

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Sheraton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 3, 2007

SUMMARY MINUTES

Spiny Lobster Committee Members:

Tony Iarocci, Chair
George Geiger

Mark Robson

Council Members:

Robert H. Boyles, Jr.
Duane Harris
Dr. Brian Chevront
Lt. Chad Brick
David Cupka

Dr. Roy Crabtree
Columbus Brown
Tom Swatzel
Rita Merritt

Council Staff:

Bob Mahood
Mike Collins

Gregg Waugh
Kim Iverson

Observers/Participants:

Monica Smit-Brunello
Sera Howard
Mike Ray

Jack McGovern
Tom Jamir

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened in the Pamlico/Hatteras Room of the Sheraton Atlantic Beach Oceanfront Hotel, Atlantic Beach, North Carolina, Monday afternoon, December 3, 2007, and was called to order at 1:40 o'clock p.m. by Chairman Tony Iarocci.

Mr. Iarocci: Good afternoon. I would like to call to order the Spiny Lobster Committee of the South Atlantic Council. The first item on the agenda is the Approval of the Agenda. Without objection, so moved. The second item is Approval of the Minutes of the Joint Spiny Lobster AP and Committee Meeting in Key West on June 13th. Without objection or discussion, so moved.

First off, I would like to welcome from the Gulf Council -- We have a new liaison here, Mike Ray. He's from Texas Parks and Wildlife. Welcome and please, later on at the break, introduce yourself to the guys and welcome aboard. The next item is an Overview of the Briefing Material and Amendment Status. I would like to turn this over to Gregg of the South Atlantic staff to address the briefing materials and where we are.

Mr. Waugh: Thank you, Mr. Chairman. I'll just walk you briefly through the overview and I'm not going to go into the results from GCFI meeting too much. I'll give you an overview of that very briefly and then let Tony add anything that he wants to. In June 2007 -- I've got this projected here too. This is from the overview behind the agenda for Tab 2 for Spiny Lobster.

In June of 2007, the committee provided the following guidance and/or made the following requests of council staff and so this is what we are following up on, the council staff contacting the Gulf Council to determine what their anticipated schedule is for a spiny lobster amendment and that's not dealing with the imports, but other issues, ACLs and so forth.

After the December 2007 committee meeting, reconvene both advisory panels, and we've talked some with Tony about that, and address these issues, the tailing permit, the federal fifty short rule, the northern fishery, and then also that the Caribbean Council would be declared administrative lead for a spiny lobster amendment to prohibit imports smaller than the current minimum size limit.

These items are all addressed. The Caribbean Council has been designated administrative lead to prepare an amendment. That notice of intent to prepare the DEIS was published on July 26, 2007. There's a draft scoping document that's included as Attachment 2B. This was reviewed by the Gulf Council and Jack is going to present some modifications to that options paper.

We've got the existing regulations, and this is on page 2 of the overview document, the current regulations. In the Gulf and South Atlantic, we have a minimum carapace length of three inches. In the Caribbean, it's three-and-a-half. We specify a tail length of five-and-a-half inches. The Caribbean doesn't have a tail length. Neither of us have a minimum tail weight. Both of us prohibit possession and/or stripping lobsters and the same with no possession of clipped fins. We don't currently regulate tail meat.

We'll come back to this in more detail, but if the intent is just to prohibit imports smaller than existing U.S. minimum size limits, we're suggesting some alternatives that focus in on this a

little more closely and we've got some values to plug in for the Caribbean tail length and tail weight.

There is some concern about timing and this table on the top of page 3 lays out the timing. The intent is to have this completed by the end of February 2009. We've got some dates in there -- The column is Anticipated and Actual Dates and when the Caribbean Council will be meeting. They meet December 11th to 12th and their next meeting is perhaps in March and so we would have to have the public hearing document completed by March in order to meet this timeline and we'll talk about that a little more.

That's dealing with the amendment that the Caribbean is lead on and again, as I mentioned, Jack will go into that in more detail. The second amendment would deal with the issues that our APs want to look at. We also have to update the council and State of Florida process. With the changes in the State of Florida, that process is now out of data.

The big driver is the issue of annual catch limits. We have to specify annual catch limits and accountability measures and have those in place by January 1, 2011. It's not that far along and so we need some clarification with what the Gulf's timeline is on this second amendment.

If we come back -- That's an overview of the materials. You have a draft document in here and I've also got Attachment 4 is a list of the actual measures for the joint amendment that would be with the Gulf Council and we're going to have from Jack a presentation on this and we've got some revised alternatives that we need to resolve.

That's basically where we are now in terms of moving forward with an amendment that the Caribbean has been designated the lead of to deal with the import prohibition and a second amendment that the status is currently unknown as to what timeframe the Gulf is working on to deal with catch limits.

In terms of the GCFI meeting, this is in part part of the rationale for this import prohibition. Certainly there is law enforcement issues, but also, as more and more Caribbean countries have more utilized their spiny lobster resources and many of them have size limits that are smaller than the Caribbean Council's at three-and-a-half and smaller than ours. Caribbean-wide, there's recruitment exchange and you're starting to see concerns about the level of sustainable production Caribbean-wide.

Tony has been working with a number of the countries down there to try to get them to implement size limits that are at least what we have and that's sort of the Caribbean-wide recommendation, to at least have a three-inch size limit and perhaps look at size limits larger and so the import prohibition carries both a law enforcement concern and a resource concern and this is a concern that's shared with other countries throughout the Caribbean. That's all I was going to mention, Tony. I don't know if you want to go into any more detail about the GCFI meeting at this stage.

Mr. Iarocci: Just one point. To be at that meeting with industry and especially to see the people from Nicaragua. Nicaragua had their fish house owners, their government people, fishermen, the

dive sector all at the same table all in agreement to look at -- They already do have -- They support our size and to come down hard on importation, but to see all these countries, not just what we're looking at in our fishery here -- I don't want to overcomplicate what we're looking at here, but the spiny lobster fishery on the whole, from Brazil to Florida, is in trouble.

There's a problem with recruitment and there's a problem with undersized fish being brought in through other countries and we need to deal with that and that's what this rule is and Gregg had stated and I want to make this perfectly clear, that the Caribbean Council has been designated the lead on putting this through and the Gulf Council does have the lead on the next amendment. We're just co-working with these people to put this through and to make this process go as smoothly as possible. Thank you, Gregg. Go ahead, Jack.

Dr. McGovern: Thank you, Tony. I'm going to give an overview of the options paper and a lot of what I'm going to say Gregg pretty much covered already. This is a presentation that was put together by Joe Kimmel and Jason and there's been a lot of concern about imports of spiny lobster smaller than specified in the U.S. spiny lobster FMPs.

As Gregg and Tony indicated, the Caribbean has been designated as the lead in developing an options paper for this issue and preparing an amendment that would amend the spiny lobster fishery management plan for Puerto Rico and the fishery management plan for the Gulf and South Atlantic.

There could be two or three actions in this amendment. The first action would deal with a size limit on imports or possession of imported spiny lobster and the spiny lobster is considered to be a single stock throughout its range, based on DNA analysis, and this shows the range of spiny lobster. They're found in red in this slide throughout the Caribbean and off of South America and Central America. It also shows the different size limits for Puerto Rico, the U.S. Virgin Islands, and off of the Continental U.S.

Because the larvae has such a long-lived planktonic stage and can be dispersed long distances, this is probably the reason why it's a single stock throughout its range. This shows the currents off of South America and in the Caribbean and it shows that spawning off of South America and Central America and that the larvae that would be in the water column for two to four weeks could be transported to the Gulf of Mexico and the South Atlantic.

Over exploitation of spiny lobster in other areas of the Caribbean could impact the stock throughout its range, including the Continental U.S. and so the thought is that placing restrictions on the imports of the minimum size could help to reduce the overexploitation of the undersized spiny lobster and enhance the reproductive potential of spiny lobster and just the stock status throughout its range.

Currently, the minimum size for spiny lobster in the Continental U.S. is a carapace length of three inches and this just shows a tool that's used to measure the carapace length and how easily it's measured. About 90 percent of spiny lobster that are consumed in the United States are imported and most of the imports occur from countries such as Nicaragua, where 20 percent of the imports are from, Brazil, and these are countries where spiny lobster is very heavily

exploited.

Spiny lobster that originate from the Caribbean are tailed and they're sorted by weight and packed in ten-pound boxes and shipped to the United States and the minimum size limits for spiny lobsters exported to the United States are not standardized and so establishment of a minimum size and the corresponding tail length and the tail weight for import or possession of spiny lobster would not only enhance the reproductive potential of spiny lobster throughout its range, but it would also be a good law enforcement tool for restricting imports of undersized spiny lobster into the U.S.

A three-inch carapace length for spiny lobster, using a regression, corresponds to a tail length of about five-and-a-half inches and a tail weight of about 4.2 to 4.5 ounces and this is with the exoskeleton attached.

Another alternative in the first action that's currently proposed in the options paper would prohibit the import or possession of spiny lobster with eggs attached or where eggs, swimmerettes, or pleopods have been removed or stripped. A second action would have an alternative which prohibits the importation of tail meat, and that's shown on the left, without an exoskeleton. In order for tail meat to be imported, it would have to have the exoskeleton attached.

Other actions that might be included are to develop a framework to the Caribbean Fishery Management Council Spiny Lobster Fishery Management Plan and modify the Spiny Lobster Fishery Management Plan for the Gulf of Mexico and South Atlantic.

I won't go over this timeline. Gregg just did this and this just summarizes what Gregg just provided an overview of. Our office has recently looked at some other alternatives in this options paper, which I'll bring up. There have been some modifications to the options paper that was being worked on by the Caribbean and last week, our folks worked on this and they put in a problem and a need.

The problem and need is overfishing of foreign waters is adversely impacting the status of spiny lobster in the U.S. waters, because of the distribution and dispersal of spiny lobster during its long planktonic larval stage, during which time the infant lobsters are carried by currents until they become large enough to settle.

Mr. Robson: Just so I'm clear, Mr. Chairman, is this a revised list of the alternatives that's not in the briefing document in the CD?

Mr. Iarocci: Yes. Let me get a copy of this out to everybody.

Mr. Robson: Jack, this is out of the options paper?

Dr. McGovern: These are new alternatives. They are not currently in the options paper and I'll just go over them very quickly. The new alternatives are, for the first action, to require the spiny lobster imports to comply with Continental U.S. federal regulations and prohibit the possession

of imported spiny lobster products that do not meet this minimum standard.

Alternative 1 is the status quo. Alternative 2 is to require all spiny lobster imported to the U.S. and imported spiny lobster possessed in the U.S. to meet the following standards: a carapace length of three inches, a tail length of 5.5 inches or greater, tail weights of either 4.2 ounces or 4.5 ounces, and then a third alternative is prohibiting spiny lobsters which have eggs attached or eggs attached or eggs, swimmerettes, or pleopods removed.

Action 2 has import restrictions that do not -- Alternative 2 would prohibit the importation of spiny lobster tail meat without the exoskeleton attached and also prohibit the possession of imported spiny lobster tail meat without -- I guess that's the same thing. That's basically the new revised alternatives to that options paper.

Mr. Iarocci: Are there any questions from the committee or council members?

Mr. Geiger: Do the new alternatives identified here, Jack, under this 4.0, Management Alternatives, the handout that you just read off of the sheet, does that meet all the requirements that we had in the original document?

Mr. Waugh: The one that I've raised with Jack that's missing from there is the alternative dealing with prohibiting imports into the Caribbean U.S., Puerto Rico and the U.S. VI. What I would suggest is we look at the alternatives that are on page 2 that are projected on the screen now.

It has a set of alternatives in the Continental U.S. that would set a carapace length if it's whole, a tail length, and we also look at a tail weight and then we would fill in these numbers for the Caribbean and then we've got tail meat, a prohibition on tail meat, possession of bearing lobsters, and possession of tails that have been stripped and clipped. That covers all of the actions.

Mr. Geiger: It's believed that then the alternatives on this sheet don't quite go far enough and what we had in the document goes too far. Do you want a motion to amend or direction or --

Mr. Iarocci: Thank you, George. I think we've got other things to discuss, but I think at this time if you wanted to give direction to staff -- I think if you combine what we've got -- We pretty much cover everything dealing with both the State of Florida rules and the Caribbean rules on page 2.

Some of these alternatives they've come up with are directly from a lot of discussion coming out of the Dominican Republic, but as Gregg has stated, it doesn't deal with the Caribbean. If you combine 2 and 3 --

Like I said, I would like to give direction through the committee to staff to come up with a scoping document and then have it ready for full council, where we can bring this up and NMFS can have a chance to look at it and we can look together on this and simplify this thing with one document dealing with everything coming out of here and then moving forward. There's been a

lot of confusion in the past between all the players of who is doing what, when, and where. I think this will simplify the process.

Mr. Geiger: I think that's probably the best way to go then, if all we need is direction to develop a scoping document. I think it's important, because we're adding to the latest list of alternatives, to coordinate it with the Regional Office and then bring it back to full council and let us discuss it again.

Mr. Iarocci: Thank you, George. Is there any more discussion on that?

Mr. Waugh: Just to clarify then that you want us to put a scoping document together and we'll get Joe, Phil, and Jason to look at it before full council and then bring that back to you all at full council during the Spiny Lobster Committee report?

Mr. Geiger: I would like to get Tony to be involved in that as well, looking at the draft and making sure from our side that you cover it.

Mr. Iarocci: Is the committee comfortable with that? Gregg, you've got direction from the committee right now to move forward as stated. Thank you. Is there any further questions on that issue? If not, Monica.

Mr. Geiger: I didn't realize Jack was a good a lobster biologist as he was a finfish biologist. Well done, Jack.

Mr. Iarocci: Monica, I did put you off until full council, but if you can, and I know you don't want to do it, but if you can give us the status on the NOAA GC opinion on regulating imports. We've heard so much back and forth on this and maybe if you could clear the air.

Ms. Smit-Brunello: I'm sorry I can't clear the air. At this point, it's about the same as it was I think last time. Well, I don't know if this council discussed it at the last meeting in September. We have had additional discussions since the June meeting, but I don't think NOAA GC is comfortable at this time saying whether we can or cannot without seeing a more fleshed out document with the rationale in it, but I vow to get more involved than I have been in the past with this and see if we can reach some resolution by at least -- Maybe by the March meeting or so we can -- I'll become more involved in it and see what I can do, but I can't, unfortunately, give you an opinion at this time.

Mr. Iarocci: Thank you, Monica. I guess at the conference call the other day, that's what Roy had said. We are going to move forward with this and go according to the schedule with scoping and keep putting together this document and see where it does come out.

Ms. Smit-Brunello: I've heard nothing to indicate that you shouldn't go ahead and so I think I would take that as a go ahead.

Mr. Iarocci: Any other questions for Monica? Okay. Thank you, Monica. I guess we should probably address Amendment Y in the Gulf.

Mr. Waugh: Let me just mention the timeline.

Mr. Iarocci: The timeline.

Mr. Waugh: If everybody would look at the top of page 3 of their overview, and this is shown on the screen as well, but the notice of intent for the DEIS has already been published and comments due. The Caribbean has finished their scoping. We are going to schedule -- We have a joint South Atlantic/Gulf scoping meeting scheduled for January 24th and it's not in Marathon, but it's in Islamorada.

That will be our scoping input. The difficulty here is time wise for this to be completed and the final rule effective at the end of February of 2009, the councils are going to have to approve it for public hearing -- The Caribbean is meeting December 11th through 12th and they will set their schedule. I think they usually meet in March and that's when they would be approving the document for public hearing.

The document has to be written and presented to them for approval for public hearing in March. The Gulf would approve it for public hearing at their June meeting, as would we, and then the DEIS would be published in July. We'll have public hearings in July and then the Caribbean -- This timing is really tight.

The Caribbean meets in August, usually. They would deal with it in August, as would the Gulf, and we would deal with it in September and then the final document would be sent to the Secretary sometime around October 1, in order to be implemented in February of 2009. It's a very tight timeline.

Mr. Iarocci: Thank you, Gregg. Are there any questions about the timeline or where we're at right now with this? The next item is Amendment Y. As I stated earlier, the Gulf of Mexico Fishery Management Council has the lead on this and we will be addressing these issues and the timing right now if we could, Gregg.

Mr. Geiger: That's official, that the Gulf of Mexico Council has the lead on this?

Mr. Waugh: The Gulf is administrative lead for spiny lobster. Any amendment would be prepared by the Gulf, but I am not clear on whether they actually have a plan laid out for when they are going to deal with this amendment. Wayne Swingle indicated to me that right now they do not have an amendment scheduled and have not received direction that they are to prepare an amendment.

They are apparently waiting on ACL guidelines, because one of the items for this amendment will be setting the ACL. I'm unsure as to what the Gulf's timeline is, but we do have that deadline of January 1, 2011 to get the ACLs in place for spiny lobster.

Mr. Geiger: Then I would ask procedurally, if we as a council have actions that we want addressed in an amendment that's administratively led by another council, how do we direct or

go about getting that process initiated? It seems like to me that we've dealt with Gulf Council issues that have been led and don't we just tell them we need these things addressed as the lead, they're required to prepare the amendment? How does it work?

Mr. Waugh: I hesitate to say this, but think mackerel. That's basically where we are. We would make our suggestions for items that we want to see in the amendment and hopefully they would be added and analyzed. I would presume we would form a team at some point at the Regional Office and council staff and Center level to prepare such an amendment and so there would be that opportunity to move alternatives that we want addressed in there as well.

Dr. Crabtree: Yes, I think that's right. George, I don't think there's any reluctance on the part of the Gulf Council to look at some of these. I haven't really heard much discussion of spiny lobster outside of the importation rule, which there hasn't really been much discussion about that.

I think if there are issues that this council wants to move forward with on spiny lobster and that Florida wants to move forward on spiny lobster and if there's a need to get that done prior to ACLs and all, they may be willing to do that. There are workload concerns with the Gulf Council, just as there are here, and we would have to figure out how that fits into things.

Mr. Iarocci: Thank you, Roy, and I also believe that the -- Mike, I don't know if you've heard, but I think that the Gulf Council is having a phone conference call with their Spiny Lobster Management Group, or their AP, this week also. I met with a bunch of those guys last week and have talked to them on the phone, including Bill Teehan from the state and the Gulf Council, and we're pretty much on the same page with what we're doing with this.

Mr. Waugh: Just one thing, Roy. It's not an interest to move forward before ACLs. It's the amendment that needs to address ACLs. We definitely need to fix the council/State of Florida process that's outdated and then whatever of these other issues we want to address, since that will be an amendment that we're dealing with, perhaps we will want to address there. It's not get something done before the ACL action.

Mr. Iarocci: Any other questions? Okay, Gregg, go ahead.

Mr. Waugh: What we've got as Attachment 4 is the list of alternatives or items that surfaced at our June meeting when we met jointly with the committee and the AP and that's laying out those alternatives and if there are any others, we should look at those at this stage. I'll project that list as well here, but it is Attachment 4.

Just briefly, to address the tailing permit, continue to allow individuals to tail with the permit, and I've got that wording shown there, do not allow the tailing under the fifty short rule, continue to prohibit possession and use of shorts as attractants, and maybe the AP had another alternative to increase that. If that's the case, we might want to put that in here.

The northern fishery, continue to allow two lobsters per person, recreational and commercial, year round, allow a larger commercial harvest or other alternatives, updating the council process.

This is pretty straightforward. We need to modify that to reflect the current management structure in the State of Florida.

Then the one that has the real question mark about it is how you set annual catch limits and accountability measures for spiny lobster. They're not experiencing overfishing and so their deadline is January 1, 2011.

Dr. Crabtree: One thing, Gregg, I think we ought to have some discussions of is rather than -- It may be the best way to go is to update the old protocol that we had for working with the State of Florida, but there's also the provision of the Act that allows delegation of authority of certain aspects of a plan and the attractive part of that is the parts that we delegated to Florida, they could then do and enforce through their own rulemaking, without us having to go through a duplicative federal rulemaking process. That's something we probably ought to think about looking at. It might be more efficient than the old process was.

Mr. Robson: I can't speak for the commissioners, but I think that's something that we would, as a state, welcome looking at that. It could simplify things considerably and I'm willing to look at that.

Mr. Iarocci: Any other discussion on this topic? Okay, Gregg.

Mr. Waugh: Then we'll add this to the list and I guess the intent would then be to correspond with the Gulf Council and indicate that these are items that we would like to examine in an amendment working with the Gulf Council, when they start one, to deal with ACLs. Is that the committee's intent?

Mr. Iarocci: Is the committee comfortable with moving forward at this time with what Gregg had just said?

Mr. Robson: Yes, I'm comfortable. I just have a question about -- I think I missed this meeting at the last council meeting. I had to leave early and so I'm catching back up to this, but is there going to be a similar type of problem/need statement that's going to be generated for this scoping?

Mr. Waugh: This one is a little more broad, but yes, we should have something in there talking about what the purpose and need is in a scoping document. That would be the next logical step, is to prepare a scoping document that the two councils could use.

Mr. Iarocci: Thank you, Gregg. Any other discussion on this? I think this is, at this time, pretty simplified, how we're moving forward, and staff has got some good direction from this committee. As I had stated earlier, I didn't want to overcomplicate this. Later on, once we get into this, we're going to have to get into issues and really take this probably to the nth degree with the three councils and working in conjunction with the state. With that said, are there any other issues to come on here or any more questions or any more discussion?

I guess moving on down the line, we can get into Other Business. Does anybody want to bring

anything in front of this committee? I have one other topic I would like to bring up. If I could at this time, to address the Coast Guard, I want to compliment -- I talked to the chairman of the council about this.

We had a recent quite a few boarding's on the spiny lobster fleet and I had called Larry Yarborough and he had -- The day I called him, he was at the dock the next morning at eight o'clock, starting to handle the boat inspections and helping everybody to get in compliance with the Coast Guard rules and regulations and make it as simplified as possible.

He brought down Raphael, the boarding inspector from Miami. They have come down numerous times. They worked through the whole area of the Keys and if I could and, George, I had mentioned about this, maybe writing a letter to the Coast Guard or Chad somehow getting the acknowledgement to Larry and the people.

I want to tell them thank you very much and I look forward to working with the Coast Guard in the future on some issues and maybe one of these days, we can get you down there and have a meeting between the Coast Guard and industry on dealing with some of the issues we're talking about, the immigration rules, safety issues, and other people, so everybody is in compliance and we do that before the boarding's at sea. I would like to see this dockside examination thing get to the next level. Are there any comments? Anything else to come in front of this committee? Okay. Thank you for your time and we're adjourned.

(Whereupon, the meeting adjourned at 2:15 o'clock p.m., December 3, 2007.)

Certified By: _____ Date: _____

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David Cupka, Chair
George Geiger
Rita Merritt
Mark Robson
Susan Shipman
John Wallace
Staff contact: Gregg Waugh

SNAPPER GROUPE

Mac Currin, Chairman
Roy Crabtree
David Cupka
Brian Chevront
George Geiger
Rita Merritt
Mark Robson
Susan Shipman
Tom Swatzel
Staff contact: Rick DeVictor

SOPPs

George Geiger, Chair
David Cupka
Duane Harris
Susan Shipman
Staff contact: Bob Mahood

SPINY LOBSTER

Tony Iarocci, Chair
Mark Robson, Vice Chair
George Geiger
John Wallace
Staff contact: Gregg Waugh

** Members will be appointed to the Bluefish, Calico Scallop, and Dolphin/Wahoo Committees, if these committees need to meet during the year.

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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.

**Spiny Lobster Committee
Atlantic Beach, NC
Monday, December 3, 2007**

**NAME &
ORGANIZATION**

**AREA CODE &
PHONE NUMBER**

**P.O. BOX/STREET
CITY, STATE & ZIP**

Sera Harold

Marine Fish Conserv. Network

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Mike Ray

Gulf Council Rep

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843-571-4366 or Toll Free 866/SAFMC-10**