

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Marriott Hutchinson Island
Stuart, Florida**

June 10, 2019

SUMMARY MINUTES

Spiny Lobster Committee Members

Jessica McCawley, Chair
Dr. Kyle Christiansen
Tim Griner
Art Sapp

Chester Brewer, Vice Chair
Chris Conklin
LCDR Jeremy Montes
David Whitaker

Council Members

Anna Beckwith
Spud Woodward

Steve Poland
Mel Bell

Council Staff

Gregg Waugh
Dr. Brian Chevront
Cierra Graham
John Hadley
Kelly Klasnick
Cameron Rhodes
BeBe Harrison

John Carmichael
Myra Brouwer
Dr. Mike Errigo
Kim Iverson
Roger Pugliese
Christina Wiegand

Other Observers and Participants

Martha Guyas
Monica Smit-Brunello
Dt. Clay Porch

Rick DeVictor
Dr. Jack McGovern
Kate Siegfried

Other participants and observers attached.

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened at the Marriott Hutchinson Island, Stuart, Florida, on Monday, June 10, 2019, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: We will move into Spiny Lobster, and so the folks that are on the Spiny Lobster Committee are myself, Chester, Kyle, Chris, Roy, and Tim. The first order of business is Approval of the Agenda. Are there any changes or modifications to the agenda? Any objection to approval of the agenda? Seeing none, the agenda stands approved.

Next up is Approval of the October 2019 Committee Minutes. Any modifications or changes to those minutes? Any objection to approval of those minutes? All right. Seeing none, those minutes stand approved. Now I'm going to turn it over to Christina to give us the status of commercial and recreational catches versus the ACL.

MS. WIEGAND: Up on the screen are the landings we have for the 2018/2019 season. As you can see, the commercial landings, which the total commercial landings are right here, and we're at about 6.2 million pounds, and so it's nice to see that landings have rebounded a little bit from what they were during the 2017 and 2018 season, where they were quite low, because of hurricanes.

Then we don't have recreational estimates yet, and they are available, and FWC staff is working on putting those together, and then, I guess it was about a year ago now, you asked us to start including information on hurricanes with the landings reports, since, if hurricanes hit during the spiny lobster season, it can drastically affect landing levels, and so we have a table here, which has been updated to include the 2018 hurricanes, and then, if you scroll down to the last page, you have a chart here which just shows hurricane occurrences on top of commercial and recreational landings, just to sort of give context in those low landing years.

MS. MCCAWLEY: Any questions for Christina? All right. Next up, we're going to go to the Status of Amendments Under Formal Review, and I believe Rick is going to give us an update.

MR. DEVICTOR: Good afternoon. Yes, we have one amendment to report on, and that's Regulatory Amendment 13. Of course, as you know, this modifies federal regulations off of Florida to be compatible with Florida state regulations concerning bully nets, and it also establishes a commercial daily possession limit when using bully nets or diving. The proposed rule published on April 19, and comments were due on the proposed rule on May 20, and we did a Notice of Availability, since this was a plan amendment, and it published on April 2, and the comment period ended on June 3, and so that just ended last week, and we got about four comments on it, and so we're working on this right now. I know that there is interest in getting this in place before the lobster season begins, and we're on track for that.

MS. MCCAWLEY: That would be my only question, is are you on track to start the season, the soak period actually, earlier?

MR. DEVICTOR: Yes, we are.

MS. MCCAWLEY: Are there questions for Rick? All right. Next up, we have the Spiny Lobster Commercial Trip Limit for Vessels with Snapper Grouper and Spiny Lobster Permits and Christina.

MS. WIEGAND: If you guys will remember, at the very, very end of the last meeting, you passed a motion asking staff to bring back options looking at a larger commercial trip limit for vessels that had both an SG 1 permit, a snapper grouper unlimited permit, and a spiny lobster tailing permit, and so I wanted to just quickly do a little recap on how permitting works for spiny lobster, and spiny lobster is a joint management plan with the Gulf Council, and so just keep in mind that any changes that we make will also have to be approved by their council as well, even if they only affect North Carolina, South Carolina, and Georgia. They still have to be approved by both councils.

There are three different spiny lobster permits. For waters excluding, those in Florida, you have to have an LC permit, which is just the federal vessel permit for spiny lobster, and then, on top of that, you can also have the spiny lobster tailing permit, if you want to be tailing at-sea, and so there are two different permits. As of April 10, I looked at the publicly-available permits list that SERO provides on their website, and it looked like there were twenty-one vessels that had a Snapper Grouper 1 permit and an LC permit, just that base spiny lobster permit, and then there were twenty-seven vessels that had an SG 1 permit, the base spiny lobster permit, and the tailing permit.

There were some vessels that had the Snapper Grouper 1 and the lobster tailing permit, but those are exclusively Florida vessels, because vessels operating in the EEZ off of Florida have to have Florida state spiny lobster permits, and they don't need that LC federal spiny lobster permit unless they're operating outside of Florida, and so I know that can be a bit confusing, but, for North Carolina, South Carolina, and Georgia waters, if you want to be fishing for spiny lobster, you have to have the LC permit, and you may have the lobster tailing permit on top of that, if you would like to be tailing at-sea.

What we'll need from you guys today is to clarify a few questions that we have and review the options that we have in here, and, if you would like to move forward with a regulatory amendment, then to pass a motion to that effect, and that's when we would start putting together an IPT and sort of get rolling on this. If we were to do that at this meeting, and sort of moved as quickly as we could through the process, we would be looking at maybe mid-2020 to get any regulations in place, depending on other council priorities.

I want to go over a few things that you guys should be considering when thinking about whether or not you want to start an amendment. The majority of spiny lobster are landed in Florida. Looking over landings for the past ten years, it's looking like landings from North Carolina, South Carolina, and Georgia, while they have increased in recent years, they are still accounting for less than 1 percent of the total spiny lobster harvest.

Spiny lobster is managed as a stock annual catch limit, and so, while a lot of our species here have separate ACLs for commercial and recreational, spiny lobster is not like that. It's a stock ACL, both commercial and recreational together, throughout the Gulf and South Atlantic. The majority of spiny lobster larvae are believed to come from sources outside the South Atlantic Council and Gulf Council's jurisdiction. There has been a bit of discussion on this, and I'm not a biologist, and so I pulled from the papers of actual biologists, and some studies show that, yes, anything from U.S. waters is probably coming from outside sources. There have been some studies that show that local gyres, or loop currents, may allow for 10 to 40 percent of sort of local retention within Florida.

Then I do want to note some possible regulatory issues, or just some things you can be aware of, and so spiny lobster can't be taken with a spear, and having a punctured lobster and a spear onboard is considered evidence that that lobster was taken with a spear. If you don't have a spear onboard, it's not as much of an issue, or, if you don't have punctured lobster onboard, but just know that there could be some conflict there.

Additionally, you, at the last meeting, didn't specify whether you would like this to be just for diving for spiny lobster or if you wanted it to be for traps as well, and, if you want to allow these lobster to be taken by traps, you have to consider that fish traps can't be used in the South Atlantic, and it does make an exception for historical crustacean traps, like those used in the spiny lobster fishery, but it specifies that a single trap can't contain, at any time, more than 25 percent, by number, of fish, other than spiny lobster, and so, depending on whether or not you guys want to specify what gear can be used to take this trip limit, there could be some issues with having traps and snapper grouper species onboard a vessel.

I don't want to go over too much at one time, but just some things we need you guys to clarify is, is the intent for this just to be for North Carolina, South Carolina, and Georgia, or did we want to consider -- Talk to the Gulf and consider reef fish permits and what they want to allow out there?

You specified a tailing permit specifically, and do you want to allow guys that just have the base lobster permit to be able to keep this trip limit? What about the limited snapper grouper permit? Should those guys be able to keep this trip limit as well? Then how you intend to deal with any possible gear conflict issues, and so I know that was a lot.

MS. MCCAWLEY: All right. I'm going to open the floor up, and I'm going to look over here to Tim, since he's the one that brought this up, and it was also unclear to me, when the discussion came up at the last meeting, was this just for diving or just for traps, and so, if you could talk about that a little bit, that would be helpful.

MR. GRINER: Thank you, and thank you for the presentation. Yes, absolutely, the impetus for this was for diving only, and it wasn't to make any gear changes or to create a new fishery, and it's simply to allow the current divers, the guys that are out there harvesting the less than the 1 percent of the total lobster catch the ability to harvest more than two per person per trip, and, yes, it was -- In addition, the thought process was, yes, only unlimited snapper grouper permits with a tailing permit, and so it was a very limited group, and it will be no gear changes, and it just simply allows them to hand-harvest another quantity of lobsters, whatever we end up selling on, whether it be 20 or 30 or 40 or whatever options we settle with, but, really, it's really that simple. It was not to start a new trap fishery or anything of that sort, but simply just to allow this small group of guys to make their dive time a little bit more profitable and possibly take some pressure off of some of the other issues we're having with divers.

MS. MCCAWLEY: Thanks, Tim, and so I had a couple more questions. Your intent would be that this would apply only to North Carolina, South Carolina, and Georgia, and is that the intent?

MR. GRINER: Yes, and the intent was for this to be outside of Florida, north of Florida.

MS. MCCAWLEY: Are you also suggesting that, as the amendment is developed, there would be options for the limit, like what that overall limit would be, and so some type of overall trip limit or a per-person limit, plus a vessel limit, something like that, and is that what you had in mind?

MR. GRINER: Yes, and we were thinking a vessel limit, just a trip limit.

MR. CONKLIN: Currently, the divers are allowed to have two per person per trip, and is that correct? Is that a recreational limit, or is that a commercial trip limit, or are we harvesting --

MS. WIEGAND: It's both. It's the same for recreational and commercial.

MR. CONKLIN: Okay, and so there are two different limits? I know the limit is two, but it's specified, and so the intent would be to take the commercial limit and be able to bring more product to the market than two lobster, and, I mean, that shouldn't even be considered commercial fishing, and so I'm not trying to create a new fishery, but there's a ton of them out there, and they're in demand, and the stock is healthy, and we're not going to be intruding on it much more than what we already are, but just --

MS. MCCAWLEY: I look back to Tim, and so your intent was commercial only, because of the permits that you're requiring.

MR. GRINER: Yes, absolutely, and only the unlimited. Not the 225, but just the unlimited, and with the addition of a tailing permit.

MS. MCCAWLEY: Is there more discussion?

MR. CONKLIN: I am just curious about the tailing permit. Is it easy to get? Is it open access?

MS. MCCAWLEY: Is there more discussion on this?

MR. SAPP: I just want to say that I'm a big fan of adding more domestically-caught fish to the marketplace, and, if the fish are there, I'm all for it.

MS. WIEGAND: So, at this point, there was an action and alternative in there sort of drafted, but, based on the guidance you guys have given us, that's going to have to change quite a bit, and so, if you would like to move forward, what we would need from you is a motion to start work on an amendment, and then we would form an IPT and get the ball rolling.

MR. GRINER: I would be glad to make that motion. **I would like to make a motion to recommend the council start work on a regulatory amendment to modify the commercial trip limit for spiny lobster for vessels holding a federal permit for South Atlantic unlimited snapper grouper and a spiny lobster tailing permit operating outside of Florida.**

MS. WIEGAND: I was going to specify North Carolina, South Carolina, and Georgia, instead of excluding Florida, because those Gulf states are part of this as well, and so, if the intent is for this just to be for North Carolina, South Carolina, and Georgia, if it's all right to make that explicit in the motion.

MR. GRINER: **Yes, absolutely.**

MS. MCCAWLEY: All right. Is there a second? Seconded by Chris. Is there more discussion on this? What are you thinking on the timing on this, Christina? Monica has her hand up.

MS. WIEGAND: Well, ultimately, for timing, that will depend on the priorities that you guys put together, but, sort of off the cuff, not having talked to an IPT at all, I don't believe this would be a super work-intensive amendment compared to some of the other ones that have a lot of actions in it, but that's a little hard to tell at this point, before the IPT has had a chance to really dig into anything that may come up, but it will depend on your priorities, ultimately.

MS. MCCAWLEY: Okay. Go ahead, Monica.

MS. SMIT-BRUNELLO: Two things. One, I haven't looked at the framework for this FMP, and that framework I think is going to be changed fairly soon, because Amendment 13 will come through, but that primarily addresses Florida concerns in the EEZ off of Florida, and so I will take a look at that, to make sure it can be a framework or regulatory amendment, but the other one, and excuse me if you talked about this, because I didn't hear it, but it would be good if we could get, from you, Tim, I think, a little bit of discussion as to why we jump to twenty, perhaps, as the first option.

Right now, it's two per person, and maybe you said consider other numbers besides -- I think, in here, there was twenty, thirty, and forty, and that's a big jump, when you go from two to twenty, and so if you could just give some rationale, and, at some point too, we're going to have to discuss why it's only appropriate to have divers have this opportunity and not other fishers. I know they don't usually hook-and-line for spiny lobster, and then there's the whole fish trap issue, but we'll probably need some discussion, and maybe not today, but maybe the next time you see it, or maybe the IPT can look into it and those kinds of things.

MR. GRINER: Thank you, Monica. It is two per person. It's two per person per trip, and so, if you were going to do a full-blown dive trip, you're looking at four divers, two per diver, and so you're looking at eight for the trip, and the rationale is to basically double that, and twenty just seemed like a good place to start. It's not that many lobster.

The ability for the diver to take twice as many as they are taking right now, and they're taking them by hand, is going to be something that he could do within a matter of minutes very quickly, and it wouldn't take anything, really, away from how they have to set up to carry out their dive to begin with, and so it really wouldn't do anything -- It wouldn't add any more pressure than what they're already putting down there to begin with, and it just seemed like that would be a number that would make it worthwhile and make it to where it would make a difference in the marketplace.

MS. SMIT-BRUNELLO: That's good, and thank you, Tim. That's helpful. Also, there's a restriction, and Christina was really thorough, I think, in touching on all the regulations that were currently in place regarding spiny lobster for the EEZ other than off of Florida, and that's the way the regs call it, other than off Florida, which I think is kind of funny, but, at any rate, would we need some sort of allowance for the divers you're talking about to be able to spear these spiny lobster? Is that something that would also need to be addressed?

MR. GRINER: Well, I think it's already addressed. I think, currently, the regs don't allow that, and so we're not looking at changing the gear. We are just simply looking at changing the trip limit, and so I'm not suggesting that we start allowing divers to go spear lobsters. The gear would stay the same, but only the allowable vessel trip limit.

MS. SMIT-BRUNELLO: Thank you.

MR. CONKLIN: In regard to the different ideas for a new commercial limit, I would be in support of whatever the biology would allow us to handle, get some sort of analysis back for what we can really take, because you're going to have to probably do the analysis anyway, and be able to base our decisions off of something like that.

MS. WIEGAND: I am not a stock assessment scientist, and I'm going to glance around at those that are, but my understanding is that spiny lobster is a particularly challenging species to assess, because the majority of recruitment is coming from outside of the United States, and so I'm not entirely sure what type of analysis we might be able to do.

MS. MCCAWLEY: I actually think the last stock assessment might have been rejected.

MR. CONKLIN: If you're a lobster fisherman in Florida, how do you -- I mean, is there a limit that those guys can have, or are they just running on a season, and you catch as many as you can and then shut it down, or --

MS. MCCAWLEY: The number of traps is limiting how many people can take, as well as other fisheries, and so a lot of people are not doing only lobster, and they are doing stone crab, or they're doing yellowtail, or they're doing something else, and so there's a number of factors at play that are limiting the areas where you can set your traps, the number of traps people have, and whether or not people are active in other fisheries. The live lobster market has kind of exploded, and a lot of the lobster that are exported out of Florida are for the live market, and so I'm not sure if that's what Tim is thinking, is that there's now going to be this live market that develops for these dive-caught lobsters north of Florida, and I'm not sure.

MR. GRINER: Those are some good points. We're really not looking for a live lobster fishery. Again, this is for an ancillary fishery to the snapper grouper divers, and so this is not their only fishery. They are not going out to make a spiny lobster trip, and we're talking about -- I think it was twenty or so vessels that hold this snapper unlimited and the tailing permit, and so it is limited already by the number of people that have this unlimited snapper grouper, and, currently, with the two per person, or eight per trip, for the three states, we're less than 1 percent of the total harvest, and I can't see that doubling that, or even tripling that, would even approach going over the 1 percent, and so I don't think we're going to have any impact at all, overall, to the spiny lobster biomass.

MR. CONKLIN: There's going to be a group of guys here on Wednesday to make public comment, and they're north Florida scuba divers, commercial spear fishermen, and maybe that would be a good time to address them a little bit, when they come to make a comment, because they will be commenting on spearfishing, and I don't know that they've seen the white paper here, or the options paper, but that group makes spiny lobster dive trips sometimes in the year, when the Florida season opens and there is nothing else to do.

They are tailing lobsters, and I don't know what their limit is, but I would assume they don't have one, if they have a tailing permit in north Florida, but, when they come up to the Carolinas to fish, we have this awesome resource, and it's not -- I mean, the lobster in north Florida are as big as ours up in the Carolinas, and they want the same latitude to do that as well, even if it's more than two, but I can tell you that my customers love it when I have fresh, big lobster tails in, and I think that two is not --

MS. MCCAWLEY: I would have to look up what the dive limits are. They are limited in Florida, and I would have to look at what it is, and it might be 250. I guess my biggest concern was, if we were going to consider the use of traps, that would be my big concern, and we just did an amendment recently that outlawed the use of recreational lobster traps north of Florida, and it just would seem odd to then start a commercial fishery that was going to use traps. We have right whale issues and others, and I just felt like that was opening a huge can of worms, but, just to allow the dive, I think that that might be okay. I would look forward to seeing the analysis on it.

MR. CONKLIN: The north Florida, it sounds like a lot of work has already been done for that group, or that region, and if we could just extend some of that language up our coast and borrow from that, even if we can't sustain a 250, is maybe what I heard, lobster limit. Then something less would be fine, but it seems like the precedent has been set already.

MS. WIEGAND: Just to quickly note, in terms of stock concerns, spiny lobster does have this sort of unique system in place, where, if landings drop below a certain level for two years in a row, I believe, it triggers that review panel to go back and look at the data and see why we're all of a sudden seeing some lower landings, and so there is that provision in place.

Then Monica asking about rationale sort of jogged my memory, but, since this is now going to be specific to tailing permits, as opposed to anyone who just has the federal lobster permit, Tim, could you provide some rationale for why you would like it to specifically be for tailing permits, as opposed to just that base spiny lobster permit?

MR. GRINER: I guess, at the end of the day, I'm not really opposed to the other permit as well. Our thought was this is the way the guys want to do it, and, again, these guys are not just after the spiny lobster, and so, by being able to tail it and do the tailing, they are leaving the heads in the water, which help attract fish for the rest of their dive. It's also going to be a lot easier for them to maintain their product and not have to worry about the iodine and keeping the tails for the extended duration of their trip.

MR. CONKLIN: Could we ask Christina to further investigate the northern Florida limits and all that?

MS. WIEGAND: Yes, and that's something that the IPT can do as we get rolling on this amendment, absolutely.

MR. CONKLIN: Thank you.

MR. GRINER: I was going to follow-up on the same thing. I would like to flesh out what those exact limits are, 250 or whatever they are, and their regulations, too. They're allowed to do whole lobsters live, if they want, and is that correct?

MS. MCCAWLEY: Let me bring up a couple of points. First, of all, the 250 only applies in south Florida, and it looks like it might be unlimited up there off of Jacksonville, and there's a number of other requirements, because remember this is primarily a Florida fishery, and so a saltwater products license, a restricted species endorsement, and a spiny lobster endorsement, and then there's a number of other things that go along with that, and so, since it's been primarily Florida, it's primarily the State of Florida that has set these regulations.

MR. GRINER: We are certainly not looking to create a no trip limit free-for-all and bring all the Florida boats up to North Carolina and start a fishery. That's not the intent here at all.

MS. MCCAWLEY: Anything else? Any other comments or questions? We still have a motion on the board. **Once again, the motion is to recommend that the council start work on a regulatory amendment to create a commercial trip limit for vessels holding a snapper grouper unlimited and spiny lobster tailing permit off of North Carolina, South Carolina, and Georgia.** That motion was seconded. Any more discussion on this motion? **Any objection to this motion? Seeing none, that motion stands approved.**

Back on the agenda, the other item that was on the agenda was the Gulf Council carryover amendment, and I'm going to turn it back to Christina, but I don't think that we're going to be working on this today either.

MS. WIEGAND: The plan had been to take final action on the Gulf Council's carryover amendment. If you will remember, at the last meeting, their CMP lead, Ryan Rindone, came and gave a presentation on this. However, at their last Gulf SSC meeting, they looked at some Southeast Fisheries Science Center simulations that showed that, if payback and carryover is handled on a one-to-one, or pound-to-pound, basis, it doesn't really affect the long-term rebuilding trajectory, and so it had been recommended that they consider carryover and payback for stocks that might be in a rebuilding plan.

They moved forward with considering that, but then they discussed this new idea of the interim assessment procedure and how that's going to be set up in a way to better handle carryover and payback, and so, ultimately, they decided to postpone work on this amendment until that interim assessment procedure has been set up and is moving forward, and so this may ultimately be something that our council will want to consider when you guys get into your discussion of the ABC control rule amendment in September, but, as of right now, the Gulf Council is not moving forward on this amendment, and if Martha has anything to add on the Gulf Council's discussion.

MS. MCCAWLEY: Martha, do you want to add anything on the Gulf Council's discussion?

MS. GUYAS: I mean, I can talk about it. I don't have anything that pertains to spiny lobster, particularly, but, long story short, there may be a better way, and Clay is going to tell us about that, maybe, at some point, and the juice probably was not worth the squeeze.

MS. MCCAWLEY: All right. Is there any other business to come before the Spiny Lobster Committee? All right. Seeing none, the Spiny Lobster Committee stands adjourned.

(Whereupon, the meeting adjourned on June 10, 2019.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
July 23, 2019

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2019 COUNCIL MEMBERS

- ✓ Jessica McCawley, **Chair**
Florida Fish and Wildlife Conservation Commission
2590 Executive Center Circle E. Suite 201
Tallahassee, FL 32301
(850)487-0554 (ph); (850)487-4847 (f)
Jessica.mccawley@myfwc.com
- ✓ Mel Bell, **Vice Chair**
SCDNR-Marine Resources Division
P.O. Box 12559
217 Ft. Johnson Road
Charleston, SC 29422
(843)953-9007 (ph); (843)953-9159 (fax)
bellm@dnr.sc.gov
- Robert Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200 A-N
Arlington, VA 22201
(703)842-0740 (ph); (703)842-0741 (f)
rbeal@asmfc.org
- ✓ Anna Beckwith
1907 Paulette Road
Morehead City, NC 28557
(252)671-3474 (ph)
AnnaBarriosBeckwith@gmail.com
- ✓ Chester Brewer
250 Australian Ave. South Suite 1400
West Palm Beach, FL 33408
(561)655-4777 (ph)
wcbsafmc@gmail.com
- ✓ Dr. Kyle Christiansen
150 Cedar St.
Richmond Hill, GA 31324
(912)756-7560 (ph)
christiansensafmc@gmail.com
- ✓ Chris Conklin
P.O. Box 972
Murrells Inlet, SC 29576
(843)543-3833
conklinsafmc@gmail.com
- Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
(727)824-5301 (ph); (727)824-5320 (f)
roy.crabtree@noaa.gov
- ✓ Tim Griner
4446 Woodlark Lane
Charlotte, NC 28211
(980)722-0918 (ph)
timgrinersafmc@gmail.com
- Doug Haymans
Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way Suite 300
Brunswick, GA 31520
(912)264-7218 (ph); (912)262-2318 (f)
haymansafmc@gmail.com
- U.S. Fish and Wildlife Service
Representative
TBD
- ✓ LCDR Jeremy Montes
U.S. Coast Guard
909 SE 1st Ave.
Miami, FL 33131
(305)415-6788(ph); (305)710-4569(c)
Jeremy.J.Montes@uscg.mil
- ✓ Stephen Poland
NC Division of Marine Fisheries
PO Box 769
3441 Arendell Street
Morehead City, NC 28557
(252)808-8011 (direct); (252)726-7021 (main)
Steve.Poland@ncdenr.gov
- ✓ Art Sapp
2270 NE 25th St.
Lighthouse Pointe, FL 33064
(954)444-0820 (ph)
artsappsafmc@gmail.com

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2019 COUNCIL MEMBERS continued

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

✓ David Whitaker
720 Tennent Street
Charleston, SC 29412
(843)953-9392
david.whitakersafmc@gmail.com

✓ Spud Woodward
860 Buck Swamp Road
Brunswick, GA 31523
(912)258-8970 (ph)
swoodwardsafmc@gmail.com

Martha Guyas

Rick DeVictor

Monica Smit-Brunello

Dr. Jack McGovern

Dr. Clay Porch

Kate Siegfried

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
COUNCIL STAFF

Executive Director

✓ Gregg T. Waugh
gregg.waugh@safmc.net

Deputy Director – Science & Statistics

✓ John Carmichael
john.carmichael@safmc.net

Deputy Director - Management

✓ Dr. Brian Chevront
brian.chevront@safmc.net

Fishery Scientist

✓ Myra Brouwer
myra.brouwer@safmc.net

Citizen Science Program Manager

Julia Byrd
julia.byrd@safmc.net

Admin. Secretary/Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Fishery Scientist

Dr. Chip Collier
chip.collier@safmc.net

Purchasing & Grants

✓ Cierra Graham
cierra.graham@safmc.net

Fishery Biologist

✓ Dr. Mike Errigo
mike.errigo@safmc.net

Fishery Economist

✓ John Hadley
john.hadley@safmc.net

Public Information Officer

✓ Kim Iverson
kim.iverson@safmc.net

Administrative Officer

✓ Kelly Klasnick
kelly.klasnick@safmc.net

Senior Fishery Biologist

✓ Roger Pugliese
roger.pugliese@safmc.net

Outreach Specialist

✓ Cameron Rhodes
cameron.rhodes@safmc.net

Staff Accountant

Suzanna Thomas
suzanna.thomas@safmc.net

Fisheries Social Scientist

✓ Christina Wiegand
christina.wiegand@safmc.net

SEDAR Coordinators

Dr. Julie Neer
julie.neer@safmc.net

Kathleen Howington
kathleen.howington@safmc.net

✓ Be Be Hamison

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2019 COMMITTEE MEMBERS continued

SNAPPER GROUPER

Jessica McCawley
Mel Bell
Anna Beckwith
Chester Brewer
Kyle Christiansen
Chris Conklin
Roy Crabtree
Tim Griner
Doug Haymans
Jeremy Montes
Steve Poland
Art Sapp
David Whittaker
Spud Woodward
Dewey Hemilright
Mid-Atlantic Liaison: Tony DiLernia
Staff contact: Myra Brouwer

SOPPs

Chris Conklin
Chester Brewer
Anna Beckwith
Doug Haymans
Jessica McCawley
Staff contact: Gregg Wuagh

SPINY LOBSTER

- Jessica McCawley
- Chester Brewer
- Kyle Christiansen
- Chris Conklin
- Roy Crabtree
- Tim Griner