine Recreational Intercept Program, and, if you've been to the meetings and you've heard people go on about MRIP, that they're not real pleased with it, necessarily, but here's an opportunity to take a piece of a sector of the fishery and put it into a system that's like the commercial guys, where they are reporting. They are responsible for reporting their own data, basically, so the data are good.

The piece that's going to be complicated, a little bit more, is the private boat and the shore-based guys, and that's where we're trying to use other technologies to improve that as well, but it's really all about improved data that folks are taking a part in, and that's where we've got the buy-in of the charter boat community, basically, but we've just got to get it started, but just so you know the big picture. The South Atlantic did take a different approach than the Gulf.

AP MEMBER: Thank you, Mel. As far as the -- The only way that I see this potentially working for the on-the-water aspect is if we did build in something, when you're doing your pre-boarding phase, if it is computer-based, you could run a query on that Tuesday or Wednesday, and so say we have an operation on Wednesday or Thursday or whenever, but you run a query, and any vessel that did not report the prior week automatically turns red, and so now I've got an Excel spreadsheet of potential targets, and so, if we're going to go out and we're going to do an operation, and where we're going to expend our resources -- I would rather go board a boat that's red than one that is green, because the level of compliance, if he didn't report, he probably didn't do other things too, and so we would focus our efforts that way.

If I could pull a query, and it's an after the fact we know he didn't report, and so the vessel has turned red, based on his license or whatever it is, then we would focus our efforts maybe on doing that. Then, during the course of the boarding, that's another topic we bring up. We say, oh, by the way, you haven't reported in the last week and did you fish or whatever, and we can document that on the 4100. Then, maybe after the fact, that's something that law enforcement could work into, if it's part of the case package, but at least we know that we have the evidence, because a data query was pulled, and it flipped him red, you know.

MR. DUNN: Mel, with the South Carolina system, are they required to have that report completed? If an officer boards them upon return from the fishing trip, they can compare what they have in their catch to their report?

MR. BELL: No, and, like I said, our system right now is a slow-motion system. It's all reporting -- It's actually reporting for an entire month's worth of activities, and there is no --

MR. DUNN: So that is slow.

MR. BELL: There is no visibility, from the officer's standpoint.

MR. MAXEY: There is not necessarily that much of a delay, but it's usually a month behind that she's got it that this is the violations from the past two months, and you've violated three times, or they violated three times, and then we go.

MR. DUNN: What I was trying to get to is if one of our officers came down for a good system and was able to, at that point, see that the report was not filled out, or not filled out accurately, and have a potential violation just from that point, that would be a much better system. As it has been described, we would follow-up on anything, and I'm not a big -- I don't have a lot of trust in electronic databases. We've had too many glitches, where a violation looked like it occurred, and, after we did the investigation, nothing really happened, but we would follow-up, and I see the system as -- The enforcement piece as really following-up on reports of non-reporting, however that comes about, and I'm sure the -- I think it was Pat or somebody that said that the program itself would probably notify us if a vessel was not reporting.

MR. BELL: That was my point, is I know -- Let's say you're on the water, and you're a state guy, or federal or whatever, and the little thing goes red. Okay, and so then what do you do at that point? Do you write them a ticket, or do you trust -- Is that enough -- Are you confident enough in that red -- I'm thinking in the state system and how we work. It's, hey, you didn't report, and, boom, we write you a ticket. Well, hopefully the system worked and red means red and red really was red, but, if red turned out to be green, then we might have an issue.

MR. DUNN: In the long run, the system would -- Whether you wrote it to them right then and there, and let's say it was a red and it really wasn't, or let's say it was red and it was supposed to be red, even if you didn't write it then, we would catch up with them, and it would be in our system, and we would follow-up regardless of -- It would work either way.

CAPTAIN PEARCE: So the compliance app, is that law enforcement only?

MS. HOWINGTON: I believe that -- I have access to it right now, but, to be able to have a user name and password, you're going to have to be a law enforcement official, yes.

CAPTAIN PEARCE: Okay, and so there's two parts to that. The social media part, is that automatically available if you have the app?

MS. HOWINGTON: Yes.

CAPTAIN PEARCE: Okay, and so I would say that, moving forward with the training, I think you would need to allow the agencies ahead of time to chime in how they want that utilized with their officers. Possibly agencies will either not want it or will want to have a policy in place to address it, because the social media part of that will open that up for being subpoenaed, and it will get subpoenaed a lot.

MS. HOWINGTON: That is why I emphasized the consult with your supervisor, because --

CAPTAIN PEARCE: Complete conversations will be accessible, and so the other part of that is that app as well, and we talked about using it as a tool, and we're talking about using it as dealing with non-compliance in reporting, but I also see the ability for an officer to look at a certain individual's pattern, fishing pattern, their reporting and where they're going and what they're doing and that kind of thing, and I am just bringing this up, because it will come up. I mean, there will be somebody that you're looking at, and you'll start looking at their app, and you'll start seeing where they're going on a regular basis, and you will start to kind of pattern that person, and is there an issue with that? Do we see an issue with that?

I know, with VMS, we have -- There is certain things about location, and they are very stern about those locations being reported and exposed and all that, and do we foresee any issues with this? I am just bringing it up, because it will come up at some point. I think it's a great tool, but I just --

MS. HOWINGTON: The location was also something that fishermen -- It's not in my top-five of their concerns, but it definitely is that I don't want to give you my honey-hole, I don't, and so, on the law enforcement app, and I really wish that I could just make this bigger, but it doesn't say location.

It just gives you the date of when the last report was, and so that's not going to be any location information that you see here, but it's just last positive or last negative, and so, if they haven't turned in a report in a month, that's when it's, okay, you need to turn in a did-not-fish, and you are out of compliance right now, because, if you didn't go fishing at all, there needs to be report, and, if you did go fishing, there needs to be a report, but there's not going to be any location information on the law enforcement app.

As for the fishermen turning in their location information, most fishermen are like I don't know exactly where I go, and I'm trolling on a reef, and I know the average, and so most fishermen are going to be turning in their average location, and then, if it is used at all in assessments, it will be aggregated, and they won't be able to find one specific fisherman and where he goes or be able to see patterns, and everything else will be secure, and so it's not going to be like somebody could go and say, oh, I really love this guy and let me follow him and find his data. That will not be available.

MR. DUNN: Just to make a point that they say where they were fishing, and it's not like VMS, and another point of clarity is the Gulf has a dual system now. You can use VMS as we know it, the satellite recording, but we're calling it archival GPS, and I think they're going to rephrase how they term all of these things, but the archival GPS won't have the same benefit as the satellite VMS for us. Satellite VMS lets us know when somebody is coming in, so we can check them. Archival GPS will not, and it's a data dump, which is fine. Again, it depends on what the council wants as far as enforceability, but I just want them to understand what they're buying into.

CAPTAIN PEARCE: Just to clarify, I just want to make sure that we acknowledge that the ability for an officer to pattern a fisherman and figure out what days they are most often going and things like that, would that be an issue if it was determined that the app was used for that purpose? I don't know if it's good or bad or indifferent, but it's a data tool, and it can be used for a lot more than just compliance on reporting, and, in the social media part, I want to strongly say that we need to make sure that these agencies have a chance to address it before it's given to the officers.

MR. DUNN: I was just going to add that that was a good point, because VMS started off as a purely enforcement tool, and now we are just a small component of what VMS is used for, and so that is something that the fishermen need to be aware of. It is used in a lot of management.

MS. HOWINGTON: Anyone else? Like I said, the timeline for you guys, what is going to happen is eventually the final rule will happen, and I'm seeing some rolled eyes. Eventually, that will pass through the lawyers' desks, and all of the nitty-gritty is going to be worked out. I am going to then be updating this presentation, and I will be sending it out. I will be making a video of kind of what I just said, and making it very clear, because I'm not going to be able to go out in person, and so it's just going to be that video.

It will then be sent to all of you guys, and I would love your feedback on exactly how things are being said, is it emphasizing the educational enough, am I warning them about the social media enough and that kind of thing. Any kind of red flags you see, please let me know, and, like I said, I am not a law enforcement official, and I am trying very hard to not step on toes, and so, if you feel like I am, let me know, and I will just go straight to quotes, or just take a picture of whatever the enforcement details are in the final rule and say read it yourself, however it needs to happen.

Once that goes out, I would love your feedback, and then, after the feedback, then I will be sending it to you guys as well as any other law enforcement officials that are in charge of training, and it will be up to them to disseminate this as they see fit, basically, and so, if everyone is comfortable with that, thank you for your time.

CAPTAIN LYNN: Thank you. We appreciate it. We're going to take a momentary break, where everybody can get up and stretch their legs, and so, at 3:15, let's resume.

(Whereupon, a recess was taken.)

MR. HADLEY: (The first part of Mr. Hadley's presentation is not audible on the recording.)

Likely, the Mid-Atlantic and New England regions, potentially north of Hatteras. As a little bit of background, the council recently got a request from the Mid-Atlantic Fishery Management Council

to potentially provide an exemption for filleting of dolphin at-sea. This request is focused only on for-hire vessels, and I did clarify with the Mid-Atlantic staff that their council was not interested in providing this exemption for private recreational vessels or commercial vessels.

As a little bit of background, we kind of had a heads-up that this was coming down the pipe, and, in November, the Mid-Atlantic Council convened a law enforcement workshop, and one of the recommendations from this workshop was to communicate with the Southeast Regional Office and the South Atlantic Council the need to consider filleting and skinning of dolphin at-sea in the Mid-Atlantic and North Atlantic region, there again onboard for-hire vessels.

Just as a reminder, the current regulation for dolphin and wahoo, the fish must be landed intact, with the head and fins attached to the fish, and the fish may be eviscerated, gilled, and scaled, but otherwise must be maintained in a whole condition, and there is an exemption to this. You all may remember, a few years back, there was an exemption made for boats traveling from Bahamian waters, where there was an exemption to the landing fish intact requirement. However, any fillets would need to have the skin still on the fillet, for identification purposes.

I am going to scroll on down to the Mid-Atlantic's request itself, and so, recently, in April, we received this request, and, as I mentioned, there was the law enforcement and for-hire workshop that they held and the resulting recommendation, and this was taken up at the Mid-Atlantic Council's December 2018 meeting, and they passed a motion requesting that the South Atlantic Fishery Management Council and Southeast Regional Office provide an exemption for the regulation prohibiting filleting of dolphinfish, or mahi-mahi, in the waters north of Cape Hatteras.

The Mid-Atlantic then revisited this recommendation at their April meeting, with their Law Enforcement, Tilefish, and HMS Committee, and they reiterated that request. However, they had a detailed recommendation for regulations regarding this exemption, where a one-by-one piece of skin must remain on each fillet. The crew must retain the racks of the fish, and the crew must be able to present two fillets, which are equivalent to one fish, and so for enforcement of bag limits and vessel limits. That is the request from the Mid-Atlantic.

The South Atlantic Council has not seen this yet. They will be discussing it at their upcoming meeting in June, and we're bringing this to the Law Enforcement AP kind of for initial feedback, and, also, are there law enforcement items that the council really should be discussing when they consider adding this? Since they haven't discussed it yet, it's not in an amendment, and so this sort of -- Any change to the regulation would likely be a good bit down the road, and so it's not going to be a change within the next say year-and-a-half or so.

LT. FAIR: Help me understand. What is the purpose of the filleting, one, and then, number two, it's my understanding that North Carolina doesn't even have a size limit on dolphin, and so what's the purpose of retaining the rack?

MR. HADLEY: I will start with the -- The background that our Mid-Atlantic reps and New England Council reps on the Dolphin Wahoo Committee -- They did give us a heads-up that this was likely coming, and the folks in the Mid-Atlantic and New England, the for-hire vessels, they said that they are going on fairly long trips, on these for-hire trips where they are landing dolphin, and, essentially, the crew, once they're done cleaning up, on the way back, they have these long



rides, and so they could be -- They could spend their time filleting these fish, so that, when they hit the dock, the customers could take their fillets and go down the road.

That was their -- Based on the feedback that we've gotten, that's kind of where this recommendation is coming from and why the for-hire vessels in that region are asking for it. As far as retaining the racks, I think that is part of not necessarily the size limit, but more so kind of another method of enforcing the bag limits and vessel limits, but you would have to have the racks and the fillets.

LT. FAIR: I will just finish up with -- As far as the enforceability piece, when you're doing a boarding, now you're counting two fillets as one fish, and I'm counting racks.

MR. HADLEY: That is their initial recommendation so far, but, there again, it is a recommendation, and no pen has been put to paper, so to speak, yet, as far as the Dolphin Wahoo Fishery Management Plan, and I will mention that it was sent to the South Atlantic Council. This Dolphin Wahoo Fishery Management Plan is kind of unique, in that it covers the entire eastern seaboard, and it's not just the South Atlantic, but the South Atlantic Council is the kind of primary council that is the administrator of that fishery management plan, and so that's why we're discussing it here.

CAPTAIN PEARCE: I understand that we have the Bahamas exemption, where they are bringing dolphin back in from the Bahamas, and I think that works because these are fish that are caught outside of the U.S., and they're being brought back in, and they go outside the EEZ, but, in this situation, you're talking about fish that are harvested within our territorial boundaries and are bound by our regulations, and there are size limit regulations based on that, and whole condition is there for identification and size limit and things like that, and so I think we're getting very complicated when we get into filleting the fish and maintaining the fillets and maintaining the skin on the fillets and keeping the rack.

You are looking at a very intrusive boarding, and you're looking at a lot more time spent on the boarding, and if "intrusive" is the right word I don't know, but I think it complicates things quite a bit for law enforcement, and it adds a lot more work, and it could tie down that boat and vessel on a boarding a lot longer.

LT. FAIR: I completely agree with Mr. Pearce, and, to go along with that, one way or another, I think it's either the fillets or the racks, because having the rack piece there is -- It's just completely different than the Bahamas, but then we're talking about filleting north of Hatteras, and so, if a vessel fillets north of Hatteras, but then brings the fillets south of Hatteras, is that now a Lacey Act?

MR. HADLEY: I think that's a detail that would need to be worked out. That's a good point to bring up.

LT. FAIR: So it would have to be where the fish is landed and not where the fish is necessarily caught. If it's caught north of Hatteras and landed north of Hatteras, then you can be with fillets, but, if a vessel leaves and goes north of Hatteras and comes back and lands the fish south of Hatteras, now they are not in compliance, and, like Mr. Pearce said, I think you're just spending

more time on the boat, a lot longer counting racks and now counting fillets and making sure the racks and the fillets match up, and there's no size limit at North Carolina anyway.

MR. DUNN: I wasn't even sure where to start on this. This is what we feared with the Bahamian problem, and we spoke against that, along with the Coast Guard representative at the time, and the original intent of having no fillets on the water was identification purposes. Most boarding officers, especially in the Coast Guard, don't have that experience level to be able to identify a fillet, especially with a one-by-one piece of skin on it.

It does create a longer boarding, and it creates a lot of problems overall, and, when the council passed -- Again, this is the council's prerogative. They just have to understand that enforceability drops with each provision that they pass that doesn't adhere to good enforcement standards. The Bahamian thing, I warned them that, if you do this -- I mean, they already had the snapper grouper, and they didn't like that, and nothing further will happen, and now we have dolphin wahoo coming from the Bahamas, and now we have dolphin wahoo and looking at both recreational sale and fillets on the water, and we are taking steps back from good enforcement precepts.

Again, it's the council's prerogative, but I only comment on the enforceability, and, the more complex you make it for the boarding officer out there, especially people who don't do it full-time and enough that they can identify these -- I mean, fish on ice alone change color and perspective, and you have to be trained on how to identify them. Now you have a fillet on top of that? I mean, basically, a lot of people will say that you're free to go and I can't figure out what to do, and so you then have no enforcement of your regulations. Again, it's the council's prerogative.

CAPTAIN PEARCE: I agree with Tracy that, although, like he said, the Bahamas exemption opened that door, but you've got to consider enforceability, and you've got to consider where it will go from there, and the reason behind it -- To me, you need to have a very, very good, valid, strong reason why you want to do something like that, and I haven't heard anything so far that tells me that there is a desperate need to change that regulation to accommodate what they're after, based on what could come next and following.

SGT. YOPP: Just to clarify on North Carolina, and you're right that we don't have a size limit, and we do have a creel, and we have a statute for mutilated finfish, and so it states that you must have the head and tail attached. You can't possess it aboard a vessel, period, or while actively engaged in fishing, and I just wanted to clarify that the size is correct, but we do have I guess something a little similar.

COLONEL BUCKSON: You may not have the answer to this, but how do they propose determining the size of the fish once it's filleted, because doesn't the Mid-Atlantic have a size limit as well? They don't? All right. Then never mind. It's going to be very tough, I think.

LT. FAIR: I just want to reiterate what Mr. Pearce said. I think without a compelling reason, other than it's saving time when they get back to the dock, so the person that paid for the trip can take their fillets and be on their way, is dolphin the only fish they're catching, or have they got snapper and stuff to clean, and there's not a compelling argument, and I think that's what we -- Again, like Mr. Dunn said, it's the council's prerogative to implement it, but I think it just needs to be something that's compelling before we go ahead and implement something like this that's going to dictate the way we manage a fishery.

COLONEL BUCKSON: I did have one other question, and I'm just curious. I was looking at the representatives that are cited in the workshops that came from the Mid-Atlantic, and I was curious whether or not there was any state law enforcement represented.

MR. HADLEY: I believe so. I think the Mid-Atlantic Council gave a brief rundown, and it might not have been here. It might have been in your overview, but I believe it was state and federal law enforcement representatives were part of that.

COLONEL BUCKSON: It does mention that it's the Law Enforcement Committee, the Law Enforcement Committee for the Mid-Atlantic, and I couldn't tell whether or not the representatives were any state law enforcement representatives on that.

MS. BROUWER: I can probably help here. This report, this workshop generated a report that was emailed to all of you guys, and you probably forgot, and it was probably sometime in January, because the workshop was held in November, and I suspect that it includes the names of everybody, and I can look it up, but that information was sent to everybody, and it probably has a lot more details of how they came up with these recommendations, this one and many others.

CAPTAIN LYNN: Anything further? Okay. Have you got all the information you need?

MR. HADLEY: Yes, and I appreciate the feedback, and we'll pass it forward to the council when they discuss this item, and so I appreciate it.

CAPTAIN LYNN: Thank you.

MS. BROUWER: I think the next item on the agenda is Snapper Grouper Regulatory Amendment 29, and Christina is going to walk you through that. Recall this is the one that deals with best fishing practices and powerheads.

MS. WIEGAND: Like Myra said, I'm going to walk you guys through Regulatory Amendment 29, which addresses best fishing practices, and I believe you guys have seen this amendment before, and so I'm not going to dwell too much on the background, but, just quickly, this originally came from the snapper grouper visioning process, and fishermen were expressing frustrations at released fish that were ultimately going to die, and so the council's goal with this is to implement best fishing practices that are going to improve the survivorship of these released fish as well as to address some inconsistencies in powerhead regulations. There are three actions in this amendment, but the first one is what we're really going to focus on today.

As far as timing for this amendment, we're getting to the final stages here. At the June meeting, the council is going to be reviewing input from this AP as well as the Snapper Grouper AP and the council's SSC, and then they will be looking at making any modifications they deem necessary, and then, in September, this amendment would be up for final approval.

The first action, where we're going to focus our time today, looks at specifying requirements for the use of descending devices and/or venting devices when fishing for or possessing species in the snapper grouper fishery management unit. Currently, these devices are not required to be onboard, and the council has got two alternatives here. The first would, within six months of implementation

of this amendment, require a descending device be onboard a vessel fishing for snapper grouper species, and then the sub-alternatives address each of the sectors. Then Alternative 3, again within six months of implementation, would require a venting device be onboard snapper grouper vessels.

Currently, the council's preferred alternative is to require descending devices, and I want to make one note that this within six months of implementation language was added at the last meeting, and the council's intent with that sort of delay is to allow fishermen the opportunity to both purchase the devices that they would need or hand-make them and to become educated on proper use of these devices as well.

For both descending devices and venting devices, there is an associated definition, and the one we're going to focus on today is the definition for descending device. I am going to go ahead and read it out to you guys, since this is where we're really focusing, and so, for the purpose of this requirement, descending device means an instrument that will release a fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma, generally thirty-three feet, or twice the atmospheric pressure at the surface, or greater. The device can be, but is not limited to, a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth. The device should be capable of releasing the fish automatically, releasing the fish by actions of the operator of the device, or by allowing the fish to escape on its own. Since minimizing surface time is critical to increasing survival, descending devices shall be rigged and ready for use while fishing is occurring.

What the council would like to get from you guys is some input on that definition, and I will scroll down here, and the council's goal with this definition, which they realize that can be a challenging part for enforcement, is to ensure the definition makes the devices effective, but to also allow enough leeway that fishermen can construct these devices and allow them to be innovative and to use what works for them, and so we wanted to bring the definition to you guys and see if we could get any input on whether it's way too vague to be enforced or how you think a boarding officer might determine whether or not a device onboard meets the regulatory requirements, and then both the APs and the council has really harped a lot on this "shall be rigged and ready for use", and that's a really important component of the definition, and so to get some input from you guys on how that might ultimately be enforced.

MR. DUNN: It's unenforceable, plain and simple. Any time you use terms like "the device can be, but is not limited to", or "should be capable", there is just no way that an officer can make that decision. Whatever they have aboard, if they say it's rigged and ready to go, the officer is not going to go out on a limb and say, well, that's not rigged. It's their device, and who knows what it looks like, and they are not in any way capable of saying -- I would look at Cynthia, and, if I brought you a case, could you --

MS. FENYK: I would have some serious proof issues that I would have to deal with, and I don't know that it would come out the way the council might be intending for it to come out.

MR. DUNN: I mean, it just depends on what the council is looking for, again. Are they just looking for the hope that some people will do this, because this is all based on the good nature of the individual. I mean, they can have something rigged, and so, as far as enforcement goes, I would not be willing to make a case on it.

CAPTAIN PEARCE: I agree with Tracy. I think the best you would be able to say is must have it onboard, but, even then, identifying what is an actual descending device, based on that definition and broadness, because there could be so many different versions of that, and so, over time, you may refine it, and the knowledge will grow, and officers will know what they are looking at, but, initially, I would very hesitant to argue whether it was or wasn't an effective descending device, as an officer, but I can say, yes, they had something onboard and they were calling it a descending device, and it could be a milk crate tied to rope and a weight, and so that's just very subjective.

MR. DUNN: You would have to have something commercially available that has been tested and shown to release that an officer can look at and understand that that is clearly functional.

LT. FAIR: I think you might recall that this is the same discussion we had I think at the Snapper Grouper AP meeting, and we made the same comments on there is commercially-available pieces of equipment out there that have commercial numbers, and we went down the discussion that says why doesn't the council approve these ten items, and, if you have these ten on, and they're rigged and ready, then there is a specific definition for "rigged and ready" and how the manufacturer intended this product to work.

I think we've said it a couple of times now, that there is no way to enforce this thing, because I think we started out where it should be onboard, and then it was shall be onboard, and we made the argument of, well, it could be still in the plastic wrapper that he bought it in, but, if it's on the boat, it's on the boat. There is no enforceability piece there to use this piece of equipment, and so it was an effort to get it to rigged and ready, but, like you say, I've got a piece of line and a milk crate and it's rigged and ready, and I'm just going to use it, but then it says should be able to, instead of shall, and so, for an enforceability aspect, to make a case, there needs to be a very solid definition, just like we do with life-saving equipment. It has to meet a UL number, and it has to be this one, because it's been approved and we know that it works. Barring that, I don't think you're going to make a case.

MS. WIEGAND: I will say that the council has discussed this idea of the set of ten devices that are approved, and you have to have one of these ten devices, and the concern is, one, the process it would take to get those devices approved would be lengthy, and the council is not necessarily in the position to say, yes, this device is effective or, no, this device isn't effective, and so that would be a process.

Then, again, this concern of wanting fishermen to be able to be innovative, and, in a lot of places out on the west coast, these devices are home-constructed, and it's a milk crate with some weights on it, and we've had Snapper Grouper AP members bring in hooks that they've constructed, and so it's balancing wanting fishermen to be able to do that as well as the process to go through and approve these devices, and then, when new devices are on the market, they can't be used until they're approved, and it becomes sort of a similar process that we deal with with sea turtle gear.

MR. DUNN: I am kind of getting out of my comfort zone, because now I'm giving advice to management, but it seems like, if you had this as your description of what a device could be, just saying commercially available and not worrying about a process would certainly be a step in the right direction. I am not going to comment on management anymore, and that's it.

COLONEL BUCKSON: One of the notes I made when I read through this is it almost puts a law enforcement officer in the position of approving or disapproving a device, and that's not our role. That is not enforcement's role.

CAPTAIN PEARCE: Another aspect of this too is, along with your question about rigged and ready, I bring up -- At some point, you're looking at is it serviceable? Do we come onboard, and is there a milk crate with weights, and you grab the line and you pull the line and it breaks in half, and it's just been sitting in the bottom of the boat for two years, and so at what point are we looking at rigged and ready, or are we saying that, yes, it's a serviceable device and things like that, and so the commercial aspect is going to help with that, but I still agree that I think we're at an educational campaign point, where we're trying to get people onboard using it versus forcing them to through enforcement.

MS. WIEGAND: The council has been doing quite a bit of outreach on this. Some of our staff have partnered with the South Carolina Wildlife Federation to put together a really great tutorial, and the first either 300 or 500 people who complete that tutorial on barotrauma and descending devices get a free SeaQualizer. We've also got a plethora of best fishing practices information available on our website, and so we are trying to go the outreach route while not sort of duplicating what's already out there and mudding the waters.

CAPTAIN LYNN: Anything further from the group on that topic?

MR. BELL: I appreciate you all letting me stick my nose in here, and so, from the council's perspective, we struggled with all of this stuff, and so the most important thing, and I know, Tracy, you said you don't want to give management advice, but what management needs to hear is, from your perspective -- Think of it as an officer on the water conducting the boarding or whatever, and what would work? What is practical?

You've said a lot of good things, and I think the thing about the concept of this education and outreach is that folks are understanding now that, hey, I don't like seeing fish float off that I have to release, and so how do I deal with that, and, well, here's a technology, or a system you could use, or a methodology to apply to take them back down, and so people will -- That's part of the innovative thing, and folks have come up with all sorts of things. At council meetings, we've had people, as Christina said, that come show us how they do it, and it's a sash weight with a hook on it or something, and it works, but that's the simple these five approved devices.

What we were trying to -- Because we really don't have the ability, I guess, to certify these five commercially-available devices or these ten commercially-available devices, and then it changes, because we're an innovative country, and they come up with stuff, and pretty soon there is twenty different things that might work, and so we were trying to avoid, nor did we have the capability to certify anything, really, and it's a little different from like the TEDs and stuff, where we have groups that work on that, and they certify TEDs, but we don't have any ability to do that, and so that would be simple, to just say these five or ten or twenty devices, but, barring that, maybe the best thing is that the public kind of understands the concept and they adapt, and they know they have to have something that they're willing to stand up in front of an officer and say here's my device.

Then, okay, they showed you something, and it's plausible that it might work, but the important thing is that most people, most people, will try to do the right thing, and so it's a gradual process, and I realize, from you all's standpoint, it's tough. The rigged and ready thing, that is because folks didn't like the idea of just having it onboard, must be onboard, and I see you have some species from the snapper grouper complex in your cooler, and show me your descending device, and they wanted to make them us it.

Well, you can't make them use it, because you're not there watching them, but that's where that sort of desire for rigged and ready came from, was not only do they have to have it onboard, but there has to be some assurance that they've been using it or can use it or could use it quickly, and that's where that came from, but that's sort of maybe more of the perfect world, I guess, is that, yes, they have a requirement to have it, and, yes, there is an expectation that they could actually use it, but that's why we need to hear from you all about what will really work on the water and what is enforceable and what could you actually make a case on, if you needed to do that, and so that's where some of this comes from, just so you know.

MR. DUNN: Back in my lane, yes, I think we've expressed that, and I understand where the council is trying to go and to fix this, but Bruce is right that we just don't want to put an officer in the position to have to decide whether something is or isn't functional, and so, in essence, it wouldn't be enforceable. If the council understands that and they're just trying to get compliance from those people that will, then you've met your -- Again, we're just trying to say that don't expect -- Unless somebody has nothing or just totally is belligerent.

MR. BELL: That's good input.

CAPTAIN PEARCE: I was just going to say that I agree with Tracy. If the point you're making is that, if you feel comfortable going forward with requiring a regulation that requires something, but yet understand fully that it's not enforceable and that there won't be any tickets on it. That's one of the things that I have struggled with, because I don't like regulations that aren't enforceable, but that would be the case.

MR. DUNN: What's the old adage? Regulations without enforcement are just suggestions?

CAPTAIN PEARCE: I agree.

COLONEL BUCKSON: I'm probably going to be the odd man out on this one, but I recall a couple of situations that were rather painful for an enforcement agency, the one that I used to work for, when we did have councils that would pass regulations that were unenforceable and then, five years later, we were called on the carpet for not enforcing them. I am not sure that I totally agree that passing a regulation that is knowingly unenforceable is not going to be less productive and cause more problems than trying to address this some other way. I might be the odd man out, and that's okay.

CAPTAIN PEARCE: Just to piggyback on what Bruce is saying, it sounds like that would be -- You think, well, okay, how are we going to be held accountable? Well, with social media today, we will get bombarded with social media video clips of people that are not using the descending devices and demanding us to go out and issue citations for that. That's going to be a real fact, and so that's something that you have to consider.

It's not so much that we pull up on the boat and we see whether it's there or not. If this footage is out there on social media, people are going to send it to us, and they're going to demand that we follow up on it and investigate it and address the issue, and so, when you're creating these regulations today, we've got to consider those factors, and that's where we get held accountable for something that's really unenforceable.

MS. WIEGAND: I do want to make -- You mentioned seeing people not using descending devices, and I did want to bring up something that the council has discussed at length. The way the regulations are written, their current preferred alternative to require descending devices be onboard wouldn't prevent people from using venting devices. We've gotten input, particularly from the for-hire captains, that their crew is well-trained, and they know how to properly vent a fish, and they would still be able to do that. They do just also have to have a descending device onboard as well.

CAPTAIN LYNN: Okay.

MS. WIEGAND: I will just very briefly go through the other actions that are in this amendment, so that you guys are aware of what's going on. The second action looks at modifying requirements for the use of non-stainless-steel circle hooks. Currently, circle hooks are required for snapper grouper north of 28 degrees, which is just a little bit south of Cape Canaveral, and the council's current preferred alternatives would require the use of non-offset, non-stainless-steel circle hooks, specifically, and so non-offset is the change there, and their current preferred alternative would still just require those hooks north of that 28 degrees North latitude. Additionally, they've got Preferred Alternative 4, which is going to require the use of non-stainless-steel hooks throughout the South Atlantic EEZ, and so non-stainless-steel hooks everywhere, non-offset and non-stainless-steel circle hooks north of 28 degrees.

Then, last but not least, is the powerhead action. Currently, powerheads are prohibited to harvest snapper grouper species in federal waters off of South Carolina, and the council's preferred alternative would allow the use of powerheads for the harvest of snapper grouper species for all sectors, and this simply puts it in line with everywhere else in the South Atlantic.

MR. BELL: I have a question, because I have heard this, I think coming from the HMS side of the house, and so we're using the terminology of non-stainless circle hook, but I've heard there are other -- There are things that are non-stainless that can still be non-corrodible, and I've heard that, from the HMS perspective, they use the term -- They use the corrodibility and not the type of metal, and is that an issue from an enforceability standpoint?

I mean, I guess, because it is different language, but there are alloys, I guess, that are non-stainless, but they're still not -- They are still not corrodible either, and it's the corrodibility that we're getting at, but is that something we need to change the terminology and line up better? I am just curious. That may be not so much that you can't tell from an enforceability standpoint, but that may be more of a legal question related to making a case or something, because I think there are two different ways of describing that intent.



MR. DUNN: Our next hiring action is going to require metallurgy in their background, but that's what I am saying. Now we have to deal with that, and so it's definitely an enforcement concern. Will the officer really understand what corrosion properties a particular metal will have?

MS. FENYK: I guess you would have to define the term for us to know what it is.

MR. BELL: Well, that's why I asked about -- I think HMS uses, in their description -- I think somebody told me that they used the term "non-corrodible", as opposed to -- The idea being the functionality of it is that you want the hook to be able to corrode at some point, and so stainless is not the only -- We use non-stainless, and maybe we should be using non-corrodible or something.

MR. DUNN: I just want to add that sometimes, even though a definition exists in some other regulation, it doesn't mean that it's good enforcement, and maybe that's the way they describe it, and I don't think we've ever made a case on that, because most people aren't going to make a case on it, and then that brings another problem in. If somebody can't make a case on something, no cases are made, and then people say, well, there's no problem, because nobody has ever made any cases on it, and so it's kind of a circular logic, but I just wanted to bring that up.

MR. BELL: I just wanted to ask.

LT. FAIR: If we could go back to the different preferred alternatives, because I think you said one of them was corrodible, non-stainless everywhere, and then also another alternative was corrosive non-stainless circle hooks north of --

MS. WIEGAND: Right, and so the current preferred alternatives, you've got non-offset and non-stainless-steel circle hooks north of 28 degrees, and then just non-stainless-steel hooks everywhere in the South Atlantic EEZ.

LT. FAIR: From an enforcement perspective, again, having these boundaries where this hook is okay and this hook is not okay, for the ease of effort for the boarding officer, if it's the same everywhere, then it's less requirements that you've got to keep up with, and where are we currently right now doing the boarding, and, okay, they've got to have circle hooks, but these don't, and so that would be my preferred, is a hook is a hook in the South Atlantic, and it's non-stainless steel, and it doesn't have to be -- It's just the hook.

CAPTAIN LYNN: Okay. Is there further discussion?

MS. WIEGAND: All right. That's all I had for you guys. Thank you.

CAPTAIN LYNN: Thanks, Christina.

MS. BROUWER: The next item on the agenda is for Tracy to tell us about joint enforcement agreements and how the priorities for those are set.

MR. DUNN: This one baffled me a little bit, because the joint enforcement agreement priorities are our priorities. I mean, the joint enforcement agreement is an extension of our enforcement effort, and so we set our priorities as an agency, and you can go online and we have a book that describes that process, and it was annually when Bruce and I were up there, but now it's down to

about five years, where we reach out and get input from everybody on what enforcement priorities we need, but, as far as an Assistant Director, I will develop our joint enforcement agreements to mirror those priorities. I know what my priorities are in the Southeast, and I know what they are in the South Atlantic and the Gulf, however they come about, and that's what I will put in those particular joint enforcement agreements.

MS. BROUWER: The question I would have then is how is the input from the agencies -- How does it get to you? Is there like an annual process, or how do you request input from councils, for example, or are the councils even involved in suggesting priorities?

MR. DUNN: No, we don't care what the councils think. No, I'm joking. That was just a silver platter, and I had to go with it. Every five years, like I said, we'll put out an announcement. I believe the last time we did, where we asked for input from all sorts of constituents on what they believe enforcement should be prioritizing, and I hate to say priorities, because people think, well, you have in this book your top priorities and you're not going to look at anything else, and that's not the case. It's just, when we have several things ongoing, one particular thing, if we have a case or if we have some problem, that's going to get the priority. There are limited resources.

Everybody, the councils and the states and the NGOs, even private citizens, can send us comments on how they feel we should be -- Not enforcing the law, but what we should be looking at as our top priorities, and, again, if you have HMS folks, they don't care about finfish or anything. They want you to look at HMS. Protected Resources, they want us looking at protected resources. We have to balance all of those, or have some specific -- I mean, I know in the Gulf that TEDs are huge, and the same with the South Atlantic, and so that's always a priority, and so we have a few historical ones that we know we're going to have as top priorities, without a doubt, red snapper in the Gulf, any IFQ-related fishery, and then the rest kind of fall out and change from time to time.

We did have a quarterly meeting with the Coast Guard and the Region to look at our priorities, and we haven't really done that a lot, and we probably should try to get back to it, but I talk to the Regional Administrator all the time, and the council is talking to him, and, if he says, look, we have a problem, we re-focus on that problem, and so the priorities are not set in stone. I won't say, well, that doesn't fit our priorities and we're not going to look at that. We adjust accordingly, and Pat has had to do that several times with his group as far as the patrol side, and we'll even reach out to the states and kind of adjust that.

That's the other thing, is the JEAs are not written in stone either. We set our priorities, and we have our enforcement plan, but, if anything comes up, we can change those. The states can change them if they have had particular problems, like a hurricane hits and we can't meet hours, we change them, and so it fluctuates depending on the need of the resources, is the best way to describe it, but, as far as the document and setting what priorities we would like to focus on, that's a five-year process now, and the councils and everybody has an opportunity to comment on that.

CAPTAIN LYNN: Any further discussion or questions?

MR. BELL: I have a question. The five-year cycle, where are we now in the cycle?

MR. DUNN: This priority, the last one was 2018 to 2022, and so we will probably look at 2021 to start building that, and we'll basically send an announcement out saying that we are looking at

our next five-year set of priorities and anybody wishing to comment can send a comment to whatever website we have for email.

MR. BELL: Okay, and so that 2021 is when you would be looking to -- If the council had anything that it wanted to pass along, in terms of concerns or whatever?

MR. DUNN: Correct.

MR. BELL: That's not an annual or ongoing sort of thing, and is that --

MR. DUNN: It's now a five-year process, right. For a while, we had it at an annual, and it was way too much, and, again, we have those priorities that we know we have to meet because of an endangered species, like right whale speed restrictions and things like that, and so it's really fine-tuning them is what it comes down to, just like in your own state.

MR. BELL: So, in 2021, you would be looking to hear from us.

MR. DUNN: I won't be. I will be retired by then.

MR. BELL: But let's say someone would be looking to get council input in 2021, and so we need to plan for that.

MR. DUNN: Right.

MR. BELL: Okay.

MR. DUNN: But, again, if the council has a particular problem that is growing, this is where we should be talking, and we can make adjustments accordingly, understanding that, as an enforcement group, I have international responsibilities, again, the Protected Resources and HMS, and a whole host of other responsibilities besides what the council regulates.

LT. O'SHAUGHNESSY: I just wanted to expand upon Tracy's -- That document is produced every five years. We will certainly entertain input, and the supervisors in the Southeast regularly talk with our Deputy Special Agent in Charge, and we're constantly readjusting, from complaints that were received either from departments within NOAA or different councils, and we'll do a periodic surge ops, where we're emphasizing it to gauge whether what we're hearing is accurate or not, and so that formal process happens every five years, but, on an ongoing and continuing basis, certainly, if the council ever has anything, that should be brought forward to us. No one is saying that we're not looking for feedback but every five years. We adjust continuously, and so, if you ever have anything, or the council has anything, whether it goes from Roy to Tracy or directly to Tracy, we respond quite regularly and re-adjust those priorities.

MR. BELL: To that, what is the best -- I guess we've got twelve folks on the council, outside of the Regional Administrator, that are fishermen, and they are biologists, and they are whatever, and everybody sees something differently, from a different perspective from different states, and what is the best avenue to pass that along, let's say if we have a meeting and something comes up? Is it to have the Chair send a letter or something to you guys? I am just trying to get an idea of the

best way to pass that information along, or the most productive way to pass it along, and what would help?

MR. DUNN: It would depend on the circumstances, the nature of the problem, and how large is it, and I'm glad that Pat spoke up, because, when I was in the field, I handled the problems for my area, and, if they're really off of a particular state, I would expect you to go to Pat or the uniformed officer or the agent in that area, and they will deal with it. I mean, I don't need to say, okay, we're going to adjust our priorities. They know what they need to do in their area, and I expect them to handle that on their own, and so it depends on the size of the problem.

MR. BELL: Some of them might be state-specific, and some of them might be regionwide, and so that will vary from issue to issue, I guess, but usually something comes up, or there's some discussion about something going on somewhere, but I just was looking for the best way to input that for you all, if it helps just to be direct communication or in the form of a letter or something. I mean, we can make it happen the best way that it works for you.

MR. DUNN: I think any way you are comfortable doing it. If you feel like a formal -- Not a formal, but an informal letter or something expressing that you have these concerns that we can further discuss, we would be happy with that, or a phone call or an email. If you want it documented, that's fine. I mean, sometimes, much like the events in Texas, where we had a unique fishing practice, and what did they call it, the gentlemen's --

MS. FENYK: Dude ranch.

MR. DUNN: Dude ranch, yes. It was a huge problem, and everybody complained about it, but this is where we come back to the enforceability and what Bruce was saying. We had to say that there's nothing wrong with it, and so we've had several times where there was a perceived problem, and we would like to see that documented, where the regulations give us no real hook, no pun intended, to be able to enforce that, and so exactly what we said earlier. The communication, where we can offer what we can do enforcement-wise to help out with that problem or where a regulation needs to be adjusted, so we can help out, would benefit everybody, but don't expect any help with the fish thing.

CAPTAIN LYNN: Is there further discussion? Anything else? I think our speaker that we have for later on will be here tomorrow, and so, as it stands right now, unless anybody has any further business, we will stand adjourned until tomorrow morning at 8:30, according to the agenda.

CAPTAIN PEARCE: Can I back up one time, to go back to your dolphin with the Mid-Atlantic? I just wanted to say that I think that there was a proposal for them to, if they were going to do something, to follow the Bahamas example, and so I would say -- I know a lot of the comments were that it's not a good idea, but I want to also say though that, if they do decide to move forward, they really need to consider that example with the leaving all the skin intact and things like that on the fillets, instead of going to this one-inch sliver that could -- They need to follow that standard if they're going to do it, and I just wanted to make sure that I was on the record.

CAPTAIN LYNN: Thank you, sir.

MR. DUNN: Just for the record, “fish thing” means descending device. I didn’t want to leave that hanging.

CAPTAIN LYNN: The wording and the definition we were all looking for, fish thing. All right. Any further discussion? Are we comfortable for the day? All right. We stand adjourned until 8:30 in the morning then.

(Whereupon, the meeting recessed on May 23, 2019.)

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MAY 24, 2019

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, on May 24, 2019 and was called to order by Chairman Bob Lynn.

CAPTAIN LYNN: We will convene the meeting this morning. First on our agenda this morning is guidance on prohibition on retention of species in state waters when harvest in federal waters is closed for federally-permitted for-hire vessels, and it’s Cameron Rhodes, I believe, who is going to lead the discussion on that.

MS. BROUWER: Thank you. This is something that Cameron wanted to explain to you where it came from, and so she couldn’t be here today. She is working the Governor’s Cup, and so she’s in Georgetown, but she’s going to join us here in a minute.

MS. RHODES: Good morning, everybody. I’m sorry that I’m not there to chat with you about this in person. I would really like to see all of you in Charleston again, but I’m going to go through this pretty quickly, just to give you a little bit of background information. Really, this came about from our outreach efforts that took place, particularly in the Florida Keys, and this was something that was voiced by the charter fleet in Key West, that they had concerns that they were experiencing some customer satisfaction issues, where folks were actually relatively up-to-date on the regulations, because those individuals had the Fish Rules mobile app downloaded on their phone, which is great news and I’m glad to hear that people are using the app, but, on the other side of that coin, people are not understanding that there were restrictions in place on federally-permitted vessels even when they are fishing exclusively in state waters.

As a result, they were experiencing some frustrations from captains, and this is something that is not necessarily unique to the Florida Keys. We have heard this across the region. Folks have expressed concerns about this regulation in general, but, at this time, we’re really just looking for guidance on how we can go about explaining these situations within the app, so that there is actually language in there that will help to alleviate some of these concerns, and then it’s not just coming from the captains.

There will be an explanation embedded in the app, so that captains can point their customers to those spots and say, look, it's not just me, and I'm not just saying that we can't go fish for that species today, and this is something that is actually written into the law. We're just here, and we've composed a couple of different situations, so that you can see what we're trying to get at here, and please let me know if my explanation is not very clear. I know this can be kind of a convoluted topic.

Really, we're just looking for guidance for how we can go about writing this language up within the mobile app, so that it's not only accurate, but that it's also helpful to the charter fleet and to their customer base, and so then I will turn it over to the AP for discussion and guidance on what to do next.

CAPTAIN LYNN: Has everybody had time to look over it? Are there thoughts or discussion or advice for Cameron?

MS. BROUWER: Cameron, the last scenario, from what I understood when you and I talked, is specifically the one that is the most convoluted of all, I think, and is that mainly what you were wanting the AP to weigh-in on?

MS. RHODES: I would say yes. I think it would be ideal to have the AP weigh-in on the language in general, but, when it comes down to that third scenario, that's the trickiest one, because each state is a little bit different. We can provide some kind of distinction, based on location, and so, for example, if we needed to say something different for North Carolina than what we would say for South Carolina, we could write in that information, so that it's distinct to those different states, but there should be kind of an umbrella language in place as well to describe this, but, really, we're just looking to the AP, since they're the folks who are enforcing these issues, to see kind of how they would recommend us provide this information to people so that it's clear, but also not misleading, because the state retention limits are when things, I think, get a little bit more complicated, when we're talking about differences in landing limits and things like that.

CAPTAIN PEARCE: Basically, I'm kind of surprised this came out of Florida. I thought we had a pretty good handle on this, but the way you've got it broken down is the way we basically describe it to them. We just tell that, basically, you're bound by your permit, and, if your permit is -- If whatever fishery your permit allows is closed, then you're done, whether it be federal or state waters, even if state waters is open.

As far as the harvesting in federal waters when state waters is closed, we allow direct transit, as long as it is directly continuous from the area where they can harvest back to the dock or where they moor the vessel, and so we already have that practice in place, and I feel like we had pretty much everybody educated on it, and so I'm kind of surprised that it came from Florida, but what you've got here I think spells it out pretty good, but, as far as the direct transit goes, we shouldn't have any problem in Florida with that.

CAPTAIN LYNN: From Georgia, I concur with Scott. I don't see anything offhand that would conflict with Georgia.

MR. THOMAS: We are the same. I know cobia is not regulated through us anymore, but we allow them to go out and catch them now, and they can stop in state waters, because the law

specifically says that you have to see them catch the fish in state waters, and it's not possession, but it's catch, and I would just make sure that -- If it's federally-permitted in federal waters -- Right now, if it was a cobia for us, they could stop in state waters. We would actually have to see them catch the fish. Now, we recommend that they do direct transit and don't stop and set back out and all that, but no problems here. I'm like Captain Pearce. I think it spells it out pretty well in the regulations.

MS. BROUWER: Did you get enough, Cameron? Is there any other specific issue that you wanted AP comments on?

MS. RHODES: No, I think this is plenty. As long as the AP feels comfortable with this language, I am tempted to actually put these scenarios directly into the app, under the additional information for every species that we manage, and then, if we need to fine-tune it for each of the states on a species-specific level, like for example for cobia or something like that, maybe that's something we'll do down the road, but, if the AP is comfortable with this language, I'm good with it, and I'm ready to move on to the next topic, if they are.

MR. BELL: Technically, when a fishery closes in federal waters, South Carolina would close automatically, based on statute, but that wouldn't necessarily be obvious to people, but I'm not sure how other states operate, but that's the way we operate. We basically comply with, for the federally-managed species, with what they do, but you wouldn't know that it was closed. I mean, there is nothing that the State of South Carolina has to do to close it, and it just does it by law already, and so that might not be obvious to people, but I'm not sure if you need to explain the details of South Carolina in there, and it might confuse things.

MS. RHODES: Thanks, Mel. I think, the way that we have it structured now is I do all the regulation changes for the South Atlantic on the back-end of the app, and the app developers are doing the state side for South Carolina, and so, when we close something in federal waters, it should also be closing in state waters for South Carolina on the Fish Rules app, and so I'll get up with them and make sure that that's clear with them.

That way, that will be captured, and so, if anybody is looking for state regs versus federal regs for South Carolina, they will know that it's closed, just based on what it says in the app and how it's been coded, but we could provide some additional -- We could provide some additional language under this topic too that's just specific to South Carolina, and I don't think that would be difficult for us to do, and it's probably beneficial to everybody if we do that anyway.

SGT. YOPP: North Carolina is the same way. When it closes federally, we shut ours down as well, through our proclamation process, and so we apparently do just like South Carolina.

MS. RHODES: I actually didn't know that, and so thanks for that. I think North Carolina has a partnership with the app too, and so they should be funneling information to the app developers, but I will make sure that they're aware of that as well, just to keep everybody up-to-date on all of those things, but thank you.

CAPTAIN LYNN: No further discussion? Is everybody good on that topic? If so, we'll move to the next agenda item.

MS. RHODES: All right. Thank you, everyone, for the discussion on that first topic, and we'll go ahead and segue into our next, which is another kind of convoluted thing. We received a number of phone calls from fishermen, interestingly enough, pretty much all around the same time, and so I think there was some dock-talk going on, and folks were letting us know that they had been actively cutting up tomtate and using them for bait without recognizing that that's actually a violation of federal law, as it's written in the Code of Federal Regulations right now.

We started wondering about why, and, Myra, if you can kind of scroll down to the tomtate summary there, and we started wondering why we would not have a bag limit in place for something like tomtate if it can be used for bait, but it can't be cut up, and so it started to create some issues, just with us trying to understand why this is even in place in the first place and trying to explain it to aggravated fishermen who didn't understand why we wouldn't have a bag limit for something, but we would enforce not being able to remove the -- Not being able to fillet the fish or anything like that.

They were expressing frustrations, and so we did a little digging, and Myra pulled out some of the background from the different amendments in which we have put all these different regulations into place, and what we're looking for now is just to talk with you and get your perspectives from your different regions on how you even go about enforcing this regulation, if you even do, and we're really looking for a tomtate-specific take on this, because I think the idea is to possibly bring this to the council's attention and let them know that it does seem like there might be some competing ideas here, if we want people to use tomtate as bait, and is there a reason for not allowing them to cut up the fish? Is it strictly because, for enforcement purposes, it's easier identification if the fish is whole? I think we're just looking to get a little bit of perspective from each of you to find out what we need to do in order to bring this to the council's attention and see if it's something that they even want to consider looking at down the road.

CAPTAIN LYNN: Scott, how does Florida do it?

CAPTAIN PEARCE: Bob, would you like me to kick this off? I spoke to some of our big-boat guys, just to ask them, because I have very little experience with the tomtate, but they say they see it a lot, and they don't have any problems with anybody using it as cut bait. They do see people using it as bait in whole condition, and we all kind of agreed though that -- We looked at the regulations, and it's pretty much no bag limit and no size limit, but yet there is whole condition requirement, and it makes you scratch your head a little bit.

I don't know what the history behind that was, whether it's similar to other species, and so, for identification, and it allows you to separate the two, and I don't know, but, so far, off of Florida, there is not a big ordeal with it, from what I can tell, and there's not a lot of confusion with it. I'm sure the fishermen would love the freedom to be able to cut it up and use it for bait, because, if they're catching a lot of it, it's cheap bait when you catch it, instead of having to buy it, but I don't know what the history behind that was.

CAPTAIN LYNN: From Georgia, I'm not familiar with any issues off the Georgia coast as well, but I do agree with Scott. If there's no bag limit or size limit, why not be able to cut it up and use it, and I don't see an issue with that.



AP MEMBER: Basically, what is the tomtate? Is this a grunt type of species, and so there's other grunts that we allow them to use for cut bait now, and so, again, I don't know why they have chosen the tomtate to have this regulation, but maybe it's something they should look at internally.

MS. BROUWER: Just a little background. The regulation that specified that there would be no bag limit for tomtate was put in place back in 1999, and so, when the council put in that twenty-fish aggregate, they excluded tomtate from the bag limits, and their rationale at the time was because they're a species that is used for bait, and so that is written actually in the amendment, and it hasn't been an issue up until now that people are wondering, and it's clear that, for other species, and like you can't cut up a white grunt, but what about tomtate, and so that's where we're running into the issues.

Maybe it's a question of just bringing this back to the council and getting them to restate their intent on the record, so that it's clear for everybody, but we wanted to get an idea for how it's being enforced, like Cameron said, if you all are encountering those issues right now or not.

CAPTAIN LYNN: Nothing further on North Carolina or South Carolina?

MR. THOMAS: We're not having any problems with it.

CAPTAIN LYNN: South Carolina says the same. All right.

MS. BROUWER: Okay. Cameron, I think that wraps it up for what we needed, unless there's anything else that you wanted.

MS. RHODES: I have one follow-up question, just to make sure that I fully understand, and I really just want to make sure that I know what everyone is saying, and so, if you don't have a problem with it, does that mean that you haven't seen folks actively cutting up tomtate and using it as bait and you've only seen them in whole condition, or you don't have a problem with us moving this in front of the council and saying what was your intent and do you want tomtate to be able to be cut up as bait? I am trying to understand, when we say that we don't have a problem with it, what exactly that means.

CAPTAIN LYNN: I would say both. We don't see it off the Georgia coast, that I am familiar with. We have never made a case, and I'm not familiar with any warnings as well, and the only case I think we've had was black sea bass a couple of years ago being used for bait was cut up, and we handled that as a violation, but, as far as tomtate, we have not -- The few that we have, that I'm been out with my folks working, they have been whole and are being used as whole, but, yes, I would like it to go back to the council and for them to clarify their intent or state for us what direction they would like to go, and maybe they need to modify this to clear it up a little bit more for tomtate.

CAPTAIN PEARCE: In Florida, I think overall, like Bob was saying, it's kind of both. I don't think we view it as a major problem, and I don't think we've seen a lot of people doing that. I mean, one of the examples that I was provided by one of the captains was basically, the way the rule is written, you could take that tomtate, and you can butterfly it and all kind of things, as long as it's still head and tail intact and fish with it, and so, essentially, you have mutilated the fish. You have cut it all up to use it as bait, but it's just still somewhat intact. It's not a far stretch from

cutting it up and using it as cut bait. I don't think there's an issue with them looking at maybe opening the door for allowing them to cut it up, and I don't think we've seen a lot of people doing that and that we've had to address any problem with it. I don't have any record of any issues with the State of Florida.

MS. RHODES: Thank you, everybody. That was super helpful. I'm going to go ahead -- I've got some notes from all this discussion, and I will get with Myra after this meeting, and we'll come up with a plan for how we want to go about tackling all of this, whether it be on the Fish Rules app or bringing it to the council and all that kind of stuff, and so we'll keep you in the loop as these things develop. Thank you.

CAPTAIN LYNN: Thank you, Cameron.

MS. BROUWER: Thanks, Cameron.

CAPTAIN LYNN: That kind of catches us up on the agenda, and I know there is some discussion that I think we want to have a follow-up on some discussion from yesterday on the filleting of mahi-mahi, and so we'll tackle that while we're in the discussion mode. Bruce, I think you brought it up, and so we'll let you lead off.

COLONEL BUCKSON: Thank you, Mr. Chair. Myra was kind enough to send us all the report from the workshop that was conducted in the Mid-Atlantic, and I took some time to look for the detail in the report, because it covered a lot of things and not just dolphin filleting, and I forwarded you all just the bullet points that I found in the report about the dolphin filleting.

Apparently, the request was based on what had happened in Florida with the Bahamian, and that was their foundation for asking for that to happen. The northeast states, as best I can tell, none of them have size limit regulations on dolphin, and so it's near as much of an issue up in the Northeast as it is in the South Atlantic, and I thought it would be appropriate -- I have to apologize, because I wasn't well studied on that issue when we were talking about it yesterday, or I would have come out a little bit more strongly. I think this AP should be very firm that it stays as a landed whole condition, so that you can enforce the size limit. I think that's a huge challenge, when you begin to allow filleting, and I don't know any other species that you allow filleting if you've got a size limit, and so that was main point.

Now, there was a Coast Guard representative, and I'm sorry they're not here, because there was a Coast Guard representative there at that meeting, and there was a representative from NOAA Law Enforcement, but Don Frei is an outreach person, and there was a Delaware state representative from law enforcement, and also Rhode Island, and the Rhode Island representative was Curt Blanchard, and I've been texting with him this morning, and he actually was not present at the meeting.

He was just asked to get somebody from law enforcement, and that's why the Delaware representative was there, and so he wanted to -- Well, he didn't want to, but I told him that I would clear his name before it went any further, and I've known Curt for a long time, and I expect that he would have the same opinion, understanding that there's a size limit down here. All of that said, Mr. Chair, my point was just trying to get a consensus of whether or not my opinion of being firm on not doing the filleting at-sea from this AP to the council would be important. Thanks.

MR. DUNN: My thoughts are well known on that subject, and so, yes, I would agree.

MR. HADLEY: I appreciate those comments. Just for clarification, that recommendation is to extend throughout the range and not just for the South Atlantic, and is that correct?

COLONEL BUCKSON: I think my answer -- If I understand your question correctly, my answer is no. I don't think that this LE AP, or I don't think me personally, should be making recommendations to the Mid-Atlantic or the Northeast, as far as their regulations go, if that's what your point was.

MR. HADLEY: I just want to -- For clarification, when we present it to the council, because it sounds like the recommendation is to not allow an exemption for filleting of dolphin at-sea, and the request from the Mid was for allowing an exemption north of Hatteras, and so that's kind of what their, I guess, request is targeting, and so I just wanted to make sure that, when we present it to the council, we are bringing forward what your recommendation is and correctly presenting that.

CAPTAIN LYNN: It would be my understanding then, upon Bruce's recommendation, that, for the South Atlantic, that we leave it as-is, and there would be no filleting allowed, and it would have to be landed with the heads and fins all intact, correct?

COLONEL BUCKSON: Yes, that's my personal opinion, and I'm looking at the report, and it doesn't give a line of demarcation in the report that was submitted, the final report of the workshop, and so, to me, I read it as South Atlantic, that they wanted everybody in the South Atlantic to do filleting at sea, and I don't see anywhere, and I could have missed it, because I'm not well-studied on this, but I didn't see anywhere where they put a line of demarcation at Hatteras north, but I could be wrong.

CAPTAIN PEARCE: I think it's important to support what Bruce is saying. I didn't catch that either, but it needs to be fully understood that the exemption for the Bahamas was not so much built on filleting at-sea, but it was transport, and the idea is that people are going over to the Bahamas and staying for multiple days, and they are harvesting, and they are cleaning fish, and they are putting them in some kind of storage freezer or whatnot, and they want to bring those fish back, and so it wasn't built on being able to fillet at-sea, but it was built on being able to transport these fillets back from your location in the Bahamas, which required you to have paperwork proving that you had been in the Bahamas and things like that.

It's more complex than that, and, to me, it's apples and oranges when you're trying to compare the two, and, again, the danger is that you all of a sudden bring that into the fold, where now we're allowing it throughout the South Atlantic and Mid-Atlantic and everywhere, and so I think that we've got to be really careful with that, and, again, moving forward, just to clarify, I think our overall recommendation is that we don't support it, or we don't support what the Mid-Atlantic wants to do, but I will say, if the council decides to move forward, they definitely need to not allow the removal of the skin from the fillet. It needs to be fully intact, if they're going to do that.

CAPTAIN LYNN: I fully agree. I stand firm on not allowing it all, because, once you start that slippery slope, I don't know where the bottom of it is. It will creep out into other species, but, if

it is allowed, definitely leave the skin fully intact for us to be able to at least have some way of identifying.

MR. DUNN: I am not going to rehash old wounds, but apples and oranges, maybe a little bit, but probably an apple and a rotten apple, but this is what happens when -- I mean, I don't care what goes on in the Bahamas. It's we did not like fillets in the EEZ, our EEZ, and that's why I'm a firm believer that, across-the-board, there should be no fillets, and so take that for what it's worth at this point in time.

MS. BROUWER: I put a recommendation up on the screen, and I want to make sure that this is the way the AP would like to pass it forward. If not, you're welcome to make a motion that you all can vote on. That tends to be clearer, and it's up to you guys.

AP MEMBER: I do think that, if we want to get the message across on this, that we should make a motion for the council. **I am making that motion.**

COLONEL BUCKSON: I would do a second.

CAPTAIN LYNN: We have a second. We have a motion, and we have a second. **All in favor; any nays. It looks like the motion carried unanimous.**

COLONEL BUCKSON: There is in that document -- Clearly it does mention the Hatteras north in the document. The part that I found, and I went to the recommendation, which was with a lot of other recommendations that went to the council, and they did not put that in the recommendations, and so, if you just read the recommendation, it doesn't seem to mention the north of Hatteras, but they clearly did talk about it, and so I appreciate that -- I will read more intently next time.

CAPTAIN LYNN: Thank you. All right. Any further discussion then, while we're on Other Business? Anything else from yesterday that maybe needs to be re-discussed or any more thoughts, since we've had a little time to sleep on it? There doesn't appear to be.

MR. BELL: I just wanted to point something out and get your take on it. Yesterday, we discussed the potential use of a requirement for descending devices, and that would be if you're fishing in the EEZ and you have a species of the snapper grouper complex, or management group, and you're fishing for those. Here's an interesting scenario. There are places in the EEZ, and I am more familiar with South Carolina, and so you could be in the EEZ, on an artificial reef off of Charleston, in forty feet of water, or thirty-five feet of water, and catching black sea bass, which are in the snapper grouper management unit.

You would have to have a descending device onboard, even though you're not going to use that to release black sea bass, if you're over the limit or undersized, in thirty-five feet of water, because you don't need to, but, the way it is structured right now, that's a scenario you could run into, where you are in fairly shallow water, and you're still in the EEZ, and there is folks catching different species in the snapper grouper complex, and they have to have a descending device, however that is structured in terms of rigged or ready or whatever, but is that something that you feel that -- Is it an officer discretion kind of thing, or just it is what it is, and it's black and white, but that's just a scenario that could occur.

It could also be a little deeper, and you still wouldn't necessarily need to use a descending device to get the fish back to the bottom, but we deliberately stayed away from distinguishing a particular depth at which greater than you would need to use this, which, logically, for dealing with pressure and stuff, that might have been an approach, but then, in terms of enforceability or prosecutorial aspects, maybe depths don't work, and I don't know, but just to make sure that that's clear that that's a scenario you could find yourselves in, where you're in kind of shallow water.

MR. DUNN: We discussed that a little bit yesterday, and I thought a little bit more about it, and, for that boarding, maybe at thirty-five feet, you don't know where that boat is going to be the rest of the day or the rest of the trip, and so having it onboard is not a bad idea, and you're right that officer discretion would come into play, without a doubt, if they have that.

CAPTAIN PEARCE: I will say though that I agree that officer discretion would play a role, but don't rely on officer discretion to work through a scenario that you foresee, because you could have officers that would write that ticket, and so, if that's an issue, it needs to be vetted out in the direction you want it handled.

MR. BELL: I just pointed it out because, from you all's perspective, and it's kind of a unique angle on this, but that scenario could present itself. It's not something the council spent a lot of time, or even the Snapper Grouper AP necessarily, talking about, but I could see that happening, and then it puts you in a position where you do have to apply some sort of discretion, but, like you said, you can never count on that, but just be aware that that exists right now, and certainly we can discuss this more in June, the council or whatever, but I'm not sure how you would fix that. The way to fix it would be to go to a depth approach or something or exclude specifically certain depths or something, and I don't know, but it does exist, and I just wanted to make you all aware.

LT. O'SHAUGHNESSY: I just wanted to point out that the Coast Guard is not here, but, speaking on their behalf, due to their absence, we have -- Often, the federal side and the state side has a little bit more officer discretion than you see with some of the Coast Guard boarding officers. A junior BM3 -- Often his guidance is, if you find this, you shall do this.

The officer discretion is somewhat removed from their boarding, and so that would be some of my concern, that we have to be really specific and not rely on the officer discretion that we have with some of our more experienced state officers, where you have Coast Guard petty officers who are doing fisheries every third month, and they go by that you shall, if you find this, and so that's something just to be thought of.

MR. BELL: Thanks, Pat, and that makes perfect sense too, and that's why I wanted to make sure that -- I will take that back to the council, because we're the ones with the intent to do this, and a great idea that looks good on paper, but some practical concerns related to total enforceability and all, perhaps, and we just need to understand that.

MR. DUNN: I'm glad that Pat brought that up, because we see that a lot with our cases that come to us, and they would come to us, but to try to apply any other -- I mean, we'll just have to deal with it, and to apply a depth is just not going to really work. Like I said, a vessel going out for that day, or for that particular time boarded, at thirty-five feet, again, they should have it onboard all the time they go fishing, and it will just make it easy.

CAPTAIN LYNN: I do concur with Tracy on that. I think a depth would be an enforcement issue and very difficult, and so I think just leave it as-is and officer discretion, and all those cases anyway in the EEZ are going to go through the council, through Tracy's office, and so they can be sorted down there as to prosecutable or return to -- Pat can handle that through officer discretion on NOAA's part. That would be my suggestion. Has anybody else got anything on that? I would just say not. A depth finder is certified, and then you've got to go through that in court, and no. That's just another issue.

AP MEMBER: The only way you would be able to deal with it would be, and you would fall under the same situation, but to reference what type of gear you're using to fish with, and then that would be associated with that, and so, if you articulate clearly bottom fishing and things like that, then you could say that gear applies, but then it gets very complicated in trying to write all that in, and so I agree that I don't think that you need to muddy the waters on this. We already agree that this is not going to be that enforceable, and there's going to be a lot of education, and the approach will be education, for the most part, and so I wouldn't get too wrapped around the axle.

CAPTAIN LYNN: I concur. Anything else, Mel, for further discussion? Are you good? Okay. We will move on to the recreational bag limit sales while we are in the discussion mode. Myra, did you have some information to share?

MS. BROUWER: This came up yesterday, and so, basically, we just wanted to give you guys a heads-up that there's been discussion at the council table. As we presented to you yesterday, there is a potential action in Dolphin Wahoo 10 to allow recreational sales of dolphin, and then the Mackerel Cobia AP -- I can probably pull up their motion, and so these are the motions that were made by dolphin wahoo initially, and the charter captains had recommended that this be just off of Florida, but then they changed their mind and they said, well, no, it should be across-the-board, and so they passed two motions to allow bag sales to licensed dealers, and the landings would be deducted from their recreational ACL.

Then the Mackerel Cobia AP discussed this as well when they met recently, and they are not in agreement that this should be allowed, but their position was, if it's going to be allowed for one species, it should be allowed for all species, and so this is where things are, and we wanted to make sure that you guys were aware that these discussions are happening and if there's any comments that you feel the council needs to know when they take this on, and now is the time to bring those up.

LT. O'SHAUGHNESSY: I think it's obvious, and I think we're starting down a slippery slope, and we're starting to gain speed.

CAPTAIN LYNN: I agree, and I see you're saying that, once the sales start for one, it will spread to others, and, yes, I agree with you. I think we would not be for that, as it stands now, in my opinion. Would we like to make a recommendation to at least stand on what we believe would be the start of a major issue for law enforcement? Do want to concur or we don't want to make a motion now? Do I hear anybody from the floor?

CAPTAIN PEARCE: I guess I can say, for us, we already -- Within state law, for non-federally-permitted vessels, we already allow charter captains to sell those dolphin if they are commercially

licensed through the State of Florida. Moving forward, I think that we'll, obviously, go with what -- I agree with you all that we've got to be careful that we don't head down a slippery slope.

If this were to go through, in Florida, we're prepared to hold everybody accountable to all the commercial regulations and sales and things like that, but I agree though that this is -- What's the next question? What do you want to say? We already have permitted vessels that are either charter or commercial. They are dually-permitted, but you're either on a charter trip or a permitted trip, and what's the difference? If we start allowing more species to be sold, where do we distinguish between are you on a charter or are you on a commercial trip and things like that? I agree that it's a slippery slope. We're prepared to move forward, if it does move forward, but I agree that it's something that we've got to worry about.

MR. DUNN: I have always been an advocate that recreational sale is not a good idea, but I think the bigger issue for the council is where does that charter sector really fall, and so that's a decision. If they want to make it commercial, then it becomes commercial, and I don't really care. If they keep it recreational, then we should stick with our thoughts on recreational sale, but that's their decision.

CAPTAIN LYNN: Another question that came up yesterday too was that, if we do this, and they are licensed commercially, but they're on a charter, they're a for-hire vessel, but they're going to sell dolphin, are they now susceptible to all of the commercial safety equipment requirements, because you boost that to a whole new level, and is that something the charter fishermen are aware of, that they're going to have to be maintaining things at a different level and things like that, and so that's something that needs to be brought up and questioned as well, the expectation that they will now be viewed as a commercial fishing vessel, as far as safety requirements go and things like that.

MR. DUNN: If I may add to that, the reason that over the years I have that philosophy is because, again, that slippery slope. If we start allowing a recreational sale in a particular sector because it fits some unique set of circumstances, then that ends up becoming -- That's a sale of recreationally-caught fish, and we start slipping down the slope.

CAPTAIN LYNN: Would we just like to make a recommendation that we do not agree with -- Okay. We will make a recommendation then to the council that we do not agree with -- Any species? I would say that's exactly the discussion we're having, is any species, any recreationally-caught species, I think. Does everybody concur?

AP MEMBER: Just to add to the record that, to bolster this, we have a big problem, and I'm sure all the other states do, with bag-limit sales of recreationally-caught fish that are being sold either directly to restaurants, to consumers, to some fish houses, in some cases, and all the effort to combat that is -- It doesn't make any sense to move forward with allowing recreational sale when you're putting so many resources towards combatting that activity, and it's a very hard activity to combat, because it requires a lot of covert stuff, and it's more time constraining, and so it just doesn't make sense to allow something when you're dealing with a big problem like that.

MR. DUNN: Did you need a second or --

CAPTAIN LYNN: I think this is just a recommendation. Nobody made a motion.

MS. BROUWER: It will go forward as a recommendation from the AP.

CAPTAIN LYNN: How about everybody wants to take ten, and then we'll come back and finish up the agenda and see where we stand? Let's take a ten-minute recess, and we'll be back at about 9:30.

(Whereupon, a recess was taken.)

CAPTAIN LYNN: We have one other item on the agenda to address. That would be the election of a vice chair. Since Jason left, and I believe last year was his last meeting, and so the chair has been in it now for a year, and so we need to fill that slot, and so do I have any nominees or recommendations from the floor to fill the vice chair?

COLONEL BUCKSON: I am not volunteering, and so let's start with that, and I'm going to move a little bit further away from Scott.

CAPTAIN PEARCE: I second Bruce's nomination.

CAPTAIN LYNN: Do I hear Scott Pearce as the nominee?

COLONEL BUCKSON: **Yes, sir. That's where I was headed.**

CAPTAIN LYNN: Do I have a second for Scott? I do have a second.

CAPTAIN PEARCE: I've got to learn all of this protocol somehow.

CAPTAIN LYNN: I did talk with him yesterday, just to kind of -- We didn't jump on him and surprise him. **We didn't hand the torch off to him without a little bit of a warning, and so all in favor of Scott say aye; any nays.** Scott is now the Vice Chair. Welcome aboard.

Continuing on then, I believe that clears our agenda. Does anybody else -- We'll go back to Other Business for a second, just to see if anybody has any last-minute thoughts before we adjourn or anything that needs to be covered before we do leave. I do want to address this, and this is my last statement here, but I was going to say, since we only meet once a year, but we considered this last year and kind of made a recommendation, or a thought, I guess it was, that we at least try to meet twice a year, and I know that may not be financially feasible, to meet twice a year, but at least maybe a teleconference in the fall or something with anything that's going on from the council, and it would be nice to know.

Meeting once a year, most of the time, I would say, the Law Enforcement Committee here -- We're behind the eight-ball on most recommendations. The ball is pretty well rolling by the time we get it for comment, and so I would like to recommend at least a face-to-face meeting, as we usually do, sometime in the month of May, before the June meeting, and maybe a teleconference, if nothing else, in October, by mid-November, because I know, after that, everything falls into the holidays, and you can forget anybody having free time after that, but sometime within the month of October to maybe the 15<sup>th</sup> of November, and that gives you about five or six weeks to schedule a teleconference somewhere along in there. I would like to make that recommendation, if you like



to concur, or is there anybody with different thoughts or ideas? I am open for discussion, but I do see some value in meeting or hearing from people at least twice a year.

MR. DUNN: Absolutely. The conference call, or they have certain web meetings that you can hold, and that would be much better if we had an opportunity to discuss things on an ongoing basis, absolutely.

CAPTAIN LYNN: I agree, and either way, the web conference or Skype meeting, or it doesn't matter. I think we do need to at least hear from each other and address issues at least twice a year, to be fully functional committee. We need to be a little bit more proactive. As the council needs us and sees issues, we need to be able to address them as they come across and not after they come across.

CAPTAIN PEARCE: I will say that, with the Gulf States and the technical committee, which is similar to this, that all happens when the Gulf States meetings occur, and so you're meeting twice a year, for the most part, and so it does benefit and help out a lot, and so I think bringing that concept over here, to at least have that teleconference, would be wise. It helps.

CAPTAIN LYNN: I agree.

MR. BELL: I was just going to say that we went through a little period there where we'll say the tempo of our amendments kind of got heavy, and we did get kind of -- With you guys, we got kind of behind, and there was a lot of stuff that we were throwing on you at one point, and I think that's what kind of gave us the ah-ha moment about, gee, we need to probably -- It would be a good idea to meet more often, and the reason for that, if you think about, is all these other amendments that we deal with as a council across the different species -- Just about every one of them has got some component of it which is regulatory, which can come over to actually enforcement.

You're the one sort of central advisory panel that touches all the other areas, and so, again, kind of depending on the tempo of amendments moving through or what is going through, there is, I think -- We don't want you to just meet for the sake of meeting, but there is usually stuff that you can comment on, and maybe, like you said, the webinar might be the best way to do a second one, and I don't think those are all that expensive.

It would be a way to just kind of keep you caught up on the progress of things and new ideas or new concepts or things that are moving along towards an amendment, and you have provided some useful input here, even though we've discussed some things that aren't actually a fleshed-out amendment with actions and all in it at this point, but it's good for the council to have a sense of how these things might run into some areas with a concern related to enforcement, because we do have the Coast Guard representative at each of the meetings we have, and there is some comment and participation there, but it helps, I think, to --

I call it sanity checking, but you just kind of see the practical sense of this and how things might work out with some of the ideas, because we're never short on ideas and great things that we can do, but it's good to kind of run it by you guys, and so I think, if you could do that, a face-to-face once and then maybe kind of webinar as another one, if we've got stuff going on, that makes sense to me, and so I appreciate you all's willingness to want to do that, and we'll try our best to keep you up-to-speed on things and not get blindsided or -- Where we don't want to be is at the point

where we're ready to go to final action or something and you all are looking at something for the first time. That is not a good place to be, but thank you.

CAPTAIN LYNN: I agree, Mel. Law enforcement, I have always considered us the point of the spear, because the regulations that get passed behind the scenes are great, but we're the ones out there actually face-to-face telling people that, no, you can't do that, and so it's nice to have the input, when you're the point of the spear. I think twice a year, whether we've got anything to talk about or not, at least have some input and get together and maybe see what's going on in each state, and you just never know. All lines do cross at some point. With that, I do recommend that we try to meet at least twice a year, and we'll see how that goes, and that will be great. Any further discussion?

MR. DUNN: Just one thing for Mel. I just wanted to make sure -- We spoke about it afterwards, in regard to the priorities and how we do that, and did we answer your question fully?

MR. BELL: Yes, I think so. The origins of the question, I guess, were with the council just kind of realizing that, okay, you've got priorities, and you've got the five-year document kind of priorities, and so it was kind of a discussion of, well, how do they decide that, and you explained the process and also explained that we certainly have an opportunity to input prior to the five-year, but, on a regular basis, if we see things that -- Because, a lot of times, things will come to our attention at the meetings through discussions with the public, and that can be at the state level or the meeting itself for the council, but we have a mechanism to just communicate with you guys and let you know what we're seeing, and then that can help you kind of determine, operationally, how you might want to proceed in a given year, but I think the general question kind of came from, well, they have these priorities and how do they -- That may be exactly what somebody said, is how do they come up with that? You have explained that.

MR. DUNN: Usually, when a question comes up like that, something that somebody feels should be a priority isn't in there, and I think that's probably where it came from, and we always have a representative at each council, and so, if something comes up -- I know, when I'm at the council, I get pulled off to the side and things discussed about particular concerns, and so we can always turn to our supervisory enforcement officers. They really are that -- I wouldn't call it the pointy end of the spear, and it's a little dull, but they are definitely our lead, as far as the field operations go, and so we can always use them as a great conduit for any changes.

CAPTAIN LYNN: Anything further from the group then? Then we will stand adjourned. You all have a safe trip back.

(Whereupon, the meeting adjourned on May 24, 2019.)

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

Transcribed By:  
Amanda Thomas  
June 17, 2019

May 23, 2019

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SAFMC Law Enforcement Advisory Panel Meeting (Day 1 of 2)

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