

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT ADVISORY PANEL MEETING

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 4, 2008

SUMMARY MINUTES

Law Enforcement AP:

Colonel Bruce Buckson, Chair
Otha Easley
Lt. Charlie Gris
Capt. Jim Kelley
Lt. Chisolm Frampton

Tracy Dunn
Capt. Stephen Adams
Michael Kennedy
Karen Antrim Raine

Council Members:

Mac Currin
John Wallace

Lt. Brian Sullivan
Tony Iarocci

Council Staff:

Bob Mahood
Myra Brouwer

Kate Quigley
Julie O'Dell

Observers/Participants:

Major Brett Norton
Meg Boyle
Karly Miller
Amanda Bernard
Dave Allison
Howard Rau
Randy Manchester
John Williams

Manny Antonaras
Milton Brelsford
Chip Bethell
Eileen Dougherty
Scott Zimmerman
William Whipple
Richard Vendetti
Josh Eagle

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The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened at the Jekyll Island Club Hotel, Jekyll Island, Georgia, March 4, 2008, and was called to order at 1:00 o'clock p.m. by Chairman Bruce Buckson.

Colonel Buckson: Good afternoon. I would like to start the LE AP meeting at Jekyll Island, Florida. I'm Bruce Buckson from Florida Fish and Wildlife Conservation Commission. What I think it would probably to start with is just to run around the table real quick do some introductions. Manny, we start with you?

Mr. Antonaras: Manny Antonaras, NOAA Office of Enforcement, St. Pete Office.

Mr. Mahood: Bob Mahood, Council Staff.

Mr. Dunn: Tracy Dunn, NOAA Fisheries Enforcement, St. Pete.

Mr. Kelly: Jim Kelly, North Carolina Marine Patrol, Wilmington.

Captain Adams: Stephen Adams, Georgia DNR Law Enforcement.

Mr. Easley: Otha Easley, DSAC, St. Petersburg, Florida. I just moved over from Long Beach, California.

Lt. Gris: Charlie Gris, U.S. Coast Guard, Southeast Regional Fisheries Training Center, Charleston, South Carolina.

Mr. Kennedy: Michael Kennedy; I'm a civilian from Jupiter, Florida.

Ms. Raine: Karen Raine, NOAA General Counsel for Enforcement and Litigation.

Lt. Frampton: Chisholm Frampton, South Carolina Department of Natural Resources Law Enforcement.

Major Norton: Brett Norton, Florida Fish and Wildlife Conservation Commission.

Lt. Sullivan: Brian Sullivan, Coast Guard District 7, Miami, Florida.

Colonel Buckson: Thank you. Just by way of explanation very quickly, the LE AP members that are missing, Kim Connolly is not here and Craig Whitfield is not here. Jim Kelly is sitting in for Colonel Rex Lanier. To continue, as well, with a little bit of explanation, Major Brett Norton from Florida will be assuming my role with the Council and the LE AP. We'll be making those letters and requests for that to Bob sometime in the near future. We're in the process of making that transition.

I ended up with a different job; I got a promotion. Tracy Dunn, as well, Otha is going to be filling his role on this LE AP. We're trying to make at least a little bit of a smooth transition as

the two of us back out. That will be one of the additional items for the agenda that's not on there is filling the chair and vice-chair role of the LE AP.

The next order of business, and hopefully you all chance to look through the CD or on line, and that would be take a look – before we go over the agenda for this meeting, take a look at the minutes from the last meeting in December of 2006. With that said, what we need is a motion to approve those minutes. I'm not sure everyone had the opportunity to look through them or not, but if we have that motion, that's fine as well.

(Motion made to approve the minutes was made by Mr. Adams; seconded by Mr. Kelly.)

Colonel Buckson: Any discussion on the minutes; anybody have any corrections or comments? Okay, seeing none, we'll accept the motion. Okay, the minutes are approved. We'll move on to the next order of business, which would be simply to go through the agenda. Hopefully, you all picked up a copy of the agenda. We've got a relatively limited agenda at this time, but there were issues that we all felt that it was critical to be able to get back together and discuss.

Mr. Mahood: I would like to add one at the end, Bruce, under other business. We're starting to get queries about NOAA Enforcement from the inspector general's office. They're doing just a study. I don't think it's an investigation but just a study.

Mr. Dunn: Did they name anybody in particular?

Mr. Mahood: Karen Raine. I've talked to them one time, but they had asked me to help them out. We talked about the JEAs and a couple of other things, the litigation and this type of thing. I would like to talk about that a little bit so I can have better input with them from law enforcement, which we feel like we need as far as help in the NOAA Enforcement.

Colonel Buckson: Thank you. Does everybody have a copy of the agenda? As I said, also at the end, we need to add the discussion about the chair and vice-chair of the LE AP. There is one other thing that I just wanted to mention because there are probably some folks here that may not have been exposed to it, and the Recreational License Registry and some feedback that we've had in Florida related to that, if I could add that at the end, as well. It's just some brief comments about that registry. It's part of the Magnuson Act and we all got a briefing at the Atlantic States about that.

It's been a little over year since we've gotten back together. I think one of the things that this panel, for the most part, has discussed is trying to stay at least – once a year to try to get back together to able to discuss things. With that said, my intent for bringing that up is at the end, if we've got other issues that we need to discuss, this is a unique opportunity once a year to be able to get together, and we want to leave that time open as well, because it's a good opportunity for us to be able to share things that are going in the states or with the Coast Guard or with the National Marine Fisheries Service that we don't always get the opportunity to do.

Mr. Mahood: One other item, Bruce, one of the things that I would like to discuss a little bit because it's going to come up at the Council relative to some of the actions that are going to be

taken on gag grouper, and that's the recent Florida Fish and Wildlife Conservation Commission's decision not to have a closure that parallels the federal closure in the Gulf.

I think we can look forward to the same thing in the Atlantic. We need to have a little discussion on what the law enforcements aspects of that are and the impacts, especially under the JEAs and this type of thing. I'm not sure how exactly that's going to work.

Colonel Buckson: I've got that added as well. Anybody else have anything else that we know that you want to add at the end. Again, remember we'll be open to be able to adding more information if need be. No other items? Okay, the first item on the agenda is to discuss the Law Enforcement AP's role in the development of LAPPs. The link to that from the Council is Tab 2 in briefing book.

As most of us have been here since yesterday listening to some of the meetings of the workgroup and then the LAPP Committee, as well, this morning, Bob, I'm not sure that all of us sitting here know what the final was after this morning. Could you maybe take a second to get us up to speed with that?

Mr. Mahood: I'm included in the group that doesn't know exactly what they decided this morning. The Council took up the issue of LAPPs this morning, and I guess everybody knows what LAPP stands for. It's an acronym for an IFQ/ ITQ limited access type program. We held a series of public hearings up and down the coast back in February. LAPPs was one of the major issues.

We got virtually zero support from the industry on moving forward with LAPPs. Probably it's been one of the heaviest calls from constituents on the issues that they've had, so the Council members have been getting bombarded by the fishermen also relative to how they perceive what LAPPs would or wouldn't do to them.

Basically, we also had a LAPP Workgroup made up of 17 members. It included the fishing industry, a recreational representative and a representative from an NGO, Environmental Defense. They did a lot of work; I think maybe as many as eight meetings that they held. It might have been more that.

They basically came to the Council with mixed emotions and no strong consensus to move forward on LAPPs. At this meeting the council committees deliberated that this morning, and they determined that we needed a lot more education out there, and they were going to solicit Sea Grant's help to get more information out what LAPPs are, what they do and what it would mean to the fishermen in the fishery.

There was consensus to look at moving ahead with a LAPP Program for the tilefish fishery. The reason for that is the tilefish fishery has very few participants at this point in time. They have a hard quota. It looks like they're going to reach their quota very quickly this year, so the fishery will be shut down probably more than three-quarters of the year. It's a feeling there may be some sentiment amongst the tile fishermen to pursue a LAP Program.

That's kind of where it's left. Staff is going to get together with the tile fishermen and report back to the Council in June. At this point there is certainly no program that's going to move forward on the overall snapper grouper fishery as far as some sort of LAP Program. If there is one, it will be decided in June, and it would be specific to the tilefish fishery. That's kind of where are, Bruce.

Lt. Gris: Sir, am I to understand then that the Council believes that with an aggressive Outreach and Education Program that it's somehow going to change the mindset of the fishing public?

Mr. Mahood: I certainly can't figure out what was in each council member's head when they approved that, but I think they feel like even though our workgroup has worked on it for well over a year and being very close to it, they still didn't really understand exactly what all the ramifications were.

I think what is going to happen is at this very meeting here we're going to go out with a couple of amendments to the snapper grouper plan that virtually have very significant closures during the year, and I think within two years the fishermen will be coming back saying, "We need something to let us keep fishing throughout year even if it's some sort of a LAP Program." I think we'll see that, but at this point in time I'm not sure what the rationale was other than there seems to be a lot of misinformation.

Colonel Buckson: One of main reasons I wanted to chat about this with the LE AP was kind of foundational to what I think this advisory panel is supposed to do is to begin to try to look out ahead of things and be able to provide input on some law enforcement concerns and helping make these programs work as they begin to get into management plans.

I know that Paul Raymond is building in the background some things that would be part of the enforcement regulation part of implementing a LAPP. I think primarily what I thought would be beneficial to the Council if we just openly chatted about what some of things are that we're going to need to be able to – either have in the regulations or request they're in the regulations to be able to make a program like work on this particular coast.

On the Gulf side we've got some experience with the red snapper fishery that started just over a year ago. I know Manny has been very involved in the process. It's a new program for this part of the country. There are other areas of the country where it has worked very well. I think Alaska has had it for several years.

There are geographical differences as far landings go when you implement an IFQ or something similar to that. One of the challenges that we had on the Gulf side of Florida is the multiple numbers of places that people are able to land their fish. The way I understand the explanation of what happened in Alaska is you've got a limited number of parts where there actually is landing ability for the fish in Alaska.

So, it's very easy to man those landing sites and be able to ensure that there is compliance with the program. In the Gulf, actually from Texas to Florida – and I think the Panhandle of Florida is probably the highest activity – the National Marine Fisheries Service had to set up a

notification system where we were notified when a landing was going to be taking place and the location of the landing.

There were some issues with being able to make sure that we either met or at least tried to meet as many as possible of those landings. That's the first step in helping to try to make a program like that work from an enforcement perspective. Probably statewide, I think about 30 percent of the landings we met at the dock from a state perspective. On the federal perspective, I'm not sure.

That was Gulf-wide but primarily from Carrabelle to the Alabama/Florida line is where most of those took place. It's a significant change in the way we do business as enforcement, and that's one of the things that I wanted to be able to chat a little bit about here. Bob, you had a comment?

Mr. Mahood: Yes, just a quick question, Bruce. I'm not real knowledgeable about the Gulf plan or the regulations, but is notification required or is that just something – it is required?

Colonel Buckson: Notification – and, Manny, correct me if I'm wrong – it three hours prior to the landing?

Mr. Antonaras: Yes, that's right.

Colonel Buckson: Okay, that they had to be notified. The notification system is probably about the best you can get by phone. Can you do it by internet, as well, Manny, or just phone right now?

Mr. Antonaras: We're working on the VMS right now, but I don't think they're quite done, right?

Colonel Buckson: So it's by phone at this time. The coordination that we set up with the National Marine Fisheries Service is being able to get e-mailed, and I get e-mailed – you can always tell when the red snapper are out there because I get an e-mail of every notification that we get, and you can get a list of people that receive those notifications.

I am assuming that it's a transfer of phone message to an e-mail. We have it sent to our dispatch centers and our dispatch centers send people if they're available. Those are just some of the issues from an enforcement perspective that need to be included as the regulations are crafted, and I think that's part of the role that Paul is playing in this whole process is trying to help draft some of those things.

I see the potential for the Atlantic coast being a little bit more of a challenge because red snapper for Florida, anyway, was geographically isolated to the Panhandle, which made it a little bit easier for us to be able to meet and greet some of those folks that were making those landings. The Atlantic coast and the number of dealers that we have may be a little bit more of a challenge. I know it's one of our JEA priorities. In our joint enforcement agreement, we include the IFQ red snapper issue for the Gulf in part of what we target through our joint enforcement agreement, but it's not the only way to make that happen.

Mr. Mahood: Bruce, you and Manny have seen it. Are there any recommendations you would make to the Gulf regulations that would improve it that we would know up front? Have you thought about it or talked about it?

Colonel Buckson: Well, we've hammered out some of the notification issues. The notification is critical because that's the only way that we'll know where to meet these folks to look at the landings and the records for those landings. When I reached back out to our folks in the field, that was one of the biggest problems that we ran across was getting accurate and timely notifications. I think most of those bugs have been worked out. The bigger picture of how to make it work so you can meet more of these, I don't think we've had that discussion in any detail at all. Tracy, you had a comment.

Mr. Dunn: Well, you hit on the one point with the fact that we're trying to make it easier for everybody to get that call in. Right now it's by phone, and we're looking at an interface between our VMS system and the region's IFQ system so that they can use their terminal on the boat to send that off and make it a lot easier, along with any other thing they want to send off. Anything we can do to make the reporting for the three-hour notice easy, we're going to improve the system, and that's what we're always looking for.

Mr. Kennedy: My question is there is going to be another impact on the east coast because the distance fished is often less than what you see on the Gulf coast; is that going to impact your ability to get out there or shorten the notice time? Some of these guys are well within an hour run of their landing places.

Colonel Buckson: Karen, and, Mike, I wasn't avoiding your question. I hadn't thought about that.

Ms. Raine: I believe on the Gulf, though, there is a three-hour landing notification requirement; so if they were an hour out, they would still have to call three hours ahead of time is my understanding.

Mr. Kennedy: Right, my question was are we going to have an impact on the commercial guys that are having to give – my question really was more are we going to have an impact on the commercial folks that need to be checked out at landing because they are a lot closer to shore, and it may impact their trip back. Do you understand what I'm saying? To give three hours, they may have to notify us well in advance of when they leave their fishing grounds.

Mr. Dunn: That's exactly what I was going to say. What I was going to say was that's really what they have to do, then. We had the same problem in the Gulf. We have a couple of boats that can make it in pretty quick, and we just said, "Well, you're just going to kind of make rough guesstimate as to when you're going to leave your fishing grounds, so three hours later you're landing."

Mr. Mahood: Three hours is not a magic number. It can vary. It could be different on the east coast; it could be a different kind of notification system. John Wallace was just telling me off

our coast you can't be reached by a cell phone if you're three miles offshore. We don't have that capability over there.

Mr. Dunn: Well, the one real problem, and you'll have to be careful with it, is the fact that we have to be able to look at how spread out our law enforcement resources are so that an officer could get down there and monitor that offload or check it. That's the real reason for the three-hour notice.

Mr. Mahood: Initially, it looks like if we look at anything, it's going to be the tilefish fishery, and in most cases they are going to be further offshore. And if we do that, there'll probably be a VMS requirement or some other system involved in that, too, so I'm sure there will be a way they can get notified. I think they talked about this morning – when Ben was kind of counting them off the top of his head, he came up with a couple dozen or something like that, maybe 20 at the most in the fishery. So you wouldn't have quite as many folks landing would be one thing.

Lt. Gris: Let me just take this opportunity to get on record here since we're talking about the impacts of enforcement with the LAPP. As everyone I think is aware, when we have a trip limit, it's an easy thing for the Coast Guard to enforce out at sea. If we move to a Limited Access Program, that ability to enforce at least that amount of biomass that's on board that fishing vessel for that particular trip then gets marginalized.

That doesn't mean that we're out of the LMR game entirely because we can still do species ID and gear ID and size requirements and whatnot. I think it's the opportune time to establish the fact that we're going to rely a little bit more heavily on dockside enforcement when the Coast Guard is not really counting how many fish are on board a vessel at sea.

Mr. Dunn: Actually, trip limits are dockside enforcement because their weight most of the time, unless you have a particular number on a small number of species, that's still a problem that we had with that, so we didn't see any real change in how we were going to do enforcement.

Lt. Gris: Yes, I understand that there is a weight issue when you get to the dock as well. All I'm talking about is from the Coast Guard's at-sea boarding, the issue of how much that vessel has on it while it's at sea then does not really become something that the Coast Guard is going to be able to check or not check whether they're in compliance or not. That was my only point there.

Colonel Buckson: Any other comments? Again, one of the things that I think that really made it work well in Alaska was the limited number of landing locations. The more landing locations – and we're not interested in limiting landing locations, but the more landing locations that we need to have a presence at requires that many more law enforcement folks to be able to be there if there is an expectation for us to greet a certain number or percentage of the landings that are going to be taking place. That's just a consideration for the Council as well.

Mr. Mahood: Bruce, as we move forward in this, I am sure that the Law Enforcement AP will be very much involved. I think we can find out what is going on in some of the other areas. You certainly have a good idea of what is happening in the Gulf and what components need to be

there and that type of thing. I'm glad we're getting in early from the law enforcement aspects in this process. I appreciate your bringing that up.

Colonel Buckson: I mentioned percentages of what we met on the Gulf for the red snapper, but that was over a thousand landings that we were dealing with in Calendar Year 2006. That was the beginning of the process and that was the beginning of the notification system, so you have to assume that there is going to be at least that many if not more landings of red snapper once it gets moving. There's a considerable number of landings that we're going to be facing with this, which is fine.

Mr. Dunn: Paul Raymond had kind of a summary of our view of this recent LAPP, so we're sending that around and it may help summarize some of the things that we saw that needed to be incorporated into any viable LAP system, so that will help.

Colonel Buckson: I'm not sure that we need to run down those. Everybody should take a look at them because I think they're – just a quick glance they look to be pretty accurate. Number 13 was the one that kind of jumped out at me as I was just glancing down the list there. Tracy, you had a comment?

Mr. Dunn: Yes, that's way too few. We need a lot more than that. Now what I was going to say is this is a pretty good list. However, we're still running into – as we go through the Gulf system, we're finding different things that tend to affect our ability to enforce it. One is landing at a private residence.

We had a lot of places where they were landing just at any chosen dock, and we wouldn't know that until they called in, so we came up with kind of a certified landing list. It does not mean that you cannot land at any location you went to, but if it has already been certified, the call-in procedure is greatly simplified.

If you don't have your landing location on that list, then you have to go into a great deal more description as to where you're landing so an officer could find it. Down the street from Joe Bob's does not count, so they had to provide a lot more – in fact, we were trying to send some state officers out to verify that location. Now, private residences are a whole different matter, and I don't think we've come to a good handle on that one.

Colonel Buckson: For the recorded record, Number 13 said, "Fund additional six FTE special agent positions and one enforcement analyst", and these are comments, again, from the National Marine Fisheries Office for Law Enforcement. Also, just so everyone knows, this wasn't an LE AP document. This is pretty much the first time we've seen this. I'm not sure that we're going to find any errors in it, but just by way of explanation. Tracy.

Mr. Dunn: Well, I'll have to point out one. I actually probably would not hire agents to do that enforcement. I'd probably be looking at officers. That's more of a monitoring aspect, even if we had to hire our own, and that would be areas that we wanted to have well covered by our state counterparts or to at least help them with that whole program.

Colonel Buckson: I guess, Bob, for the Council and from the LE AP, the point would be that we definitely would like to stay plugged into this whole process, which I'm sure we will. It's going to be critical to understand what the Council is going to have as far as expectations for our law enforcement folks to help make this program work. The only way is to stay plugged in, and we'll be sure to do that from this LE AP, anyway.

Mr. Mahood: Yes, I think you heard, for those that sat in, there were four major questions that came out of the workgroup, and one of them was how would it be enforced. That's going to be a major component that will have to get taken care of.

Colonel Buckson: Mainly, I kept this on the agenda to be sure that we had the opportunity to chat about and keep everybody up to speed with some of the things that are going to become requirements for us to help make this management plan work. It appears that at least it's going to come in some form or fashion for different species as we move along.

Again, I think Paul is working on something other than this summary document, but, if not, I think this summary document is a good start. Any other comments about the LAPP? Okay, the next item on the agenda is circle hook enforcement. Again, this was something that I think that a few of us have chatted about over the phone and wondering, mostly as a discussion item, what status every state is taking with regard to this.

In Florida we just had a recent change, but it's actually not implemented at this point. It will be by June – I think June is when it becomes effective. With that, does anybody have any comments about circle hook enforcement? Bob.

Mr. Mahood: I think it's in our Amendment 17 that is starting to move forward – maybe in 16, I'm not sure, but they are considering a requirement for only use of circle hooks in the snapper grouper fishery. Any input you have from experience – now the Gulf has that in the reef fish fishery already, don't they, Bruce or Tracy? I think in the Gulf reef fish fishery all you can use are circle hooks.

Ms. Raine: I don't know about that, but I was wondering if they go to this requirement, would there be a prohibition against having any other kind of hook on board?

Mr. Mahood: Yes, I would think there would have to be a prohibition about having anything else on board.

Mr. Dunn: The biggest trick will be with your definition; so that when we go to court – I mean, everybody knows what the parameters for circle hook are, and there is going to be no way for anybody to say, well, this particular hook is a circle hook or isn't a circle hook when it is. That's going to be the biggest trick is that definition.

Colonel Buckson: I'm looking for a document real quick here. The Gulf Council recently did make some changes to the reef fish. It was at the recent meeting a couple of weeks ago that Brett and I attended. It was one of those amendments where they basically took the language out

of the South Atlantic Council's regulations for shark. Is it shark? Manny is shaking his head yes. HMS itself, that's what it was.

And it defined what a circle hook was, and it requires the use of the circle hook and it requires the carrying of a venting tool as well to be able to let the air out of the bladders and to release fish. The primary goals of both of those were to decrease discard mortalities and fish that you released mortality. The State of Florida just, at our commission meeting at the end of last month, adopted those regulations as well. This is the first time we'll be faced with the enforcement of circle hooks, you have to use a circle hook, and you have to have a venting tool on board when you're fishing for reef fish.

Again, that immediately begs the question for all the enforcement guys is how do you know what they're fishing for when they're fishing, and you really don't. But, again, it's a fishing ethic. From our perspective, what we're going to be doing is very strong education. I don't think you're going to see a lot of folks going to jail because they don't have a circle hook on the end of their line.

But, it is, again, decrease the release mortality. I expect that to be seen probably in a lot of the fisheries as we continue on. I think some of the discussions that we've had in the past is that it's not a favorite thing for an enforcement guy to be writing a citation for. Chisolm.

Lt. Frampton: Bruce, have you seen anything like offset circle hooks or people trying to modify the circle hooks? Has there been any guidance on any of that?

Colonel Buckson: I was at our commission meeting and the language that we were going to put in our rule was basically the copy of the Gulf of Mexico language, which was a copy of the South Atlantic language. When a couple of us read it, we didn't see anything that would require or would limit it to being non-offset, and so our attorneys added some language that was something to do with perpendicular.

In their opinion they felt like it would eliminate the use of offset circle hooks. It was interesting because those fishers over there, most of them didn't want to use an offset hook, anyway. The folks that really want to be able to release the fish, they're not interested in the offset, but we tried to include that in our language.

The most important thing that I found was Sea Grant has already got a couple of pamphlets on circle hooks and venting tools. Our Division of Marine Fisheries management folks and our law enforcement folks got together, and we're pretty much going to mimic those same documents and really try to push hard to do an outreach kind of thing from an enforcement perspective to make folks aware of what they should be doing.

And, again, the reason I wanted to bring this up is because I know in the past – and I think either this LE AP or an LEC that I sit on, that we're pretty emphatic that it probably wasn't a great thing to put in a regulation. It's a good fishing ethic, but it may not be the greatest thing to put in the regulation because I don't think anybody is ever going to see a lot of citations for that. We're

going to get people to comply or we're going to hope to get people to comply, but it's probably not going to be the most drastic enforcement measure. Mike.

Mr. Kennedy: I was trying to pull the regulation up, but I think it required the use of a circle hook when targeting a particular species and using live bait or natural bait as opposed to you can use J-hook, offset or not, on artificial – and there is an issue of whether or not – I mean, I'm not in the business, but I see that as an enforcement issue. I mean, how do you know what in the dickens the guy is fishing for?

Lt. Frampton: That's exactly right. I mean, unless you go out there and reel it up, and then how do you know what he is fishing for when he tells you he is trolling?

Colonel Buckson: Mike, it was a good point about the natural baits. It is only related to natural baits at this time. One of the other things that we put in our – and I'm not sure if this came out of federal regulations or not, but the venting tool – and I'm just going to read you one short sentence out of it, "This tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16- gauge needle fixed to a hollow, wooden dowel."

Well, I'm looking at other enforcement people, and what do you usually think of when you see a syringe, a hypodermic syringe? I don't know where we are at this point, but our agency has actually distributed a lot of those, and they have our seal on it. Our divisional law enforcement is talking to our Division of Marine Fisheries management to try to figure out the best way to handle that.

It is a practical instrument as a venting tool, but law enforcement on the street is not going to like to see our agency seal on one of these if it happens to end up in a dumpster behind a Zippy Mart of some sort. Anyway, that's one of the things, as this move along, you may want to keep in mind. We may want to come up with a better description of what it should be. Any other comments or questions about circle hooks?

I think it's certainly a good fishing ethic. I don't think it's going to be much more than education at this point for enforcement. At least from our perspective, we've taken a real strong stance on getting the word out but probably not into writing a whole lot of tickets for it.

Back to the agenda, the next are the spiny lobster issues and future actions, and that was in Tab 7 of the main document. Again, this was one that probably doesn't have a lot of impact on others. Well, maybe it does because it has to do with imports. I thought Paul was going to be here, and I was hoping Paul Raymond could maybe brief the panel on what the proposed regulations are. I don't know if either Bob or Tracy may have some information on it. Tracy.

Mr. Dunn: Right now we're not quite sure on what the proposed regulations will look like, so I can't really comment on those. There are several people involved and they seem to be taking on a life of their own. The intent comes from all the investigations we've done on imports. You know, we're relying on the Lacey Act or the underlying law in the foreign country to prove a violation.

What we'd like to see is an import law that handles spiny lobster tails by themselves. Enforcement looks at how the industry handles it and deal with weight, so we're looking at a limit on the weight of a lobster coming in, and that causes a lot of the managers problems because they're not used to dealing with weights as a regulatory scheme.

But that's the goal of enforcement because all the documents and the marketing of these lobster tails are by weight, so we're looking at how can we best track and regulate lobster tails coming into the country, and we saw that weight was probably the best way to do that. Otherwise, it's always going to take a physical measurement or something, and that's kind of what we've been dealing with in some instances, but for the most part the weight is where we really are able to focus in on any potential trouble.

Now, a lot of our cases, the weights on the boxes don't match what the weights are or the actual tail. Well, that's handled on its own. You don't even need the underlying law for that. That's pure smuggling. Under the Lacey Act that's a felony so we're okay if they want to try some other way of getting around that. But right now how these regulations are going to end up looking, I can't really say. They're still going through the vetting process.

Colonel Buckson: And they did not apply to harvest in the United States?

Mr. Dunn: That's true. We were looking at making it a possession law. That caused a lot of trouble because then you would have any spiny lobster tail in the market being susceptible to these laws, and what they decided is at this point in time it would have to be an import law, so any spiny lobster imported into the country would have to meet those particular parameters, whatever they may be.

Colonel Buckson: But once they hit the market, they're back to the – at least in Florida and I don't know if other states have regulations on spiny lobster, but I guess yours would apply in other states. Once they hit the store, they'd have to be the size, the three-inch carapace or five and a half inch.

Mr. Dunn: As far as a more restrictive state law, they would still have to follow that law, regardless. This would, like I said, be purely import and any other state, and Florida would be more restrictive most likely.

Mr. Kennedy: I don't have much of a life, but I read the materials and I saw a lot of discussion about egg-bearing females and scraped tails. Is that a logical enforcement issue for all of you?

Mr. Dunn: Yes.

Mr. Kennedy: Is that something that we enforce today, and I don't know the answer to that.

Mr. Dunn: Yes, we do, we're always looking at – again, if it's a lobster from another country, we have to look at that underlying law, but everybody pretty much has a comparable law on berried lobster and/or any other means to remove that.

Mr. Mahood: One of the things that has happened is – initially it seemed pretty simple. The Caribbean Council, the Gulf Council and the South Atlantic Council and the State of Florida were all involved in spiny lobster management, and we were going to get together and with the Caribbean as the lead were going to do an amendment that would address imports.

Unfortunately, as with most things, then some folks came forth and wanted to look at lowering the minimum size in the United States, increasing the minimum size in the Caribbean, and a bunch of other things got thrown in, and I think it kind of scared everybody, but I think we're back now just to looking at the import aspect as the initial phase. Hopefully, that will move along.

They're going to be talking about that at this meeting today, and that will be one topic under the Spiny Lobster Committee, and I think it's later this week. Who just made the case with the guy that is doing jail time off of Jacksonville that had out-of-season tails and scraped tails? Was that you guys, Tracy?

Mr. Dunn: If I can remember all the details, I think FWCC and Coast Guard were involved. Upon approach, the gentleman dumped, so then we investigated and we were able to put together a case that did cause him some heartburn.

Lt. Gris: Tracy, can you talk about how this might impact the recreational guy maybe coming back from the Bahamas or Bimini with the wrong lobster tails on board that's currently not authorized.

Mr. Dunn: You're saying it's currently not authorized, so he would be coming back with unauthorized tails, anyway? Well, that's a good question; I don't think I've really thought about it, but it would be – you know, if the question is would it be considered an import, and that will all depend on the definition of what "import" is.

But, there is always a fallback. If he hasn't gotten his Form 8 like he is supposed to and he has violated the law, we still have the Lacey Act to fall back on where we use the Bahamian underlying law. That's a good question.

Mr. Mahood: I don't know the answer to that. I know we have provisions under the snapper grouper plan where somebody can bring back, with the appropriate documentation, fish fillets and all this kind of good stuff from Bahamian waters. I don't think it applies to anything but snapper grouper that I'm aware of. Eat them while you're there, I guess.

Colonel Buckson: All right, thank you, Tracy, I appreciate that kind of heads up that primarily, again, it's one of those things that could have an impact on every one of the states as they begin to see imports coming in. The next item on the agenda is open water aquaculture, and there was an attachment that went with this that pretty much lays out the Council's position on open water aquaculture.

We may reach back to Bob to see if there is any other input that he might want to have, but this came up at the last Gulf of Mexico LE AP meeting. We had a couple of council members sit in

our LE AP, and they started talking a little bit about the open water aquaculture and where that council was headed and some of the things that they were going to be doing, and it created a lot of questions for the law enforcement folks.

There is concern about escapement of farm-raised fish. There is concern about pollution and feed getting let out of the pens and all those kind of things. I think both councils have addressed all of those potential issues very well. They say that these are issues, but there wasn't any discussion about who is going to be called when three or four farm-raised red snapper get loose, who is going to have to herd them up and who is going to monitor the proper license and the proper feed and those kinds of things.

These were legitimate questions that the Law Enforcement Advisory Panel had because primarily we're the folks that are out there. There are not a lot of other folks that are out there in those locations where this might happen. There wasn't a good answer, so actually those council members took that back to the council and said that there were going to be some issues, potential enforcement issues with some of these things. The good news is that least from my perspective and from an enforcement perspective was they weren't aware of anybody that was waiting in line to get one of these permits to go start building their open water aquaculture pens and putting them offshore. Bob, do you have anything further from the council?

Mr. Mahood: Yes, we have a fairly strict – our policy is fairly significant, I think. As a matter of fact, it didn't find favor, when we were putting it together, with current and NOAA Administration because, of course, they're promoting an aquaculture bill. Sometimes we forget we do have aquaculture. We have live rock aquaculture that is going on right now.

Myra, I don't think we've heard of any problems with that program at all, and I know there are people out there doing it because some of our advisory panel members are doing it. That's a little different than open ocean fish or something like that. They're looking at a lot more of that on the Gulf than we've been hearing about on the South Atlantic side. We certainly will keep you guys in the loop with that, if and when it develops.

Colonel Buckson: Thank you. And, again, that was mostly informational just so we can keep our eyes open for these kinds of things coming up. It would be very interesting if someone shows some interest in developing that type of business with the open water aquaculture, because I think we'll be faced with some challenges there if that does occur. Any other comments on open water aquaculture?

The next discussion item was Oculina Banks, HAPCs, MPAs and other closed areas. To be honest with you, it says, "See Tab 6," but I haven't looked at a lot of those documents since there's an awful lot of documents that associated with that. One thing that I wanted to pass on with regard to the Oculina Banks is that recently, probably within the last three months – I think it was before the end of the calendar year of 2007, there was – I think John Reed is the biologist that's done a lot of work with the Oculina; is that correct?

He had recently had some – or actually it was probably before the beginning of this year. There were some articles that hit some newspapers in southeast Florida with regard to his work on the

Oculina Banks, and it was all pretty much pushed out as the present tense. It was talking about all of the failures and the things that were wrong in Oculina Banks, the degradation of the coral and all of those things.

There was some question of whether it was a followup to a grad student's report or what had happened, but it really created a bit of a firestorm in our agency because it made it sound like there was a complete lack of enforcement. At this time there was no coordination with any agencies, that it was starting all over again to what we all saw about ten years ago when it got inflamed.

His report was very accurate. The newspaper articles were very accurate, but you probably could go back ten years and see the exact same report in a newspaper someplace because it was not much different than what his original report was. I guess because of the firestorm we had to go back, we had to do a lot of research from an enforcement perspective and say, okay, what is happening now, has there been a change in where we ended up over the past years with our coordination with the Coast Guard, the National Marine Fisheries Service, the Randall being there, focusing time there.

There hadn't been a change in anything that we were doing from an enforcement perspective, but the newspaper article didn't portray that part of it. So we were able to explain within our agency what seemed to have occurred and how it ended up there. I guess that's just a lesson learned when it comes to outreach.

I don't fault anything that John put in there because it was very accurate when I read the newspaper article, but like I said it was pretty much a rerun of about ten years ago. I don't know how we combat things like that, but it is something that is going to always be out there, and I have the MPAs flashing in my head as I'm talking this because ten years from now we're going to see those same reports and say, "What did you do about those or what are aren't you doing about those?" We'll be pulling out old documents that come up with that. Anyway, I don't know that there are any other issues with MPAs going on right now, but there may be.

Mr. Mahood: Myra, do you want to go over some of the stuff that we're doing out there? There are a lot of things and a lot of them have significant enforcement aspects. We're talking about drawing a lot of lines out there when we start looking at these new HAPCs. Myra has been very involved in that. We've been holding meetings both with the rock shrimp fishermen, the royal red shrimp fishermen, the golden crab fishermen.

As a matter of fact, if you've seen the people sitting at the table out there with the maps and everything, they were dividing up the ocean or something out there, I'm not sure which. I there was a lot going on that are really going to have significant aspects. I think you all have weighed in a lot over the years on what works best out there and what increases the ease of enforcement. If you'd indulge us, I'd like Myra to go over and maybe give some input on some of these things, to least to let you know where we're going. Some of this is going to come to fruition pretty quickly.

Colonel Buckson: I think that would be helpful.

Ms. Brouwer: Basically, in a nutshell, the Council began the process of proposing designation of Deep Water Coral HAPCs back in 2004. The Coral and the Habitat APs looked at the available information at the time; and with the help of those data and the scientific expertise from the region, the areas were proposed.

In the beginning there were six of them. Then as more information became available, the areas were consolidated into four. Now, I think the total area for all four proposed HAPCs is about 28,000 square miles, so it's a very large portion of the ocean. In that process we started thinking that what are going to be the fisheries that could potentially be impacted by this designation.

We began dialogue, as Bob mentioned, with the rock shrimp and the royal red shrimp fishermen and the golden crab fishermen. We brought them together and asked them to put together their recommendations and to give us feedback as to how these areas could potentially impact their fishery.

What we have brought to the Council at this meeting and what they will be going over tomorrow afternoon are the recommendations from the Habitat and Coral APs, which are the original proposed areas; the recommendations from the Shrimp AP, which include I believe three or four different configurations, and this is something that I'll touch on in a minute, also, and this is where I would like you guys to provide some input. Then the golden crab fishermen met about a week ago and they have their own proposal.

Now, the golden crab fishery is operating in some areas well within the proposed HAPCs, so I think there is a good chance that there is going to be some issues to be resolved with that fishery. Now, the Deep Water Shrimp AP had originally maintained that it is very difficult, when they are not engaged in fishing, to maintain their position, so that drifting becomes an issue; and oftentimes, without knowing, they could potentially find themselves in violation.

So this prompted the request I made to Karen, and you guys have her response in front of you. Initially, the shrimpers said, well, we want to know how many cases are brought up, how many violations are brought in the Oculina Bank and how many of those result in a case being made, because that is going to set a precedent for how enforcement is probably going to work for these Deep Water Coral HAPCs.

They wanted to use that as justification for their preferred – I shouldn't say their preferred, one of their alternatives. The first one they came up with is a six nautical mile buffer to the east of the proposed western boundary. They claim that they need to have at least six nautical miles to prevent this issue of drifting into the area when they don't mean to be in the area. I'll be happy to any questions. I hope that was clear enough and gives you enough information to talk about.

Mr. Mahood: There is one thing, if you happen to have a computer in front of you, I think it's Tab 6 1B, it has got a chart of the proposed HAPCs, and it shows you. It's very extensive, and it looks like a lot of area.

Mr. Dunn: We've discussed basically the overall concept of MPAs quite a bit, and we're going to run into the same problem. To that specific point on the six-mile buffer – and I don't want to speak for General Counsel – we don't really support buffer zones. My suggestion is tell them to fish six miles away from any line that you have. I mean, it's self-imposed.

If they know they're potentially going to drift – and that's what we've told people all along. When they say, "I was right on the line, something happened, I couldn't help it," and you'll start looking at the sequence of events, and there is always that, yes, the potential was there, so fish farther off. That's all we say; it's a self-imposed thing if they're worried about that.

But, any line you put in the ocean, it's going to be treated like any other line. No matter how far away it's supposed to be from what you're protecting, I don't think you can handle it any other way. I'm getting a nod from Karen so I'll take that as my counsel agrees. So, however you carve up the ocean and the more you carve it up, depending on how you handle each particular area, that's going to increase the complexity of not only what the boarding officer has to know, what the fisherman has to know, I mean, it really starts to make things difficult to enforce.

I mean, big, large areas, lat/longs and everything like that are a little bit simpler, but, again, I don't know how – I mean, that looks like a pretty big area, so at least it will be one big massive thing. But that's what we always ask when you start cutting up the ocean, and I'm sure there will be more delineations later on down the road. You've got to be real careful. Every exemption you allow, every other piece of gear you allow, the same with the hooks, if you can't use in one type of fish, but you can in the other, that's a multi-rigged boat, you can start to see how enforcement is going to be on there for hours just trying to figure out what the heck is going on. That's our caution; the simpler, the better.

Ms. Brouwer: One thing that I probably didn't mention is the western boundary of the largest of the four HAPCs, most of it is along the 400-meter depth contour. I don't know how you guys feel about depth contours. I don't have a good feel for whether that is something that law enforcement prefers or not.

Colonel Buckson: It looks like the mikes are lighting up; I'll let Karen go first.

Ms. Raine: Not good; you know, lat/longs, squares and rectangles.

Ms. Brouwer: The reason that the 400-meter depth contour was chosen was purely because the corals that the Council is intending to conserve are within the depth zone. I mean, there is some depth zonation that needs to be taken into account; and for that reason the Habitat and the Coral APs chose to go with the depth contour. Just so you know, that's the reasoning behind that.

Ms. Raine: Generally, for all the different types of management measures, regardless of the fishery, where they're looking at a depth contour, I know there is probably a biological reason. However, those need to be transmitted into lat/longs, that type of thing, so that we're looking at boxes and rectangles or rectangles.

Colonel Buckson: That comment was based on being able to make a case? I agree with you, first of all.

Ms. Raine: Well, if you're following a depth contour, then we're going to have to prove what the depth was at that particular spot where the person was, and that becomes difficult sometimes and the depths can change.

Colonel Buckson: Well, latitude and longitude is not going to change, I don't think. Well, I don't know for sure. Tracy.

Mr. Dunn: She made the comment I was looking for. I won't speak for her business, but even as an agent, when we're going through the interview process, we have to prove all of these elements that the Council creates. That's one of them, how do we know where they were, and this is taking it into court where the judge may have no clue about all these things.

I mean, if you somebody who has been to sea and understands depth contours, it is a little bit easier to sell, but we're talking about people who don't deal with that, and we've got to prove our case in court. We're looking for the best way to set up the laws so that when we go into court we can make them understandable.

Ms. Brouwer: Now, one thing that – I don't know if it complicates things further or relieves some of this potential complication is the fact that the rock shrimp fishery is required to carry VMS on board. Again, this is not something that I'm very familiar with, but according to the fishermen they have a pretty good idea of where they need to be and where they can't be, but, on the other hand, this issue of drifting into an area, having extenuating circumstances that caused this to happen keeps on coming up.

Ms. Raine: I have a listing in what was handed out of the cases that were actually charged, and, yes, those are common versions of what I hear happened that come along, but every case is investigated, and it's not just the VMS data that is looked at. The agents and the officers that are documenting the case are gathering all relevant information and not just VMS information.

And you can tell of the 20 possible *Oculina* cases, only 7 have been charged and there are 2 under consideration, and the rest haven't. So, you know, everything is looked at. And sometimes what fishermen would like to see happen doesn't happen, but that doesn't mean that everything wasn't looked at.

Lt. Gris: I want to agree basically with what Tracy and Karen said. To keep-it-simple principle obviously holds, and that's for enforcement and for compliance. If it's easier to enforce, it's going to be easier for people to not get in trouble with as well. We don't want to take an aggressive lean on things. It makes it easier to keep folks out of trouble if it's very clear about what is and what isn't and straight lines and boxes like Karen was talking about.

Colonel Buckson: Can I ask you a couple of questions about this. The western boundary, I'm trying to determine roughly how far from shore – and I know it varies. If you start at the south

end of Florida, it looks like it's relatively close, but do you have any idea how far from shore that it begins in miles?

Major Norton: Bruce, the western boundary that I've been to is approximately 25 miles offshore, somewhere in there.

Ms. Brouwer: I just wanted to clarify if you asking about the western boundary of the Oculina HAPC or the proposed Deep Water Coral HAPC?

Colonel Buckson: I'm sorry, the proposed. I didn't make that clear, the proposed. Obviously, it's close to the south end of Florida; and as you get up to Georgia and North Carolina or South Carolina, it wanders well offshore, and I was just curious what the variation in miles was.

Mr. Mahood: John Wallace just told me it's about 110 miles off of Georgia.

Colonel Buckson: Okay, that looks like that's probably the furthest from shore of any of the places. That gives a rough idea. I was just curious, because that will make a difference also to the enforcement activities that occur there. Again, Myra, one other question, this is coral HAPC habitat?

Ms. Brouwer: Yes, these HAPCs would be designated under the Coral FMP specifically to protect deep water coral habitat.

Colonel Buckson: So there is going to be a lot of potential – obviously, you've identified three, I think it was, the shrimp and the other two, but it's going to impact recreational fishing as well?

Ms. Brouwer: It shouldn't impact recreational fishing. However, we are unsure about – actually John Wallace, who is in the room right now, had raised an issue that there could be an issue with deep dropping for swordfish. I'm not sure how big of an impact that would have on the habitat. I mean, I think that sort of fishery is in the areas that we are intending to protect, so there would be some overlap. But as far as the severity of the impact when the weight is released to the bottom, I'm not sure.

Mr. Wallace: I got a little bit of feedback from some of the fishermen on a daytime swordfish, and they drop a 20- or 30-pound weight to the bottom – this is recreational – and then it either drags along the bottom or if they can remain stationary, it will remain stationary until a swordfish hits it.

But I would think in the amount of tide that you're talking about, a four-knot tide, it's probably going to drag along the bottom. It's one of the fisheries that we have not explored yet or did any research on in the Council process. Another issue, especially with the deep water crab, is there is the potential of having a box within the HAPC that they're allowed in, and we're going to need a definition of how do you determine transit or working conditions.

Even if they have VMS, speed is the only way that you can come up with this determination, and that's going to make it very complicated because in a four-knot tide it could appear that they are

running or that they are working when they're actually running. There are a lot of enforcement complications in this box within a box.

With the royal reds, you only have to deal with the offshore because their inshore fishing territory is outside of the proposed HAPC. Their buffer zone, as they were calling it, the six miles was because of this four-knot tide, within an hour or an hour and a half, according to how strong the wind is blowing or how hard the tide is running, if they were disabled, they could potentially be in the closed area, so they are worried about that.

And, because they are so far offshore sometimes, the only contact they're going to have with shore to even inform anyone that they're disabled is satellite phone. It gets more and more complicated. These are more of the issues that the fishermen are looking at. The reason they were asking for buffer zones, per se, was to make sure that they could fish without fear of getting into the closed area, and yet they are not willing to take the chance of going fishing if they don't have enough of a buffer zone to allow them make a mistake.

They physically cannot drag on this bottom because of the contour of the bottom, and it's deeper than what their equipment would allow them to go. They have had times that they have got their rigs together, got things in their wheels, whatever has caused them to disable, that it has taken them over a day to straighten out. These are some of the issues that they worry about, and it's not worth it to go fishing if they're faced with a \$10,000 fine by accidentally going over the line.

Ms. Raine: Just real quickly, John, because you've brought up here a \$10,000 fine, somehow that seems to be thrown out there in the fishery, and I don't know why because if you look at this list, the NOVAs are considerably higher than that. The settlements, depending on each case, may be lower than that. It seems to me there is an awful lot of misinformation out there among the fishermen, and hopefully this will help clear it up.

Mr. Wallace: And I apologize, the \$10,000 was just a random number that has been used. There is no basis behind that number, but it's just a random number. Any kind of fine is going to be detrimental to whether it's a profitable trip or not, and that's what they're basing it on.

Ms. Raine: No, I know, but that's not the first time I've heard that being used. So, as I say, even though we have a quarterly report sent out and this Oculina Quarterly Report, sometimes I wonder whether the fishermen are reading them. The information is out there, but yet we seem to get feedback that they're not reading it.

Ms. Brouwer: I just wanted to clarify something that John brought up is one of the alternatives that the golden crab fishermen are bring forward to the Council is an allowable golden crab fishing area within the HAPC, one or several, I'm sure. This is where the box within the box concept that John was alluding to is going to potentially raise a lot of complexity.

Mr. Kennedy: I thought we kind of addressed that concept the last time we met where we talked about having contiguous areas and the concerns on some of the Oculina areas that were not contiguous – didn't we or is my memory failing me – being that it was difficult to enforce when

you had a hiatus or you had areas within areas. I have another question when we're done with Oculina.

Colonel Buckson: More questions for Myra? Tracy.

Mr. Dunn: No, just a comment. No matter what comes out of this, you can see how integral VMS will be in any regulatory scheme you come up with. It has been extremely beneficial in the Oculina. It is not end all be all, but it certainly helps. I think the more you go down this line that VMS is going to be very, very important to anything we do in enforcement.

Ms. Brouwer: I guess at this point I'm wondering if it would be appropriate – I don't know if Bruce would like to bring this up – for you guys to develop enforcement recommendations for the Council. The Council is scheduled to act on these proposed Deep Water Coral HAPC areas tomorrow afternoon. Perhaps if they have an idea of what the issues that they're going to be facing are going to be from the law enforcement perspective, that would help them make a better decision.

Colonel Buckson: Thank you. Tracy, before I go to you, it sounds like the issues are really kind of focused on three different fisheries. Do we know how many folks are involved in those fisheries, the number of fishers? Off the top of your head, do you know what that number might be?

Ms. Brouwer: I'm sorry, are you asking how many participants from those fisheries will be here or how many in total?

Colonel Buckson: No, how many are actually involved in the fishery, just a rough number?

Ms. Brouwer: I believe there are eight vessels that fish for golden crab. Not all of those are fishing within the proposed HAPCs. There are two vessels that fish for royal red shrimp. Again, that's a fishery that is potentially going to be impacted. From what I understand, they're fishing very close to the boundaries. Maybe John can talk about that a little bit more.

Colonel Buckson: John, if you want to come to a mike, and I do have a reason for asking that, and it's probably VMS related primarily.

Mr. Wallace: There could be as many five that's working normally on royal reds. There are some of the Gulf boats that come over that have known royal red permits or requested royal red permits that come over during the rock shrimp season. For the last couple or three years, because of the economics, it hasn't been feasible for the Gulf vessels to come over and do it. Typically, now there are two to four vessels that are working under today's conditions.

In the deep water crab, I think they said it's five. A deep water crabber just stepped out to get a little bit more information. I think he was saying there are about ten permits. But even the royal red fishermen are required to have VMS because they all have rock shrimp endorsements, so they all have VMS now. The crab fishermen do not.

Colonel Buckson: So it sounds like less than 20 total fishers from both?

Mr. Wallace: Yes, out of both fisheries, less than 20.

Mr. Dunn: I was just going to offer that I think the vast majority of our recommendations for MPAs would apply here except for the box within the box. That's kind of a unique one, but I think we could come up with something for that. We really spoke at length about the problems that we would have with MPAs, and this will apply here.

Colonel Buckson: I'm looking around the table, Myra, and I think Tracy hit it right on the head, and that was going to be what I offer up is just refer back to the LE AP recommendations for any MPA. We weren't restricting that to those eight that we were working on in the past. It was an MPA in general.

The straight lines are one of the big things I think you heard right away as soon as that question was asked. That may not always be easy. You know, when you get down to Florida, some of these are right about at the state boundary line, I think, aren't they, Tony, down in the south end of the state? They get real close to shore so you're going to have fishers in there. Obviously, not this particular group of fishers, but if you begin to regulate and have an impact on the recreational folks, at least in our state you're going to be impacting them as well.

Mr. Wallace: That was what I wanted to bring up was the recreational contingency that looks like it's a burgeoning fishery, and that's something I guess the Council has to initiate more than law enforcement. But, while we do have VMS in the commercial side, the recreational, that's going to be a whole 'nother ballgame.

Colonel Buckson: Other comments or questions for Myra while she is here. Mike.

Mr. Kennedy: Acropora, I see that there is a post – and you're smiling at me – there is a posting to do staghorn and elkhorn coral in some 3,300 square miles of the state, going up from the Martin County Line down to the Tortugas, but that's like right off the beach. I mean, that's like 15 feet of water and greater, correct?

Ms. Brouwer: I'm not that familiar with the locations that have been proposed for critical habitat, but what you're referring to is the recent proposal from the Protected Resources Office of NMFS to designate critical habitat for staghorn and elkhorn corals, which are both threatened species.

From what I understand, all those are 30 meters and shallower and, you know, basically South Florida, some areas elsewhere, Puerto Rico, but I'm not exactly sure on the location. I will be giving the Council a general briefing on the status of that and what the 4-D Rule means, which are the regulations that could get in the way of fishery activities and recreational activities and what that means for those folks tomorrow afternoon.

Mr. Kennedy: Thank you. I saw a revised chart was issued last week. I don't know if that's official or not. It took what I would call inshore waters out of the stippling, dimpling or

whatever it is and just left it offshore, nearshore, Martin County south, and it was like 15 feet of water off the beach.

Ms. Raine: Because those rules come under the Endangered Species Act, our agency would retain authority to prosecute even if they would otherwise be – what would be under the Magnuson Act in state waters, they're federal waters for purposes of the Endangered Species Act.

Colonel Buckson: Thanks, Mike, for those comments as well. Other comments or questions regarding those MPAs, especially for Myra since she was kind enough to sit in? Karen.

Ms. Raine: Are we going to talk about the box within the box?

Colonel Buckson: Yes, I think we probably should have a little discussion, but that's a good point. Well, Karen, go ahead, the box within the box.

Ms. Raine: Well, I think that all the issues that we have with MPAs would be at least doubled and maybe more because now you're having to deal from several different angles literally.

Colonel Buckson: Let me make sure that I understand what you mean by the box within a box. You have a prohibited area and within that prohibited area you'll have an allowable area? Myra is shaking her head yes. So, you've got a closed area and then somewhere within that closed area it will be an open area for some of those fishers. John.

Mr. Wallace: And to that is where most of the MPAs that we have, there is a way of going around this. There is no way to go around this; you've got to go through a closed area with transit. I was going to say he had some charts with a proposed box within a box. It doesn't mean that it's going to go that way, but those are just some of the obstacles that we're running up against. You need to understand that there is no way to go around this. You've got to go through with transit.

Lt. Gris: This might be overly simplistic, but the first thing that occurs to me is that you're going to have some gear condition, gear stowage issues as you're transiting through areas. No, sir, you're shaking your head?

Mr. Wallace: No. Correct me if I'm wrong, but my understanding is they put these traps out, these traps stay out for two weeks so they do not have the gear on board their vessels going back and forth to the dock. The gear stays overboard basically all the time unless they're bringing them in for repairs.

Colonel Buckson: I guess that's probably one of the first questions I should have asked because we were talking about the shrimp and the crab. I guess this is the crab fishery that you're talking about? Okay, to make that clear, so that does make a little bit of difference. Bob.

Mr. Mahood: One of the things that comes to mind is this issue of notification. It almost seems like if you're in enforcement and you find somebody out in a closed area, there should have been

some – it would have helped if they had a requirement to notify enforcement that they were going to be out there.

How else are you going to tell what they're doing and why they're there, especially if you're in an airplane? I mean, if you're on a vessel and you run out there, that may be one thing, but to have any kind of ability to enforce from an aircraft, you would need some notification that Vessel X, Y or Z is going to be in that box within a box.

Mr. Iarocci: Thank you, Mr. Chairman. I've been involved with the golden crab fishery for a lot years. They're here at the meeting and they've been meeting with everybody. The concept of the boxes in the box is their traditional fishing grounds since Day One that they've been able to fish. Like John has stated, they only fish – right now there are five active boats fishing in the area.

There is between a thousand and 1,400 traps that these guys are fishing. They don't fish a whole lot of traps. It's a very clean fishery. I think they'll be in here shortly. Tracy, this is a copy and maybe we can get some more copies made of their recommendations. All I can say is for a self-managed fishery, it's probably a model for a fishery with no habitat damage, no bycatch, no enforcement issues.

And, talking about the boxes in a box, if VMS is an issue they're willing to go to that. I just think that having a fishery this clean and operating this long in this area, you know, it should be acknowledged that this fishery operates this way, and we should be able to do everything we can to keep this traditional fishing grounds open for these few guys that are willing to work within this and work so close with the Council to develop this management plan and keep this fishery so clean.

It's a very tightly managed fishery. Like I said, they are in the room right now and if there are any questions about this, please, now is the time to do it, because this will be up, like Myra said, tomorrow, and there is confusion about how they fish and where they're fishing. I can state for the record, because I've been around it for a long time, they do not want to be anywhere near this coral. They won't get their gear back. They've learned to fish; they're a very efficient crew. They know how to fish along the edges in areas like that, but it's very important that they do get to keep this traditional ground. It is, as you call it, a box within the box. Thank you.

Colonel Buckson: Thanks, Tony. I don't know your names, but some of you folks that just walked in, let me kind of just very quickly bring you up to speed with where we are. As the Law Enforcement Advisory Panel, we're just kind of getting briefed on some of the issues with the HAPCs and how they're going to impact your fishery and some of the issues that you guys are trying to deal with as well.

We're talking about the box within a box, and I'm not sure if that makes sense to you, but a box within a box is the closed area that has an open area somewhere within it to allow you all to fish. We're trying to figure out how we, from an enforcement perspective, a totally different perspective than yours, granted, how we would help the Council manage that from what our

tasks are. That's where we are at this point and that's what we're discussing at this point. Yes, sir.

Mr. Allison: Dave Allison from Oceana. I'm one of the folks that's been having discussions with some of the – both the crab fishermen and the shrimp fishermen. Listening to them and listening to some of the people who have worked with them and then hearing what your problem is, it seems to me that there is a solution to the problem, and that the problem is how do you protect the corals and maintain the fishery.

I just raise the question as to whether it's necessary to have a box within the box. I think it would seem to me that it would be possible for the Council to use its authority to give these five vessels an endorsement to fish on golden crab in their traditional fishing areas, which is up to, I think, 25 degrees latitude.

It appears that from the time that this fishery has been opened, no one has observed, including the scientists who have done the deep diving, observed damage to the corals. Where they set their gear and where they set their pots appears to be in areas that are actually off the coral. As this is a Coral HAPC and designated for the purpose of protecting coral, if this is a fishery that apparently does not impact the coral, then it seems like drawing lines simply generates an enforcement problem that isn't necessary.

Now, Oceana is an environmental organization. We're international marine conservation. I certainly would not ever be recommending something that I felt was going to be – and keep my job – that was going to be harmful for the environment. I would like for us – please excuse the expression – to think outside the box and to see if there is a way to address this issue without having to create yet more work for an enforcement operation that's already overstressed.

We're still having discussions with the royal red shrimp fleet, but, again, it's a matter of how we can have effective conservation and have a viable fishing effort at the same time without generating more work for either the Council or for the enforcement authorities. That's kind of my read on it, so I would hope that maybe the Council could – maybe Bob can do this – no, but I would hope that maybe the Council could look at an alternative here that would relieve the enforcement of that problem. Thank you.

Colonel Buckson: Thank you and I appreciate your comments. Actually, what would be good now is to hear some perspective from the advisory panel on the box within a box or the exemption possibilities, which one may work better if it's necessary – not necessarily which one will work better, but how we would be able to enforce either one of those.

Obviously, if you have a box within a box, there has got to be some sort of transit ability to get there. I just throw out one quick comment, and it comes back to what Tracy said, I think VMS is one of those things that will make either one of those much easier to monitor from our perspective. Karen.

Ms. Raine: I would say VMS and call-in requirements, you know, that type of thing would be helpful.

Colonel Buckson: VMS and call-in requirements was the other thing, Myra. Any other comments from the LE AP folks? John.

Mr. Wallace: Well, you're saying "and call-in"; it's going to have to be "or", because it's not necessary – it's not always feasible to call in from that distance offshore, especially with the crab boats. They're going to be even farther than the cell phone, and you would be requiring them to buy satellite phones to do a call in.

Now, if you want to see a little bit of what the box in the box is going to look like, I have it on charts, but I think you understand the concept. If there is an exemption for them, you all are basically out of the picture, and that's wonderful, but if there is a box in the box then it does make an issue for law enforcement. But if you'd like to see it, I have it on a chart to kind of see some particulars on it. If you understand the concept, everything will be fine.

Colonel Buckson: I think we've got a pretty good grip on the concept. We'll be taking a break here in a few minutes and if somebody wants to look at the charts, then we'll make that opportunity, too. And you're right, if the Council decides on an exemption, then that makes it a different perspective from the enforcement. Tracy.

Mr. Dunn: I was just going to say that if they have VMS, the call in is taken care of. They have terminals now where you can do that. We're not trying to create the regulations here, but we do have some enforcement technical abilities here that may allow us to go ahead and do that to monitor it. It's a small number of boats; it's probably not going to grow; we have VMS; we have declarations, call in, so there is a way around it. We'll let the Council kind of feed that, but there is a way around it.

Colonel Buckson: And that was with regard to the box within a box?

Mr. Dunn: Well, not necessarily even the box within a box. I don't like that concept. I mean, I think if they're allowed to go where they normally go and we know that, they have no need to be on any protected area because it messes them up, then as long as we know they're going out there and we don't need to send an enforcement asset, continuously watching those boats, then I think we're covered as far as extending our resources.

Do you know what I'm saying here? In other words, if we know that boat is involved in the fishery and we monitor it going to where it's going, it goes to where we can show the normal fishing areas, it can still be checked coming in, just to offer a modicum amount of enforcement reliability on what we're doing, but I don't see it as a huge problem.

Colonel Buckson: So it sounds that the exemption is pretty much what is probably the easiest from an enforcement perspective. If you put the box within a box, then you've got those lines to worry about as opposed to just having a permit to be able to go out there. Tony articulated very well how small the fishery is and it's pretty well self-regulating.

Mr. Dunn: Correct.

Mr. Mahood: The Council will be approving this for public hearing tomorrow. They're not taking final action on it, so there will be time to have more input. I'm not sure we'll be able to have another meeting before they take their final action, but we do intend to have another Law Enforcement Advisory Panel meeting at the appropriate time this year to look at some of the other issues that are coming to fruition. We kind of made it sound like they're final action tomorrow but they're not. It's just to go to public hearing.

Colonel Buckson: Thank you, I appreciate that clarification. Karen.

Ms. Raine: Well, Tracy addressed one issue because you can use the VMS for the notification, so you don't need a satellite phone or other phone. I don't have an issue, really, one way or the other with the exemption, but my question would be with either the box within a box or an exemption, is it possible to distinguish golden crab vessels are fishing from other types of fishing?

If they were exempted to go through a closed area – well, I guess if they had the VMS requirement and they notified us that they were going out, then it wouldn't be an issue, but I just wonder with some of our other fisheries who are open to some fishing and not other types of fishing it can be difficult to determine what vessel is out there and what they're doing, but I guess, again, if we have the VMS and the notification, that shouldn't be an issue, hopefully.

Colonel Buckson: Were you thinking electronically or just line-of-sight-type thing in being able to determine what kind of –

Ms. Raine: Not electronically, but sometimes, for example, with longliners, whether it's bottom or pelagic longlining, and some areas are closed to one and not the other, and would there be that kind of issue in this fishery? I don't think so, but I really don't know, and that's why I'm asking the question.

Mr. Mahood: John was talking about – I think what notification would be would be a notification before they left the dock that they're going out there to fish, where they would be able to notify enforcement, John, and not notification once they're out there. Then any patrol or any aircraft or whatever, by vessel name would know that they are allowed to be out there where they are as opposed to another vessel.

I think the answer to your question is if you're a golden crab boat, you're not going to be trawling for rock shrimp or royal reds. I don't believe there is anything rigged like that, is there, John, that I'm aware of?

Mr. Wallace: To that, there is very little bycatch, if any bycatch, in the golden crab, so wouldn't be like you would be boarding that boat and finding other species on board. You could probably do it's the only species allowed. The question that I had, though, was I heard from some of the rock shrimpers and royal reds that they only get hit by VMS as much as – it could be two and three hours apart between hits. Can you give me some information on that? I thought it was supposed to be like every thirty minutes or less, but they were saying they're receiving hits of – wasn't it two or three hours, Myra?

Mr. Dunn: How were they determining these hits, because that thing transmits on its own without anybody pushing a button or anything? I'm not sure just –

Mr. Wallace: And I don't know; I'm just stating what we heard in the AP meeting. I'm assuming that the people are getting readings – they're calling in and asking for an e-mail tracking their hits, and it's showing every two to three hours. They're not just going on what you're doing; they're getting the information themselves and it's showing up on their computers by e-mail that I got hit here and here and here, and then they're determining that's two to three hours between hits.

Colonel Buckson: Tracy, isn't it possible to get a download or a report that reflects, rather than minute by minute, a position every hour or every two hours, and maybe that's what they're getting?

Mr. Dunn: I'm not sure. If the owner has an agreement with the vendor who provides us the same information that they'll see it, it's more than every two or three hours, and we have the capability, if we need to, to increase that reporting, so maybe that particular boat – you know, we've run into snags with – and that's why we have people monitor all these.

If we see sort of thing, we try to take care of it. Each boat is kind of unique and it may have some electrical problem or some other difficulty with antenna transmissions, so I'd have to know the boat's name and do a little research to see what was going on in that particular case.

Mr. Wallace: So, from what I'm hearing is this is something that's out of the ordinary and not necessarily normal? Okay.

Colonel Buckson: Other discussion about the box within a box? Do we want to offer a recommendation or is it appropriate – maybe Bob can tell us – to offer a recommendation for Myra to take to the group tomorrow?

Mr. Mahood: You haven't made any recommendations, but I've been taking notes.

Colonel Buckson: And that's what I was wondering, would it be appropriate for the LE AP to make sort of comment at this point so it was clear to the Council where we were?

Mr. Mahood: What I've got so far – and I've just kind of been doing it randomly, Bruce – is that gear storage wouldn't work because of the nature of the fishery, the gear is generally out in the water. A possible notification requirement would be good; VMS requirement would be good or possibly exempt the vessels from the closure itself with some other kind of requirements on them, and you wouldn't have the box, in other words. That's the three main ones I think you've hit upon.

Lt. Frampton: Are there any other fisheries, since we're talking about exempting, the snowy crab that we ought to be thinking about; are we going to have another fishery come in that want theirs open, too, once we start?

Colonel Buckson: That's a good question. We've got speed zone regulations to protect manatees in Florida, and we offer exemptions – and we're trying to move away from offering those exemptions to certain fishers – to blue crab fishermen, for one; guide fishermen to be excluded from those regulations. From an enforcement perspective, that's almost as much of a problem as having the boundaries at all.

Again, that's a different situation than what this fishery is because it's a limited number of folks, but when you provide an exemption, the next thing is where does your list stop? Those are always potentials as well. From my perspective, I think Bob kind of summarized where we were.

Primarily, the three issues were the call in – and I'm glad somebody clarified that. Bob was the one that clarified that it's before leaving the dock and not necessarily while you're out there fishing. That, again, may not be convenient, depending on how the fishery works. I'm not that familiar with it.

VMS, again, if I don't see any heads saying that is not a good idea, I think VMS in this situation is probably going to be one of the things that works very well for managing those fisheries. Then the final thing was the possibility of the exemption. In fact, that could work. I'm not sure, in my personal opinion, which one is better, the box within a box or the exemption. I'll come back to those in a minute. John.

Mr. Wallace: One of the crabbers asked me – there has been some talk of technology -- and I don't know if you can give us the information that's not under law enforcement, but there could be some technology for pinging and putting a pinger in the trap, and then you know where the trap is. Do you have any information on such technology?

Colonel Buckson: There may be. I mean, we've used some things in the past, but not that it would work in those situations, I don't think.

Mr. Mahood: The other thing I had in my notes were the other components of your MPA-type recommendations like the box should be square, it should be lat/long, that type of thing, also.

Colonel Buckson: Yes, absolutely, I agree. Anything else to add to that, and do we think that needs to be in the form of a motion from the LE AP? I would just say if someone would summarize the three as a motion, that we would offer those recommendations, but if that's not necessary – if the Council is going to get the recommendations the way it is, then I think if we're all in agreement of those three possibilities, then that should seem to work out of this.

Are we good with that? Everybody is kind of nodding their head yes. I think that must mean that they're tired of sitting here for right now. Okay, consensus on those three; that works well. Okay, with that, I think we're probably ahead of schedule, so let's take about 15 minutes and come back.

Colonel Buckson: I think everybody is back and we can get started again. It seems a lot times during these meetings the breaks bring out a lot more questions and sometimes more answers as well. As I walked back into the room, we were talking about the boxes and drawing straight lines for our purposes. Looking at the map, it's going to be real difficult to make a box with north, south, east, west lines that come all the way up from Florida to North Carolina for that HAPC.

Also, it was mentioned that in the Pacific they had dealt with similar situations – different reasons but similar situations, and one of the things that they ended up doing there was actually taking several different points of latitude and longitude up the coast – I assume it was up the coast or whatever area it was in – and basically connected the dots so you had straight lines. They may not be north-south, but at least they were straight lines.

I will say this – and this is my personal perspective – that's not the best for enforcement. North, south, east, west is probably the very best way. But, if we've got to meet a less than straight line somehow, it's better to have connecting latitude and longitude dots and making those lines like that. We've done that on the west coast of Florida with some inshore shrimping areas.

We were trying to follow a line of depth, and we ended up doing that, taking points of latitude and longitude. The one thing that I think would be of concern – and Tracy mentioned this – was that if you put a latitude and longitude dot every quarter of a mile and making turns back and forth, that probably wouldn't be very helpful for us.

I think in our MPA recommendations we were looking at ten miles as being the smallest area, I believe. So just as a shooting-from-the-hip recommendation, from my perspective, if those latitudes and longitudes were at least ten miles apart, those dots that you were connecting, that ten-mile line would make it a little bit better than just having a depth contour to go on. Myra, I see you taking notes, and Bob, too, and hopefully that made sense.

Again, that was the world according to Bruce. If somebody else sitting here has got other idea, then please make sure that you are speaking up and letting them know. It's much better having a straight line of some sort. John.

Mr. Wallace: I understand what you're talking about and I agree, but mine is a little bit different. The question is in the definitions of this HAPC, whoever laid it out laid it out in decimal degrees and not minutes and seconds like we do on our charts. Can you tell me the difference and how much can one be off from the other? Do you use decimal degrees in the Coast Guard or NOAA or do you use minutes and seconds? If there is going to be a variation in the line, we need to be on uniform charts.

Colonel Buckson: I'll let Karen comment, but you can convert any one to the other.

Ms. Raine: You can convert, but the charts are in degrees and decimals –

(Mr. Wallace made a statement without turning on the microphone.)

Ms. Raine: What do you mean the commercial charts?

(Mr. Wallace made a statement without turning on the microphone.)

Ms. Raine: And then it's in seconds?

(More statements are made without turning on the microphones.)

Ms. Raine: Right, right.

Colonel Buckson: But you can convert those any one of those; you can convert it to whatever format.

(More statements are made without turning on the microphones.)

Lt. Gris: The conversion is based on one minute is a mile; so if you have 60 miles in a degree and if you have decimal conversion, you can just convert it based on that formula.

Ms. Raine: I would suggest, though, that whatever the NOAA chart is, that's what is used, and that's something else that you don't have to do the conversions because that can get tricky.

Mr. Wallace: To that, I don't know that our plotters, our GPS – I mean, I've run them, but I've never tried to set it up in decimal degrees and I don't know if it's compatible to decimals instead of minutes and seconds. All of ours have been minutes and seconds. In setting up these lines, to make it easier on the average fisherman, it would be better in minutes and seconds.

Ms. Brouwer: John, the reason that it showed up in decimal degrees when we were having our discussions with the fishermen, that's just an artifact of the software that we've used to draw these areas. You can go back and forth between degrees, minutes, seconds and decimal degrees, as Lieutenant Gris pointed out. There is no compatibility issue that should get in the way of that.

Colonel Buckson: Any other comments on the connect the dots?

Captain Adams: I'll just echo what you said, longer is better; the longer a straight run, the better so you have a zigzag, zipper-shaped line. We use points for a sound beach battery, which Mr. Wallace is familiar with. They're not straight in line with north, south, east, west, but they work well because it is a straight line, and you can plot it out. It doesn't matter if it's decimal degrees or degrees, minutes, seconds or whatever; you can still plot a known point.

Colonel Buckson: Okay, and, again, I guess north, south, east, west is the best and then move down from that. Anything else on MPAs or HAPCs before we leave that?

Lt. Frampton: I just want to reiterate the fact – I know we've talked about it off of Florida a lot, but the more we get up the coast, the further we get offshore with MPAs and boxes in boxes, we just need to remember all the problems that we've all talked about that we're going to have trying to do real enforcement that far offshore.

Colonel Buckson: Thank you, good point. Again, that's part of the MPA package that we kind of laid out from each of the states, so that's a good reminder as well. If there is nothing else on that item, then the next item on the agenda is update on the issue of the sale of recreationally caught fish. The reference is Tab 4, Attachment 1.

We'll put this on the record as well. I began with saying that I didn't know how many people may have attended the scoping meetings, but I attended one in Port Canaveral, Chisolm attended one in South Carolina and Jim in North Carolina. The sale of recreationally caught fish from some folks – charter folks in Florida, for one – is not very well received, and I am not sure what it was like in the other states, but it was bit controversial.

Mr. Mahood: 4-18 in the document is the action. You're correct, Bruce, one of the things that – there is actually major components that really oppose doing with the sale of the bag-limit-caught fish. One is the charter/headboat fleets in pretty much South Florida. The other, surprisingly, is a fishery that developed that we were really kind of unaware of in North Carolina, and a number of the state commercial license holders make a living fishing the snapper grouper bag limit and selling it.

I think the data that North Carolina put together shows in some years it has been as much as 50 percent of the commercial landings have been done by these folks with state commercial licenses fishing under the bag limit. I can tell you that was never the Council's intent for a fishery like that.

The Council, in Amendment 15B, their preferred alternative is to prohibit the sale of bag-limit-caught fish, which I think has pretty much been you guys' position all along. But, because of the public hearings and because of the amount of fuss that's been raised, they're going to look at it again today.

Then the other thing that's playing in is the fact that this data on the economics of the fishery in North Carolina just came to light, and the Council had not had the opportunity to look at it and consider it in their analysis. Because of this, they're now going back and looking at the other three states to try to determine what the impacts will be relative to the amount of actual commercial sales under the bag limit.

Obviously, at least in North Carolina these fish do show up against the commercial quota as I suspect they do down in Florida, also. It's going to be a hot potato issue, and I'm interested to see what the Council is going to do with that one. I think they'll move ahead and prohibit sale, but I don't think they want to do it until they've made sure they've considered all of the economic impacts before they take that action.

It's interesting; I think we're the only Council in the country that allows for the sale of bag-limit-caught fish, except maybe in the Caribbean, and I'm not sure there is any differential down there between a recreational fisherman and a commercial fisherman. It's an interesting issue or predicament or whatever the Council will deal with here. I guess if you all want to discuss it,

whether it's still your position or not or whether the State of Florida has a different position now or what.

Colonel Buckson: Thanks, Bob, that's a good update. Jim was filling me in as we were chatting during one of the breaks about the North Carolina issue. I wasn't aware that was going on either. That's a different perspective. I had some fleeting thoughts at one time, but I guess I should start with questions. I'm assuming those folks aren't federally licensed, and Jim is shaking his head no, so they don't fall into the federal commercial fishing license.

I wonder if there is a – and, again, I'm just kind of thinking out loud – I wonder if there is a process or a stepping stone to get to where we want to go that might be able to include those folks and phase them out eventually, to ultimately get to where we're going. I don't even know what that would be. And in Florida, the same thing, we've got folks that are definitely opposed to doing away with the sale of recreationally caught fish.

Before anybody wants to comment on that, let me just say that our Division of Marine Fisheries management is moving forward and following what the South Atlantic Council is trying to do. We're trying to craft language now that would eliminate the sale of recreationally caught fish, which our commission could still decide not to do it, which they have in the past.

I don't think this present commission has really addressed the issue in depth so it's still a direction that we in Florida, as far as law enforcement goes, think it's the right thing to do. I think basically from Maine to Texas we've all said the same thing, if you're recreational, you're recreational; if you're commercial, you're commercial. In Mississippi, the only one that's a little different, they say the only difference between a recreational and commercial fisherman is the recreational guy takes a picture before he sells it. Jim.

Captain Kelley: In North Carolina all these people have is the state license to sell those fish. That's what I was trying to explain last year when we were all together, they are licensed, they just don't have the federal permit. There are a lot of fish that come in; and when you look at the landings for the state over the years, these people have helped establish those landings.

Colonel Buckson: So as far as North Carolina is concerned – and it sounds very similar to where Florida is – they are commercial fishermen as far you're concerned. They just happen to be fishing under a recreational bag limit when they're in federal waters.

Captain Kelley: That's correct.

Colonel Buckson: And in Florida it's pretty much the same thing – well, maybe not exactly. Our charterboats, when they end up at the dealer, they're licensed to be a commercial fisherman. If we have no connection between how they got the fish and them being in a dealer making the sale, they could appear to be a commercial fisherman, because, just like Jim said, they'll have the proper licenses, but the fish were harvested under a recreational charter trip.

Mr. Dunn: Well, that was the same way it was in South Carolina. As long as you had your appropriate commercial sale license, whatever you want to call it, you could do it, and they never

worried about where the fish came from. I think that's pretty much across the board. It just comes down to if you're listed as a recreational or a commercial fisherman in the federal system.

Colonel Buckson: Mike, sometimes you have a different perspective on some of these things. I'm not putting you on the spot; I'm was just –

Mr. Kennedy: I don't mind being the oddball. I mean, I see two issues. The first issue is are the guys who actually go out and maybe they catch a fish that they've actually caught themselves, and they sell it. The other one is where we get the tourist destinations – and I'm not saying this ever happens in the Keys or anyplace, but a guy goes out on a headboat and they slam the grouper. And they come back in and the guide is standing there and everybody is staying at a different hotel, and they just leave the fish with the mate, actually, as part of his compensation.

That's the one that I'm hearing more about and more of a concern for the economics of the mates that are involved in it. I'm not passing judgment; I'm just telling you I see two different issues. I'm not sure if that's what you have in North Carolina or not. In North Carolina I got the impression the guys caught the fish and sold their fish. Here what I think happens is you've got both. You've got the guys catching their own fish and selling their own fish, and then the, quote, tip fish, if you will, being left.

Captain Kelley: You have some of both. Mainly what you're talking about as part of the tip fish is happening with the fish that are controlled by the northeast, your tunas and things on that end. Most of the guys that are doing the snapper grouper fishing are the smaller boats where the commercial guys go out, they'll troll for dolphin on the way out, they'll catch their bottom fish, they'll stop on the way back in a little bit shallower and pick up some vermilion and some sea bass and then go in and sell their catch.

Mr. Mahood: And the Council didn't – I don't think the Council would even be considering this if they weren't looking at severe reductions in the quotas. It was really unknown how big this fishery had developed in North Carolina. If you look at the situation that Mike talked about, since you're overfishing and a lot of these are overfished, it would be much better if the people that are staying at the different hotels just caught and released the fish as opposed to bringing them back and leaving them as a tip.

I mean, let them dig in their pocket to give the mate a tip. That's kind of giving them the easy out, but yet we know, from going back to king mackerel when we first looked at it, that industry has come to depend on the sale of those fish. In North Carolina, just as Jim said, these guys, they're not federally permitted fishermen, but the value of snapper grouper have gone up so much in recent years that you can go out and if you can catch five grouper and a couple of snapper and add in a few porgies and other things in there, under the bag limit you can make a decent day's wage at least for that fishery.

You know, it's not a get-rich fishery. So, they combine that with other activities and they've been able to make a living at it. Now, the question comes up when you're going to lay these severe restrictions on the commercial snapper grouper fishery, should you include these guys or not. I mean, they're really not included in the fishery as the commercial fishery, and the decision

that will have to be made by the Council is are we just going to do away with that. It's certainly going to have some economic impacts on folks up there.

Colonel Buckson: Bob, do all of those sales get counted against the commercial; do you know?

Mr. Mahood: When you say "all", do you mean like the ones in Florida, also?

Colonel Buckson: The ones in Florida and the ones in North Carolina.

Mr. Mahood: Yes, if they go through any kind of a permitted dealer, right, it will get counted against the commercial. I understood, Bruce – and I think I had it wrong one time, but I thought to get an endorsement – species that require an endorsement, and I'm not sure if that's all the snapper grouper species but just some of them, that you had to have a federal permit to get the endorsement, but then I found out later that wasn't true. Florida had looked at it one time, but they didn't follow through with it.

Well, you actually had the same situation as North Carolina where he can get a state commercial license, and that's all he needs under the bag limit to go sell those fish under our rules. So from that aspect, it's the same. The rationale for doing it is totally different.

Lt. Frampton: Is there any way to get guidance from the Council on more of a definition of commercial versus recreational?

Ms. Raine: I can get it real quick but it's in the Magnuson Act, I believe. It's defined by the Magnuson Act.

Mr. Mahood: Yes, it's laid out in pretty good detail about the sale and entering commerce and all this kind of thing. It's kind of a oxymoron when you say that they're a recreational fisherman selling bag-limit-caught fish. Like I say, we're the only council jurisdiction that still allows it. It's interesting that back – I think it was 2002, there was a national workshop on recreational fishing, basically, and my topic was sale of bag-limit-caught fish.

I researched all of the other councils and what they had; and when I talked to the people up in Alaska, they couldn't even fathom the idea that you'd let a recreational fisherman sell a fish. I mean, they said, "What are you guys doing down there? You're the same guys that are managing rocks, live rocks, and a nine million pound fishery is a big fishery to you guys." I catch hell all the time when I go up there with those guys, because the scale of our fisheries are so small, it's just unbelievable compared to theirs.

Captain Adams: As I think about this in Georgia, for somebody that it costs them twelve dollars for a state commercial license to be able to sell these things, so it's a huge business expense to start up, and then there is a boat license, if they want to do it right and get the non-trawl license, but then they can come to the dock and some buddies go out and they sell the catch for gas money, which something might get released and might not.

I mean, it might get taken home and eaten, but if not they'll say, "Well, we'll drop it off at the market." I don't know how much of that gets reported. I mean, I'm just sort of thinking expediently here if it's recreational but it's commercial, could you say the boat was a business and you're losing money? I mean, I'm just thinking about all the ramifications of calling this a commercial enterprise and a business. I mean, it sort of grows not only to sell a fish, but there are other factors involved here.

Captain Kelley: In North Carolina all our licenses, as far as being able to sell those fish, those licenses are under a moratorium, so we have a cap on how many licenses are out there. That takes care of a lot of it. A lot of the licenses that we do have don't fish offshore. It's mainly an inshore fishery. That kind of limits it there, plus all these fish are accounted for on our trip ticket program.

Captain Adams: I'm just curious on what kind of compliance do you feel like – on the trip ticket program, do you feel like you're capturing everything that's coming in or 80 percent or what?

Captain Kelley: You're not going to ever capture 100 percent, but I think through the enforcement program and the dealers knowing that there are penalties, that we do catch probably 75 to 80 percent.

Mr. Mahood: And this is a good one for Charlie and his crowd because one of the things that I think you all have heard it before, too, that the commercial fishermen say, well, if these guys go out and they're coming in and they're selling fish, shouldn't they have all the Coast Guard requirements necessary for a commercial vessel? This has always been a bone of contention with federally permitted snapper grouper fishermen.

They say there will be a guy fishing out there right beside them on the bag limit, they both come to the dock, they go to the same dealer and they both sell their fish to him, yet they're required to have Coast Guard requirements for commercial vessels where the other guy, they say, doesn't – I mean, not that they say he doesn't have to have it, but they say don't have it.

Colonel Buckson: I'll let Charlie answer, but my guess is when you're out there fishing you're a recreational guy until you make that sale.

Lt. Gris: Yes, Bob, you're absolutely right, that there is that distinction there, and what we're talking about specifically is commercial fishing vessel safety carriage requirements there. I just want to make clear – I know everybody in here understands this, but the reason that we have those safety carriage requirements in place are not to limit members participating in any fishery.

It's to make sure that if something does happen out at sea, that they're going to be able to survive the incident and whatnot, although it can be construed as a limiting factor is I think what Bob was saying there. Yes, that is contentious and we do note that.

Colonel Buckson: Any other comments about the sale of recreationally caught fish? I don't know that we need to – I guess the only thing we would need to offer is Council is if there was a

change in where we've been headed as far as an LE AP. I'm assuming that we're still on track, that we're still supportive of prohibiting the sale of recreationally caught fish.

Mr. Mahood: Jim, the vessels that are fishing under the state commercial license; do they have to meet Coast Guard requirements; do you know?

Captain Kelley: As far as I know, they're supposed to. Now to tell you that they all do, I can't tell you that because the Coast Guard does their thing as far as their inspections and inside three miles we do ours.

Colonel Buckson: Any other comments on this? Was I accurate in my assumption that we're still on track with the prohibition on the sale of recreationally caught fish? Okay, no changes in the LE AP's position, then. Thanks for the update, Bob.

Mr. Mahood: It will be an interesting discussion with the Council.

Colonel Buckson: That brings us into the other business, and I'll start working through the list that I made. If I missed anybody, be sure to speak up. The first thing that I had noted was that NOAA Enforcement, the IG's question that Bob had brought up. I think a few of us have been asked to chat with the IG's office.

Mr. Mahood: Yes, I think your name – did they get hold of you? Last year they quizzed all the councils and a lot of different people about the Marine Sanctuaries Program and this type of thing, and we answered their questions. This year they called again and they wanted to ask me a series of questions about NOAA Enforcement, the JEAs, the NOAA litigation of cases, and this type thing, the penalty schedules and what have you.

A lot of what they asked, I told them I'd rather be able to get back to them if I could. Number one, the fellow that I worked with last year, who seemed to be somewhat knowledgeable, wasn't on the call. I was talking to – I don't know if they were two young lawyers or what their profession was. I assume they were attorneys from the inspector general, but maybe not. They didn't really know a whole lot about fishing at all, marine fishing in particular.

But they were interested in what – I told them I was really a proponent of the JEAs and that Senator Hollings had started it. We had a big pilot project in South Carolina and it spread to everywhere except the state of North Carolina, which I tried to get them involved when I was there and couldn't get them involved, and that was back in the eighties.

They also asked about the penalty schedules. They asked if we had any involvement in the penalty schedules. Evidently, I guess, Karen, up in New England or some of the councils they write penalties into their fishery management plan. I told them I was not aware of that, and I told them, please, to look into that. I said we wouldn't want to write specific penalties, but we certainly would like to write in what we consider high-priority violations and that type of thing.

Ms. Raine: But, Bob, I told you to do that, to say what priorities and that type of thing, I have.

Mr. Mahood: I know. I told them the one thing I did know about the litigative end of NOAA is we needed more people. One of the biggest problems – and I'm not even sure it's a problem now. I know at one time what was a big problem was the backlog of cases, and I said but you're going to talk to Karen Raine and the people in our region relative to whether that still exists, is still a problem or whatever.

They asked several other general questions about enforcement in the southeast and NOAA Enforcement in particular. I told them that I would talk to some of the folks and get back to them on some of our needs. Now, I told them I think – I couldn't remember the exact number – 17 agents in the southeast and Texas or something like that. Is it more than that? How many are there?

Mr. Dunn: 34.

Mr. Mahood: I told them 17. I told them that's why we depended so heavily on the cooperative agreements with the states because we didn't have enough agents to put people in the field and at every dock and what have you. We talked about that a little bit. They just weren't very knowledgeable at this point in time about what they were looking at. I do intend to get back to them, so if you have any input for me, you don't have to give it to me right now, but if you want to talk to me I'll take anything you've got right now.

Mr. Dunn: So you're going to get back with them on this? What it is, is basically a periodic review of our programs. The OIG has two sections; one you don't want to talk to; the other one just does program reviews, and that's all this is. They're just looking at how we've been doing business, how what we've set up has facilitated enforcement and things along that line, whether we're doing it efficiently.

Colonel Buckson: I'm just trying to pick my brain on some of the meetings with the Atlantic States, and I think the northeast does do some weird things with penalties for the striped bass stuff. That may have been what they were talking about that happens up in the northeast.

All right, the next topic under other business was the recreational fishing registry. Those of you who were at the most recent – I guess it was back in October now – Atlantic States Law Enforcement Committee meeting we had a presentation from NOAA. The recreational fishing registry is basically a way to beef up the data collection from all fishers and not just commercial folks but recreational folks.

Ultimately what is going to happen is they're going to have a data base full of every recreational – it's supposed to happen – have a data base full of all the recreational fishermen in the nation, saltwater recreational fishermen, and be able to poll them and hopefully build up their data information on recreational harvest and effort.

One of the things that was mentioned during the presentation that we had at the Atlantic States was the question it's not a license but it is a license. After 2011 the federal government can actually begin to charge for that. There can be a fee related to that if you're not in the system.

One of the things that keeps that from happening is if states have a system that they can pull all the information from.

In the State of Florida we have a recreational fishing license but it doesn't encompass all recreational fishermen. A Florida resident fishing from shore doesn't need a license under 16 and things like that, so we don't capture all the information, so the registry is still going to apply in Florida for those particular issues.

During the presentation some of the Law Enforcement Committee members asked how is this going to be accomplished and how are they going to make it happen? They said immediately they would probably use the JEA funding that the states get to have the enforcement officers from the states begin to enforce this, to make sure that these folks are registering.

I don't know if there were any comments in the meeting, but there were certainly comments after the meeting. Anyway, I'm making probably a short story a little bit longer than it needs to be. Our commission this year, one of the things that we've presented to our legislature is to do away with the shoreline exemption.

That's been pushed from the public, and that was one of the things that we have before the legislature now is amend our statutes so that even a Florida resident shoreline fishermen would be required to have a fishing license. One of the things, when we made our presentations to a committee, we had another person from NOAA do a presentation to our committee and explain to them where this recreational fishing registry was going.

The question was asked by our legislators at this point how are you going to make that happen? They said, well, they'll use state enforcement through the JEAs. That led our legislators to ask the question of how do they get the enforcement authority to enforce federal regulations. They said it's through a cooperative agreement and statutorily you can do that. We write the statutes; we can change that. So, North Carolina may have some company.

I don't think it's going that route, but that was the immediate response of the legislators that you had a federal guy coming in and telling them that you were going to have the state guys doing the work and the legislators said, "Well, we can stop that right away." So, anyway, the point is that – two points, I guess – is the kind of information, if you guys end up in the same kind of situation, you may want to be aware of how the presentation is made.

I don't fault the guy that made the presentation. He was doing what we had asked him to do, lay this out and explain to our legislators. It was probably a strategic mistake on our part for not presenting it in a different method. The second point is – and this is probably for all of us to decide – is whether or not that's going to be part of our JEA responsibilities or not. We'll probably need to negotiate with OLE and not with somebody outside of OLE with regard to this recreational fishing registry.

I'm not saying it wouldn't be something that we would check when you're doing normal boardings, but I think it seems to be the trend that, okay, the states are getting federal money to do some of this enforcement and they continue to just throw different things on there that may

not be priorities of the states or NOAA OLE, so we just need to be cautious of that. Comments or questions about that? Okay, moving right along, the next item I have here is Bob had asked about the FWC Gulf closure.

Mr. Mahood: One of the recent things that happened is the Gulf of Mexico Fishery Management Council put in a – and I don't remember how long it was – a fairly long closure on red snapper. I think the State of Florida's representatives on the council and their scientific staff recommended that the State of Florida go ahead and have a joint closure during the same period, but the Marine Fisheries Commission heard a lot of folks that didn't like that.

I won't say they caved into it, but they've changed their mind and decided that the State of Florida would not have a concurrent closure with the federal closure. So you're left with a situation where on the west coast the jurisdiction is out to nine miles, so you can have a lot of fish caught under a hard quota in the Gulf in state waters, which means that you could end up with a situation where somebody fishing in federal waters is in violation during the closure, but as long as you're within nine miles you're not in violation.

Of course, you've got the JEAs, how do you enforce it? I would assume that you would not be able to enforce it in state waters, and I would assume that Tracy couldn't go into state waters and enforce it. There is a problem there that relates to law enforcement. What may happen is if it appears the quota is going to be overrun, the regional administrator could close the federal waters, and then the only harvest would be in state waters.

Now, the reason I bring this up for our Council is we're looking at the same thing with gag grouper. We may have some significant time closures in the federal zone. Of course, we're hoping the states will go along with it, but with the precedent set in Florida there is a good chance that won't happen in Florida. I think Mark Robson is very concerned about that and he is having the Council look at every way possible to look at other management measures.

When you get right down to it, we've got a two-fish limit and a very large-sized minimum size limit, and there is nowhere else to go but closures. I'm not sure what is going to happen there, but I think it's going to be an issue that is going to arise probably across the board. You've got some of the same things occurring up the east coast.

Under ASMFC the Secretary routinely threatens the states that don't comply, and they generally come into compliance. That will not hold. I mean, ASMFC doesn't have anything to do with our snapper grouper fishery down here. It's going to be an interesting situation, and I just wanted to bring it to everybody's attention. I don't know how you guys are going to deal with it in Florida, Bruce, but, obviously, you're going to have to.

Colonel Buckson: Yes, there were some interesting meetings both for the council and the commission. The council meeting, Brett and I attended a couple of days' worth of that in St. Pete, and there was clearly an outcry of some of the same things that we hear at state levels and federal levels that it was bad data, it wasn't good data, that they can show you millions of pounds of red snapper.

Obviously, it didn't change the council's mind. There were a couple of different regulations that the council pushed through. The circle hooks and venting tools was also part of this, but the three management measures that they pushed through was dropping the bag limit from four fish to two fish on the red snapper.

The second was they were increasing the length of the closures, as Bob had mentioned. The third was reducing the size limit from 15 inches to 13 inches, and that was to address the regulatory discard mortality. Now, our state commission meeting was like a week or two after that. At the council there was probably four to five hundred fishermen, and at our commission meeting there was probably to four to five hundred fishermen that showed up to testify.

We spent the entire day at our commission meeting dealing with one issue, which is normally not the case. It was red snapper and the chairman did a good job of getting the comments down once we finally understood what the issue was. Our commission adopted the bag limit and the size limit. We dropped to two fish and we dropped to 13 inches. We did not go along with the closure. We left our closure shorter than what the federal government is.

Basically, in rough numbers it's a month shorter on each end for the federal season. From a strict enforcement perspective for that particular fishery, that was better than having either the size limit or the bag limit different, because that would have been a year-round issue. Right now we have an inconsistency for two months. We always push for consistency from an enforcement perspective, but that enforcement perspective isn't all that does the management process.

We are going to have that issue to deal with. The interesting part about the red snapper is I think Texas has pretty much come out and said they're not doing anything at all, and I think Alabama said they were going to do whatever Florida does. So, you've got Louisiana and Mississippi in between there, and I don't know how much of the red snapper fishery that really is in those two states.

I don't know what is going to happen, but I think that Mark Robson's concern is what he knows about how the management process works, and NOAA may have to come back and take more drastic regulations on all the states in the Gulf to get this to where it needs to be. It's an interesting issue to deal with, and enforcement is kind of in the middle on this one.

We were happy that it ended up with that closure difference instead of the size limit and the bag limit difference because that would have been a year-round problem that we were dealing with. So, that's a little bit more of the story, how it got to where it is. Hopefully, we won't end up in the same situation in other areas. I'm glad that Mark is working hard with you to try to stay consistent.

Mr. Mahood: The problem is if the regional administrator determines that the quota is going to be met with just the state opening for the period it is, then you actually shift where the fishery takes place. I can't remember what parts of Florida, but one part of Florida they have to go out into the federal zone to catch them; whereas, in the other part of Florida they tend to be more – the Panhandle is more inshore?

So, you actually shift the effort and disproportionately affect the Florida commercial fishermen. It's an interesting issue, but how it will play out in law enforcement could be another one under these JEAs. Of course, it sounds like that one legislature, if the feds try to tell you what to do, you'll just say kiss off, and then it will all be over with, and that happens. One of the things you need to be careful of is how you present something to the congress or the legislature.

Mr. Kennedy: Let me just comment on that. Part of the problem wasn't just that instance. I'm sure this is not a surprise to anybody, but there is a general distrust of federal fisheries management in the Gulf. They did a poor job of trying to educate the public on what they were going to do, in my view. I get e-mails by the gazillions on this issue.

I heard there were close to 500 people up in Panama City. Then the charterboat guys ran them out, and there were three to four hundred in St. Pete. That's unheard of from what happened, but you had this growing with grouper two years ago and red snapper on the shrimp bycatch, and my sense is the recreational anglers had very poor explanations from whoever who was trying to make the regulation, so they rolled out.

And even more reasonable fisheries' organizations, the NGOs, they got shouted down because people were just sick and tired of – I mean, that was what I heard, you know, we're sick and tired of this, they're not listening to us. I think maybe if the council does a better job of trying to sell what they have to do, they might have a better chance. It's a little different crowd on the east coast than on the Gulf coast. It's a different council setup. I mean, they've got a different balance and political pressures there.

Mr. Mahood: Mike, I'm not sure whether you went to any of our scoping meetings over there or not, but there is a big distrust of the east coast federal fisheries and the council also. When we were dealing with the LAPPs, I mean, they're just scared to death that it is a – well, they think it's a conspiracy of the CCA to somehow put them out of business. I know it's not.

I mean, I don't think the CCA wants to see the commercial fishermen locked into any part of the fishery. There is a lot of distrust on both sides, and not just the commercial fishermen but the recreational fishermen, also. There is always this old states rights' thing. We're fortunate in the southeast, at least on our side of the world, where the states and the council have always worked very closely together. We've kind of viewed the council as an extension of the states' authority out into the federal waters as opposed to the other way around.

I don't think, on our side, we've ever tried to ram anything down the states' throats, but there is still that distrust out there. The commercial fishermen, they're the last of the independent folks out there; and when the government says they're coming to help you, I'm even a little concerned myself sometimes. I'm really concerned about next year.

Mr. Kennedy: I wasn't trying to be critical. I was just telling you what my view from the outside was, and I think there is a different view on the South Atlantic side than there is in the Gulf. I'm not critical of anyone; it's just that's the way it's portrayed. With e-mails and webpages now, the ability to get out and reach these people is a lot different than it was even ten years ago.

Colonel Buckson: I hadn't been to a meeting like that in a long time. They were great folks, but there was a huge turnout. Like Mike said, there were about 400 at the council and 500 or so at our commission meeting. They definitely made a point; there's no question about it.

Mr. Mahood: And then when you start dealing with the commission that's used to dealing with duck hunters and deer hunters and bass fishermen, they've never seen anything like that. I have been there, too, and had people deal with that that just don't understand the emotional aspects of commercial and recreational marine fishing.

Like I said, when I talk to the fellows up in Alaska that just kind of kid us about how small – I said, "I'll guarantee you the emotions don't run any higher up there than they do down here when you're talking about reductions. The only difference is all our vessel captains aren't millionaires down here." It's just a different scale.

Colonel Buckson: Okay, I had one other item, and it was just to try to get an update from Bob. He and I kind of chatted about it a little bit earlier. It is to deal with the staff person for the LE AP, and, Bob, you had explained to me that you guys are looking at where you're headed and what you're going to do, and it just may help all the folks here, too.

Mr. Mahood: Yes, right. Kerry, as you know, was your contact and was the staff person assigned to law enforcement. We're in the process now, with all the activities that we have going on, of kind of reassigning things. We've got some new staff on board relative to SEDAR. We've adjusted some of the other activities. We're been trying to figure out where we're going with LAPPs or not going with LAPPs and how that will affect staff time.

I've temporarily, for this meeting, anyway, been assigned to the Law Enforcement Advisory Panel, but we certainly will have somebody permanently assigned that will be the contact with whoever the next chairman is, to work with them and make sure you've got all the material. Also, we're going to try to at least hold two meetings a year.

We got so bogged down in things that really didn't need any law enforcement input into it because it dealt with meeting the mandates of Magnuson and rebuilding timeframes and overfished levels and all this kind of thing. As we move forward, I think we're going to get into some new areas and we will require more of the advisory panel's time.

Colonel Buckson: Thank you, I appreciate that. I know that was one of the things that has always been an issue of mine. There is a benefit that the Council may not recognize all the time immediately to us having the ability to get together and sit and talk about these things. At the break I was talked to Brett a little bit, and he was saying the same thing.

He said, "It's quite an education to get started here, but the time together is probably very important to be able to benefit the Council the way we should benefit." One of the things that I know is that we're all part of the process, and, Bob, you and your staff have very recognized that, and we appreciate that. I appreciate you putting this one together kind of at the last minute with an e-mail that I sent at the last minute. I take some responsibility for not keeping on track and

keeping in communication with you at least for this meeting, anyway, to try to keep to keep that moving.

Mr. Mahood: Yes, and the people that I've worked with at the state level – I worked down in Georgia for 15 years and then North Carolina for about three or four years, and I've always felt like law enforcement is a critical component of management. I mean, without the proper law enforcement component, we just can't do anything no matter how much science we have or anything else we do.

Probably the favorite part of my career, since I have been in this business, when I was the director up in North Carolina and actually supervised the law enforcement. I had 55 officers up there, and it was a very interesting time. I had a good time with those fellows. I've always said law enforcement near and dear to my heart.

Ben Hartig, who was the council chairman a number of years ago, he's a big proponent of law enforcement. When he was chairman, we participated heavily in ASMFC and some of their joint meetings and this type of thing. It's always been an interesting part of it.

Major Norton: I have a question, and it's the "new guy" question, so I guess I'm allowed to ask it. As I was looking through the committees, I noticed that the Law Enforcement Committee really doesn't have anybody from law enforcement other than Brian. I wondered is that something where maybe the chairman of this committee or somebody could participate on that committee.

Mr. Mahood: The committees are only council members, so that's why you don't see that. We try to get people that are very much interested in law enforcement on that committee. Since you are the new guy, I don't know if everybody knows how council members are picked, appointed or whatever.

Well, the council members themselves are the four state fisheries' directors, state directors or their designee; the regional administrator is number five; and the rest of them are made up from the private sector, nominated by the governor of each state, and appointed by the Secretary of Commerce. The Secretary of Commerce requires the governor, for each open seat, to put in three nominations, and then he picks it. That's how you get your council members.

Our advisory panel members, at the state level we ask the state to designate who they want from their enforcement agency to represent the state, and then we also have members from the private sector, like Michael and Kim, and we have had numerous others that have been attorneys or whatever that have been on. That's how we get the Law Enforcement Advisory Panel. I don't think we've actually had somebody that's been a law enforcement person since I've been involved in the Council, but we have people that are interested.

Colonel Buckson: Thank you for that refresher because it's always nice to be reminded of how we ended with the council that we're dealing with. I know we need to deal with the Chair issue. Some of the things that we had on the agenda, I have to admit that I floated some of them, the registry, the open water aquaculture.

It's things that I have been exposed to, and what I've been trying to do, from my perspective is be proactive instead of reactive. We're going to have answer the council's questions when it comes to enforcement issues, but when we see things floating up, I think getting out ahead of it and talking about it and at least getting our heads straight before we have to deal with the council is definitely one of the benefits I think that we get out of this AP in being able to sit in a room like this and chat about things at breaks and chat about things.

The proactive idea and thinking of those things that are going to be issues for us I think is critical for this advisory panel, and that's why I appreciate Bob's comment about being able to meet twice a year. That's the only way you're going to stay in touch with these things. We can try to do it at our desk back at our office, but everybody has got another job and you really can't get separated from that other job and focus the way you should on these issues until you sit here, so that meeting will be very helpful.

The other things that is beneficial – and this is a plea to you all – is the face time we get with council members and the face time we get with fishers really goes a long way. Seeing those crab fishers and having them come in here and talk to us was helpful for me. They're able to look you in the face and answer questions informally.

It's very helpful to understand what the business is all about and think of ways that instead of just looking at a document and saying, okay, how are we going to be able to enforce this – and I think it goes a long way for them, too, to be able to chat with us. The last two times I have been at a South Atlantic Council meeting, whether a scoping meeting or this meeting, I end up walking out with information about the places where we need to focus enforcement.

It's definitely beneficial in that respect for us, too, Bob, so that's very helpful to be able to have that face time. The part that is my plea with that is that if we don't have LE AP meetings in conjunction with Council meetings all the time, what we've done on the Gulf side – and I'm not saying it's perfect by any means, but what we've tried to do on the Gulf side is whatever state that the council is meeting in, that that state representative – because we all have travel restrictions, but that state representative try to make it to that council meeting.

That's the reason Brett and I went to the Gulf Council meeting that dealt with the snapper grouper. We spent two days down at that meeting, so we can go back and report to the LE AP the next time we meet or the LEC. For the most part, the scoping meetings, you guys obviously showed up at those, but just a plea to keep that going and to keep that face time with the council members, the council staff and the fishermen I think is beneficial to us all in the long run. I push that out to you as a request, a plea to stay hooked up with the council. They've got their jobs, too, so it's probably easy for us to fall off the map when it's concerning their issues as well.

Okay, that's enough preaching from my end. Let's deal with the business issues. Is there any other business or any other issue that anybody needs discussed before we deal with the Chair issue? I see none. I think the appropriate way – as I explained in the very beginning, Tracy's name is not even on the list anymore.

I'm sitting as Chair right now, and I told Bob that probably in the next couple weeks we'll get a letter from our colonel to the council asking to put Brett in my place instead, so I will be leaving the Chair before the next time we meet. I'll probably still come to the meetings, at least the next one, but I'll be leaving the Chair at the next one. I guess the appropriate way to do it is to do a Chair nomination and election for the LE AP so we have somebody. I guess officially we would open that up.

Captain Adams: I want to say, first, thanks to you and your leadership. The last three years that I have been coming to these meetings and Atlantic States meetings, as well, you have been kind enough to show the ropes, and I've learned a lot in a short amount of time, and I do appreciate that. You're a vast wealth of knowledge. Brett, you've got big shoes to fill, Buddy, I promise you.

Always, you're well versed in any issue and I appreciate you sharing that. In looking towards that, like you were talking about, looking down the road and somebody that can identify issues and somebody that can take this advisory panel where it needs to be, I would like to nominate somebody who has been here at least as long as I have, and I'm not sure how much longer, but he's very in tune with the issues, he's a law enforcement officer.

We talk frequently, whether it be about South Atlantic Council business, state business, or whatever. He's very well versed and I think he'd do a good job, but I would like to nominate Chisolm Frampton from South Carolina.

Colonel Buckson: Chisolm didn't run out of the room, so that's good news.

Captain Kelley: I would like to second that.

Colonel Buckson: I guess the appropriate way to do it is look for a motion, if there are no other nominations, to close the nominations.

Ms. Raine: I'll move that.

Mr. Kennedy: I'll second that if it's required.

Colonel Buckson: Okay, so without objection, Chisolm, I think we hand it off to you.

Lt. Frampton: Well, thank you, Bruce, but I do appreciate all your leadership and your friendship and the guidance you've show all of us. I think Jim, Stephen and I are all relatively new to the panel, and you've helped us tremendously and you've left us some big shoes to fill, so thank you for your friendship and your leadership.

Colonel Buckson: I appreciate that. You guys are making me sound like I'm really old.

Major Norton: I just want to say Bruce does have some very big shoes to fill; and the more I've done this, as I've bounced around these four different councils and commissions, and all of the things that he has done for the State of Florida over the last 15 years as it relates to fisheries is

absolutely incredible. I just want to congratulate him on that because I can't imagine doing this for 15 years. Anyway, congratulations, Bruce.

Colonel Buckson: Thank you. I don't know if I'm still in charge now or not, so you'll have to close this.

Captain Adams: I'll make the motion to adjourn the meeting.

Lt. Gris: I second the motion to adjourn.

Lt. Frampton: Meeting adjourned.

(Whereupon, the meeting was adjourned at 4:50 o'clock p.m., March 4, 2008.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
April 2008

South Atlantic Fishery Management Council Law Enforcement Advisory Panel

Major Bruce C. Buckson, Chairman
FL Fish & Wildlife Conservation
Commission
Division of Law Enforcement
620 South Meridian St.
Tallahassee, FL 32399-1600
850/410-0656 (Ext. 17-151) (ph)
850/921-6453 (f) ✓
bruce.buckson@myfwc.com
3/90, 8/96, 3/00*
(Designee for Colonel Julie Jones,
Director)

ORTHA EASLEY

Tracy Dunn, Vice-Chair ✓
NOAA Fisheries
Office for Law Enforcement
263 13th Avenue South, Suite 113
St. Petersburg, FL 33701
727/551-5765 (ph); 727/824-5355 (f)
tracy.dunn@noaa.gov
8/96, 3/00, 1/04*

Capt. Stephen Adams ✓
GA Department of Natural Resources
Law Enforcement, Coastal Region
One Conservation Way, Suite 201
Brunswick, GA 31520
912/264-7237 (ph); 912/262-3166 (f)
Stephen_Adams@dnr.state.ga.us
(Designee for Lt. Commander Robert
J. Sires, Supervisor)
9/05*

Kim Diana Connolly
Asst. Professor - USC School of Law
Main & Green Streets
Columbia, SC 29208
803/777-6880 (ph); 803/777-3401 (f)
connolly@law.law.sc.edu
3/03, 3/06*

Lt. Charlie Gris ✓
USCG - SE Region Fisheries Training
Center
1050 Register Street
Charleston, SC 29405
843/740-3178 (ph); 843/308-0162 (f)
Michael.C.Gris@uscg.mil
6/04*

Michael Kennedy ✓
902 Turner Quay
Jupiter, FL 33458
561/744-8937 (ph)
seahawkmj@aol.com
3/06*

Colonel Rex Lanier ✓
Marine Patrol
N.C. Division of Marine Fisheries
127 Cardinal Drive Extension
Wilmington, NC 28405
910/796-7215 (ph); 910/790-0228 (f)
rex.lanier@ncmail.net
2/02, 4/03*

Karen Antrim Raine ✓
NOAA General Counsel - SERO
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5360 (ph)
Karen.raine@noaa.gov
11/97*

Lt. Chisolm Frampton ✓
Law Enforcement Division
S.C. Dept. of Natural Resources
P.O. Box 12559
Charleston, SC 29422-2559
843/953-9307 (ph); 843/953-9321(f)
Operation Game Thief
1-800/922-5431
Framptonc@dnr.sc.gov
6/05*
(Designee for Major Alvin Taylor)

Craig Whitfield ✓
167 Clark Ave.
Charleston, SC 29412
843/795-8488 (ph)
(At-Large)
9/06*

CAPT. JIM KELLEY

* Denotes year of appointment

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South Atlantic Fishery Management Council 2007- 2008 Council Membership

COUNCIL CHAIRMAN:

George J. Geiger
566 Ponoka Street
Sebastian, FL 32958
772/388-3183 (ph)
georgejgeiger@bellsouth.net

COUNCIL VICE-CHAIRMAN

Charles Duane Harris
105 Demere Retreat Lane
St. Simons Island, GA 31522
912/638-9430 (ph)
seageorg@bellsouth.net

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

Robert H. Boyles, Jr.
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9304 (ph)
843/953-9159 (fax)
boylesr@dnr.sc.gov

Representative
U.S. Fish and Wildlife Service

Dr. Brian Chevront
N.C. Division of Marine Fisheries
P.O. Box 769 (3441 Arendell St.)
Morehead City, NC 28557
252/726-7021 Ext. 8015 (ph)
252/726-6187
brian.chevront@ncmail.net

Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

David M. Cupka
P.O. Box 12753
Charleston, SC 29422
843/795-8591 (hm)
843/870-5495 (cell)
dkcupka@bellsouth.net

Benjamin M. "Mac" Currin
801 Westwood Drive
Raleigh, NC 27607
919/881-0049 (ph)
mcurrin1@bellsouth.net

Anthony L. Iarocci
236 Guava Avenue
Grassy Key, FL 33050
305/743-7162 (ph); 305/743-2697(f)

Rita G. Merritt
38 Pelican Drive
Wrightsville Beach, NC 28480
910/256-3197 (ph); 910/256-3689 (f)
miridon@ec.rr.com

John V. O'Shea
Executive Director
Atlantic States Marine Fisheries
Commission
1444 Eye Street, N.W., 6th Floor
Washington, D.C. 20005
202/289-6400 (ph); 202/289-6051 (f)
voshea@asmfc.org

Lt. Brian Sullivan
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6781 (ph)
305/415-6791 (f)
Brian.A.Sullivan@uscg.mil

Mark Robson
Director, Division of Marine Fisheries
Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399
850/487-0554 (ph); 850/487-4847(f)
mark.robson@myfwc.com

Susan Shipman
Director, Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
sshipman@dnr.state.ga.us

Tom Swatzel
P.O. Box 1311
Murrells Inlet, SC 29576
(C/O Capt. Dick's Marina
4123 Hwy 17 Business,
Murrells Inlet, SC 29576)
843/357-1673 (ph)
tom@capticks.com

John A. Wallace
5 Buddy Beckham Road
P.O. Box 88
Meridian, GA 31319
912/437-6797 (ph); 912/437-3635 (f)
Ga_shrimp@dariantel.net

BRETT. NORTON
MANNY ANTONORAS
TRACY DUNN

South Atlantic Fishery Management Council Staff

Executive Director

Robert K. Mahood ✓
robert.mahood@safmc.net

Deputy Executive Director

Gregg T. Waugh
gregg.waugh@safmc.net

Public Information Officer

Kim Iverson
kim.iverson@safmc.net

Senior Fishery Biologist

Roger Pugliese
roger.pugliese@safmc.net

Staff Economist

Kathryn (Kate) Quigley ✓
kate.quigley@safmc.net

Cultural Anthropologist

Open Position

Environmental Impact Scientist

Rick DeVictor
richard.devictor@safmc.net

Science and Statistics Program Manager

John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators

Julie Neer - Julie.Neer@safmc.net
Dale Theiling - Dale.Theiling@safmc.net

Fishery Biologist

Andi Stephens
Andi.Stephens@safmc.net

Coral Reef Biologist

Myra Brouwer ✓
myra.brouwer@safmc.net

Administrative Officer

Mike Collins
mike.collins@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing/Adm. Assistant

Julie O'Dell ✓
julie.odell@safmc.net

SEDAR/ Staff Administrative Assistant

Rachael Lindsay
rachael.lindsay@safmc.net

SUMMARY REPORT
LAW ENFORCEMENT ADVISORY PANEL MEETING
Jekyll Island, Georgia
March 4, 2008

The Law Enforcement Advisory Panel met in joint session the afternoon of March 4, 2008 in Jekyll Island, Georgia. The minutes from the December 2006 Joint LEAP and Committee were approved.

The LEAP discussed the following issues:

1. Law Enforcement's role in LAPPs:

There was a general discussion how enforcement of LAPPs would be conducted. There are precedents that can be looked at in the Gulf of Mexico and the North Pacific. As the development of LAPPs continue, the regulations in those areas pertinent to enforcement for existing LAPPs should be reviewed. One of the major problems specific to the Southeast is multiple landing sites. It is critical that a landing notification system be required for fishermen.

2. Circle hooks:

The required use of circle hooks was discussed. The consensus was that enforcing a regulation requiring circle hooks was difficult. Problems include the definition of circle hooks, species being targeted, differences in trolling and bottom fishing, etc. The consensus was that use of circle hooks is a good ethic to instill in fishermen through education, but not by regulation.

3. Spiny Lobster:

There was a general discussion of the status of the effort to address imports.

4. Aquaculture:

There was general discussion of the Gulf aquaculture program. The LEAP would like to be included early on in the process if the South Atlantic Council decides to move forward with any aquaculture plans.

5. Oculina banks, HAPCs, MPAs and other closed areas:

There was discussion of a number of issues addressing closed areas, most specifically the proposed Coral HAPC. Myra Brouwer briefed the LEAP on the proposed deepwater coral HAPC and consideration relative to the golden crab fishery. Following are comments and recommendations relative to the HAPC:

- a. The LEAP's previous comments and recommendations on MPAs also apply to the proposed HAPC.
- b. The LEAP does not support the use of buffer zones.
- c. The use of depth contours to delineate boundaries makes enforcement and prosecution much more difficult and is not recommended. However, if depths contours are used there should be latitude longitude (Lat/Long) points along the depth contour at intervals not

less than 10 miles apart, with lines drawn between the points delineating the boundary. Lines running north south and east west are most enforceable.

- d. VMS should be required for vessels participating in fisheries that have the potential to cause adverse impacts to the proposed HAPC.

6. "Box within the Box":

There was a lot of discussion of the creation of a "box within the box" (BwB) that would delineate an area within the proposed HAPC for the golden crab fishery. Following are comments and recommendations relative to the BwB:

- a. There should be a notification requirement for vessels that will be fishing in the BwB prior to their departing on a trip.
- b. A vessel monitoring system should be required.
- e. All of the LEAP's previous comments and recommendations on MPAs that relate to the BwB also apply (Lat Long boundaries, north south and east west lines, etc.)
- c. If the Council determines that the golden crab fishery will be allowed within the proposed HAPC without creating a BwB, the same recommendations apply.

7. Sale of fish caught under the bag limit:

Bob Mahood provided the status of Amendment 15B that addresses this issue. He also briefed the LEAP on recent information about the commercial fishery in North Carolina and the charter/headboat fishery in Florida, both of which depend on the sale of fish caught under the bag limit. The LEAP discussed these issues and maintained their current position of being opposed to the sale of fish caught under the bag limit.

8. Items under Other Business

- a. Bob briefed the LEAP on recently being contacted by NOAA OIG relative to a program review of NOAA Fisheries Enforcement.
- b. There was discussion about the new Recreational Fishing Registry and how it will affect state licensing and enforcement under the JEAs.
- c. There was a discussion of how enforcement under the JEAs will be affected when there is a Federal fisheries closure and a State determines its waters will remain open.
- d. Council staff support for the LEAP was discussed.
- e. There was a suggestion that the State LEAP representative be invited to attend the Council meeting held in their state so they can serve as a LEAP liaison.
- f. Lt. Chisolm Frampton was elected Chairman of the LEAP. Election of Vice-Chairman was deferred until the next LEAP meeting.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

Office for Law Enforcement,
Southeast Region
263 13 Ave. S.
St. Petersburg, FL 33701

Office of General Counsel for
Enforcement and Litigation,
Southeast Region
263 13 Ave. S.
St. Petersburg, FL 33701

February 29, 2008

MEMORANDUM TO: South Atlantic Fishery Management Council

FROM: Special Agent in Charge Hal Robbins
Senior Enforcement Attorney Karen Antrim Raine

Handwritten signatures and initials: Hal Robbins, Karen Raine, and a date 2/29/08.

SUBJECT: Oculina Bank Shrimp Cases

South Atlantic Fishery Management Council staff member Myra Brouwer forwarded the following request for the deepwater shrimp fisheries (rock shrimp and, if available, royal red shrimp) from the Deepwater Shrimp AP and asked that the information be available for the March 3-7, 2008, Council meeting:

The AP requested that Council staff request information from NMFS Law Enforcement on the number of cases made based on VMS data. This is to include the ultimate determination of the case (e.g., guilty of fishing in area, innocent due to drifting into the area, etc.).

Between the implementation date of the VMS requirement for the South Atlantic rock shrimp fishery in October 2003 and February 29, 2008, 20 possible Oculina Bank cases involving shrimp vessels have been documented. Out of the 20 cases, 7 resulted in the issuance of NOVAs and NOPSs, 2 are under consideration, and the remaining 11 did not result in NOVAs and/or NOPSs. Two of the cases, not charged, involved royal red shrimping.

It should be noted that during the investigation and review of a case, all evidence, including aggravating and mitigating circumstances unique to each case, not just VMS data, is considered in determining whether a violation occurred, the appropriate enforcement response (including whether the catch is seized), and, if a Notice of Violation and Assessment (NOVA) and/or Notice of Permit Sanction (NOPS) are issued, the charges and penalties. Emergency and equipment issues are included in the circumstances that have been investigated. The unique



circumstances of each case are also considered in settlement negotiations.

The 7 cases that resulted in the issuance of a NOVA and NOPS are as follows:

SE044042FM Brent Zirlott, Jr./Rosa Marie, Inc. F/V MISS ROSA MARIE. Date of violation: September 29-30, 2004. The Notice of Violation (NOVA) was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a \$30,000 civil monetary penalty. A 45 day Notice of Permit Sanction (NOPS) was also issued. There was no seizure. A settlement agreement was entered into with both the owner and operator for \$15,000 and a 10 day permit sanction against the operator/owner/vessel for all federally permitted species.

SE044048FM Clinton Zirlott/Crystal Gale, Inc. F/V DEBRA LEE. Date of violation: October 1, 2004. The NOVA was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a \$35,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was no seizure. A settlement agreement was entered into with the owner for \$17,500. The Agency is pursuing collection against the operator, who had his permit sanctioned.

SE044049FM Wally Bozeman/Baron's Seafood, Inc. F/V MISTER B. Date of violation: October 2, 2004. The NOVA was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a \$30,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was no seizure. A settlement agreement was entered into with both the owner and operator for \$17,500 and a 23 day permit sanction against the operator/owner/vessel for all federally permitted species.

SE044058FM James Lupton/Abco Shrimp, Inc. F/V CAPTAIN A.B. Date of violation: October 30-31, 2004. The NOVA was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a \$25,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was no seizure. A settlement agreement was entered into with the owner for \$12,500. The Agency is pursuing collection against the operator, who had his permit sanctioned.

SE044060FM Jason Dorman/Cieutat Trawlers, Inc. F/V THE SHOOTIST. Date of violation: November 5, 2004. The 2 count NOVA was issued jointly and severally to the operator and owner, who were charged with (1) anchoring or using an anchor and chain and/or possessing rock shrimp in or from the Oculina Bank HAPC and (2) failing to display a permit. The NOVA assessed a \$50,000 civil monetary penalty for count 1 and a \$1,500 monetary penalty for count 2. A 45 day NOPS was issued to the owner and a permanent revocation NOPS was issued to the operator. There was no seizure. A settlement agreement was entered into with the owner for

\$10,000 and a 2 month rock shrimp permit sanction. The Agency is pursuing collection against the operator, who had his permit sanctioned.

SE0601603FM John Steel/Question Creamer F/V APALACHEE WARRIOR. Date of violation: July 19, 2006. The Notice of Violation (NOVA) was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a \$30,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was no seizure. A settlement agreement was entered into with both the owner and operator for \$10,000 and a 2 month rock shrimp permit sanction against the operator/owner/vessel.

SE0602156FM William Ipock/Trawler Chastity Brooke, Inc. F/V CHASTITY BROOKE. Date of violation: September 5, 2006. The NOVA was issued jointly and severally to the operator and owner, who were charged with anchoring or using an anchor and chain and/or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a \$30,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was a seizure of \$9,081.00 in proceeds from the sale of 7200 pounds of rock shrimp. A settlement agreement was entered into with both the owner and operator for \$19,500 and forfeiture of the \$9,081.00 in proceeds.

**SUMMARY OF NOAA LAW ENFORCEMENT RECOMMENDATIONS
FOR A LIMITED ACCESS PRIVILEGE PROGRAM (LAPP)
IN THE SOUTH ATLANTIC SNAPPER / GROUPER FISHERY**

1. Implement a Vessel Monitoring System (VMS) on all participating vessels. VMS should be required and activated 24/7 hours.
2. Vessels carrying VMS would have to declare when they left port. NOTE: VMS would also greatly increase the effectiveness of NOAA OLE in enforcing the multiple Marine Protected Areas (MPAs) that have been established for the SNG complex.
3. LAP Vessels would be required to call-in 3 hours prior to landing their catch.
4. These "prior landing" vessel call-ins to include: time of landing, F/V name, landing location, and dealer facility.
5. A contract call-in center would be independently funded and required to handle incoming calls from fishermen and subsequently dispatch the landing information to the applicable state and/of federal enforcement agency for potential response (see Gulf snapper IFQ system).
6. A Joint Enforcement Agreement (JEA) would need to be signed and funded between NOAA and the state of North Carolina. Without such, effective dockside monitoring, verification, and enforcement of vessel landings in NC would not exist.
7. SNG complex species must be offloaded to a fixed dealer facility.
8. Offloading of SNG complex species could only occur between 0600 and 1800.
9. Dockside monitoring should include real-time fish catch reporting, to include balancing of fishers' accounts with the dealers' accounts.
10. No fishermen should sell his SNG fish without corresponding allocation.
11. No dealer can purchase fish from a fisherman that has no allocation.
12. The LAP program should adopt the "tracking sales" criteria currently in existence with the Gulf of Mexico's red snapper IFQ program.
13. Fund additional 6 FTE Special Agent positions and 1 enforcement analyst position to enforce and monitor the LAP fishery in the South Atlantic region.
14. Eliminate the video monitoring option unless it is proven to be an effective enforcement tool during pilot program (includes an analysis from NOAA GCEL to determine feasibility of prosecution for those that are not in compliance).
15. Keep LAP enforcement requirements consistent throughout the South Atlantic geographic area that it encompasses (i.e. do not have various LE requirements dependant on specific zones or states).

GSMFC LEC / GMFMC LEAP/ SAFMC LEAP
State Report 2/29/08
Florida Fish & Wildlife Conservation Commission
Division of Law Enforcement

FWC Rule Changes

Commissioners voted to approve rule changes for management of wildlife and regulations on wildlife management areas. Under the new rules, the definition of nuisance wildlife changes to wildlife which causes or is about to cause property damage. Wild hogs are defined as free-roaming hogs that legally cannot be claimed as domestic hogs in private ownership.

Commissioners voted to expand the area open for Canada goose season to include the entire state and to allow falconers to take light geese and Canada geese statewide. The new rules also increase the number of days for the spring turkey season in Holmes County from three to 16. Commissioners passed a rule prohibiting Internet hunting that makes it illegal to hunt via remote-control methods when a person is not physically present at the location of the gun. Possession of open containers of intoxicating beverages on shooting ranges is now prohibited under the new rules.

In the area of freshwater fishing regulations, the Commission voted to approve new rules in specific fish management areas. The new rules include increasing the black bass length regulation on Lake Okeechobee to an 18-inch or greater minimum length limit, establishing a 10-inch or greater minimum length limit for harvest of black crappie on Lake Okeechobee and changing the boundary definition for Lake Okeechobee. In addition, Commissioners voted to approve black bass regulations on Lake Trafford to include a bag limit of five fish, all of which must be 18 inches or greater in total length and only one fish may be 22 inches or greater in total length.

The Commission considered several marine fisheries issues. Commissioners approved new rules similar to recently implemented red snapper regulations in Gulf federal waters that are intended to end overfishing of red snapper in the Gulf and reduce release mortality of Gulf reef fish.

The new rules reduce the daily recreational bag limit for red snapper from four fish to two fish per person and establish a zero daily bag limit for captains and crew of for-hire vessels in all Gulf waters off Florida.

No change will be made to the April 15 through Oct. 31 Gulf recreational red snapper harvest season in state waters. However, new federal rules establish a June 1 through Sept. 30 recreational harvest season in Gulf federal waters adjacent to Florida waters.

Other new FWC rules reduce the minimum size for commercially harvested red snapper in the Gulf and for imported red snapper from 15 to 13 inches total length, and reduce the daily commercial bag and trip limit for red snapper harvested in Gulf state waters off Florida from four fish to two fish daily per person.

The new rules also require all commercial and recreational anglers fishing for any Gulf reef fish species to use circle hooks, de-hooking devices and venting tools. The new red snapper rules take effect on April 1. The rules requiring circle hooks, de-hooking devices and venting tools for all reef fish species take effect on June 1.

The Commission also approved a rule to modify the legal dimensions for black sea bass traps to allow more flexibility in the size and shape of these traps, and directed staff to conduct public workshops and prepare a draft rule to increase commercial mullet fishing opportunities.

In other marine fisheries actions, Commissioners considered management alternatives for south Atlantic gag grouper and vermilion snapper and Gulf gag and red grouper. They also agreed to support certain federal fishery disaster relief programs, including relief for the commercial shark industry.

There are new rules regarding the use of ATVs on Everglades and Francis Taylor, Holey Land and Rotenberger wildlife management areas (WMAs). Effective July 1, 2008, the use of ATVs will be allowed for hunting purposes only and only during the archery, muzzleloading gun and general gun seasons. In addition, ATVs will be allowed for scouting purposes two weeks before archery season and one week before the start of muzzleloading gun and general gun-walk seasons. The unrestricted use of ATVs on these WMAs has resulted in extensive resource damage and public safety concerns.

Sunset Review

The Florida Fish and Wildlife Commission is going through the legislatively mandated Sunset Review. The panel has asked many questions about our operational effectiveness and any duplication of efforts with other state agencies. This is the paragraph that was used to describe our division: The Division of Law Enforcement is the enforcement arm of the agency and strives to achieve compliance from users of the resources with state law and agency rules. There are no other entities that provide complete service response and protection services to the fish and wildlife resources and to the public utilizing such resources in Florida. These services are provided on 34,647,040 acres of land, 11,909 miles of freshwater rivers and streams, 4,442 square miles of lakes and ponds, 8,426 miles of tidal coastline, 2,400 square miles of saltwater bays, sounds and estuaries, and 13,200 square miles of off-shore waters. Examples of enforcement activities include: compliance with fishing and hunting regulations; endangered and threatened species protection; legal and illegal commercial trade of wildlife and products obtained from wildlife; protection of fish and wildlife habitat and ecosystems through the enforcement of laws governing littering, illegal dredge/fill activities, and exotic species introduction; and the enforcement of boating safety laws and regulations. The Division also assists federal, natural disaster response and domestic/homeland security defense, performs search and rescue operations, and provides information and law enforcement assistance to the citizens and visitors of the State.

Aviation Section Restructure

The Aviation Section is continually faced with the challenge of maintaining maximum service with an ever-increasing demand for services and limited budgetary resources. For the last several years, the Aviation Section has accomplished its responsibilities using an annual operations budget of less than one million dollars.

The Aviation Section has a five-year plan to further streamline its aviation operation with the consolidation and relocation of aircraft base locations into 4 "Air Stations" versus the current 9 regional/area concept. Aviation Section Pilot/Aircraft allocations of 13 Pilot positions, 6 helicopters, and 7 airplanes would remain the same. The "Air Stations" would be located in Tallahassee, Lake City, Lakeland, and Ft. Lauderdale. Response flight times for unscheduled call-outs for the majority of the service area would be one hour or less. The increased efficiency of the "Air Station" concept would allow reassignment of two Pilot Supervisor positions, increase manpower flexibility to address day and night mission requests, provide additional availability of aircraft due to maintenance schedules and reduce the number of aircraft hangars. Aviation Section Pilot/Aircraft allocations of 12 Pilot positions, 6 helicopters, and 7 airplanes would remain the same. The "Air Stations" would be located in Tallahassee, Lake City, Lakeland, and Ft. Lauderdale. Response flight times for unscheduled call-outs for the majority of the service area would be one hour or less.

Each "Air Station" would consist of:

Tallahassee: 3 Pilots, 2 Back-up Pilots, and 1 Aircraft Mechanic

Partenavia P68 airplane

Bell OH58 helicopter (Backup)

Bell 206 helicopter

UH1H Huey Helicopter (Scheduled for delivery 3/2008)

Lake City: 3 Pilots; one of which is a Supervisor Pilot (North)

Cessna 172 airplane

Cessna 182 airplane

Bell 206L4 helicopter

Lakeland: 3 Pilots

Cessna 182 airplane

Cessna 182 airplane

Bell 206 helicopter

Ft. Lauderdale: 3 Pilots; one of which is a Supervisor Pilot (South)

Partenavia P68 airplane

Cessna 182 airplane

Bell 206L4 helicopter

Bell OH58 helicopter (Backup)

Internet Investigations

The Division of Law Enforcement is creating an Internet Investigations Program to detect potential resource crimes being perpetrated through use of the Internet. The program will consist of two sworn investigators tasked to perform these investigations. It can be said that crime and criminals have no boundaries. This includes the realm of the Internet, worldwide web, e-mails, forums, chat rooms, etc. Other law enforcement agencies have solved and/or prevented numerous crimes perpetrated through on-line activities by criminals.

It is logical to assume that fish and wildlife crimes are being facilitated and committed via the Internet and that on-line sites, e-mails, etc., contain evidence of this activity. The members of the Internet Investigations Program are receiving hardware and training to delve into on-line resource crimes. The intent is to make a proactive effort to detect, identify, and document suspicious or known criminal activity; and through investigation, apprehend and prosecute these criminals.

FWC Academy changes

We have been challenged by low recruitment numbers, officer retention problems and sustained vacancies during the last several years. Based on our current hiring process, these challenges will continue into the foreseeable future. In an effort to reduce the high number of vacancies and the length of time it currently takes to place qualified officers in the field, we have decided to modify our hiring process and not hold an FWC Academy this coming year. Effective immediately, we will begin to recruit and hire individuals that meet our current standards that are both sworn and non-sworn. There will be a two-pronged process for applicants: (1) one for the qualified candidate that has a current Criminal Justice Standards and Training (CJSTC) police certificate and is in good standing with their current or former police agency; and (2) one for the applicant that needs to obtain their police standards. The first phase of this new process will be the evaluation and placement of the appropriate candidates from our current pool of 74 applicants currently going through the background process. Upon selection, we will begin sponsoring non-sworn individuals to attend selected high-quality Basic Recruit Classes (BRC) around the state. Upon placement in the appropriate BRC, the recruit will start a mentoring and familiarization process with local officers and supervisors which will be, by design, their new squad. This will start the process of instilling an FWC culture and the recruit becoming a new FWC officer. Phase two begins after the non-sworn process is initiated. Officers who are CJSTC police certified will be recruited locally to fill vacancies in their communities. Our hiring standards will not be changed or reduced. We will continue to assess all applicants in the following areas: academic testing (TABE); physical fitness (Cooper standards at the 50% level); oral interviews; background investigations; and medical and psychological tests. The benefit of not holding our own academy this year and adopting this new hiring process will be an increase in quality in-service training available to officers in the field. The training staff will focus on providing and facilitating three levels of in-service training; basic, intermediate, and advanced in lieu of their academy duties.

Field Services

Approximately 60 new vehicles have arrived at the Tallahassee maintenance shop. The majority of the rigging of these vehicles is being accomplished at the vendor thereby expediting the movement to the regions. We continue to look for ways to stream line the process in order to get them in the hands of Officers for vehicles that are costing too much to maintain and have high mileage.

Our Field Mechanics and Radio Technology Techs continue to install about 500 rifle racks when Officers are qualifying with the new M-16 rifles. We have been averaging over 20 installs a day.

The new vessels for this FY have begun to arrive. Utilizing the same process as vehicles, we expect turnaround by the Tallahassee Shop to be short. The majority of the rigging is being done by the vendor however the shop is painting the stripes on the vessels, applying the decals and installing the radios.

Regions have been doing a good job turning in to auction the surplus vehicles and vessels. Law Enforcement has received over \$180,000 this FY from these sales. This money will be used to purchase additional equipment to better support our officers.

The new Evidence Tracking System is "Live" in all the Evidence Facilities in the state. All facilities will be using the new system by January 1, 2008.

The first round of Nextel Rebanding radio reprogramming is done. We have submitted for reimbursement of approximately \$500k in agency costs.

We are evaluating a new vessel headset from Piratecom and have worked with M/A-Com to develop an interface to our mobile radio. We had a very productive first hands-on session, and developed a good working relationship with them. They are returning to the lab and will perform a few tweaks to the transmit levels and the interface. When ready they will return and we will do this again.

We have entered a contract with a language interpretation service for our staff. This will allow our officers and duty officers the ability to interpret just about any language 24/7 with a phone call to the vendor.

Boating and Waterways

We have two primary legislative proposals for boating safety issues this year. One of the proposals is the expansion of mandatory boater education to all age groups, to be phased in over a ten-year period. The other proposal is the change the state's minimum age requirement for wearing a PFD from under six YOA to under 13 YOA (to match the federal requirement).

We finalized and began running two new boating safety radio spots encouraging the purchase of life jackets as gifts for the holiday through our contract with Clear Channel Communications. A Mason-Dixon poll that was used to gauge public opinion of two boating safety proposals was completed and the results were delivered to staff.

Our staff met with the National Association of State Boating Law Administrators staff in Clearwater Beach to continue preparations for the upcoming NASBLA conference to be held there in September 2008. The work session helped us identify our responsibilities as the host state.

FWC Division of Law Enforcement Command Staff Changes

LTC Jim Brown-North Operations

LTC Bruce Buckson-Boating and Waterways, Field Services

LTC Calvin Adams- Special Operations section, Training section, budget coordination

Major Brett Norton-Field Services section leader

Major Curtis Brown- Special Operations section leader

Major Steve Hougland-Training Section leader

Major David Stermen-South A Regional Commander

Captain David Bullard-Chief of Staff

Any questions or comments on this document can be directed to Major Brett Norton at brett.norton@myFWC.com or cellular (850) 212-6396.

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Law Enforcement Advisory Panel Jekyll Island, GA Tuesday, March 4, 2008

| <u>NAME & ORGANIZATION</u> | <u>AREA CODE & PHONE NUMBER</u> | <u>P.O. BOX/STREET CITY, STATE & ZIP</u> |
|---------------------------------|--|--|
| Meg Boyle Food & Water Watch | 202-683-2445 | 1616 P Street NW Suite 300 Washington DC 20036. |
| MILTON E. BREISFOLD | US COAST GUARD STA BRUNSWICK 912-267-7999 | OZ CONSERVATION WAY BRUNSWICK, GA 31520 |
| Karly Miller | 813-479-0514 | 1823 Greene St Columbia, SC 29201 |
| CAIP BETHARLL | 954 964 9181 | 4671 SW 35 th AVE FT. LAUD. FL 33512 |
| AMANDA BERNARD | | |
| J Esler | 803 777 2496 | JSC LAW |
| Eileen Dougherty | 813-5737-4466 | REDF |
| Dane Allison | 202-833-3900 | Oceana |
| Jeff Zimmerman | (35) 619-0039 | FLCFA |
| | | po Box 501404 Mth. FL 33050 |

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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|------------------------------------|---|--|
| Howard Rau | 954-612-3176 | FT LAUDERDALE FL 33334 |
| William Whipple | 954-830-3330 | 4305 SW 44 Ave Ft Laud 33354 |
| Barry Manchester | 954 632 9492 | FT LAUD FL 33315 |
| Richard Vendetti | 912-222-8796 | P.O. Box 1781 Bk. GA 31525 |
| John Williams | 727-934-5090 | P.O. Box 1577 Tampa Springs FL 34688 |
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4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10