

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **LAW ENFORCEMENT ADVISORY PANEL**

**Crowne Plaza Hotel  
North Charleston, SC**

**April 18-19, 2018**

### **SUMMARY MINUTES**

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

Captain. Bob Lynn  
Colonel Bruce Buckson  
Michael Freeman  
Lieutenant Pay O'Shaughnessy  
Karen Raine  
Nickey Maxey

Major Jason Walker  
Lieutenant Warren Fair  
Bob Jones  
Captain Scott Pearce  
Kevin Roberson

#### **Council Members**

Mel Bell

#### **Council Staff**

Gregg Waugh  
Myra Brouwer  
Dr. Chip Collier  
Kim Iverson  
Christina Wiegand

Dr. Brian Cheuvront  
Kimberly Cole  
Kathleen Howington  
Cameron Rhodes

#### **Observers & Participants**

Lt. Jerry Brown  
Sgt. Garland Yopp

Lt. Michael Thomas  
Fran Karp

Other observers & participants attached.

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened at the Crowne Plaza Hotel, North Charleston, South Carolina, April 18, 2018, and was called to order at 1:30 o'clock p.m. by Chairman Bob Lynn.

CAPTAIN LYNN: Good afternoon, everyone. It's good to see everybody here for the Law Enforcement Advisory Panel meeting. The first thing we'll do is Approval of the Agenda. Does anybody have anything to add or discuss for now? Everything looks good? All right. Then the agenda is approved.

Approval of the Minutes from our May 2017 meeting, has everybody had a chance to look over those? Any issues? I assume silence means no issues, and so they are approved, and those two things are out of the way, and so what I would like to do now is go around the room for introductions. We have several new members, several of us older members, and just get to know everybody who is seated at the table, and we'll start on my left with a new member, Mr. Bob Jones.

MR. JONES: Good morning, Mr. Chairman, and thank you. My name is Bob Jones, and I'm from Tallahassee, Florida, and I represent the Southeastern Fisheries Association, which is a group of fishermen, from boats to processors to truckers to the whole segment of the fishing industry, and we are primarily -- 90 percent of the member are in Florida, and we represent all sectors and all fisheries, and I've been working for them for fifty-four years, and they haven't got me trained yet, but they're working on it, and I'm glad to be here, and thank you.

LT. O'SHAUGHNESSY: Lieutenant Pat O'Shaughnessy from NOAA's Office of Law Enforcement. I'm assigned here in the Charleston, South Carolina office. I transferred up late last year from St. Pete.

LT. FAIR: Good morning. I'm Lieutenant Warren Fair, and I'm the Commanding Officer of the Regional Fisheries Training Center here at the Federal Law Enforcement Training Center Charleston, and I'm the Coast Guard representative.

MR. ROBERSON: I'm Kevin Roberson, and I'm from Hilton Head, South Carolina. I'm a fisherman, and I'm a new advisory panel member, and so I'm looking forward to it. Thanks.

MR. FREEMAN: Michael Freeman, commercial representative from Florida, and I'm a commercial fisherman and also a wholesale dealer.

MAJOR WALKER: Jason Walker, and I'm representing North Carolina, and I'm stationed in Morehead City.

CAPTAIN LYNN: Bob Lynn, representative from Georgia Law Enforcement Division, Department of Natural Resources.

MS. RAINE: Karen Raine, NOAA General Counsel for Enforcement Section, and I'm in St. Pete.

COLONEL BUCKSON: Bruce Buckson, and, Mr. Chair, I am not one of the new ones, but I am an older one, that's for sure. I retired from Florida Fish and Wildlife Conservation Commission and also the NOAA Office of Law Enforcement, and I'm representing pretty much just the recreational sector or just myself.

SERGEANT YOPP: Garland Yopp, and I'm an area sergeant representing North Carolina from Wilmington to the South Carolina line.

LT. THOMAS: Michael Thomas, and I'm with the South Carolina Department of Natural Resources, and I'm a lieutenant from pretty much Charleston south to Savannah and our Georgia line, and I'm sitting in for Colonel Frampton.

CAPTAIN PEARCE: I'm Captain Scott Pearce from Florida Fish and Wildlife.

CAPTAIN LYNN: Thank you to everybody. Thank you to our new members for your participation. All right, Myra. What have we got?

MS. BROUWER: Welcome, everybody. It's been a year since we've met, and so I have a lot to catch you guys up on, and what I would like to do first though is start off with a little presentation we put together to welcome our new members and make sure that everybody is familiar with the charge to the advisory panels and how their input gets funneled into the management process, and so this is something that Kim Iverson had put together for the Mackerel Advisory Panel about a year ago.

Let me first bring you to the council members, and so this is our current council. There is going to be some small changes here. Our Chair is no longer Michelle Duval. Our Chair is Charlie Phillips, and Mark Brown is our current Vice Chair, and so we have, as you know, representatives on the council that are voting members, and there is also a handful of non-voting members, represented down here in the blue.

As I said, I had updated this presentation for you, and I apologize that I pulled up the wrong one, but Mark Brown is our current Vice Chair and Michelle Duval has moved on, and Charlie is our current Chair, and so there are obligatory and at-large members and they are nominated by each of the states' governors. That's how the process works, and then they are appointed to a three-year term that they can serve consecutively by the Secretary of Commerce.

The council meets, our council meets, four times a year, once in each of the four South Atlantic states, and so we always meet in Georgia in March, and Florida is in June, and so on. The council is divided up into several committees, and so, throughout the meeting week, the committees meet and make recommendations to the council, and then the council makes the final decisions or moves forward with whatever has been recommended by the committees.

We have, as you know, several management plans, and that is a whole bunch of them there, and so here are our committees, and so we have several. This is just a handful of them, and we have some extra ones that come and go. We have one for highly migratory species, and we used to have one for protected resources, and so they're a little bit fluid, and, as I said, the recommendations for whatever management changes are forthcoming are made at the committee level, and then the Full Council takes on the decision making.

Here are the council's policy mandates. I like to bring this up to folks that are not that familiar with the council process, because the council is limited in the kinds of actions they can take, and so, of course, we are governed by the Magnuson-Stevens Act, the National Environmental Policy

Act, the Marine Mammal Protection Act, and the Endangered Species Act, and so we operate under that umbrella.

This is just more background information, mainly for folks that are not very familiar with how the council process works, but it's a good refresher, and so the councils have to weigh the biological, social, and economic effects of whatever proposed management actions they are taking, and the whole shebang constitutes fisheries management, and, of course, there is an enforcement component, which is where you guys all come in. Enforceability of regulations is an important part of what they discuss and what drives their -- When we talk to fishermen, we like to emphasize that, no, the council does not collect information, and so that's what that is there for.

Then we go into some of the data collection stuff, but I am not going to spend too much time on that, and then stock assessments. Then, as I said, social and economic impacts are something that we spend a lot of time explaining to folks, and we have the science advisors, the Scientific and Statistical Committee, that meets to give recommendations to the council from a science standpoint, and so they're the folks that review the stock assessments and things like that and give recommendations to the council for whatever fishing levels are appropriate under each of the FMPs.

This is just some background on annual catch limits and how they came to be after the President reauthorized the Magnuson-Stevens Act back in January of 2007. There's a little bit more on annual catch limits and what they are and the accountability measures, such as in-season closures, payback provisions, seasonal closures, all that good stuff.

Then, of course, the participation of the public, which is an important driver in the management process and very essential to what the council does, and we're getting close to where you guys come in, and so this is just a little flow chart to illustrate how the process works and how coming from public input throughout the process -- It's sort of a grassroots type of input, and the advisory panels are in that funnel. That eventually gets to the council and makes its way through the regulatory process to the National Marine Fisheries Service and the Secretary of Commerce and so it goes.

We have thirteen advisory panels, and two of them are -- We call them pools, because folks are appointed to these pools, and then they are utilized as needed, on an as-needed basis, to serve on various panels and whatnot, and so we have all these advisory panels, and they meet sometimes twice or sometimes once a year, or sometimes less frequently, because it depends on -- It's driven by what the council is considering at the time.

The advisory panels are made up of stakeholders, recreational fishermen and charter captains and commercial fishermen, and we have representatives of the retail and wholesale markets, and there is also academia on our APs, research scientists, agency representatives, such as many of you here, non-governmental organizations as well, and other folks who are simply interested in fisheries issues and are interested in being a part of the management process in our region.

The AP members are appointed by the council for three-year terms. We do have seats on our APs that are agency seats, and, as a lot of you well know, when a person moves on and that person is left vacant for an agency, then there is usually a natural progression of who occupies that seat from

that same agency as they move on with their assignments. The term limits are three consecutive terms, and, as I said, the APs meet on an as-needed basis.

Just to reiterate what the council expects from their advisory panels, it's to obtain advice on assessments and specifications that are contained in each of the fishery management plans, things like information on the extent to which vessels are going to harvest the resources considered in the FMPs and the effect of certain measures being proposed on local economies and structures, potential conflicts between user groups, and then, of course, enforcement problems that are going to be specific to each fishery, and I know this AP has talked a lot about protected areas and enforcement of that sort of thing.

The panels provide recommendations through a formal report that gets drafted after the APs meet, and then that report is provided to the respective committee, and so the Law Enforcement Committee is going to be meeting in June, in Fort Lauderdale, during the council meeting week, and so the report will be delivered to them, and then the council considers the AP's recommendations, and they will use those in their deliberations as far as proposed regulations and such, and so the AP members are a very important information source for the council.

That is my little overview, and I hope it's a little bit of a refresher for most of you, and certainly if new members have questions, as far as the process, there is a lot of us here, and we would be happy to help you through that, and so, if there are no more questions, I will move on to Item 1 on the agenda, which is a summary, and it's a very lengthy summary, of what the council has been up to.

Like I said, it's going to take us a little while to get through it. Please feel free to spend as much time as you would like on any of these items. I am most familiar with snapper grouper, because that's the FMP that I help the council with, and we have other staff members in the room that can weigh-in, as needed, if you want to discuss certain items in more detail. There is a couple of things in here that are items on the agenda, for example the wreckfish ITQ and a couple other things, that are going to be discussed in more detail, and so I will just run through this, and I have a few updates from what you got in your briefing book.

The first amendment is something that was just recently implemented, and it was developed over a while, and then it took like a year for it to get implemented, and so just to make sure that everybody is aware, and there's been some recent changes to management for mutton snapper, and so this is going to be, of course, more pertinent to the folks in Florida, but those regulations went into effect on February 10 of this year.

There was a change to the minimum size limit, and there was an adjustment to the commercial and recreational catch limits based on the most recent stock assessment. The council changed the commercial trip limit and implemented 500 pounds whole weight during January through March and then July through December, and then, during those months in between, which is when mutton snapper are spawning, there is a limit of five per person per day, which is also the recreational bag limit. Those are the changes in place for mutton snapper.

Red snapper, this has been on everybody's minds lately, and this amendment is going to put in place an annual catch limit for a season for this year, for 2018, and so that amendment is currently through the rulemaking process. The Notice of Availability for that amendment is currently out, and so the agency is taking comments through June 15, and the Fishery Bulletin came out

announcing it the other day. We still don't know exactly when those seasons are going to begin. I believe the recreational season is supposed to begin the second Friday in July, but, depending on how it moves through rulemaking, that announcement is going to come from the agency, and so that one is in the works.

There is another amendment that is also waiting to be implemented, and that adjusts the fishing levels for red grouper. There was an assessment that was conducted recently, and red grouper are undergoing overfishing, and they are not making adequate progress towards rebuilding. There is a rebuilding plan in place that was supposed to end, I guess, in 2020, and so the stock was supposed to have been rebuilt by then, but the indication is that that progress is just not happening, and so this amendment is going to reduce the total annual catch limit by quite a bit, from 780,000 pounds down to 150,000 pounds for next year, but the indication is they are not catching their allowed harvest. I believe the commercial sector, this past year, only caught like 15 percent of their ACL.

Those are the ones that were recently implemented. Under development, we have two amendments in the snapper grouper fishery, one that would implement changes to recreational measures in particular, and so I'm going to spend a little bit of time walking you through the various actions for this one and the next amendment, which addresses the commercial sector, mainly just to give the AP an idea of what is coming and to give you guys an opportunity to provide any recommendations or comments or what have you. The APs usually weigh-in on amendments, as I said, for which that AP's input is pertinent, and so there is a whole bunch of stuff in here, and you'll see when we walk through it.

If you will bear with me, it's a little confusing, but these amendments -- Let me give you a little background first. These amendments came to be as part of the council undertook a visioning project back in -- I think we started in 2012, and so it took us a little while to get going. The council held a series of meetings with stakeholders in 2014, and we had about twenty-eight meetings up and down the coast, and we gathered a whole bunch of information from stakeholders of how do you envision the council moving forward in managing the snapper grouper fishery for both commercial and recreational.

We gathered a lot of information, and the council then prioritized a lot of these actions and formulated the vision blueprint for the snapper grouper fishery, which is essentially a strategic plan for how they're going to move forward in the short-term and the long-term, and so these two amendments are the product of the council prioritizing the short-term actions, things that they considered could be accomplished in the short-term.

One of the things they are looking to do in the recreational fishery is modify the composition of the recreational aggregates, and so the aggregates were put in place in the early 1990s, most of them, and they no longer reflect how the fishery is prosecuted, and so, for example, we have, under the -- I don't have my current action here, but we have the grouper aggregate, which has shallow-water groupers and deepwater species, like tilefishes, and so they're all lumped together.

One of the things that stakeholders indicated, when we did these port meetings, was that they wanted to see regulations that were more tailored to how the fishery operates and that were simpler, that our regulations were a little confusing, and so the council set around to reorganize these aggregates, to see if we could simplify things a little bit, and so this currently their preferred alternative, and so they would -- One of the things they would like to do is set up these aggregates

in a way that not only reflects how the fishery is operated, but they also have some basis on the biology of the component species, so that then you can tailor management more effectively to these groups of fish.

For example, the deepwater species have very high release mortality, and so one of the things they're looking at doing is to have some gear restrictions to curb discard mortality for that group of species, and so their preferred right now is to have these three aggregates, the deepwater species, the shallow-water groupers, and then the other shallow-water species, and they are considering including or excluding species that are currently not in aggregates, and so sea bass, vermilion, greater amberjack, hogfish, and red porgy have their own management. They are not included currently in any of the aggregates.

We're going to take this out to public hearings, and I don't know if I mentioned that already, coming up in a couple of weeks, and so that's why I'm showing you these preferred alternatives of what we're going to go to the public with in a couple of weeks.

The second action would take that deepwater species aggregate and apply specific management measures to that group of species. The preferred alternative is to establish a season for this group. Right now, we have recreational harvest is allowed for blueline tilefish and snowy grouper from May through August. For wreckfish, it's allowed just July and August, and so they want to -- Right now, their preferred is to establish a May 1 through August 31 season for the entire group.

There is also a handful of species, three deepwater snappers, that still have a minimum size limit. These species have high release mortality, as I said, and so the intent there is to curb discard mortality, and so it makes sense to remove the minimum size limits, and so their preferred is to go ahead and do that.

COLONEL BUCKSON: Myra, on this particular one, and I'm probably getting ahead of your presentation here, but it's got a single preferred sub-alternative of a season. Does that mean that there is other season considerations that the council would be looking at as well?

MS. BROUWER: Yes, there are, and the reason I didn't include them in the summary is because it would have ended up being a hundred-page document, but I am prepared to show you the rest of the alternatives, if you're interested. I have those documents available, and so we can walk through them, like I said, in as much detail as you would like, but, yes, of course, there is a range of alternatives that have been considered, and these are simply what their preferreds are, and so let me know if you're interested in a particular action, and I can pull up the documents.

COLONEL BUCKSON: The main reason I ask that is there may be some benefit for some of the folks that actually do the enforcement when they take a look at how that particular season overlaps or is not consistent with other seasons as well, and that's just a thought.

MS. BROUWER: That's an excellent point, and so I will proceed whichever way you would like. We can keep going this way, or, if you see a red flag, just say, hey, we need to spend more time on this one. Like I said, I am happy to walk you through it, or at least show you the range of alternatives under each of their actions, if you think that's --

COLONEL BUCKSON: Myra, for me personally, that's not necessary, but you did answer my question. I was just curious if there was others.

MS. BROUWER: Like I said, these amendments are going out for public hearings, and so we're going to be having the public hearings via webinar and listening stations, which means I will be presenting the council's preferreds and giving some background on the analyses and all that, and then folks who are registered on the webinar can comment, and there is also an online public comment form on the website for people to submit their recommendations or comments, and then the listening stations are designed so that there is going to be -- They are in every state, I think, and so council members will be physically present that night at those listening stations, and they will project the presentation, and then folks that come to the listening station will be able to provide their testimony, their comment, at that time. There is going to be plenty of time for anybody to get acquainted with these and provide their comments. Sub-Action 2.3, they need to specify an aggregate bag limit for this group of species. Go ahead.

MR. BELL: Just, process-wise, for some of the new people and all, any time we look at an amendment, there is alternatives, and there is sub-alternatives, and so the council will sometimes have a preferred as we move on, and Myra is right. If we dragged you through all of that for each amendment, you would be here forever, but, at some point, just to follow-up on what she was saying, when this goes out for public comment and all, do look at what we're recommending as a preferred, and, putting your law enforcement cap on, if there is a particular issue with that or one kind of works better for you, then let us know, but, as we go through this whole input process, that's what we want to kind of get a sense from you all.

If there's an issue that you see with a preferred alternative and one or the other looks better, let us know, and that will be inputted, but that's the importance of that, and so, if you haven't been kind of used to how that works, but that's why -- If we sat here and went through all of the alternatives for all of the amendments, we would be here forever.

MS. BROUWER: Thank you, Mel. Currently, their preferred to specifying an aggregate limit for the deepwater species is to stay with the three fish per person per day, which is currently the aggregate for the groupers, and keep the existing restrictions on golden, snowy, and wreckfish. For those, golden tilefish is one per person per day, and snowy grouper are one per vessel per day, and that's the case for wreckfish as well. Their preferred is pretty close to what is currently in place, and the concern there was they didn't want to allow harvest to go up for some of these species where the take is very restricted.

Then, and this is one that I thought maybe you all might want to comment on this, but one of the things they're looking at is specifying a single-hook rig when targeting deepwater species, and so the idea there is, because these species have high release mortality, it makes no sense to be bringing more than one at a time, and so, as far as the enforceability of that, I don't know, but this is currently their preferred. One of the suggestions that was made in March was to, in the amendment, be more specific as to what constitutes a single-hook rig, what is the definition of that, and so that's some feedback we got from the committee.

MR. JONES: A single hook, does that include longlines, or is this just recreational, or this is commercial fishing that you can only use one hook?



MS. BROUWER: This amendment is just for the recreational sector. We have another one that is just for commercial.

AP MEMBER: Mr. Chairman, has anybody ever deep-dropped with just a single-hook rig? That would change how everyone does it. Every person I have ever seen that uses the big offshore deep-drop reels to go get to the deepwater species, they are dropping a weight that looks like this, five or ten pounds, and it could be a ten-hook rig every time they go, and that would be a definite change to the standard or the norm now for recreational fishermen.

MS. BROUWER: Thank you for that. I will definitely pass that along to the council. That's exactly the kind of input I think that they're looking for. I appreciate it.

MR. FREEMAN: I am not very familiar with how the recreational fleet targets deepwater species, but, if you have a one-fish limit and you're dropping down ten baited hooks on a species with an incredibly high discard mortality rate, I am not sure that that should really be the way to go to begin with.

MS. RAINE: It strikes me, just with the language, that, if you're requiring single-hook rigs when targeting deepwater species and particular species, you might want to think about how enforceable that is, as far as what needs to be proved to show that somebody was targeting species. I think, often, we have possession types of prohibitions, rather than like intentions or targeting or that type of thing, and so just the language of whatever the council wants to do needs to be considered as to, okay, what are we going to need to do to prove that there was a violation. Somebody could say, well, I was targeting something else.

MR. FREEMAN: Just off the top of my head, in regard to that, if you do want to pursue a single-hook regulation, you may think about tying it to a certain depth range for the deepwater species. If they're out past a certain depth and they are intercepted by an enforcement vessel, it would be a little bit easier to prove, I would imagine.

MS. RAINE: Depth ranges are more difficult to prove, because -- I appreciate the effort, but, when we're looking at needing to prove whether a violation occurred, if we're trying to prove depth, for example, we're going to need to use some piece of equipment, and so just, first of all, we're going to have to show -- The government needs to show that that piece of equipment is working normally and accurately and that type of thing, just for beginners.

Then, also, you have, I would think, an issue of notice to the fishermen, because depth can change, and so exactly at what spot can they fish or not fish or whatever, and I would say that is why, generally, from -- This is my perspective, and I think generally a Law Enforcement AP perspective, we're looking at where you might have like straight lines for a closed area or that type of thing. I know sometimes there are regulations where I think the idea is generally to follow a depth contour, but what will end up happening is that there will be coordinates, and, from my perspective, our perspective, we hope not too many of them. Anyway, just from trying to prove a violation, depth becomes difficult.

LT. O'SHAUGHNESSY: Along with what Karen said, on the fishermen side, we have had some cases in the Gulf that are kindly referred to as the twenty-fathom line and where you can do bottom longline or not, and we've had new captains that go out there and hear that I've got to go out

beyond twenty fathoms, and they look at their depth sounder, and they get beyond twenty fathoms and drop, and then we've seen them on VMS setting their longline inside.

When we board them, they say, but I was in twenty fathoms, and it's actually referred to as the twenty-fathom line, but there is actually GPS positions, but they relied on the common term of I've got to be outside the twenty-fathom line, and so definitely positions and far apart positions are the preferred alternative.

COLONEL BUCKSON: I guess, Michael, logic and law don't always intersect.

MS. BROUWER: Okay, and so, moving on, Action 3 of the amendment specifies management measures for the shallow-water grouper aggregate, and so, here, one of the things that stakeholders brought to the council's attention was the need to revisit the shallow-water grouper closure, and so that closure went into place in 2009 for all the shallow-water groupers, and the intent there was to protect these species while they are spawning.

However, some of the stakeholders in the Carolinas indicated to us, during those port hearings, that some of those shallow-water grouper were spawning later, and so they were finding lots of red grouper, for example, that were in spawning condition in May, after harvest opened up, and so, initially, the council considered modifications to the closure for all those species, but, eventually, they have narrowed it down to simply trying to extend the protection to red grouper just off the Carolinas, in federal waters off the Carolinas. Their preferred, currently, is to just extend it by one month, and so possession, sale, and purchase, would be prohibited from January through May for red grouper only and just off of North and South Carolina.

Then, as far as the aggregate bag limit for this group, their preferred is currently to make it three per person per day, where no more than one fish can be of any one species. Right now, we have a restriction for gag and black grouper, where you can have only one or the other, and so they want to see about extending that to the entire group for this species.

Then, for the other shallow-water species aggregate, here, they are looking at making changes to the minimum size limit for gray triggerfish, and, again, this is area-specific. It would only apply off of east Florida, and so recall that, back in 2014, the council changed the minimum size limit for gray triggerfish. There was concern that the regulations on the Gulf side of Florida were inconsistent with the Atlantic side, and also, in addition, I think one of the lengths was specified in fork length, and the federal one was in total length, and so there was some disconnect there.

At that time, the council increased the minimum size limit off of Florida to fourteen inches and imposed a twelve-inch minimum size limit for the rest of the South Atlantic in federal waters. Well, after that went into place, folks in south Florida went to the commission and said, hey, this is creating a lot of discards for us, because gray triggerfish simply don't get that big in our area, and so then the commission acted very quickly and lowered the minimum size limit back down, and that was effective, I think, in January of last year, and so the council is catching up to try to make that regulation, again, consistent in state and federal waters, and so they're looking at reducing the minimum size limit back down to twelve inches off of Florida.

Then they're looking at specifying an aggregate for this group of species, and, here, they don't have a preferred, and so you can see I've got what is currently in place, and, like I said, it's a little complicated, and there is all kinds of exceptions and things.

AP MEMBER: The same measurement for both fork length or total length, so that it's consistent?

MS. BROUWER: Yes, and so what's currently in place, in terms of bag limits, right now we have a snapper aggregate limit, which is ten per person per day, and then it includes all of the snappers, except for vermilion and red, and there is exceptions, as I said, for mutton, because that one just changed to five within the aggregate, and there is exceptions for cubera snapper off of Florida, and the grouper aggregate is still three per person per day, with the exceptions you see there on your screen for the gag, black, snowy, and tilefish, and then we have this twenty-five aggregate for species without a bag limit for this group of species, including gray triggerfish, and then these are the individual species outside of the aggregates and their respective bag limits.

What the council is considering here is to specify a twenty-fish daily maximum for this group of species, the other shallow-water species aggregate, and, within there, is several sub-alternatives. There is an option to retain the ten snappers within the aggregate, and there is an option to specify that no more than ten fish can be gray triggerfish within the aggregate, an option that would specify no more than ten Atlantic spadefish, and then, finally, one to specify that no more than ten of any one species can be harvested. The council didn't pick a preferred. They said let's see what the public has to say, and so we'll be talking about that, and we'll be bringing that back to them in June.

Then Action 5, this action is here in case the council decides to kind of sort of not pursue their current preferred and have basically sort of a cap on harvest and retain the existing aggregates, but kind of just put a twenty-fish limit on possession for everything in the snapper grouper complex that you are allowed to harvest recreationally, and so that action would only be relevant if the council chose a different alternative for Action 1.

How I am going to explain this to the public, I don't know, but this is where we are, and the alternatives, of course, if they do go with this large, all-inclusive aggregate, would be to put that cap, but they also have options there to make specific restrictions for gray triggerfish and Atlantic spadefish.

COLONEL BUCKSON: Will this come back to the LE AP before they make decisions?

MS. BROUWER: Right now, the timing for this one, the council will get public comments in June, and they will approve all the actions, and we'll continue developing the amendment in September, and they would approve it for formal review, and so there would not be another opportunity for the LE AP to comment on it unless you wanted to do that remotely or via email or whatnot.

If there is no more questions on this one, the one for the commercial, the commercial visioning amendment, it's a little bit more straightforward, and so I can get into that one, and, again, this one is also sort of like the sister amendment, and this one is also going to public hearings at the same time.

Here, the council is attempting to address issues of equitable access, and so stakeholders talked a lot about perhaps more commercial split seasons or some way that would allow folks in the Carolinas and folks in Florida to have somewhat equal access to the resource, given the latitudinal differences and seasonality and migration patterns and all that good stuff, and also to address discards in the commercial fishery.

The first action is looking at establishing a split season for blueline tilefish or modify the commercial trip limit, and so they do have alternatives to split the commercial ACL in various ways. One of them is like 40/60 and the other one is 60/40, and I forget, but their preferred, however, is to not do a split season, but simply impose trip limits during certain parts of the fishing year, and so they're looking at a hundred pounds gutted weight from January through April and 300 pounds from May through December.

The idea here is to try to line things up with harvest of snowy grouper, because there is discarding issues with those two fisheries, because those two species are often caught together, and so the next action addresses snowy grouper, and apparently this combination seems to be the one that would optimize the harvest of these two species for the commercial sector best.

For snowy, they are looking at splitting the commercial ACL into two quotas, 70 percent January through June and 30 percent July through December, and have it set up the same way that vermilion is set up, where you have rollover from one season to the next if that seasonal quota is not caught, but you don't have rollover from one fishing year to the next.

They're also looking at a split season for greater amberjack, and this is another one that, even though the majority of amberjack in recent years are caught in Florida, there is still a very small fall fishery in the Carolinas, and we have had issues with that fishery closing early, to where the folks in the Carolinas are not having access to the resource, and so a commercial split season would alleviate some of that, and they're looking at a 50/50 split.

The fishing year for amberjack is different. It's March through the end of February, and so the first season would be March through August, and they would retain the commercial restrictions during the month of April that are currently in place, and that's another spawning season thing, and they're looking at trip limits of 1,000 pounds whole weight in both seasons. Right now, the trip limit for amberjack is 1,200 pounds year-round. With this, it seems like it would spread out the harvest a little bit more, even though the trip limit is a little bit smaller.

MR. JONES: Myra, has that been heard by the Snapper Grouper Committee, and they're satisfied, or they endorse changing the amberjack? That's been approved? It looks to me like, if there's a small fishery to the north and a big one to the south, how do you know that you're not going to end up with a reduced overall fishery?

MS. BROUWER: Yes, the Snapper Grouper Advisory Panel has weighed-in on this amendment twice, actually on both of these. Since we've been developing them for so long, they have had plenty of time to weigh-in on it, and they actually suggested one of the alternatives that is being considered. The council did not select it as a preferred, and it's a little complicated, because it has a trip limit step-down and then a trigger for that step-down to not occur unless 75 percent of that season's quota has been caught by a certain date. It's very burdensome, from the standpoint of the administrative end of things, but it's out there for consideration, and it's been analyzed, and the

AP talked about this last week, not in as much detail as they have in the past, but they've had plenty of input, and they've seen the analyses as well.

For red porgy, this is another one where the harvest, the commercial harvest, is restricted. At the beginning of the year, there is a sale and purchase prohibition from January through April, and so, during that time, there is a lot of discarding that goes on when folks are targeting co-occurring species like vermilion and gray triggerfish, and so the council is looking at a split season, with the intent to minimize the discarding for red porgy, and so they're looking at allocations of 30 percent of the ACL to January through April and then the rest of it May through December. Then they would impose a sixty-fish trip limit during that first season, again to try to make all those discards into harvest and not have that high mortality. Then, for the rest of the year, they would retain the 120-fish that is currently in place.

For vermilion, they've had a lot of discussion about vermilion, and this one is a very tough fishery, and it is currently -- It's in good condition, and it's healthy. The harvest is pretty solid, and fishermen have come up with all kinds of suggestions for how to lengthen the seasons.

We've had closures in this fishery every year since the ACL went into place, and, actually, I think even before that, and so, right now, the alternatives that you see in front of you is what is being considered, modification mainly of the trip limit in the second season, taking away the trip limit reduction, which really doesn't seem like it's doing a whole lot. In recent years, we typically see that trip limit get reduced around the beginning of March, and then, like two or three weeks later, the fishery shuts down, and so it's effective, but for not a very long period of time, and so this is an attempt to ease some of the in-season closures that have been happening.

Then, also, they are considering modifying the trip limit and removing the reductions altogether and then just specifying 1,000, 850, or 700, and this one is tough, because some folks -- Some vessels, 500 pounds, or even 700 pounds, is just not profitable for them, whereas, in other regions of the South Atlantic, that is a big enough trip limit for the smaller vessels, and so trying to optimize that is a little difficult.

For Action 6, they are looking at a minimum size limit for almaco, just for the commercial sector. This, again, is a fishery that kind of gears up in April, May, and June, and, by August, it's caught up. There has been closures since the ACL went into place, and so they're looking at the minimum size, which their preferred would be twenty inches, and I think eighty-some percent, and I think it's 82 percent, of the commercial catch, currently, based on data from 2014 through 2016, is above that minimum size limit.

Then they're looking at putting a trip limit for the other jacks complex, which includes almaco, banded rudderfish, and lesser amberjack, and making that 500 pounds gutted weight, and so neither of these two things are going to make it a year-round season, but I think it's going to give the commercial folks a little bit of a stretch and be more beneficial. I don't think there's a lot of discard issues in this fishery.

MR. FREEMAN: First of all, I think that both preferred sub-alternatives would be ideal for that fishery, but something that just came to mind, in regard to this, is -- I don't believe it's malicious by any means, but there is a fairly consistent issue of misidentification between an amberjack and an almaco jack, particularly bigger almaco jacks. You would be hard-pressed to find someone that

will consistently identify them correctly, and it negatively affects probably the almaco jack species more than the amberjack species.

MS. BROUWER: Thank you for that. I suspected that misidentification of species was an issue there, and, actually, that is one of the reasons why these three species were put in this complex, was to try to minimize that issue. We are almost to the end of this one.

Similar to what they're considering for the recreational sector, they are considering the same thing for red grouper for the commercial sector, and so extending that seasonal closure for an extra month, just off the Carolinas, taking away the minimum size limit for those three deepwater snappers and reducing the minimum size limit for gray triggerfish off of Florida. Any questions on this one? Okay.

Other amendments that we've been working, we have one in the works that is looking at a recreational permit, or I think the council settled on calling it a permit, but we have called it a stamp, and we've called it other things, but the intent is to come up with something that is amenable to the public that is going to allow us to have sort of a better handle on recreational data in general. Eventually, the council hopes that it's going to improve those catch estimates and certainly give us a better idea for effort. That amendment is going to be brought to the council in June, and I believe they're going to be looking at approving it for scoping.

Another one that they've been discussing for some time is a moratorium on for-hire permits, and so, initially, this came about as developing a limited-entry program for the for-hire fishery, and then they said, well, let's just investigate and let's explore a moratorium, and the council set a control date back in 2016 for this component of the recreational sector, and so there's been a lot of discussion at the council level.

In March, they gave us very specific guidance for things they wanted included in a scoping document that they feel comfortable taking to the public, and so we're going to bring that back to them at the June meeting and see what happens. This is something that the Snapper Grouper Advisory Panel has been very vocal in supporting over time. During these port hearings that I was telling you about earlier, there were a lot of folks who commented who indicated that this was something they would like to see, but then, of course, you have got folks that are also very opposed to something like this, and so we've got both ends going on.

Best fishing practices and powerhead regulations, this is something that was originally included in a different amendment, Amendment 46, looking at possibly requiring descending devices to minimize discard mortality, and so the council is very amenable to doing this, but they were just kind of struggling with should this be a voluntary thing or should this be a requirement and how much education do we need, and all these things are being talked about at the council level, and so it's going to take us a little while, I think, to develop this one, and so that's why they put it sort of in a different amendment.

Then the powerhead regulations is something that was initially included, again, in a different amendment. It simply aims at making consistent the current regulation for South Carolina, and so, currently, powerheads -- There is a prohibition on the use of powerheads off of South Carolina, and there isn't elsewhere, and so the intent is to make that consistent throughout.

I have already talked about red grouper, and one of the things that the council needs to do is revise the rebuilding schedule, and this is a statutory type of requirement, and so there is an amendment that would look at extending that rebuilding schedule for red grouper, and so they're going to be talking about that in the upcoming meetings.

Yellowtail, again, is something that has come up recently. The council moved it to its own amendment in March, so that hopefully it can be developed a little bit more quickly, and so yellowtail closed in June of last year, and it's at eighty-five-ish percent right now. This is commercial, and so the folks in south Florida would like to see the accountability measures revised to minimize the risk of in-season closures, which is very bad for them, and it also tends to shift effort to greater amberjack, and so it has repercussions throughout the fishery.

The council is going to be talking about changing accountability measures to take away the in-season closures and perhaps put something to where the closure would go into effect once the total ACL, and so commercial and recreational, is met or is projected to be met, and so we'll be developing an options paper for the council to look at in June for yellowtail.

Here is one that might be of interest from an enforcement perspective. The council is looking at making changes to the sea turtle release gear requirements for the commercial fishery, and there is three new gear types that have been approved by the Southeast Fisheries Science Center, and so the council needs to go through the process of including that gear as a requirement through an amendment to the FMP to allow commercial fishermen to use -- My understanding is this gear is a little bit less cumbersome, especially for smaller vessels, and so there is an amendment that is going to be doing that, and the council is looking to approve it for scoping -- No, actually, they approved it for scoping, and scoping is next week, and so Christina here is in charge of that amendment. Then they would also modify the framework process so that, whenever there is new gear that is developed for protected resources, those requirements can be easily implemented throughout for snapper grouper. Any questions on that?

MR. FREEMAN: Not really so much a question, but just any way you can reduce the cost of purchasing the turtle gear or the amount of space that it takes up on the vessel or any other number of things would be preferable for us. I'm not sure if you've an actual turtle kit that you're required to have, but, even on halfway decent-sized fishing vessel, it can be a struggle just having a place to put it, much less the fact that turtle incidence rates are incredibly low to begin with.

MS. BROUWER: Right, and the Snapper Grouper Advisory Panel had very similar comments to what Mike just stated when they talked about this last week. Golden Tilefish Regulatory Amendment 28 and the Wreckfish ITQ Review Program are, like I said, two items that Brian is going to be walking you through in more detail here in a little bit, and so here is where I start telling you about other amendments that I am not as familiar with.

Recently, fairly recently, there was a change to the trip limit for dolphin wahoo. There is a step-down, a trip limit reduction, that was put in place. When 75 percent of the commercial ACL is caught, a 4,000-pound trip limit goes into place, and so that went into effect in March of last year, and then, under development and something that you will hear about in a little bit more detail tomorrow, is an amendment to make changes to potentially require VMS in the golden crab fishery, make some revisions to the transit provisions for some of the shrimp fishery access areas off of Florida, and looking at the eastern edge of the Oculina Bank extension.

There is some desire to consider opening that up to the shrimp fishery, and so this amendment is going to be looking at measures to do that, but, like I said, Chip is going to be here tomorrow to walk you through that in a little bit more detail and show you where these areas are and what the council is considering in more detail.

Then, for the CMP FMP for mackerel cobia, recently, there were some changes to the catch limits for king mackerel, and the boundaries of the mixing zone were reestablished, and this all took place and became effective in May of last year. There were some changes in response to issues in the cobia fishery, through Framework Amendment 4, and so there were changes to the recreational bag limits and vessel limits and the minimum size and accountability measures, and the final rule for that published last year and became effective in the fall of last year.

Then there were some modifications to permit restrictions, again, for the coastal migratory pelagics, king mackerel and Spanish mackerel, prohibiting retention of the bag limit on recreational trips when harvest is closed, and we'll talk about some confusion we've had with those permits probably tomorrow, when we go through some updates, and just make sure that everybody is on the same page as to how those permits need to work.

This was effective in August of last year, and then, currently, the council is looking at potentially transferring management of cobia to the Atlantic States Marine Fisheries Commission, and so there was an amendment that the council considered approving it for final review in March, and then they said, no, let's wait a little bit longer. The Mackerel Cobia AP talked about this last week, and so their recommendations will be presented to the council in June.

There were some concerns that NOAA General Counsel raised at the March meeting, and so one of the things that they asked to do was for the council to send a letter to the Atlantic States Commission to get more specifics on how they intended to handle regulations in federal waters if management were to be transferred to the commission.

MR. JONES: If the management was transferred to the Atlantic States Marine Fisheries Commission, would the National Standards still apply in the management, or would it be strictly what the states determined the management would be?

MS. WIEGAND: The Magnuson-Stevens Act doesn't apply to the commission, and so the National Standards wouldn't apply to them.

MR. JONES: If it doesn't apply to them, how could they take over management?

MS. WIEGAND: It's the Atlantic Coastal Cooperative Management Act, I believe is the correct acronym, that gives them management authority.

MR. JONES: One more question, and then I promise to be quiet the whole two days, but I can't do it. If you are going to take away any of the provisions that protect the integrity of the Magnuson-Stevens Act, I don't see how you can give that to a state to do it. If a state wanted to manage under the federal law, fine, but, if not, they can do away with whatever parts of the National Standards they want to do and manage it in a whole different way, and I think we ought to know that before we do that, because there would be a lot of problems.



MS. BROUWER: I guess what I can say to that is my experience with snapper grouper species is we have removed several species from federal management, because there was a need to do that, and the states were willing to extend management into federal waters, which is something they can do, and so, in my experience with snapper grouper species, they have written letters and said this is how we intend to manage, for example, mahogany snapper, or blue runner is another one that we removed. The council has done this in the past, and I believe the same sort of thing would be applicable here to cobia.

MS. WIEGAND: The Atlantic Coastal Act allows the commission to request that the Secretary of Commerce implement regulations in federal waters, and, under that Act, they also still receive support from NMFS in terms of scientific advice and management and monitoring and things like that. For cobia in particular, it's primarily a state-waters fishery. About 80 percent of cobia is landed in state waters, and so the council has had a hard time controlling overages in the fishery, and so they felt it was necessary for the commission to get involved.

MR. JONES: I will say one more thing, Mr. Chairman, and then I will shut up. We have had some experience with I think bluefish being managed by the Atlantic States Marine Fisheries Commission, and, any time they want to change the quotas, then there is just a group of men and women that can meet and decide that, well, we're going to take 100,000 from Florida and give it to New York or we're going to take 50,000 from New Hampshire and give it to -- They sit in a room and do this, and they do it in the open. It's not secret, but that is not the Magnuson Act.

They don't have to take into account fairness or equity or social or money or anything, and that's what I'm facing with the bluefish in Florida, where we have seen our allocation diminish strictly on conversations carried on at a hotel and not in a public forum like this. Thank you. I would hope that we don't send anything to any of the commissions that don't comply with the National Standards and the Magnuson-Stevens Act, and that's all I would say. Just make the law applicable to everybody.

MR. WAUGH: The bluefish FMP, there is a Mid-Atlantic bluefish FMP, and I think ASMFC is also involved in it, but the Atlantic States Marine Fisheries Commission operates under ACFCMA, and they have a set of standards under that, but Bob is correct that it's separate and distinct from the Magnuson Act, but a lot of their procedures and how the Atlantic States Marine Fisheries Commission operates are very similar to the council.

They have a technical review group, and they have public meetings. They have advisory panels, and they go out and conduct public hearings, similar to the council process, as well, but they do not have the National Standards. They have a different set of standards that they have to meet under ACFCMA.

MS. BROUWER: Okay, and so then Framework Amendment 6 is going to revise the trip limits to allow for a higher trip limit for king mackerel north of the Volusia/Brevard County line, and so we talked about Amendment 26 changing the king mackerel trip limit, and now I think the council is going back and changing it back to what it used to be, and so we'll be talking about this, I believe, at the June meeting some more.

Then there is a few amendments for spiny lobster, and you will talk about one of these in more detail later, and there was one that is going through rulemaking right now, and it revises the ACL for spiny lobster, and it prohibits the use of traps in the recreational harvest of spiny lobster in the EEZ, and so there is a comment period that closed in March for this one, and so we're expecting, I believe, a final rule at this point.

Then Christina will walk you through what the council is looking at for Spiny Lobster Amendment 13, and this is updating a protocol and procedure to have coordinated management between the council and the FWC and the Gulf, I guess. Spiny lobster is a joint FMP with the Gulf, and so Christina is going to walk you through this one in more detail in a little while or tomorrow, and then we're almost through.

We have a couple of generic amendments, and one that we are going to be talking about some more, in more detail, and I will get Kathleen to come up here, is the For-Hire Electronic Reporting Amendment, and so this is one that we've been doing a lot of work on, and so I'm going to turn it over to Kathleen, because she's been putting a lot of work into this amendment, and so she can tell you a little bit more about it.

MS. HOWINGTON: Thank you, Myra. Like she said, my name is Kathleen Howington, and I am the Outreach Coordinator for the For-Hire Electronic Reporting Amendment. We have been conducting trainings pre-implementation, ahead of time, in South Carolina, Georgia, North Carolina, and northern Florida. We are going to be continuing those trainings throughout 2019. However, there is also a law enforcement application that is in the works, and you'll be demoing that tomorrow with Francine Karp.

This law enforcement application should help with enforcement and with kind of the process of moving from no reporting at all in the South Atlantic to possible reporting. This amendment has not been approved yet. This is all pre-implementation. However, the reason why I would like to talk with you is that I would also like to start trying to conduct some webinars for law enforcement. If the amendment is approved, if it does go into implementation, to talk with law enforcement about the amendment and about a timeline on the implementation as well as going over this application that you will be seeing tomorrow.

I would absolutely love to be able to chat with you or meet with you during a break and try to discuss webinars and when they would be best, if maybe trying to get on a planned training schedule with you guys or with law enforcement in general would be a good idea, just any sort of help with communication for law enforcement, and I would really appreciate it.

MS. BROUWER: Thanks, Kathleen. As she said, tomorrow, we'll have a presentation via webinar that is going to be like a demo of this law enforcement app that the council has been putting together with Harbor Lights Software, and so that will be tomorrow, and then I believe this is the last one.

The council is working on a comprehensive amendment to revise recreational accountability measures, and so there has been, as I'm sure you've heard, a lot of frustration over the years on the recreational -- The lack of timeliness and a lot of uncertainty in the estimates for the recreational landings, and so the council is doing some things to try to ease into that.

As I mentioned, there is the recreational permit that's being considered under Amendment 46, the snapper grouper plan, and there is development of an application that we have been working on a platform that is web-based, but there is going to be a mobile application that is going to be available ahead of the red snapper opening this year that is intended to allow private recreational anglers to report their catch, and so we're hoping to get more information not only on catch, but also discarding, locations, gear that's being used, are people using descending devices, and all of that good stuff is going to be part of that, but, in the meantime, one of the things the council could do is to allow more flexibility in the accountability measures for the recreational fishery, and so they're looking at doing that comprehensively, and they're going to be -- We just got started with this, and so this is going to be one that's going to be developed for some time. It looks like we are just in time for the cookies, and so, unless there is any questions, I am done with this part.

COLONEL BUCKSON: I don't want to keep people from those delicious-looking cookies for too long, but, back to the Amendment 26, and just a general comment about enforcement. Part of the reason I asked whether the LE AP was going to see it again is I think one of the things that I have noticed over the years, and I am certainly not speaking for the folks that are involved actually in direct enforcement at this time, is, the more complex the regulations are, the less apt you are to have voluntary compliance to those regulations.

Specifically, when it came to bag limits, one of the things that kind of triggered with me was when I saw that just general bag limit of twenty fish, and that's a very broad comment of what you went through, but, potentially, that could be an easier enforcement. If you have a consistent regulation for all species, you know what the bag limit is, and it's not just for the enforcement purposes, but it's also for those fishers, and I am one of those now. On occasion, I get to recreationally fish, and, quite honestly, I have lived in Florida since 1976, and I retired after twenty-nine years with FWC Law Enforcement, but I still check the regulations before I go fish, to make sure that I know exactly what they are.

Hopefully everybody does that, and possibly they don't, and so I guess I'm coming back to just a general comment. The less complex, the greater compliance you're going to get, and, if the council is assuming 100 percent compliance when they make a regulation, they are going to be disappointed in what the ultimate statistics show, because that is not going to be the case, especially if you change them very often, but, if you just change them and make them more complex, it's going to take some time for everybody to catch up, and, again, I can't speak for the enforcement agencies, but, most often, there is a period of time where there is a less stringent enforcement in the beginning of a new regulation, just simply because it doesn't make any sense to -- Your case is going nowhere if you go before a judge and they have no knowledge of the change in the regulation.

I only make that comment now simply because it sounded like the LE AP is not going to get the opportunity to speak to some of these potential changes coming up on some of those potentially complex regulations, and it's probably not the first time you have ever heard me say something like that before, but I just thought it was a good time to mention it again. Thank you.

CAPTAIN LYNN: Thank you, Bruce. Any further comment?

COLONEL BUCKSON: Thank you, Myra. That was a lot to cover, and, actually, it was very helpful for me. Thank you.

CAPTAIN LYNN: All right. We'll take a fifteen-minute recess to stretch your legs and grab some cookies.

(Whereupon, a recess was taken.)

CAPTAIN LYNN: All right. Is everybody ready to start back? Thank you, all. Our next presentation will be on the wreckfish ITQ, it looks like, from Brian.

DR. CHEUVRONT: Thank you, Mr. Chairman. I am Brian Cheuvront, and I'm the Deputy Executive Director for Management for the council, and that just means that I get my fingers into a lot of pies, and the wreckfish ITQ review is something that is ongoing, and, now that we've all had a chance to get up and move around and get a little sugared up and all of that, hopefully we'll get through this quickly enough before you have the crash afterwards, and then I will turn it back over to Myra and she can help you all with that.

What I want to do is give you a little background on what's going on with wreckfish, and I know this is a fishery that a lot of you may not be familiar with, but it has an interesting history, and I will tell you kind of where we are, and one of the interesting things is that, on this AP, we have an active participant in the wreckfish fishery, in terms of Michael Freeman. If I say something wrong or incompletely, I have asked Michael to jump in and help straighten us out, and so let's have a go here at this.

To give you a little background on the history of wreckfish, there really wasn't much of a fishery for wreckfish until the late 1980s. It was discovered on the Blake Plateau in the 1980s, and the stock of wreckfish actually is transatlantic, and so there is wreckfish that is caught in the Azores and things like that, but it's all one stock.

The fishery, when those fish were discovered off the Blake Plateau, it went from two vessels that landed 300,000 pounds in 1987 to twenty-five vessels that landed two-million pounds in 1989, and it just exploded, and this is a deepwater fishery. There was an IFQ that started in 1992, because the council saw that this thing had really taken off, and they wanted to avoid some kind of a collapse in the fishery immediately in a new stock that had just been identified, and so, when this IFQ was started in 1992, it was the oldest finfish ITQ in the United States, which a lot of people don't realize. I think the only one that is older is the ocean quahog fishery in the Mid-Atlantic.

Because of its age, and this is important, this ITQ is exempted from some of the later requirements that came along, and, as thought would happen, you can see -- I have shown some of the landings here, at least through 2013, and the landings did decline quite a bit.

MR. JONES: Did they decline because you stopped letting them catch fish?

DR. CHEUVRONT: I am going to get into all of that.

MR. JONES: Okay, because somebody out there looking at that would say, my God, those people destroyed the fishery.

DR. CHEUVRONT: That is coming up in the rest of the presentation. What happened is there was a lot of decline in the fishery, and you're going to see that there is that big black block that is in there. There were so few participants in the fishery during those years that those landings are confidential. You can see what has happened is the landings declined quite a bit, but there is a number of reasons for why that happened, but, first, let me get into some of the status of the stock.

The first thing we know is that from the status of the stocks from 2017, the third quarter, this stock is neither overfished nor undergoing overfishing. The most recent stock assessment, and this has been an interesting scenario, but the most recent stock assessment was completed in 2014, and it was based on recommendations that came from the South Atlantic Council's SSC workshop that was held in 2013.

Now, this stock assessment, because the council and the National Marine Fisheries Service doesn't have the resources to do all the stock assessments on the frequency that need to be done for all of the species, some of the fishermen themselves who participated in the fishery funded this stock assessment, but it did go through the review process through the Scientific and Statistical Committee. I am going to go through the timeline, and then I'm going to talk about some of the things that have happened or occurred with this fishery.

Just in the timeline, there was a two-million-pound TAC that was introduced in 1990. In 1991, bottom longlines were banned, and they started a permit system. In 1992, one of the things that happened is prices started to decline, and the council started its work on its ITQ plan, and so the ITQ started in 1993, and it had forty-nine shareholders, and they left it at the two-million-pound quota, with the idea being that it seemed to be sustainable, perhaps, and they had no reason to believe that it wasn't, and so that's what they set the quota at.

In 2011, as a result of the reauthorized Magnuson Act, the SSC set the ABC to 235,000 pounds, and they established some sector allocations for it, 95 percent commercial and 5 percent recreational. The reason why the SSC did that is because they saw that decrease in landings. That doesn't mean that there is not other reasons, but the SSC did not have that information at that time that they could reliably interpret to explain why the landings had decreased.

When that ABC was set to 235,000 pounds, the council had another amendment in which they revoked the inactive shares in the fishery, and they established a 49 percent ownership share cap, and then, in 2012 to 2014, there was this independent stock assessment that was reviewed by the SSC, and they set the ABC to 433,000 pounds. Without getting too much into the science of all that, all the runs that were done of the stock status as part of this assessment -- The 433,000 pounds was the actual lowest value out of the twelve runs that they had, and the highest value was about twice that amount, but the SSC decided to be conservative and took the lowest value of all the runs, and so they approved the stock assessment.

Now, based on that, we have current catch levels, and you can see what we started with, the 433,000-pound ABC and ACL in 2015, but it has steadily decreased. This year, it's 406,300 pounds, but, by 2020, it's going to go to 389,100, and it will remain at that level until it's modified by the council. Then you can see that the council set the ABC equal to ACL, and then that's broken down into commercial and recreational ACLs, sector ACLs.

There was a lot of information that -- People were very concerned about this fishery, and part of the thing that happened was that we were trying to figure out why did people get out of this fishery and why did people stop fishing the fishery, and I believe that I took out some of the slides that I had in there, but, since Mr. Jones brought this up, I will talk briefly about that as well.

Basically, what happened is there were issues with a couple of longliners that got out of the fishery, either through death or they no longer were participating in the fishery, and this is a difficult fishery to participate in. You really have to know what you're doing, and it's in deep water, and you have to have a real commitment to do this, and other people who were participating in it early on simply moved on to other fisheries that were easier to participate in, and the prices dropped, as I mentioned, in about 1992 or so, and so a lot of people, while they owned shares, they simply weren't fishing them, and it wasn't because there was a problem with the stock. It was generally because they were doing something else.

This has all been documented now, and there has been publications that have talked about what's gone on in this fishery since the ITQ, and so we have a lot of that information that is available, and so the fact that the status of the stock is still listed as not overfished and not undergoing overfishing, there is no indication that that is not the case, and so that's basically where everybody is with this.

Now, in June of last year, the council, based on some direction that came from NOAA, has started to review this ITQ program. Now, before there was a requirement to do that, the council did its own review in 2009, to see where the fishery was at, and so there had to be an initial review that looked at the entire fishery from the beginning up until the point of the initial review, and that was done in 2009, but now there is some additional policy that has come out to give guidance to the councils and the regional administrators, and, basically, it says that you need to do a subsequent review of any ITQ program at least once every seven years.

In June of last year, the council then directed staff to begin yet another review of this program, and so this is the first subsequent review. There's a couple of things that I want to point out. This is simply a review of the program. How is it functioning? How well is it doing? Is it operating efficiently? This is not a plan amendment. There are no actions, and there is no alternatives, and there is nothing in this review.

What this review could do, however, is either highlight or even make some recommendations for some changes that could occur in this fishery, and that's kind of where we are in doing this. We're reviewing the program, and we've been involving the shareholders, and we're taking this to some relevant advisory panels, and we're talking about this and trying to get input on ways that we could look at improving or talking about problems that may be associated with this fishery.

I am not going to go into all the details of what's going on, but what I do want to point out is that you do have a copy of the review as it now stands, and that is in your briefing book. I am not going to go through all of that. This graph right here, this slide, gives you a highlight of all the main sections that are covered in this review, and you can see that some of these are very much tied to the idea of an ITQ or an IFQ.

Two of them, however, I have highlighted in yellow here that I think might be most relevant to this advisory panel, but we're going to -- The review is covering things like eligibility and participation and how do you get new people into it and how do you transfer shares. All of these

things are basically worked out now in the review, but the review is looking at is this the most effective way to be doing this.

However, in thinking about what was most relevant to this AP, we thought that the two areas of concern would be, one, safety at sea, and the other being monitoring and enforcement of this ITQ program, and so I have a couple of questions for you all, and please don't feel that you have to do something. If you have comments and things that you want to offer, that's great, but I just don't want people to feel that they have to be compelled to do something or to try to create something if it doesn't really exist, but what I do want to hear is whatever you have to say or any experiences that you have had with any of these things.

For example, we have not really been able to find much of any kind of information regarding specific safety at sea issues associated with wreckfish, and now remember that this fishery occurs primarily in South Carolina and in Florida, and so I am throwing it out there. Is anybody aware of any kinds of safety at sea issues involving wreckfish? It's okay that it's crickets here, because we have gone to the Coast Guard and all the stuff, and we've looked through it, and we have not been able to find anything specifically related to this fishery.

MR. FREEMAN: You're probably not going to find anything related to it. One of the reasons that comes to mind at least is you don't have a greenhorn captain out there attempting this fishery. You don't have someone out there in an untested vessel that they don't know can handle the weather conditions and the seas that they're in. These are people that have been in it since basically its inception. If you do run into safety at sea issues, it's going to be with new participants, and so, just because there haven't been any issues up until now, it doesn't mean that there will not be in the future.

LT. FAIR: Who did you go to get your data, as far as safety of life at sea and that data? What I will try to do is I will try to make a pull between now and tomorrow morning, before we come back, just to see what I can find from the headquarters level. We have a database called MISLE that captures all of that information.

MS. WIEGAND: Yes, and that's -- I forget who exactly I talked to, but that's the database that they sent me information from.

LT. FAIR: Was it Jessica Conway? I will reach out to her. She is our headquarters representative for living marine resource specifically, and she manages our MISLE database, and I will see what I can find. I think what you're going to get is you're just going to get a general living marine resource data point, and it's not going to be specific to wreckfish, and it's just going to be the commercial fishing industry vessels, period, and, if you're looking for that, I don't think you're going to get it, but what you are going to get is skewed data of the concerns and the issues that we have with the commercial industry fleet, period, to include your shrimp boats that are death traps.

DR. CHEUVRONT: Yes, and even -- Wreckfish is a little different even than most snapper grouper fisheries, and so, even if it was at the level of the snapper grouper fishery participants, that would still be skewed as well. Christina, do you know when those data were pulled that you used? It was sometime in the last several months, wasn't it? She said it was -- The data that she got were as of December of last year, and so I am doubting that there's going to be much more possibly that

could be in there, but that's fine. That helps confirm what we have found so far, and we just wanted to make sure that we weren't missing something.

The other thing, the other question, I have is are you aware of any monitoring or enforcement issues with this fishery, and then I do have some follow-up questions to this one, but I would like to throw this as a general concept out there, to see if there's anything that you all are aware of at this point.

MR. FREEMAN: I can't speak for the guys down in the Keys, but, going twenty-five years back, I don't believe there's been a single instance of any type of dockside inspection. No one has met us at the dock to see what we're unloading beyond our port samplers, which we have there basically every time. As far as actual enforcement, we're a hundred miles from the closest point to shore, and we're not really going to run into anybody out on the ocean.

There is no real monitoring in place as to when we're out there. One of the things that we have opted for, because, as it currently stands, which I'm sure Brian is going to get into, there are set times and days that we are allowed to offload. We would like to try and get away from that and maybe move to a hail-in/hail-out system, something where at least law enforcement knows we're out there and they know when we're going to be in and where we're at, so that, if they would like to begin enforcing it, it will much, much easier to do than it currently is.

CAPTAIN PEARCE: I know the question came up recently that was posed to me was are we getting notified of the landings when they're coming in, and I know that FWC officers do not receive any type of notification on landings, and so, right now, I think the NOAA officers or agents are receiving those, but we're not getting them, like we would with the IFQ in the Gulf.

MR. FREEMAN: I will let Brian verify it for me, but, as far as I understand, there are no hail-in/hail-out requirements. Even NOAA, I don't believe, is receiving any information as to when we will be to the dock. The way it was set up is it's just you're allowed to offload at specific facilities that are approved wreckfish offloading facilities during a specific set of hours and a specific set of days, but that's about the extent of it.

DR. CHEUVRONT: Mr. Freeman is correct on that, and I might as well just jump down and, since he's brought up the issue, it's that shareholders would like to see the approved landings sites and allowable offloading hours requirements go away. Basically, there is a list of approved places where they can offload, and they have to be offloaded between 8:00 a.m. and 6:00 p.m. Monday through Friday, and this was -- This requirement was put into place when there were forty-nine shareholders participating in the fishery, and so when this IFQ, or ITQ, program was initially established -- It was about 1992 when it went into effect, but there were just a lot more participants in it.

Now, we're really talking about -- I think there is six permit holders, and there is three or four who are active, at most, right now, and that's it. That's the participants in the fishery, and so what they would like to see is to have these things go away, these two requirements that are currently in the regulations that describe how this ITQ operates, and it's not like they want to work under the radar here. They are willing to consider doing -- There is so few of them that hail-in and hail-out probably is not a difficult thing for them to do.



We would like to get your input on that. This is an ITQ fishery, and there needs to be some monitoring of what's going on. We certainly know the landings, because of their reporting requirements that they have, but getting the on-the-water verification is probably not a bad idea too, or at least have the possibility of that, and so, anyway, if we could have a little discussion about what this AP thinks about these requirements, it would be great.

MR. JONES: When they're talking about allowable sites, are they talking about maybe adding some more places which they can unload, because I think all federal fish has to go through a dealer that has a federal permit, right, to keep the statistics?

MR. FREEMAN: They already have to be federally-permitted dealers. It's just, for wreckfish in particular, there is actually a wreckfish dealer permit that you need in addition to your federal dealer permit, and it has separate reporting requirements. Every month, you have to send in a list of fish you received and vessel price and that kind of thing.

MR. JONES: You just want to be able to unload any place where a federal permit is there for you to --

MR. FREEMAN: Not even necessarily that. It's more of the you can't unload apart from these set times that were put in place initially to be able to monitor a much larger fleet.

MR. RAINE: I just wanted to go back not to this question, but about enforcement issues, and I could not think of any wreckfish cases that my office has seen, which doesn't mean that law enforcement might not have seen some, but I was checking with a colleague, and, as far as we know, years and years and years ago, there may have been one case that my office saw for not having the ITQ coupon, and so it's just the point that we have not seen a lot of activity, and our numbers could be faulty, but that's what we're aware of anyway.

COLONEL BUCKSON: Just a quick question. How many landings sites are there now that are approved? I am just curious, and I'm not curious where they are or anything, but I am just curious about roughly the number.

DR. CHEUVRONT: I don't know the exact total, but I know a lot of them are in areas where there is no fishing occurring now. I mean, we're basically seeing all of the current landings happening in a small portion of Florida and an even smaller portion of South Carolina.

MR. FREEMAN: I can't speak to the exact number, and I'm sure there's a lot of sites that have been inactive for a very long period of time but are still on the approved list, and I can't speak for the guys in Miami, because I don't know how frequently they fish and where they unload at, but, as far as the South Carolina shareholder and as well as our guys down in kind of the central part of Florida, which make up the majority of the landings, there is Cherry Point over in Wadmalaw, and there is Daytona Beach and Port Orange, and you're talking three sites that I know of where the majority of the unloading happens, and there might be one or two down in the Keys, and so maybe five sites total that are actually in use.

COLONEL BUCKSON: A general question about the permit holders. Is there a potential for additional fishers to come back into the fishery?

DR. CHEUVRONT: There has been a lot of discussion with the shareholders about this. As you saw, the ACL is decreasing, and the participants in the fishery are concerned, because they could actually catch more fish, just the few participants who are in it now. They could catch more fish, and they are not opposed to the idea of new participants in there, but the preference would be that let's increase this ACL first and let us, who have been participating in it since the very beginning, let us reach sort of our maximum level, but let's have a way to get new participants in it, and preferably once the ACL has been raised.

Fundamentally, there would be ways to do it, but the issue is that this is a very, very difficult fishery to participate in, and probably the only way that you can really get into it and be successful is you've got to work for one of these guys first and learn how to do this fishery and then move on to your own, and I think that, at least in my conversations with these guys, because there is so few of them and I know them all, they would probably like to see that be the preferred method to help try to expand the fishery, to keep it safe, but they certainly don't have any problems with more people getting into this fishery as it's allowed to grow over time.

COLONEL BUCKSON: Mr. Chair, the reason I asked that question is because, if there is suddenly a huge increase, then that may have an impact of what enforcement folks think about changing the hail-in and hail-out or changing the current procedures for landings, and so that would be the only -- Obviously there is more to getting into the fishery than what I was thinking.

MR. FREEMAN: I don't want to get too far out into the weeds, apart from just the law enforcement perspective of it, but there currently is a mechanism in place where, if somebody wants to buy into the fishery, they would purchase a share from a current shareholder, and then they could either purchase additional shares or lease shares from a shareholder or things of that nature, and so there are ways for people to get into it.

The issue that we've had, and I will just speak specifically to the last five or six years, just for our situation, is we have 20 percent of the quota, and consistently, every year, we have had to lease from other shareholders well over 20,000 pounds, just to be able to keep our guys fishing throughout the year, and so, before we would like it to potentially become easier for new people to get in, we would like to at least be able to have our guys fish year-round, for people that have been in this since its inception in the late 1980s and early 1990s.

DR. CHEUVRONT: That still begs the question of do you have something you would like to say about the allowable offloading hours and the idea of just this specific list of offloading sites?

LT. O'SHAUGHNESSY: Just to one part of that, you mentioned there has been so few times you've been met at the dock. Without a VMS unit onboard or some type of hail-in or hail-out, it's hit or miss, and I spoke to my enforcement officers, and, the last two years, they could recall one wreckfish boat being met in Charleston, and that's just because they were down at the dock when the vessel came in.

As far as enforcement purposes, some type of hail-in that would allow us to know when a vessel is coming in, or, dare I say, VMS unit, which allows us to look and see when a vessel is coming in, that would definitely help enforcement, as far as meeting them at the dock and doing dockside enforcement.

CAPTAIN PEARCE: With the hail-in and hail-out, would the understanding be that you would offload at any time during the twenty-four-hour period?

MR. FREEMAN: That would really come down to how it's formed in the amendment or how we would have to approach it.

CAPTAIN PEARCE: For enforcement purposes, depending on the emphasis on how often they want law enforcement there to conduct inspections, like in the Gulf with IFQs, a 6:00 a.m. to 6:00 p.m. window is going to give you the best opportunity to have an officer available to conduct an inspection.

We have officers, obviously, that work throughout all hours of the night, but there is going to be more frequency of people available during that 6:00 a.m. to 6:00 p.m. versus after that, and so it would all depend on the emphasis that is placed on getting officers there to conduct those inspections.

MR. FREEMAN: Typically, a vessel is going to be out for about two weeks. There are not very many vessels left in the fishery, and I don't really foresee it being necessary for enforcement to meet us at the dock every single time, being that we already have to fill out our coupons for every pound we land, and, on top of that, just as something that the participants in the fishery have done, both the South Carolina unloading area and our guys down in central Florida, we actually have a federal port sampler meet us at the dock every single time. They have their own recording of the pounds that we land, and we do it also because it's such a data-limited species that we want to make sure that the maximum amount of data is being captured for our landings.

LT. O'SHAUGHNESSY: How are you currently dealing with the port samplers? Is the fish house letting them know when you're coming in, so they could be there each and every time? I am just curious how that's taking place.

MR. FREEMAN: For the most part, the fish houses themselves are the ones that have the shares, for the most part. The guys down south, I believe it's a little bit different, but either the vessel owner will contact -- Like, down in our area, we have Claudia Dennis who is a federal port sampler, and either the owner or the fish house will contact them and let them know that, hey, our boat is due in tomorrow, and she will meet us there and sample any other fish that come in during that day and then grab the wreckfish samples as well.

DR. CHEUVRONT: That's it. That's everything that I have for wreckfish. Is there anything else that you all would like to contribute to this discussion? I am not sure that you're going to see this review again. Right now, the council is scheduled to approve the review at September, and they're going to see the whole document then. They could give us further direction of additional development they want at that time, but it's not likely that a year from now this review will still be hanging out there.

However, there probably will be some recommendations for some changes in the program, and you might have heard Michael mention about the coupons. They literally record the landings on pieces of paper, and they come in 100-pound and 500-pound increments, and it was really kind of eye-opening, because some of the fishermen were telling me that, if you're out of 500-pound coupons and you've got a 2,000-pound trip, you're sitting there filling out twenty different pieces

of paper for each one, and then all this rounding and stuff, and so the idea is that -- The National Marine Fisheries Service has talked about they already have an electronic system in place in the Gulf, and they have said that they could easily adapt that to this fishery with not much effort on their part, and so that will probably end up being one of their recommendations.

The fishermen who are actively participating in it want that, and they want a down to the pound reckoning of how many shares or how many pounds they still have left and that sort of thing, and that's where they would like to go with this, and so there will be some things that will come out, and I'm not sure when that amendment would happen. The council has a lot on its plate right now, but they would -- I could see those kinds of recommendations coming out and a follow-up amendment occurring after this review. The fact that we've discussed these things now, you will get to see those actions later on, when they come back up for discussion by the council.

CAPTAIN LYNN: Is there further discussion? Thank you, sir, for your presentation.

DR. CHEUVRONT: Okay. Do you want me to just jump on into my next thing that I have? All right. The next thing that I have with you all is Regulatory Amendment 28, which is modification of management for the golden tilefish. This is an amendment, a regulatory amendment, that has two actions in it, and, in the past, when I have brought amendments to you that have strictly management measures in it, things like setting an ACL, you all don't have a whole lot to say. That's management and not enforcement, and I get that, but I do want to take a moment to talk to you about what's going on in this fishery. You can see that we're having -- There are some issues that are happening here, and let me pull up my alternatives.

What's gone on is that this fishery is undergoing overfishing, but it is not overfished. There was a SEDAR stock assessment that was done that showed that we were overfishing, and we have to end overfishing immediately, and so an interim rule went into effect that reduced the ACL from about 568,000 pounds to 233,000 for this fishery. That interim rule is in effect for 2018.

The council is faced with they need to do something else for setting the ACL for this fishery by January 1 of 2019. This fishery starts in January, and usually it closes by sometime in March or so. There has been some variability with that over the years, but that's generally when the commercial fishery closes, the commercial longline fishery, because it gets even more complicated, and so we're going to talk some about that as well.

Now what has happened is the SSC met and discussed this issue last October, and, without getting too much into the science stuff, they had recommended using a different metric to determine what the ABC should be, so that the council could set the ACL, and, as it turns out, it has created even a larger buffer between the actual OFL and the ABC, and so, in essence, we're looking at having the ACL set at even a much lower level than the 233,000 pounds. The council discussed all of this at their March meeting, and they said, well, the metric that was used to set up the interim rule, why isn't it still okay for us to continue to use that to set the ACL for the future?

They decided that they wanted to send this back to the SSC, which is going to meet, I think, the first week of May, and say we would really like to use the same one, and is that okay, and so the timing of this is that this has to be approved at the June meeting. They don't have any preferred alternatives, and they are going to hold their public hearing at the June meeting, and their plan is to approve this for sending this in for secretarial review at the June meeting.

This is the one shot we have to look at this, and so that's where we are biologically, and we're looking at the fact that, because this ACL, particularly on the commercial side, is being ratcheted down so much, both the longline fishery and the hook-and-line part of the fishery are looking at increased likelihood of earlier closures, and that's kind of what is driving the two actions that are in this amendment. I just wanted to give you an idea so that you can see that what these guys are going to be allowed to fish for, probably starting in 2019, is going to be at the low level it is now, or even lower, and so that's kind of where we are.

In a nutshell, that's what this first action is about, setting what that annual catch limit is going to be for 2019, and I don't know if you all want to comment on that action, but that's the dilemma that the council is facing and is going to have to decide in June.

The one that you all might want to discuss is the council has left in an action that would look at adjusting the fishing year for the commercial hook-and-line component of the commercial ACL. Right now, both parts of -- Both components of the fishery start on January 1, and the hook-and-line guys who participate in this fishery would like for their fishery to go further into the year, and, actually, some of them really prefer to fish it in the fall, and, typically, the fishery has stayed open.

The hook-and-line component has stayed open for most all of the entire year, and I think it was last year that it actually closed early, in November, I believe, and so these guys are concerned, because their part of the ACL is going to go down as well, and so one of the things that the council looked at, and they had looked at this several years ago, but it was considered a non-issue, because the ACL was high enough at the time, but now the concern is that the preferred fishing period for both sectors -- The fishing period for both sectors is going to be the same, and prices may go down, because of the glut, the race to fish to catch up that ACL, and the hook-and-line guys would really like to start their fishery after the longline fishery has shut down, and so that's what they would like to consider.

The council has come up with an action that -- The no action is to leave the fishing year as equivalent to the calendar year, but then there is looking at either starting the fishing year on September 1, August 1, or May 1, and it runs through an entire year, twelve months. That sets up a little bit of some management issues, because now you've got your fishing years offset, and how do you assess a stock -- It can be done, but it creates a higher level of complexity when part of what you're fishing for on the hook-and-line part can be in one calendar year and another part in another calendar year, and that can be worked out, but it just creates another level of complexity.

Our concern here with the Law Enforcement AP is does this create any kind of an enforcement issue for anybody here? The amount of fish would still be controlled by monitoring the ACLs. They are currently monitored separately now, as it is, based on the gear type that's used, and so that's okay, and it would close when they reach the ACL, and it doesn't matter which component you're talking about, but, if one of these other alternatives changes the hook-and-line component fishing year, you're going to be offset, and so what we wanted to find out is are there any concerns that law enforcement would have if the council decides to go down this route?

CAPTAIN LYNN: I will assume that silence means no.

DR. CHEUVRONT: I am happy with that. I mean, we typically bring all of our amendments in front of you, just to make sure, to see if you guys have anything that, from your perspective, that we don't see, and, if you don't see a problem with that for enforcement, then that's okay.

MR. FREEMAN: Being that there is no objections to that presenting law enforcement issues, just speaking as a golden tilefish longline endorsement holder, it seems counterintuitive to open hook-and-line at the same time you're opening longline, for a number of reasons. Particularly, at the beginning of the year, is the worst weather that we have by far, and, that far offshore, it's dangerous for the smaller boats to be out, in January and February, but, apart from that, that's the worst price that the hook-and-line guys are going to get all year long.

There is an additional issue on top of that of beliefs among some that there has been misreporting of landings in the past between the two sectors, the hook-and-line and the longline. If at all possible, I would urge the council to move towards the May opening they had on the alternative there. With our quota being reduced even further, weather permitting, our season is going to end within the first three weeks of it opening for the longline sector.

DR. CHEUVRONT: I wanted to point out here that, on this table that I now have up on the screen, you can see the first unshaded row is the commercial hook-and-line, and this is based on a January 1 start of the fishing year, and the hook-and-line fishery would be expected to close on September 28, and that would be with a 558,000-pound ACL. Well, they're not going to go back to that, because the stock assessment said the ABC is much lower than that, but, if you're looking at any of the other alternatives, you can see that, if you're starting on January 1, you're looking at closing the hook-and-line component sometime probably either in March or April.

That's even before their preferred time of the fishing year even starts for these guys. They would much rather start, like Michael says, in May, and some of the guys, depending on where they are, I think would prefer to fish well into the fall, and so that's the reason why the council wanted to include this action in here and reconsider this.

CAPTAIN LYNN: No other comments?

DR. CHEUVRONT: That's all I have, and so, Myra, I think it's back to you.

MS. BROUWER: Okay, and so I'm going to draw your attention to -- I will pull up the overview, and so the next item on the agenda is a discussion on penalties for non-reporting. I outlined the issue for you in your overview, and so let me just pull that up. This is something that the council has been discussing for some time, especially in recent years, with discussions of requirements to report potentially for the for-hire sector, with the for-hire reporting amendment that I told you about earlier.

Among the commercial fishermen, there is currently a perceived lack of enforcement of existing penalties for non-reporting and especially in the commercial sector of the snapper grouper fishery. In order to renew your permit, you need to show that you have completed your reporting requirements, that you have submitted your logbooks and such.

There is concern that when fishermen go to renew their permits that they're told, well, you can't renew your permit until you submit your missing reports, and sometimes those missing reports

could span a very lengthy period of time. Consequently, there is concern that the data that is being reported are just not very reliable, and so, in June of last year, the council talked a lot about this, and Karen was there and gave a presentation, at the request of the council, for what the actual requirements are according to the MSA for violations for non-reporting, and a council member subsequently requested that this be brought up for discussion at the Council Coordinating Committee to gauge basically interest among other councils for jointly requesting that there be an increase in the penalties for non-reporting or that this issue be addressed, and so mainly just to bring attention to it, to see whether this is an issue in other regions and whether this could be improved.

It's being brought back to you all for you to have the opportunity to discuss and comment on that, and there is -- The Southeast Fisheries Science Center is the agency or the part of the agency that monitors some of these landings, and so my understanding is it's up to them to prompt a fishermen, when there are missing reports and to send letters and emails or whatnot, to say, hey, unless you report, your permit is not up for renewal, and so there is a mechanism there to alert fishermen when they are in violation of a reporting requirement, but then, subsequently, how that translates into enforcing those is where things get kind of murky.

We are bringing this back to the LE AP to bring, again, attention to this and to make you aware that these discussions have been taking place. In your briefing book, you will find a transcript of the discussions that took place, and I didn't want to risk misinterpreting anything, and so that's included verbatim in your briefing book, so that you can see where individual council members are coming from and what the issue really is.

MR. JONES: I am a little confused on this. I thought that anybody that was fishing under a federal permit in federal waters had to land at a dealer that also had a federal permit to which he could unload those fish, and I understand that the fisherman has to file a federal report on his trip, where he was, what the crew was, what did I catch, what was it worth. All of those reports, don't they have to be there? Are you telling me that there is a lot of people, fishermen, that are able to get in and land their fish without filling out a report?

MR. FREEMAN: This will hopefully address part of Bob's question, but, as far as dealer reporting goes, you have to submit, I believe, every Saturday, or it might be every Sunday, and I'm not sure on the specific day, but, weekly, you have to send in what fish you received, who it was from, where it was caught, amounts, dollar values, all of that.

Late reporting on that, I believe if you go a week past that you get a letter or an email from the Science Center letting you know that you're late. If you have an HMS permit, the HMS Office will actually call you to get you to send it in. I don't know of anyone that has been fined for late reporting for dealer permits. As far as actual fishermen themselves, they're required on a trip-by-trip basis to fill out a trip ticket for what they landed and where at, the same information the dealer has, to be able to corroborate between the two of them, and then they're required to send their monthly logbooks in at the end of the month.

MR. JONES: The fishermen?

MR. FREEMAN: The fishermen are. The issue there is that I don't believe there is any system in place to let them know that they're not sending it in until they go to renew their permit and realize

that they have entire months of data missing, and, by that point in time, any information they do submit on the trip ticket, I would hope that the Science Center takes it with a grain of salt as to the accuracy of it.

MR. JONES: I was involved with a lot of that information and permits down in the Keys at one time. Now, if that information is all being collected when the fisherman lands at the dock and fills out on a federal form at the dealer, and why can't that stand for the fisherman? He has already put down what his catch is, and does he have to have a separate report also?

MR. FREEMAN: The fisherman's trip ticket actually goes a little bit more in depth than the dealer one, and the areas are different. I believe they're a little bit more precise down in Florida. They use a different system than the federal area numbering that we use on the dealer ticket, and there is a few advantages that I see to both dealers and fishermen submitting. I believe the reason this was brought up is non-reporting has become an issue, particularly in tilefish, because it is a derby fishery still, unfortunately, in the longline sector. If you've got a dealer that submits one or two or three weeks late, we're either getting closed early or we're going over the quota and taking it to the next year, and so I believe this is maybe to put a little bit more teeth to getting people to comply with reporting requirements.

MR. JONES: That's the dealer, and I understand. The dealers coming in late results in estimates having to be made and closing the b-liners too quick or the yellowtail or whatever the thing is, and I understand that, and, if they don't report at all, I understand that they need to be enforced. You do whatever you have to do, but I'm not sure about a late reporting as opposed to non-reporting.

I know, in some of our fisheries, a fisherman may go out and catch his thousand pounds and come back in and clean up and get some gas and everything and he's headed back out again for another trip to get another thousand pounds, and sometimes that information is going to be late for the dealer to get back. It just seems to me that there is plenty of information there, but it's just we're not getting it from the right source.

MS. RAINE: I think I probably ought to address a couple of things. When there are regulations that have gone through the council process or the secretarial process, as with HMS, where there are requirements to report, and some are dealers and some are vessels. Then those folks are required to report in accordance with whatever the regulations are.

It is very nice that the Science Center or HMS might reach out to people to let them know that perhaps they're late and the report hasn't been received, but that is not required, and so, if somebody is late, or doesn't report, they are potentially in violation if a case is made and forwarded. Now, as I say, this is very nice of the Science Center and HMS, whoever, to reach out to folks to let them know to get your report in, and obviously everybody wants the information.

That's the goal, but, however, it is also because the information, however it's gathered, and I know there are a variety of ways in which the reports are submitted and in which the information is housed and kept and that type of thing, but it's on the program side of things that, if they want a case to go forward for some sort of enforcement action that not just -- I will call it a compliance assistance letter or a phone call from the program, and they need to send what information they have to the office of law enforcement for an investigation.



Now, yes, it's true that, as we know, the regulations -- There is a provision that if you don't have your reports in when it comes time to renew your permit that it would be considered an incomplete permit and you wouldn't be able to get that permit until all of your reports are caught up, but that does not mean that there can't also be an enforcement action going on. One is an administrative program issue and the other is a law enforcement action, and, of course, what the Science Center or HMS is sending out, as far as the compliance assistance, and that's what I'm going to call them, letters, that's not an enforcement action.

An enforcement action is when our Office of Law Enforcement, or my office, takes some sort of action, and so many of these cases could be handled by the Office of Law Enforcement through summary settlements, and I think you all got a copy of the PowerPoint presentation that I made last year, and the focus of that, because the council was wondering about whether permit sanctions might be imposed for failure to report, and, if you read through this, you will see that that's probably not going to happen and that's not on our schedule for these types of violations, but you will also see that, typically, these types of violations can be handled through a summary settlement system, but, then again, it's up to the program to forward the information to the Office of Law Enforcement to be able to take some sort of investigation or steps toward an enforcement action.

Now, as of last May, I guess, from March of 2011 to last May, there is a PowerPoint slide that talks about the late or failure to submit reports, as far as General Counsel nationwide, what kind of cases had been -- This does not take into account anything that law enforcement has done, but just the cases that have come to our General Counsel office, and, in that time period, approximately eighteen cases have been charged, generally vessels, and at least one shoreside processor and one dealer, and penalties ranged from written warnings, which is also an enforcement action that can be taken, to \$6,000, and permit sanctions have not been issued, but you will also see in this presentation our matrix when cases come to the Office of General Counsel, as far as what the penalty ranges are and that type of thing. I will stop there to see if there are any questions.

MR. FREEMAN: I believe I heard you correctly, but I just want to clarify. It's my understanding now that the program would be administered by the Science Center or HMS, and they are the ones that are immediately able to see that a dealer is out of compliance or a vessel is out of compliance and has not reported. For any law enforcement action to be taken, they would have to then forward that information along to the OLE?

MS. RAINE: Yes, because, otherwise, the -- Pat, I probably jumped in too soon, but, for the Office of Law Enforcement to know that there is a potential issue and a potential violation, somebody has to alert them, and so I'm thinking that's going to come from the Science Center or the HMS program or whatever, but Pat would have more information.

LT. O'SHAUGHNESSY: The notification process, if you look at the number of vessels, the number of permits, the number of fisheries, it's a manpower-intensive operation to do that. However, we do work with programs. For instance, she mentions HMS, and we've been working with HMS over the last few months, and they have identified twenty-five of their more egregious offenders who have failed to comply with compliance letters, and they brought it to our attention, and, from the Northeast Division and Southeast Division -- From that, we had about twenty ongoing investigations for late reporting.

For the HMS side, it's a \$1,000 summary settlement, and I do know some have been issued from those that were provided to us, but there is also a separate \$750 dealer failure to report for non-HMS vessels, and so the investigations do take place, but, given the manpower, we often rely on the program to let us know, and, in HMS's case, dealing with tuna and their closures rolling throughout the year, one dealer missing a report or going two weeks without a report can impact significantly a closure, and so, when they bring that to us and bring it to our attention, that's when we promptly take action, but, given the manpower that OLE has, to be in there checking each and every vessel, each and every report for both vessels and dealers, it's a bit of an unmanageable situation, and so we do rely on the programs to bring to us those types of issues that are most significantly impacting that program.

MR. FREEMAN: I appreciate that explanation. I now have a much better understanding of the process and how OLE actually comes into play in regard to non-reporting. My question then I guess would be is this something that would be better handled through the program itself than having some kind of mechanism for if you're two to three weeks past due on a dealer report that you can't purchase fish? I am not seeing a good way forward to be able to -- Not force compliance, but maybe help them along.

MS. RAINE: There are some regulations, for example, that, if a vessel is late in reporting, there is a prohibition on fishing and that type of thing, and that is great. Now, in order to -- They may be in violation if they're out fishing and they haven't reported. It is up to the agency then to prove, one, that they were late and then, two, that they were out fishing when they were late, and so it's doable, but it's sort of a two-step process, because we do have to prove that they were late and then prove that they were fishing. It's very doable, but there's a little process to it.

LT. O'SHAUGHNESSY: Along those lines, how it was done for the summary settlement schedule, for HMS, for example, it's a \$1,000 summary settlement if you don't submit your dealer report, but just below that is purchasing Atlantic HMS when electronic dealer reports have not been submitted as required, and so there is sort of a one-two step. If you haven't done them and you continue to purchase, there is something in the summary settlement schedule that can be pursued as well.

MR. FREEMAN: I know HMS is typically a little bit more stringent with their reporting requirements, and is there a similar mechanism in there for just regular federal dealers that don't handle HMS, or do you not have that information?

LT. O'SHAUGHNESSY: I do not believe there is a step-up for dealer failure to report other than HMS in the schedules that I'm looking at.

MS. RAINE: It would be in the regulations, and so give me a moment.

COLONEL BUCKSON: A couple of things. It will take me just a second to get to what my question is. My mind doesn't work quite as fast in the afternoon, regardless of how many cookies I have eaten, but I think, at the last meeting that we had, or one of the last meetings, Bonnie Ponwith did a presentation about reporting, and she actually really sold me on how important it was on their management and how critical it was, especially for some species, in making sure that they were able to either close a fishery or say the fishery can stay open, and I think that's kind of where some of these permit issues and permit sanctions and permit penalties came about, was she did a great

job, I think, of explaining to this particular AP and the enforcement representatives how important that was.

I think it sounds like everybody got that piece, and there was a question for Karen, but I will wait for her to get finished there, but one of the issues that I think I saw in here was -- It had more to do with permit sanctions than it did the penalties and whether or not permit sanctions could be levied, if you could withhold a permit or revoke a permit, and it seems that, the information that I read, that that's not part of the penalty policy at this time. Whether or not it could be with a revision to the penalty policy is not something that I can answer, but I think that that is still something that is a question that probably the industry and everybody involved needs to weigh-in on.

Again, I am relating that back to what Bonnie Ponwith presented to this particular AP, and obviously to other folks, how important and how critical it is to get that reporting to be able to manage the fisheries correctly, and so that's one other piece of this, is trying, maybe, for this group to either weigh-in on whether or not a permit sanction or revocation or suspension of a permit is more effective than possibly just a monetary fine, and so that would be one thing.

Then I'm going to drop this little question for Karen, and it might be an easier one to start with than what you're going to do, and it's back to what Michael said. I never really thought about the program actually providing the information to possibly implement the penalties. My expectation was that it always would have to be somebody within an enforcement agency, probably NOAA OLE, obviously, but that's a question I would have for you. Is there enough information that a program would have to be able to allow NOAA General Counsel to move forward with a case?

MS. RAINE: I have a lot of things to address. First of all, it does appear that in the 622 regulations, at 622.5, which is Recordkeeping and Reporting, General, under (c), Dealers, under (c)(1)(iv), Gulf and South Atlantic dealers are not authorized to first receive Gulf reef fish, Gulf red drum, South Atlantic golden crab, South Atlantic snapper grouper, South Atlantic wreckfish, South Atlantic rock shrimp, coastal migratory pelagic fish, spiny lobster, or Atlantic dolphin or wahoo from a federally-permitted vessel if the required reports have not been submitted and received by NMFS according to the reporting requirements under this section. Delinquent reports automatically result in a Gulf and South Atlantic dealer becoming ineligible to first receive such fish, regardless of any notification to dealers by NMFS. Gulf and South Atlantic dealers who become ineligible to receive such fish due to delinquent reports are authorized to first receive such fish only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section. Again, that also is making the point that it's nice of the programs to reach out and do this compliance assistance, but it's not necessary for there to be a violation.

As far as permit sanctions, I will just point out that, under NOAA General Counsel's Enforcement Section's penalty policy, there is a little -- Let's see if I can find the right slide here. There is a slide somewhere that does talk about, I believe, that -- Here it is. While permit sanctions may be an important tool in deterring future violations, we are mindful that vessel or dealer permit sanctions may result in negative financial impacts to parties beyond the alleged violators, e.g., crew, processors, dealers, and commercial markets. Given the impact that permit sanctions may have, permit sanctions are generally appropriate only in cases involving violations that are moderate to major in terms of their gravity. Permit revocation may be appropriate in extraordinary cases, e.g., where a permit is obtained by fraud or false information.

Then, again, you know the policy for the assessment of civil administrative penalties, once it gets to our office, beyond the summary settlements, is one of these slides as well, and, generally, permit violations are going to fall in this matrix, as this points out, as a Level 1 or 2 offense, and there are, I think, some significant penalties associated with that, but not permit sanctions.

As far as a program taking enforcement action outside of law enforcement, I just don't see how that's possible. The delegation for taking such actions is really to General Counsel and to Law Enforcement, and, regardless, there would have to be some sort of APA due process hearing set up, and I don't know that that's something that programs generally want to take on, but that is just not the way the system is set up. Were there any other questions or comments?

MR. FREEMAN: Hopefully a brief question that may segue into another one, for either Karen or Pat, but does the Office of Law Enforcement have access to the data that the program has as far as which vessels or dealers are not in compliance, or does the program have to forward that along to you?

LT. O'SHAUGHNESSY: It depends on the program. SAFIS, which is one of the bigger ones that is used, we rely on the program to provide that data. Logbook data, we can work through the Science Center to get at logbook data ourselves.

COLONEL BUCKSON: I think a quick question for Karen. In the penalty schedule, are there any permit sanctions related to repeat violators, or does it have to be moderate or major?

MS. RAINE: Well, in our penalty policy, which you can all read online, when there are -- If somebody has a prior violation, the prior violation could be a written warning that Law Enforcement issues or a summary settlement. It's not limited to just an action that the Office of General Counsel takes, and, depending if it's within a certain time period and that type of thing, we can move around within the penalty matrix, as far as where that penalty is going to fall, but I will tell you, and this is for all kind of violations, this penalty matrix is a nationwide penalty matrix, and it applies to all kind of penalties, again, which are detailed in the policy.

The first time a permit sanction shows up is a Level 3D, which is the gravity of offense is a 3 and D is intentional, and it's for those types of violations that fall into that box, and then, under 4 -- I should explain, for those who don't know, but we look at the gravity of the violation and the level of culpability of the individual potential respondent, and that ranges from -- Even though the Magnuson Act is strict liability, we still take these things into account in determining a penalty.

There is unintentional, negligent, reckless, and intentional, and so we're not talking about permit sanctions for cause until you're looking at a gravity offense level of 3, intentional, and then, even with gravity offense level number 4, we're looking at reckless or intentional, and it's not until you get to 5 that you're looking at negligent, reckless, or intentional, and then the highest category is 6. Then, for unintentional even, we might consider it.

I am not going to say it's impossible, but I think it would probably be unusual for a non-reporting case to get to that level, but you know I think it's probably fair to say, and, Pat, please chime in if you don't think it's fair to say, that -- I will talk about the Southeast. We have not -- At least my office hasn't had a lot of reporting cases. We have had some, but not a lot, and it would seem to

me that -- I don't know how many summary settlements have been issued, but it would seem to me that we would want to see how maybe a more robust enforcement effort, with the penalties that we have in place now, is working before thinking something else might be needed. I don't know that we really -- I will say, from my personal perspective, I don't know that we can really say that right now.

MR. FREEMAN: One last thing, hopefully. I tend to agree with Karen that I don't foresee a permit revocation really being necessary for non-reporting. It's just there's been an absence of monetary fines for most cases that I am aware of for non-reporting, and so I would definitely start there before you start talking about changing the matrix or adding on different levels where that would come into play, but my new-found understanding of this is, if the council is concerned with non-reporting and wants to find the most efficient way to address it, would it be easier just to have the program forward along non-reporting cases to OLE maybe a little more frequently?

LT. O'SHAUGHNESSY: The council provides their input on the priorities that they're looking for, and that's how OLE dictates or OLE determines that their priorities are. Again, it's a manpower limitation, but, if that ratchets up to the level that it is one of the more important priorities, and the councils make that known to OLE, then our emphasis is readjusted to move from somewhere else, given our limited manpower, and then we focus on that particular action, and so, yes, that would change.

MR. FREEMAN: I think that was about it for me. Thank you, guys, both of you.

MR. WAUGH: I think, from the council having gone through this whole process, the council isn't interested in sanctioning permits. They want the reporting, and I think one take-away from this whole process and taking it up to the Coordinating Council level is what we now need to do is work with the Center and the Region to develop the procedures so that fishermen and dealers are notified right away when their reports are late and that there is a process established that whoever is monitoring the landings then documents this in a way so that enforcement action can be forwarded to law enforcement with all the required paperwork and backup, so that then law enforcement can take an action.

I think the take-away for us is the current procedures are there, but what's missing is a process to document late reporting and first advise people quickly. Everybody's life is busy, and these systems, as they move to electronic, the individual for dealers now, with electronic reporting, they should get a notification right away, the day after they're late, just a friendly reminder, and a notification that it's a friendly reminder, but, by the way, you are not legally allowed to purchase product until that report is in.

I know that would help me, if I were running a business, and so I think that's the take-away for us. There is adequate law enforcement regulations on the books, but we just need that procedure to be established between the Center and the Region to get that information for law enforcement to take action.

MR. FREEMAN: Just real quick, I wanted to clarify, in case I didn't make it clear, but I was speaking primarily to dealers and not necessarily vessels. Like Bob said earlier, some of these fishermen can go back to back to back to back for weeks on end, and it can be very difficult to set aside the time to actually fill out that report as soon as you hit the dock. The benefit that they have

is that it's a monthly submission, and so they could make the time at the end of the month or whatever it is to fill it out, but I just wanted to clarify that I was speaking as to dealers, because that's where I see a lot of the issues coming from, particularly with early closures or inaccurate closures of fisheries.

CAPTAIN LYNN: Is there further discussion? Are we good? Myra.

MS. BROUWER: Thank you, and so our next item on the agenda actually is going to have to be moved to tomorrow, because Chip isn't here, and so it's up to you, Mr. Chair, how you want to proceed. I'm not sure how long spiny lobster could take, and it's 4:30. Let me just talk to Christina real quick.

CAPTAIN LYNN: Before we get started, does anybody need a five-minute break just to stretch your legs? Let's take five and come back.

(Whereupon, a recess was taken.)

MS. WIEGAND: All right, and so, when I'm not working on cobia, I also am the staff in charge of the Spiny Lobster FMP, and, right now, we're working on Spiny Lobster Amendment 13, and one of the big focuses with this amendment is making things a little bit easier for law enforcement, and so I wanted to go over the different actions in this and what we're trying to achieve with this amendment and get some feedback from you guys, who are actually out there doing the enforcing.

This all started in Florida. Stakeholders brought to FWC some concerns about the bully net fishery. They were having conflicts with recreational bully netters and commercial bully netters as well as conflicts with other user groups in the spiny lobster fishery and homeowners in the area. Through a series of public meetings, FWC implemented a number of new regulations related to bully netting for spiny lobster, including changing the definition of a commercial harvester to include bully net users, and they created an open-access bully net permit, and it's actually a permit and not an endorsement. They required vessels to be marked with that endorsement number in reflective paint and prohibited trap pullers aboard commercial bully net vessels and then prohibited simultaneous possession of any underwater breathing gear and bully nets.

Right now, there are inconsistencies in the regulations in Florida state waters and regulations for bully nets in federal waters, and, previously, in the Spiny Lobster Fishery Management Plan, there was an enhanced cooperative procedure that allowed FWC to propose rules directly to the National Marine Fisheries Service for implementation without formal action by the councils, and this was originally put into place in order to create a timelier mechanism for regulations to be implemented.

MS. RAINE: Could you tell us what the inconsistencies are?

MS. WIEGAND: I will. We're going to go through individual actions that address the individual inconsistencies, and so I will definitely get into that. This process to create timelier regulations was accidentally removed. In Amendment 10, they did some updating to the language and the procedure and protocol, and the procedure that went with that protocol was removed, and so it just needs to be updated again before FWC can again propose rules to the National Marine Fisheries Service directly.

Right now, we've got a set of actions and alternatives that the council will then see fully drawn out and analyzed at their June meeting, and they will be looking to approve it for public hearings. Like I said, one of the goals with this is to aid law enforcement, and so that's what we're really looking for comment from you guys on, is whether or not these changes are going to help with enforcement.

The first action in this amendment addresses the bully net regulations, and there are currently no bully net regulations in federal waters. There are very few places in federal waters where you actually see bully netting. The water is typically too deep, but what this action would do is it would align regulations in federal waters with those new regulations in Florida state waters, and all of these are just for the EEZ off of Florida, and so this isn't going to affect North Carolina, South Carolina, Georgia, or any of the Gulf states outside of Florida.

Again, those regulations would now require commercial bully net vessels operating in the EEZ off of Florida to have the bully net permit from Florida. They would have to have their vessels marked with that permit number, and it would prohibit bully net vessels from having trap pullers onboard, and it would prohibit the underwater breathing apparatus and bully net gear possessed together.

One of the reasons we think this could help with law enforcement is there's been a lot of sort of anecdotal public testimony about people using the bully net fishery as a cover for illegal activity, and so they are trap-robbing from federal waters at night, and they are diving for lobster without the commercial dive permit from Florida or working traps without the correct certificates or trap tags or they are working traps at night, and they are blending in with the bully net boats in order to avoid being caught, and so the goal of this is to create consistency between federal and state regulations and reduce confusion and hopefully aid in compliance. I don't know if you guys have any comments about this action and how it might affect your enforcement efforts.

CAPTAIN LYNN: I guess that would be you, Scott.

CAPTAIN PEARCE: I believe that the consistency across the board will help law enforcement, but it will also help the harvesters, the commercial fishermen, because the information is going to be consistent, and it protects the different fisheries from that potential of somebody that's going out under the cover of darkness to poach and whatnot, and so it's definitely going to improve overall, and I don't think it takes away from anything. It just helps to be more consistent.

MS. RAINE: I guess my question -- I mean, yes, we generally do like consistency, but sometimes there is a reason for it and sometimes maybe not. I guess I am wondering what kind of action do you really expect to be in federal waters? It sounds as if this is more of a Florida state water issue rather than a federal water issue.

CAPTAIN PEARCE: I think it comes back to the fact that, even though bully netting may not be as prominent in federal waters, they were using it as a mechanism to get out to federal waters, because they could get away from the Florida regulations, which limit the possession of breathing apparatus and possession of trap pullers, and that gave them the opportunity to use that system to poach, to affect other trap fisheries and things like that.

MS. RAINE: Do you mean in federal waters or state waters?

CAPTAIN PEARCE: EEZ waters is what I'm referring to.

MR. FREEMAN: I am not super familiar with the bully net fishery. I know a little bit about it, and so what you're saying is, since there is not a federal ban on breathing apparatus with a bully net that they're going out into federal waters and diving with a bully net, or there is no way you would be in shallow enough depth to be able to use it from the vessel.

CAPTAIN PEARCE: They were using the -- Again, this is my referring back to my officers in the southern part of the state, but they were using that mechanism to get out there, and they would use the diving gear to go down there to rob traps or dive at night, do things that -- The bully net was just an excuse to be out there. Then, when we would show up, they would say, yes, we harvested those with a bully net, and it was pretty clear that they were probably not able to, but there was no way we could prove otherwise, and so, therefore, they would have lobster product onboard, and these other pieces of equipment were there, but the burden of proof was on us to be able to prove that they used the bully net -- They used other means versus the bully net, and we didn't have it, and so it was a problem, and all of this came from the stakeholders.

MR. FREEMAN: So, I mean, really, even if NOAA aligns their regulations with the state regulations, you're never going to come into a situation where a bully net is being used in federal waters. They're just trying to get around the state regulations by taking one out, so you technically can't get them for having a lobster onboard, and is that -- Am I understanding that correctly, and the diving gear?

CAPTAIN PEARCE: Yes, it just holds them more accountable. Again, Bruce might be able to comment a little better, because he worked in that area, but, to my knowledge, there's not a lot of federal waters that would be shallow enough for the use of a bully net, but the Keys is a unique place, and not having as much experience down there, there may be some limited places, but, for the most part, it helps us to differentiate between the fisheries and keep people honest by limiting what they can have in those circumstances.

COLONEL BUCKSON: The Captain was accurate. I don't know of any federal places where you could actually use a bully net, unless it had a thirty or forty-foot pole on it, and then you wouldn't be able to harvest anyway, and so I think you were accurate.

MR. JONES: Just for the record, I think -- I guess it's an administrative record we're working on here, and it does solve a conflict. It does solve a real conflict down there in that area, and it doesn't hurt anybody except the crooks.

MS. WIEGAND: We have heard comments from stakeholders that particularly the reflective paint for the permit number, to help identify recreational versus commercial bully netters, to identify where some of these problems are coming from. That's one of the major comments we've heard from stakeholders in the process of developing this amendment.

The next few actions are a bit easier. Currently, there are no commercial daily vessel harvest or possession limits for bully net or dive gear in the EEZ off of Florida, and so this action looks at establishing a 250 per day lobster limit for bully nets in the entire EEZ off of Florida, which is consistent with Florida state regulations, and then establishing a 250 lobster daily vessel limit for diving in the EEZ off of Broward, Dade, Monroe, Collier, and Lee Counties, which, again, is



consistent with Florida regulations, and, under this action, the council would be able to pick both Alternative 2 and Alternative 3 as their preferreds, should they choose to, and, again, the goal, in terms of aiding law enforcement for this, is just creating consistency in regulations to improve compliance and enforcement.

MS. RAINE: Except it sounds like there is no bully net fishery in federal waters.

MS. WIEGAND: It's my understanding, and I can't identify exactly where these places are, but there are one or two areas where it is shallow enough in federal waters to bully net, and these are very small areas. Generally, no, there is no bully netting in federal waters.

AP MEMBER: I have the same question. We just argued that there is no bully netting in the EEZ, and now we're setting a limit of 250 per vessel per day for bully netting, and so I just want to make sure we're not using that for the last reasoning of why we should have like rules, and now, in the next rule, we're setting establishment for a minimum level of fishing that is apparently taking place in the EEZ.

CAPTAIN PEARCE: It comes down to consistency. We are trying to make it as consistent as possible when we're sending out a message and providing information to the harvesters. If we can say this is the one standard for state and federal waters, and, again, it's very limited on bully netting in federal waters, but it's another mechanism for us to control what kind of product is on that boat, in case there are any situations where they are taking advantage of the situation.

Again, it's keeping consistency with diving, and it keeps those aligned, and so we know that, if they are harvesting lobster beyond the purpose of the bully net, at least we're keeping them within a certain limitation of what they're getting, but it's mostly consistency. It's mostly when we're putting information out and we're letting them know what they can do. They don't have to worry about two different regulations in two different areas, and we don't have to worry about differentiating between were they in federal waters or were they in state waters or were they in transit, and it just makes it more consistent.

MS. RAINE: I will just say that you do have to prove -- I mean, for the federal government, you do have to prove if somebody is in federal waters if you have a violation, and I don't know what Florida provides, but, if we have a case where we're going to charge somebody for doing something unlawfully in federal waters, we do have to prove that that's where they are.

CAPTAIN PEARCE: There is no doubt about that. We're not going to arrest or cite somebody for possession of something in state waters unless we can prove that it was in federal waters, and mostly that contact is going to happen in federal waters, or in the EEZ.

MR. FREEMAN: I might be a little off base here, but, as far as I'm aware, I don't see any point in the State of Florida where it would ever be shallow enough, regardless of where you are, to be able to use a bully net in the way it's intended to be used. Being that there is not a federal fishery for it, would it not make more sense just to put a ban on bully nets in federal waters, as opposed to adding a bunch of regulations that are never going to come into effect? It just seems like a lot to add to federal regulations for something that doesn't take place to begin with.

MR. JONES: Has this gone through the Spiny Lobster Advisory Committee, or has that yet to go to them?

MS. WIEGAND: It has not yet, but the Spiny Lobster Advisory Panel is meeting on May 7 from 1:00 to 4:00 p.m., and they will go over this.

MR. JONES: Have they had any input previous to the meeting coming up?

MS. WIEGAND: They haven't yet.

CAPTAIN PEARCE: I would just reiterate that a lot of this came from -- There was stakeholder input as well that came in behind this to support this, and so this was -- The reason this came together and the reason we asked for consistency was also based on stakeholder input.

MS. WIEGAND: The next action addresses specification of degradable panels for spiny lobster traps in the EEZ off of Florida, and Florida state regulations for degradable panels are a bit more specific than the ones we have in federal waters, and so we'll see if I can get through this without getting tongue-tied.

Degradable panels in federal waters can be constructed of wood, cotton, or any material that can degrade at the same rate as a wooden trap, whereas, in Florida state waters, they must be constructed of cypress or untreated pine slats that are no thicker than three-fourths of an inch. In federal waters, when removed, they have to create an opening in the trap that is no smaller than the diameter that is found at the throat or entrance of the trap. In Florida state waters, that opening must be six-inches-by-four-inches or no smaller than the dimension of the throat or entrance of the trap, whichever of those two is larger.

In federal waters, that degradable panel can be located on the upper half of the sides or the top of the trap, whereas, in Florida state waters, it has to be located on that top horizontal section of the trap, and so, again, the goal with this is just to ease understanding of regulations and any possible enforcement issues between state and federal waters, and it's my understanding that, the way the Florida state regulations are written matches with how fishermen currently put degradable panels on their traps.

MS. RAINE: Okay, and my question on this is about the materials used. It looks like in federal waters that it's just sort of generic wood, whatever it is, and so, putting on my prosecutor hat, for Florida state waters, it must be constructed of cypress or untreated pine slats, and so we would just have to have, I guess, expert testimony or something, because we would have to prove that it was or was not that type of wood.

LT. FAIR: Just to speak to Ms. Raine's comment, I am offshore and we're pulling a bunch of traps or doing a gear inspection, unless I have a document or a certificate from the manufacturer that says it was constructed of this material, I don't necessarily know how I enforce that and then put together a case package that can be prosecuted.

MR. FREEMAN: Is there a reason that the FWC has such a specific type of wood that is allowable? Is there some advantage to where it degrades faster, or would wood in general work as just a biodegradable material?

CAPTAIN PEARCE: Typically, when we reach a conclusion on something like that, it's based on stakeholder input, and it's based on what are they using to construct their traps, and, obviously, the treated, we don't want that, because it's not going to degrade, but the pine is usually the most available, and it's usually consistently what you see utilized in that fishery, and that's how we came to that determination. Again, it involves a lot of stakeholder input, and that's been in place for quite a while, quite a few years.

MS. RAINE: If it's been in place for quite a few years, I guess my question then would be do you have cases that have gone to court and some sort of decisions about what kind of evidence that you have needed to show the wood?

CAPTAIN PEARCE: I don't have that information handy, and I can go back and look for any cases in the past. Most of the time, when we find situations with those traps, it's very egregious, and it's even to the point where there is no wood slat, and so, a lot of times, we -- As long as it wasn't treated pine, we would probably take the stance of education on something like that and say here is what you need to work with, but, most of the time, we make cases because either they have rendered the trap where, even if the biodegradable wood panel went out, it still wouldn't -- The contents wouldn't be able to escape the trap and things like that, and so usually it's very egregious when we make those cases. It's not simply because they used a different type of wood, other than a treated pine slat.

COLONEL BUCKSON: Can you scroll back so I can see the federal comparison? I think the point is making sure that it's going to degrade, and there is nothing in the federal regulation that requires it to be untreated. It could be pressure-treated wood that would last like forever, and that's the challenge there, and so that is the reason that Florida was so cautious in the description of what that is, is to make sure it was functional.

LT. FAIR: As long as it degrades at the exact same rate, and obviously pressure-treated wood would not degrade at the same rate as the wood trap. For the majority of the cases that we see, it's not necessarily the trap. It's like the Captain was saying. It's the escape panel that is non-existent.

COLONEL BUCKSON: Agreed, to that point, but, I guess, to your point, what's easier to prove, that it's pine or cypress or that it's going to degrade at the same rate as the rest of the trap?

LT. FAIR: From a strictly enforcement perspective, I'm not even going to check the wood. I am going to make sure that it meets the requirements, because there is no way that I am going to be able to determine what material it's made of, nor is a BM3 or a BM1 that's on the boat going to be able to test the wood, and so we're going to look at the dimensions, and we're going to look at the escape hatch, and we're going to look at the panel can come off, and then, after that, we're moving on. Like some regulations, there is stuff that is in there because it needs to be in there, but it's really not enforceable at the deck-plate level.

COLONEL BUCKSON: Again, I guess I come back to the original reason that this is here, is to get some consistency, and so, if everybody seems to be agreeing that the material is not that big of an issue, then what's the issue in changing it? I am not following that one, I guess.

MR. FREEMAN: Real quick, I guess my concern would be are there lobster fishermen that are fishing in exclusively federal waters using traps that are degradable at the same rate as untreated pine or cypress? I mean, if you go and you align it with Florida's regulations, which is more restrictive in what you're allowed to have on the trap, are you introducing an unjust expense to fishermen that are otherwise legal in federal waters to have to go redo them all?

CAPTAIN PEARCE: In communication with my officers, in the Keys area of Florida, and especially our offshore boat program, I specifically sent out something asking if they are seeing a difference between the traps that they're pulling in federal waters versus what they're pulling in state waters, and the constant feedback I got back was that they are using the same methodology on the traps that they're putting in federal waters as they're using in state waters, because, if they are going to buy traps or they're going to put traps together, it's easier just to build one type, because the dimensions of the trap and the harvestability of the trap are the same.

It's just those specific things we're talking about here, and so, when they're building traps, whether they're using state waters or federal waters, they are building them consistent. That's from our boarding teams and what they're seeing when they're checking boats and they're checking traps and pulling traps.

MS. RAINE: My concern with the difference would be if boarding officers -- I mean, why have a regulation on the books if a boarding officer can't enforce it? From what Lieutenant Fair is saying, the Coast Guard -- It would be impracticable, unless I guess there is some sort of field test to be able to determine what kind of wood it was, and, when there are regulations on the books, at some point, somebody expects them to be enforced, and I am not saying that it's impossible to have somebody who would be able to say that it was cypress or untreated pine, but I'm just saying that's -- Whether right now, for whatever reason, other portions of the regulation are being enforced rather than the type of wood -- I just think it's something to think about.

LT. FAIR: I think what we're doing is we're just talking in circles. If the material is not necessarily the issue and we want to standardize the location, the upper half or this or that, I think that's more of the discussion point here. The state seems to have put a more strict requirement on the definition of the wood, and I don't see there being an issue with the federal requirement if it's made of a wood that will deteriorate at the same rate.

Now, if we want to standardize the upper portion, where the escape hatch is, and make that consistent, I still think you have consistency between the federal and the state, because it's going to deteriorate at the same rate as the pine or the cypress, and so that's irrelevant. Let's focus on the consistency between the other two items.

COLONEL BUCKSON: I agree that we are probably talking in circles about some detail that may not matter all the much, but, if that's the case, why have the wood issue at all in the federal regulations, since everybody has just said they can't enforce that federal regulation as far as the wood goes anyway? I mean, you've got an inconsistent federal regulation and state regulation, and the harm is in Florida, and it's a request from the Florida Commission, I guess, to try to get some consistency there, and I'm not sure that that's as big of a difference, Karen's point taken that we may never be able to prove the cypress or the untreated pine, but you probably can't prove the federal regulation part of the wood either. Just delete both of them.

CAPTAIN PEARCE: If I could just speak to this one last time, but I will say that the material, again, is -- Back when that was established, I wasn't with the agency at the time, but I want to say that they probably did the research and looked at the majority of the wood that traps were constructed from, for biodegradable purposes, and what is most available in the industry, and I'm sure there was a lot of stakeholder input and that's how they determined those two types of material. That was mostly where that comes from, because it talks about the type of wood panel that would come from a trap constructed of wood, which I think was the traditional sources of wood that was used in those traps in that industry.

MR. FREEMAN: I guess my only other comment would be, at least from what I'm seeing here, apart from the no smaller than six-by-four-inches, the actual size of the hole itself, yes, they are inconsistent, but anyone with a Florida state waters approved trap is already going to be okay in federal waters, and, without seeing what went into the determination by the FWC to decide on cypress or untreated pine, and I'm just having a hard time thinking of some reason to be more restrictive on the type of wood you can use, being that the federal regulation already calls for degradable at the same rate, and, on top of it, like Lieutenant Fair brought up, it's not something that a boarding officer is going to be able to verify during a routine stop. I mean, it's basically just as long as it's not made out of metal or something where it's not going to degrade.

MAJOR WALKER: The federal regulations speak to wood in general, and so, technically, it could be treated wood. It doesn't say degradable at the same rate as the Florida wood, and it says degradable at the same rate of any kind of wood, I would assume, and, the enforceability of that, you would take and seize that evidence and present it in court. If you had to get an expert to testify if it was treated or untreated wood or whatever kind of wood it was, that's the step you've got to take to enforce it.

MS. RAINE: But that's only, I think, if it's some other material. I mean, I was just talking about the wood, and I think it's only if you run into other material that you have to determine with an expert, I suppose, whether it would degrade at the same rate as a wooden trap, but I'm just talking about the difference between the different wood, between wood and then the cypress or untreated pine.

MR. FREEMAN: The only potential issue I see is if in the federal regulation it doesn't actually specify that it needs to be untreated wood. If it's technically legal to have treated wood in a federal trap, I could see an issue there, but, otherwise, I don't really see any issue here between state and federal enforcement, especially if the FWC is not coming across people that aren't using something other than cypress or untreated pine to begin with.

LT. FAIR: I will just say that I see no issue in changing it to cypress or the untreated pine, just speaking from a practical aspect. It's not going to change anything, because nobody is going to test the wood, and so you're not going to make a case on that. We're going to look at just the gear requirement itself.

MS. WIEGAND: All right. Then, moving on to Action 4, which here's where we're definitely looking to have a bit of discussion, and so this is addressing harvest restrictions near artificial habitat in the EEZ off of Florida. Currently, the federal regulations for spiny lobster have no formal definition for artificial habitat, and so there are no restrictions or harvest or possession of spiny lobster on artificial habitat.

Florida does have a definition of artificial habitat, and their artificial habitat definition reads: “artificial habitat” means any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster. Such material may be constructed of, but is not limited to, wood, metal, fiberglass, concrete, or plastic, or any combination thereof, and may be fabricated for this specific purpose or for some other purpose, and this does not include fishing gear allowed by rule of the commission, legally-permitted structures, or artificial reef sites constructed pursuant to permits issued by the United States Army Corps of Engineers or by the Florida Department of Environmental Protection.

Additionally, in Florida, they have prohibitions on harvest near artificial habitat. No person is allowed to harvest spiny lobster from an artificial habitat, and, additionally, harvest and possession of spiny lobster in excess of the recreational bag limit is prohibited within ten yards of artificial habitat, and so this action looks at adopting Florida’s definition of artificial habitat for spiny lobster and instituting those same prohibitions and limits in federal waters.

The council has had some discussion about this, and there is the goal of easing the understanding of regulations and making enforcement easy by creating consistency, but the South Atlantic Council is interested in hearing a little bit more about the enforceability of this rule in federal waters. It’s my understanding that the goal with this is to keep people from doing things like dumping washers and dryers out in federal waters to try to create habitat where they can then easily harvest spiny lobster.

MS. RAINE: Okay, and you probably figured I would have comments. First, I will begin with notice issues. Florida’s regulation is so broad to cover any material, and we do need to put people on notice as to where they can and cannot fish, and I don’t think that there is a listing of everything that is out there, and it could include so much, that I don’t know that people would reasonably be on notice as to what they can and cannot do. That is one issue.

Another issue is I am not sure what kind of evidence we might expect to show that somebody was within ten yards of this artificial habitat, whatever that is and wherever it is, and I don’t know how this works in Florida waters, but I imagine that, in federal waters, for the most part, it’s going to be pretty deep, and I just would have no idea what kind of proof law enforcement would be able to put together, and I can’t imagine that there will be divers on hand. I mean, I just have no idea how this could be enforced and to make a prosecutable case and the notice issue.

CAPTAIN PEARCE: Again, going back to the whole purpose behind the artificial habitat was that, yes, it was because people were creating these artificial habitat sites everywhere using anything they could find, car hoods, old washing machines, pool filters, whatever they could get out there that was an attractant. The idea of prohibiting harvest from these sites was, again, to deter even putting them out there in the first place. If you can’t harvest from them, why put them out there?

The ten yards, by the state attorney in Florida, we have to prove harvest from the artificial reef, and so, even though it has ten yards in the language, the state attorney in Florida wants us to be able to articulate that we saw that person harvesting from that artificial habitat. The ten yards, what it does do is it gives that diver, or person who is down there, a reference point to know that, okay, here is artificial habitat that is not documented, and it’s not a public site, and it doesn’t mean

that I can't dive this reef or this area. I can be here, but I just can't be within ten yards of that artificial habitat, and so now they're not going to pull anchor and move to another location just because there is a piece of artificial habitat there.

It's more of a reference point to provide those divers, so they can say, okay, I need to stay away from that over there, and I can dive in other locations around it. We as law enforcement have to be able to prove that case. If we're going to take that to court, that they harvested from an undocumented, unauthorized artificial habitat, we have to be able to prove they took from it. Yes, that is difficult.

If it's shallow enough and we can visibly see it from the vessel, we can watch them, and we can see what they're doing from there, but we have details where we actually put divers in the water, or snorkelers in the water, to make those cases. We have dive teams within our agency, and we actually will put those details together, but they're very complex, and it's not something you just do on a whim, and so it is difficult, but that's the reason behind that, was to discourage people from creating these artificial habitats that were not authorized.

MR. FREEMAN: I guess the first question that comes to mind is has there ever been a case that has actually been enforced for harvesting off of one of these?

CAPTAIN PEARCE: Yes, we've had details, but they were in, obviously, state waters, and shallower waters, but we have actually utilized -- By putting officers in the water with snorkeling gear, we have made cases on people that were harvesting from these habitats, but we have to see them harvesting from it.

MS. RAINE: I guess I would kind of be surprised if there were dive teams for the federal waters.

LT. O'SHAUGHNESSY: There is no dive teams within OLE, and so, when we have dive services that we need, we usually go to our state partner agencies that have dive teams.

MR. FREEMAN: So, I mean, my understanding is -- Just taking into account just the difference in depth of federal waters as opposed to state waters, where you can put a diver on the surface with a snorkel and see what they're doing on the bottom, I don't see any way that NOAA would ever be able to enforce any of the regulations you have regarding artificial habitat. It's already illegal to dump it in the first place.

CAPTAIN PEARCE: You're right that it's a difficult case to make, but we've made them, and it brings consistency, and it does have that factor of basically there is no need to put artificial habitat out there if you can't legally harvest from it. Again, it's up to us to make those cases, and the burden is on us to do the work to make a case, but it's just brings consistency.

MR. JONES: Are these commercial or recreational divers?

CAPTAIN PEARCE: It's in the commercial and recreational.

MS. RAINE: I don't know how the consistency argument really works here, because this is -- I mean, it would be diving in individual locations, and the idea is that it would be a specific location, but, of course, in the federal arena, we would have no idea where that was at. As I say, the notice

issue is very concerning, but I don't see how this idea of consistency really gets us anywhere in this particular situation.

MR. FREEMAN: I would have to echo Karen on that one. I get the argument for you want state and federal regulations to be the same. It's easier for the fishermen and everything else, but if it's impossible for NOAA to identify that someone is actually harvesting within ten yards of artificial structure, how does simply having the regulation deter anyone from dumping when they would otherwise to create artificial habitat?

COLONEL BUCKSON: A quick question, I guess for Captain Pearce. Do you ever do federal fisheries enforcement in the Keys?

CAPTAIN PEARCE: Yes, and that's the key, is that our officers are the ones that are patrolling those waters, and so it's really FWC that is going to be working with the Office of Law Enforcement in making those cases, and so we're predominantly the primary enforcement agency on the federal waters, other than the Coast Guard, and we work with OLE and our NOAA officers there.

Based on that, the information we receive from the community, if we have trap harvesters that are giving us information telling us that there are people out there that are putting habitat out there and they're diving it, it gives us information, and it just gives us tools to be able to provide a service to our stakeholders when we get information that there is illegal activity that is going on. Now we have resources to go out and focus on it, and so it's not going to be a random thing. It will be more of a focused type of enforcement.

MS. RAINE: Do you know the depth of federal waters in the Keys, or do you have -- I am not sure what kind of guidelines you have for your divers, but I am wondering -- Again, the depth of the waters, for federal waters, in the Keys, if that's where you would be focused, but, again, it goes back to how do people know, because the definition of artificial habitat is so broad, and it can be anything, no matter how big or small, and how are people going to know that they're in an area that they're not supposed to be doing this?

CAPTAIN PEARCE: Most artificial reefs, artificial habitat, that is legally out -- That has been placed out there has been done through permitting, and so it's a publicly-listed numbers. If it's an artificial habitat that is listed on a public number, that means it was done through a legal process and permitted, and that's not an issue. Anything that's out there that was not permitted is basically you can't harvest from it.

MS. RAINE: I will just say that that's not what this says. It's like any material, and it doesn't talk about -- I don't think it talks about permitting process.

CAPTAIN RAINE: In the end, it talks about legally permitted.

MS. RAINE: Okay, but, still, there is -- I know that my office is very concerned about the notice issue, and how deep are the waters? Where do federal waters start with the depths in the Keys?

CAPTAIN PEARCE: I would have to look at the chart to give you a good, accurate description of the depths. It ranges, but some of it is very doable, as far as diving and working this, and



obviously there are points at which it's going to be a very difficult process or something we just can't do, but there are a lot of areas in the Keys that are in federal waters that we could dive if we had to.

COLONEL BUCKSON: One comment that is probably irrelevant, but I will save it for the second comment, and Lieutenant Fair may know better than I, but I lived in Islamorada, where I could see Alligator Reef Light, and Alligator Reef Light was at three miles. When you patrol out there, on the Gulf Stream side of Alligator Reef Light, you might have been in fifteen or twenty feet of water. You could see the bottom in most cases, and, actually, as Keys begin to turn a little bit more west, that three-mile limit may even be a little bit shallower than what it was at Islamorada, where the bend is, and so there are definitely some places where you could actually see the bottom, and so you would know what you were looking at, whether you were enforcing it or not.

The irrelevant, but maybe somewhat relevant, to what Karen just said, is I can remember being on patrol off of either Key Largo or Plantation Key in the early 1980s and going through an area that was probably fifteen feet deep that I was familiar with, very familiar with, and the bottom came up to maybe ten, or a little bit less than ten, feet, and I could remember dragging the skeg of my patrol boat on something, and I had no idea what it was, because it had never been there before, and so I turned around, like a good officer would do, to see what you had hit, and it was actually a Volkswagen bug, and so it was definitely very prevalent in the early 1980s and into the 1990s, those kinds of things, and I think that's what they're dealing with at this point. It's pretty obvious when it's not a permitted piece of material.

MS. RAINE: Maybe I am reading this too quickly, but it appears as if artificial habitat doesn't have to be permitted. It doesn't include that, and so it says no person shall harvest any spiny lobster from artificial habitat, and that means any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster, and so it isn't necessarily permitted.

The other thing is I guess I can appreciate why your state attorney is saying that you have to prove that they actually took it from the habitat, because I am not sure how you measure the ten yards, and that's another issue that it seems to me is very difficult and challenging for prosecution and for enforcing.

CAPTAIN PEARCE: Again, going back to the ten yards, it also -- For the diver, if they happen to be diving a reef or diving some bottom harvesting and they see this artificial habitat, it doesn't prohibit them from being able to dive and keep harvesting where they're at. They just know they have to stay clear of that, and it gives them a distance reference, but we as law enforcement aren't going to pursue them unless we see them harvesting from that habitat. In the definition, it does speak to permitted structures or artificial reef sites constructed pursuant to permits issued by the United States Army Corps of Engineers or by the Florida Department of Environmental Protection.

MS. RAINE: Yes, but I think it does say the term does not include fishing gear allowed by the rule by Florida legally-permitted structures or artificial --

CAPTAIN PEARCE: By our definition, it does not include those things, and so those things are perfectly okay for harvesting.

MS. RAINE: I guess that's my point with the notice, because how is somebody supposed to know all these other little pieces that are out there? How are they supposed to know where they're at? Again, notice, as far as what is lawful and unlawful, is pretty important.

CAPTAIN PEARCE: All permitted sites are listed as public -- Those sites are listed, if they're permitted, and those numbers of those sites are listed, so the public can access them for fishing artificial reefs, and so they are listed.

MR. FREEMAN: Let's say I'm out and I want to go dive for some lobster, and I am unaware that FWC is directly above me, with divers in the water watching me, and what happens if I don't realize there is a piece of metal this big that a lobster could be reasonably hiding under near where I am harvesting and I stick a lobster within ten yards of this? Is it officer discretion if they want to try to pursue?

CAPTAIN PEARCE: Again, you would have to be harvesting from that structure.

MR. FREEMAN: Within ten yards of it.

CAPTAIN PEARCE: Again, for law enforcement purposes, and the direction we provide our officers and based on the fact that it has been done in federal waters before, but, in state waters, our state attorneys as well want us to validate that the person was harvesting from that structure. The ten yards is in there, and, again, that was in the rule, but it also gives that diver the reference point to say, okay, I can still dive this area, but I just need to stay ten yards away from that habitat that is not legal, because it's a washing machine sitting there or a hood of a car or a Volkswagen bug.

MR. FREEMAN: I guess that it should be that, number one, it doesn't specify how small an object can be to be considered artificial habitat. Number two, the way it's written, at the end of the day, it's officer discretion if they want to try to pursue a case against me within ten yards of it. I understand that you're saying that your procedure is they have to have harvested it off of that artificial habitat, but that's not how it reads, from what I just briefly saw there.

CAPTAIN PEARCE: I understand your concern, but I can just tell you that's the direction we provide and the direction of the state attorney on how we enforce it, and, again, as anything we do in FWC, there are all the factors. For education, we're going to educate a lot more people than we're going to cite, because there is a good chance this person may not have a clue as to what the law says, and so we're going to validate that first, and so there's a whole interview process, and everything takes place after the fact of seeing what we see. We had to prove intent and things like that, and so all those factors are there, and so, just simply seeing it, there is other factors that we apply before we are going to decide whether we warn somebody or educate somebody or write a citation.

MS. RAINE: Okay, and I'm really not trying to beat a dead horse, but we keep talking about things that are permitted and things that are not, and it seems to me, and please somebody correct me if I'm wrong, but it seems to me that, if it's a legally-permitted structure or artificial reef, then it's fine to harvest off of those, and, yes, I get that you may have a list of those. The difficulty is where, according to this, it's not fine and there's not a list of those, and that's where the notice issue comes in.

MR. FREEMAN: Just so that I understand Karen perfectly, the issue with your office would be that you would have to somehow notify people of these thousands and thousands of artificial habitats they are not allowed to harvest from?

MS. RAINE: Well, my understanding, and I don't think -- When I am saying my office, I don't think it's just -- I think also on the program side, the attorneys on the program side, I think they're concerned about will people have notice as to where these locations are and what they can and can't do, and certainly, when you're looking at regulations developing them or enforcing them, you want to be sure that people are on notice as to what's lawful and what isn't lawful, and, generally, when we're telling people that they can't fish somewhere, we have an area or a season. If it's a season or an area, it's something that is more defined, and I get the issue of people dumping things in the ocean. I guess you all know sort of some of the issues that I've raised that I think make it problematic from a prosecution viewpoint.

LT. FAIR: I think we just keep discussing this, but I don't think this rule is intended to be more of an enforceable action. I think this is a behavior modification action. It's not illegal to have an artificial reef. It's illegal not to have a permitted artificial reef, and, if I'm going to go dump this Volkswagen here, and nobody catches me dumping the Volkswagen, currently, according to federal standard, it's not illegal for me to go fish that Volkswagen that I dropped a month ago, and so, now, if I'm not allowed to go fish that, even though it's going to be difficult to enforce, it's the behavior modification of me dumping it in the first place, because, if I do go fish that in the future, there is a law on the books that says I can get -- It's a prohibition. I think this is more of a behavior modification, and I don't see any harm in doing it. There may be an issue in trying to prosecute or enforce the case, but I think this is more of a behavior modification to prevent something from happening.

MS. RAINE: I guess I would just sort of hope that the council and others would think about regulations that may not be enforceable in a practical way and is it something that you want to put on the books.

MS. WIEGAND: Thank you. That conversation was incredibly helpful to get a bit more detail about how practical this is for federal waters. Last, but not least, Action 5 looks at updating and reestablishing that enhanced cooperative procedure that I talked about, and so, under this, FWC can propose rules directly to the National Marine Fisheries Service for implementation in the Florida EEZ, and these rules do still have to meet Magnuson-Stevens Act standards as well as any objectives set up in the Spiny Lobster Fishery Management Plan, and the councils, both the Gulf and the South Atlantic, do get an opportunity to comment on whether or not these proposed rules do meet those standards.

Really, the goal with this is just to keep consistency between regulations in Florida state waters and federal waters off of Florida and to do it in a timelier fashion than is necessary without this. Without this, the councils have to go through either a full amendment or a regulatory amendment process, which can be time consuming, and it has resulted in inconsistent regulations in the past.

LT. FAIR: It's not on here, but I think it's pertinent to mention it right now. We are actually having this discussion right now at the schoolhouse with regard to spiny lobster, specifically

coming from Bahamian waters. Currently, right now, you can spear fish or spear gun lobster in Bahamian waters and return to Florida waters, and, according to FWC, it's completely legal.

According to federal law, if you have lobster with puncture holes in it in federal waters, it's illegal, but we're adopting the FWC's policy, because, as long as the gear is stowed and as long as it was harvested in the manner in which Bahamian law said you can and you have a cruising permit and you have your passport, the intent that you were over there is consistent, but there is no federal backing with regards to punctured lobster in the EEZ, and so, Karen, maybe you can help out here, but, right, wrong, or indifferent, we're kind of just using FWC's policy, because they are returning back to Florida with punctured lobster with a current cruising permit and with a stamped passport. As long as the gear that was utilized to harvest that lobster in Bahamian waters is legal by Bahamian law and it wasn't mechanical, and I think there's only two that you can use, it's legitimate.

MS. RAINE: I kind of missed something. Is it unlawful under federal law?

LT. FAIR: Yes, ma'am. It's unlawful to have punctured lobster.

MS. RAINE: Well, if there is not an exception in federal law, then it would still be unlawful.

LT. FAIR: Okay, and so then how are you allowed to transit lobster from Bahamian waters back through state waters without going through federal waters?

MS. RAINE: You know, this came up with the fillets, didn't it?

LT. FAIR: Yes, it did.

MS. RAINE: Suggestions were made that it could be transported other than by vessel, I believe?

LT. FAIR: No, you're allowed to return back now with fillets as long as the gear is stowed and it's an uninterrupted trip.

MS. RAINE: No, I know, but that was suggested. I know what the rule is now, and so, if it's the same issue, it sounds like the council would need to make perhaps a decision about what they wanted to do about other species coming back from the Bahamas. I noticed that, later on our agenda, there is -- I think it sort of hearkens to something that's later on our agenda about not just the fillets, but, gee, what if there's a closed season and people are coming back from the Bahamas, and there is no exception for that, and so I guess where do we start and where do we end?

MS. WIEGAND: All right. That was all I had for this spiny lobster amendment, unless anyone has any more comments.

CAPTAIN LYNN: It sounds like we've kicked that ball for a while now, but all right. We will adjourn until nine o'clock in the morning. See you all at nine o'clock.

(Whereupon, the meeting recessed on April 18, 2018.)

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APRIL 19, 2018

THURSDAY MORNING SESSION

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The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Crowne Plaza Hotel, North Charleston, South Carolina, April 19, 2018, and was called to order at 9:00 o'clock a.m. by Chairman Bob Lynn.

CAPTAIN LYNN: Good morning, everyone. All right. We're going to start off with Christina talking about Spanish mackerel gillnets, it appears.

MS. WIEGAND: Yes, and I'm going to do my best to do the situation justice. We had hoped to have a fisherman involved in the fishery here to talk to you guys, but, because of scheduling and funding issues, you get me. At the Mackerel Cobia AP meeting, which was last week, some of my Spanish mackerel gillnet fishermen brought up some concerns about inconsistencies in how gillnet mesh size is measured. Right now, the current regulations require a minimum mesh size of 3.5 inches stretched mesh, and these guys let me know that that's a rule that's a little outdated at this point.

It was originally put in the regulations to control landings and to make sure that we were getting one-pound or one-and-a-half-pound fish on the market, and it was before there was any sort of trip limit or size limit in the fishery. Now the guys operating in the South Atlantic do operate under trip limits and a minimum twelve-inch size limit.

What they have proposed for us to bring to the council is to change it so that these guys using the lighter mesh have a three-inch minimum mesh size, and that's because the lighter mesh will stretch, and it's still going to be catching fish that are about fifteen or sixteen inches, and so well above that minimum size limit, and then to keep it at three-and-a-half inches minimum mesh for those guys using the heavier mesh, and so the number-six mesh and above that's not quite as flexible, and so they're going to be catching the same kinds of fish.

They also expressed to me that there is maybe some inconsistency in how mesh size is measured, that they've had some issues with law enforcement measuring it differently, and I guess there's a tool that is sometimes used and sometimes not used, this eleven-foot-pound gauge that is used to stretch the mesh, and so there's been inconsistencies in guys getting cited for having mesh that's too small or not based on how the Coast Guard is measuring it, and so they would like, in the regulations, for it to simply state that you measure it by pulling the mesh taut, so that the two center knots are touching, and then you measure from the center of the end knot to the center of the other end knot, and that's how they would like it measured, and so we were hoping to just get some feedback from you all about how you are measuring mesh size and if we can get some consistency across the board.

LT. FAIR: Your fishermen that are expressing this, is this from North Carolina or just slightly above Cape Hatteras?

MS. WIEGAND: The fishermen that brought this up does fish both in North Carolina and Florida, but I believe he was referencing Florida when he was talking about some inconsistencies, but we would like it to be standardized across the board for the South Atlantic.

LT. FAIR: I will tell you that, from North Carolina south, we do not use a spade to measure any kind of mesh measurement. Now, above North Carolina, up in the NRFTC AOR, there is a bunch of spade measurements on how they measure. What we do is we do knot-to-knot stretch measurement, and that's how it's done according to the South Atlantic Fisheries Council. Now, we can look at whatever is proposed, but the methodology in which we do it is inconsistent with D-5 and above, our district.

MS. RAINE: I think the difficulty with finding consistency is that the regulation does not specify how the mesh is to be measured, and, if you look at regulations, for example, from the Northeast or in other fisheries, they are very specific, if there is a spade or other measuring device to be used, exactly how it's to be used, if it's to be measuring knot-to-knot or whatever and pulled taut or whatever.

It's specified, but, in these particular regulations, it is not specified how it's supposed to be measured, and so, really, there is no way to I would say probably consistency expect a consistent measurement, and this is another arena where it's pointed out where the regulations really do need to be specific as to how something is to be measured, because, without that, it makes it difficult for everybody to know what the standard is, and it makes it difficult for there to be a prosecution, too.

MR. JONES: The Spanish mackerel fishery is probably one of the most underfished fisheries that we have in Florida. It's a fishery that goes back hundreds of years. If you have a mesh measurement and you have a size limit, why do you need both? Why don't you just have the size limit, and then you don't have to measure the net, and let the fishermen fish, and that would take away regulations that you don't have to enforce, and it would make it easier on them to do what they're doing. You're talking about a fishery that has no problems. I mean, it doesn't need more regulations, and that's my perspective.

MS. WIEGAND: My understanding, from the fishermen, is that they don't want guys catching the smaller fish. They want to make sure they are catching them above the size limit, and so that's why they set the mesh where it is, and this motion came from the Mackerel Cobia AP and from the fishermen in that area.

MR. JONES: I have always represented most all of the Spanish mackerel net fishermen, for years and years, and I just don't understand why you want to have officers measuring a net when you can look at the fish. If the fish is twelve inches or above or whatever it is, the catch is legal. If it's undersized, then there's a crime, and so why have both?

MR. FREEMAN: I am not involved in the Spanish mackerel net fishermen, but just what immediately comes to mind is, if you can set the mesh size to where all they can catch in that net is a legal Spanish mackerel, I don't see any reason you would want to remove that and have them bringing in undersized fish and have to throw them back. You have bycatch issues on top of it, if they start going to a smaller mesh, and I can see a very good argument to have both regulations.

MS. WIEGAND: Given that my understanding is that it's to sort of implement consistency, the council would need to adjust the regulations to be specific about how this mesh size is supposed to be measured. Is law enforcement personnel, you guys, comfortable with what our advisory panel has suggested, just this pulling the mesh taut and measuring from the center end knot to the other center end knot?

LT. FAIR: That's exactly how we do it now, and that's exactly how we train, but, I mean, with a wet net, you might pull it and get a certain measurement, and then the captain will pull it and get something, but it's miniscule in the deviation of what you're going to get between the measurement. If the nets are constructed by the manufacturer to be a three or a three-and-a-half-inch taut measurement, you are going to get that.

MS. RAINE: Some time ago, I did some research on this, but it's been a while, and so my little notes sometimes don't make sense to myself, but, in looking at some cases, and this is, again, a Northeast fishery, they may have been talking about using thumb pressure alone or using palm pressure and that type of thing, and that's probably what Lieutenant Fair is getting into a little bit too, and so, the more specific you can be about things, I think the more consistency you will see, and then everybody will know what's expected, which is really important.

MS. WIEGAND: All right. Well, that was what I needed from you guys. Thank you.

MS. RAINE: While we're talking about Spanish mackerel, may I bring up a related but different topic?

CAPTAIN LYNN: Yes, ma'am.

MS. RAINE: Okay. You know there is a provision in the Spanish mackerel fishery where there can only be one net like 800 yards or under, and, in doing some research on that particular provision at one point, it appears that the reason behind that provision for the one net of a particular yardage was because fishermen were increasing their net size, and the agency wanted to be sure that they weren't exceeding a particular net size.

I guess I would just sort of raise the question, without any real answer, is, if the council -- Well, right now, for example, you cannot have two nets that would equal 800 yards. It's just one net, and is there a particular reason, and there did not appear to be, with what I looked at, as to why there might not be more than one net? I don't know if fishermen are fishing that way or whatever, but is it possible that it would be okay for a fisherman to use two nets that equal 800 yards? I just throw that out there as a question to consider at some point and that's all.

MS. WIEGAND: I don't have a lot of information. I am new to the council, and so I don't have a lot of information on why that regulation was put in place, sort of the rationale behind it, but I can get more information on that and get that to you.

MS. RAINE: Okay, and I do have a lot of that, but it's just something that might want to be considered, if people are fishing that way or if they would want it, and I don't know, but it just might be something in the Spanish mackerel net fishery to think about.

CAPTAIN LYNN: Any further discussion then on the Spanish mackerel?

COLONEL BUCKSON: Just a quick question. You had mentioned reducing the mesh size if it was a different size web or --

MS. WIEGAND: The Mackerel Cobia AP wanted to reduce it to a three-inch minimum mesh size for that lighter webbing, and that's because it stretches more, and so they are still catching the same fish when they are using that lighter webbing. If they're using the heavier, the number-six and up, webbing, they do still want that three-and-a-half-inch minimum mesh size, because that webbing is not quite as flexible, and I believe they were particularly referencing sort of the limited versus unlimited Spanish mackerel fishery, and so, in the South Atlantic, we have trip limits. These guys aren't ever catching more than 3,500 pounds of Spanish mackerel, whereas, down in the Keys and in the Gulf, they don't have the trip limit, and so they're catching quite a bit more Spanish mackerel at a time, and they don't want those guys to end up with any of the smaller fish.

COLONEL BUCKSON: Is that part going to be part of what the council looks at, or is it just --

MS. WIEGAND: It was part of the motion that the advisory panel passed, and so, in June, the council will review the advisory panel report and that motion and decide whether or not they want to move forward considering any of this, and, if the council did decide to move forward, like all the amendments, we would consider a range of options.

COLONEL BUCKSON: The reason I ask is I am not the one enforcing it anymore, but that could be something that the law enforcement folks may want to weigh-in on if that is going to be considered.

CAPTAIN LYNN: Yes, I would raise that question, if I understood that correctly. You would determine a three-inch mesh by the size diameter of the -- By the way it's constructed, with a certain line, compared to a three-and-a-half, if they were using I believe you said a number-six?

MS. WIEGAND: Yes.

CAPTAIN LYNN: So it would be up to the law enforcement officer to figure out what size, what gauge, line? That would be a headache, from my opinion. That would not work real good. It needs to be a standard stretch mesh, whether it's constructed of number-six or number-two or whatever. It needs to be a standard either a three-inch or three-and-a-half, in my opinion.

LT. O'SHAUGHNESSY: I wholeheartedly agree there. It's got to be one measurement irregardless. We had the discussion on different types of wood, and we can't have the discussions on different sizes of mesh and line and rope, and so one measurement, irregardless of how it's constructed.

MS. WIEGAND: Anything else for Spanish mackerel gillnets?

CAPTAIN LYNN: It sounds like that's it, and we're moving to the next one.

MS. WIEGAND: All right, and so I think we're jumping around a little bit in the schedule, but, since I'm up here, I will talk to you briefly about a discrepancy that we were alerted to on the coastal migratory pelagics for-hire permits. Back in I think it was 2014, the council passed an



amendment that prohibited bag limit sales for king mackerel and Spanish mackerel, and, earlier this year, we had a fisherman call who wanted to know if he could sell trip fish that he caught under his bag limit, and he asked us because, on the back of his for-hire permit, it stated that fish caught under this charter/headboat permit may only be sold when the commercial mackerel season is open, which is no longer true in the South Atlantic.

The Gulf permits work a little differently, and so we alerted the Permits Office to this issue, and they have now corrected the language, and the permit reads: "With the exception of cobia, fish caught under this charter/headboat permit may not be sold." Cobia may be sold, as long as the commercial season is open, and so that issue has been corrected, and, if anyone has any questions, I will do my best to answer them.

MR. JONES: Who do they sell the cobia to? Does it have to go to somebody that has a federal permit, or can they sell it to the back door of a restaurant or how is it done?

MS. WIEGAND: Cobia is a very interesting legal gray area, and I am not a lawyer. There is no federal commercial permit for cobia, and it was something that the council was looking to address, but, once we started this amendment process looking at the commission getting involved and whether or not to transfer or work into some sort of complementary management, the council decided to hold off, to see how that plays out, before continuing with looking at a commercial permit for cobia, but, right now, there is no commercial permit for cobia, and so it is this weird gray area of whether or not they need to sell to a federal dealer.

MR. JONES: I would like to get into the record that every fish that a licensed commercial fisherman catches from the federal waters has to be accounted for. We have to, and we have to put it in a book, and this is the legal people. You have to report it, and you have to do all of these things, and, in addition to that, you have to certify when you put ice on it and what was the boat and where did you fish and all these other things.

A lot of that is to take care of people's health. Fish need to be taken care of from the time they're caught to the time they're done, and what concerns us is a fish that could get into commerce without ever going through HACCP is not a good thing, and it takes away from all the people who have to fill out all the forms and do all the things to watch somebody else come right from the boat and sell a fish. That's just wrong, and so, if you're allowing them to sell that, I think it ought to be addressed by the Law Enforcement Committee and figure out a way to stop it.

CAPTAIN PEARCE: I just want to say, in the State of Florida, even though that harvest may be legal to sell based on the federal regulations, it would be illegal for them to sell that to an unlicensed -- A restaurant or something along those lines. They still have to work through a wholesale dealer on the sale of the product, and so, by the time it reaches the restaurant, it's been through the proper process. Anybody who is trying to do that, they would be violating the law.

MR. BELL: We have a -- I don't know how unique we are, but, traditionally, the commercial cobia fishery has really been a secondary fish out of snapper grouper, or folks were already licensed and had some sort of federal permit for another federal fishery, and so, in most cases, it was just simply a -- Given the limit on it, it was just kind of a bycatch, if you will, of other fisheries, and so it wasn't so much of a big deal.

Well, we have kind of got an interesting situation in South Carolina where there are some folks that are -- It's more of a directed fishery, and that's what these guys are going out for, and it tends to be the smaller boats, and, in some cases, they are properly licensed by the State of South Carolina to be a commercial fisherman and land product in South Carolina, and all of that product has to go through a dealer, and that's a fact, per state law.

The kind of forcing of the federal dealer issue or the state dealer issue, that's where it gets a little fuzzy if you ask the NOAA attorneys, because one kind of will tell you one thing and one another, because it's fuzzy, and the problem is there is no federal permit. That's where it gets whacky, but we're managing, but all of our fish go to a dealer, and, since all of the federal dealers in South Carolina have to be state dealers -- I think the landings last year, the majority of them, or maybe all of them actually, went to federal dealers, and the thing there is the federal dealer system is the weekly reporting system, and so, when you're tracking the ACL, you want that weekly accountability.

Our state system is a monthly system, and so it lags by a couple of weeks, but all of our landings last year that we know went to a dealer, they were South Carolina dealers, and they were also federal dealers, and we had the weekly reporting, and I think the reason -- The council realized this was an issue, but then the council started down the path of shifting management over to ASMFC, and so, if we go that route, it won't be something that we have to worry about, and it will be how the states choose to manage that component as well as the recreational.

What brought cobia to the forefront, in terms of management, was the recreational fishery and the high landings that we had and that sort of thing, but that will all be -- If we move forward with the shifting management over to the states, that will all be handled by the individual states and how they choose to do it, but you would still want -- Obviously, what Bob is talking about is, yes, this is product for the commercial side and this is product going into commerce for human consumption and you need to follow HACCP and all of that, and the states can figure out how they individually want to regulate that, but there is some fuzziness just to the way the law is set up, because of how it evolved.

Keep in mind that cobia are managed jointly, part of cobia, with the Gulf and the Atlantic, and so that added some complexity to it, and so shifting over to state management through ASMFC will hopefully just clear this all up, but we'll have at least another year here of fuzziness, but I think we had it under control, and that's really in Michael's jurisdiction down there. That's where the bulk of this directed fishery was going on.

The other thing too is that, okay, if you are a licensed commercial fisherman, per South Carolina law, then you are a commercial fisherman. That is a commercial trip. If the Coast Guard runs into you out there, they can certainly ask to see your inspection as a commercial fishing vessel and do you have all the proper equipment you need to have to be an inspected commercial fishing vessel, and that's something that, if they're going to play in that realm, then they need to play totally legally in that realm, and that's one of the things that we look at with these guys when we intercept them on the water, and that's certainly something, particularly with the vessel safety stuff, and that's kind of the Coast Guard's realm, more or less, but that's the way the fishery is right now, but I think that the issues we have right now will be resolved once we cross over that threshold into state managements and the states can handle it how they want to handle it.

MR. JONES: Would it be correct to say that what we have now is the ability for recreational fishermen to sell their catch without a license?

MR. BELL: Not in South Carolina. No, sir. If they are going to sell their catch, they have to be a licensed commercial fisherman for South Carolina. Now, I can't speak for the other states, but that's the way it works here, and so it's just the -- Again, they also then would have to comply with all the regulations that a commercial fisherman would have to comply with.

CAPTAIN LYNN: I know, in Georgia, to sell, you have to be commercially licensed. I will ask North Carolina.

MAJOR WALKER: North Carolina is the same. The fisherman has to be licensed there, and they have to sell to a licensed dealer.

CAPTAIN LYNN: In Florida, how do you all handle the sale of cobia? Do you have to be commercially licensed?

CAPTAIN PEARCE: It's routed through the same process as any other commercial product sold in Florida, and so you have to have a saltwater products license. If it requires a restricted species endorsement, you have that, and it's routed through a wholesale dealer.

CAPTAIN LYNN: Thank you. Any further discussion? Okay. All right, Myra. What's next?

LT. JG BROWN: Good morning, everyone. I am Lieutenant JG Jerry Brown, and, to give you a little outline between myself and the other Coastie in the room, Lieutenant Fair, all the law enforcement officers in the Coast Guard who perform fisheries enforcement in the South Atlantic will go through Lieutenant Fair's school and course to be trained up to enforce Coast Guard law on fisheries in the South Atlantic. Then, after that, they go back to their respective units all throughout the South Atlantic to perform that mission.

Me specifically, I fall under Georgia and South Carolina, and so all law enforcement fisheries officers in Georgia and South Carolina, I oversee, and I manage, and I help guide throughout the entire year. I am here today because I wanted to work with you guys and ask everyone here, as fellow LE partners, about a way to maximize and anything you might have seen for the Coast Guard to help ensure that our resources are used most effectively throughout the entire region.

Obviously, our first priority is search and rescue, as a Coast Guard institute, but we try to perform LMR enforcement as much as possible, and that's why I am coming to you guys to see whether you see us as someone that we can work in certain areas or doing ride-alongs or working in conjunction of tournaments or certain areas, and so it's pretty much an open discussion for what the Coast Guard can do to help maximize these assets to perform fisheries enforcement.

Sometimes we can be stretched a little thin, but we try to do our best to perform missions throughout Georgia and South Carolina, and, that being said, I also work with my partners, and so does Lieutenant Fair, all throughout Florida and North Carolina too, and so, even though I work specifically for Georgia and South Carolina, I do work with my counterparts all throughout the Southeast, and so this is an open discussion. I work with NOAA quite a bit and DNR, but I wanted

to reach out and kind of open up the discussion to anything that you might have for us specifically, for Coast Guard law enforcement out in the field.

CAPTAIN PEARCE: What was the primary question, one more time?

LT. JG BROWN: From your perspective, how can the Coast Guard be used more efficiently when it comes to fisheries enforcement, whether it would be to have a certain presence in certain areas for tournaments or certain protected areas or working with partners in ride-alongs?

CAPTAIN PEARCE: My first recommendation on -- Any time you're looking to enhance or try to work better within that role, working with state law enforcement, is just to increase that communication factor, possibly have organized meetings so discussing what we know and what you all know, and then trying to focus more on targeted enforcement-type stuff, where you have the information and the data and you go out put your resources where they need to be, but it all starts with those meetings and communications, and that would be my best recommendation, to maybe create taskforce-type meetings or something along those lines.

LT. JG BROWN: So, in regard to targeting certain species at a certain time of year or a certain area, just having that open communication and talking with local partners and going from there?

CAPTAIN PEARCE: Yes, absolutely. That communication is going to be a big factor.

MAJOR WALKER: I know, in North Carolina, we've had several meetings with the stations, the local stations, and we even had a Cape Fear task force, where we involved all local law enforcement, on the water and not, and so those meetings have been extremely helpful. You guys move around and transfer so much that there's a need for a schedule that we can constantly be on new partnerships with your boots-on-the-ground people, and that's always been the biggest mountain to climb, is constantly meeting your new recruits that they may only be in one place for a year or two, but it still works well, because you do see so much, and we share so much back and forth, and we made several cases this past year on sea bass just by sharing intel like that, and so, like Captain Pearce was saying, those meetings are crucial. In North Carolina, I would love to see a joint detail just prior to snapper grouper season opening, but that's just my thoughts on that.

LT. JG BROWN: Every once in a while, about once every month or two, we do -- The Coast Guard in Georgia and South Carolina, we do a week-long LMR pulse operation, and so, the entire week, from Monday through Friday, or Tuesday through Saturday, that's when we coordinate all of our units, all of our cutters, and we work with local partners as well. Initially, we did helicopter flights, and so we have these helos that go out along the border and shoreline, to spot any vessel of interest. The entire week, we're just doing boardings all the time. Each unit does at least probably -- We will knock out as many as thirty or forty or fifty boardings all throughout the week, and so it's definitely just a huge presence and just a pulse operation, and those have been very beneficial, but I am always looking for ways to coordinate those during the best times of the year, whether it be for snapper grouper season or any other species opening or closure.

Also, in regard to North Carolina, we do a month-long operation called Grouper Grabber, and I don't know if you're aware of that, and that's in January. We are looking at perhaps shifting that, to where it can best maximize -- We have all these resources, all these assets. We have helos and planes and cutters on the water, but, if we just shift that towards a certain timeline, that could

probably be much better used for boardings, and so, if there's any recommendations for that specifically, I am definitely all ears.

We do operations once in a while, but, essentially, we have pretty much free rein to do that any time of the year, and it's kind of whenever I feel like we need to pump our numbers up and whenever the Coast Guard needs to have a presence out there for law enforcement in fisheries. By all means, if anyone wants to work with me specifically on coming along on those operations, whether they want to meet ahead of time or come on -- We will go on OGAs, or we'll probably some have some on Coast Guard assets and then perform fisheries boardings in the harbor or offshore of Georgia or South Carolina, anywhere we can, and I am more than happy to coordinate and welcome all assistance from all partners, and so do a lot of enforcement throughout, but, as I said, we can definitely use a lot of assets to maximize that.

CAPTAIN PEARCE: I think, for Florida, because we're working out of different sectors, and we have a lot of resources, and so the big step is making sure that the Coast Guard understands what our resources are and where they are located, and so we have the different platforms we have and the different areas we cover.

If we can coordinate with the Coast Guard and find out who those individuals are within those certain areas of Florida that we can provide that information to, so they know, if they have something going on, they know what kind of resource or asset we have available that could assist or work with them or even just communicating on the patrols that we're undertaking and when you're going to be out there and you're going to be out there and how we can work together. Sometimes, instead of looking at it really broad and a lot of large pictures, it's better to break it down into those local specific areas, knowing what platforms are within that area, and we can work together on it.

LT. FAIR: Captain, I think one of the take-aways from here is we should disseminate -- Like Lieutenant JG Brown just mentioned, he is specifically the LMR officer for all of South Carolina and Georgia, but maybe if we gave you that contact information of every one of his partners that work up and down the coast, then you can kind of hit it from that approach, because, when I was in Savannah, one of the -- We've got people, but not all the time do we have an asset.

The state partners and agencies usually have an asset, but not enough people, like we talked about this morning. A lot of officers go out with one officer on a boat for the day to go do a detail, and I think what Jerry is alluding to is we can put two federal LMR officers on the boat with you for a specific -- Maybe a tournament or a season or something like that, to maximize officer safety, but now we've got that OGA relationship as well, but we can start that coordination by giving you those resources and they can do asset allocation and stuff like that.

MR. BELL: I'm not on your panel, but I appreciate the opportunity, and I think we talked about this a little bit, but remember that the council has established a number of marine protected areas and special management zones for spawning purposes offshore, and they are pretty far offshore, most of them, and they're really beyond the reach of a lot of state assets, but this is the one thing the Coast Guard has that we don't have at the state, or even NOAA really, is some platforms with some legs on them.

One of the things that you might want to consider, and this may go to district or even area, but, to the degree that you can kind of work those MPAs or special management zones -- Think of them as waypoints. If you've got transiting units that can just kind of go through there, and a lot of times officer presence is a good deterrent for things, but you also can stumble into things, and we know, from work that we've done out on the MPA off of Charleston, that there is illegal activity going on out there, because we've found the remnants of the gear on the bottom, and this is the artificial reef MPA, and so we know folks are fishing it, because their tackle is still down there, and we've seen that through ROV work that NOAA has done for us.

We know it's going on, and we also know, from talking to fishermen that can be out there legally, billfish fishermen and folks that can fish the pelagic species, they see things going on, and so there is that as an intel source, but then, to the degree that you can kind of incorporate maybe those sites in as waypoints in transiting or whatever, or just try to have a presence once in a while, that would be helpful, and you guys have the assets that nobody else has that can perhaps do that, but I think there is some value in just having a presence out there once in a while and folks realize that, oh gosh, the Coast Guard might be here, or is here, and so that would just be a suggestion, I think, in terms of something that you all have capability to do that really nobody else does.

LT. JG BROWN: That's a very good point. We have a couple of assets that I can personally help direct. We have a couple of eighty-seven-foot patrol boats that have the legs, where they can go out for four or five or six days and only do LMR and that is it, and so they can reach out to the MPAs. It might take a little bit more work if I'm coordinating a 210 or 270-foot vessel to go out there, and that might be a little out of reach, but I can definitely request it. It can't hurt to ask, but I couldn't -- You're saying even having that patrol boat out there going along for a couple of days and having that presence with the fishermen would be a deterrent, just for the sheer presence, you're saying?

MR. BELL: Yes, I think so, just presence. Then, also, you may run right into something, because, a lot of times, that's the way these things go down, like with the black sea bass thing we discussed recently. It was just there you happened to be at the right place at the right time to see the right activity and, bam, there you go, but I think the presence of Coast Guard assets on there, and that's what I was getting at, and I realize that's kind of an area thing or something, maybe if you're transiting larger units or whatever, but those areas would make great waypoints for anybody. I mean, you can sail the Eagle through there, and that would be great, but part of it is presence and part of it is actually, perhaps, running into activities that you could act on.

LT. JG BROWN: Thanks. That's good to know, and I will pass that on to the skippers. Thank you.

LT. O'SHAUGHNESSY: From the NOAA OLE perspective, and I know Jerry has been trying to corner me for a meeting for quite some time, I have Ben Hughes down in Georgia and Kevin Mitchell here, and we're adding one for North Carolina, and so I have three in the upper portion of the South Atlantic Fishery area, but I know those guys have adopted the eighty-sevens and the stations, where they're trying to talk on a regular basis.

Something we've started doing in the south, in the Keys, is we have had our EOs make those patrols onboard the cutters, and so, particularly for the eighty-seven-footers, getting our EOs out there to make a two or three or four-day patrol, and you get a lot more working relationship with

the EO and the crew on there, and they're less apprehensive to pick up the phone and make the phone call, and so that's something that we could look at in the future.

Also, we're adding a thirty-six-foot offshore Metal Shark type of boat, and so can try and get out to some of those MPAs, but, again, I have three guys in three states and myself, and so there will be opportunities to take Coast Guard boarding officers to augment our crews, to get a third or fourth person on there. It's mutually beneficial, and it helps me, by getting a three or four-person crew, but, also, they will pick up things as we're doing boardings alongside one another that they can take back to their units or their cutters and work further along.

Finally, I know we all have a hard time -- We work with the states, and we work with the Coast Guard, and I don't know if a quarterly or semi-annual meeting, just trying to plan some of those Grouper Grabber and those type of ops, and I know we do them. You call us, and Kevin or I meet, or you meet with the states, and we try to bring the state partners, NOAA, and the Coast Guard together for some sort of frequency, and we may be able to put our assets together or pool our assets, or, if we don't have a state partner, we could see that the Coast Guard could fill that gap, and so maybe some more talk would accommodate that.

LT. JG BROWN: I understand that you have very limited staff for a very large area, and you guys are stretched extremely thin, but I know Kevin Mitchell and all you guys do a wonderful job with what you guys have, and what's the outlook for that thirty-six vessel?

LT. O'SHAUGHNESSY: I am going the sea trials on May 2, and so we're supposed to have it by the end of May, and so that will just give us something. Right now, we have a 1999 twenty-four-foot Rib that you have a foot pump, and you're keeping it inflated while you're making your patrol, and so it will be nice to have an offshore boat that's got high gunnels and triple 300s and a little bit longer legs, so we can get out there and pop in on some of those MPAs and Gray's Reef and those type of areas that I know everybody else is trying to get, but we should be doing our fair part, and we'll have an asset to do that, and it will be stationed here in Charleston.

LT. JG BROWN: Anything else? Any other contributions?

AP MEMBER: Since Kate left, I don't hear when you all are doing it. I mean, we used to put people on the boats with you all pretty frequently, and Kate was setting them up, but we're not hearing when you all are doing it, unless we run into you all while we're on patrol. Just like the other day when we were checking shrimp boats, and we were stepping on each other's toes, back when they were still shrimping, and I see you at every meeting, just about weekly, and so I think the communication, like Scott says, was key. I mean, we've got assets, and we're out there weekly, daily, and, when we were doing the weekly patrols, that worked well too, and so I think the communication would be highly key for us. Let us know what you all have got going, so we can either join in or we can pass it back and forth.

LT. JG BROWN: Absolutely. Thank you very much for that reminder, and you will probably see me for a lot of meetings too, because I also do a lot of local security and law enforcement, and LMR is just a portion of my job, but absolutely, and that's what I will be incorporating more, is working through supervisors, and the officers as well.

LT. O'SHAUGHNESSY: I just wanted to say one last thing. Just hats-off to the Cormorant. They've had two nice cases recently, black sea bass and a disposal at-sea, and so they are out there, and they are making their presence known, and we've heard it down at the docks, and we have talked about those cases. We didn't have anybody onboard, but we're quick to point out the excellent work the Coast Guard is doing out there, in particularly recently with the eighty-seven-footer, the Cormorant, and so I just wanted to give them some kudos as well.

LT. JG BROWN: You're right. They have been doing a great job, and, unfortunately, that skipper is leaving in a couple of months, and his replacement will be here in July, but I am trying to keep that tempo, and it is amazing how you have one or two cases and it just sort of will affect how the entire fishing industry looks at it, but, absolutely, I will pass on those thanks to them. Anything else from any other LE partners? Like I said, I'm all ears, and I'm happy to help and work out open lines of communication to help better our assets and work with you guys, but, if not, thank you very much for your time, and enjoy the rest of the day.

CAPTAIN LYNN: All right. Brian is back with us, and we're going to discuss some recommended regulations for removals, and so, Brian, if you would.

DR. CHEUVRONT: Actually, we're coming to you to ask you to help us identify some regulations that might be recommended for removal. Let me give you a little bit of background, first. You all might remember that, last year, President Trump signed an Executive Order as a way to try to reduce the regulatory burden on the American people by implementing and enforcing regulatory reform.

That has filtered its way down through all the channels, and it's gotten down to the fisheries councils, and, late last year, the councils were requested by the National Marine Fisheries Service to provide them with a plan by December of 2017 of how they were going to evaluate fisheries regulations and look at trying to find outdated, unneeded, or unnecessary regulations, and so what we did is the council sent in their plan, which I am showing here right now, and so we're requesting public comment at our meetings.

We have had our technical staff review the regulations for their fishery management plans, and we have coordinated with the Southeast Regional Office for what things that they think could be modified or changed or removed, and it's been through the Executive Finance Committee in March, and we've been taking public input during our council meetings, and so now we're at the stage where we are now asking the advisory panels, and we're going to ask the SSC as well, to review the regulations that are in effect and ask the APs to see if there's anything that they recommend that the council look at in referring to the National Marine Fisheries Service, any regulations that they think can either be modified or simply removed altogether.

The council's plan is to have the final list reviewed at their June meeting, and then we would send that list of regulations in by the end of June, which is the date that the National Marine Fisheries Service has requested that we do that, and so what we've done is we've gone through all of our basic fisheries, and we have identified a couple of things in the golden crab fishery that had to do with establishing the ITQ that really are totally irrelevant. It had to do with appeals processes if you didn't get any shares in the beginning, stuff that's just no longer needed. It's not there anymore, and there's no reason for it.



We have looked at the idea of permits and fees and the notion of, right now, a lot of this is done by mail, and they are switching over to an electronic version of that, to make it easier for folks to do that. There is also some, in some of the amendments that you've been hearing about, things like powerhead prohibited areas and striking some of that information, and we've got size limit things that we're looking at changing, a couple of things with shrimp fishing and trying to get consistency in transit provisions through the Northeast, South Atlantic, and Gulf of Mexico and how that works, and so we're looking at ways to standardize that across the councils.

Then, in dolphin wahoo, we're looking at operator permits, and there has been some folks saying they have this operator permit requirement, but nobody is ever using them for anything, and, at least not until -- There are certainly people who are in favor of it and people who are not, but, right now, the feeling is that, since they're not being used, why are we doing this, and we have the -- If the cobia in the Mid-Atlantic and the South Atlantic EEZ, when we're talking about the Atlantic migratory group, if that is shifted over to the ASMFC for management, all of those regulations could be removed.

Then we're looking at the notion of spiny lobster and some management issues there, and then, the things I have in the big print here, we've been doing AP meetings since last week, pretty much nonstop, and so, when we've come to the different APs, we've been asking them what they think. What I now have to do is I'm going to have to go through the CFRs to find out which ones are relevant to the things that they have suggested, and this will all be presented to the council.

We're really looking at what things in the CFRs can be either just eliminated or modified or whatever, and so the first thing is that the Snapper Grouper Committee would like to get rid of the two-for-one requirement for the SG 1 permit. A lot of fishermen talk about how the turtle release gear and those requirements are really burdensome, especially for such a low-frequency event, because of the volume, if nothing else, of equipment that they have to have onboard the vessel, and, for some of these vessels, it takes up a significant amount of space to carry this equipment.

They want to revisit safety equipment requirements on smaller vessels and look at circle hook requirements, and this is not consistent support for all of this across the board, because, in some places that circle hooks have been shown -- Nobody is really aware of how this is being enforced, and I think they're thinking of it more in terms of guidelines, but it hasn't been shown to reduce gut-hooking in some species, as was thought, and then modifying buoy gear requirements for golden tilefish, the idea that sometimes this gear can move on its own, and, when that happens, it can end up in someplace where it's not supposed to be, and so they would like to look at ways to modify that regulation so that they're less likely to get in trouble when they have deployed it properly, but the gear has moved, and then the idea of looking at the number of hooks within thirty feet of the lead on it. The fishermen were talking about how, when you have ten hooks in that thirty feet, it's difficult for the gear to be effective.

Some folks thought about why can't we just consider extending the length of time that federal fishing permits are valid. Then some folks brought up the idea of whether it's mutilated finfish and you're allowed to possess them, but sometimes those fish maybe have parts bitten off by a shark, and they have to discard that fish completely, even if it's just part of the fin or something is gone, and then they have to discard a fish that would otherwise be a perfectly viable fish.

Some folks talked about just eliminating tournament sales altogether, and they said it was an issue particularly in Florida, because the state isn't enforcing them, and, in the coastal migratory pelagics fishery, some folks wanted to remove the crew size restriction for when you're being considered a charter trip, and this is for dually-permitted commercial and for-hire vessels, and so that would allow folks to have a recreational bag limit, even if they're not on a recreational trip, and that's all that I've gotten so far from APs.

I am bringing this all up to you, to see if you all can identify anything that you can think that's in the CFRs that either needs to be modified or just gotten rid of altogether, because it's totally ineffective or whatever. Think of it more as a regulations review more than anything else, and the idea behind this whole thing was to reduce regulatory burden on the American people, and so, by getting rid of two regulations for every one that you want to implement, there is a couple of things that go along with this.

One is that this rule does not apply to every single regulation that the councils may want to implement. There is a dollar value associated with these new rules that would go into place, and I believe it's like \$100 million. It's really high. It's very high threshold. We would have to do something like shut down snapper grouper fishing altogether for quite a while to reach that threshold, but the other thing is that, when regulations are given up in one area, they can apply to a completely different part of government.

For example, as long as we stay within the Department of Commerce, for example something that is removed in Fisheries could be applied to offset the regulatory burden say for the Weather Service, and so it doesn't have to stay within Fisheries to do this, and so what we're trying to do is just basically find those things that we don't need to have in our regulations anymore or that really ought to be modified, and so don't worry about whether it meets that financial threshold or not.

I think we're finding some ideas here that the council may want to consider for the future anyway just to help streamline the regulations. We have a tendency to get bloated after a while in these regulations, and, if we can just get rid of stuff or modify it, so it fits current conditions, that would be very, very helpful, and so we're here now to be all ears, to listen to what you have to suggest, from your unique perspectives.

MAJOR WALKER: I will start. I just jotted down three right quick, and we discussed the aggregate size limits yesterday, and I hate to even bring this up after all the work that I see that the council put into all those alternatives, but I am just wondering -- In my fifteen years of working the field, I never once charged an aggregate size limit violation, and I am wondering what benefit they have versus a straight single species violation, such as ten b-liners or seven sea bass. In other words, I have never once counted, in somebody's fish box, some type of combination of an aggregate bag limit violation.

My other suggestion would be to look at your charges as a whole and see what are the charges out there that are never used, that are never charged, and maybe look at it from that perspective. If they're still on the books, but they're not being used, is there still a purpose for them?

Then my final suggestion is to make it easier for the general public -- I have never understood why there is a reason for a fork length and total length measurement. If the fish can be measured total

length, just about any fish, I don't understand why there is two different methods or definitions to measure a fish in the field on the public. Just let it be a total length measurement, and I understand some mackerel species might be hard to compress the tail, but I think that it could be changed, the limit, so that it can be determined, a suitable size limit, so that all fish can be measured in a standard fashion.

CAPTAIN LYNN: Any further issues? Florida, do you have anything?

CAPTAIN PEARCE: No, but I think I like what he said about looking at the regulations that have not been applied in a long time and then maybe isolate those and do some research and find out why they haven't. Is it an educational factor, or is it that they're just not necessary or not needed anymore? That's going to be the easiest way to try to identify regulations that need to be reduced.

As far as a long time that haven't been enforced, I would say you could probably go with a five to ten-year scope and see what the -- You might see where it's fallen, and you might see where it's been a flat line the whole time and not utilized, but I think, if something hasn't been utilized in the last five to ten years, that it should be looked at, and, again, you may want to do some research, once you identify it, to find out if it's not being used because there's an education factor or is it not being used because it's outdated or no longer relevant. Those are the two things you have to answer.

DR. CHEUVRONT: I mentioned it before, when we were talking about this, but Myra just mentioned that you all might want to weigh-in on the notion of operator permits and whether you think that they are useful or not. Folks are talking about how they're not being used, but I remember that the idea of it was that they operator permit was supposed to be used as a way that you could track people in moving from vessel to vessel, so that you could identify individuals who potentially could be a problem in operating vessels, as opposed to simply always citing the vessel owner or something like that.

MS. BROUWER: A little bit of background for our new members. The Law Enforcement AP has been talking about operator permits for quite a while. The council requested that the AP recommend how to proceed, because of these inconsistencies that Brian just mentioned. There's a perception that they're not useful, and the AP recommended that the council either expand the use of operator permits to other fisheries -- Right now, as you've heard, it's only required in the dolphin wahoo and the rock shrimp fishery in our area, and so the AP said, well, there is some utility to these, but, if you want them to be useful even more, then there needs to be some coordination and expansion of the program, perhaps, to other council jurisdictions, and so I'm kind of getting into the update that I was going to give you here on operator permits, but it seems like a good time to bring it up.

One of the things that the council instructed us to do was to send a letter to the other councils, the Gulf and Mid-Atlantic, and ask them are you interested in possibly expanding or standardizing the use of operator permits, so that law enforcement can find more utility in that. We sent that letter last year, and, to my knowledge, we have not received a whole lot of feedback from other councils, and so that's where we are, but I just wanted to make sure that the AP was aware that also the council did make a motion to go ahead and get rid of the operator permits in the for-hire dolphin wahoo fishery. That's where we are, and I just wanted to make sure that everybody had the background on all of that.

CAPTAIN LYNN: Any further discussion on permits? I know we've covered it at at least the last two meetings we've had, we've covered permits, and passed it back up to the council to either make a decision on how they want to proceed, either expand it and make it useful or, as it is, as it stands right now, to just do away with it, because it really serves no purpose, and I assume that's still the stance of our AP.

MR. BELL: We have been dealing with this for a while, and we're not trying to annoy you all with this, but the thing is, the big picture, is there is inconsistency between regions and things, and GARFO does things one way and we do it a different way. I think what we've heard is that, if you could kind of go back to the drawing board and have a system that was consistent and worked across the whole area of the Atlantic, that would have some utility, and, if it actually was a valid ID that you could use, not quite to the degree of a TWIC card or something, but, if it was something that was a valid federal ID that could tie you in as being a participant in fisheries, that might have some utility to it, but, as it stands right now, it's not very useful at the level we're using it, and so that's still kind of you all's thinking, but I think it looks like -- We've had input in the past that suggested that, particularly for the commercial fisheries, there was some value in it, but, as it's being done right now, not necessarily.

If it could be improved and have a degree of consistency, yes, it would be, but what it would take to get that done -- That's why we kind of reached out to some of the other councils, to see if there was interest in kind of everybody moving forward to try to develop a system that was more useful, but I guess we really haven't heard back, but that's why we keep bringing it up, but it all came up because of the question about whether or not we should require -- It came up with a discussion of charter boats in the dolphin wahoo fishery and what's the point there, and we don't do it in other fisheries, and then that just led to a general discussion of the utility of it, and I think it could be useful, but in its present form, maybe not, and so what it would take to create a more useful, consistent system is maybe kind of above our paygrades.

CAPTAIN LYNN: I agree, and I assume that's still the stance of, like I said, of this advisory panel, that, in its current form, we see no use. If it were to be expanded and coordinated to where it's useful up and down the Atlantic, it would be, and so that is still our stance. Any further discussion on regulations that anybody has got any heartburn with that needs to be looked at? Okay, Brian.

DR. CHEUVRONT: All right. Thank you, all, very much.

LT. FAIR: Just circling back, the recommendation to remove some of these requirements or some of the things that we determine, or have been determined, to be no longer relevant in the CFRs, is this the last look at the LE AP is going to get before this goes to the council and they recommend -- Specifically, if I can circle back to the current requirements on charter or headboats or this or that, I would hope there is a little bit further discussion with regards to current requirements and does that bleed over into safety requirements before we just start making changes.

DR. CHEUVRONT: Some of the issue is that these recommendations, like crew requirements, they came from the APs, and I haven't even gone through the CFRs to see what is actually in there and see what's in the jurisdiction of the council to even consider, and so there are some of these recommendations that may not be things that even the council has anything to do with it, and

what's going to happen is -- To answer your first question, yes, this is probably the last time you're going to see this.

If the council wants to try to propose something in the future to change things like crew requirements, that would have to probably go through the amendment process, and that would come back to you all and you would see that then, but the council is going to review all of these suggestions that came from council staff and National Marine Fisheries Service staff, the APs, public comment. They're going to go through the whole document in June, and they're going to decide at that point which things they want to include and which things they don't want to include in their report to NMFS.

CAPTAIN LYNN: Okay. Prior to our next speaker, let's take fifteen minutes and be back at 10:30.

(Whereupon, a recess was taken.)

CAPTAIN LYNN: All right. If everybody is ready to go again, we will reconvene. It appears that Chip is going to talk to us about golden crab and shrimp.

DR. COLLIER: Just to give you an idea of where we are in the process right now, we are at the draft options paper, and so it's not even gone to scoping yet. This is just preliminary ideas that we have put together, and, from these preliminary ideas is where we would develop information for scoping.

It's very early in the process. After we get done with scoping, then we would go to public hearings, and the council would have selected preferred options at that point, and so we're really in the process of developing our options for this, and where this is coming from is, during the development of some of the CHAPCs, back in 2008, there was discussion on whether or not there should be an allowable fishing access area in the northern part of -- It was basically off of South Carolina and Georgia, a little bit east of where we are here.

I had a tool that I tried to put together, and it's not as fancy as this one here, but, just to give you an idea of the area that we're talking about for this potential area for the golden crab fishery, is it's going to be up here off of -- This is the Georgia/South Carolina border, and it's going to be just east of there, in this area up here, and, ideally, what we would do is try to look at some of the information that's been collected, and so we put this tool together, or had this tool put together for us, and it's just to give us an idea of where coral points have been identified, and so this is actually golden crab research that's been done that identified catches of golden crab and non-catches of golden crab.

You can see it's inside this CHAPC. Unfortunately, it's right outside of an area that has been mapped, and so we have some mapping area, and we also have some information that will show you what's been predicted, as far as coral, and that's the kind of information that we're looking for in the development of this amendment, but you guys come at it from a different side. What kind of information or how would you like to see this regulation developed if an access area is put together? In this small area up here, what would you all like to see as far as the requirements and also the shape of the access area?

There is a requirement for the golden crab fishery to have to be outside of 600 feet, and is that correct? There is a depth requirement for them to be outside of, and so it pretty much -- In some of these areas, it butts up right on the CHAPC, this pink area here, and these yellow boxes are golden crab areas that have been tested in the past for location of golden crab, and, this orange, that's mapping that's been done in the past.

This is a tool that I had put together, and it's in a different options paper, and I had it put together after I sent yours out, and so you can click on different things and look at information that's available for the area, and so we have some bathymetry data, and it can get a little messy. You can clean it up and look at specific items that you would like to see.

I will go back to the options paper and give you a better idea of what we're talking about for this, and so this purpose and need was developed prior to the council recommending the revision, but what they want to do is provide access for the golden crab fishery and rock shrimp fishery while maintaining protection of deepwater coral.

Scrolling down, there is a bunch of maps that I put in here on different things, and this is some of those golden crab catches, and the size of those circles indicate the abundance of golden crab, and the larger ones, obviously, are the larger golden crab, but this area to the shallow side, that's the depth closure, and the area to the right is the CHAPC, where the fishermen are not allowed to go.

This is a fine-scale resolution of that, and you can see the -- This is the depth closure, and then this is the CHAPC on the other side, and then, if you look at it in a little bit more detail, this is predicted coral habitat area. As it gets a darker blue, that indicates the location of a higher probability of coral, and this band on the inside is actually a different species of coral, and then the black points are actually observations of coral, whether it's a dive site that's observed coral or something that's in the national database on coral locations.

Continuing to build on that fine-scale map, we can go and look at actual catches of golden crab from a research project that was done out of South Carolina DNR by Betty Wenner and Glen Ulrich, and so the green triangles here indicate traps set with no golden crab catch, and then a yellow triangle indicates a trap set with golden crab catches.

You can see up here, in this northeastern side of things, there is a lot of trap sets without any golden crab, and then, down here, there were many more trap sets with positive catches of golden crab. One thing that they noted in this report was, as you got into harder bottom, you had lower catches of golden crab, indicating that, if you were fishing closer to coral or on coral, you were less likely to catch golden crab. The mud bottom was much better for catching the crabs.

Then, just to give you some background on golden crab catches over time, we have an ACL of two-million pounds that was established in 2012, and we've been well below the ACL over that entire time period, and so, if we're talking about trying to increase harvest, it would be getting closer to the optimum yield, based on the ACL being the optimum yield. You can see a declining trend in the last couple of years. In talking with Brian, that might be a fisherman is not as active as he has been in the past more than it's less abundance of golden crab out there.

We will skip down to the options for golden crab, and we have two actions that we're considering for this. The first action is to allow an access area in that northern portion that we were talking

about. If you guys have any recommendations on the shape of this access area -- I am usually familiar with what you guys say, that it generally should be a square-shaped box, or a rectangle, and so it's going to be difficult.

The inshore side would follow this CHAPC regulation, potentially, and then the offshore could be a square box, and is that better, because obviously the CHAPC line is already there, and that's what we would be following, because, inside of that, until you got to the depth closure, you would be able to fish currently, and so, if we're creating the access area, it would be just for within the CHAPC.

COLONEL BUCKSON: The gray box there, what is that, or is that the area you're talking about?

DR. COLLIER: That is the potential area that I came up with on the fly, and I'm not very good at mapping, and so I put this box together and essentially drew it free-hand. If there is any recommendations that you guys have, that in no way that this should occur, or it should be in a different area, I am completely open to any suggestions that you guys have or any recommendations. I have noted the square part and not a circle.

MR. JONES: Just a question. How many golden crab fishermen are there?

DR. COLLIER: There is thirteen permits, and some fishermen have multiple permits. If you go back up to a figure that we had earlier, there is different zones for the golden crab fishery, and you have to have a permit for each zone, and so we have a southern zone, a middle zone, and a northern zone, and what we're talking about with this access area would be in the northern zone, which I believe there are currently two permits, and is that right, in the northern zone?

DR. CHEUVRONT: (The comment is not audible on the recording.)

DR. COLLIER: All right. There is two active operations, but many more permits.

COLONEL BUCKSON: Chip, I wonder if you could go back to your gray box, and I am just curious if you have size on that, the length and width.

DR. COLLIER: I do not have the size on that one right now, but this is -- If you convert from decimal hours to miles, it's not very -- It's not huge, maybe fifty miles. I think that's what it was.

COLONEL BUCKSON: Okay. I just recall that straight lines are important and lat and long, or GPS coordinates, are important, and the other thing that I think we talked about years ago is, the bigger they are, the easier -- If you've got a very, very small box that you're trying to regulate, that becomes a bit of a challenge, and probably also for the fishers as well as the enforcement folks, but that was the only point about the size.

DR. COLLIER: All right, and so there was a second action associated with the golden crab fishery, and it was for monitoring systems, and so, in a previous amendment, they had considered VMS for the golden crab fishery, and they decided not to go forward with Golden Crab Amendment 6. However, I took these options out of that. The reason that that amendment did not go forward was not because of VMS. There was several other actions that were listed in that amendment, and it was generally just thought that it wasn't needed at the time, and so we're bringing VMS back to

the fishermen, to see if they would consider it, and we're also bringing it to you guys for your consideration, and these are the three options.

The first one is to require all fishermen active in the golden crab fishery to be equipped with VMS, and then there is sub-options on who is going to pay for it, and then there's a smaller, or more restrictive, option, which is Alternative 3, which would just require a VMS in that northern zone. I can see that's developing some thoughts.

MR. JONES: Just a question. Is there problems there? Have you made a lot of arrests or a lot of incidents or a lot of violations going on? Is there a basis for having a VMS?

DR. COLLIER: Some of the reason for VMS is it's a fishery that occurs very far offshore, and it's very difficult to monitor for any of the law enforcement partners, and it's also very few fishermen, and there is not much activity out there, and so you're not getting information on whether or not somebody is being honest or not and not fishing in these coral areas.

One of the major reasons for considering VMS for these is you can see, in the very fine-scale detail, that these golden crab fisheries can be very close to coral areas. These coral areas can be -  
- Some of the coral species can live over 1,000 years, and so setting one crab trap out there in the coral area could impact the coral mound, and it could several years for it to rebuild, or centuries.

MR. JONES: I understand that, but I was just wondering if you've had violations. Have you had the golden crab people come into areas where they shouldn't be, or is this just another regulation? If it's necessary, great, but there doesn't seem to be much trouble going on in that fishery, because there are so few.

LT. O'SHAUGHNESSY: A couple of things. Without having a VMS onboard, it's hard to say what fishing is going on where. It's a happenstance to come along and board one of those vessels, but, without having the VMS, you could not see, but, on a side note, I was heavily involved with Amendment 6, and so the VMS portion, and part of the issue, and the reason -- Even though Amendment 6 was being proposed, but we met with all of the crab fishermen, and, in discussing how they fish and the VMS staff and enforcement, they are so precise that -- This is 900 feet of water, and they would often be upwards of a half-mile inside the closed area dropping their gear into the current and then -- They've been doing it for fifty or sixty years, but then they would float that gear with the current to land outside of the closed area.

The vessels themselves would be inside the closed area. From a law enforcement perspective, and I used to supervise four VMS techs, they're going to see it pinging in the closed area, when the gear would likely be set outside the closed area, and so, for an enforcement purpose, it's going to give some false positives, because, yes, they were setting there, but the gear actually set outside, where it was authorized, and so, from an enforceability side and a prosecution side, it makes it very difficult.

In talking to the crab fishermen and seeing how VMS, with an hourly ping -- We would see them set their gear, and it would be very difficult for us to prove whether it dropped straight down or, as they gauged the current, it flows outside of the area, and so, for enforceability and those reasons, with Amendment 6, VMS, at the time, was not going to be pursued, based on a myriad of briefs that I was forced to give and discussions that took place then.



DR. COLLIER: I have a question, or maybe an idea, for that. Essentially, consider a buffer around some of these spots. You make the access area slightly wider, but you also want to provide that buffer for coral as well, and so considering a buffer area for the access areas, in order to protect the coral best, but, as I'm thinking about it, it is going to be very difficult in order to get the fine-scale management of some of these areas without potentially impacting coral.

MR. FREEMAN: I believe I saw, somewhere higher up in this PDF, that it's not currently mapped, but it could be mapped prior to a decision being made, the northern zone that you're talking about opening?

DR. COLLIER: That's correct. The Okeanos Explorer is going to be coming to the Southeast Region this year, and we have put in a request to have that area mapped, to determine if coral is there. If it is an area with high relief, then we have also requested that they do a dive in there to confirm exactly what's in the area.

LT. FAIR: I am not very familiar with the golden crab or how many pots that they are setting, but I know that there's been discussion with the HMS community of putting AIS on the high-flyers, so they can find their high-flyers. Is there a potential opportunity to put AIS on the pots if VMS is not going to be an option because you are going to get your false positives of them being in the CHAPC area? If we have AIS actually on the traps, you will have the location of the AIS signal inside.

DR. COLLIER: The way this fishery works is they have them in a trawl, and so it's going to be multiple traps on a trawl line, and then they drop it over, and there is no buoy line with this. What they do is they grapple that trawl line back up and pull the pots in that way, and so I don't know if AIS would work that way. I am not certain on the positioning, but maybe there is different ways to consider this beyond VMS or AIS.

I know, with fish, you can get geolocation on some of the tags that you put in the fish, and they're going to be at the bottom, and so maybe consideration of a tag to put on one of the traps or something like that, to ensure that it's in a certain area, but, then again, you're not getting real-time data for enforcement. You would just be getting information on where the fishery is operating, and so it might not be that beneficial.

COLONEL BUCKSON: A couple of questions. The first one is why would the council be considering just the northern zone?

DR. COLLIER: When they were first developing these fishery access areas, there was some discussion on whether or not there should be a fishery access area in this northern zone, and there was discussion on a past fishery that had occurred up in this area, and it wasn't -- The information wasn't available at that time, and so we dug deeper into our archives, and we found that there was some landings of golden crab in South Carolina, and it's believed that it was coming from this general area. I believe there were four years over this entire time series that there were landings, and that's how they developed some of these access areas, is based on historic use, and so there is some indication that there is historic use in the area.

COLONEL BUCKSON: So that was the reason of considering VMS just for the northern area rather than the entire --

DR. COLLIER: The reason for considering VMS for just the northern region is essentially a NEPA idea that I came up. It's within the range of reasonable alternatives.

COLONEL BUCKSON: This is kind of for Pat, I guess, but, since you went through all of that fun stuff on the VMS with this fishery, and it was determined not to use VMS, it sounds like, even from an enforcement perspective, there was challenges there, and I just wanted to make sure that I didn't misunderstand what you were saying, that it may not be that useful for enforcement, either. If I'm wrong, make sure to clear that up.

LT. O'SHAUGHNESSY: In talking to the fishermen on how they actually deploy their line of gear, and seeing that they could be upwards of a half-mile inside a closed area, pinging once an hour, we would see the ping inside the closed area, and we wouldn't know if they were further in for the other fifty-nine minutes or not, and, given the consideration of how far offshore they are, we would be trying to develop a case after the fact, not knowing where the gear was at, and we talked to GC at the time, and we would have to prove they were fishing in the area.

The fact that you're at the surface in the area, we would have to prove where their gear was at that particular time, and so it was a tool, but, as far as for an enforcement purpose, to use that as our go-to, it was decided that it would let us know where the vessel was, but we couldn't do a lot with it.

COLONEL BUCKSON: Thanks, and, as a follow-up, that makes sense. VMS on a trawl or -- You can tell when the gear is deployed or if you can't, but you know the vessel is fishing. In this particular case, I get that. That makes sense, and so I guess -- The cost involved with that, where there is relatively few folks footing the bill for the entire thing, I am just wondering how valuable the VMS would be for that particular fishery, especially for enforcement purposes. Now, the council may have other reasons that they want to know where these vessels are fishing, and they could use VMS for that, I guess, but, for enforcement, it may not be the best thing.

CAPTAIN LYNN: That seems to be what I'm understanding. As far as enforcement goes, the VMS would not -- It's just an expense to the fishermen.

LT. O'SHAUGHNESSY: I am a proponent of VMS on all vessels, because, if we need to get that vessel, for whatever variety of reasons, we would know where it's at and when it's coming back in, and so there are benefits for enforcement. However, for proving a violation inside a closed area, it does not provide as valuable a tool, as Bruce said, for other fisheries, where we can see a bottom longline being set or a trawl being conducted inside a closed area.

This is gear that's set into the water column that uses the current to set their gear further back, and so it just makes it more difficult to use that as the go-to tool to prove a violation, and so I'm not saying that I am totally against it. I am just saying, for proving a violation inside a closed area, it does have some difficulty. If you're in the center of a twenty-mile-long box, and you're there for a long time, well, we can assume that the gear was set in there, but it does provide some challenges, and one other thing.

When I am seeing this Sub-Alternative 2a and 2b, I see the purchase of the vessel monitoring system will be paid for by National Marine Fisheries Service, and the way that actually works is there's an electronic monitoring reimbursement fund, and, if there is money in the fund, then fishermen would get reimbursed, and so this makes it look like there is a will-be, and it's actually, the way the fund works, they may be reimbursed if there is funds in the reimbursement account.

It used to be the VMS reimbursement account, and it's now the electronic monitoring reimbursement account, and so only VMS pulled out of that account, and now it's a variety of different electronic monitoring gear gets pulled out of there, and so I don't know of any fisheries that have been turned away from getting reimbursed. However, that is always an opportunity, if there's no fund, or if too much money has been pulled out, whether those fishermen could get reimbursed, and so that's just semantics on "will be" and "may be".

CAPTAIN PEARCE: Real quick, I just wanted to say, just for reference from Florida, the VMS tool, as Pat is saying, is extremely useful in monitoring the movements of the fleet, being able to track movements and being able to -- Instead of spending days looking for the activity, you can leave the dock understanding where the fleet is at and where you need to go. If you've got one particular vessel that you're monitoring and watching it come in, you can monitor that vessel to intercept it on the way in.

We have also used it where we've had vessels loitering in closed areas, and, again, you're not sure why they're there, but we've been able to send out aircraft to validate violations of longline gear in closed areas, and so we're using it in conjunction with other means, and so it's definitely a useful tool, but it's just you can't use it solely alone to make a case. You have to be able to validate it.

CAPTAIN LYNN: Good point. Thank you, Scott. VMS and, as Chip has stated, maybe a buffer zone around the area, just to eliminate the possible pinging in a closed zone, may be an option, just to keep them maybe in their own spot, but you could see him setting his gear, but, if the buffer zone was there, that would give him a little bit of leeway, where he's not in a closed zone and not pinging in a closed zone, because he would be in the buffer zone and setting his gear in the allowable area.

LT. O'SHAUGHNESSY: We dealt with that with the VMS in some other fisheries, and I am not sure what the buffering zone provides. If that's the case, just make the closed area smaller and tell them they can't go in at all to set it, but, to have a closed area and then a buffer zone around the closed area, it gets more complicated. If that's truly the concern, make it a smaller area, and make it that you can't be in there at all, an all-or-nothing type of regulation. If they're in the buffer and they're setting it and it's drifting out, it just makes it more complicated. Square boxes, rectangle boxes, and definitive you can or cannot go.

CAPTAIN LYNN: I agree, and that's kind of the point that I was getting to. If nothing else, make it a smaller area, where the buffer zone would be just the smaller area. Any further discussion or thoughts?

DR. COLLIER: All right, and so we're going to switch gears and go into rock shrimp a little bit, and so this amendment is covering several different ideas. In 2015, we had what's called the Oculina Bank, and that area was expanded. It's a coral habitat area of particular concern. It was

expanded based on some observations of oculina in the area, and so they developed an area for this.

It's extremely hard to see, no matter what, and this is several miles long, maybe a hundred miles, by a quarter-mile wide, and so, no matter what, it's just very difficult for me to demonstrate it to you, and that's why I have this -- That was the real reason that I had this tool developed, so you guys could get a better idea of what we're actually talking about. With this tool, I believe you are able to measure and do different things.

The area in question, it's this eastern boundary of the Oculina Bank. This is the Oculina Bank that was extended. Back in 2015, it was enacted, and that area was highly contentious for the rock shrimp fishery. They were arguing over the location of this eastern boundary here, and they wanted it moved a little bit to the west, and so we had requested that some information be mapped, that this area be mapped, in order to better delineate where coral habitat areas are within this.

If you look at this, it's generally a pretty -- It's not sloping very much, and there's not high relief until you get up into this northern section, and you can see that this bright red -- You can see a rapid change there, and that's likely an indication of a coral mound, and so most of the area is not showing some of that. However, the resolution of the data that we have might not be sufficient to pick up all areas of coral, and so we do need some validation of the area, to ensure that there isn't coral in the area, and we have requested that this area have a dive conducted on it as well,

If you want to look at different information that's available, but this area was created to protect oculina, and there are some areas down here to the southeast, and you can see that there were some dives that were done in the area, and I believe there is some videos that are associated with some of these, and so, if you really want to get into it, you can click on some of the areas. You can see that there is a dive that was done here, and you can see the coral. It was a low-relief coral mound, and you can see other fish in the area, amberjack. The depth is usually listed, but it's not listed on this one. I don't have all of the metadata that is associated with these, but I can provide it to you later.

Going back to the options for rock shrimp, and this is going to be Action 3, which is adjust the Oculina Bank Area of Particular Concern, and we have two options currently in there, which is adjust the eastern edge of the Oculina Bank and the other alternative is to not adjust it. As I mentioned before, the fishermen have definitely chimed in that they would like this area modified, and the Coral AP is going to be looking at this as well. They worked on establishing this area, and they have been -- They are very interested in the discussion and trying to protect coral as best we can, and so I would love to hear what you guys have to say on this.

CAPTAIN PEARCE: As far as law enforcement in Florida is concerned, whatever you all need to adjust that zone for what you're doing, we're going to enforce it, whatever the parameters of the zone are, and so there's really no issue for us. It's just knowing that whatever you do establish is clearly marked and we can make it as enforceable as possible.

DR. COLLIER: We would likely keep that straight line is currently there on that eastern boundary.

COLONEL BUCKSON: I am just curious, but how wide would it be there once you made an adjustment?

DR. COLLIER: I know the adjustment that they're talking about is a quarter-mile, and so, looking at this total area across, let's see if I can -- I don't know all the tools that we have available in this online tool. Right now, it's right at four miles in this lower part, and it could drop back to three-and-a-half.

MR. JONES: Just to where that shrimp/coral problem has been significant throughout time, and we all know that, and I believe that the shrimp industry has given their tracks for I don't know how many years, so you know exactly where shrimping has occurred for a long, long period of time, and that area there could really make a difference in trying to maximize the ability of getting those shrimp without hurting any coral. The shrimpers don't want to get on the coral, and I think they've worked very hard to try to get this put through, and so we hope that you will consider it from that standpoint.

DR. COLLIER: Another thing to remember is the VMS requirements for the rock shrimp fishery is a little bit different than the once per hour. I believe it's every few minutes, and is that right? Pat, you might be more familiar with --

LT. O'SHAUGHNESSY: For inside the area? Inside the area, some of the units change to, I believe, and it's been a few years since I did it, but five minutes or -- It's five or fifteen, and don't quote me on that. As they cross in, it changes to a more consistent ping rate.

DR. COLLIER: Thank you for that.

COLONEL BUCKSON: Just one more comment, and, again, I'm not the one that's doing the enforcing, but you said you would try to keep that straight line, and I think that would be very important thing to do, and I think you realize that, but, when you said "try", it was like a flag went up.

DR. COLLIER: I don't make the final decision, and so --

MR. FREEMAN: The one video you actually clicked on just happened to be low-relief coral, and what kind of verification are you guys going to try to conduct before you decide how much of this area to open?

DR. COLLIER: As I mentioned, the Okeanos Explorer is coming to the Southeast Region, and we are requesting that they look into doing some potential dives in that area, and so hopefully we can get some information on that, but it's not guaranteed that that will occur, and so, at that point, it's -- We will have to go back and really dive into all the archives, to make sure that we have got all the dive logs, all the information, that's available, to make sure that we're not going to be impacting coral.

Now, this next one, you guys will probably have a lot to say on, transit provisions for the shrimp trawl fishery. The reason that this came up most recently is the shrimp trawl fishery in the Southeast Region, or at least off of South Carolina and Georgia, they can put in a request to have the EEZ off of their states closed to shrimp trawling when the temperatures get to a certain point or there's a drop in the population, and that occurred this year, where the areas off of South Carolina and Georgia closed.

There is some shrimp trawl provisions that are in there that may not be possible for some of the shrimp trawlers that are currently operating. The first one, if you look at here, where we have an alternative under Sub-Action 4.1, Alternative 1, it requires that the doors be stowed below the deck while transiting these closed areas.

Some of the fishermen cannot put their doors below the deck. From what I have been told, the way the steel haulers have been set up, that they can't do that, and so we might need to consider new regulations for that, and, since we're considering it for one area, we thought we might try to get it as consistent as possible for all the areas, whether it be Oculina Bank, where there is a different transit provision, whether it's through an MPA, and that's this one listed here, Alternative 2, where a trawl net or a trawl may remain on the deck, but the trawl doors must be disconnected from the net.

We also have an alternative for spawning SMZs, and there are very small areas. The trawl doors and nets must be out of the water, but it's not required for the doors to be on the deck of the boat and secured or below deck. Then, for the Oculina Bank, this is that ping rate for the VMS. It's generally recognizing that it's going to be the offshore fishery, the rock shrimp fishery, that's operating in the general vicinity of the Oculina Bank.

You can see that, for this transit provision, for the purpose of this, fishing gear is stowed appropriately, and then we list what stowed appropriately means. That means doors and nets are out of the water, and this area is slightly different, where they have a requirement to maintain a speed of five knots while transiting that area, and so it was determined that, if you're going slower than five knots, you could potentially be pulling a trawl, and, if you're transiting the area, you're likely to be going over five knots.

In addition to considering what we had developed in the South Atlantic, they also requested that we go through the Gulf and the Northeast Region and look at some of their regulations on how they have it written, and so here we have protected areas in the Gulf of Mexico, where a trawl net may remain on the deck of the boat, but it has to be disconnected from trawl gear and must be secured. This is for generally shallow-water areas that might be closed, and, for stowing the gear, it means the trawl doors must be out of the water and the bag straps must be removed.

Then we have, from the Northeast -- They do things slightly differently up there. What they have done is they defined, actually for all fisheries, what "stowed appropriately" means, and then, if there is an exception to that, they would list that exception in the rules, and so we have the coral zone, and you can see where it has to be stowed. It has to be out of the water and stowed on the reel, and any other fishing gear that is prohibited must not be deployed.

All of the sub-actions are set up in this variety, and this gives the council an opportunity, if they want, to remove any of these potential areas. If they think that, let's say, the marine protected areas, the regulations for the transit provision in there are good enough, they don't have to go through it, but so Sub-Action 4.2 is going to be almost the exact same as 4.1. I just have to change the no action alternative, and what was in the previous one is then moved down one, and so we're not going to go through all of those, but, if you guys have any recommendations on what you think would be best for transiting a closed area or any thoughts for the council to consider for transit provisions, we would really like to hear your perspective on it.

MS. RAINE: I would suggest that, at a minimum, language similar to I think what's currently there, as far as non-stop, continuous progression through the area, and I am noticing some of these from the Northeast don't seem to mention that, just that they may transit the area, but I think it's probably important to have continuous progression through the area, whatever language is used, and I've noticed that there is a number of ways that that idea has been conveyed, but I just wouldn't leave it at you may transit it. I would be more specific.

CAPTAIN PEARCE: As far as the nets being stowed on deck, you could go a step further to say the TEDs would be disconnected and the nets would be, in some way, shape, or form, rendered to where they couldn't be deployed or fished, and so you could even disconnect the nets from the cabling, and, that way, it would be a major process to try to get that gear disconnected in a hurry or re-rigged. You could call it rendered to where it's not immediately deployable, but, to me, disconnecting the nets as well as the TEDs would be a good way to have that, and, of course, as you roll up on them, there's no way they could go through that process fast enough.

DR. COLLIER: With that, if somebody comes back, as they are transiting to inshore, and they have their TEDs disconnected, but they have shrimp onboard, is there any issue with that?

CAPTAIN PEARCE: As long as they're in direct transit and the shrimp are harvested in a legal harvest area and they are in direct transit to head back into port, I don't see a problem with it. What you're trying to prevent is the ability for them to have harvested those shrimp in a closed area, and so I think, as long as they're in direct transit, the burden is on us to prove that they harvested them in that area. By disconnecting the gear, that definitely helps us with that case, and it helps them to prove they weren't harvesting.

MS. RAINE: If we're looking at disconnecting the TEDs, I haven't done TED enforcement in a long time, but I think we would have to look at those regulations to make sure there wasn't a disconnect.

CAPTAIN PEARCE: I said TEDs, but I was thinking the doors. I meant disconnecting the doors. I misspoke. I apologize.

LT. THOMAS: I was just going to say the TEDs are sewn in, and so I just wanted to make sure that we weren't looking at TEDs being removed, but doors makes more sense.

CAPTAIN LYNN: Anything further? That sounds reasonable.

DR. COLLIER: Just to almost pin you guys down a little bit, it sounds like you guys are recommending this one for the MPA, which states that transit means direct, non-stop progression through the area, fishing gear appropriately stowed means a trawl net or try net may remain on the deck, but the trawl doors must be disconnected from such net and must be secured.

CAPTAIN LYNN: I believe that's what they have recommended, yes.

MR. BELL: Just a question for clarification. At the last meeting, the issue came up related to just the irregular penaeid fishery, for us in Georgia and South Carolina the white shrimp fishery, because the entire EEZ is now closed. It's a closed area, and I think what we were trying to do is

just try and standardize all the measurements you guys would make to transit provisions and to include that thinking, and so some closed areas are MPAs, and some are oculina areas, smaller boxes and bigger boxes, but a closed area could be the entire EEZ off of Georgia and South Carolina, and so the -- That's a big area.

The continuously moving part, would that work? Could we apply that to somebody right now, for instance, that wanted to go fish in Florida, legally, and then bring their catch back and land it in Georgia or South Carolina? Would this work for that, because that's the question I'm dealing with right now with my fishermen, is that, currently, the way it's written, unless they stow their nets below deck, they can't do that, and stowing -- Boats aren't rigged very well for doing that. I mean, yes, they can, but it's not so easy to do, and so that's why we were kind of trying to see if we could adjust the transit provisions just for a cold-water closure to look just like all the other types of excluded areas, and that's what we were trying to achieve, right, Chip?

DR. COLLIER: That's correct, and, just as you pointed out, for the penaeid fishery, this is Alternative 1 under Sub-Action 4.1, is the issue that you guys had identified, where it requires the nets to be stowed below the deck while transiting the closed area. What the Law Enforcement AP was considering was this one, the MPA regulation, for that. I don't know, and you guys probably see the shrimp fishery offshore a heck of a lot more than I do, and so do they ever stop in some of these areas before they come back? I know, in some states, there is issues with going into inlets. You have to wait until the high tide, and so, at that point, you're not continuous transit, and so that might be a consideration, and I don't know, but they might actually be in state waters at that point, where it might be different.

CAPTAIN LYNN: I don't think the MPAs are so large that they would need to stop in an MPA. They should be able to get out of that zone before they need to anchor up for some reason.

DR. COLLIER: This is that winter closure that Mel was talking about, which goes from three miles out to twenty miles out.

MR. BELL: Maybe I've got this confused. I was just kind of seeing if -- I think what we were trying to see is if there is one size that could fit all contingencies here, whether it's an MPA or the EEZ or whatever, and I thought that's what we were trying to look at.

DR. COLLIER: Yes, and I think that's what you guys had mentioned in the beginning, and then, as I'm developing this, I started thinking about the Oculina Bank, and that one is very different than the rest of them, just because the transit provision is -- Those vessels already have VMS, or are likely to have VMS in that area, and so they're going to have -- That requirement is going to be slightly different than a vessel transiting through an MPA.

CAPTAIN LYNN: Any further discussion then? Do we all agree that the one highlighted up there, that the trawl net remain on deck, but the trawl doors must be disconnected from the net, and direct transit means non-stop progression throughout the area? All good?

MR. FREEMAN: This one here is for the entire EEZ for a cold-weather closure, and I am not very involved with the shrimp fishery, but I am sure there is some reason that they would have to stop at some point in federal waters, due to conditions or boat issues or some other reason, where



non-stop progression could potentially put them at liability of breaking the law when they are not shrimping.

CAPTAIN LYNN: I may be speaking for myself in Georgia, but I know, if my folks were to come upon a trawler anchored up offshore in Georgia and they spent the night, and maybe they were coming from South Carolina and going to Florida to fish, if they spent the night offshore and the doors are disconnected -- Sure, by the word of the law, the regulation, they may be in violation, but common sense should overrule the violation of the law that they spent the night and are moving on.

MR. FREEMAN: I guess my question then is, is there a necessity to have the non-stop part of that regulation in there for a cold-weather closure?

CAPTAIN PEARCE: You could use the terminology of, while transiting or anchoring in closed areas, the gear would be stowed in that manner. I agree with you that that's a common-sense factor, if we pull up and they're not harvesting and they're not actively shrimping.

MS. RAINE: I will need to go back and research this, but my remembrance is there is a case out of the west coast where, without some specific language, there was a problem prosecuting, but I will try to find that, since I wasn't directly involved in it and I don't remember the details, but I will try to find it, because, as I recall, there was an issue, because of the language.

MAJOR WALKER: My question is, because this not a -- I don't have a problem with the way this is written, but, in North Carolina, the cases we prosecute would be to actually catch them using the gear in the closed area and not found in the closed area with the doors attached, and I am just wondering if you guys have made cases doing that, if that's something you actually charge, or would you use that to try to make up a case for them actually using the gear in the closed area?

CAPTAIN LYNN: Pat, I guess that would be a NOAA action.

LT. SHAUGHNESSY: I don't recall any transit provisions like you're talking and whether they had their gear on the deck or stowed. I don't know if any have gotten to GC that she might be more aware of, but I think it's more of a deterrent to get them in a position for which they're not easily set up to fish, but, to answer your question, I don't, in the recent past, recall specific issues.

Some of that, whether a guy breaks down and they're trying to fix an engine or they're sleeping, the role of officer discretion comes into play to decide by the officer on scene, looking at all of the information he has in front of him, where they just came from south Florida and they just steamed for thirty-six hours and everybody went below and they went to sleep, that's -- The doors and everything are onboard, and they obviously were not shrimping, and officer discretion would rule the day in that particular instance.

CAPTAIN LYNN: I agree.

COLONEL BUCKSON: Just for clarification, because -- Both of those Alternative 1, the no action, and Alternative 2, they both include the direct transit language, and they may not be exactly the same, and so I guess you're looking at changing the deepwater based on the input that you've had from the industry? They don't seem to be that different to me, those two.

DR. COLLIER: Well, it's not necessarily that the council is considering it, but they had just asked me to put together all the different transit provisions that are out there, and so what I did was I put them all together and then gave them sub-actions for each of the different areas that they have transit provisions for.

COLONEL BUCKSON: So, as a follow-up, is there an issue on the deepwater transit closure or regulation, as it stands now?

DR. COLLIER: I will defer to a council member on that one, because it's not going to be me, and so the deepwater Oculina Bank area, as far as transit provisions, does that need to be considered? Are you guys considering that or --

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

DR. COLLIER: To me, what I was just trying to do was provide as much information as possible. That way, we don't have to come back to the council with additional information. What they can do is strike information or sub-actions within this.

COLONEL BUCKSON: Okay, and so I probably misspoke, but, the cold-water closure, Alternative 1 and Alternative 2 both have that same transit language in there, and so there is no difference in those. I mean, there is gear specifications in Alternative 1, and so it doesn't sound - I am not sure what we're trying to accomplish.

DR. COLLIER: It's the stowage part that's difficult for the cold-water closure, where it requires the stowage below deck, where, as opposed to the MPAs, it may remain on the deck.

CAPTAIN LYNN: I think that seems be the real issue, basically how to properly stow the gear.

MR. BELL: Just to put the cold-water piece in perspective, this doesn't happen a lot, in my recent memory, and so, in 1990, there was a closure off of Georgia and South Carolina. In 2001, it was both states. Then, in 2010 and 2014, it was just South Carolina. Then, in 2018, it was both states again, and so these events don't happen very often, but they happen, and, when they do -- Right now, the way it exists in the regulations is that, if a boat from North Carolina, South Carolina, or Georgia wanted to go down to Florida and fish where it's open, and then they wanted to bring that product back and land it in their home state, they would find themselves transiting through federal waters that are closed, and the requirements are that -- Right now, the requirements are that the nets have to be stowed below deck, and that is what is on the books right now.

It wasn't so much whether when DNR encounters them, but, right now, if the Coast Guard were to come up on them and you look at the regulation, that's what it says. Are the nets below deck or not? If Pat is out there, are the nets below deck or not? Below deck is just kind of problematic for the way the trawlers are built and all, and so that's why we were trying to get away from that. If we could get away from that below deck piece and go to something that was just where the gear can't be used, obviously that -- If we could get it to apply across all of these different circumstances, that would be great, if it works, but, in perspective, this doesn't happen a lot.

I mean, hopefully, it's not going to be a pattern where it's happening more and more, but, when it happens, it's a big area, and that's why I was asking about the transit, and I think that's what Michael was getting at. I mean, right now, the area, if you're a North Carolina boat and you're going back to North Carolina from Florida and you've got product onboard, the area is all the way from the Florida/Georgia line all the way up to the South Carolina/North Carolina line, and so you might find yourself stopping for some reason in the middle, and that's why I was asking about the continuously transiting part.

COLONEL BUCKSON: I apologize, because I think I might have confused this issue a little bit more than needed, and so there's two issues. It's the stowage, which is taken care of in Alternative 2, which is the one I think that Scott recommended, and then the other issue is the direct transit non-stop, and that's actually in both of those currently, as it appears, and "direct" and "continuous" is just worded different, and so it seems that the recommendation may be able to work for the deepwater as well, other than the direct transit.

DR. COLLIER: Yes, and so, essentially, what I'm hearing is that we might need some consideration for the cold-water closure area for people anchoring, just given the size of it. They could be anchored or transiting, and they would still need to meet these requirements. However, for an area like an MPA or spawning SMZs or Oculina Bank, those regulations might not need to be changed.

CAPTAIN LYNN: That's correct. Okay. Anything further?

LT. O'SHAUGHNESSY: I just wanted to make sure -- You said "might not need to be changed", and I just want to make sure that we don't put an anchoring provision in an MPA or a closed area that gives someone the option to drop anchor where that's not our intent, and so not maybe, but will not be included in those areas where the bottom is of a particular concern.

DR. COLLIER: Right, and I'm just council staff and not council, and so I have to put that "may not".

CAPTAIN LYNN: Okay.

DR. COLLIER: Thank you, all, very much for your time.

CAPTAIN LYNN: Thank you, Chip.

MS. KARP: I appreciate you guys giving me a few minutes to go over the law enforcement app, and it's a validation app that we had made for a South Atlantic Council pilot project, and I thought I would spend just a minute going over that project for those of you who may not have been here the last time that I made a presentation and went through this.

What we did is, and it's been about eighteen months now, is we started a pilot project with the South Atlantic and the ACCSP, and it covered a few different aspects, the first being eTRIPS/mobile, which is an electronic vessel trip reporting system that is currently in use in the Northeast and the Mid-Atlantic. What we did is we took that, and we worked with a bunch of fishermen from North Carolina to the Keys, and we had them use this for their reporting, and what we did is we made some tweaks along the way to fit their style of fishing.

The next thing we made was a dockside intercept reporting app, and, basically, that's just an electronic form of the current intercept form that they used dockside and shoreside. The third app that we did was a fish measuring board, an electronic fish measuring board, that used Bluetooth to get information into the dockside reporting app, and so those ended up being brought together.

Then the fourth thing was what we call our law enforcement app, and what this app was supposed to do was address the question of -- With the electronic reporting amendment out there, how was an officer supposed to be able to see when the last time a vessel reported a positive trip and/or a negative trip, and we kind of had to bring it down to what questions would the officer who was out there -- What would they need to know, and that was kind of what the group came up with, the last positive and then the last negative report. What we did is we worked with the ACCSP to build an app that would be able to bring down this information, and so, right now, it's in a test format, and it does to a test database at the ACCSP, and we went through that already.

The search criteria, and this is just a screenshot, and one of the things that I did last time was take kind of a hand-raising vote of how many of you had smartphones and how many of you may have had access to tablets or laptops, and what we found out is it varied greatly among the states. Some states had smartphones that they gave to the officers, and some states had the old-fashioned flip phones that they gave out, and then some had Microsoft tablets. This was originally geared toward the phone, the assumption being that most, if not all, of you had access to a smartphone.

We have actually tried this on tablets, and, although it's not made for a tablet, it seems to have no problem working on tablets right now as well, and so that's the platform that it's on, and that's both Apple iOS smartphones and the Android tablets and smartphones.

This is the first screen, and I'm going to try to do a live version, and we'll go through that later, but, as you log in, you have the option to search by vessel permit, operator permit, state registration, and Coast Guard number. The feedback we got from the group is that the officer should have access to one of these, and all you have to do is put in one, and then it will come back, and it will search. Your search record will appear down here under "records found", and so it's a pretty simple, easy format. It's nothing exciting, but we'll go through it with you.

The query return, you will see here how the query returns come down, and you will see at the bottom where the last negative report was and if they had a last positive report, and I will show you that as well, so we can scroll through. I'm going to throw it out to the group at this point, but is there any information here, and this is just, as I said, in the stages of -- I won't say it's in the stages of being built, but we think we have a final product, but I would like some feedback as to the vessel permits, operator permits, state registration, and Coast Guard number and getting back that last positive and negative.

As an officer who is out there trying to enforce an electronic reporting tool, and I know that you're in the very, very early stages of this, is this something that you would find to be of value to you while you were out there, or is there something that we could have done differently? I will just throw that out there to any of you that would like to give us feedback at this point. By silence, are you saying that we nailed it and it's exactly what you would want as an officer out there?

CAPTAIN PEARCE: It's definitely applicable. I mean, you're going to be limited on where you can use it, based on access to your database and cell towers and things like that, but it definitely can be a useful tool.

MS. KARP: Yes, I understand that, the cell tower part of it. Do most of you go to an area where there is cell coverage? I am sure that it differs by state, but would that be an issue with an app that, in order to do a submission, needed to be connected to the internet?

CAPTAIN PEARCE: Again, I think it just comes back to what fishery you're working on and how far offshore are you, because, if we're in federal waters in the State of Florida, we don't have connectivity.

MS. KARP: Yes, that's true. We were kind of thinking more dockside on this and things like that, and, so, yes, I understand that. Okay. Great. One of the things that we wanted to address also was how you guys communicate, and so we threw this part in as just like a little extra for you guys to be able to get a portal, where you can do different things like upload files that all of you use to ask questions and things like that, and I will show you that as well, as we go through, and so that's just a little button on the bottom left-hand corner.

Again, it's a real simple app, and there's not a lot to it, but it's in the beginning stages, and, if you would like to test it, we can work with the South Atlantic Council to maybe have you guys take it out there, and I'm going to attempt to do a live demo at this point. My machine doesn't like the fact that I'm connected up several different ways, but this here is actually on a tablet, and let me open up that for you.

It would look similar on a phone, but the officer would log in. This data, when he's logging in, the actual credentials and everything, sit up with the ACCSP, along with all of the other data that is collected with this. There is basically your main screen. Again, this is a test database, but, if we wanted to do a test of a federal permit number and put that in, you will see the records that come back, and what this is showing is any user out there who has submitted an electronic vessel trip report using that vessel permit, and this one actually happens to be that we -- These are some of the people that were involved in the pilot project.

It's kind of quick and kind of easy, and, again, you can put in anything within those fields, and it doesn't have to be all of them, just one field, and it's going to go back up to the database and return that information, again the last positive and the last negative.

Community is a part that we put in, and what this is, it's an information-sharing portal. It's actually law enforcement only, and it's something that we had already, and so we just thought that it would be of use for you guys out in the field, law enforcement. The data exists in a certified location, and, again, it's law enforcement only, but it's an area where I figured you guys could come and get together, instead of sharing information maybe once at a meeting, and that you could share it online here as well.

Some people call it like Facebook for cops, but, again, down here, and let me see if I can get my mouse -- I made you guys a portal just for testing, and so you would go in and go into this portal, and then this is where you would basically have all of your live streaming, and I put in some of the things for you guys, like you can put in meeting requests, and you can put information out

there, and this is just for the officers for North Carolina to Florida, if any of you wanted to use this portal.

I don't know if you guys do like officers might do a roll call type of thing, but you can put in roll call information, and, again, you can put in different dates that you guys might have meetings or anything like that and upload files, and then this is basically a questionnaire, if you wanted to ask any of the officers that are in your group different questions. Anything that you have on your stream can be shared with other departments, and that's totally up to you guys. That is kind of the information-sharing system. Any questions on that part of it?

CAPTAIN PEARCE: Are there established terms of use policies for that?

MS. KARP: Yes, there is MOUs in place for that.

MR. JONES: Is this just for commercial fishing?

MS. KARP: eTRIPS itself, eTRIPS/mobile, is both commercial and for-hire, but I believe your amendment right now is only covering for-hire as part of electronic reporting, and so this tool was kind of geared towards that part of the project, and so what you have here is people who are for-hire fishermen who are part of the project. Some of them also do commercial fish, but it was mainly a for-hire project.

MS. RAINE: I guess the thoughts that were going through my mind have to do with what kinds of records are these creating, and is the data -- This sort of Facebook for cops thing, is that being stored somewhere, and how does all of that work?

MS. KARP: Right, and so let's go back to that. Yes, it is being stored at a secure facility that has been approved. Actually, it sits in South Carolina, and so it's been approved, and that is where the data sits, and it's shared with law enforcement only. I am not sure that I answered all of -- Did that answer both of those questions, as to where it sits and that? Again, the community, we can take out. It wasn't originally part of the project, but, the last time we had a discussion, I threw it out there, and the officers thought that it might be a space where they can at least get together and share ideas. Again, it's easy enough to take out. If it's something that you test and like and want to keep it, it's in the app.

MS. RAINE: I am not going to be using it, but my only question was what kind of records it's creating, because I can imagine there could be Freedom of Information Act kinds of requests or requests that we might want in case files or whatever, and so I was just sort of wondering what records this is creating, that's all.

MS. KARP: Sure, and so each department can use it differently. Some departments will post something like a hit-and-run type of thing to other departments, and some departments do -- They have actually made spaces within their space, and so they have a space for their own roll call per shift, and they will use the roll call to kind of update officers on things that are going on on the road, and so we kind of let each department use it how they wish and kind of let it go from there. As far as the records, yes, the records are kept and stored, and they are not deleted. Any other questions?

CAPTAIN LYNN: Anything further from the group?

AP MEMBER: Was there a -- Did you all provide a breakdown of this in our briefing book, to go back and look through it and look at some of the key points and parts of it, or could we get something?

MS. BROUWER: Francine, would it be okay for you to provide -- I already have the presentation you just gave, and so I can just easily put it on the briefing book for everybody to access.

MS. KARP: Yes, and I added one screen, which would be the history of it. I just wanted to go back and do a little history on here, and so I'll send you this one when we're done. That will just have kind of an overview of the entire project and where the law enforcement app came in.

MS. BROUWER: Great. Thank you.

MR. FREEMAN: I'm a commercial fisherman and I'm not actually a law enforcement officer, but you mentioned that they would have to have some type of cell signal so that they're able to retrieve the records. As far as those records, are you just storing them in memory and then dumping them when they close out of the app, or are those stored locally on their devices?

MS. KARP: I believe that they're stored in the memory, but I can actually double-check with the programmer in the ACCSP. This does not load a database, and so my guess is that's memory, but that's a question that I can actually address and let you know for sure.

MR. FREEMAN: Then a follow-up to that. I am not real familiar with the laws surrounding the data itself, but just the information you have shown on the app here, I can imagine that database would be incredibly small, if it's just that specific subset of the data, and could it be possible for them to download a localized version of just that information and then retrieve it while they're out on the water and don't have cell service?

MS. KARP: Yes, that actually is possible, and that's one of the things I was thinking when somebody mentioned that they're out at sea. We currently do that within eTRIPS. We download the federal vessel list, and we update that each time they log in, and so that's definitely feasible to do that, and, if that's something that you think would be of value, that can be done.

MR. FREEMAN: I would definitely see that having a lot more utility, rather than having to be within range of a cell tower. Just before they leave the dock, they log-in and download whatever updates there are, last ticket submitted, last non-fishing report submitted. Then, when they're out there on the water, out of cell range, they still have that information available to them.

MS. KARP: Sure. I think that's a great idea. That's great feedback. Anything else?

CAPTAIN LYNN: I believe that's it from the group.

MS. KARP: Okay. I appreciate your time. If there is anyone who wishes to -- Who is a law enforcement officer and wishes to use the app and test it out, feel free to either get with someone there at the council or I can give you my information, real quick, my contact information here. I can make arrangements to get you a copy of it. Thank you.

MS. BROUWER: Thank you, Francine. We appreciate it.

CAPTAIN LYNN: All right. We've got about two more to go. If you all are in agreement, we will push forward, and you can eat lunch on the road, or flying back, or whatever you need to do. Myra, we're going to updates on enforcement in protected areas.

MS. BROUWER: Right, and so one of the things that we would like to bring back to the council, and we thought we would request from you guys, since you're here, is a quick update on any enforcement that has taken place in any of the council's closed areas, and I know we've already touched on that some today, but I wanted to give all the agency reps a chance to give us a brief update that we can bring to the council in June.

CAPTAIN LYNN: Before we do that, does anybody -- Since we are pushing forward, does anybody need to stretch their legs for just a minute? Do you want to take five and come back? We will take five and come back.

(Whereupon, a recess was taken.)

CAPTAIN LYNN: Let's reconvene. All right, Myra. We're in the beginning stages of discussing the enforcement in protected areas, if you want to pick up where you left off.

MS. BROUWER: I was done.

CAPTAIN LYNN: All right. Sounds good to me. I guess we'll just go state-by-state then, and you're looking for any enforcement activity or just what are they doing in those areas? Scott, since you approached me, we'll just start with you. You seem to be ready to go.

CAPTAIN PEARCE: I went back twenty-four months, just to get a good span of what we've been doing. In the last twenty-four months, we've had right at 190 hours of enforcement activity in the deepwater MPAs, and we've had a total of three state citations that have been written, twenty-four federal, and we've had forty-eight state warnings and six federal warnings written while conducting those patrols.

Most of the citations are relevant to either harvest in the closed area, undersized dolphin, possession of redfish, but, mostly, they're all harvesting in closed waters for snapper grouper. We have had a total of twenty-eight of those cases that involved commercial vessels, and then it involved 208 recreational vessels that were boarded in the MPAs, but that would be for East Hump, North Florida, St. Lucie Hump, and I included Oculina Bank.

CAPTAIN LYNN: Thanks, Scott. Michael Paul from South Carolina. Just in the discussion of any enforcement activity in protected areas, anything you can tell?

LT. THOMAS: Well, the Colonel didn't really brief me. Why don't you come back to me at the end, and I will put something together.

CAPTAIN LYNN: All right. I will go for Georgia. There is nothing close enough that we do or enforce. We don't have a patrol boat large enough. I think the closest one we have is like 120



miles offshore, and we don't have anything that is capable of running that far out and returning or the manpower that would probably require an overnight that far out, and so we don't have anything. North Carolina?

MAJOR WALKER: Ditto for North Carolina. We don't track that information, per se, by marine protected areas.

CAPTAIN LYNN: Coast Guard?

LT. FAIR: I don't have that data. I have put in a request to get it, but we would have to pull that out of MISLE database to drill it all the way down to the MPAs and the incursions into those MPAs, and so I would have to send that later.

LT. THOMAS: Now I have another question. We have done seven MPA patrols, and we made it a point to do it during this year's JEA contract, and obviously for our general enforcement and snapper grouper and everything else, but we made a point to get out there seven times, to various ones. We did have one interaction that was just a husband and wife couple, and I don't think they had a clue where they were at, and we were pretty comfortable just advising them and educating and then moving on. Then we've gotten calls during several of our Governor's Cup Tournaments of boats being fishing in there, and so, if we didn't respond that day, we would step up some patrols, and we did two in one month, and we're trying to hit it once a month or, if we're getting some good days, we will try to shoot on out there while we're on another patrol, and so that's it.

MS. BROUWER: So the seven patrols were just this past year or during what time period?

LT. THOMAS: Yes, ma'am. They were starting July 1 until now. That's when our contract runs for JEA as well, and so that's kind of how I break them down, July 1 to June 30.

CAPTAIN PEARCE: Just to clarify too, for us, and I can't speak for every state, but as a priority for the JEA contract over the last twelve months, the MPAs were not listed as a priority, although we did incorporate patrols based on the other priorities, but I was told that, this next year's contract, the MPAs will be a part of that JEA priority, and so it does impact the amount of time you spend in the MPAs when it's not listed as a priority for patrol. That's just for the record.

CAPTAIN LYNN: Thank you. I guess, Myra, to go back to Georgia, as far as a particular area, we have Gray's Reef, which is only seventeen miles offshore, but we patrol that regularly through the JEA, but, as far as any others, we do not.

LT. O'SHAUGHNESSY: NOAA doesn't have the assets to do it ourselves. However, the four enforcement officers that I have, Miami, Cape Canaveral, Savannah, and Charleston, have been out extensively with, in particular, FWC and Georgia, and I think Kevin is out with South Carolina on a regular basis. Likewise, all of the federal cases that they make when they're on the JEA patrols in turn come to our enforcement officers, and we handle those cases and send them forward, but, as I said, we're getting one boat for the Gulf and one for the South Atlantic, thirty-six foot, and so we will have the capability to go up and down the coast and try to reach out and hit some of these areas by ourselves. Prior, we were limited to a twenty-four-foot Rib, and so we will be able to provide some data in the future.

MS. BROUWER: Just so I can tell the council, these new assets will be available this year, is what I heard you say earlier?

LT. O'SHAUGHNESSY: The first one is delivered in May, and the second one is delivered in June, and so we'll have two boats. One boat will be moving around the Gulf Coast, and so there will be one for the South Atlantic, and we do intend to hit the MPAs.

CAPTAIN LYNN: Thank you, Pat.

MR. BELL: Just to kind of clarify for maybe new folks and all, we're discussing right now the marine protected areas that were established by the council a number of years ago, and then, most recently, the spawning special management zones, but also keep in mind that I know all of the artificial reefs off of South Carolina in federal waters, and I think Georgia, are considered special management zones.

That's a little different from these others, in terms of the regulations that apply, but I would offer low-hanging fruit for spawning special management zones, and so South Carolina has two sites, one in seventy feet of water and one in about a hundred feet of water, and so they are much closer to shore. They are designated as special management zones for spawning, and so they're part of that last group that was added, and so, if you're looking for a place to try your boat out, it's pretty close to -- Those are the closest spawning SMZs that we have, at least up our way, and the rest of them are pretty far out, but that's part of the mix, and so they are part of the -- When we say spawning special management zones, there is the two off of South Carolina in shallower water now.

CAPTAIN LYNN: Thank you, Mel. Anything further?

MS. BROUWER: Thank you, all, for that. I will bring that back to the council in June, and I guess what we have left is just a couple of items under Other Business.

CAPTAIN LYNN: Yes, ma'am.

MS. BROUWER: I will just draw your attention to the overview we had, and we just wanted some clarification, mainly, on our end. We have been getting some inquiries on, and we talked about this yesterday, and one is transporting managed species to the U.S. from the Bahamas when federal or state waters are closed to harvest, and so recall that -- I guess it was a couple of years ago, maybe three, that the council approved an amendment to allow transport of fillets for snapper grouper species from the Bahamas, and there were some very specific stipulations. The skin had to be on, and two fillets equal one fish, and all that took place.

Apparently, there is still a little bit more education that needs to be done, or maybe some more coordination among agencies, and so that's one issue that we've had to deal with, and I will invite Cameron here, our Outreach Specialist, to give you a little bit more details as to the kinds of questions she's getting, and so that's one thing that we wanted input on.

Then the other has to do with clarifying whether you can have a longline onboard along with bandit gear, because the longline -- In the regulations, it specifies not only the definition of what a longline is, but the inquiry came from a fisherman that was using longline to catch dolphin and was also in

possession of snapper grouper species, and, right now, in the regulations, it specifies that you can have certain snapper grouper species onboard when you have a longline onboard, but not others, and so the question was can you have dolphin onboard when you're fishing for dolphin with a longline, and the issue there, I think, is the definition of the cable on the longline. It doesn't talk about monofilament. It specifically says "cable" in the regulations, and so that's another thing that we were wanting to get some clarification, so we can go to the fishermen and speak to them about that, and so here's Cameron.

MS. RHODES: I am the Outreach Specialist at the council office, and we do get a lot of questions, particularly about this Bahamas issue, and, truthfully, depending on who I speak with in a certain law enforcement office, I tend to get a different answer, and so I just want clarification from you folks at this table what is actually legal for folks to do when returning from the Bahamas, whether they be returning via fishing vessel or whether they be returning via ferry. There are a couple of things that I just would like to have clarification, and I do not intend to provide folks with law enforcement information, and so, if there's someone at the table -- I know I've spoken to Scott a number of times, and thank you, Scott, you've been very helpful, and so, if there is someone at the table -- Scott, if you would like to continue that, or if there are other folks who might want to be that point of contact for me.

CAPTAIN PEARCE: I am going to defer to North Carolina on this. No, I would be happy to answer any questions that might come up.

MS. RHODES: Okay. Thank you, and, really, I think it boils down to -- Of course, a lot of times, officer discretion does factor into this, but I would just like to have, based on what's written in the regulations, I would like to have a clear understanding of what folks are allowed to do, given the circumstances where, for the shallow-water spawning closure for the grouper species, if someone harvests that fish while in the Bahamas and they do so legally, and they come back with all of their gear stowed, is that a legal act, or is that illegal? Can he bring that fish that is closed in federal waters of the United States back into the U.S.? That has been the discussion.

CAPTAIN PEARCE: No. Basically, they are bound by the regulations for snapper grouper in the EEZ, and so, once they enter the EEZ from the Bahamas, they have to be in compliance with EEZ regulations. Then we treat it, in the State of Florida, as a direct transit from federal waters, and so, at that point, we are holding them accountable to their direct transit. The only difference is we are allowing them to have the fillets onboard, but there is other mechanisms that have to be in place, like the proof that they have been in the Bahamas, the cruising permits and things of that nature. The only outside thing on that would be if there's a fishery in the Bahamas that is open season that there is no prohibition for in the EEZ or in state waters. Then they can bring those fish back, but, if it's regulated in the EEZ, then we're holding them accountable to that.

MS. RHODES: I am probably beating a dead horse here, but let me ask again, because I will be asked that again. If it's prohibited from harvest in the South Atlantic EEZ, due to some kind of closure, they cannot bring back that fish, whether it be in fillet form or any other form? It cannot come back into the United States?

CAPTAIN PEARCE: Yes, you're correct. It cannot come back, unless they fly it back by aircraft.

CAPTAIN LYNN: Karen, did you have any comment?

MS. RAINE: I was just going to echo that the council only accepted fillets under a very regulated condition from coming back. All of the other federal regulations are in place. Nothing else has been accepted, and, if the council wanted to do that, they would have to accept fish when it's a closed season, but, if it's unlawful in the EEZ waters and they are coming back, other than those fillets, as specified, they are in violation.

MR. FREEMAN: Just to clarify, because I am sure a fisherman is going to end up asking this at some point. If it's open in the Bahamas and they legally harvested it there and it's also open in our EEZ, they are still held to bag limits and all the other federal regulations, and so kind of the follow-up to that is how does reporting work on that? If I caught it in the Bahamas, it's legal for me to bring it back through our EEZ, and is that a reported species?

CAPTAIN PEARCE: It's a recreational only, and so you cannot bring back species from the Bahamas and sell them on a commercial market.

LT. O'SHAUGHNESSY: I think, as Scott pointed out, it's important for the fishermen, because we've had some of those questions. You can go over to the Bahamas, and you can have your passport and all your stamps and everything in order. Then, as you're coming back, without us enforcing it this way, it gives them the opportunity to look at what is open in the Bahamas and catch that in our EEZ and just say, no, I brought it from the Bahamas.

We have no way of making that determination, and that's why we take that stance that it's illegal. If it's illegal in the EEZ, we're not really concerned what is open in the Bahamas, because we have to enforce it whether it be in federal or state waters, and it's the cleanest way that we can do it, is to say no.

CAPTAIN PEARCE: To the comment on the -- Just talking about the ferries, and I've been having conversations with Casey Orbitz down in Florida on that, and we're still having a continued conversation, but, as soon as we resolve our questions there, I will let you know what we come up with.

MS. RHODES: From an outreach perspective, we have a brochure on our website that we tend to point people to, but is there anything else that you guys, as law enforcement officers, would like to see us do, so that we can better educate the public about this, because, especially within our billfish community -- We don't manage billfish, of course, but we do get a lot of dolphin wahoo guys who want to head over to the Bahamas, and they ask us these questions, and I just want to make sure -- If there's something else that you guys think we need to have out there as an education tool, let me know about it, and we'll make it.

MR. ROBERSON: Would we have any capacity to go to like the Whole Truth or some of the forums that the fishermen use or post a link there for an update?

MS. RHODES: To be completely frank with you, we are not the sexiest entity to go on there. If we start posting stuff on there, we tend to be met with a little bit of contention, and so it would be better for it to come from someone like you. If you wanted to be that person who goes to those forums and post that stuff, that would be recommended, and I think that's probably true from a lot of the law enforcement people in the room.

They would recommend that it come from other fishermen, that information, but, yes, we have a fishermen's forum specifically for commercial guys right now, and I know Michael has been involved in making that a better platform, and that is strictly commercial, and we do plan to expand it to recreational eventually, but, if you have ideas for that, like charlestonfishing.com or anything along those lines, we're happy to help supply that information, but it definitely is received better when it comes from your peers.

LT. O'SHAUGHNESSY: I pulled up the brochure from the council site, and the one thing I would like to point out is it talks about the fillets, but then it gets down to prohibited species. I will read it. It says: Species prohibited from harvest in the U.S. (queen conch, Nassau, goliath grouper, et cetera) cannot be transported through U.S. federal and Florida state waters by boat.

It makes it seem like queen conch, Nassau, and goliath are always closed, and so I think that should be expanded upon a little bit to say fish that are not open at that time, because, when you read this, a layman may look at it and say, well, I can't bring queen conch, Nassau, and goliath, and I can't catch those in federal waters, but it doesn't address things that have an opening and a closing, and so I would almost direct them to check out what the federal regulations are before they decide to bring back, because I just find that paragraph a little bit misleading.

MS. RHODES: I agree, and that's definitely something that we can work on, and the other thing is we tend to get questions about what is the snapper grouper complex, and it's not that easy to necessarily understand what that means, when we have jacks and other fish thrown in there too, and so maybe that is something else that we could have in addition, another document ready to go for them to refer to right next to that brochure.

LT. O'SHAUGHNESSY: This one in particular is entitled, "Bringing Fish Back from the Bahamas", and so I think we need to get something in that document that addresses some of these questions, because that's the guidance we're giving them when we're called, but there is a fair amount of people that may pull this off and read that and think, well, it's not listed here, and I'm not sure what "et cetera" means as far as other species, and they won't take the time to see what's actually open.

MS. RHODES: Yes, and I didn't mean to say that we wouldn't correct that one. That has already been distributed to a number of different locations, or at least that's my understanding. It predates me, and so it might be better to not only correct that one, but also have something in addition to it on the website which outlines what those complexes actually include. That was a joint effort with FWC, and so we would have to work collaboratively with them again to get that publication edited.

CAPTAIN LYNN: Anything further? Thank you.

MS. RHODES: The longline situation is kind of a unique one. We've only received that question one time, but it's something that I don't really know the answer to, based on how the regulations are written, and, as law enforcement officers, I was just curious to know what your interpretation of that regulation would be and whether or not you would deem that pelagic longline in fact a longline by the definition provided.

The officer who brought this to our attention was under the impression that the council's original intent was to make it prohibited to use a deepwater longline, so that we didn't have any kind of bottom rigging down there and concerns with that, but I don't know what the council's original intent was with that and if you guys have any insights, but just your thoughts on what exactly, based on the definition provided in the CFRs, what exactly is a longline and does a pelagic longline fit that definition.

MS. RAINE: Well, there is some information from Snapper Grouper Amendment 9. If you look there, there is like a little table with the alternatives and the issues and the problems, and, from that, it appears that the intent was to not allow for the use of both longline and bandit gear being both onboard. One of the issues, and this gets back to how definitions are made in the regulations and whether people can understand them or not, because the regulation at issue says, for the purpose of this paragraph, a vessel is considered to have a longline onboard when a power-operated longline hauler, a cable diameter suitable for use in the longline fishery on any reel, and gangions are onboard. Removal of one of these three elements constitutes removal of a longline.

That is fine, but what is a cable of diameter suitable for use in the longline fishery? Longline, there is different -- In the definitions that you find in the 600 or the 622 regulations, they use the word "line", but, if you look online and look at dictionaries, "cable" and "line" are synonymous, and so it really gets down to a very factual determination, and I would think maybe the council would want to revisit what they mean by a cable of diameter suitable for use in the longline fishery, if there is something more specific.

CAPTAIN PEARCE: Would it be -- I mean, I think the basic interpretation would be, if the gear is capable of being utilized in a longline fashion, then the gear is suitable for longline. I mean, to me, that answers that question. If you can rig it and deploy it in the nature of a longline, then it's obviously suitable to be used in that manner.

MS. RAINE: I think that, and I may be totally off on this, and so somebody correct me, but I think perhaps a suggestion was, from this fellow, that maybe he wasn't using the line, or I don't know, but somebody could say, well, he was using it for something other than longline and that's the issue, but I agree with you. If there is a species onboard, that makes it easier, and sometimes there aren't, and then sometimes people might have a difference of opinion as to whether that line is capable and that's all.

CAPTAIN PEARCE: The email reference I saw to that, I thought it talked about the actual diameter measurement, and they said, basically, if there was a diameter measurement, and I guess they took what was traditionally a longline cable and measured it and then said, well, the line I'm using is smaller than that, and I think that was one of the arguments. Because it's smaller than what is traditionally used, would it not meet the definition, which I still say, if you're rigging it in a manner that is deployed and retrieved as a longline, then it's a longline, but that's -- I have very little information on that, but that's what I saw.

MS. RAINE: I would agree with you, but some people might have a bit of a difference of opinion as to whether or not it's suitable, because suitable might not even mean capable.

MR. FREEMAN: Just from our perspective as bottom longliners. As far as I've been able to find out, every single one of our boats, we either remove both the cable from the spool, along with the

gangions, or at least the gangions, and my interpretation of the CFR is that it doesn't matter if you're pelagic longlining or not. Even bottom longliners, we use different widths of cable, different widths of mono, and it applies to all types of longlining. You cannot operate a bandit reel if you have the motor for the spool, the line itself, and the gangions all on the boat.

CAPTAIN LYNN: Does that answer your question?

MS. RHODES: I don't know. I think it brings -- I think this, honestly, showcases that we need to bring it to the council's attention and let them talk about it and have them discuss it. I am thinking it's pretty likely that the intent was to not have longlines involved at all when using a bandit here, but we will bring it to their attention and find out.

MR. FREEMAN: Probably one of the easier ways would be to get with some bottom longliners and some pelagic longliners to see if there is some definition you can come to where you can explicitly state that it's okay with a pelagic longline. I don't know that there would be any crossover, apart from, obviously, the length of the line, to be able to make that determination on the water though.

CAPTAIN LYNN: Thank you, ma'am. Next up?

MS. RAINE: I did get some information on the case that I was referencing about the transit, and I sent Myra a copy of the case itself, but this was out of the west coast, and the definition involved in the litigation is continuous transiting, or transit through, means that a fishing vessel crosses a groundfish conservation area or EFH conservation area on a constant heading along a continuous straight line course while making way by means of a source of power at all times other than drifting by means of prevailing water current or weather conditions.

Among other things that the administrative law judge apparently had issues with is that boats can't travel in a continuous straight line, because they bounce to and fro with the waves and that type of thing, and this is also a VMS fishery, and, when the VMS said they were pointed in various directions during the transit, there was insufficient proof to show what they were actually doing and it wasn't their best effort to move forward in a straight line.

Apparently, the administrative law judge made a comment that that definition might have been unconstitutionally vague, and so, on the west coast, they did change their definition to continuous transiting and transit through means that a vessel crosses a groundfish conservation area or EFH conservation area on a heading as nearly as practicable to a direct route consistent with navigational safety while maintaining expeditious headway throughout the transit without loitering or delay. That's all.

COLONEL BUCKSON: I've got a couple other things, but just to follow up on that from an enforcement perspective, that was a very good case, and there were some interesting dilemmas that we ran across when that particular case occurred, and it actually got -- It ultimately got to the administrative law judge, and one of the things that I think was in there was it was a relatively long ping rate, and I don't know whether it was fifteen minutes or longer than that, and so that was another thing I think that the defense used on that particular case, but, if you looked at the plots on the VMS, you would have said there is no way, and so sometimes enforcement likes to hear the rest of the story.

MS. RAINE: Yes, and, apparently, it was longer than fifteen-minute ping rates, because they were trying to get a fifteen-minute ping rate with the new definition, but, apparently, they haven't been able to accomplish that yet.

LT. O'SHAUGHNESSY: That particular case, it was hourly ping rate, and there was no way to determine what happens in those fifty-nine minutes. You can say it looks like they tracked, but there is nothing to say they sped up or slowed down or may have done something else between two pings, and so that's the limitation of using VMS as a law enforcement tool. It tells you where you are here and here, but it does not tell you whether you went from those two points, Point A to Point B. You could have sped up and done all different things, and we have commercial boats with 300 horsepower engines, and so, yes, I could say he was here and here, but I don't know what happened, and, in that instance, that's how the ALJ said we didn't have enough proof.

CAPTAIN LYNN: Thank you. All right. Any further discussion on that? If not, we'll move on to Myra.

MS. BROUWER: Okay, and so the last thing I just wanted to remind you of is I requested agency reps to submit nominations for Law Enforcement Officer of the Year for 2018, and I think today was my deadline. So far, I have one submission, and so this is just a friendly to please send them my way, because I need to turn that around and send it back to you all so that you can vote, and then it goes into the council's briefing book for the June meeting, and so there's a small window of time, and so thank you.

CAPTAIN LYNN: Since we're in Other Business, Bruce, did you have something?

COLONEL BUCKSON: I think this will be quick. It has nothing to do with the Enforcement Officer of the Year, but that's actually a good program. Just informational, but there is a citizen science project that the council is undertaking now that's moving along, and I expect they will be doing probably some outreach material, and, the next meeting, it might be worth considering having Amber maybe spend a little bit of time explaining what all of that means, and it's actually a pretty interesting program, and I'm on a volunteer group that is talking about communication and outreach and those kinds of things, and so it's pretty interesting to me.

I think it's kind of a follow-up to what this council did with that snapper grouper and the small project they did that was actually very helpful, and, actually, it helped open the season for a few more days afterwards, but it might be worthwhile to do a quick presentation to this group, just so we understand what's going on.

The other thing, and this is the dynamic of being retired. You have the opportunity to read through all of those minutes, and so I apologize, but one of the things that I noticed we chatted about at the last meeting had to do with evidence seizure, and I don't know if anybody else remembers some of that discussion, but whether or not -- If it's illegal product, do you seize it or do you return it to the water or do you give it back to whoever the harvester was, and I noticed in there that Jeff Radonski with OLE had said that they were working on an OLE policy for seizing fish, and he didn't know where it was or if that was going to change, but I think OLE's posture on seizing evidence, or seizing a fish that was illegally harvested, if you don't make a case, might be different than what most of the states do, and so I didn't know whether -- Pat, I hate to put you on the spot,



but if there had been any change or any information about a new policy that might be more consistent or just remain the same as what the states do, and you weren't here at the last meeting, and so you don't have any idea what I'm talking about.

LT. O'SHAUGHNESSY: I would like to publicly recognize that I was not here at the last meeting. That is an ongoing discussion, and how it's handled commercially or recreationally under the summary settlement policy, where, if our officers or our state officers are writing a ticket, we do not normally seize. We recommend the individual return the fish to the water, and we do let them know that they could be cited again if they elect to keep it and continue transiting in, but we do seize if it's critical to proving, but we're seizing it as evidence and not as illegal product.

There is some ongoing discussion, and I know some summary settlement schedules do allow for the seizure of fish for the summary settlements, but, to be honest, I will point out FWC's efforts in the Panhandle. With all of the red snapper in the Gulf, for instance, 200-plus cases, seizing four or five red snapper from each boat, through multiple cases through the weekend, we would need extensive freezer storage and costs to house all of that, and so the decision is made that we can still document the violation and move forward, but we don't necessarily always seize, particularly if it's something we're going to pursue a summary settlement for.

CAPTAIN LYNN: Anything else further from the group then? There is two things, I guess, that I need to bring up. I have been asked about us meeting twice a year instead of once a year, and how does the group feel about that, the need and the timeframes? I know we usually meet -- I think it's in April-ish. Would we move it maybe toward the end of the year?

I think, last year, we tried to do it maybe the last of October or the first of November, and would that put enough on the agenda then to have enough to meet twice a year then? Is there any issues with the group if we were to meet twice a year, to kind of stay on top of some of this, instead of once a year? Sometimes we may need to have a discussion before the council does make a decision, and it's never brought before us, because it's just -- We don't meet but once a year, and so maybe look at April and October/November for having meetings from us. Is everybody good?

Then the next obvious one we need to discuss is Jason will be leaving us, and so we need a Vice Chair, and I guess that doesn't have to be made today. We can discuss that maybe at our October/November meeting, if we have one, and so that's something we need to consider. Then, length of terms, the Chair and the Vice Chair do not sit indefinitely. It's three or four-year term limits, whatever we decide to do, but it's something we need to consider, and maybe alternating the Chair and the Vice Chair, to where, if the Chair goes out, the Vice Chair may step up and have a new Vice Chair, where you still have some experience sitting in the Chair's position. That's just thoughts that I am throwing out that I have been presented with, and so that's something we can decide at the next meeting.

MS. BROUWER: Just to add to what Bob was saying, other APs have their own way that they handle that sort of thing, and so, for example, the Snapper Grouper AP has made a policy, and it's not really written, and it's not formalized, but they have decided that they elect a Chair to serve for four meetings, and so two years. They meet twice a year. Then the Vice Chair just steps up, and this is what they have decided to do. We have never had those discussions, really, in that much detail with this AP, and so it's certainly something for you all to think about, and so maybe, in the fall, we can talk about that a little bit more at length.

CAPTAIN LYNN: Yes, I would definitely like that put on the agenda for us to discuss at a fall meeting. I have nothing further. Does anybody else?

MR. BELL: If you all are finished, just a couple of things real quick. I am the Chairman of the Law Enforcement Committee, a different group of council members, but I want to make sure you all understand that we appreciate what you do. I appreciate this group and the expertise you have here and what you bring in terms of subject matter expertise for us, because the council are not law enforcement people, and, as you know, we can be working through amendments to try to achieve certain things in the fishery and balance stuff across the entire region, and it gets kind of complex sometimes, but I understand simplicity is a good thing sometimes, but sometimes we can throw stuff at you that is all over the place, and that's why I think, if we could kind of get your advice twice a year, that would be useful.

Some of the APs do meet twice a year, and they just have a lot going on, but, if you think about it, everything the council does, in terms of things that move toward regulation, touches you guys, and so that's why, yesterday, we saw some things that we were basically -- You all were seeing for the first time, and I would rather bring you in early, in terms of your advice and counsel, than later, and so that's, I think, the -- If we can meet more often and kind of get you involved more, and we do value your input.

A lot of times, I might be the only person at the table for the council, other than the Coast Guard rep, that might stick a hand up and say, well, you know, there might be some issues with that for enforceability, but I take what Bruce was saying yesterday about, whatever we do regulation-wise, number one, the public has got to understand it, and so sometimes we need a sanity check on that, is it understandable by the public? If the public can understand this, you can get compliance. If you don't get compliance, then we need you to certainly understand it, out in the field, and then that's when enforcement comes in.

Then it also, going to Karen's world, if it goes on for processing or adjudication, then it's got to work there too, but we don't tend to -- A lot of times, the council doesn't kind of think all this stuff through, but that's where your advice is invaluable, and we want to make sure the regulations we end up with are the best we can get and they're understandable and they're enforceable.

I would also encourage you, as we meet in all four states, if you can find it in your schedule to attend any of the other meetings, it's good to have you there, because sometimes we'll get into a discussion on something, and it might be just the Coast Guard rep there, but, if we've got NOAA OLE or the state reps -- I would just encourage you, if you can, to try to attend, and you could find yourself being asked questions, and it would be a good thing, where you could weigh-in on something, because, a lot of times, we might be discussing something and there might be something that just doesn't quite work for enforceability, and we need to kind of hear that while we're at the table there.

Anyway, just from the committee, from the council, we really appreciate what you guys do, and, kind of mirroring what Myra was saying, if you can get your Officer of the Year nominations in, and that is sort of the only way the council has to officially recognize a person who has really kind of gone above and beyond, and so we do really value that opportunity to kind of give you some

positive feedback, and that's about all we have available, other than just me telling you we do appreciate what you do, and thank you for being here.

CAPTAIN LYNN: Thank you, Mel. Anything else? Anything else from the group? Then we stand adjourned until we meet again. Thank you, all.

(Whereupon, the meeting was adjourned on April 19, 2018.)

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

Transcribed By:  
Amanda Thomas  
May 1, 2018

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