

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

**Westin Jekyll Island
Jekyll Island, Georgia**

March 6, 2019

SUMMARY MINUTES

Committee Members

Doug Haymans, Chair
Anna Beckwith
Dr. Roy Crabtree
Jessica McCawley

Steve Poland, Vice-Chair
Mel Bell
Tim Griner
Spud Woodward

Council Members

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David Whitaker

Council Staff

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Other observers and participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, Wednesday afternoon, March 6, 2019, and was called to order by Chairman Doug Haymans.

MR. HAYMANS: I will call the Mackerel Cobia Committee to order, fifteen minutes early. We have an agenda, and hopefully you've had an opportunity to look over the agenda. Is there any additions to the agenda? Seeing none, we will accept the agenda as presented. We should have a copy of the October 2018 minutes. Are there any changes, or edits, I guess you would say, to the minutes? Seeing none, we will accept the minutes as presented. Rick DeVictor, are you ready with the commercial catches?

MR. DEVICTOR: Thank you, Mr. Chairman. Yes, I will go through commercial catches for king mackerel, Spanish mackerel, and Atlantic cobia. There's not much to report, as the fishing season began on March 1 for king mackerel and Spanish mackerel, and so king mackerel is actually confidential data, due to the number of dealers for the North Zone and the South Zone, but you can see what was landed in the 2018-2019 fishing season, and that was 54.4 percent.

Moving down to Spanish mackerel, again, that one began on March 1 of this year, and so we do have confidential landings, because these are landings through March 6, and the South Zone was 5,327 pounds, and you can see what was landed in the 2018-2019 season, and that was 117.7 percent. Then, finally, cobia, which we'll talk about in a moment in Amendment 31, you can see what was landed in 2019 so far, and this was the January 1 start date, and it's 5.2 percent. Those are your commercial landings.

MR. HAYMANS: Any questions for Rick on commercial landings? Seeing none, sir, would you move on into amendments under formal review, please?

MR. DEVICTOR: Yes, sir. CMP 31, we published the final rule on February 19, and regulations are effective on March 21. Of course, this would remove Atlantic cobia from federal management under the Magnuson-Stevens Act, but, also, it would implement comparable regulations under the Atlantic Coastal Act to replace the existing Magnuson-Stevens Act in federal waters.

Then the other amendment, framework amendment, was CMP Framework 6, and this would increase Season 1 king mackerel trip limits in the Atlantic Southern Zone to seventy-five fish for March between the Flagler/Volusia and Miami-Dade/Monroe County line and also increase to 3,500 for April 1 to September 30 off of Volusia County, and we're working on that proposed rule package right now. Hopefully we'll get that proposed rule published pretty soon.

MR. HAYMANS: Thank you. Any questions on those amendments?

MR. POLAND: Rick, thanks. I've just got a quick question about cobia. When CMP is final, it's done, and we have divorced ourselves of it, will the Science Center continue to provide ACL tracking and convert those back to ACL numbers, or is that going to be done?

MR. DEVICTOR: We are still going to track the commercial ACLs, and we'll have it on our webpage. We aren't going to track the recreational.

MR. HAYMANS: Anything else?

MR. BELL: The ASMFC meeting in May, they're going to pick up their part, I think, and is that when they're going to -- Have you heard? Is that when they're going to deal with cobia? I'm just curious, and I'm just following through with what happens next.

MR. GRIMES: When our regs go into effect here soon, then the commercial quota and all the council-based regulations go away, and we're still in the commercial -- We, NOAA, and the Fisheries Service is going to be in the business of monitoring the commercial landings, and then I guess we do -- The agency will do stock assessments, but, as Rick was saying, I don't think there's any -- I guess the data is collected through MRIP, but there won't be any regular monitoring reporting, certainly to this council, because they won't be dealing with it. I do understand that the ASMFC is looking at a suite of actions and alternatives to address cobia harvest based on what they saw this year, I believe.

MR. BELL: Yes, and that's what Spud was saying. They are dealing with Amendment 1, I guess, in May, and Spud is on the PDT, and so we're in good hands.

MR. WAUGH: Just to remind everybody, this is Atlantic migratory group cobia that we're talking about. We still will be involved in Gulf migratory group cobia, the portion that's allocated to the Atlantic group.

MR. HAYMANS: Anybody else? Okay. Thank you, Rick. The next two items come to us courtesy of some fishermen who have had some issues over the last couple of years, and one is on king mackerel and one is on Spanish mackerel. Having hardly finished Framework 6, we're going to move into the next one, I guess, and so Christina is going to lead us through the next couple of items. It's all yours.

MS. WIEGAND: If you will remember, Framework 6 addressed king mackerel trip limits in the Southern Zone in Season 1. What we're going to be talking about today is Season 2, and so what I put together for you -- I've got Attachment 2a, which is just a very brief summary of the issue and what the advisory panel motions were related to that issue, and this information is included elsewhere, but I just compiled it here so we didn't have to jump around to a bunch of different documents.

The Mackerel Cobia AP, and some stakeholders, have expressed concerns about the low trip limits during Season 2 for two reasons. One is the weather makes it really challenging for them to get out and make a trip, and, two, they are competing with Gulf fishermen at the time for price, and so, when they are able to get out, they would really like to be able to land enough to sell enough to make a trip profitable, and, again, this is for Season 2, which is October through the end of February.

The AP brought this up during Other Business during their April 2018 meeting, and their suggestion at the time was to ask the council to consider a 600-pound trip limit for south of Flagler/Volusia County, and, again, one of the things they noted is that the low trip limits were originally put into place with the idea that making sure that the season didn't close early, but they have not been close to their ACL, as you saw during Rick DeVictor's report. They haven't been close to their ACL in a few years, and so they would like the council to consider this higher trip

limit, so that, when they can get out, when the weather is good, they can land enough to make it a profitable trip.

I do have all of the king mackerel regulations here, and so you can see the Season 1 trip limits that are going to go in place once Framework 6 has been approved by the Secretary of Commerce. For Season 2 right now, north of Flagler/Volusia, you've got that 3,500-pound trip limit. South of Flagler/Volusia, it's fifty fish from October through January, and then, in February, it remains fifty fish, unless less than 70 percent of that Season 2 quota has been reached, and then it bumps up to seventy-five fish, and so that's where things currently stand, and those are the advisory panel's concerns.

MR. HAYMANS: So they are looking to take Season 2 to 600 pounds, or that's what they are requesting, right?

MS. WIEGAND: That's the motion that the AP passed back in April of 2018.

MS. SMIT-BRUNELLO: Christina, would that be for all of Season 2, October through February?

MS. WIEGAND: That was what the AP had intended, and they did note, before I forget, they did note that a 600-pound trip limit is still substantially lower than trip limits in the surrounding waters. You've got that 3,500-pound trip limit north of Flagler/Volusia, and then I believe -- I'm not quite as familiar with the Gulf regulations, but, in the Keys, which is Gulf migratory group king mackerel, I believe it is 1,250 pounds for hook-and-line fishermen there.

MR. HAYMANS: So, with king mackerel and Spanish, we would be working towards a Regulatory Amendment 8, right? Framework, and I'm sorry, and not regulatory, but framework.

MS. WIEGAND: For this king mackerel issue, if you wanted to start an amendment, it could be a framework amendment to address the trip limit. For Spanish mackerel, it would depend on which direction you guys decide to go, whether it could be a framework amendment or a full plan amendment, but, for this king mackerel issue specifically, it could be a framework amendment, just like it was Framework 6.

MR. HAYMANS: I guess I would now ask the committee whether or not there is interest in moving forward with this request. I guess, next, we would be asking the AP -- We would put it together in the form of a discussion document and send it out to the AP for comment?

MS. WIEGAND: If you guys were interested in this, what we could do is sort of the same process that we usually go through. We could put together an options paper for you that would show perhaps the AP's suggested option and maybe other options that an IPT or you all come up with, and we could bring that to you, and we could also bring it to the advisory panel when they meet next.

MS. MCCAWLEY: I think that this actually came up from the AP while we were in the process of going through the previous amendment to work on the trip limits, and I wasn't super happy working on the previous amendment, because I felt like we had just made those changes, and they hadn't even been in effect for a year, but, since we were working on an amendment, or a framework

action, to modify that limit, then I don't see why we wouldn't start a framework action to modify this trip limit in this area for this season.

DR. CRABTREE: I agree with Jessica. Let's take a look at it.

MR. HAYMANS: Is there any other discussion? Does anybody want to make a motion to that effect?

MS. MCCAWLEY: **I move that this committee start a framework action to modify the commercial trip limit during Season 2 in the Atlantic Southern Zone.**

MR. HAYMANS: Steve seconds. Let's get it on the board and make sure it's right. Would you read that, please?

MS. MCCAWLEY: Yes. **I move that we begin a framework amendment to address Atlantic king mackerel commercial trip limits in the Southern Zone during Season 2.**

MR. HAYMANS: That was seconded by Steve. I assume the first action, with a singular sub-alternative, would be 600 pounds, and do we want to consider additional trip limits, so that there's something there to analyze? Anybody?

MS. WIEGAND: I will note that you are likely to hear some public comment tonight about trip limits that fishermen would like to consider.

MR. HAYMANS: Is there anything more than 600 pounds that they want to consider, do you think?

MS. WIEGAND: I am seeing nods from the gallery.

MR. HAYMANS: Let me look at the one that was handed to me a moment ago. If we did 1,000 pounds as the maximum -- We're doing this now, and we kind of need to throw a range out there now, right?

MS. WIEGAND: You can throw a range out there now, or staff can put together some options to bring back to you.

MR. HAYMANS: Well, let's do that. Staff can listen intently tonight to the public comments, and, after the public comment, you can give us a range. Is everybody okay with that? Okay. All right. What else do we need to talk about on the king mackerel?

MS. WIEGAND: That was the king mackerel issue. We need to vote on the motion.

MR. HAYMANS: Yes. Any additional discussion? **Any opposition to the motion? The motion is approved.** Let's hope Spanish goes as quickly.

MS. WIEGAND: The Spanish mackerel issue, this has also been brought up by the Mackerel Cobia Advisory Panel as well as some other stakeholders, and there has been concern about this increase in participation in the commercial Spanish mackerel fishery. In particular, it has resulted

in some closures in the Northern Zone. In the 2017-2018 season, there was a transfer of 100,000 pounds from the Southern Zone to the Northern Zone. The Northern Zone still closed early, I believe on November 7. While the Southern Zone didn't close, they got very close to hitting their ACL.

This season, both the Northern Zone and the Southern Zone closed early, and this has caused some economic hardship in both areas, and this is an issue that has sort of been coming down the pipe, and so, if you will remember, back in 2014, before my time with the council, you had been working on CMP Amendment 24, and this looked at addressing how to fully utilize the annual catch limit for Spanish mackerel as commercial participation was increasing.

The AP brought this up under Other Business, again during their April 2018 meeting, and they had suggested that the council consider a limited entry system for Atlantic Spanish mackerel, with the justification that the participation in the commercial fishery is growing, and it's going to keep growing, and it would be nice to get ahead of this problem before it starts to become a very serious issue. The limited entry system would give the council a way to regulate the commercial sector and professionalize the fleet. If you've got a limited number of fish, you should have a limited number of fishermen, and it's always useful to define the universe of fishermen.

Additionally, a lot of commercial permits in the South Atlantic are limited access. It was noted that the Gulf is not experiencing the same problem with Spanish mackerel, and this permit is a singular permit for both Gulf and Atlantic migratory stocks, and so that would be something to consider.

I did want to note one other thing. In terms of Spanish mackerel trip limits, the Northern Zone and the Southern Zone are a little different. The Northern Zone is just 3,500 pounds year-round, and the Southern Zone does this adjusted quota thing, where 250,000 pounds are taken out and then, starting at the beginning of the season, until 75 percent of that adjusted quota is reached, the trip limit is 3,500 pounds. Once that 75 percent is reached, it drops down to 1,500 pounds, and then, once 100 percent of the adjusted quota is reached, it's 500 pounds, until 100 percent of the full quota is reached, in which case the fishery closes.

That is something that has been talked about in the past as a possibility for the Northern Zone, but other council priorities have sort of taken precedence above that, and so that sort of sums up the issue with the Spanish mackerel commercial fishery right now.

MR. HAYMANS: How often would you say, in the last ten years, we have experienced a similar closure or near closure, for Spanish mackerel?

MS. WIEGAND: I know, for the Northern Zone, it's been the last two years, and I don't believe they have closed in say the previous three or four years before that.

MR. GRINER: What about the Southern Zone, with their step-downs? Are they experiencing closures?

MS. WIEGAND: They experienced closures this year. They closed February 5, specifically. They closed this year.

MR. HAYMANS: I am sort of -- Limited entry for any other fishery -- I mean, that's pretty serious, when you want to exclude folks from the fishery, and doing it for one year's closure, to me, is a dramatic step. I would rather monitor it pretty close, and, if it needs to be, we would look at it then.

MR. POLAND: This is really affecting our guys in North Carolina, and I don't know if a trip limit step-down is going to work, until I can look at the landings and landings by trip and see if there is even a step-down that will achieve this, because, in North Carolina, we've got a lot of Spanish mackerel landings from state waters, inside, and they're small trips, and even -- I've got our landings pulled up right now, and, I mean, the bulk of our landings come from state waters, and so even the limited entry permit wouldn't wrap those guys in.

I don't know if this isn't just a bigger issue for us to discuss, as far as -- I don't know when the next assessment is, and it's obvious that there is a lot of king mackerel out there, and the market for it is obviously growing, and so I don't -- I say all that not really with a clear path forward, but certainly, if we could get a little more input from public comment -- I mean, I don't know if we'll get a lot of public comment here tonight in-person on this issue for the Northern Zone, but at least make it a high priority for the Mackerel AP to really dive into this.

MS. MCCAWLEY: As you talked about, in the Southern Zone, there was a closure this year, and we haven't had one of those in the past. I think that FWC is going to be considering some similar step-down trip limits for state waters. As you mentioned, I'm a little concerned about a limited entry system. I do wonder, though, if the step-down system in the Northern Zone would be beneficial if you're going to keep hitting this quota, and maybe you could do the step-down in both federal waters and state waters, and so we're not going to mirror the step-down exactly in state waters, but we are going to do a step-down limit in state waters, but it's not quite the same as what is in federal waters, which is complicated, but we're suggesting a step-down for state waters, also.

MR. POLAND: Yes, and we're just starting to look at the state level and just really try to get a handle on what's going on in our state waters, because it does seem like this fishery has changed, and it has changed very quickly, and we don't know where it's happening and when it's happening and who the participants are or anything like that, but it is something that we do prioritize and plan on, the trying to fix our own house first kind of thing.

MR. HAYMANS: I am hearing that we want to grab a little more comment from either the public tonight or from the AP or both before we decide whether to put anything, a step-down, into a framework. We can, if we have an April webinar, if there is support from the AP there, we can perhaps put it into the framework that may be moving with this. Any more discussion?

MS. MCCAWLEY: Just so I understood what you were saying, you are suggesting that the framework action that we are starting for king mackerel, that, if we decide to move forward with Spanish, they could go into the same document?

MR. HAYMANS: My understanding is step-downs are framework-able, right?

MS. WIEGAND: That's my understanding, that trip limit step-downs would be framework-able.

MR. HAYMANS: Yes, and so, if we hear significant comment that says that this may be a way to slow down the harvest, through a step-down, then I would suggest that we add it to the same framework amendment, but, if, no, if everybody is hell-bent on limited entry, then that wouldn't be, and we would have more discussions on that. Do we need any kind of -- Is that just direction to staff to put that for the AP? Okay. Anything else on Spanish? I like it. Let's cover Amendment 7.

MS. WIEGAND: We have got something for everyone at this meeting. Now we're going to discuss cobia. Framework Amendment 7 is an amendment that was passed by the Gulf Council to address Gulf migratory group cobia, and, just as a reminder, as Gregg mentioned, this is how cobia is currently shaken out. The Atlantic group, as soon as March 21 rolls around, that will be the Atlantic State Commission's species to manage, but Gulf group cobia is still under the council's jurisdiction. The Gulf Council manages it within their area of jurisdiction, and we manage Florida east coast cobia, and so any changes to things like trip limits or size limits for Florida east coast cobia are done by this council and not by the Gulf Council.

This amendment was a result of a lot of stakeholder comment that they received about concerns about the Gulf cobia stock, and so what they did was approved this amendment that just increases the recreational and commercial minimum size for Gulf cobia to thirty-six inches fork length in their area of jurisdiction, and so what we need from you all today is just sort of a discussion on whether you would like to make the same changes for Florida east coast cobia, and, if so, that could be done via a framework amendment.

MS. MCCAWLEY: This, I guess, affects Florida the most, and the FWC -- Before the council took action, the FWC took action for state waters of the Gulf only, and they did contemplate increasing the size limit, and, ultimately, they decided not to do that. Now, the Gulf Council did not take the same action that FWC had already taken in state waters, and, instead, they did choose to modify the size limit. We have not gone back and even modified the Gulf waters, state waters, off of Florida. We have not gone back and reconsidered this size limit, and our plan was not to go back and reconsider the size limit for either coast of Florida until after the stock assessment was completed in the Gulf, that I think is scheduled to be completed either the end of 2020 or 2021, and I can't remember which.

MR. HAYMANS: So federal waters are thirty-six and state waters are thirty-three on the Gulf?

MS. MCCAWLEY: That's right, and so the FWC took this up over a number of meetings, because there were some stakeholders in the Panhandle that are concerned about cobia, and they had a number of items that they were looking at, the FWC did, everything from modify trip limits, vessel limits, size limits, et cetera. They just modified the trip limit and the vessel limit, and they chose not to modify the size limit.

We did a number of public workshops along the Gulf coast of Florida, and there was not consensus state-wide to modify that size limit, for a number of reasons. Even if the council decides to do this, the FWC still might not take this up until after the Gulf Council completes that stock assessment, because we have already done rule-making recently on this, and they could not approve the size limit.

MR. BREWER: I really wanted to know what the FWC was thinking about this, and there's a lot of difference between a thirty-three-inch cobia and a thirty-six-inch cobia. You see a lot of fish, really, in about the thirty-four-inch range, and so, I mean, this would be significant, and I would love to see us consistent with the Gulf, but, if the State of Florida is not going to -- The State of Florida right now is thirty-three, I believe, and, if the State of Florida is going to stay at thirty-three, then I would hate to see us go inconsistent with them, which would be the Alternative 1. If we don't do anything right now, we're going to be at thirty-three, and we would be, I believe, consistent with at least the State of Florida, and so I don't see any reason to really push this, until such time as we see what the FWC is going to do and what the stock assessment says.

MS. MCCAWLEY: I just want to be clear that FWC intends to reconsider this following the completion of the next stock assessment, and, as Chester was alluding to, when we did the workshops along the Gulf coast, there were some differences in the fishery, where people felt that they really could not get a cobia of that size limit in certain areas of the state unless they went way offshore, and it had to do with the migratory patterns of cobia, and so you were really kind of cutting out some areas of the fishery. I want to say around the Tampa/St. Pete area was the area of the biggest concern.

Also, in some general workshops that FWC did a few years ago along the Atlantic coast, there are a number of people that would like to see this, some type of increase in size limit, along the Atlantic coast of Florida for state waters, and, once again, we told them that our intention was to consider the size limit following the Gulf stock assessment completion, and we have workshopped this for state waters for the Gulf coast, and the commission couldn't pass it, and we did not workshop it yet for the state waters of the Atlantic coast.

MR. HAYMANS: Would anybody outside of Florida care to comment?

DR. STUNZ: I will just make a brief comment, in case it helps your deliberations, in terms of what happened over in the Gulf Council. It was very mixed, and it wasn't a controversial discussion, but we were just sort of at ends of what to do, where the stock assessment looked fairly favorable, but, when you hear clear public testimony that there is probably something going on in the eastern Gulf, and maybe not so much in the western Gulf, we were very much back and forth on size limits.

We ended up not doing anything on bag limits, and a whole variety of interesting discussions came up, but, in the end, we decided that we needed to do something, is why you see that amendment on the table, but it wasn't some clear-cut thing. It was a lot of the same points that Chester brought up, and so we're just really not sure what to do, and, of course, I think a lot of us are really waiting on the stock assessment too, because the stock assessment wasn't even very convincing, in terms of the data that was in that. It wasn't that it was bad, but it's that the data was somewhat lacking, and so we're debating back and forth too, with nothing real conclusive.

MS. MCCAWLEY: Greg brought up another point, and so, to me, the Gulf Council took this action as a stop-gap measure between now and the stock assessment, and that's what the FWC did as well. This was kind of our interim measure until the stock assessment can be completed, and so FWC primarily heard from folks in the Panhandle about concerns.

It was not clear-cut about what to do. It was not even clear-cut from the stakeholders about what the problem is, and so some people just thought that the migratory patterns, partly based on water temperature and the migratory patterns of sharks, were affecting where cobia were found, and so it was affecting where they were found off the coast as well as within the water column. The FWC took an action, as a stop-gap measure, based on these stakeholder concerns, and the Gulf Council did the same.

MR. BREWER: I would just like to put forth a hypothesis that the, quote, problem, if there is one, may be coming from shark predation, because I have seen bull sharks, and I hear now that maybe they are big, big sandbars, just eat cobia like crazy. Particularly, if you're fishing for them, at least where I live, you might get one in five to the boat, and that's going to be a small fish that you would have to throw back, and lord knows what happens when you throw it back.

MS. MCCAWLEY: Can I make a suggestion that the AP consider this amendment that came out of the Gulf Council? If they're going to meet in the coming months, that they talk about this as well?

MR. HAYMANS: Sure. That's our next agenda item. Any additional discussion on this? It sounds like there is no burning desire to move on this action, but that we're going to ask the AP to consider it in our next agenda item. Okay, and that agenda item is --

MS. WIEGAND: Next, I was hoping that you guys could have a bit of a discussion about agenda items for the next Mackerel Cobia Advisory Panel meeting, sort of in the same way you have done for Snapper Grouper. Usually, we have the Mackerel Cobia AP meet in the spring, with Snapper Grouper, but, this year, since we have sort of finished up all of the mackerel cobia issues, and we weren't really sure what the will of the council would be, in terms of moving forward on these issues that you've discussed today, we didn't schedule a meeting this spring.

What we could do, if you guys feel you need input from the Mackerel Cobia Committee prior to the June meeting, is we can do it via webinar, and/or we could also have them meet in the fall in person, with the fall Snapper Grouper AP meeting, and so I would like you guys to have a little bit of discussion on when you want input from the AP, and, from what I've heard, based on the discussion, you would like to get input from the AP on all three of the issues we've discussed today.

MR. HAYMANS: I assume we would need to get to Executive Council to kind of see what the workload is going to be like, but, if we had an AP webinar in April that discussed the three items that we've talked about, we could see the bones of a framework amendment in June. If we hold off, we probably won't see a June Mackerel Committee, and it will be the fall AP and then a September framework.

MS. MCCAWLEY: It would be December, because they meet in October.

MR. HAYMANS: October. Thank you. So, is there discussion on --

MS. WIEGAND: I was just going to say that, if it's just these three issues, then that's something sort of manageable to do via webinar. Once we start to get into a large number of items, it gets challenging to not have that in-person meeting, given the number of individuals that are on the

Mackerel Cobia AP, and so, if you would like them to meet via webinar, I would definitely sort of prioritize these three, or if there's anything else that you really feel the AP needs to discuss.

MR. POLAND: I am not comfortable waiting all the way to December to get their input and discuss this again, and so I would say let's go ahead and have an April webinar. It's really only three items.

MR. HAYMANS: Well, that's a question. Is there anything besides these three items that you need to see?

MR. POLAND: Not at this time.

MS. MCCAWLEY: Ditto to what Steve said. I would like to have them go ahead and have the webinar sooner rather than later. I don't want to wait all the way until October. Then that puts us not taking any action until December, and so I would rather them meet via webinar on those three items.

MR. HAYMANS: Any additional comment or discussion or burning issues that you want to see the Mackerel Cobia AP tackle? Is everybody good with the direction to staff? I see all nodding heads. All right, guys. Any other business to come before this committee? Madam Chair, that concludes our business.

(Whereupon, the meeting adjourned on March 6, 2019.)

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Certified By: _____ Date: _____

Transcribed by:
Amanda Thomas
April 1, 2019

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