

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ROCK SHRIMP ADVISORY PANEL MEETING

**Town & Country Inn
Charleston, SC**

May 1-2, 2007

SUMMARY MINUTES

Rock Shrimp AP:

Jake Flowers, Chair
Fred Dennis
Tony Herring
Toby Saylor
Rodney Thompson
John Williams

Steven Wilson, Vice Chair
Warren Gautier
Billy Howerin
Marilyn Solorzano
Sam Vona

Council Members:

David Cupka

John Wallace

Council Staff:

Gregg Waugh
Kerry O'Malley
Julie O'Dell

Mike Collins
Kim Iverson

Observers/Participants:

Mrs. Rodney Thompson
Wade Moore

Richard Chessler
David Allison

TUESDAY AFTERNOON SESSION

May 1, 2007

(The reason there are blanks in this transcript is because of the difficulty in hearing some of the speakers.)

The meeting of the Rock Shrimp Advisory Panel of the South Atlantic Fishery Management Council convened in Salon A of the Town and Country Inn, Charleston, South Carolina, on Tuesday afternoon, May 1, 2007, and was called to order at 1:31 o'clock p.m. by Ms. Kerry O'Malley.

Ms. O'Malley: I know Vishwanie was working with you all before; and if you don't

know, she has moved on to work for Environmental Defense and lives in Austin, Texas, and works on Gulf of Mexico issues. You may see her if you ever venture into that world but I'll be taking over. I hope to get through this meeting. Now we can go around the table.

Mr. Flowers: Jake Flowers, representing Fernandina Seafood, Florida Quality Seafood, a rock shrimp dealer out of Florida.

Mr. Wilson: Steven Wilson, I'm with International Oceanic Enterprises and Biometric, Alabama.

Mr. Williams: John Williams, Tarpon Springs, Florida.

Mr. Cupka: I'm David Cupka. I'm a council member from South Carolina, and also chairman of the Council's Shrimp Committee.

Mr. Wallace: John Wallace, council member, Georgia.

Mr. Thompson: Rodney Thompson, Cape Canaveral Shrimp Company, Titusville, Florida.

Mr. Herring: Tony Herring, Ocean Wild Shrimp Company and Sea Market, Incorporated, fishing vessels, the Betty Lee and the Appalachian Warrior.

Mr. Dennis: Fred Dennis, no title, nothing to spread.

Ms. O'Malley: Okay, I know that Marilyn Solorzano was supposed to be here. I think she's around. You should see her. On a sad note, Billy Howerin, Sr., who was on the advisory panel, has passed away.

We found out officially just yesterday, although we had heard some rumors. And Mr. Flowers informs me that Sam Vona will not make it. Warren Gautier will not make it, and Toby Saylor will not be here. He's not longer operating in the fishery. So once Marilyn gets here we will have what is now the whole AP who is here.

I'll just give a brief overview of the agenda and what we're going to do, and then I can hand it over. If you look at your agenda, I know that it's changed since the first time you saw it. We were originally going to meet part of the time with the Golden Crab Advisory Panel. However, they were unable -- it's a very small panel and none of them were able to make it.

One of the reasons they were going to come -- and, hopefully, we will be able to do it in the future -- is they wanted to talk to some of you guys and anyone that went into royal red shrimp to see if there was some overlap and maybe where the fishing grounds were and to avoid any sort of gear issues, to just sort of have a sit-down. That may happen in

the future.

If you notice the second item on the agenda, approval of the minutes, there were no minutes that you have not approved from your last meeting; it's been so long since you've met. So, just ignore that for now.

Item Number 3, the overview of meeting materials, I'll just throw in now and let you know sort of what is on here and then I can hand it over to Jake for you guys to approve the agenda in any way you want to.

What we need to get from you, while we're at this meeting, is first and foremost a discussion of the "use it or lose it" provision that was put in place in Amendment 5, the Rock Shrimp Amendment -- I'm sure you're familiar -- 15,000 pounds in one of four calendar years. We're nearing the end of that timeframe, so we're going to discuss what steps the council should take as far as leaving that in place or not.

Tomorrow you'll be meeting with Roger Pugliese from our office and Gregg Waugh who just walked in to talk about two items. We're writing our Fishery Ecosystem Plan, and one of the things we're doing in our plan is describing how all of our fisheries operate. There is no one better to do that than the people who actually do it, so it's just looking over the description and telling us whether or not we have any idea how you operate your fishery.

Then tomorrow Gregg will talk to you about development of the deep water trawl allowable gear area, and he'll touch base on that before we break today so that you guys can start thinking about it and ask him any questions, have the night to talk about it, think about it, understand it and come back for the big discussion tomorrow.

There is an item for other business. We haven't talked to many of you in a long time. If there are things in the fishery you need us to know about or concerns or anything else you want to talk about, it can come under that item. So with that said, I will give it over to you to approve the agenda and proceed.

Mr. Flowers: Has anybody got any questions about the agenda after she repeated it to us? Has anybody got any discussion about it?

Mr. Herring: No, I did have a question about as far as the "use it or lose it", which I think we're going to discuss first; is that right?

Ms. O'Malley: Correct.

Mr. Herring: Okay, well, you made the comment whether we wanted to keep it or not, and are there different options of keeping it in different ways or is it just keep it or not have it?

Ms. O'Malley: That's why you're here. The council basically at the last meeting heard very limited testimony from members of the public -- some of you were there -- that there might be a need to go back and remove this provision. This is the first step in figuring out how that would be done, if it would be done. Basically, you all will come up with the first options. So, you can make suggestions and design any way you wish for us to move forward to the council.

Mr. Herring: And does the council have any preferred option at all on it?

Ms. O'Malley: No, the council --

Mr. Herring: Or does the council have any kind of ideas on it at all itself?

Ms. O'Malley: At the last meeting, the overwhelming testimony that the council heard from the people who were there to give input was that a lot had changed in the fishery, and that it would be a good idea to remove the 15,000 pound requirement in as timely a manner as possible so that we don't lose -- I'll go through the numbers in a minute, but half the industry would be lost.

Mr. Herring: Yes, do you have those numbers that you could give us when we get to the discussion?

Ms. O'Malley: Yes, I will. Once we move past dispensing with the business of approving the agenda, I'll get into the nitty gritty.

Mr. Herring: Oh, I thought we had already done that.

Ms. O'Malley: Oh, no, I'm sorry. We just need to -- basically, he would ask you if there are any objections to any or this, or if you want to add to the agenda and then the agenda can be approved.

Mr. Flowers: And that's what we would ask everybody sitting around. They're trying to approve this agenda. Is there any objection as it stands or is there anything to add to it?

Ms. O'Malley: There are actually copies on the back.

Mr. Flowers: I think we wanted to add to the agenda about the legal procedures, that there is some objection to the current procedures.

Mr. Cupka: I wanted to ask Kerry -- of course, you had called me, Jake, and one of the reasons you wanted to get together with the AP was not only to talk about this provision, but also some of the things that were going on relative to the Oculina, some of the enforcement issues and whatnot. And, last week we had a meeting here in Charleston with the LAP Workgroup, the Limited Access Privilege Program Workgroup and Paul Raymond was at that meeting. I had asked Paul to try and have someone here because I

knew this issue was going to come up. He had indicated that he was -- or he had called, I guess, Rich. I didn't know if Rich had ever contacted Kerry or not. Did you ever hear from him and get information from him?

Ms. O'Malley: I have not heard from him, and his name was not on the list, so I don't know if they changed their mind about him coming. I can send him an e-mail and see what's going on and see whether he is coming or not.

Mr. Flowers: Anybody else have anything to add before the discussion about the "Use it or Lose it" Clause, I guess it's a phase they want to get first. Anybody want to open that up?

Mr. Herring: Kerry said she had some information. I'd love to hear that information about how many are qualifying under the 15,000 pound landings; how many permits have not been renewed? Do you have that information as well?

Ms. O'Malley: Sure.

Mr. Herring: So how many have not been renewed since the issue or the applications were sent out?

Ms. O'Malley: I'll give you what I have and then what we can do -- if it comes out that, there are more numbers that you need, I can e-mail the regional office and see what they can get to us, but this is what I have. And the last date of this information was February 26th so it could have changed a little bit since then.

But there were a total of 134 vessels that either have active rock shrimp endorsements or the endorsement has expired, but they're still within the time period. Of the 134 vessels, it appears that only 61 would meet the requirement of 15,000 pound landings. It's possible that as many as eight more vessels might meet the threshold, depending on -- well, I guess she said there are about 8 more.

So about 69 vessels of the 134 that still have their permits right now that meet the criteria for staying in the fishery. I didn't finish the review that I was giving you of what had happened at the council meeting, too, if that's helpful. As I said, we've received input at the council meeting. Marilyn was there. Fred was there. John was there. Am I forgetting anyone?

My recollection, it was the overwhelming sort of intent that the council that will lose this provision. I will say that since we got back from the council meeting, both Kim Iverson and I have received comments from other members of the industry who feel the opposite, who think that having the provision in the amendment should be in place.

So I didn't want to -- I want to make sure that you guys know it's not cut and dry. It was the council's intent -- at the meeting I think that they had heard they thought everyone

was supportive of it, and they hadn't heard the new input we've gotten from other members of the public and we will present that to them at a future meeting. But it hasn't gone so far as the council having options or anything like that, but they left the meeting with their intent to develop a plan to look at this 15,000 pounds.

Mr. Cupka: Kerry, I wasn't at that meeting, as you know, but didn't they also indicate that if we were to remove that provision, I don't think that we can do that in time to be in place by the end of this year, so wasn't the intent at that time to reinstate anyone who lost their permit as a result of that action until they could take the necessary action to remove it?

Ms. O'Malley: That answer is yes. So what would happen is because the process works kind of slow, as far as getting in through the system, if the amendment wasn't in place by the time that everyone's four years was up, if people who had lost their permit, they would only be losing it for a short period of time, because as soon as the plan was in place, there would be a -- or the amendment was in place, there would be a provision in the amendment that would give everyone their permit back. So if that's the road that you all recommend in terms of --

Ms. Solorzano: Kerry, what happens to the permits that no one renews, that are left over? Are they just out for anyone to get, to receive, or do they just --

Ms. O'Malley: I have no idea.

Mr. Cupka: The original intent was that there would be a pool created when those permits were given up; and those people who didn't qualify or have landings previous to when the control date went into effect, I think that they would be eligible to get one of the permits. I'm not sure anyone ever applied. I think they had one year from the time the amendment went into place to qualify or put their name in the pool. I don't know that anyone ever did that. The last I heard I don't think there was anyone in that pool. Do you know anything about that?

Ms. O'Malley: No. When I last spoke with the regional office and the end February or the beginning of March, there was no one on that list.

Mr. Wallace: If you're in that pool -- can you get into that pool at any time or was it just in that one timeframe? And, if any of these guys lost their permit now, there is no mechanism that will let them get back into the industry; is that right?

Mr. Flowers: I read that very carefully again the other day and have talked to Dr. Crabtree. I took the liberty to call him about two weeks ago when we were talking about this, and how did this suit their needs because they're getting hammered right now with all the permitting for the Gulf that has just kicked into place.

So they want to help us to get fishermen back there and not lose any down time and quite

naturally and lose their income. The way that provision was set up, there was really in reality probably 20 vessels under the original guidelines that had a one-year grace period to get on the list, and 20 only. So, what I believe our AP's attempt was to make those licenses available in the future to more vessels to keep a sustainable number of boats in the fishery.

And that just sort of went by the wayside. One of us dropped the ball here. The potential, as Dr. Crabtree and I talked about, was this to eventually get down to 20 or 25 vessels only is the way it is currently on the books, and the way the laws are currently drafted.

And that's one of the reasons we want to have this meeting right now, to try to discuss it before it gets that far along and see if we can change it. Those 20 vessels or most of them completely -- either the gentlemen were at the age they passed on, vessels are gone out of the industry, sold, out of the country, no longer fishing.

They never have tried to get those permits nor will they ever get them now. They're gone. They've actually just grandfathered in and grandfathered out. So, we, as industry, talking to the people that buy the shrimp, to our knowledge -- and I think Mr. Herring can back this up, we've talked at length with somebody and with Mr. Wilson -- we do not see today -- where there's probably last year, for example, on the Eastern Seaboard fishing in our fishery, I daresay there was less than 25 boats that even took place in the whole fishery and we had a good crop of shrimp last year.

We had intended originally, when we approached you all, of having 140 or 150 boats in it because in a huge year, economic-wise, we can support that many vessels and everybody was to make a living at it. You know, production changes from year to year. It's a cyclic shrimp. We haven't seen that production since '96 but we have seen some pretty good crops since '96. They're sporadic. One year it's good; one year it's bad. You know nature dictates that.

But we are very concerned. I personally can speak for myself, I'm concerned that even if I get out of this business, I want to see this industry thrive. This is strictly a commercial item. It's no recreational benefit whatsoever. Mr. Thompson can verify the shrimp has been around forever. We just maybe got a little careless; we weren't taking care of them for a while and overfished them.

But now this thing seems to have leveled out, and we're starting to get a more steady crop every year. And what we want to do is see that there is enough vessels that are able to partake in that resource, because it has become survival for their survival on this Eastern Seaboard. I don't know how to do it unless we open that window back up and get rid of this "use it or lose it" clause.

We've had vessels in there through economics -- fuel being the main driving force here. They can't spend \$10,000 to run clean around here taking shrimp or making a two- or

three-month season, even though it's lucrative when they're here, because they've got \$10,000 over and \$10,000 back. The last two years, after the hurricanes in the Gulf – records will bear this out – they have had tremendous production over there.

And even though the prices were extremely cheap because of the imported shrimps plaguing our industry, it was still lucrative enough they could make a profit over there. They couldn't roll the dice to come around. I've had many vessel owners tell me that, and I'm sure these other fellows will tell you the same thing.

So, what we're hoping to do today is try and figure out how to get back to the original 134 vessels. I know two vessels – and I'm going to give the floor up in a second – I've got two vessels that I know personally that have lost licenses for a better excuse, ignorance of the law. There are business people running operations. They own boats, too.

One of them is in the seafood industry. He tells his girls in the office to renew their permits as they come in. In all the years he's been in it, he never knew an endorsement had kicked in place. He went to renew his license, had the quota caught, but because one year they let the endorsement lapse, they will not renew his license.

He continued to buy the shrimp permit every year, the federal permit, but he didn't realize there was an endorsement that went along with it. The girls in the office had no clue. He has lost it, and the vessel is at my dock now, and he actually owns a dock in Saint Mary's. It's sad to see somebody who was a pioneer in this industry and has tried to play by the rules, through a mistake, which that is, has lost his permit forever.

That's something that sort of fell through the crack. None of us saw that coming. He certainly didn't. He got to sit in on meetings. He wasn't part of this. Applications came. He filled out things and sent the fee, and he still to this day has a rock shrimp permit for the Atlantic, but he never got the endorsement, and last year he lost it.

So, that's something else I hope we can figure a way to address. We've got people that want to be part of the industry, that has always been part of the industry, and through ignorance – and I use that term because I would have been just as dumb about looking at it -- it's just a shame they fell through the crack.

Mr. Herring: On the 134 that either meet the requirements or have permits that are in place now are still within the one-year period to renew them, how many above that were there that have been lost out of it? Wasn't it, like, 168?

Ms. O'Malley: One sixty-eight. I'm looking at Amendment 5. One hundred sixty-eight initially qualified.

Mr. Herring: Of that 168, did every one apply for it and get it or is some of that number between 134 and 168 just never applied within the six months after it was published and

just never got it, period; or, is that 34 permits that someone physically had at one time and then either by a situation that Jake is talking about or whatever, just didn't renew it at some point?

Ms. O'Malley: I suspect it's a little of both. And if I'm not mistaken -- maybe David can speak to this -- I think there was a VMS issue, too, that if you didn't have VMS by a certain date, you weren't going to get your permit.

Mr. Cupka: I think you're right. I think some of both, really.

Mr. Flowers: David, can I ask you a technical question, then? Is it possible to go back and revisit that; and those folks that lost their endorsements; is it within the power of the council to change that law and get them back qualified again somehow or another? Is there a way to address that?

Mr. Cupka: That's one of the things that we wanted to come out of here is a recommendation to the council. You'd have to go back and amend the plan to change it. That may take a little time, but certainly anything is possible.

Mr. Herring: It's going to be an amendment process on the "Use it or Lose it" for the difference between the 61 or 68 and 134. If it is changed, it's going to have to be an amendment process to take that "Use it or Lose it" clause out, anyway, isn't it? So, if it's already going to be an amendment process, it wouldn't be any different if we added this other to it; is that correct?

Mr. Cupka: Yes, that's correct, it would have to be an amendment on this "Use it or Lose it" clause, and you could add other aspects to it at the same time. It wouldn't have to be a separate amendment. It could all be part of one amendment, so we just need to know from the industry how you want to see us proceed and how it would work.

Mr. Wallace: Yes, the only thing that got brought up at the council was if we overload this with a whole series of amendments, it's going to be that much more time so people could potentially lose their permits because of the use it or lose it clause. I mean, staff could probably tell us if adding one or two amendments is going to slow things down or not. You know, I wouldn't try to overhaul the entire rock shrimp amendment just because it could take three or four years to get it done.

Mr. O'Malley: Yes, John said pretty much what I was going to say. It's important that we keep this as short and sweet as possible. I think how you may be able to handle things like that, though, is in the amendment -- a one-action item amendment is really what we're looking for, but as you've seen with rock shrimp, there was one action and then sub-alternatives, or whatever.

What you could do, if you so chose, was to remove the 15,000 pound provision and say that anyone who originally was one of the 168 could reapply for a permit, or you can

work it into that without it being a big deal. But the thing is not -- you know, this wouldn't be the place necessarily to get into all the things you want to do, any gears, you know, anything like that. What we really should do is focus on this permitting provision and move that through. That doesn't mean we're not going to do other things that we think need to be done, but obviously time is of the essence on this one.

Mr. Williams: Yes, I certainly agree with what you're saying. You can correct me if I'm wrong. When this 168 permits were made available _____ the boats, unloading facilities, processors, and the infrastructure, it looks like now if we don't do something, we're going to lose the captains and permits forever.

We have heard from several members that have the rock permit who did not qualify or did not catch enough because they couldn't _____. Last year is a good example. There was _____ production in the Gulf, that they couldn't take a chance to lose that shrimp to save their permit. But, to keep it simple, you know, one way to do it would be on this amendment would be to eliminate Action 1E, 1F, and 1H.

Now, I think it would be wise for this panel to look at it real close and make sure that eliminating those particular actions doesn't affect this other _____. But just on the surface, from a quick read, it looks like 1E, 1F, and 1H would take care it and keep it very simple.

Mr. Flowers: Just at a glance, you're probably pretty correct, and I think that's what they are after. Having talked to Dr. Crabtree, like I say, he's in the licensing part of this thing. His recommendation to me was to bring up with the industry and see if they can eliminate that whole phrase as far as not just the tonnage, but the fact that they have the four-year period, anyway.

He thought that we had established a vessel that would partake in the industry from here on out, that had taken this road, and it sort of ran its course. They haven't had a lot of inquiries at the licensing department, according to him -- don't quote me, but that's what I interpreted in our conversation -- of new inquiries trying to get into the rock shrimp fishery.

I think Mr. Herring or Mr. Wilson can speak better than I can of the fellows around Texas and Louisiana and Mississippi that were in the industry that whether we put the 168 vessels back in there today and started from Ground Zero; I daresay there is going to be 100 vessels that would sign up if you gave them a free ride today and said no limitations, no quotas, no anything, just come back get your permits and start over.

A lot of those boats, through attrition, are gone. A lot of them were wiped out in the storms. A lot of the fish houses that owned the vessels have got out of it. You have got gambling casinos sitting there; they've sold the fleet off overseas, they are gone. I can name quite a few boats I know personally that are not going to ever be back in the industry. They really have no desire to even -- I hate to say it -- to even try to re-permit

their licenses because they don't ever see them coming back over here because of the fuel costs.

Mr. Williams: Yes, I agree. And one thing, I'm sure _____ opposing this because it may or may not increase the _____, it may or may not. That's a gamble, but it certainly doesn't do anything for the overall industry if we have 61 boats or 69 boats _____ that would be utilized in this entire industry _____.

Mr. Wilson: Just for information's sake, the last American shrimp processors' meeting we had, the different Gulf states' officials were there and said that the shrimp fleet has decreased by 60 percent in the Gulf of Mexico.

Mr. Flowers: Yes, I think that has been pretty more universally on the Eastern Seaboard. I know Georgia is way down and Florida is way down. The industry has changed. This fuel has affected everything; I know firsthand. I had vessels wanting to come fishing with me last year that sell to me traditionally their rock shrimp. And even with the great crop that was there last year, the boats were extremely well and the prices were staying fairly high, and they caught some shrimp and were able to overcome the fuel cost, which is where we're driven as an industry to try to overcome these fuel costs.

We're like everybody else in the industry; we're trying to adapt to it. As the boats go, so goes our industry. So, you know, we have got a vested interest in these vessels. I don't own any vessels myself, but I want to see the vessels thrive because without their production, my plant ceases to make it. So, you know, we really want to see this thing go back to where it was.

Mr. Thompson knows back in the old days there was just unbelievable amounts of shrimp, and we could limit the boats and when we wanted to catch them just by telling them what size we would buy and what size we wouldn't buy. Those days are gone. They've changed. The industry has changed. We've created a market for a product that used to not be sold.

I mean it's well documented. It's probably the highest dollar shrimp on the market today. You stop and figure the eel and the waste in the product to get the pure meat is a high-dollar item. And it has been industry-driven to get there, but we've got to do something. It didn't personally affect me last year because of my geographical location as far as buying the shrimp I needed for my plant.

But I can see in a big year to where it could affect some of the plants that's not in my geographical area, and they are a viable part of our industry. Even though they're my competitors, we still need them. They need to be there. In order to make their plants feasible, we have to have enough production to keep them there. They can't just jump in one year out of ten and stay in the industry.

So, we want to see – and I think I speak for all the processors – we want to see these boat

licenses available. Economics will dictate how many people will come over to take place in this resource every year. I'll be surprised this year if the number is up 10 percent over what was here last year. Would you believe that to be a safe bet, Tony, because of the price of fuel?

Mr. Herring: It's almost impossible to predict that 100 percent. There may be a -- it may be not a very good year in the Gulf, and the economics are going to drive it either way. If it's a very good year in the Gulf, then, yes, a lot of those boats are not going to take the cost of spending the fuel to come around, besides the lost time that they've got for the week around, the week back to take them back to where they came from.

They can't recoup the two or three weeks' worth of lost time over there plus the cost of fuel both ways. But it may not be a good year in the Gulf; it's hard to say. In getting back to changes to the amendment, because the way it stands now, the actions the way they are on Amendment 5, if there are 134 permits that are active and have been renewed, then that's a pretty good bit of permits there.

If there's that many permits that -- and I think she qualified -- I think have been renewed or are either are still within the one-year requirement -- and maybe somebody else on the panel can tell me. I've got two boats, but I don't remember, for sure. Are the renewals a one-year or two-year on rock shrimp and endorsements -- two years, I think. Two years.

So, do you have it -- I know I've been asking you a lot of questions. Do you have it broken down, Kerry, as to how many of them are active and have been renewed and are not in that default area, or whatever you want to call it, between lapsing and not being renewed? Do you know how many that is out of that 134? It could be almost a two-year period so there could be a large number of those that have not renewed.

Ms. O'Malley: I don't, unfortunately. I don't have access to that data, but I will write down a list of the questions we come up with and see if I can get answers to that.

Mr. Herring: But just to reiterate what I said, if there are 134 that are active, or could still be active, then that's a sizeable number in it. That's a lot more than what I thought. It's a much bigger number than I thought it was going to be. I didn't think it was that many permits that were still active in the fishery. I thought it was more down in the 60-70-80 that were still active permits.

Mr. Cupka: I was going to ask Kerry something along those same lines because 134, you said, were eligible vessels. That means they are still permitted and are still -- they've either qualified already or they could qualify to catch 15,000 pounds by the end of this year. And then out of that 134, 61 out of them have met the requirement of 15,000 pounds.

So, we don't know how many more will meet that by the end of the year. When this was set up initially, there were 168 vessels that I think initially qualified. I guess that was at a

level that the AP and the industry thought was needed to sustain this fishery and make it a viable fishery, understanding that not every one of those vessels are going to fish every year, depending on their individual circumstances.

So, is the 134, which is the number of eligible vessels, was that at a level that would maintain a viable industry, because I suspect the other 34 that initially qualified aren't going to be in the fishery any more, anyway, for various reasons. But is that a good target number, the 134 number of eligible vessels to maintain a viable fishery?

Mr. Flowers: I'm like Mr. Herring. First off, I'm having a lot of trouble, after talking with Dr. Crabtree, believing that's an accurate number. I'm not questioning what she has been given, but in reality I was told there was only 81 last year. I find it hard to believe that the 81 could have increased to 134 because of the endorsements.

The endorsements are scaring me because they're not showing up in the tonnages. They're not showing up in the poundage requirement. They could qualify the poundage four years ago, drop the endorsement during that four-year period not knowing they had to re-endorse to get that done. The computer is showing they caught shrimp and loaded them because they had a legal license at that time.

But from four years ago until now, that endorsement could have lapsed two years ago. They would still qualify under the poundage because that's exactly what has happened to the boat in Saint Mary's. He had four boats that qualified. And we all know the gentleman. When he tried to renew them, he only had one.

He qualified under the poundage, but when he tried to qualify again, he only had one of those four. So there are 4 of that 134 that I know no longer exist. I don't know how many more might have fallen through the paperwork or the cracks are far as poundage versus endorsements. But logically, I've got to believe there are some endorsements that have not showed up in her new updated work.

Mr. Herring: I misunderstood what she said, then. What she said was there are 134 that still have the endorsement or still qualify within the timeframe to renew it and have – I don't know if they all have eligibility. They may not all have eligible catches because that eligible catches don't matter yet until the December of this year.

But there are 134. But you asked the question, David, about was 134 a viable number. And the point I was making is we don't know if the 134 is a viable number or not because if you're talking about a two-year period there, there may be some boats that 18 months ago or 21 months ago didn't renew this.

And anywhere between 18-21-22-23 months until now they didn't renew it; how many boats is that? That's the number I was asking her. It may be a significant portion of this number between 61 and 134 that haven't renewed it for whatever reason. They're still eligible to renew it, but now if we're changing the "Use it or Lose it" deal, then they

would all be eligible. Is that correct?

Ms. O'Malley: Well, that depends on if you looked at it from what you were trying to deal with was the 15,000 pound requirement or were you trying to change the amount of time of the renewal period? They are two different issues. Do you see what I'm saying? We've come across that in other fisheries where it's just a year. So, what we were approaching you with is the 15,000 pound requirement, which then we're talking about the difference between 134 vessels and 61 vessels.

Mr. Herring: But one of the things that was brought up a while ago was – and I think John Williams was the one that said it – just go to the specific parts of the action, which I think were E, F, and G -- let me read back over them -- and I think that takes in part of the renewal time within a certain amount of time. And if you took all those actions out, then you would in effect be doing both the 15,000, and you would be doing the timeframe on the renewal, both, to make all those boats eligible.

Ms. O'Malley: I see what you're saying, but sort of the way we do it wouldn't necessarily be taking it out. We have to have a new amendment. So what we're going to need are new actions, and these can be our launching points and you can say remove the 15,000 pound requirement. I don't know can the council say, you know – I guess we can extend the renewal period for a longer timeframe, although most fisheries I believe are one year, and I think two years is on the longer side. And there is going to be a renewal period. That's how we know who is actively fishing. So, that would be the starting point.

Mr. Waugh: When you say “endorsement”, what you mean there is when you renew your permit?

Mr. Flowers: What I understand is – I haven't seen them; I don't own a vessel – they have an endorsement, which you are issued, that qualifies you to be in this fishery and the license. They're two separate entities. They come down there. What has happened to some of the fishermen, traditionally we all used to buy – and I fish myself – to buying a license, period.

When they open up their packet, they see the license; they hand it to their secretary and say go get my license renewed. They have done that. I know firsthand of people that's done it. I've been involved trying to help them get these endorsements back. The word we had out of the permitting office is if they did not renew their endorsement, period, they're out; they're gone.

It doesn't matter that they kept up their rock shrimp permit, the federal permit they purchased. The endorsement enables them to fish in that zone; so without that, they're out of the fishery. That's where firsthand I've really got a problem trying to figure out how to get these people back in because they're part of our industry.

Ms. Solorzano: That permit says it's valid two years. It doesn't say anything about the

endorsement and a lot of people get confused on that. Okay, it's good and then it's not. Tony, I was going to ask you a question _____ as a fisherman _____ don't _____ but last year we only had, what, just a few boats in the fishery? Was there a sustainable yield for those boats _____ to make the market _____ last year?

Mr. Herring: Yes, there was but there wasn't, compared to some other years, the production there has been in other years. If there was a higher amount of production, of course, it wouldn't have handled more boats. We all know quite a few boats that didn't come because it was just economically better for them to stay in the Gulf.

None of the Gulf of Mexico boats came to the East Coast this past year, other than the few that stayed over and just stayed and worked white shrimp and then stayed on the East Coast. Yes, it was sustainable with the boats that were there, but in a bigger year more boats would have been better.

And just to say what Marilyn said about the permits, the Gulf just did a -- as an example, Royal Red, there is one permit. They just did a Gulf Moratorium Permit. It's one permit. All these other ones are one permit. But the rock shrimp is a permit, and then you've got to attach the other limited entry endorsement, too. It was very confusing to a lot of folks that have been used to just doing the permit -- here is my permit; I renew it. And this gentleman that Jake is speaking of thought he was doing everything right, but he wasn't and he lost it and that's not right.

Mr. Flowers: One other thing about it -- and I'm going to let Steve say something while we're on that issue -- Tony, in all fairness, we all know who peels the shrimp basically around the country. We had a couple of the peelers, to answer Marilyn's question, that did not peel any rock shrimp last year because of the shortage of processors.

They were backlogged trying to pick up the slack on soft shrimp; and some of them -- one of them in particular stayed completely out of the rock shrimp business because he couldn't do both, and he was getting hammered by local production. In a normal year he would have been back on line, and then I feel safe in saying that there would not have been enough production at the boat level to have sustained the plants that normally traditionally always go with shrimp.

Ms. Solorzano: Last year we _____ we were backed up with what production we did _____ takes so much that there was times when we were _____.

Mr. Wilson: I forgot what I was going to say. But as far as the processor, the last two years have been not enough for us. It has definitely hurt us as far as sales and economically has hurt us. But when he said last year was a great good year, I was kind of surprised. I thought, well, I just really missed out. Yes, geographically because we're in Alabama.

Another issue that I wanted to put in, some of these boats have permits, these federal

permits. And some of these boats, one fisherman told me that he had paid \$20,000 for three permits. He had paid \$20,000 for each of those permits. And, because he couldn't make it around because it was economically not feasible, he was really kind of backing me in the corner to make sure that I let that be known, that some of these people paid some pretty good money for these permits. They're in fear of losing these. This is a pretty good economic hardship to them. Secondly, is it possible that we can make an amendment or change the permit process where it's only just one paper?

Mr. Waugh: We can make that recommendation. You all can certainly make that recommendation to the council and the council can structure it how they think it should be. Roy Crabtree is the regional administrator, and he heads that program down there. They have, as you indicated, a lot of concerns about permits and the number of permits. They're going to be very concerned about any actions that increase the number of permits. I think that's probably why they did this as an endorsement. But, we can certainly build the justification and work with them to structure how you all think it's best.

Mr. Cupka: I think one reason they did it as an endorsement is because there was already a permit required. Just the limited access portion comes into play for fishing south of the South Carolina/Georgia line, so that may be why they did it as an endorsement, because there was already a permit required.

But, it seems to me that this is just as much work for them to issue one as it is the other. It's not going to take less work. Since it is split up geographically, there is a permit for the entire South Atlantic area, and then there is a separate requirement if you fish in the southern part. However, the limited access provision would extend throughout the range.

I don't know how they could issue one in place of those two unless we changed the requirements. I think that's how we came about the two was because of the limited access part pertains to that southern portion of our jurisdiction. So, if we wanted to go with one permit, we'd either have to do away with the limited access portion, or we would have to just say that one permit is going to suffice no matter where you fish. I don't know what Roy would feel about that, but certainly it would have to be addressed.

Mr. Waugh: I was just going back to the wording that's in Amendment 5, and on Page 70 what it describes is requiring a limited access permit being required for harvest and possession of rock shrimp in the South Atlantic Council's area of jurisdiction, south of the Georgia/South Carolina state line.

And it goes on and says that vessels that do not have a limited access permit would still need a rock shrimp open access permit, which is currently required to possess, harvest or land rock shrimp north of the Georgia/South Carolina line. So it just seems like the wording that's in here isn't how it got implemented because this is arguing for two separate permits; one for the limited entry fishery in Florida and a separate permit for the area north of Florida.

Mr. Cupka: But I think what NMFS did is they said well, the limited entry permit for the southern part, and we're going to make an endorsement for the rock shrimp permit that everyone has to have rather than issue a separate permit. That would have to be addressed if you wanted to just have one permit. It would either have to be limited access from North Carolina through Florida or do away with the limited access and just leave the rock shrimp permit in place for the entire range.

Ms. O'Malley: I wanted to correct something I told you all earlier. In doing her research for the recent South Atlantic Update, Kim had spoken to the person I was getting data from at the Southeast Region after I had, so that 134 number is now closer to 115. And that's the same qualifications we said are still within the time period to have renewed. That does not mean whether or not you met the 15,000 pound limit.

Mr. Flowers: Kerry, is there some time between now and tomorrow, if I was to give you a vessel name, could you track that and see if that endorsement is still there showing?

Ms. O'Malley: I can call down there and find out. I don't think I can share that with you because confidentiality. Yes, I wouldn't be able to discuss it with you all. I could find one of your boats if you gave me permission. I could find out that information, but it's confidential.

Mr. Williams: Just one point of clarification; _____.

Ms. Solorzano: Was it their discussion _____ for those fishermen to use until the provisions went into place so that they would not be inactive?

Ms. O'Malley: There is not a way – we can't get _____. There is no provision for doing that _____. Now because _____ yearly, everyone is on the same day.

Mr. Williams: _____

Ms. O'Malley: So what that means is people, say, for instance, who have later birthdays may not be affected because the amendment goes in place _____ permit. So everyone is sort of operating on a little bit different clock.

Mr. Williams: Yes, what I understand on that issue is _____ by the time they get the information in terms of who will actually lose their permits _____.

Mr. Flowers: Yes, he personally told me that even though 2007 _____ his license expired. In theory, he's talking six or eight months before they could even renew it. They're going to hold them out _____ is current on whatever the list is and then they're going to address that during the calendar year 2008.

Ms. O'Malley: I want to go back to what we were _____ the rock shrimp permit itself has to be renewed every year _____ endorsement every two.

Mr. Dennis: I thought it was two years for both of them?

Mr. Flowers: Tony, do you know? I don't have a boat so I couldn't tell you.

Mr. Herring: I thought it was two years, but I'm not 100 percent sure. I thought it was two. Dealers is two years, but I'm not sure on the boat.

Mr. Wilson: Maybe this is just a little time to interject that I'm not quite sure on the boats because Mr. Howerin is not around anymore. I just wanted to acknowledge Mr. Howerin was a good friend and did a lot for the industry and helped the industry, and we appreciate him and miss him.

Mr. Flowers: Thank you. Anybody else got anything to add on this thing or any discussion as far as how to get there and make it simple? I really believe that we've got to keep this thing simple because you know how slow it takes them to get things through. It's no reflection on this committee, but it's got to go to Washington and everywhere else to get this thing straightened out so a lot of people are going to have to see this thing.

Dr. Crabtree did take a lot of time to explain that to me. Not that I was trying to stick my nose in anybody's business, but I was trying to get a handle on what to do to make this as simple as we could. If I understood, what he wanted to do was actually get rid of the 15,000 pounds, period. We've established who would have originally qualified now, anyway. We're not talking about dragging any more vessels in. We're just talking about _____ qualified.

And his discussion with me was -- and maybe you've talked to him since -- he told me that the "Use it or Lose it" clause definitely restricted some of the _____ council. And I understood him, that that's all _____ one-part deal, when you get right down to it, the endorsement and poundage and all could be addressed in one simple change. Is that what you're talking about, Kerry?

Ms. O'Malley: Yes, I think that's the plan. Of course, that would all be contingent on what happens in this meeting here, the council will listen to the input from this meeting at the June meeting. And, of course, there will be public hearings because, as I mentioned before, both Kim and I have heard opposition.

You know, it sounds like on this panel you are all on the same page, but I just don't want to give the false impression that the council might not hear some public testimony for a good reason not to remove the 15,000 pound provision. I can't speak for Kim, I can't speak firsthand, but I'm not sure of the reasons we're seeing, but what we heard was from some processors who felt like that 15,000 pounds was keeping people coming from the Gulf to the South Atlantic.

They had to come; therefore, they had to unload over here and they kept a steady supply of the product over here, so I don't know personally whether or not that's the case, but I'm just telling you some of what we're hearing, so we just want to make sure that you guys know. Obviously, you've _____ advisory panel _____ other _____ public hearings_____.

Mr. Wilson: I think one reason we came up with the 15,000 pounds was to keep -- we were also concerned with the Oculina Coral, and there was talk that some of the scallop boats from further up on the east coast, when things were slow up, there they would come down, big boats, and drag on the rock shrimp, clean them out and damage the coral.

And so we wanted to make sure -- that was one of the reasons why we put a poundage in there originally. We just wanted to make sure that these boats weren't coming down and destroying things for the rest of the fishermen. That was one of the reasons.

Mr. Dennis: Jake, since the venture of the business has changed so much since we implemented this first plan, I mean it's just like it's _____ business. VMS has affected the Oculina Bank. Does anybody have a good reason to keep this 15,000 pound in? I mean, why should we keep it now that we need boats? What is the advantage to keeping it?

Mr. Flowers: Well, Fred, I'm personally on your side of the argument. I think the 15,000 pounds; I think it needs to go. We've already established the history and I think the council agrees with that. We look a lot of time to narrow down. What Steve was referring to is we were asking, as an AP, back when that was going on, they actually had 503, I think is the number of people, applying as far away as Rhode Island for permits who never intended to fish just because limited entry -- we're going to get permitted for something.

And we were trying to protect the legitimate fisherman that was using this industry for _____. The 15,000 pounds, in my region, being on the East Coast, eliminated the guy that was coming back from Key West in February or March, stopped off to see if there was any hoppers offshore and caught two baskets of rock shrimp and he stuck his hand up -- (end of tape)

I'm sorry, but I don't think two baskets of rock shrimp is dictating whether you made a profit or a loss for the year for a shrimp boat, by the way. But they were trying to convince us that they should be part of that fishery. And I wasn't, in my way of thinking, trying to exclude them, but then again that was taking away from the legitimate fishermen that were down here day-to-day trying to make a living in this area. I thought that was the goal was to protect our resource, first, and then worry about the economics.

Mr. Dennis: Well, you've got permit and a license to keep this from happening now, you know, the incidental catch. We've got that in place; leave it alone; just get rid of the

15,000 pounds. Let's get on with it. You know, it doesn't apply now like it did back then. At some later date, if it does, you know, we can readdress this issue. But right now we need to get some of these people back that need to be back.

Mr. Flowers: And I believe, as Steve was talking about, also, it's gotten to the point that in all fairness 15,000 pounds of production, at the price of fuel differential over three years ago or four years ago, when this was implemented, is automatically right in itself. If we would have known fuel was going to be \$2.25 four years ago, the 15,000 pounds would have never been an issue, anyway.

People are not going to run from Texas over here to catch 15,000 pounds of product. You'll never convince me of that and try to keep a license that's active. They're not going to lose \$30,000 or \$40,000 plus down time to make that happen. I just don't believe that.

Mr. Williams: Yes, I agree with what Fred _____ four years ago _____ argument to try to keep _____ permitted in _____ and just eliminate the 15,000 pounds right here. It's not relevant any longer.

Mr. Flowers: Mr. Thompson, I'm going to ask you a question. You're right there right in the heart of the grounds where the shrimp are coming in today, and you've got a different industry for your rock shrimp production than we do, quite naturally. You use it in your own restaurants. Do you see any boats dropping out in your area or you've still got your regular fleet in the fishery during the last five years?

Mr. Thompson: You know, I don't know what they can do to keep the boats in there. We need more boats. Right now, we don't have a half-a-dozen boats that are working on rock shrimp that are based out of Cape Canaveral or around there. That _____ three boats right there _____ \$40 a barrel. I would say the 15,000 pounds, just drop it entirely, if we could, and then whoever can catch them can fish for them.

Mr. Herring: So, it sounds like it's pretty much everybody agrees with two or three things on this action schedule. Do we have to do that as a motion to you, to have a vote amongst ourselves to make a recommendation to the council that we think there ought to be changes made and what those changes should be?

Ms. O'Malley: I think that would be the cleanest way to get some wording, and I can help you through it. I can project it on there and we can sort of recreate some version of options, like the list in front of you, or the option you all wish to take forward and then you can send it to the council in June.

Mr. Herring: I would make a motion that we bring forward to the council recommendations concerning Amendment 5 that would encompass the actions 1E, 1F, and 1H, which would be to take out the 15,000 pound requirement in any one year; to strike the 48-month or calendar year period and enact the rock shrimp

permit; and since there are no qualifying other vessels, that we strike the list as far as other permits, because there are no people on that list; and in lieu of that, somehow be reincorporated in the boats, through miscommunication or misunderstanding that have lost those permits, be able to -- pick up out of those permits they would be able to be renewed back into the fishery.

I don't know if that's getting too complicated, but it seems like what needs to be done to address not knocking a whole bunch of more boats out and also letting the ones back in the group, there being two different -- a permit and an attachment to that permit through the endorsement; to give those other boats a chance to be able to get those permits back, if through ignorance or misunderstanding or being lazy, whatever, I don't care, to give them a chance to have them back.

Mr. Flowers: David, is that something you see as the council that you all can address? Is there a way to make that all work?

Mr. Cupka: We can certainly look at that. So, what you're basically recommending is to remove the 15,000 pound requirement and also to reinstate those permits lost through failure to renew the endorsement; is that it?

Mr. Herring: And the four-year and the -- along with that 15,000, to be able to use it or lose it within a four-year period.

Mr. Cupka: Well, I think remove the 15,000 pound -- it would probably be cleaner to remove that four-year thing, but essentially if we remove the 15,000 pounds requirement, that may not even make it. The second part is that reinstate permits lost through failure to renew the endorsements. There could be a couple of ways to address that in the future, too.

I guess part of the problem is the fact that there's two permits and not everybody realizes that so -- well, we could look at that. Somehow there has got to be some way -- I guess what you're suggesting is if there is some way that they could issue one permit rather than two, and that would have to be addressed -- that would have to be addressed because now it is set up as two. I don't know whether you -- you know, one way you can make a limited access and extend the whole range of the council's jurisdiction or do away with it.

Mr. Herring: _____.

Mr. Cupka: Well, I don't think you could eliminate, now that I think of it, the limited entry portion because then it would be wide open. But what you could say is those people who had a -- well, the unrestricted, does that include -- does that 134 or 115, does that include _____?

Yes, we might be opening a can of worms there, but we can certainly look at doing this and point out to the permitting office that there is a problem here with people not

recognizing that there are actually two permits they have to apply for. I don't think we would make any other changes because then we would even make the whole fishery wide open or we would end up maybe losing some people that are operating under the open access portion, South Carolina/North Carolina.

Mr. Waugh: I would suggest saying the rock shrimp limited entry endorsement. To me it's less important that there be one permit, but that this not be called an "endorsement." People aren't picking up on the endorsement. If it's a limited entry permit, people would pick up on the permit. But that's something I think we can handle. Your intent is clear. To me these two points I think get at the core of what you all want to do.

And if this is your motion, that's fine. As you discuss it, what would be very helpful to us and to the council -- if I understand the numbers, Kerry, we've got 168 that initially qualified. As of now, there is 115 that are active and renewed. Some portion of those -- well, 61 of those have already met the 15,000 pound requirement. The others have until the end of this year to meet that requirement.

What would be very helpful is to work with those numbers and develop your rationale why you think 61 vessels isn't sufficient for the industry, why you think 115 isn't, and if you think the actual number that you all need to have in the fishery is back up near 168, develop those recommendations, because outside of this there are two other activities.

NMFS and the U.S. is committed to looking at capacity in its fisheries, and shrimp is one where there is a national report that is still being worked on to look at what is an appropriate amount of effort, however you define that number of vessels, in each of our fisheries. So we're going to have to look at that.

The other that we'll discuss later today and tomorrow is discussions about an allowable trawl area. So, these are just things to keep in mind as you all talk about these numbers of vessels. I think it would be very helpful to your case if you build some rationale as to why you think this rock shrimp industry needs 168 vessels in it.

Ms. Solorzano: The 115 vessels that we have that allegedly would meet the criteria or do
—

Ms. O'Malley: They have the potential to meet the _____.

Ms. Solorzano: Let me repeat that, they have the potential to -- would we re-modify this program to allow them -- for this amendment to allow them to reapply? Some of these folks still are not going to apply because they're simply not in the fishery. So, this 115 number that we have right now is the maximum we would reach _____.

This 115 is the maximum and we're probably not even going to reach it because some of those folks aren't going to come into the fishery. So there's no potential of 168 coming; 115 looks like the most that we would probably be able to maintain; and even, you know,

if the fishery would sustain 115.

My question is, when we don't reach 115, are other people going to be able to come in and get those permits, because we're saying the fishery can handle 115 boats. If they become inactive once they have not been renewed by the people who own them; do they then become null and void, because that person has been given a second option to renew and has not, so therefore they're gone, and whoever did the second round is in? Is that fair or wrong or – I don't know the answer to that.

Ms. O'Malley: Correct me, but I believe what you would do with this amendment could not open up the universe more than the original people that ever qualified. And to go back and to open it up again, it would have to be done in a different way.

Ms. Solorzano: We want to make sure it's not going to be opened up again to just anybody. So we're not even going to reach 115; is that right? I doubt seriously.

Mr. Flowers: I've got a question there, too, real quick. But, one of my next pet peeves myself was – we've talked about this already and I talked to Mr. David about this meeting – we had people that have lost licenses for four years and we know they are out of the industry. We've got local people that would fish in our fishery.

I don't think it's fair _____ amount to tell people that the resource is there and economics will dictate that from year to year, and we can't control that. How do we go back to our original goal of making those permits that were qualified available if she's got another boat and she wants to buy a second permit for her son?

Our intent was to be able to maintain that number of vessels, whatever it is, whether it was 100, 150, 120, whatever is feasible for a magnum year to produce. The low ends will take care of themselves. They can't fish when there is no shrimp. But my question is we never did see, with our original plan, a way to qualify except for those 12 or 15 people for those permits.

Our original goal – Fred, you ought to speak up and state your mind -- our original goal as the AP, when everybody was here, was to have those licenses go back into a pool and some way the federal government would dictate that pool, but make them available if Steve Wilson wanted to buy a boat and get in the fishery.

It's like any other industry, you know, at some point, as long as you've got a cap and you can't get overfished in the fishery, how do you keep it from getting back to where we see it now, 10 or 15 or 20 boats possibly left in five years' time?

Mr. Cupka: I was going to suggest earlier that we may have to go back and argue this pool thing, because that would provide permits for people who want to get in the fishery who aren't in it now, who either can't buy a permit -- I mean, somebody may have renewed their permit but not be fishing and they may be willing to sell it. There may

be people wanting to get in who can't even find one to buy, so what you're trying to do is cap the number of participants.

You've already arrived at that number. But, this loss of boats and people who want to get in, to maintain that number, there has got to be some process whereby those people can get a permit. Otherwise, over time, through attrition, you're going to be down to, like you say, 15 or 20 people. So, again, the more you add to this, the more it's going to slow it down.

You may want to reconsider a separate amendment, a later amendment trying to come up with some way of making permits available to people who want them who aren't in the fishery now but still keep the cap at 135 or 160, whatever you want to do it. But, now is probably not the time to try and do this.

Mr. Wilson: Well, we already have the pool in place, and we had a number before and I don't know what the council is asking. This is all the review material I received, so I didn't really know why we were coming here. But is the council expecting us to lower the number; is that what they are looking for?

Mr. Cupka: Well, they're not looking for that. You say the pool is in place, but really there is no pool in existence because it went out of existence one year after the amendment went in. Nobody applied, so there is no pool in place; it's gone. We certainly aren't trying to reduce the number of permits in this fishery.

You all decided on a number, and that's when we originally set it up, and that's what you thought it would take to maintain this fishery. What we don't want to see is to get way below that level. We want to come up with some method to try and maintain that level if we can.

Mr. Williams: I agree with everything you said and also that the pool is non-existent _____, and we will be addressing effort _____. And I think we should address that _____. And, also, you know, if we don't address it _____ a lot of ifs, ands, but _____ make it clean and try to achieve what we're trying to do here and keep _____ 168 vessels _____ and whether we have that many or not, we're certainly not going to expand _____. But I think we _____ and keep them _____ and also put in an automatic _____.

Mr. Dennis: David answered my question. I was trying to find out what happened to that pool that we had recommended, why it died, and he answered it. Thank you.

Mr. Flowers: Well, after listening to Mr. David and John there, I think we're all pretty much in agreement. You all can go around and say what you have got on your mind about it, but I agree with him. After talking to Dr. Crabtree, if we don't get this thing railroaded through, which is basically what we're trying to do, according to our time schedule, to get as many boats back fishing as quick as possible, because some of them are going to fall into that, we need to address this issue today.

We can address at another meeting and at some other point go back and address that pool. That pool is a pet peeve for me because of the people that fell through our crack. And as hard as we worked to try to make them into part of the fishery, economics or timeframe for them didn't work out and they fell out of the industry and I still think that they need to get back in it somehow if they choose to.

Most of them probably today at their age will not. But if those licenses are not being utilized, I think it's almost crazy not to let somebody have them if the resource is there. If the resource is not there, they're not going to try to fish in the fishery, anyway. So every year it's going to dictate that by production.

Mr. Wilson: So the actual motion that Tony made was to take out 1E and 1F and 1H. And to take out 1H, then we're removing this non-existent pool. If we leave the pool, then what does that do? It doesn't do anything; it's non-existent. So I guess the pool thing didn't work.

Ms. O'Malley: So my question comes to the second part of the motion. If I have it right, it's to reinstate permits lost to failure to renew and eliminate the rock shrimp endorsement. But what would then happen? There will still be that renewal period. What will then happen, as I'm sure will happen when some other person doesn't renew in time -- I mean, this will deal with a couple of people that you all know that didn't do it this time, but there is always going to be this case.

And, also, to that I'm wondering if isn't a different way that could be approached -- I'm just thinking out loud here -- we do not have to do it through this amendment, but possibly work with the permit's department so it's clearer on the permit what needs to be done.

I note that for the snapper grouper permit, there are multiple endorsements that are needed as far as if you are snapper grouper fishermen and you're going to fish sea bass pots, you need a separate endorsement. I mean, it's a pretty common practice in the industry. It's not going to go away.

Instead of doing it with this amendment, it might be better to find a way to work with the permits department to make it clearer, and do some sort of, you know, bulletin to people to make sure they understand it or be more informed? Again, I'm just thinking out loud.

Mr. Flowers: Can I ask a question? Would the permits enter this thing? It seems to me we're working within the EEZ zone down there. That's where the limited entry endorsement came into play. The argument was people caught shrimp off of Georgia, North Carolina, South Carolina, and was not in the box. Why cannot the permit issue -- that seems very simple to me to just have two rock shrimp permits, one for the EEZ zone, and the endorsement would go away.

It would actually be part of them. If you've already met the criteria and qualified, when you send the feds your permit money and get reinstated every year, well, it's all a one-step deal and it's not -- it's actually probably less cumbersome on the permitting agencies once they just said here is a license for the EEZ zone; here is one out of the EEZ zone.

If a boat wants to fish in Georgia or South Carolina, he will be required just to buy the two permits. They're not very expensive and it's not many boats that is going to fish in the northern end of it, anyway. To be really honest with you, I don't think it's going to affect many boats; do you, Fred? So, wouldn't that clean that up and make that even be a help to them with the permitting issues?

Mr. Waugh: I think you all have identified a problem that has resulted in several people losing their ability to stay in this limited entry program, because it's worded as an endorsement. Let us work with the region between now and our June meeting and bring some more details and an explanation of how we ended up with something that to me doesn't seem to track with the amendment.

It just seems odd to me -- and, admittedly, I haven't looked at this in several years, which I think many of us haven't. But it just seems odd to me that something as important as a limited entry program would be tied to an endorsement to fish in an area where nobody is fishing. That just doesn't make logical sense.

So, give us a chance to work with the region and sort this out, and we'll bring some information to the committee. That would be my recommendation, because I think it can be fixed. I don't think you have to incorporate that into your motion.

Mr. Flowers: Yes, we're just talking and trying to solve this situation and put out ideas.

Mr. Wallace: My question to Kerry is how many licenses are in the South Atlantic for rock shrimp? How many permits are out there compared to how many _____ this endorsement?

Ms. O'Malley: I don't know at this time, but I'll have that information later.

Mr. Waugh: I think Marilyn said that the top end would be those 115 vessels, but wouldn't the expectation be that some of these vessels that you all know that lost their endorsement would not be included in that 115?

Ms. Solorzano: Well, it's the potential that could _____.

Mr. Waugh: Okay, so those that have lost their ability to participate because they did not renew their endorsement, those are included, Kerry, in that 115?

Ms. Solorzano: No, that's the 15,000 pounds _____.

Mr. Waugh: Okay, you need to turn on your mike when you're talking, sorry.

Ms. Solorzano: That's the 15,000 pounds. The 115 reached the 15,000 pounds, absolutely. We don't know that, do we?.

Ms. O'Malley: The 115 vessels will need to have an active rock shrimp endorsement or are within this renewal period to be able to have an active rock shrimp endorsement. Of those 115 vessels, about 69 have met the 15,000 pound criteria.

Ms. Solorzano: _____ 61 of that 69 _____.

Ms. O'Malley: No, no, actually I changed the 61. There were eight. At one point we had a question about whether or not if you transferred your permit, you could start over, and there were eight that were in that category. We said the answer to that is 69 have actually 15,000 pounds and may be _____.

Mr. Waugh: Okay, so we still have several other vessels out there that have lost their endorsement that on the second part of your motion could be back in, and that would bump this 115 potentially up by several more vessels; is that right?

Mr. Flowers: Well, if you take both of those off, I would think the 168 would originally qualify, in fact, is that not correct? That's the only two criteria for them to lose it; is that not right, David?

Mr. Cupka: Yes, but some of those people probably aren't around anymore, those vessels aren't around, so those are not going to be getting back in. What Gregg is saying is true, we just don't know, between the 115 and 168, how many of those people would get back in if they could get their permits back. Some of those people are never going to come back.

Mr. Flowers: In all fairness, I probably know of 20 that's gone forever, okay, through death or boats being out of the industry, sold out of the country are no longer in the industry. They're going to be gone. Tony and I talked last night about this. We got up here we thought there has got to be somewhere in the 125 to 135 range is what we think it's going to be. We don't have any data, but we've got a pretty good feel for who is fishing because we buy the shrimp.

Mr. Wallace: How many VMSs are still in the rock shrimp industry; do we know that? Would that be critical to this?

Mr. Flowers: In all fairness, a lot of people were on the gravy train trying to get in because they still – we had boats that wanted to get into this fishery. They qualify under the old guidelines but they never probably intended to fish and they never bought -- they never got in, so there is no way they have that number. I know a lot of folks that never –

they just wanted to get the permit where they could sell it down the road for a nice old check.

Mr. Wallace: To that, though, if I remember at one of the council meetings, we had money left over in the VMS program so everyone didn't even buy VMS or they applied for the money. So, I'm assuming just logically we probably applied for the month to pay for 168 VMSs or subsidize 168 VMSs, and we only supplied 134 VMSs. I mean, is that an easy number to get a hold of, Kerry?

Ms. O'Malley: I'll see if Bob can answer that.

Mr. Flowers: I'm going to make a little recommendation. Everybody seems to be getting a little itchy to get up and move. A lot of you just drove in this morning. Let's take a ten or fifteen minute break and then we'll start over and find out where we are.

(Whereupon, a recess was taken.)

Mr. Flowers: Folks, it's been brought to our attention that one of our questions for the council were some legal matter, and the gentleman that's supposed to be here to resolve those or help us walk through them is going to be here in the morning. So with that said, we want to look back at what we were discussing for a few moments; and if there is something somebody wants to add about the 15,000 pounds and this "Use it or Lose it," fine.

If not, the suggestion is that we might talk about it a little bit this evening and have a chance to think about it a little bit and try to come up with a simple way to eliminate that in one clean sweep. I think we're pretty well on the right line, but we can do that in a few moments. And let's let them talk to us a little bit about this gear and some of the issues we were going to have tomorrow where it doesn't press us for time unless somebody is objectionable to it.

Ms. O'Malley: Okay, first a little housekeeping. I'm going to send around this clipboard, which has a page from our directory and it has everyone's address and phone numbers. We've had a hard time I think -- because it has been so long since we've met, we've had a hard time getting in touch with all of you, and I think there might even be one or two of you that didn't get the overnight package because we only had a PO Box.

So what we'll need is the best phone number to reach you, if we need to call you, the best mailing address for regular mail, but if you have a PO Box, we need a physical address in order for -- a lot of times we wait until the last minute to overnight you things, so we'll need that. And e-mail, we're doing a lot more e-mail now so if you do e-mail, please include that as well.

Looking at the agenda, what we've decided to do is go ahead and talk about Item Number 5, which is describe fishery operations. As I mentioned before, the council is in the

process of creating a fishery ecosystem plan, which we will discuss all of the fishery operations of all our fisheries.

We'll expand more on essential fish habitat definitions, really talk about predator-prey relationships, just as it sounds, the whole ecosystem of all the fisheries in the South Atlantic. And one of the things that we need to do is update how we describe fishery operations or fishing practices. Everyone hopefully has received, if not the overnight package, today this document. It starts at 5.4.2, the deep water shrimp fishery.

And what we're looking for is for you guys is to – hopefully, you've looked over it or you can look over it real quickly and tell us where we're wrong. Most of us have never been out rock shrimping so we have no clue. Although, hopefully, you've talked to the guy that brings shrimp to your dock so you have a better understanding than we do. So anything you can tell us to help us update the information as far as how the fishery is operated would be great.

Mr. Wallace: How many of you all Royal Red fish along with rock shrimp? I think maybe Marilyn does; is that right? There needs to be more some Royal Red representation. If you want to start a new AP or include it into this, I think it would be wise to get some Royal Red representation into this deep water shrimp fishing. I shallow water shrimp fish, but I think we need to get – you've never done it, have you, Fred?

Has anyone else on this panel done Royal Red shrimping? Before we go too far on this council, I would like to get some Royal Red representation. And if we want to include this into the Rock Shrimp AP _____ representation _____ recommendation is needed from this AP, or how does that work?

Ms. O'Malley: Yes, actually, we had tried to invite royal red participants. We had approval to invite three royal red participants to this meeting to just sort of sit in and give their input. I spoke with Marilyn, who knows at least three, if not the only three I think who are now participating in our area. And she told me it's -- I guess it's a full moon, as everyone knows, and it's the start of their season, as we speak, so it wasn't really good timing for them.

If you all wanted to, what we could do is if you wanted to support a motion to the council saying that you would like to include them on the advisory panel, then the council's AP Selection Committee would then take that issue up. Then we could add them to your panel if you thought they should be part of yours. It doesn't sound like there is a lot of them to have their own advisory panel.

Mr. Flowers: Can I ask you a question? Is the council looking to do something with regulations as far as the royal reds? I mean, is it something you see as an overfished fishery? Are you trying to put a limited entry? I mean, I'm not aware, to be honest with you, where you're going with this.

Mr. Waugh: The first thing we're going to do -- and we'll be talking about this in a little while -- is in terms of this allowable trawl area, that would apply. The intent right now is to consider that through our Fishery Ecosystem Plan Comprehensive Amendment. And that would address rock shrimp trawling, calico scallop trawling and royal red trawling. That's one area where we would be looking at some potential regulations.

The other is that the council has to have annual catch limits in place for all its overfished or overfishing species by 2010 and for all other species by 2011. So that's the other area. There may be some potential that for annual crops we don't have to put those catch limits in place, but that's yet to be determined. Those are the only two sets of activities that we are looking at right now.

Mr. Flowers: Well, I guess my question is are you all even seriously considering putting some kind of a limitation on the annual production? I guess the reason I ask that question is there are so few boats in that fishery, and as far as I've seen never been really the potential reached of it, how do we arrive at the volume of shrimp we're trying to manage there? I mean, I don't know where you're going to get that data.

Mr. Waugh: This is something the council has been struggling with for a number of snapper grouper species that are in the same boat; except with shrimp being more an annual crop, there is less requirements for it. But when the Magnuson Act was reauthorized earlier this year, one of the provisions is that the council has to set these annual catch limits, and there are poundage limits for all the species that we manage.

Now the specific details of whether that has to be an actual poundage limit for each and every species are yet to be worked out. We're participating in some meetings that will help develop those guidelines. But, that is a requirement for implementation by 2011. So we very well could be at the point of having to come up with estimates of what the annual catch would be for all the species, including rock shrimp or royal red shrimp.

Mr. Flowers: So with that said, I've seen no more -- and I've been around the royal reds the last couple years. The economics is I've seen them have to quit catching royal reds. One was over here one year and they couldn't move the product. They had more shrimp than they had a home for and that stopped them from actually seeing what the yield that year would have been.

How are you all -- I'm just trying to get an education here. How are you all going to put a number there? How would you do that with three or four months' production out of a twelve-month cycle, I guess is my question.

Mr. Waugh: And I don't have a ready answer for you, because, as I indicated, we've been struggling with this for years for a number of our snapper grouper species. But, it's a requirement congress saw fit to put in Magnuson and so we, working with the National Marine Fisheries Service, are going to have to come up with numbers for the list of species that it is determined that the council has to set these catch limits for. You will

have lots of opportunity to comment during the development phase.

Mr. Herring: So this is basically a best guess?

Mr. Waugh: It would be based on the best available science and data that we have. Certainly, as a biologist, we've made the argument that for annual crops it doesn't make sense. But if it's a legal requirement that we have to make, then we'll have to do the best job we can to come up with what that estimate should be.

Mr. Herring: One more question. First, in response to this question about whether it would be a limited entry fishery or whatever, or whether it falls under the scope of what we're looking at as far as the development of the deep water trawl allowable gear area, that sounds like maybe more closures. What does that mean?

I know maybe I'm getting ahead of myself here a little bit and you're going to explain a little bit, but I would like to -- maybe in the conversation we're having about royal reds if we're going to have some -- and about rock shrimp as well -- what exactly is "deep water trawl allowable gear area" that you're looking at and allocation there? What is that?

Mr. Waugh: It's up to you all. We can jump right into that right now if you want.

Mr. Flowers: I think there has been a lot of discussion in private about that because of us not understanding what that means at all. I'd like to get a brief summary at least and get an idea where I'd have time to sort of think through that myself, where I can have a little input about it.

Mr. Waugh: That's fine. And we have a chart that has been prepared, that before the end of the day I want to leave that with you all to work with and get some thought to overnight. The issue that we're dealing with is these deep water corals have been identified along a lot of our area, these Ophelia Corals, and they are very rare, very rich and important environmentally.

The council is looking at some alternatives through its fisheries ecosystem plan. These areas have been recommended by our Coral and Habitat Advisory Panel to establish these as habitat areas of particular concern. They would be areas that are closed to fishing. It would be the same regulations that currently apply in the Oculina Bank would apply in these areas.

Now, how you deal with fisheries that we know already exist in and around these areas, well, one of the ways to do that, particularly for your gear, is rather than to come up with areas that you can't trawl in, is to come up with an area that you can trawl in, an allowable trawl area. There is a tremendous amount of public support for protecting these deep water coral areas.

They are very, very rich. We've had similar discussions with our golden crab fishery.

The council is including alternatives that would establish these areas. What we want to do is give you the opportunity -- and what I have is a chart here that shows a large box that encompasses the vast majority of the VMS data on where you all can then fish, just to give you all the opportunity, just like we're doing with our Golden Crab AP, to come up with an area that you all could offer up to say here is an area for the rock shrimp fishery.

We also need to do this for the royal red fishery. If we can continue shrimping in this area, the rock shrimp fishery will be viable in the future. To me away from your perspective, to turn this around, is you've got a lot of attention focused now on protecting these corals. There is no way you can argue that your bottom-tending trawl gear is not going to damage these corals should they interact with them.

The issue comes down to -- a way to put a positive view on your industry is to say, well, we have already fished in an area; the habitat in that area has already been altered, so let's agree that this is going to be an area that we will be allowed to continue to fish in. If you want a viable rock shrimp fishery, here is the area we need to fish.

And then from the other side of the equation, you're basically saying, okay, we're writing off the habitat that used to be in those areas, but we want to have a rock shrimp fishery, so that's the balance you're striking. And then you don't need to deal with people coming in and trying to further restrict your industry. You know that you have this area to continue to fish in.

Now, nobody has designed that area yet. We're giving you all the first shot at doing that. What we have produced is a chart, and I've got some markers here that we'll leave with you. You all can look at it overnight and come up with some areas that you all think might be viable. That's the concept.

Mr. Flowers: Any questions?

Mr. Wilson: Do you have some sort of a chart to show us of where these coral is discovered and the areas they're trying to protect that we can look at, too?

Mr. Waugh: We don't have those. Those are still being refined. We've got a rough area, but they're still working on the outer boundary.

Mr. Flowers: A quick question for you. These corals you're talking about are also in the depths of water that the rock shrimp trawlers are already working in?

Mr. Waugh: Well, that's part of what we want to find out. I think they start in what is 300 meters, so 900 feet.

Ms. Brouwer: The deep water coral distribution in the South Atlantic region is still being worked out. We had this patchy information of where the corals are, based on dives that

researchers have conducted in recent years. And, based on that information and the advice that we had received from, as Gregg mentioned, the Coral AP and Habitat AP, there has been areas proposed to be designated as Coral HAPCs.

And, the depth of where these corals are is going to vary depending on where you're looking at. For instance, off of Florida, the Miami Terrace Area, the corals start to appear around the 300 meter depth contour, but that's just the one I can think of off the top of my head. But there is going to be different depth distributions in different areas.

Mr. Waugh: Well, this is what we've got. And the green area -- and like I said, we'll leave this with you. The flip side of this is some old calico scallop information that you all are welcome to look at, but don't mark on that side, please. This is laminated so I've got some markers here that you all are free to mark it up.

But the green area is the Oculina area, the two satellite areas, and this box encompasses the vast majority of the VMS tracks. It's in a box like that so we're not giving out anybody's particular information. And as I understand it, some of these real shallow tracks are where you all are turning it on while you're in transit.

So, before people get too concerned, if this is what you all are saying is your area that you need to fish in because that encompasses your current boundaries, then make that your suggestion. We're still early in this process. We hadn't planned on bringing this up with you all until we had the coral distribution refined, but since we're meeting, we wanted to share this information with you and get your input.

So, again, what the idea is, is to work this -- this is the area since VMS has been required, then that program is showing where you all are fishing. If there are areas outside of this that you all have fished in the past and you might want to in the future, then include that in the recommendation. The red line here is 400 meters so that's, what, 1,200 feet.

Mr. Flowers: Are not the royal reds caught from 1,100 to 1,400 or 1,500?

Mr. Herring: Yes, this addresses the royal red more than it does rock shrimp.

Mr. Flowers: Well, I guess my question --

Mr. Herring: I don't think it addresses rock shrimp. What I've read, I've read some things about this coral, and I don't think it exists in the depths of where we're fishing for rock shrimp. I don't think it does. I'm not an expert on this, but from what I've seen, I don't think it does. From the start to where we've worked on rock shrimp, I think it much more addresses royal reds and golden crab.

Mr. Flowers: A quick question -- the boys in royal red, are they required to have the monitoring systems on their boats now?

Mr. Herring: No.

Mr. Flowers: So you wouldn't have a track of where they're fishing. That's the reason – okay, I understand now.

Mr. Waugh: And just because –

Mr. Herring: Which is not to say they don't those – I didn't mean to interrupt you or step on you, but you should have those tracks, anyway, of everything that's being done on royal reds. You have the VMSs on all of those.

Mr. Flowers: Yes, because they've got to have them on to be fishing if they've got a rock shrimp permit, and the ones that have got a rock shrimp permit are fishing.

Mr. Herring: If that is part of the South Atlantic EEZ, it's on. You can't leave the dock in the South Atlantic -- if you work in a fishery that requires a VMS, then that VMS has to be on before you leave the dock, period. If you're just transiting, or leaving, you're going to the Gulf, it's supposed to be on until you get in the Gulf.

Mr. Waugh: So, if you're a royal red fisherman and you also fish rock shrimp and you have the VMS, if you're going out to make a trip solely for royal red, you have to have the VMS on?

Mr. Herring: Yes.

Ms. Solorzano: Yes.

Mr. Flowers: Marilyn can answer that. Our question is, Marilyn, your boats, they've probably been the most recent in the royal red fishery, and if I understood you at lunch, 1,100 to 1,500 foot seems to be the water depth. With that said, they're saying they've got the monitoring box in red there where the rock shrimp fishery primarily has been taking place according to the monitors.

Well, our question is how come they don't have the data then provided to them by the same people showing these other boats, because we know they're going to have transponders on them. They should be able to provide you that same data. That's the reason I'm puzzled why you don't have it there and why they didn't make it available to you.

Mr. Waugh: And it may be that what we asked for were the rock shrimp trips. This may just be rock shrimp trips; I don't know.

Mr. Herring: It is.

Mr. Waugh: Okay, so then we should be able to get the information for royal reds.

Mr. Wilson: So, roughly speaking, where is this deep water coral?

Mr. Waugh: Give us a minute, and what we'll do is project the rough areas. Again, we were going to show them on here, but they're refining the outward area of those proposals.

Mr. Flowers: Do you mind if Mr. Dennis studies that a minute? He's probably the only one on the panel that's actually been fishing himself right there on that rock shrimp ground. Let him take a look at it.

Mr. Waugh: Let me take it off and put it up on the table for you. This is the Oculina.

Ms. Solorzano: This should go a lot more north than that. I don't know who gave you that data but --

Mr. Dennis: The majority of activity at certain times of the year is higher.

Ms. Solorzano: That must be some old data, because this past year a lot of the shrimp --

Mr. Dennis: The majority of the time we will be way north of this.

Mr. Waugh: North of 29?

Mr. Dennis: Yes.

Mr. Waugh: Okay, just one talking at a time, please. So you're saying there is a lot of fishing north of 29 degrees?

Mr. Dennis: Yes. If we had a logbook, we could get some accurate reports, but I know that Marilyn knows.

Mr. Waugh: I'll try not to respond to that.

Mr. Dennis: North of this.

Mr. Flowers: Yes, Fred, doesn't a lot of the boats -- at my dock, for example, fish way north of what that is showing; isn't that correct?

Mr. Dennis: That's what I'm trying to do. Gregg, this is wrong. But you're right about the -- Tony was right about they should have this information because everybody that red shrimps rock shrimps also. And when we leave the dock, that thing has got to be on. If I'm in the Gulf, as long as I'm a rock shrimp permit holder, I've got to keep that thing on any time and anywhere I am.

Mr. Flowers: If you remember, just this last season they had Brad. They called him right now --they called him on the carpet about it, and he was white shrimping on the beach and they said, "Bubba, your transponder is not working. Go back to the dock and get it fixed." And he said, "Well, I'm only three miles off the beach." He said, "We don't care where you are because if you've got that transponder, it's a requirement to have it on."

Mr. Wallace: I know this is ----- law enforcement ----- . That issue had come up and it was until some time around last year, maybe, they wasn't even sure if it was required 24/7 or just when you were _____. And they came up with a ruling this year that it's 24/7. But I know that it's been my _____ that the average fisherman had their VMS turned on _____ he was _____. I thought this was specific to rock shrimp but _____.

I'm curious. There are probably a lot of times where the data didn't get recorded from the VMS because of that reason. But this is one of the things that -- this is what my theory is that _____ that may not go out there because the fishermen are going to this spot _____. But, if it reaches north -- I mean, I know back in the '70s _____ rock shrimp and they haven't done that probably since the '70s. And they were profitable then. So _____ historical _____ that have never been chartered, and that's one of the reasons I wanted to get the royal red people also is because they made _____ royal red on it but they're going to run where they know they can make their trip and make their profitable trip first. So, you know, this is something we'll have to watch carefully.

Ms. Solorzano: Anytime we go offshore, it clearly says in there that we have to have the VMS on anytime we're in the South Atlantic EEZ area. No matter where we are, whether we're on the beach or -- our VMSs are always on the royal red shrimp bottom, always on. They are monitoring us constantly on it.

Tomorrow morning Woody, who is a royal red fisherman who has probably explored all the bottom you can imagine getting in the royal red fishery, will be here tomorrow. He has been from Carolina to West Palm and Fort Pierce, south of there. They've got it all down and there is a lot of royal red bottom that has been covered and explored.

It's not just -- the rock shrimp data is very much off. And if they don't have royal red shrimp data, it's not because it's not coming through the VMS system. It is being done. It's just that they're not monitoring it. When the VMS went on, the people in National Marine Fisheries are probably only monitoring that particular area along the Oculina, because that's where their main concern is, is people going into that area and destroying the coral.

So they're not really looking into any other data, but it's definitely available because we don't leave port -- ours is on all the time; we never turn them off. Yes, I mean, as pretty much everybody who is -- it's always on, so it should be available. But Woody can answer tons and tons of questions in many areas explored and trawled from, you know,

all up and down the Southeast Atlantic on the royal reds. He just won't be here until late because we thought that was on tomorrow's agenda.

Mr. Herring: And rock shrimp, too.

Ms. Solorzano: And rock shrimp, too.

Mr. Herring: You were talking about Georgia. There has been rock shrimp caught in Georgia.

Ms. Solorzano: Absolutely.

Mr. Herring: Just recently in the last few years.

Mr. Flowers: The year before last quite a bit.

Ms. Solorzano: Yes, quite a bit.

Mr. Flowers: Well, this is another one of these legal problems and we're glad the gentleman is going to be here. I'm going to discuss that again tomorrow. The accuracy of these transponders is still very subject to me. I had two vessels and it documented -- we made note it, and actually contacted the monitoring people about it.

We had two vessels at our dock that had transponders on them in the off rock shrimp season. They went nine months fishing up and down the coast, clean to the Cape, white shrimping; and after nine months -- they never fired one of them -- via my office, they said, "Hey, are you sitting at the dock? Your transponder hasn't worked in nine months."

He said, "Well, you're just now getting around to calling me?" And he said, "Yes." They have no clue sometimes whether those things are putting a signal out properly or not. So if the monitoring people that are getting paid to monitor this and charging these boats a fee are not doing that, where does this fall into the tracking?

I mean, I hate to play devil's advocate, but the industry looks like it's getting whipped on every time it turns around, but yet the people that we're paying to monitor this thing is not doing anything, and they're still getting paid. That's a great job.

Mr. Herring: And they're getting paid pretty handsomely. My two VMS bills for this past month for two vessels (end of tape) Now they're going to give me some of that back. Even regularly just for the two boats, it's \$300-\$350, but this month it was extremely high. And then Boat Tracs, to their credit, are going to go back and I think credit me some back. But they're getting paid pretty good.

Ms. Solorzano: You know, we had another thing with the VMS issues on the boats. When one goes out, like, they call you and go to port. Well, you can't have a backup

system. You can't have two on board. You can only have one. They won't loan you one so you sit, and there are people who sat for weeks, during peak season, waiting to get a VMS repaired that they had to send back and come back, you know, and still have problems.

Mr. Flowers: And that was the second thing in my little notes to talk to them about. We were under the impression this was a great deal when we first, as an AP, went along with this. We thought was going to be great. We're ahead of the curve, help police this bottom and protect our industry and also made the honest man get rewarded for being honest and quit paying the penalty. It made the playing field level.

I just don't know why the government can't require these – there's only two of them, as I understand it, am I right, two people that you can buy these from in our region, to sign up for the monitoring program? Is that right, Tony; are there two? Well, the question being is why can't we get them to keep a loaner unit or something there, because it's really not fair to impact the boat's income.

And what she said also happened to Brad. He went four and a half weeks, and luckily it wasn't the heart of the season. They told him to send it back, overnight it, we'll get to it when we can. Four and a half weeks later he got a transponder back, so legally he wasn't even supposed to go fishing. He got so mad he told me, he said to heck with it; I'll just pay the fine if they don't do something, this is crazy. And they actually just don't care. They're going to get paid regardless.

Ms. Brouwer: These are the four areas that have been proposed by the Coral and Habitat APs. There are two very small areas off North Carolina, a very large one in the middle that consolidated -- I believe two or three were the originally proposed areas based on information that the AP received in 2004. Those areas were consolidated into that large one you see in the middle. And then the very bottom one is called the Portales Terrace area, and that was expanded just a little bit to include some recently found corals in that area.

Mr. Flowers: The area due east of Georgia right there; I guess it would be off about Savannah where it makes the bend to South Carolina from Georgia, that's actually where the Continental Shelf turns right there and heads back east. Where that red dot is, I don't know what that is, if that's a _____. Where is that weather buoy; there is a weather buoy that sits offshore; what is that, about 40 miles or so?

Ms. Brouwer: That's what the triangles are, those are the buoys.

Mr. Flowers: So that's way offshore of that weather buoy? Well, where they used to catch those rock shrimp is right there, just offshore of that in about 150 feet of water.

Ms. Solorzano: They went into some new areas, though, and explored some other bottom up there this past couple of years. Actually, they didn't do a whole lot of it last year but

the year before worked those areas, so they kind of expanded on that. So, you know, you get Woody and those guys in here who have really worked that a lot, they can probably give you more information on that.

Mr. Wilson: Do you have an overlay or can you overlay the Oculina HAPC?

Mr. Flowers: Fred, wasn't the concern to protect the rock shrimp, only, there, Saint Augustine and up in that area, the depths _____, would that not be true?

Mr. Dennis: There is a lot more information there. There's some logbook readings that, you know, there is hard proof to tell where it's going to be. _____ log book and we've got some real readings and, you know, some tracks where we've done extensive fishing from Saint Augustine on down, you know, a lot of them.

Ms. Solorzano: _____.

Mr. Waugh: Jake, while Marilyn is pulling that up, let me just mention I talked with Roger who put this chart together. This is some of the older VMS Tracs that we already have access to. We made a request to get the current data up through 2006 and are waiting for that. And I asked him to make sure that we build in the ability to separate out those royal red trips from the rock shrimp trips. I mean, we'll have that VMS data the next time we meet.

Mr. Flowers: Yes, our concern was just that you didn't have it. We couldn't logically figure how you couldn't have access to it because they're required to have them.

(At this point, there was a conversation between Ms. Solorzano and Mr. Wallace that could not be heard and transcribed.)

Mr. Wallace: Myra, I know you can't on this particular one, but can you get a latitude/longitude chart for that shaded area and the depth and stuff on it? Can you get more on the chart form instead of just a satellite picture of it all? I know you can't now but is there a way to do it?

Ms. Brouwer: It's coming up now.

Ms. O'Malley: It's up there right now, but you just can't see it from where you're sitting because it's in green, but it is actually shaded in up there. It's just really hard to see.

Mr. Dennis: Now, wait, how did you all determine that there was coral in all this area that you're showing?

Ms. Brouwer: The coral distribution, as I said before, is patchy, and it's based on research cruises and submersible dives and research with autonomous underwater vehicles and remote-operated vehicles and all kinds of things that get samples and

pictures of the bottom and bottom maps. So, the actual box encompasses a broader distribution. It doesn't outline exactly where the corals are.

Mr. Waugh: Marilyn, what you're saying right now where your vessel was is right here _____, and you're saying that they do a lot of trawling straight north of there, which would be within that proposed area?

Ms. Solorzano: It's pretty much in north and south. And even when you got down south, when you were close to West Palm and all that, they're pretty much in that area the whole time, really. They don't have it boxed off there, because you have it just outside the Oculina Bank, even as it goes further south and those depths of waters are where they were.

Mr. Waugh: But, I mean, there is a space along here -- between the outer edge of the Oculina, before you come into that, is that an area where they're fishing or that's more shallow than where they're fishing? They're fishing out deeper?

Ms. Solorzano: They're fishing more -- that 190 fathoms that you just see in the map was about mid-level -- it's further to the shallow end than the deeper end. It's kind of shallowed up a bit compared to what it may be at other times.

Mr. Waugh: And then following that depth contour?

Ms. Solorzano: Yes.

Mr. Waugh: I mean, we'll definitely get with the royal red folks, but I think while we're here, it would be helpful to get as much input from you all for the rock shrimp areas, and what I'm hearing is it's all shoreward of those proposed areas. But even given that, it would be helpful for you all to develop some recommendations for which areas -- and not just off of here -- if there are some areas off of South Carolina and so forth where you all have fished in the past so that the council can look at those as allowable trawl areas.

Mr. Flowers: Fred, in reality -- and I think Tony should speak for some of his boats, he keeps up with everything. He owns his own vessels. Four hundred foot is probably the magic number on rock shrimp, isn't it, as far as the depth range, Tony; 450? I don't know, our vessels --

Mr. Dennis: Less than five, _____.

Mr. Flowers: 950, maybe, to a thousand _____.

Mr. Dennis: Well, she said that was on the shallow end, but --

Ms. Solorzano: It was on the shallow end.

Mr. Dennis: On the shallow end. But it seems to me like as far as the rock shrimp industry goes, do these people that monitor us, do they keep a record of this right on? We could find out where we have historically dragged. And as you said _____so it looks to me like it will be a no-brainer to use this area as our historical dragging grounds because those records are there. As Tony said, we paid dearly to have those records established. So, we have an established area _____rock shrimp industry should go _____.

Mr. Waugh: And that's certainly one easy way of doing it. But that started, when, 2002, 2003 --when did the VMS start? And then just think about pre-VMS; are there areas that you all used to fish before VMS that wouldn't be included in your VMS Tracs?

Mr. Dennis: Very few. I think he said in the last six or eight years, we've covered everything we've ever covered _____. Don't you agree, Marilyn, that in the last six or eight years we've used every place we have ever fished?

Ms. Solorzano: Probably, yes, even new bottom would be in the past few years. But we have caught rock shrimp out in the 75 fathoms and stuff. It's on there. So, you know, it goes out pretty deep. A lot of fishermen don't fish it, but my boats have and will, hopefully, continue to be able to.

Mr. Waugh: So, then, what you are saying is by us getting the historical data base for the VMS Tracs and separating out royal red and rock shrimp, just deal with rock shrimp and take those Tracs, put a box around those Tracs similar to this for the whole area, you all feel that would encompass your – for lack of a better term – historical fishing area for the rock shrimp fishery. If that was considered an allowable trawl area, that's something you all could live with?

Mr. Dennis: I would think so, personally.

Mr. Flowers: Yes, that water temperature, we know that those shrimp move with water temperature. And, like Marilyn says, her vessels sometimes are equipped to drag in deeper water than some of the smaller east coast vessels that are from right here. The little boats originally were fishing in our area.

They're not equipped to follow those shrimp, but she is able to follow them with the rig she's got, according to water temperature moving them inshore/offshore. Our boats -- and I think Mr. Thompson will agree with it -- back in the old days -- and those are going to be current because I know some of our vessels fished in that St. Augustine inshore bottom in the last – well, since you were fishing.

Those ought to be showing up since you've had that monitoring system. I know Brad and them fished them last year. And the water temperature dictates it. I don't think there is any uncovered areas. If the monitoring systems are functioning, I think it's going to have a documented history where all those are the last three years. Would you all agree

with that?

Mr. Cupka: Yes, but the VMS requirement only applies to the limited access area, right? So if you go back and look at those VMS Tracs, if there is an area outside of that, north of the Georgia line, you're not going to get it off of the VMS Tracs. And I know historically there are areas, for example, along South Carolina that were fished for rock shrimp, so you won't pick those up off the VMS Trac because it's outside that limited access area.

Mr. Flowers: That was a good point, really.

Ms. Solorzano: But the VMS, though, it does monitor the whole area. Why wouldn't it pick up there? I think it is. I mean I don't – unless they're just simply not monitoring it; it's accessible. It says it's South Atlantic EEZ is what they tell us; is that right, Tony? That's what we understand it to be.

Mr. Cupka: Well, I thought the regulation required VMS if you're fishing in the limited access area, but if you –

Ms. Solorzano: Anywhere in the South Atlantic EEZ is what they tell us.

Mr. Cupka: That's not what Action 4 is _____ maybe I'm wrong.

Ms. Solorzano: But, see, we asked that, we said, "Can we turn it off? Do we have to pay to be monitored if we're not fishing that fishery?" And they said, "No, if you have a rock shrimp permit, you must have your VMS on any time you're in the South Atlantic EEZ." No matter what fishery we were fishing and whether we were in Key West fishing for pink shrimp or royal reds or whatever we were fishing for, it had to be on at all times. So they do have the data if they have retained it.

Ms. O'Malley: But, there could be people who do not have a limited access permit who are -- say, they live in North Carolina or South Carolina who fish off those states only who don't need VMS and therefore don't.

Mr. Williams: I have a question. If these corals are not identified inside of the shaded area, you're asking us now to identify the historical catching areas of rock shrimp _____. Does that mean the rest of the rock shrimp areas will be not allowed to fish for them?

Mr. Waugh: We're highlighting the concern right now about deep water corals, but there is also a concern about the impacts of bottom-tending gear on other habitat. The idea here would be to define that as the allowable area; and other than dealing with the states north of Florida, then that would be the only area in Florida, once we get that right, that has all the data in it, that you would be allowed to trawl for rock shrimp.

Mr. Williams: Correct me if I'm wrong, I guess you're asking this industry and the panel to essentially name all the bottoms that they don't traditionally catch rock shrimp in and close it to this industry, even though there is no identifiable offshore corals in that area. You haven't identified any.

Mr. Waugh: Right, and the benefit you gain from that is you are using a gear that is not environmentally friendly to the bottom. And, what you're doing is you're being proactive and to -- for lack of a better term, you're painting your industry green by saying, look, what we're doing is we're going to agree to fish within this area, because it is our traditional area. And you would gain that as permanent area, as permanent as anything can be, to fish in.

Mr. Williams: I see what you're saying, and I hate to absolutely disagree, as an industry, to close bottom to ourselves when we have enough folks trying to do that for us.

Mr. Wilson: Are we going to be dealing with this -- we're looking at this issue now from the coral perspective. Are we going to be having to deal with some other areas according to some other groups' perspectives, some of the APs or whatever?

Mr. Waugh: No, to me, that's one of the benefits to you all from this approach is this would be -- and we're not doing this in a shrimp amendment. We're doing this in our Fishery Ecosystem Plan Comprehensive Amendment. It's where the council is looking at its entire ecosystem and designing how they see commercial fishing continuing in the future, how they see recreational fishing continuing in the future.

And for vessels that fish bottom-tending trawl gear that have a lot of interaction with the bottom, the idea is rather than have to deal constantly with closing areas and the issue of you all being able to find areas, that there be habitat damage before the council can respond, to flip it over and say what we're going to deal with is allowable gear.

The council's perspective -- and, again, this is a direction for alternatives that the council has asked us to work up, so I'm speaking for this in terms of developing alternatives. The council hasn't decided on this yet. But just look around at all the pressures that commercial fishing is facing, and this is a way of dealing with a certain portion of that.

It puts you in the position of protecting the rest of the habitat, and you have the area that you all have historically fished and fished over the last six to eight years. But you're right, you are giving up the future potential to explore other areas. Now, would you have that right, anyway? It's something for you all to think about.

Mr. Williams: And I agree, and I thought we were talking a minute ago about the octocorals that has been identified. It appears to me we're trying to -- we do have gear that interacts with the bottom, but we have not identified any habitat in that area that we are endangering or destroying. If it was octocoral, we've identified it offshore of that area. It appears like that the council, whatever they do, may be asking us to close areas to ourselves without identifying any damage that we're doing to any habitat.

Mr. Waugh: But let's be honest and put the cards on the table. I mean, I don't believe that there is anybody here that doesn't recognize that the rock shrimp and calico scallop trawling that has been done historically has permanently altered the bottom in areas that you're fishing. I mean, I've worked for the council for 27 years.

Some of the first public hearings I did I had people bring in and show me the bottom bathymetry before and after trawling. There's tons of information on what was brought to shore, ledges being brought to shore. So, I mean, when we get in this debate, let's be honest with each other and acknowledge that there has been habitat damage to those areas.

What this approach does is give you a chance to write that off and say, okay, we acknowledge that there has already been this interaction in this area and allow the fishing to continue in that area. It also gives you a way of studying that area as compared to areas that we don't have fishing. And, most importantly, from the council's perspective, too, it allows them to protect the habitat, but also to allow this very important fishery to continue into the future.

Mr. Wilson: Okay, there is no question about what you just said, but what I'm concerned with -- okay, we're thinking about the coral and we want to protect it, and we're drawing up our area. And in the formation of your ecosystem plan, will other groups be able to revamp the area that we've picked out in the process of building this ecosystem plan?

Mr. Waugh: Do you mean in terms of the suggestion for you having the area where all your trawling is taking place, that going to the council, could that be modified before it became regulations? Yes, that would be your recommendation to the council, and the council would consider that.

They would pick alternatives to go out to public hearing. There would be public comment, and then the council comes back and looks at all of that. I mean, you all should talk to the council members. And, I mean, this is asking the industry to give up a lot in terms of the future. But, again, you flip it around and it gives you a chance to have your industry continue in the future.

Mr. Wilson: Are there other species or groups that would be concerned if we picked out that area so far that's on that chart?

Mr. Waugh: I don't know of any, but, again, that's why we do the public hearings. I mean, if that area has been trawled over the last six years, eight years, six years, then -- I mean, it's just like cutting your grass, you know? I mean, that area has been altered, I think. Put that on the table; and so if another group comes in and says, well, we don't want that area to be -- it's hard to argue that there is habitat in that area that you want to protect because it has already been trawled.

We've got the Oculina area protected. We're looking at protecting now these areas of deep water coral. So, right now in response to your question, I don't know of any groups that could come forward. I think you have to acknowledge that you will have people attending hearings and sending in letters who are just inherently opposed to trawl gear. They don't like trawl gear. But, again, the council is used to balancing that type of input.

Mr. Flowers: I guess maybe I'm a little paranoid here, but you're talking about the cart before the horse. I'm sitting here saying, well, if you don't even know for a fact scientifically that there is coral in these areas, and I'm not a biologist, but I'll argue until the devil comes back to town, when they shut Georgia Sounds down and stop trawling in those Sounds, if a farmer wants to make a crop, he breaks that ground every year.

And if hurricanes historically have taught us anything from Hugo in South Carolina to what just happened in the Gulf the last two years, when you stir that bottom up and get rid of that stagnant bottom, production picks up tremendously. I don't know there is any coral in these areas you're asking us to give up. But if you look at that amount of water you're talking about giving up, you're talking about a significant amount.

I would more like to know that you could come to me and say, "Jake, we want you to give this up willingly, but I've got data stating there's so many pieces of coral in this region. This coral is this type; this is that. We don't have an unlimited number of it off the coastline. This is a swap-off. We want you to keep fishing but we've got to close this."

Right now you're just throwing a dart at a board and saying, "Hey, you take this little section and we're going to appease all of the tree huggers with this section here." And I've heard that until I'm up to here with it. I've been to 100 meetings, and Harbor Branch is notorious for it.

A question got posed to them three weeks ago, when they were asking for funding at a meeting I was aware about, and they keep telling me the Oculina Coral – a classic example – we've got some video of all these shrimp trawlers destroying this Oculina Coral. Twenty-five times in my life I've been told that. Twenty-five times I said, "Show me the money, honey, and I will shut my mouth."

They've all got the pictures but none of them show us. Now, do I believe there was nets there? Yes, I do, I certainly do. I believe they were roller rigs that were equipped to drag for fish in the early '70s, when I was still fishing, and that's where those boats targeted, and they had those big roller rigs.

They probably were not trying to catch that coral, but I'm sure they got in it. That's blaming our industry for something we did not partake in. We're paying the price today around that Oculina Coral for something somebody else did prior to us. And I know it's not justice, but we're still paying the price. We're dealing with the fallout from it and facing the economic fallout from it.

Personally, I'm like John, I'd rather you tell me here is coral; here is coral; here is coral. We've got documented footage. How about you all go along with this to close this area? But you can still fish north of there – that's feasible.

Mr. Waugh: Let me respond, and I want to give Myra a chance to elaborate on the distribution. The problem with that approach, Jake, is that we don't have the area mapped totally. The area that's mapped, we can show you where we have found coral. The scientists know by the depth and the habitat requirements of that coral.

They can say with a high probability at this same depth zone farther north, you're going to find it and farther south. And if we allow trawling in the areas that we haven't mapped yet, if there were coral in there, it's going to be gone. That's just the other side of the argument you're proposing. And when you get finished, let's let Myra explain a little more of the scientific --

Mr. Flowers: Just one thing further -- there, again, that is subjective. You're saying here is my view; there is your view; and now instead of meeting in the middle, we're just saying let's just give up this whole big picture, and I'm a little bit more hard headed than that. That doesn't sit well with me, because I felt like from Day 1, this AP has tried to stay ahead of the curve.

That's the reason we got together with you all early. We were your first AP. We got together to try to head this off and try to do something to protect the resource and the industry. And I thought we've done a pretty good job, really, in the whole as much as rapid change has come in our industries, not just ours, the bottom fish industries, all of them.

But now this is just a huge leap of faith to ask us just, without scientific data -- and everything that we're told at these meetings is based on good, scientific data -- now we don't have any good scientific data, but just common sense tells me, hey, man, somebody says this is probable. Well, it's probable I could have shrimp right off my channel this afternoon, but it's not guaranteed. So that's just hard for me to swallow in the real world that I deal with everyday.

Ms. Brouwer: Basically, I was going to echo what Gregg talked about and mainly that the distribution of the coral is still being worked out. There are cruises that have been scheduled for this year to refine the location of where these corals are. The boxes that you see that have been drawn are based on the best available information.

But, certainly, I think the Coral and the Habitat AP would be willing to consider, after you all give them your recommendations, to alter the shapes of these proposed areas based on the information that you guys were providing. You're probably right that there are no corals in some of the areas where you're fishing, and those are also areas where the scientists have not dove on, so they would welcome the information to help them

refine those maps.

And then you could strike – you know, basically, we’re negotiating. We’re saying, okay, what do you guys need? What are the areas that the council wants to be proactive in protecting so that they are not going to be damaged? And this is early in the process, so basically I just wanted to reiterate that these areas are not set in stone and they can be altered.

Mr. Wilson: Well, one thing I would like to say to the council is basically the way the industry is going to look at this, and then you’re going to ask us to say, well, we’re going to stay within this little area, and we’ll leave everything alone and you can close everything else.

So you’re going to ask us to draw a map, and then we’re supposed to walk out to the people that we have to deal with and say, well, we’ve protected us a little place, and we’ve closed everything else, but we’ve opened the gate that there is a possibility that our little area can be completely re-modified in the future according to if they find something else or another committee has a certain perspective.

So basically what we’re going to say to the people we have to answer to is, you know, well, here is the best we could save, but even that’s not safe. And, you know, that’s not going to fly out there. And you’re going to definitely have some emotional council meetings dealing with this kind of situation.

Ms. Solorzano: They documented 20 acres of Oculina Coral and closed 200 miles for it. We got VMSs on, and we were supposed to get some bottom back when we agreed to do all these things. Instead we didn’t; we got more bottom taken. Now, if you come in and you take that box, you’re going to shut down the royal red fishery, because that’s all of it, it’s all in that entire box.

There is no coral habitat in any of the areas that our boats drag. It’s a very clean bottom. I mean, if you come in and you close that, there will be no royal red fishery. I don’t think you’re going to get the fishermen to agree to come in. I know whoever designed this box thought that we’ll come in and we’ll give you this area, we’ll get you to give this back because a lot of fishermen don’t work that area.

The rock shrimp fishermen don’t work that area, but the red shrimp fishermen do, so you’re taking out an entire different fishery by trying to protect this one. And you can’t expect rock shrimp fishermen to come in and say, yes, okay, this works good for us, and say we’ll give you all that out there because we don’t use it. The red shrimp fishermen are gone, then. They have no bottom at all to work on because it’s all in that shaded area.

Mr. Waugh: Marilyn, that’s not what we’re asking at all. What we’re mainly trying to get here is input on the rock shrimp fishery. I know you also participate in the royal red and some of you others do as well, but we will have this same discussion with the royal

red people. And the first thing to do is to look at the VMS Tracs from the royal red trips, the extent to which they overlap in this proposed closed area is to then make sure that the scientists map that area, so that then when you all ask us, well, what is in that area, we can tell you.

And if there is this area – and I’m not disputing what you’re saying – if you’ve got an area that’s currently within that proposed box that has no coral in it, then the council can adjust that. That’s what we want to do. That’s what this dialogue is about. So please don’t go away from this discussion thinking that area is it and it’s closed. That’s the recommendation that the council is looking at now from scientific advisors.

What we’re doing now is getting with our fishermen and talking with our fishermen who fish in these areas. I think what we really need to do is set royal red aside and just focus on rock shrimp, and we will have this same type of meeting with the royal red fishery. And let me just say one more comment. And what you are getting here are an entire areas that you’ve been fishing over the last eight years since VMS has been put on.

Mr. Flowers: I guess, me personally, the skepticism I’ve got of it is the federal government, in their wisdom, ten years ago wiped out 80,000 jobs, an entire logging industry in the Mid-West, over the spotted owl. Six or eight years later all these people displaced, livelihoods shot, and they turned around, and now the same scientists that said that is what was killing them, and come back and the horned owl destroyed the nesting grounds of the spotted owl.

Eight thousand people were out of work, displaced; their industry gone. And somebody says, “I’m sorry.” Well, that’s where I got the rub with what you’re asking here. That is a big leap of faith after you don’t have the history to back it up. All the scientific data they had collected, somebody railroads this through Washington, and it grabs momentum; and for a lack of a better term – and I’m not being negative toward the environmentalists – the tree huggers jump on the bandwagon and they shut 80,000 people out of work.

And they shut down industry-related throughout that whole part of the world. And then they don’t even apologize a few years ago when they realized that it was their error. So I would hate to go back to my vessels and tell them I sold you out; and if it doesn’t work out, I’m sorry, we’ll give you an apology. I’ll do you better than they did. I’m like Steve; that’s just not going to fly.

Mr. Waugh: But what area are you giving up? I mean, what you’re giving up is area that you have not fished historically.

Mr. Flowers: I’m going to dispute that. I’m going to say -- because the way we worded that question was in the modern era, the transponders, we did know where they fished. In years past -- and probably Mr. Thompson has had fellows fish for him -- I know in years past they used to fish right there east of St. Augustine, east of Jacksonville. When I

fished myself, there was extensive bottom inside of the Continental Shelf there, which you could not only roller rig, you could drag with a shrimp trawl.

They caught rock shrimp when Perry was around -- and remind me when that was, four years ago, probably -- right there east of me, just northeast of me, places traditionally never done; the shrimp were there because of water problems, temperature problems. The shrimp didn't want to be there any more than they wanted to drag on that new bottom.

But, they can sit to the dock and starve to death or they can follow the shrimp that's being pushed by water temperature to survive. And a fisherman is pretty adaptable; he's about like a farmer. Unfortunately, we see where the farmers have got and fishermen have seen some of the same plight.

But, I just don't see how you can limit them and say, there's an ocean; you've got to stay right here; and Mother Nature deal us a death blow next year and we have a thermo climate come down the coast -- like we've seen four or five years ago, we had that bad year in '97, and the cold water pocket laid down there off of the St. Augustine Cape area, and we didn't catch a rock shrimp for 8-10 months. I mean, it was horrendous.

And the divers were diving; they were spear fishing. Man, you'd get 30 feet from the bottom and you can't even see anything. How do we know that's not going to happen and we might need to utilize those closed areas in a couple of years just to survive? And that's a problem I've got with this.

If you said to me, Jake, the coral is right there, I've got proof, that's one thing. But to just speculate, because it's in an historic depth and water or some sunlight is reaching that depth of water and we think it survives there or the water temperature stays the same, that's a big leap of faith on anybody's part, just common sense, really.

Mr. Herring: I just had a question. I'm not a fisherman myself. I own a couple of boats, and I've bought a pile of rock shrimp and royal reds, but I am not a fisherman myself. What do they have -- other than this coral, which I think we've established is in the deeper water than what the rock shrimp fishery is, what are the habitat concerns in the existing rock shrimp bottoms that we're talking about, if it's not coral? And I have a question for the folks here that are fishermen, is what kind of bottom is most of the bottom that you're fishing on?

Mr. Waugh: There is no concern about the habitat in the current rock shrimp fishing grounds because between rock shrimp and calico scallop, all the habitat has been brought to shore. I mean, that's an overstatement. I'm not trying to be overly critical of you all, but, again, if we're going to speak honestly, that's a fact.

And that's why, with this approach, you're getting the historical fishing grounds as your allowable trawl area. And the council would be, if you will, writing off the habitat that

used to exist in those areas and the habitat that might come back and re-grow in those areas were there not shrimp trawling.

But they want to see a rock shrimp industry in the future so they're saying, okay, we're designating this area as a rock shrimp trawl area. So then people can't come in and lobby and argue to then have that area altered in the future, because it has already been designated, the habitat is already gone, you've got the rest of the area.

You all can flip it around and say, yes, but we can't trawl in all of this area and use that as a defense. And, Jake, we do need those areas that are pre-VMS. If there are areas pre-VMS, come up with them, tell us where those are.

Mr. Wilson: Let's put the cards on the table, as we said. What's to say, okay, we're going to say we're going to stay in this area, and we're going to use the argument that because we've already destroyed this area, then we should be able to have this area. And then somebody would definitely come in and say if we can alleviate any more trawling on this area, then we can restore habitat, viable habitat.

Mother Nature has very incredible restorative powers and it will restore some viable habitat that we need for this fish or this coral. That's one thing that's going to come up. The other thing is we had almost the same discussions -- I mean, I'm sitting here with déjà vu. When we came up with the old rock shrimp fishery plan and working with the Oculina Coral, we've had these same discussions.

The industry itself feels that the government is moving forward and not decimate us, but slowly run us out of business. I mean, this is just a reality, okay? I'm not saying that's what the government is doing, but this is the perception of the fishermen and even the processors. We are being regulated out of business, and we have nobody really concerned with us.

And the environmentalists, whose stated goal is complete elimination of the commercial fishing industry, World Wildlife Federation, that's their written goal. And then we go to lots of meetings, we go to processors conventions and all these meetings and we get explained to us, well, the environmentalists are moving forward. They have the money to coerce the government.

We don't have the money and the influence. Once we got told that we have -- like within the loop in Washington, D.C., the industry has like 12 telephones; whereas, the World Wildlife Federation has over 300 telephones. In some senate offices, they have more they have more than one phone installed in their offices.

And so this government is, you know, being moved forward by these people with the power. Their goal is to put us out of business. Now we're going to go and say, hey, look, while we said we're going to take this territory and we're going to stay in our little box, and that will be nice for you guys, but we can't guarantee that this is going to stay

the same.

And, of course, when we go out -- I mean, we have to answer to these guys. We have to deal with them, and we got a lot of flack before when we went and put regulations on them and stuff. And we said, well, it's like in rock shrimp people, even though it was the council but it was our recommendations -- I mean, this is going to be a fight.

I mean, there is going to be a haul up in our case. We're like opening the door. This is like opening the door to say, hey, you know, we're going to limit ourselves to this little area, but even that's not guaranteed. And I know these people are going to come in and say, well, you destroyed this and look how destructive you are, but if we can keep you out -- and it's going to come up, maybe not this time, but maybe three more years ahead, it's definitely going to come up. Where do we draw the line in the sand? Where do we say, hey, you know -- should we just stay and stay back and just let it happen, because it's going to happen. And it's a war that going on.

Ms Solorzano: I know you all think we go out there and just destroy everything, run bottom to bottom, knocking stuff over and tearing things up. Technology is a lot different than it used to be. Fifty years ago when my father went out there, they did run from one buoy to the next and just search for it. Now we have a lot of the same information you all have, computers.

We know what the bottom looks like, what type bottom we hit. We run bottom, we test it. We don't go out there and just, hey, look, here's some coral, maybe we can just tear everything up today. It costs us a lot of money to do that. We're really not interested in doing that, either. And, you know, when you were saying earlier that you clearly see that it causes problems, you mentioned the word "gear."

And I'm still confused on the gear that you want to adapt for this coral. Basically, there is no gear; it's a closure; is that correct? What would the gear be for coral other than closure? And obviously this box is way off. That would definitely have to be modified. But, yes, I think Tony wants to say something else.

Mr. Herring: Yes, just to follow up on what Steve said when we go back to the folks that we kind of represent here, we have given up a pretty good bit the last time we gave up. We gave up the bottom outside -- I think it starts outside the box back to the east up to about 70-65 fathoms, 70 fathoms.

As I said before, I'm not a fisherman, but I've been told by several fishermen who got on my rear end about us all agreeing to close that bottom, it's nothing but hard, sandy bottom. There is no other habitat there, but we just gave it up. And the same year we gave it up, there was a lot of production there, and there probably could have been a lot of production in years since that, but we gave it up. It's part of what we gave up.

I don't think it protected any particular habitat, from what I've been told by the

fishermen. And what Marilyn says I think is true. There's a lot of electronics on boats now. They're not purposely going out and finding some place to tear up \$15,000. I do have boats; I know what it costs. I don't know how to fish it, but I know what it costs. And we're not purposely going to go out and tear up \$15,000 worth of rig to put it on top of some rocks somewhere, just not going to do it.

Mr. Waugh: Steve made some excellent points, and you're going to have to face that sooner rather than later. The council is not currently looking at an alternative that would prohibit trawling. I can guarantee you we're going to get that comment at the public hearings. There are going to be people that come and make the very same argument that you just made.

Now, how does the council balance that type of input, and, certainly, one way of doing it is weighing the benefits and the costs. And there are benefits to closing all of that area and letting the habitat regenerate. There is also a cost and the cost would be the rock shrimp industry. And in the council's opinion, in the long-term view of their ecosystem that they're the stewards of, they want to see a continuing rock shrimp industry.

So how do they balance these conflicting inputs and views that they're getting? Certainly, one way of doing it is to create an allowable area that you all feel you can live with. And you're saying a small area, but we're not talking about this area. We're talking, as you all have recommended, to get all the VMS data since it has been in place. If there's other areas pre-VMS, we'll put that on the table as well.

That's the type of approach that the council can use to balance these conflicting opinions and conflicting uses about what goes on in the EEZ. It's not our EEZ; it's not your EEZ; it belongs to everybody in this country. And the council has a set of rules that it has to follow that's laid out in Magnuson, and we're going to be dealing with those recommendations.

Mr. Flowers: I'm going to go back to my same argument about the big vast area. It's way more area probably not being over dragged in than there is dragging even we put it all on the map. And I'm going to go with something that the scientists and most people agree with. This world is changing by the minute – not by the day, not by the week, not by the hour.

What's to say, through evolution, six months from now or six years from now, the areas we know as the rock shrimp ground, for one reason or another, water level rises; it falls, the coral, the water gets deeper, the sun blocks out the coral, and now all of a sudden we've got to drag in the areas we've given up just to try to survive, but we can't go there. There is a line right there, fellows.

We don't know there's anything we want to protect there, but you agreed to that ten years ago. We've already had this thrown in our face. As you know, one of my pet peeves is about this legal mess that we're going to address tomorrow, hopefully, at least get some

information about, the extra buffer zone that was created just to make that happen.

Tony just highlighted it, you know. That was not an area that could not have been useable for our industry, but in good faith we took the initiative at recommendations of the council, let's make the box bigger, and we'll create a buffer zone and give the government the latitude to work, which we did. And we've tried to abide by it.

Well, there's a few always going to break it. There is nobody going to be 100 percent perfect in any society. But, now we're back to that same issue except we're getting thrown a bone and say, you all have been dragging here; we're going to give you the bone, if you agree to this. It's just like teasing them with a carrot.

Take this and, man, you're going to be a hero because you're going to step out front and it's going to look like you're looking good to the people that want to see you all out of business. Well, unfortunately, I'm a realist. I've come to the point to realize I like my enemies to look me in the face. I can deal with that on that perspective. I don't like this end around players.

And no matter how much I try to face them face-to-face, when they don't like the argument I present, they still try to cut my throat after dark. And that's going to happen, as he said, tomorrow, next week, five years from now. I'd really just like to fight as it occurs, and that's just me. I can't speak for the whole industry, but that's the way I believe.

And I believe that if we give it up today without a fight, then we're just inviting disaster to happen. And I'm sorry, but I just don't see how that can be. I mean I don't believe in our society that should be right. And that's all I have got to say.

Mr. Williams: And I agree with Jake, and also I know what you're saying. You know, we're doing _____ Gulf Council _____ red snapper. We have been working with the council and working with environmental groups trying to come up with something _____, but, as we all know, all it would take on this particular issue is one group – actually, if we give up all this bottom that we don't traditionally work and it closes, all it takes is one group to tell us today, well, we suspect there is deep water coral there and there is another coral there. A lawsuit gets filed with a sympathetic judge and environmental groups, we shut down in that area.

We get shrunk further and further and further. I mean, it's a fact of life, it happens. And that alone would prevent me from recommending that we close anything voluntarily. It will have to be forced upon us. What we do is we fight the good fight to prevent it from happening. We certainly don't do it voluntarily.

Ms. Brouwer: Just to reiterate, I think you need to think that the council is asking for your help to refine the distribution of these corals and to help the council redraw these boxes, if necessary. But the council can't just rely on the information that the scientists

can provide. One of the reasons is because there is very limited funding to conduct the studies that need to be done to say, yes, we can guarantee that this is where the corals are, and here we've drawn a very detailed map for you so you can see exactly where it is.

Unfortunately, we can't wait for the science to give us that. So I think the council would like to enlist your help with your information that you have from the areas that you fish to help in getting that picture, in getting that map that is going to be the one that is going to be a balance between where the corals are and where the shrimp are.

Mr. Flowers: It's getting late and we're going to call it an evening, and let everybody talk about this a little bit this evening, and we'll get together. I'm sure they've already gotten their thoughts and have a better opportunity -- maybe we can get together and say what we've got to say in the morning.

Ms. Solorzano: I was just going to say how can we help you do that? We tell you that we drag these areas, that there isn't any coral in it, doesn't seem to be -- we're going to close off this spot anyway and check it out. We're telling you -- you know, you've seen my boat. He's in the area that you're at and he works there. There is no coral coming in; there is no damage to any. So, you know, we're as helpful as we can help you be, and you can see the VMSs to know that we're working the areas. So we're definitely willing to help, but not give up bottom.

Mr. Waugh: And I appreciate the position you are all in. I know this is a lot to hit you with, and it's nothing that has to be decided from your perspective right now. This is the start of it. This is something that the council has asked us to flesh out. We will work with all of you. There will need to be a procedure -- and I know this is hard to sell to you all.

There will be a procedure to address future modification. There has to be any time you have something like this. There is a procedure for getting experimental fishing permits. There has to be some mechanism that allows us to adapt to the very points that you've talked about. We shoot rockets from Cape Canaveral to go and map the moon, to go and map Mars. Maybe, just maybe, sometime in the relatively near future, we'll be able to map where those booster rockets fall. You know, it's really silly, if you think about it.

And this is something -- believe me, we are pushing the researchers, pushing NOAA very, very hard. There is a lot of public support for protecting coral, for creating these areas. There is no coordinated program within NOAA that coordinates their mapping studies. This is something we've been pushing for.

Our hope is to take the initial input we get from you all on where you're fishing, overlap it with these proposed areas. And I personally don't see how we could go forward where there is overlap without mapping those areas. We have resources to do some mapping. No researcher should be able to expend government funding in the South Atlantic EEZ doing bottom mapping without looking at the priorities, where our needs are, and map

these areas where there is this overlap.

I think we would be in a very weak position if we get to the public hearing stage and we're still telling you what we're telling you now – that, well, we know there is a coral head here; there is one up here and there is one up here, and so that's why we have that box. That's going to be a hard deal to sell if we can't get some mapping done between now and then on the specific areas where there is this overlap, where we know we're going to be impacting you guys.

So, I mean, as you talk tonight, this will be here, there is a set of markers, and even just think about it and talk about it. We'll come back at the next rock shrimp meeting. We'll have the same meeting with the royal red, and we'll have a lot more of our data to give. But, I urge you, don't just slam the door on this; think about it; strategize about how you all want to approach this. Your comments have been excellent. You probably did a better job of staying cool than I could have if I were on your side of the table.

Mr. Flowers: It was just brought to my attention how late it's getting in the evening. Unless somebody has got something urgent, we're just going to call this meeting tonight. I know on my behalf and I guess the rest of you, we appreciate you, on short notice, getting this arranged for us -- Mr. David talked to us about some of the issues that are bothering us -- and the council for being here today. I look forward to talking to you more and maybe working out some of these problems. Thank you.

(Whereupon, the meeting was recessed at 5:14 o'clock p.m., May 1, 2007.)

WEDNESDAY MORNING SESSION

May 2, 2007

The meeting of the Rock Shrimp Advisory Panel of the South Atlantic Fishery Management Council convened in Salon A of the Town and Country Inn, Charleston, South Carolina, on Wednesday morning, May 2, 2007, and was called to order at 8:52 o'clock a.m. by Chairman Jake Flowers.

Mr. Flowers: Folks, we're going to try to open this up and move along a little bit today. I think the AP wants to address this issue we left off on yesterday afternoon and skipped ahead. Let's try to do something with this "Use it or Lose it" clause and get the recommendation we've been working on off the board, and then we'll go on to today's agenda, if that suits everybody. Anybody got any objections to that? Put that back on the screen for us.

Mr. Wilson: I second Tony's motion that he made yesterday.

Mr. Flowers: Is that basically where we left this yesterday, that that's going to clean up

the whole thing as simply as possible, if that's the council's deal on that? Maybe that would help clear that whole matter up for us and get back the original boats we put into the system, the 168 or whatever it was.

Mr. Herring: I'm not sure that by itself it would put the whole 168, because we need to streamline this as much as possible to get it through. There may be something to address later on. This I think would get back the folks we discussed that had had problems with the endorsement with it along with the permit through misunderstanding or whatever and ended up losing, would catch those folks back up.

I'm not sure it would get us all the way back to the 168, because some of those don't fall into that category now, maybe. But there were a couple of things we were still going to address. We said we were going to do it at a later date. The members of the council here recommended that we do it like that, so that it could be streamlined, and it would at least get those other folks that we felt like needed to be put back into the fishery, get them back in as quick a timeline as possible by just limiting it to that. I think that's where we were with it.

Mr. Flowers: Anybody else got a question?

Mr. Williams: Just put in the 15,000 pounds at the bottom of that list, is that going to do everything we need to do _____ use it or lost it. The wording on the second part is to _____ reinstate permits on failure to renew _____. Does that do what we need to do to make sure that those boats that the lost it due to the 15,000 pounds or _____.

Mr. Cupka: Technically, no one has lost it yet due to the 15,000 pound requirement because they still have the rest of this year. We know the intent is to do away with that requirement. The council I think has already stated their intent, if someone were to lose their permit for a short period of time, until the amendment would be put in place, that they were going to reinstate those permits as well. I think it would be covered.

Mr. Flowers: I do want to ask one quick question about the wording there, and Marilyn brought this point up yesterday. Her concern was this is not -- because we originally, for a lack of a better word, grandfathered those boats in under these requirements to establish a fishery. By removing that, is that going to enable people that are not in that 168 to slip in somehow? That's not possible; is that correct?

Mr. Waugh: I don't believe it is. And that's certainly not -- as we understand it, this would not reopen it to anybody except those who originally qualified within that 168 pool. There would be no one else that could apply other than those that may have lost their endorsement. That's my understanding.

One thing that would be helpful -- I know the AP here is in agreement on this. We've heard from some other fishermen, that they would like to see that 15,000 stay in. I think

you all did a good job yesterday of discussing your rationale, that you need more than the number of vessels that are in there now.

Anything anybody else can think of to add to sort of strengthen this motion versus what we know we're going to hear from and have already heard from fishermen who are not on the AP would be helpful to the council.

Mr. Flowers: Anybody else got an ideas before we move on with it? I really believe that's our intent. The 168 vessels that we so painstakingly tried to qualify originally, if we can somehow -- and maybe with the legal department you can see that -- on the permitting end of it, to where we classify that back to those 168 licenses or whatever that number is.

As Tony said, we might have to readdress 15 or 20 of them somewhere down the road, but the main idea is to get the people that are in the fishery active today to be able to stay for whatever reason they got kicked out of it, and we wanted them in there four years ago and we still want them in there. So I think that's going to address our needs there.

Mr. Williams: Yes, _____ out of the 168 _____, how many actually got their permits from that 168; that the exact number?

Ms. O'Malley: No, I don't think we do. I'll try to find out who -- there were 134 at one point. That was back in March, so there is a 34-boat difference. I don't know how many of those just didn't get a permit at the beginning versus how many of those -- I'm sure there's some attrition over the four years since the plan went into place. So, I don't know. There are 34 boats we don't know what happened to, or more now that it's _____.

Mr. Williams: The most at any given time was 134 _____?

Ms. O'Malley: No, I can't say that. That's just the last number I have. The numbers I have are 168, 134 and 115. There may have been -- you know, it slowly decreased from 168 to 134 and 115.

Mr. Wallace: How did it go from the 134 to 115? I didn't get that. Is it clerical stuff or is it somebody went out of it -- I mean, didn't reapply? Do you know?

Ms. O'Malley: I don't. I would assume that some of that -- when we knew the 134 number, it was at the March meeting, and it's now standing at about 115. I'm assuming that 134 number included people who were still in the timeframe to renew their permits but had not. So there must have been 19 boats that did not renew their permit between March and now. I'm got an e-mail this morning I haven't had a chance to read from the regional office, so I'll read that while you all discuss it and we'll see if that sheds some light on it.

Mr. Williams: One quick question. I guess it comes back to my first question. There are 168 permits _____, how can we sit here and decide and try to make decisions if we don't have that information _____. I don't understand that. I don't know how many permits have been issued.

Ms. O'Malley: I can probably get it. It's just not a question that I had thought to ask until today. It's not information we have direct access to, so I can get in touch with the regional office and see if they can get that number for me. I don't have direct access to that information.

Mr. Herring: I had a point made to me. In the way this is listed with 15,000 pounds, there's two different places in this amendment where there is a 15,000 pound requirement. There is the 15,000 pound requirement that was initially there as far as to qualify to be in the limited entry fishery, and then there is the 15,000 pounds that's under the "Use it or Lose it."

When I was stating this yesterday, I was saying under Actions 1E and 1F, and I think 1F, we will end up by using 1F we'll take care of 1E, because it defines what inactive means, so if you can take out the definition of inactive, then 1E goes away anyway. But I think that needs to be clarified just a little bit that we're not talking about the 15,000 pounds as far as initial qualification; it's 15,000 pounds under Action 1F.

I listed a couple of actions yesterday when I was making that motion, because there are two different qualifications for 15,000 pounds, one with the initial qualification as a limited entry fishery and then one to sustain the license that you are already eligible for, and that's the one we're talking about.

Ms. O'Malley: Yes, that's correct. The initial 15,000 pound requirement is already done with. I mean, people already proved that. They already got their permits based on that. That's not part of the equation any more. We're only dealing with the 15,000 pound requirement, the annual.

Mr. Waugh: Coming back to this number of 168, my recollection is that's the number of vessels that had permits initially, and we will certainly check on that. And part of this, those of you that have worked with us from the start on rock shrimp know that data has been an issue from the start. You all cooperated with us very, very well.

That's where we got the original data from because our statistical programs were not picking up the landings in Florida versus the landings that were landed in Florida, trucked into the Gulf. So we have put in some provisions that would address some of these data issues. Unfortunately, they haven't been implemented, which is something we are looking into as well. So, we will sort out some of this confusion over number of permits and number of vessels, and we'll have this laid out more for our June meeting, and we'll make sure and copy you all with the materials that the committee is looking at as well.

Mr. Wallace: On the 15,000 pound initial requirement, in keeping that in there, you're going to keep new people from getting in, right; is that your intent?

Mr. Flowers: Yes, we're not trying to reinvent the wheel here. We've already spent five or six years getting here. All we're trying to do is get it back through attrition that we've lost to this four-year period, whether it be hurricanes got people not renewing endorsements or whatever the reason being. I'm sure there are 100 reasons. We've heard them all, and I'm sure the council has heard them all.

All we're trying to do is say whatever that ceiling is – and I'm trying to represent what you all told me – what we're trying to do is give the council the ability to go back to that original qualified number of boats that we know made the criteria, them and only them will be able to stay in this pool, so to speak, at this point.

All we're trying to do is make it simpler to requalify those boats that originally qualified; and because of the hardship of economics of running over here the last four year period and not being able to maintain, a lot of those licenses are going to go by the wayside if we don't address this right now. They physically can't get here and get their quotas, so we're trying to address that by taking it out, but not opening this back up to any outside vessels.

Mr. Cupka: But the intent is that at some point in the future to go back and look and see if we need to address the mechanism to get new entries into the fishery, but we're not going to do that at this time because it would slow down the amendment.

Something that John and I were talking about, too, I thought he was going to bring this up, but yesterday I think I indicated to you my understanding was that at the last council meeting the council's intent was to reinstate the permits to people who lost them because they didn't meet the 15,000 pound requirement until we could get the amendment in place.

I don't know whether you want to or not. I don't think it would hurt to have something in your motion about that, even though the council intends it and indicates that's what they intend to do. You might want to just put something in there to state you're support of something like that happening.

Mr. Wilson: Well, as far as new boats coming in, just the fact that we're leaving this 15,000 pound limit to qualify for the new permit, that is going to keep new boats from coming in, won't it?

Mr. Flowers: No, we're not leaving that in, it's going away completely. If I understand what we're trying to do here, 15,000 pounds evaporates when they rewrite this thing. This new endorsement is going to take it out of the equation completely, because the boats have already qualified.

I think what Mr. David was talking about, and we talked about that a little bit yesterday afternoon, is the original pool that was supposed to be set up with a one-year window, if you read that thing -- and technically there was probably less than 20 boats that even could qualify if the permits came back into the pool.

So at some point you're on a decreasing number of boats, anyway. Our intent, as an AP, five years ago was to maintain that continuous number on the top end to where as many people, if the resource was there, could take part in the fishery as possible. We've seen it go 180 degrees, the opposite. Last June 69 boats were eligible, so it's up and down.

It's fluctuating, but we've got to get that back up to that number. I think the general consensus was here yesterday -- and you all tell me if I'm wrong -- we were trying to make this simple and quick to alleviate the immediate threat to qualify as many boats back as we could, to make this season or next season.

And then at a future meeting, we're going to go back and try to address with the council a mechanism to put in to a pool for people that we know will at some point be permanently gone and those licenses lost, to make them available to newcomers in the industry. Is that not what we were intending to do yesterday?

Mr. Dennis: That's what I understood.

Mr. Wallace: And I understand that part, too, with what he was saying about the initial 15,000. I'm afraid with what your motion is there, you're going to remove all 15,000. So, okay, so that's -- yes, it clarifies it, which 15,000 qualifier you're talking about.

Mr. Flowers: Well, I'm lost, too, then because if the boats that already originally qualified and no new boats can qualify by us taking this out, how can that be? How can they requalify?

Mr. Waugh: There's only one 15,000 pound operable now. The 15,000 pounds to qualify was applied and used and is no longer operable. There is only one 15,000 pound. And I think what David was asking is in your motion you want to reinstate the permits that are lost through failure to renew the endorsement.

You've indicated you want to remove the 15,000 pounds. If we can't get that 15,000 pound requirement removed before it becomes in force, then is it your intent that we also reinstate any permits that are lost due to not being able to meet that 15,000 pound requirement before we can get it removed?

Mr. Flowers: I think the answer to that is yes. We do want all the boats requalified; is that not what we're after here?

Mr. Cupka: Yes, what Gregg said is correct, that's what I was getting at. You know, the

council said they were going to do this, but if the council moves ahead and remove that requirement, there are still going to be some people who, under the current amendment, would lose their permit.

The council indicated, when this amendment is approved, that those boats that had lost their permits because they didn't meet the 15,000 pound requirement by the end of this year would be reinstated. All I'm suggesting is you may want to put some verbiage in there supporting that sort of thing.

Mr. Herring: Yes, added to what we stated yesterday, that we would add in that any boats that are caught, like David said, but before the end of the year they don't establish the 15,000 pound catch be reinstated so that they don't have that loss of license and those be reinstated in, and add that to the motion.

Mr. Flowers: I need a second from somebody.

Ms. O'Malley: Whoever seconded the original motion.

Mr. Wilson: I seconded that motion.

Ms. Solorzano: If you take out the first 15,000 pound requirement, that was the initial requirement to come to the fishery, right?

Ms. O'Malley: No. No, that's not --

Ms. Solorzano: Okay, all right.

Mr. Williams: Under this motion, will it address Action 1H about _____?

Mr. Waugh: That 1H is gone. There was a one-year period -- read the last sentence -- an application for that pool had to take place one year after publication of the Final Rule. Nobody applied so there was no pool so there is no pool. There is no 1H; it's already gone. So, I your intent to take care of 1E, F and H is covered.

Mr. Williams: With the 15,000?

Mr. Waugh: Yes.

Mr. Flowers: Anybody got anything else. If not, I'm going to let this young lady have the floor. Anybody got any more discussion about where it stands at this second? Any objections? So we need to get a vote on this, he says.

Ms. O'Malley: No.

Mr. Flowers: **The motion is approved.**

Ms. O'Malley: Well, real quick I just wanted to let you know that I did get an e-mail from the regional office, and they said that the renewal period for both the permit and the endorsement is one year, which is different than what we had talked about yesterday. I just wanted to make sure that we clarified that. I don't think that changes anything we just discussed; for information purposes.

Ms. Solorzano: It says in the paperwork, though, from the date of expiration, you have one more year to renew it. That's where the two-year comes in to some people thinking it's good for two years because you get your permit. It's valid one year and you have one extra year to renew it. That's why the two years.

Ms. O'Malley: But it wouldn't be valid from the – you just have a year before you lose it permanently. You asked me where we wanted to go next. I thought you all might want to finish up the discussion on the allowable trawl area; and then once that's done, I think that takes care of all the business on the agenda.

Mr. Flowers: Well, we can open that back up, but that closed area is not going to be where you all are seeing today. We haven't had time to even really, to be honest with you, know where this is going. That's a leap of faith on us to even try. I wouldn't even begin to take the responsibility without talking to my vessels.

I don't have the insight or the knowledge to know exactly where they've fished over the last four-five-six-eight years; broad area, yes, some of the spots, no. The fishermen, as we all know, don't exactly publish it in the newspaper to say this is where I made my living last year. So, that's my take. I'm going to open that up to anybody else that wants to address it, but I actually think we just need to table this thing and discuss it at a further date, maybe at the June meeting, give us time to prepare for it. What's your thoughts on it?

Mr. Williams: Yes, I agree. I think it's extremely _____ need more information _____.

Mr. Wilson: Is there going to be more science on where these deep water coral is by then?

Mr. Waugh: Yes. What we will do is – I think you all have a good idea now of the direction we're heading in, at least putting this alternative together. What I took away from our discussion yesterday is we will put together the scientific information on the known coral distributions and known habitat that we're talking about.

We'll look at the VMS data from Day 1 and put that together and show you all where your rock shrimp Tracs are, and then we will put that together and get back with you all. Hopefully, by then we will have added royal red shrimp fishermen to this AP -- that's something the council can do -- and get their input as well. I think it's excellent for you

to go back and talk with your fishermen, the folks you work with.

Where we could use some help and input, without committing you all to going forward with this process, is information pre-VMS time or information off of Georgia, South Carolina, North Carolina, because obviously that's not going to be covered with the VMS information.

Mr. Wilson: Also, on developing your ecosystem plan, the information that I received with the biological reports from Mr. Pugliese, all the data he referred to was from the mid-'90s to the '60s, all of his data that he used. I didn't see anything more recent -- any recent data. Is he going to be able to update that?

Mr. Waugh: Yes, and we are working with researchers that are going out and mapping these areas in cruises. We're trying to work with representatives of NOAA, such that when any research is done that has a bottom mapping component, that they prioritize it, hit these areas where we know and/or expect that we've got overlap with fishing operations and these deep water coral distributions. So, yes, you will have up-to-date, current information.

Ms. Solorzano: How do you all know there is coral in this area? You're saying possible. We've got fishermen sitting here now that has been dragging it for 30 years no coral. You all come in here now and tell us that there is coral. How do you know?

Mr. Waugh: They've done actual cruises and deep water dives where they have observed coral. I think what we've got going on is in creating these large blocks that include areas where the scientists would expect to find coral, what they're doing is encompassing areas that don't have coral where you all are fishing.

And that's why we've got this apparently disparate view, different view to where they're saying they would expect to find coral, and you're saying that it's not in there. So to me what we need to do is make sure that we get actual mapping of those areas where there is an overlap with fishing operations and where the scientists say they would expect to find coral so that we know either there is coral there or there is not coral there.

Ms. Solorzano: We have availability. We do have computers with all the tracks and lines that we've been fishing, and will give to you to show where they've been dragging, clean, no problem, no coral. If we give this to you and then you say -- I mean you're telling us now that there is possible -- could be possible coral in these areas. If you say, okay, you find it over, I don't know, 100 miles away -- I mean, with the Oculina Bank, they had it 20 miles and closed 200 miles.

Now, we have a huge problem with saying there could be coral at some point or has been in this area when we've been working this area for 30 years. I mean it's not making any sense to us and none of us want to give up anything for that, but we're just kind of concerned when you come in and say, well, there could be coral here. But, we know

there is not in the areas we're working.

Mr. Herring: Yes, and in listening to your comments, it sounds like our industry could provide you the information that you need, be it either by the VMS we put on the vessels, by computer plots that we have. From the other side, you can't give us the scientific information that says here are the areas where this coral is. And as a group, we're saying give us that information.

And you keep going back to saying it's on you to show us where it isn't. Show us where it is. If you can provide the scientific data and we can provide from the other side the places where we've utilized the bottom, then it seems like there is something there that can work together and work. But we haven't seen any of the scientific data that shows us where that is. I think that it's upon you guys. You say it's upon us to establish this by us showing you where we've been working, and we say it's upon you to show us the scientific data, where is it?

Mr. Waugh: And what I would suggest is that at the next AP meeting let's have a "I'll show you mine; you show me yours" session – and, you know, seriously. You know, we will bring our data. And I'll tell you it's a little frustrating, because we're kind of stuck in the middle. We know your hesitancy to give up your information.

We've got the same thing from the scientists because the scientists are saying, well, we don't want to give up the site-specific, exactly where these fish are because then people will go where the coral is, because then people may go in and start targeting – not you all but perhaps hook-and-line gear will go in and target where these coral aggregations are because they have large concentrations of snapper grouper species associated with them. So we've got this issue. But in all seriousness, I think for the next AP meeting, we need to have an honest sit-down to where we share the information with you all and give you as much detail -- and this involves trust going both ways. And I think if we're asking you all to share your detailed information with you, we should be willing to share our detailed information. It needs to be a two-way street. We will certainly work to do that for the next AP meeting.

Mr. Herring: Yes, and along those same lines, yesterday when we would speak about the – consider both of those deep water fisheries, the rock shrimp and the royal red fisheries. And when it got around to royals yesterday, it was said, well, let's just leave it alone; we'll talk about it later. Where do you see the royal red fishery as far as being managed by you? What is that going to fall into as is there going to be an AP or where will it be?

In the discussions we had after we left here yesterday, there was some comments made and considerations that maybe our AP, instead of just being labeled a Rock Shrimp AP, might be better served as being a Deep Water Fisheries AP that encompasses the royal red fisheries with it, because you have many of the same folks, actually all of the same folks that are participating in that royal red fishery that also participate in the rock shrimp fishery.

So you've got the same fishermen and you'll get the same input from both of them. So it might be better served rather than -- I know you had agreed in the original meetings just to go with golden crab, and I don't know if that wasn't some way maybe to fold some of those together or whatever, but those are two separate fisheries, a trap fishery versus a trawl fishery; whereas, the royal reds and the rock shrimp are very similar trawl fisheries with the same fishermen. You might be better served to have both on the same AP committee.

Mr. Cupka: Thank you, Mr. Chairman. Yes, Tony, I'm glad you brought that up because that was something I wanted to come back to under other business. And that's the fact that we have lost some AP members for various reasons, and we would like to see us get the AP back up to as many members as we had before, and also maybe get some new members that would have both the rock shrimp and the royal red experience.

So, I would encourage all of you, if you know of someone you think would be a good AP member, to have them get in touch with Kim Iverson and she can give them the paperwork and we'll try and get some applications in to get the AP members back up to where it was.

We're going to have an AP Selection Committee meeting later this year, so again I encourage you, if you know anyone that would be interested, then please get them to apply to be on the AP and we'll try and get it back up to full strength. I think that's important to you all and I know it's important to the council.

Mr. Flowers: Thank you, David. What we are going to do in just a minute, we're going to introduce somebody to you. Mr. Moore was courteous enough to drive up this morning. He is a royal red fisherman, the gentleman Marilyn was talking about yesterday. He's probably fished out there on that bottom recently as much as anybody.

We wanted him here to sort of get an idea, but after talking to you yesterday evening, I know that was the general consensus, to try to pool these two APs and make one big AP where we would have all the people partaking in that deep water fishery of some sort, sitting at the same council and bringing all the data together. That's a good point.

Mr. Dennis: Jake or David, what about the calico scallop industry? Is it big enough to have an AP of its own or should we encompass them, too?

Mr. Cupka: Well, Jake, we do have a Calico Scallop AP, and I don't want to start mixing too much in the way of fishing. I think calico ought to be separate, just like golden crab ought to be separate. Since there are so many industry people who participate -- well, not that many, but there are people participating in those deep water shrimp fisheries, it make sense.

You know, we did the same thing. On the wreckfish fishery we had a separate AP with

kind of a joint AP of the Snapper Grouper AP, because there was so few people in it. I think it would be the same thing here. You might want to have a little sub-group that just fishes royal red, but they certainly would need to meet together with you all.

As Tony pointed out, in a lot of cases they're the same people. That's one thing, but the other thing, again, is I'd like to see the AP get back up to having as many members as you all originally had because you have lost at least maybe three that I know of. We need to have more input, so I would encourage you to get people to apply, and we'll try and get them on the AP as soon as we can.

Ms. Solorzano: All of the royal red fishermen are rock shrimp fishermen. I was going with what Tony was saying, to change our group, instead of being Rock Shrimp AP, to a Deep Water AP. Do we have to motion that or whatever to do so? Is there someone to make a motion to change that?

Mr. Flowers: We would want to make that motion, yes, in a minute. We will get on that motion. That was suggested to us, to get it on the record, and that's a valid point. We do have people from both fisheries fishery. It doesn't make sense to run back and forth to make a hundred meetings when we could have them all here at one time.

If there is a question in the overlap areas or the technology that the fishermen bring back to these things, we'd have it all done at one time instead of having to stop the meeting, wait until next week, and we'll get you the rest of the data. It just doesn't make sense.

Ms. Solorzano: It would be a big contradiction to have royal red fishermen with the golden crab fisherman. It would definitely clash. And, also, I was going to mention to him -- he is going to bring in VMS data for the royal red fishery. I hope it isn't anything like the VMS data for the rock shrimp fishery, because it was so far off.

I mean, there was a lot of bottom missing on that. I mean will it be -- is it going to compensate the whole past few years that we've had that VMS in effect? I mean, that rock shrimp data covers not even half of the rock shrimp bottom that is used.

Mr. Waugh: Do you mean what we presented at this map/chart yesterday? Right, we will go back and get all the information and look at it in boxes like that so that we don't show exactly where you all are fishing, but look at it each year and see how it matches up.

And, the thought off the top of my head would be to overlay them all and take the total area, so that each year there is a little bit more area that is taken, then the option that would be based on the VMS data would be the entire area covered by all of those tracks over all the years.

Ms. Solorzano: There is some of that data in the past four years we've had VMS on there. Those areas we've worked, you know, that are utilized that we haven't used since

we've had VMS, so to take the fishermen's data and overlay it with what you guys get, because there may be some areas that the boats just haven't worked in the past or since the VMS has been on, that is useable bottom.

So we want to make sure that we're not – because we're going to give up anything. It's going to take a battle, of course. But what you are all saying we use versus what we know we use is, they don't even come close to linking together at all.

Mr. Wallace: After Marilyn, I'm going to go to those points. One question I have really is on the calico scallop issues; I mean, it's a deep water trawl industry. But, does anybody -- probably most of the calico scallop people have rock shrimp permits. Do I assume that's right or do we know? I mean, would it be known or do you not know?

And there are not very many calico scallop people left. I'm wondering how much overlap they may have between the rock shrimp and the calico in order to make this more efficient. And do we even have enough people in the calico scallop industry to have an AP any more? This is kind of to the point of bringing them all into one Deep Water Trawl AP.

And then what Marilyn was saying was that there are probably a lot of bottom that is not there, but there is probably a lot of unexplored bottom that is out there. I've brought this up at the council meeting. You know, these guys know they can go make a profit at this piece of bottom, but all their life they've wanted to go look at this other piece of bottom just to check and make sure. And, you know, that's one thing that you're going to have to be careful about.

But and one more is, is there any way to get this chart overlay on the chart _____. I mean it's very hard to look at this and tell you what you're looking at. The chart that you all showed on the screen yesterday was more representative. But could we put the one on the screen that you had yesterday – I mean, since Woody is here, he may be able to give you a little more range saying, hey, I've been this far north.

Where we were looking at a very small area yesterday, Woody may be able to look at the lat/long. It's almost impossible to look at this and tell you anything as far as the relationship to where you fish.

Mr. Flowers: John, do you still want to say something, and then Dave wants to say something.

Mr. Williams: Yes, I just have a request. I was wondering if we could get staff _____ like John said with the depth on there and everything, but, also, if it's possible to have the red shrimp VMS lines in a box, like the rock shrimp boxes, but, also the known coral data that you all have also on this so we can see exactly where we're – not where it's expected to be, but where we know that it's at and where we're working, where the red shrimp people are working, where the known coral is at and have that on

the depth contour map there.

Mr. Cupka: Thank you, Mr. Chairman. Yes, to John's first point about having a Deep Water Trawl AP, right now the way the council operates is it's pretty much managed on a species-by-species basis, and that's why we've got the APs set up that way.

Now, it may be, when we get down the road further with this fisheries ecosystem plan, that we might want to consider doing something like that, John, where we might start combining some of those, looking at a Deep Water Trawl AP under our fisheries ecosystem plan. But we aren't to that point yet, and I think to do something like that now would just confuse the issue until we get further along with our ecosystem plan.

Mr. Flowers: I know most of you had a brief second to meet Mr. Moore this morning. We're going to ask him if he wouldn't mind to join us up here to speak to you. We're going to put a chart up for you. We're going to put you on the hot seat. Since you've got the only local knowledge here of where we're talking about, we'd sort of like to have you. And we'd like you to introduce yourself and where you fish from, sir.

Mr. Moore: Woody Moore. I'm out of Richmond Hill, Georgia.

Mr. Flowers: What they're going to do with you is bring you up to speed a little bit, and one of these gentlemen on the council can probably get you up to speed quicker than I can. They're going to put an overlay of what they anticipate the coral could be in versus where we think we're dragging now.

Marilyn was courteous enough to put her boat up yesterday and showing why he was in that proposed area. So, we know there is a conflict of where you all are existing to drag today and where they are trying to protect coral. So, that's where you are going to come into play. You have got the information and the data. I don't think they're trying to take away your existing drags.

But you've probably got areas they are not familiar with that you drag now or have drug in the past, or, as John said, might drag in the future. So, we're going to have to count on your expertise here to try to give us the information to try to make sure you don't lose your grounds here.

Mr. Waugh: And what would be most helpful to us is when you see this overlay, and it's basically this area here, just any input that you might have of areas that you've fished within that, where you all fish, areas that you fish within that where you know there is no coral. That's the type of input. And don't feel like we're just sort of putting you on the spot here. I mean, any general input you can give us now, and we'll certainly work with you. I would hope you would be willing to serve on our AP because we'd like to get you on.

Ms. O'Malley: I thought maybe since we have a second while Myra is doing that, if you

all wanted to have the intention of making that motion to add the royal red to your AP, you could do that now.

Mr. Flowers: Tony, our recommendation is to try to combine both APs. Can I get a first and a second on that for the royal red and the rock shrimp together, and make it more feasible for the council?

Mr. Wilson: I move that we make the motion to recommend to the council that we rename our AP as the Deep Water Trawl AP, and we encompass the rock shrimp and royal red shrimp fisheries.

Mr. Flowers: Can I get a second?

Mr. Williams: I'll second.

Mr. Wallace: Based on what David was saying, though, you may want to say Deep Water Shrimp AP instead of trawl because that would encompass the calico scallops and that may --

Mr. Wilson: Okay, I will amend that motion, Deep Water Trawl Shrimp AP.

Mr. Flowers: Is there any more discussion about the motion as it stands?

Mr. Williams: Should it say rename the Rock Shrimp AP? When you say "deep water shrimp", should we define that as rock shrimp and red shrimp _____.

Ms. O'Malley: I think we know the intent, and the council may look at this and decide there is a more appropriate name. But, if I hear you correctly, the intent right now is to have an advisory panel that consists of rock shrimp fishery participants and royal red fishery participants. And as long as we know that, the council can handle this.

Mr. Flowers: Any more discussion? Any objection? Motion approved. Woody, I've got a question while they're trying to do this. I don't fool with a lot of royal reds. How many vessels in the last ten years, different vessels, would you say have fished in that fishery over here?

Mr. Moore: That varies, seven or eight boats, at the most, eight.

Mr. Flowers: Would that include Brad's boats that were over here?

Mr. Moore: No.

Mr. Flowers: So roughly 10 or 12 on the outside?

Mr. Moore: Right.

Mr. Flowers: I was just asking. It's not something that we're overfishing the fishery by no means. There's not enough boats to really hurt the resource that's available.

Mr. Moore: No.

Mr. Williams: _____, does anyone on the AP know the calico scallop fishermen who work the same place as rock shrimp?

Mr. Dennis: Well, a lot of it is the same ground, you know, because when we started out -- when I started out there, I had a lot of scallop -- you know, we were trying to work the same bottom that the scallopers did. So basically a lot of it is the same ground.

Mr. Williams: Well, the reason I asked is I know _____ calico scallops _____ have Gregg provide all this data, maybe that should be -- if it's a different ground, maybe that's something we should add to that and ask Kerry also. Are they required to have VMS?

Mr. Dennis: Well, they're not required. There weren't many of them that had the capability, you know, when the scallops were -- I think Tony will back me up -- in agreement with the GPS where we was having the scallop _____ available. In fact, during the peak of the scallop season, it was the old paper plots, you know, that didn't show you anything really except where you had been.

I don't know where you would get all that ground from, really, like, you know, the source for our red shrimp stuff, and now we've got stuff for the rock shrimp. I don't know where you would get it from that would be acceptable, because it was backed up by the GPS. I don't know how you would get that.

Mr. Williams: Most of the calico scallops are the same as the rock shrimp _____ royal red and _____.

Mr. Dennis: I think the rock shrimp ground encompasses all of the scallop ground, but the scallop ground does not encompass all of the rock shrimp ground.

Mr. Williams: That's what I was wondering.

Mr. Flowers: David, I guess maybe as the council you all need to sort of get us in a direction with Mr. Moore's time to see what you wanted us to talk about with him. I see our cohort walked out for a second. I know the technical issues. But, the royal red fishery, I can't speak for what they're doing in modern days, but the people that were originally in the business where my business is -- and you know some of them were back in this in the late '50s.

They actually started royal red fishing over here on the old little boats, Buddy Cook's

fleet. Woody knows him. He was probably a young man in those days, but they sampled and played with them a little bit. So, we know that industry has been there forever. It has just never really been fished I guess because of the tide and the vessels it takes to fish it efficiently. Is that correct, Woody?

Mr. Moore: Yes, that's right.

Ms. Brouwer: There area is the Oculina HAPC, and then the green shaded area is part of the largest of the proposed deep water coral HAPC,. You can sort of use the map that I passed out as a reference. You'll have to tell me whether you want me to blow it up some more or how you want to look at it.

Mr. Wallace: Can you encompass the entire area that you've got on this map, this little map, just to kind of get an overlay?

Mr. Dennis: Could you take your cursor and put latitudes and longitudes around this thing and start placing them, because it's hard to get it off of something this big, you know, to give us sort of an idea of where this is. I mean I know you've got 75 degrees and 80 degrees, and that's a heck of a space there. You know, if you can give us points around that thing, then we would know where it is.

Ms. Brouwer: Yes, I can zoom in to where you have the nautical chart as a background, but if zoom out, then you don't have that reference of the nautical chart. So if I zoom in, you can only see portions of these areas. I can go ahead and do that.

Mr. Wallace: Woody and Marilyn, you don't do anything south of Oculina, I assume, for the royal red?

Mr. Moore: No, we go to West Palm, 40 miles from Miami.

Mr. Wallace: Yes, okay, so –

Ms. Solorzano: There is an area down on the south of the Keys. You know, the royal reds are all the way from the Carolinas to the Keys, really, on the whole Atlantic Coast. And you have this green box that actually extends on around there, although I believe that most of the royal reds were caught a little west of that box in the Keys. I think they're caught off the Tortugas the west -- not the Tortugas but west of the Keys.

Mr. Wallace: I think I remember this, but let me clarify it. The red line is territorial, is inside of 200 miles limit, jutting out is going out to 200 miles again based on -- when it gets down south based on the territorial waters of the Bahamas. That's the reason that, really, the shaded area didn't expand out, just because of territorial waters. We want to start there and just continue to work north, then, yes, go on up, that would probably be more appropriate.

Ms. Solorzano: Well, it, they do work from, like I said, the Keys all the way up into, you know, north of Jacksonville, I mean, on up into Georgia, if they do work for royal reds, Woody can give you a better scenario, caption on that, too.

Mr. Flowers: The suggestion is made that maybe Woody could walk up and look at this, up all the way through that where he could get close enough to see at least the depth ranges and give you an idea and maybe being able to see it on the overlay might have a better deal. I don't see how you can see it from there. I can't see it from right here. So maybe if you all want to, we'll just walk up and look at this close enough where you can see the depth ranges.

Ms. O'Malley: I think what we should do is take an official break. Everyone can come up and drive Myra crazy and tell her zoom in; zoom out, do all that, off the record be able to see it much closer. Julie won't be yelling at me next week when she's trying to figure out who said what when, so we'll do that and then you can come back and give us sort of any input you have on this area.

(Whereupon, a brief recess was taken.)

Mr. Flowers: We're going to try to address these last couple of issues in this as sort of a compact little day here. We've got some folks that have already scheduled flights out of here and stuff. We're going to make them miss them. You know how hard that is to reschedule. It's clear to the AP that we're going to have to wait for some scientific data to help you on those boxes.

It's been suggested to me -- Mr. Moore is going to talk to you in a minute about what he can produce to help you, and I'm sure Marilyn will back that up. Her point was they've got a vested interest in that fishery. Kerry wants to talk to us a little bit about that June meeting, and I have a clarification about that. And then we'll open this thing back up and talk about the legal issues we want to talk about.

Ms. O'Malley: I think some of you might have gotten the impression -- we keep referring to the June meeting, and it's actually not a meeting for your panel. The full council is meeting in June, and the shrimp committee will meet and review the information you all reviewed here and hear your motions and discuss it.

We'll make sure that we copy you on materials so you can see what they're looking at and any of the new data information that we are looking for. But you're not part of the June meeting. All our meetings are open to the public; so if you want to come down to Key West, the more the merrier, but we won't be convening this panel.

Mr. Flowers: Gregg, since yesterday you had the technical questions for Mr. Moore here, or one of Marilyn's boat captains, while we've got the convenience of having him here, maybe you want to direct a few questions to him, and he can probably offer up what he can do to help us design the trawling area in the future. I'm sure he doesn't have it handy

today, but he might have suggestions to make that available to you.

Mr. Waugh: And we can do this two ways, spend some time talking about it now or work one-on-one with Mr. Moore to get the information, because I think probably -- I wasn't up there when you all were talking, but what we'd like to find out is what is the historical area that royal red fishermen have fished in, to get a handle on that and types of gear that you are using and so forth. So, depending on how you want to handle it, we could talk some about it now or we can work one-on-one with Mr. Moore, and then you all can get on with the rest of your agenda. It's up to you.

Mr. Flowers: I personally don't care. I think that since we've already brought up the motion to put a few of the royal red fishermen included in this AP in the future, that I'm sure Woody is very knowledgeable and is going to give you some stuff to help you, but I think it would only be prudent to ask some of the other folks that are in the fishery to join this panel at that point, too, and let them have some input that's in the direction where their fishery is going.

Right now they are capitalizing on that in a few vessels. That might expand at some point; it might never expand. But we would hate to speak on their behalf without all of the people in that fishery having representation. I think that would only be logical.

Mr. Waugh: Very definitely. And I think you've got some council members here who are on the committee. I think we will be adding royal red fishermen to this. What we would like to do, too, is at the staff level meet one-on-one informally outside of a meeting with fishermen, and in that way we could work with the areas that have pockets of fishermen -- when they're going to be in, when they are not fishing, come down and that may be more conducive to us sharing information back and forth in more detail. And both sides might want to in an open session, and we can get with Marilyn, get with Mr. Moore and the other royal red fishermen and come down to meet with them one-on-one.

Mr. Flowers: Does that suit you, Marilyn? Do you want to address that?

Ms. Solorzano: Yes. I mean, if you all want to come down to the dock and meet with the fishermen, set up a time when we know -- it's going to be very short notice with the season starting as to when everyone would be in, but, you know, my dock is pretty accessible to at least four or five of the royal red fishermen.

You could just come in there and set up something and meet with them and you would get a lot of information from them on that. They can show you their stuff on the boats and their track lines and the gear used and everything, really, for the rock shrimp and the royal red fishery. It's pretty much the same nets other than some differences in types of gear as it's rock shrimp and red shrimp.

Mr. Wallace: From what Woody was saying earlier, he's got a lot on this memory stick that goes into the computer. Does that include the track line and everything, Woody, or

is that just –

Mr. Moore: It's everything, marks, tracks, everything.

Mr. Wallace: It's everything. Everything that's on your plotter screen is on that stick?

Mr. Moore: Yes, ever since they came out with the computers, yes.

Mr. Wallace: Is yours the same way, Marilyn, do you put everything on a stick like that or do you have that capability?

Ms. Solorzano: Yes, but they have to have a Wind Plot Program. When you put the key in to the back of it, there has to be a Wind Plot Program for it to pull up the information and load. The fishery has that particular program because that's what you use also, isn't it, Woody?

Mr. Moore: Well, I have an extra one we could use and it would make it simple.

Mr. Wallace: Do they have to have your key number to do it or is it just any Wind Plot? Can you put this on anybody's computer that has Wind Plot?

Mr. Moore: Yes, _____.

Mr. Wallace: My question is can the staff get this information from -- you know, have they got to order a piece of equipment before they can get the information?

Mr. Dennis: No, Woodrow just told you he had an extra key and a program, you load the key; load up the program, let it load it up in his stuff using that key, download everything Woodrow has got into it, very simple.

Mr. Flowers: Gregg, does that address what you want to talk about basically with him, other than him maybe explaining to you a little bit more about where he thinks there might be some more bottom?

Mr. Waugh: Yes, sir, we appreciate the offer; and when we get with you to meet and go over that, we will also share the detailed coral distribution information that we have so you can see what we have.

Mr. Flowers; Yes, if I understood Marilyn and he a while ago on the break – I was listening to them -- both of them seem to think there are even some areas that have traditionally years past been fished, that maybe not currently have been fished, and I'm sure they're going to want to address that or try to include that as an area they're very much concerned about. They don't want to lose anything, Gregg, as you know. So, they want to have time to get back and make sure we're not missing anything; is that correct, Woody?

Mr. Moore: Yes, that's right.

Mr. Waugh: Great. Then we will follow up with both of them and arrange a time with Marilyn when she can have as many of the fishermen in her area together. I'll talk to Mr. Moore about whenever it would be convenient for us to come down and meet with him.

Mr. Flowers: On question for me real quick, is there any way we can get some applications to be filled out for future APs, before they leave today, since they're already here and they could take them and submit some people to be on the board and let you all go through them and let's start this process as soon as possible?

Mr. Waugh: Yes, we'll get some before you leave today.

Mr. Wilson: I had one thing, and I really wanted to address it to Gregg. It's kind of a little bit different subject, but in one sense I applaud the council's moving toward ecosystems. I always felt that doing one species at a time was just not the way to do it.

Everybody is educated and I'm sure they're considering it, but I just want to put on the record -- and in developing your ecosystems plan, I'm sure you're going to have to do some restructuring, but my big concern is that when you do the ecosystems plan, don't utilize the past species-by-species but consider what effect one species has on the other.

Because like in Alabama, they decided to save the white-tailed deer and stop the hunting for a while and then the deer overran and deer were dying off from disease, and they realized that they needed the hunters -- and also with alligators, same situation. But I just wanted to get that on the record to please, you know, consider how one species affects the other.

Mr. Waugh: Thank you, and we are doing that. At the next AP meeting we will have a presentation for you on some of the modeling work that is available that we're making use of. It's starting to where you can look at linkages of how one species is important for another. But, yes, we are addressing that.

Mr. Flowers: Any further questions at this point for where we're leaving off at, before we move into a little area some of us want to discuss a little bit?

Mr. Moore: I'd like to say that anytime they'd like to go with us, just get on the boat and go. I mean, you couldn't get a bigger check to see how we do it, what we do and what we catch.

Mr. Wallace: I could use a little fair warning, though, nothing short of a hurricane turns that man around.

Mr. Flowers: Well, we're going to conclude that until we get that data. I've got

something that actually I asked to talk about at this meeting, and that's in our proposal for other comments. I've got several vessels in the rock shrimp fishery that has been in it quite a while that – now, I'm trying to be very careful how I word this.

I'm not saying every infraction that we've had in that Oculina Coral are by saints. It's not. We've got some people that have history, I don't care what you do, of being violators in any fishery. Some of them have paid the price for it through extensive fines. I know the council worked real hard with the AP on one issue here, because it was prevalent with us from Day 1.

When the coral bank was established, we did everything that the council – and above – would ask us to do to try to create a working zone for law enforcement. This thing, to me, appears now – and I don't own a vessel, so it's not like it's affecting me personally. This thing has gotten so lopsided to where in our country today you are automatically guilty according to certain attorneys until your innocence is proven.

This has been told to me by several people. I'm not mentioning them; I don't feel it's appropriate. If the parties want to come up here at another meeting and have that their say, that would be fine.

But the statements have been made numerous times, and we're having a problem with people whose intent is not to willfully break the law, but because of mechanical failure, wind-driven issues, whatever, anything mechanical breaks down, problems occur. I ran boats since I was 14 years old, and everything that I was always taught in any Chapman book or any other licensing- requiring studies, when you had to take your permits, I was under the pretense that life came first for the responsibility of the vessel operator and then navigation second.

Apparently this law supersedes that. I don't know how that has gotten to that point. You know, we tragically lost a boat, and I assume he was in the royal red bottom. It's been six or seven years ago; a very experienced fisherman, a good fisherman, a hard fisherman. It was tragic. We've been blessed; we've only lost one boat in that fishery. I just don't know how to go back addressing the laws. I'm ignorant here.

But, the intent, when we sat down with the council over a five- or six-year period, was to put some stiff fines to protect the coral, seriously, to make it a limited problem for the industry to have to deal with, because we didn't want to hear it either, and to ensure an ongoing fishery. We thought it was a compromise we were working toward to ensure our fisheries for future generations.

This thing has gotten so out of hand now that it appears to me personally it has become a cash cow for the federal government on these \$32,000 fines. We're not talking about a slap on the hand; we're talking about a substantial blow to a fishery vessel. You get hit for \$32,000, that's off your bottom line.

It's a lot of money. That's fine for peoples whose intent was to break the law. They took the chance, they knew it going in, they need to pay the fine. But, we don't seem to have a mechanism in place to allow for a vessel for other circumstances getting caught in this web. He is still being penalized the same penalty.

And somewhere this has got to change. This is just wrong. I don't know how to approach it myself as far as getting it readdressed. I've talked with Mr. Richard here briefly, which is representing legal counsel on this -- our law enforcement on this, rather, not legal. He explained that to me.

The issue, as I see it is, they have taken the stance -- and if you actually read the law, you are 100 percent guilty. There's no circumstances. When you cross into that box, you are guilty. I don't care if somebody is dead on the boat, you're guilty. And that's just wrong in our system and our society. Something is wrong with this picture.

I told Mr. David the other day it would be like he going out here on 95 and creating an area, and you can't pull off the median; I don't care what the circumstance is. Say, you're driving in a brand new car and unbeknownst to you the engine blows up and you pull off, and they come put you in jail for it. That's almost absurd. And that's the way I see this Oculina coral closure.

I still again am not going to name vessels, but I'm going to cite two instances that happened because it's personal at my dock. I had one boy with a new captain, ran the boat around from the Gulf, fished a couple of days, came up and resupplied and happened to cut across that new corner, the northwest little one-mile square, and he ran across it by -- I heard less than a quarter of a mile; I don't have the Coast Guard documentation.

They fined the vessel \$32,000, withheld reissuing his license for the next season. But the real kicker here, the real kicker here, it goes to a Coast Guard hearing. It doesn't go to a civil court like everybody else in the free enterprise system is allowed to do. But he was not notified until 30 days before his license were renewing the next year. The boat owner did not even get notification that he got a ticket.

The captain told him he had a warning ticket issued. I was standing there when the man told him at the dock. He met the vessel at my dock. He told him he had a warning ticket. Nobody notified the vessel owner until a registered letter came almost nine months later and it was time to renew licenses.

And then he was threatened with the choice of holding up his license and not permitting to fish in that rock shrimp season, virtually, or agreeing to plead guilty and pay the ticket. That's just all wrong where I'm coming from. Something is wrong with that picture. Maybe that's one that fell through the cracks, but I've done seen that happen twice.

I just don't know how we can sit here as a council and not address that because we're here representing boat owners. I mean, we're representing ourselves, too, but we're also

representing a bunch of boats. And we've got to speak and get this on the record for them. I don't think there's any of the fellows that are trying to be legal that would like to think that in a bad situation – and we know what happens on that water.

I fished myself all my life. Circumstances out of your control, you're going to get in that box and be subjected to that kind of scrutiny; that's just almost unheard of. So my question is to the council, how did it go from our original draft and end up in the Department of Commerce's legal department to where it actually got written?

I don't know if you all have ever had a reason until now to look at the law the way the final draft came and the law itself, but if you read it, you're guilty. There is no reason in there that you can not be guilty. I mean, it's really sad. So, I'm really looking for an answer on how do we address that. It's too late to worry about how it happened. My question is, let's don't point fingers; let's move on and fix the problem.

If we can fix it – and in a free society we ought to be able to fix it – the entitlement to penalize the crook, so to speak, that's fine. Let's figure how the innocent guy that just accidentally gets caught in a trap, how we make a way legally for the law enforcement agencies to do their job and yet the prosecutors to do their job, but use some kind of common sense approach or at least have a criteria to look at to say, okay, these are the circumstances that happen; how do we keep from penalizing this individual? And I really would like to get an answer of how we can do that.

Mr. Waugh: My recommendation would be you all have surfaced this as a request that it be examined, that we would put this on the agenda for our Shrimp Committee at the June meeting, and we would ask law enforcement and NOAA GC to make presentations explaining how the regulations are currently being enforced and prosecuted, and then let the committee discuss it and decide how they want to proceed. That would be my recommendation because we can't resolve this here today.

Mr. Flowers: Yes, I know we can't resolve it, and I appreciate that. That's what I'm asking for, how do we proceed? Anything us reversible and anything is fixable, maybe not overnight. I know I've got Steve and Tony wanting to address something here.

Mr. Herring: I just have a question. We have recourses as far as the amendment process and we've done that as far as making motions for recommendations back to the council. I understand this is a little different. It's not an amendment; it's a regulation.

But do we have the same due process as far as us as an AP to make motions or recommendations back to the council, and in turn does the council have any authority to go back to NMFS or whoever it goes, because we're all, as Jake said, a little ignorant. We don't understand it exactly how the process worked on that.

And what type of a process is there if we want to make motions here, or can we make a motion here to the council to make recommendations for changes in that, and is that a

possibility? I have a couple of ideas I'd like to present if there is, but I'm not even sure that it, being a regulation, that you guys don't actually set those regulations. It's done further on.

I understand it's part of Amendment 5 and it's drafted from Amendment 5 and formulated and ends up being there, but do we have any recourse at all as far as that? Is that the same process we did with changing some of the options on that amendment thing?

Mr. Waugh: Certainly, you all can make recommendations and pass motions on any subject you want to, and I would encourage you to do that. It helps make it absolutely clear the issue you all are raising and how you all would like to see it addressed. Let me just back up one second. In drafting the regulation, we worked with NMFS to put those regulations together.

I'm not sure if the issue is in the regulations, that those need to be fixed, or whether it's in how these regulations are being prosecuted. If it's that issue then – and I'm not speaking sort of “out of school” here – we have been told in the past by Karen Raines that the council is just like a member of the public in commenting to NOAA GC on how they enforce regulations.

So by way of explanation, we don't carry any more horsepower as a council than you as an individual carry in terms of trying to influence NOAA GC on how they prosecute cases or how they implement fines. That's been made abundantly clear to us by Karen Raines previously. If it is the regulations, we can try and fix the regulations. If it's the other, then I'm not sure how we proceed on that.

Mr. Herring: Yes, I'm not specifically speaking particularly to the enforcement side. I'm speaking more on the regulation side. And it being an all-encompassing regulation that states -- if one of these examples of what Jake is saying, one of these vessels by means of either someone gets hurt on the boat and maybe they cross a part of this closed area or due to mechanical failure, power failure, whatever, ends up drifting into and getting inside, they are -- when they are fined, when they get the paperwork, it says “for fishing”, because the regulation it states now is an all-encompassing regulation that takes in fishing illegally inside that box; if you transit it with any rock shrimp gear or with any catch on the boat or anything, all within one regulation.

Maybe it might affect the prosecution side a little bit if that regulation were sub-sectioned some way to where, okay, if you're caught fishing in there – and from the enforcement side we put the transponders on the boat. They know if someone is dragging, you're not running at the same speed as if you're just transiting something or if you're drifting.

It's going to be different speeds and that's very easily to discern off of the VMS. So, that would be one thing maybe we want to discuss a little bit is that. And, also, if it were to be subset into something more than just one regulation, then also address the fact that

instead of black and white on those secondary things being the gear or possession of rock shrimp, are there extenuating circumstances that would fall into those subset categories that may be on the prosecution side need to be looked at a little bit different.

And it may provide an avenue through doing that to where they could look at it a little bit differently instead of it just being, okay, you're all in one fishing or you have possession of rock shrimp, or whatever. I don't want boats to be prosecuted and say you were fishing inside of the Oculina Bank, when they weren't fishing inside the Oculina Bank, that for whatever reason, they may have, because of power, because of whatever if it's an emergency, ended up being inside of the Oculina Bank.

I think there's a big difference and I think we need to address to have something put in there for safety issues with the crew that aren't addressed at all and weren't addressed at all when the regulations were written up. I think there should be some discussion on these things.

Ms. O'Malley: I'm trying to find the exact wording, as we speak, from our website, but this came up recently because there was another issue in snapper grouper in the Oculina Bank. And I'm pretty sure -- and I will know momentarily -- that the wording is "possess or retain" rock shrimp, which sort of takes out -- it doesn't matter if you're fishing or not. In the area with rock shrimp, that's the wording of the violation.

Now, I will tell you also this issue came up recently again with the snapper grouper fishery. We had talked about some issues with shark bottom longline gear and talked about, with our Law Enforcement Advisory Panel, instances such as the gear drifting into a closed area and would a person be able to go in and get it because, obviously, you don't want the gear ghost fishing and things like that.

And the Law Enforcement Advisory Panel made it pretty clear to us that it will not be their position to support any sort of wording that has "just-in-case" scenarios. They would rather have the rule be very black and white and then deal with it later. I know that doesn't help you because you're feeling like they're not dealing with it later. I just wanted to give you their perspective that it has come up recently.

If there is an emergency situation, they would rather deal with it after the fact than have anything built into the final rule, because it's easier for them to enforce that way. So, I'm just telling you what we heard. Of course, anything that comes up here as far as recommendations will go to our Law Enforcement Advisory Panel and they will discuss it as well.

So, one of the things that we did for the snapper grouper fishery that has a closed area, for getting the marine protected area, closed areas, originally the council had the wording that there was no possession or retention, just like it is in the Oculina Bank. But, based on the input of the Snapper Grouper Advisory Panel, they wanted to be able to transit through that area but not fish with the species on board.

And, the council did end up changing their wording so that you were allowed to transit through the area with the prohibited species on board provided the gear was stowed in a pre-defined manner. They have a different gear so, obviously – although, I could show you an example of what that would mean for trawl gear, but it's pretty -- you know, it means it's pretty much disassembled, and so there would be no question about whether or not, you know, you were fishing in that area, you wouldn't have time to get your gear stowed before either getting ready to be boarded or something.

So, that's something to think about if you all wanted to recommend being allowed to transit. But, again, that doesn't help you if someone accidentally drifts in there for whatever reason; and, to be honest with you, I don't think you're ever going to get law enforcement to sort of have that sort of clause in there beforehand.

Mr. Flowers: Well, I know several people want to talk, but that's where the rub is. They're not addressing it at a further date. With them, it's open and shut; we don't want to hear it; pay the ticket, lose your license, we're going to take it for six months, whatever the case is. And that's really sad what you're telling me right there, because that's not the way that our forefathers set our constitution and our rights up. That's not the way it's supposed to be.

When you're proven guilty and you've got to defend yourself and prove your innocence, there is something wrong with this picture here. And I know, I put myself in a lawyer's hands. Man, I would love to just go up there and look at the judge and say, "Your Honor, they're wasting your time; I've got a tee time here at 3:00. This is the law. He's guilty. There's no circumstances to let him off, fine the guy and let's go play golf this afternoon."

That's great. I wish my life was that easy, but it's not that easy. And unfortunately, because they want it that way, you can't make believe there is not a mechanism – and that's why I guess I'm asking you -- being ignorant, I'm asking how do we derive at the mechanism to force them back to the bargaining table to listen to this issue? We gave up a buffer zone.

We were your first AP. I've had that told to me a dozen times. The burden fell on us to create the buffer zone around that Oculina Coral for his department, the law enforcement agency, to be able to do their job more efficiently, because of economics, we were told at the time, and vessel participation. They didn't have the Coast Guard cutters available to produce offshore out there to watch these lines. The transponder was a sacrifice to get it in there.

As you know, we fought with our industry people big time because they were -- I mean, you can't believe the grief I caught when I got home about it. They didn't want those transponders on the boats. They didn't want the expense. They didn't want the burden. But, we saw it as an avenue to try to sort of come to grips with this thing a little bit. And

we at that time – and Gregg will remember this – we gave up a lot of area, a lot of mileage that we could still be catching rock shrimp.

Tony had brought that up yesterday; it's actually on the record. We gave up that buffer zone that we know shrimp were in last year, and we didn't fish it because that's the new line. That wasn't the original line that was there in 1970 on all the charts. It's been, what, 300 or 400 percent increase probably since then, total acreage?

I don't know what the statistic would be. But, we've done everything as an industry to try to survive and yet to try to work within the guidelines the government gave us reasonably. What they're asking now is not reasonable. I don't think anybody with an IQ over 10 would agree this is reasonable. Somewhere there has got to be some common ground.

And for them -- and apparently you've heard this at meetings I haven't been to, they said, "Hey, we're not negotiating on this; this is it." Well, that's not right. They need to look at it from the taxpayers' view. Let's get this back to where it belongs. They represent me as a taxpayer and not as a board member.

They represent me as a taxpayer. When the taxpayer cannot talk to the people working for them, we've got a bad problem here. And if enough taxpayers scream foul, they should be willing to listen to this and readdress these issues. So, my question still stands, how do we go about forcing law enforcement – I don't think it's law enforcement; let me rephrase that – the legal staff to the bargaining table?

This seems to me to be where we've got to go to make this correct. It's got to go to the legal department. The law enforcement is just enforcing laws as they're presented to them and on their desk. My beef is not with this gentleman or his department. It is really, unfortunately, with Ms. Raine's department, and I'm going to go on record as naming her.

I don't know how to address that, and I address her, not singling her out, because she's the one I do know that sat in on some of our meetings. I don't know how to get this reopened to go there, and I think that's all to pacify me, to know how to start the procedure.

Mr. Wilson: One of the root problems is that you have your enforcement procedure, then you have your prosecutorial process, and in your prosecutorial process your enforcement people are the judge. So you don't have a fair, impartial hearing here. You have an imbalanced hearing. And the people should have fair representation to an impartial hearing. I think that's the root of the problem.

Ms. Solorzano: Whenever they are drifting through the bottom, it would be very hard for them to tell if they're transiting. They're moving at the same speed they are when they're trawling. I just want to make sure that got on the record because you couldn't say

transiting through.

If somebody is hurt, you're probably out of gear, you've got your rigs up and you're trying to rectify the problem, help in any way that you can, get assistance. You're not steaming and really paying attention to exactly where you're going if you're taking care of the problem. When you drop a rig, you're drifting.

You lose engine power, whatever, you're moving about the same speed across that Oculina Bank that you would be towing, 2.5, 3, 3.5 knots. The current is going to take you that way. And you're in it, and you have no grounds when you try to tell them that's what happened. You can call in.

And if you drop your rig, of course, you're going to drop it outside, but it's going to drift. You're going to drift. And when you're trying to find it, you've got to cover an area to catch it back again, you know, to hook back on. So there is a little moving around in a circle; and if you lose one very close to the rig -- when this law first went into effect, we dropped one.

We called in and got permission, but it took us about 18 hours to actually get permission to retrieve the rig. And during the time, you know, it will move. So it's not going to be exactly where, "bing", you hit the computer and there it is. It has probably moved a bit and things are going to drift somewhat. You're trying to catch it back. You're going to be moving many times at that same speed that appears as though you're dragging on their VMS system.

So there is no way to rectify that problem. So if you explain it to them, when you go in, you have no grounds, as Steve said. You're in before their attorney, their judge, their people. I had a case where I knew of where a continuance was asked. In any case in this country you ask for a continuance, it's given. The person could not produce a deckhand who was out on another boat.

He asked within a month, a month's notice to the judge that was coming down, the civil judge, I believe it is, that he needed a continuance, and it was denied -- one continuance. I mean, come on, we all know trials that go on forever and ever and ever over continuance over everything under the sun. It takes years for anything to happen, but not in a fisheries case.

That's just going back to what Steve was saying earlier. But, you know, we need to figure out how to resolve injuries, drifting, engine dilemmas that are going to put you in that box. And that buffer zone was designed to give you a little bit of space should these situations happen, and apparently it didn't do what it was supposed to do, either. It hasn't helped us in any way.

Mr. Flowers: And that's why you're exactly on the schedule here. That's where the problem is. The buffer zone was created to alleviate that problem and stay safe distances

out of the coral. That was what our intent was. But, unfortunately, when law enforcement, I mean, excuse me, I get confused here, with the prosecutor's department, that is not what is happening.

You are guilty, no circumstances, I don't care what it is. When you go in there, you are told, "Read the law; you are guilty." The law is the problem. The prosecutor is going to prosecute it as full extent of the law they can. They've made that clear to me. So, we've got to get this law changed.

They're not going to have any ambiguity in the law, they're stating, before we go there. So if there is nowhere to negotiate, I guess the question is where do we go from here? Something has got to be done. If not, we could permit 200 vessels, and at some time in history -- it might be our great-great grandkids' lifetimes -- through breakdowns, problems, wind drifts, whatever, all these boats are going to go way in.

Well, everybody says, well, let's deal with that 50 years from now. I don't want to deal with it 50 years from now. We're dealing with everything else now, let's deal with this now. So how do we right a wrong? The law was wrong when it was drafted. So, I guess we as the industry would like to see how to correct it. If we can correct everything else, surely, there is an avenue to correct this.

Mr. Chessler: Let me try to address some of your concerns. Richard Chessler, NOAA Office for Law Enforcement. The council made it very clear to law enforcement that we would enforce the Oculina Bank with regulations, and that's not just for the rock shrimp fishery, but that's for all fisheries that have an impact.

And we heard that direction, and we will aggressively investigate every single entry into that Oculina Bank. That's our role; that's our responsibility. And I think you all probably have some personal experience with this, that we do investigate every entry. However, I think you're kind of painting with a wide brush that it's always all or nothing.

Each case is considered on a case-by-case basis. There are aggravating or mitigating circumstances that might alleviate part of the fine or make the fine worse, depending on the situation. However, the way the regulations work, they are a strict liability, so that is a consideration.

It is strict liability that certain -- as a civil administrator, we're dealing with civil administrative law. We're not dealing with criminal law or just civil law. That's where the administrative law judge comes in from the Coast Guard.

Just to educate everybody as far as the process from an enforcement perspective is that whether it's by VMS or by Coast Guard or by state officers on patrol, we're alerted of a possible violation, we conduct the investigation, which is going to include examining VMS, examining GPS information, interviews with the captain, crew members, et cetera. We submit the investigation to general counsel.

If general counsel finds that there is probable cause to show that a violation occurred, they will issue a NOVA, which is a notice of violation assessment, and a possible notice of permit sanction. Those are sent to either the captain and the owner. They call it “jointly and severally.” The general counsel can charge the captain by himself, him or herself, and the owner by him or herself or together. And that’s generally how it works. And from there, they have an amount of time to request a hearing and to go in front of the administrative law judge.

Mr. Flowers: I want to interject something right here. I know that’s what your intent is. I believe that’s true. That’s not what is happening. Not in one instance in that Oculina Coral in the rock shrimp fishery has the captain been duly civil fined. Every bit of the burden of these fines have been going back to the boat owner, because he has got the asset and he’s the one they can get the fines out of.

Not one time – and you folks might remember our goal originally was to assess -- because we had absentee boat owners that had hired captains only, our goal was to have the captain 50 percent responsible where they couldn’t just get off of my boat and get on yours tomorrow and say, “Hey, I’m sorry, I’ve lost a couple of days dragging time” – and the boat owner was 50 percent responsible. Both shared in the burden. Right now that’s not the case, and I’m wanting to be corrected. If somebody can show 100 percent the other way, I’d like to hear it.

Mr. Herring: Well, what he says is true. It can be severally, it can be separate, both the captain or the vessel or the vessel owner, but it’s never done that way. It’s always done jointly. Everyone I’ve ever seen has been done jointly. And we’re going to be aggressive against whoever – in most instances, maybe not all instances, but that boat captain, most of the time, doesn’t have the capability of doing that so you’re going to get the money the jointly out of the ones that do.

That’s going to be the owner of the vessel. The economy and the way the fisheries are now, if they’ve got the money, it’s just gotten a lot tougher. I had one question for you, Richard. Is there any difference – you said when you’re notified of any violation that may or may not have occurred, does it make any difference – and maybe it might be a question you can’t answer because it probably still refers back to Ms. Raine’s office -- does it make any difference if the vessel themselves are the ones that are notifying the Coast Guard or National Marine Fisheries that we have a problem and we may be drifting into and inside of the Oculina Bank?

Does that make any difference as far as from your perspective, when you go out and do your research on it, versus you were notified by the Coast Guard or by the VMS Tracs that say, hey, we’ve got a boat that’s inside here? If you have somebody that notifies you that we’ve got a problem on the vessel, and it’s a problem we don’t think we can rectify; we’re drifting and they notify you in advance; does that make any difference from your perspective or what you do?

Mr. Chessler: Like I said before, it could be an aggravating or a mitigating circumstance. It's going to be reported. In the report that goes forward in the investigation, it will be mentioned in that, just like any other claim of a vessel problem. That's not kept back from the attorneys. Any information and all information relevant to the case is going to be forwarded as part of that investigation.

But I can't say, you know, specifically that it's not going to either alleviate or make it worse for the captain that does that. But I think it goes a long way to showing that this person is reporting this; and if there is a problem, the Coast Guard can respond or what have you.

Mr. Williams: (Cannot transcribe any of Mr. Williams' comments.)

Mr. Chessler: Well, I can't give certain case information, you know, specific cases but it has been an affect. You know, there has been mitigating circumstances that are taken into account in previous cases, but I can't give you a specific case example.

Mr. Williams: _____.

Mr. Chessler: Once again, I can't give you a specific case, but I believe and I can at least recall that has happened before, yes.

Mr. Williams: What I'm hearing here on this panel is there are none, whether there are mitigating circumstances or not _____. I haven't heard anyone that has had their fine mitigated _____.

Mr. Chessler: Well, I wouldn't say they were full fines. Actually, the upper limit of the fines can be significantly higher than what has been issued in the past so take that into consideration. The fines that are being handed down are not full fines in the industry sense of being maximum allowable fines.

Mr. Williams: _____adjusted their fine _____.

Mr. Wilson: Well, I know in some cases there were mitigating circumstances and there was no relief. But, I think that if there is no way to resolve this with the legal office, I think our AP should make a motion to remove the buffer that we have allowed to be approved and go into place. I think we should remove that buffer to give our fishermen a fair chance to deal with the situation instead of being hit with these \$32,000 fines.

Mr. Flowers: That was going to be my next conversation, myself. I felt like we've done everything in a clear conscience to try to make this a protected area. We've heard everything from law enforcement which was _____. We didn't exclude her. We _____. We didn't want to have to readdress this again.

We've got enough to do without fighting the same fight, but I'm the same feeling like this has not worked. They're not willing to try to straighten out the problem and we know there is a problem. She's welcome to come up and _____. We were hoping she would be here today. _____ or maybe we didn't tell her to be here.

Mr. Cupka: For the record, Jake, let me just say that I don't think she was contacted and given the opportunity. When I talked to you _____. When I was at the meeting last week, I asked Paul Raymond if he could have somebody from law enforcement here. Obviously, he didn't get the right person _____. As far as I'm aware, she was not contacted and asked to be here.

Mr. Flowers: Well, I'll take the blame for that. Maybe that's my fault in trying to explain what my issue was. But, nevertheless, it's water under the bridge. My question is how do we move on again and try to move on with everything else? How do we move on and get somebody to come listen to our complaints? If they can't listen to the complaints or don't want to be bothered, that really upsets me as a taxpayer, forget the fact that we're up here trying to fight to protect fishermen's livelihoods.

My question is the same as Steve's, if that is their stance, then I think we really need to try to get not just our AP but everybody else involved and get rid of this darned buffer that we created, because there is tremendous acreage around that Oculina coral. That would be stupid at this point to go back and readdress this, just because they don't want to come and talk to the legal end of it.

Now I'm going Ms. Raines the benefit of the doubt, that she probably was not contacted, I mean, for whatever reason. I didn't mean that to sound direct about it, but it's just getting a little annoying about it here. It's something I've been dealing with for two years so it's not just something that happened yesterday.

Mr. Wallace: Yes, I've asked this question -- I don't know if it was the last council meeting or when -- but was there a buffer zone? I got the impression there was none. I think we were talking about the guy that lost his rig and went back to find it -- and for lack of a better word, are they dragging right up next to the coral or did the council, you know, allow some kind of buffer zone where there is some dragable bottom between what is legal to drag and the Oculina coral?

And I got the impression that there was none, that they had tightened that up so tight that there was none. Now I'm hearing that there is a buffer zone, so my question is did you all define a buffer zone in the original proposal as a buffer zone, or is there some kind of reading that would tell us that, okay, there is actually no coral inside of this line for the next mile. So, what is the definition of this buffer zone that you're talking about, because I was under the impression that there was none.

Mr. Flowers: John, I think, to be honest in all fairness, I don't think we used the term "buffer zone" when the law for the fishery was kind of drafted. I think we actually used the term "expanded". We expanded an area to try to protect the coral. Was that not the terminology? But Gregg can address your other questions. He's got the answers for you.

Mr. Waugh: Yes, that's my recollection. We expanded that area to protect more of the corals. I would urge you – you've laid out the concern; give the committee and council a chance to investigate this and respond before taking some other action or pass a recommendation. I think that keeps you all on the highest ground.

Mr. Flowers: Well, I think that's right. I don't think we're here trying to pick a fight. I mean, we're trying to – you all are intelligent people; that's why you're sitting here. You know, we're trying to figure out, through you, what avenues we have, logical avenues, with the least resistance, I might add, to go ahead and get on with life.

This isn't something that needs to be in the courts for five or six or seven years. I mean, we all know we can file suit against this. There are no winners when lawyers get in the lawsuit. All of us in the private sector have had bouts of that, trust me. And we're not picking a fight with the council. We still think the council is here to aid us. We hope you are; we're taxpayers.

But, with that said, we really would like somebody to know, which you folks have way more access to information than the private sector does or at least the communications with the law enforcement and the legal staff that we might not have -- and most lawyers I call, it takes them about three days to get one to return a call. You all can probably get them on the phone at least by noon. So with that said, we're looking for some help and a direction to try to resolve this, because it is a major concern for our industry.

Mr. Cupka: Well, I was just going to say my recollection of what we did is the same as Gregg. It wasn't a buffer zone, per se, that was created, but we did expand the boundary to give us a buffer zone. As far as moving ahead with this, you know, the thing what Gregg said is we need to go ahead _____. _____ We will try and work with you and see what we can find out. They are the ones that _____. We can certainly work with them and _____.

Mr. Williams: Yes, I agree _____.

Mr. Herring: And I wasn't aware of the snapper grouper transit. I mean, that may be something -- there may be more than one motion that we want to bring forward. One of them being 100 percent, I think we should bring a motion forward as to what the snapper grouper did on the transit issue maybe by itself, because that's something that the council has already addressed in another fishery and may be something that can be changed without too much of a problem.

I think there is other things besides that. I go back to one thing that occurs to me is the

way the regulation is written up itself to encompass everything in one, whether it's the transiting or gear or possession of rock shrimp, that it's in with illegally fishing inside the Oculina Bank. And there is a big difference in between those three or four different things.

There is a big difference between somebody that blatantly went inside the Oculina Bank, put his rigs on the bottom and drug and fished and somebody that made a mistake, as Jake said, or a mechanical problems or whatever. At least, somehow make it two regulations or divide the regulations or something to where it doesn't say you're illegally fishing for rock shrimp in the Oculina Bank.

There have been some instances that it was dragging on the Oculina Bank. I believe that 100 percent. But I think there is a heck of a lot more instances that it was not dragging in the Oculina Bank, but it's all thrown into the same bath water together. I don't think that's right. And I think from the general counsel's side may or may not make some differences as far as the way it's handled, but I think that's something else that needs to be addressed, also.

One more and I'll be quiet. I have a problem with enforcement and in the Coast Guard being an arm of an enforcement, that you've got a problem with a boat -- and this is a particular instance I won't get into the boat or anything else, but you've got a problem with a boat that did notify the National Marine Fisheries, as well as the Coast Guard was aware of the situation.

It was an ongoing situation through _____ or gained from the Coast Guard. It went on for about 18 hours or so, and the problem was rectified and the boat was back out. There was no assistance from the Coast Guard or anybody from enforcement during that time. As soon as the boat anchored up outside, the Miami Coast Guard notified the cutter to go out and board the boat then and do a full inspection on it.

Fine, if they want to inspect it, fine, but how about coming on out and lending assistance as well instead of just coming out and trying to beat you over the head with a bat and say, well, maybe you've got something else wrong that we can get you for. If you're going to send the cutter, go ahead and send the cutter out.

Maybe they can assist or something else they could have done or some recommendation or something rather than wait until after the fact, as soon as the boat is anchored up, and then, okay, we'll send the cutter out now, board it and do an inspection on it. Something is wrong with that to me, it just seems like there is something wrong with it.

But going back to those things, I think there are at least a couple of motions that we need to bring forward, because it definitely addresses about the snapper deal, about the transiting deal. If that's something we can get done, at least that's something we can get done, and also about is there some way to do something with this regulation to change the way it's written. That's all I have to say.

Ms. Solorzano: In Karen's defense, she does a good job in what she does. She's only enforcing the laws that have been mandated by law enforcement, so law enforcement has to come in and change those laws. I mean, Karen is going to do her job very well. She's enforcing what law enforcement has given her to do.

So, it's going to have to come down and get law enforcement to change either the stiffness of the fines – I mean, they're coming in and charging fines and then taking people's permits, which is more costly than the fines are. You know, the punishment doesn't fit the "crime.", so we need to address that issue.

But back to the coral where the buffer zone which was never "a buffer zone," I wasn't on the council at that time or the AP when that was taking place, but I came in later and asked, well, now that we are putting the VMS on, will we get some of that bottom back? And we were told no by I think it was Dr. Kent -- was the scientist Dr. Kent, Dr. Kerry.

There was a scientist who had said now there was possible coral formation in that area. so it could never be given back because of that. It wasn't considered an expanded zone. We all knew it as the buffer zone. The heart of it is a buffer zone to help law enforcement protect that small area of *Oculina* coral.

We all understood that was what it was about. We thought if we made law enforcement easier with them by putting VMS on, et cetera, we would end up getting some of this back. Of course, that never happened. When we addressed it we were told, it's not going to happen. Now there is possible, you know, possible coral formation in an area, although none of us have seen it. So, anyway, that's to address the fact that we will probably never get that bottom back. They told me that is unlikely to happen.

Mr. Flowers: Never, never say never.

Mr. Chessler: I just want to clarify that when a notice of violation assessment is handed out, that it will specify whether it's possession of rock shrimp – I mean that is taken (end of tape) It's not written specifically fishing unless that was part of the -- unless that was proven by our case. If it's just a possession; that's what's written. That's what's put on the notice of violation.

Unidentified Speaker: That's not true.

Mr. Chessler: Well, I mean, I've seen a notice of violation, and I can tell you that with the enforcement action report that I give to the fishermen on scene, that it's going to say possession or it's going to say fishing or it's going to say both, because they both can be charged as separate counts.

Mr. Wallace: Just to address this transit thing, I mean, _____ transit in inshore fisheries; and on the flip side of it, if you've got to disconnect your rig and put it below

deck, it's probably going to be more time consuming. I mean, it was in the snapper grouper, and it's easier to stow snapper grouper than it is to stow your nets. It's probably going to be more time consuming to do that than it is to run around. So that's going to be your only _____.

Ms. O'Malley: There is some question about what that wording is, and I can tell you exactly what the wording refers to. The trawl or tri-net may remain on deck, but the trawl doors must be disconnected from such net and must be secured.

Ms. Solorzano: No, we were told – at one point I was told if you unhooked your nets from the doors and they were not attached, then you had no intent to fish. That was one way of unhooking everything. You didn't have to actually – because you can't stow those. I mean, we've got 12-foot aluminum doors. You're not just going to pick them up and move them. It's not that simple of a task, I know.

Mr. Flowers: Tony, did you have something you wanted to address?

Mr. Herring: I'm not sure if I could. I don't want to get into any particulars _____.

Mr. Flowers: We're running very short on time. I really think that at the advice of the council here, that some of you folks might want to make a couple recommendations to give them, or at least go ahead and get this on the agenda for the future. Anybody got any recommendations at this point?

Mr. Herring: The snapper grouper, is that a VMS?

Ms. O'Malley: It's not a VMS issue.

Mr. Herring: Then, if you've gone to that point with the snapper fishery, that transit is okay -- I mean I understood what you said if you're drifting. It's not true with the VMS on board the boat. If you're transiting and you're running 16, 17, 1800, it ain't nothing like if you're dragging. There is going to be a great difference.

You know, I think we can carry it a little bit further with what we bring forward with a motion that we can transit that area because we have VMS on the boats. It's what we put VMS on the boats for and what you told us we were putting them on the boat for, along with this added area that we gave.

You're going to know if a boat is dragging or if it's running and transiting that area. So, I think the motion that we should bring forward should be take out the no transit, period, not whether you stow the gear, not whether you've got product on the boat, or anything.

The transiting should be taken out because by the VMS, by the equipment that we ourselves recommended to put on the boats as an AP Panel, we brought it forward and

recommended to put it on. Using the advice of the council, we did it and we put it on there. We have them on there and you can sure tell if a boat is running or if a boat is dragging.

Mr. Dennis: _____, but, you know, there is something missing _____ that anybody that has been on a boat for 30 years _____, anybody who has been on a boat knows that sometimes _____ with law enforcement _____.

Mr. Herring: I understand that, but I don't think anybody is going to be running just north and south or whatever and that – you're right, it could occur. It could occur.

Mr. Dennis: _____.

Ms. Solorzano: Woody, what do you think about it? What is your opinion on that running through the -- I think we should do away with the transit. I think it should be reworded in there, transit. We should be able to transit through that bottom. It should just be dismissed from it. In all likelihood, it's not that – I mean, it is a wide area, but most people are running north and south and it would be a little inside or a little out.

It's more like you're crossing it. The royal red fishermen are crossing it and they're going back and forth. There is north and south direction going, but it would take -- I mean, if you've got a northern coming down and you're running north, you've got the Gulf Stream pushing you, you're not going to slow down as slow as you would be trawling. I guess if it was really, really rough, but then in all likelihood you're going to get inshore some.

You're not going to run in that Oculina Bank if it's rough. I mean, I don't know, that would be my opinion, take it out entirely, because offshore you're not going to go running against no rough seas. You're going to take yourself inshore. You might be in a really big hurry to get home and try to stay out as far as you can so that you move quicker, but you're not going to want to get beat up and run slow.

You're going to get inshore if you've got to go _____. I think if we could completely remove that transiting clause in there and just have it where we could transit through it, that would simplify the law somewhat. You would at least alleviate that part of the clause. But I think that we should make something that would lessen some of these penalties instead of - I mean, the fine is steep enough at \$32,000, max.

But then when you're adding in possible loss of permits, you get into some substantial amounts of money, because it seems like they want to take your permits during peak season. So, you know, we need to make a motion to adjust the fines to fit the crime and to remove the clause of no transiting through the bottom, which would be, you know, something that could be recommended to the council to look at.

Ms. O'Malley: Yes, I just want to make it clear – Gregg or David can correct me if I'm wrong -- but you all can make the motion about the fines. The council has absolutely no say. There is nothing we can do about the fines. _____ so if you want it on the record.

Mr. Flowers: John has something to say about that.

Mr. Williams: _____.

Ms. O'Malley: To that point, David and John have been sitting here. David is on the committee and John is on the Shrimp Committee. Gregg and I have been sitting here. We have been listening intently to entire discussion. It will be carried forward to the council. You can make motions, if that makes you feel better or to the extent it may make the council members feel comfortable, but this conversation will be discussed at the committee level, whether or not you make motions.

Mr. Flowers: Let me say something and then I'll give you the floor. The only thing I want to address, because I heard what Marilyn said a while ago, and she was correct. It sounds like I've been here beating up Karen Raines. The point I was making was not necessarily Karen Raines. Karen Raines is a person that I see out there in front of me, and I can lay my hand on her and talk to her directly so she catches the brunt of it. Karen Raines is probably doing exactly what she says.

I don't know, and that was the question I thought I made clear is who technically writes the laws? I met Richard today. I asked Richard who technically writes the laws? I know as a prosecutor she is just doing her job within the box that she's been issue, and when the law says this, I am go to prosecute to the full extent of the law.

Apparently she knows them all. But my question is, if that is the case – and I don't want to badger Karen – I'm just saying how do we address the law itself to where she has the latitude and longitude to move within the law and penalize those that are guilty and because of circumstances readdress ones that might not be, per se, as guilty, or less fines _____?

How do we get to those people? If Karen is technically writing the law -- and I've been on Karen hard about it -- you've got to put it from my view. Karen is the only one I know; that's it. I have no clue. I don't for one second think Karen has the right or is in the position to write that law. I believe it's a team of lawyers that has drawn up the law and she's just executing it.

So my question still stands, what we would like to see, I think all of us, is how do we get you all to help open up that door to get to the people drafting the final draft? I think we all in agreement, what we recommended to you and what you send forward to the Department of Commerce is not what came out of it. If it did, we wouldn't be having this conversation.

So, that's where we're trying to go with this thing. It's not to do with one individual. The anger comes out and you want to beat on one individual because they're there. I've been in that position on the other side 100 times, trust me. But, we really need to get to the root of the problem. The root of the problem is how do we change this in the law? It is wrong; it needs to be addressed.

Mr. Waugh: To answer your question about how the regulations get written is we have used in the past a consultant, Gary Allan, who has worked with the National Marine Fisheries Service, writing all their regulations. He worked with council staff; he put that together. The council looks at it, it goes to NOAA Fisheries, they look at it. They published it as a proposed rule, NOAA Fisheries and NOAA GC. It gets published in the Federal Register as a proposed rule, and there is a public comment period where everybody gets to comment on the regulation. We generally distribute that to the relevant AP and to the council. If we see problems with it, we comment to Department of Commerce.

They make changes and publish the final rule, and that final rule is generally effective 30 days after publication. So that's the process. As far as how we change it, you all have given a clear indication of where you all have some problems. We can look at it at our June Shrimp Committee. We're meeting here and bringing the law enforcement people to find out whether we have an issue with the way the regulations are written. If that's where the issue is, we can look at changing that and accommodating the concerns that have been raised. I think that there has been adequate justification put on the record here for us to go forward and discuss.

Mr. Herring: _____ I would like _____ put on the record. I would like to see it in black and white. We should put on the record _____. I would like to see those motions brought forward _____. I will go on record regarding that _____.

Mr. Flowers: Any other comments?

Mr. Wallace: These are the motions that we want to do in a separate amendment from this "Use it or Lose it"? Okay, I just want to make sure that's in there.

Mr. Herring: Absolutely.

Mr. Wilson: How would Mr. Cupka address this _____?

Mr. Cupka: Well, for example, _____. The comment I wanted to make earlier is writing the law is one thing _____ interpretation. I want to tell you I've worked for the state maybe close to 30 years, and I don't think I've ever seen a law that is printed, that somebody can't figure out a way to get around. It's not as cut-and-dried as you might think.

It's hard to write a law and regulations _____. _____, it's not the law, it's the interpretation. I agree with John _____ we need to make them aware _____. The thing that was mentioned earlier in regard to _____, You know, it's not a perfect process. We're going to try and do what we can to move it along _____.

Mr. Flowers: Well, I guess if that's the case, we are really getting crushed for time. If we're going to get this on here, somebody needs to make a recommendation to move it forward. If not we're going to end up just having _____push it forward as is. We are out of time.

Mr. Herring: I'll make a motion to remove the prohibition for possessing rock shrimp in the Oculina closed area provided a vessel is in transit (as monitored by the VMS tracks).

Mr. Wilson: I second it.

Ms. Solorzano: I don't know if this is possible, but can they make a recommendation that if a person is injured on board a vessel, if the person has been took in to the hospital to the doctor et cetera, you have a doctor's proof this person is hurt, that they should – you know, we do have to take care of people. How do we get that in there?

Mr. Flowers: Ask the law enforcement and let him answer that?

Mr. Chessler: Well, you know, that's obviously a mitigating circumstance; and if there is somebody injured and they're running to the dock -- but I have yet to see where a rock shrimp trawler has been anywhere where they needed to cut through the box to get to – royal red, yes, they transit across that and that's not a violation.

As long as they don't have rock shrimp on board, it's not a problem. But as far as VMS and my experience over the last four years, there hasn't been any circumstance where that has come up. Now, if it does come up and we're alerted to it, obviously, that's going to probably be a mitigating circumstance that we're going to take into account.

But the likelihood that you're going to need to cut across the box, I think it's more prevalent in the royal red shrimp fishery than necessarily rock shrimp. But we would take that into account, obviously, if it's a serious safety or an emergency.

Ms. Solorzano: Okay, yes, like if someone drifts into it because _____ documentation of an injured person on board _____ would probably let it go?

Mr. Chessler: Well, I can't say we're going to let it go necessarily, but obviously there are mitigating circumstances that we would take into consideration.

Mr. Flowers: David, is that the only recommendation we need to get on there is as you

said? Is there something else? Tony, we need a second. -----

Mr. Herring: Well, I think you need to address it and let people comment on this _____, but get to that motion and maybe we need to vote on it because there has been testimony presented that people think we shouldn't do it, so it's not a given yet _____. I think we need to complete it first; and then I would make another motion _____. Is that right, Kerry, that we need to --

Ms. O'Malley: Yes, I mean, if you just want to handle this motion, you can handle it and not have any further discussion and vote on it. And, again, we hear every single thing you guys say. I think that it would be very time prohibitive to come up with every single list of things we need to cover. I think that we get what you're saying, and I personally feel like you're covered.

If you want to pass this motion and have the council explore this and have the council _____ law enforcement members that we can get input from, there are other issues that you're worried about, that's the best -- this is not your last chance to ever talk about this again. I mean, we're going to be seeing you in the future. And then we're going to be still working on this other amendment, and then we will have to bring it up again.

And so I think the intent was the important thing, and I think we've got it. You know, it's up to you. I know that you're worried about time, but I just think that trying to cover every single event that could ever happen in the Oculina Bank, you would be here for another couple days.

Mr. Flowers: Yes, we weren't trying to get away from this, Tony. All I was saying was _____ both of them -- for the sake of time, get them both on the screen and we can vote on both of them at one time.

Mr. Herring: I mean especially this one. This is one that's already _____. From my perspective, at least, it needs to be voted on and _____.

Mr. Flowers: All right, I guess we need to discuss it or have a vote on it, how do you want to do that? If you want to make the recommendations, I'm listening.

Mr. Dennis: I'm just worried about how are they going to _____. This is a good idea if it will work _____.

Mr. Wilson: What if we just amended it and removed the "as monitored by the VMS Trac"? Other fisheries are allowed to go across.

Mr. Flowers: I think that's not going to fly because you're required to have it on there, anyway, so _____ how would that work at all if you've already got it on the boat. We're opening up a lot of can of works here. I guess, really, as an AP, we're trying to get this thing on here and use and we want to get it right. I guess, really, what

we need to do is just go around the table and take a vote on let the majority _____ . I don't know any other way to clarify it. Does that suit everybody here?

Mr. Dennis: What is Richard's take on this as far as enforcement goes?

Mr. Chessler: Offhand, I can't give you my opinion about it. Obviously, if that was removed, then we wouldn't enforce that regulation anymore and that would probably cut down on some of the violations _____ .

Mr. Dennis: My question is in St. Petersburg _____ .

Mr. Chessler: The VMS _____ .

Mr. Dennis: _____ .

Ms. O'Malley: I really think we're getting dragged down in specifics here that you just don't need at this point. The Shrimp Committee will look at this. If the Shrimp Committee has any intention of floating this idea further, the Law Enforcement Advisory Panel will look at it. The Law Enforcement Advisory Panel were the ones who gave us the wording for the snapper grouper fishery.

They will give us their opinion on whether or not they think that this is a good idea. What I'm hearing from you all is that you want to be able to be in the Oculina closed area, to be able to transit through it with rock shrimp on board and not be in violation. That is something the council does have control over.

What I'm also hearing is that you are worried about mitigating circumstances such as someone injured or drifts in there. That is something that most likely the council does not have control over, but can discuss with the people who do have control over it. So, if we're all on the same page about that, then I think the intent is captured and we're good and we'll continue. We don't need to worry about more specifics at this time, if you are comfortable with that.

Mr. Williams: _____ .

Mr. Flowers: Tony, do you want to start the vote?

Ms. O'Malley: Please use the microphone and speak. If you want a verbal vote, you need to speak into the microphone.

Mr. Herring: I vote for the motion.

Mr. Flowers: Mr. Thompson:

Mr. Thompson: I vote for the motion, too.

Mr. Flowers: John.

Mr. Williams: I vote for the motion.

Mr. Wilson: Yes, I vote yes.

Mr. Flowers: Mr. Dennis.

Mr. Dennis: For the motion.

Mr. Flowers: Marilyn.

Ms. Solorzano: I vote yes.

Mr. Flowers: I'm going to vote yes myself just because I would like to at least have it on the record to have a further opportunity to discuss it. **The motion carries.** Is there any other business we want to address right at this time?

Mr. Cupka: Again, before everybody leaves, I just wanted to encourage you all to try and get some additional people to apply for the AP.

Ms. O'Malley: We're trying to get applications. The person coming over from the office. The office is not that far away so if you want to hang out for a minute, he's bringing them over. The other thing is I somehow lost the clipboard yesterday that was sent around with everyone's address. As I said, we had a real hard time getting everyone's correct address.

So before you leave, I'm going to hand you one more piece of paper and everyone just write their name, address, phone number, fax number for me. So, I'll pass it around. Please don't leave without giving me your updated information.

Mr. Flowers: Well, on a personal note, Richard, we'd like to thank you on short notice for coming in and at least hearing some of the complaints. I'm sorry you got drug into the argument part of it. We'd like to thank you, as an AP, for coming over on short notice and listening to some of the arguments on my behalf.

Mr. Herring: I had one other motion, but I felt like you guys really – may be we're under a time restraint. I had the other motion that I wanted to bring forward about, as far as the regulations themselves, if there was some way the council could look at segregating out between actual and in fact fishing within Oculina Bank and the other things that it encompasses, being whether it's transiting or gear or whatever, the other things that boats are being fined the same thing for, because it all is under one regulation.

And when they send it out it says a violation, “that _____ unlawfully fished in violation of a prohibition _____ requirements applicable to area closure, including but not limited to prohibition of all fishing, gear restrictions, restrictions on retention of fish as specified in the regulations” -- to me that’s all encompassing everything. It says fishing.

It says possession of rock shrimp, trawl gear _____ or whatever, transit. It’s everything. I think maybe it might help us. There have been several comments made from the prosecution side, and Ms. Raines, that she’s only doing her job. And as this regulation states, I agree, she’s doing her job.

The regulation states everything all into one -- and I think somebody that blatantly is in there and fishing for something and broke the law against somebody who drifted inside or had some kind of mitigating circumstances is a completely different deal. And it might help that prosecution side if that regulation was put some way or two different ones.

Mr. Flowers: Tony, you need to think how to word it. I don’t think anybody here disagrees with that on the AP, because in reality we all know what happens in the real world. The first offense is one thing; the second time you go down there and lose licenses and everything else because _____.

And what Tony is saying is because there is no breakout of the law, it’s all one law, there is no weighted or un-weighted issues here. You can go in there through no fault of your own and you’ve got the same subjection to the second time as somebody willfully broke the law in the first place, and it’s sort of lumping everybody in that same category and it’s not fair to people whose intent not to break the law.

We’ve had a lot of discussion private about this, and it is a valid issue. I mean, we didn’t see that coming and I don’t think the council saw that coming when the draft was made up, so we do want to get it addressed. David, how would you say we proceed?

Mr. Cupka: Well, again, I don’t think you’re going to cover every little _____ violation that _____. Again, we’ve taken note of all these issues _____. If you feel strongly about having a specific motion, that’s fine, too. If Tony wants to make a motion, fine, but I don’t think _____.

Mr. Herring: When is the meeting in Key West?

Ms. O’Malley: Again, I know it’s the week of the 11th through the 14th, but I’m not exactly sure what date the Shrimp Committee meeting falls on.

Ms. Solorzano: Where is that meeting at in Key West? When you get a chance, would you tell us that, too?

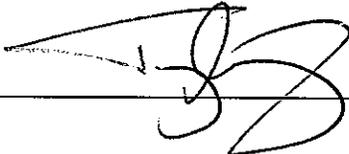
Ms. O'Malley: Okay, so the information on the council meeting, on June 12th from 4:30 to 6:00, the Shrimp Committee will be meeting at the DoubleTree Grand Key Resort in Key West. That information is already available. We're pulling it off of our Website right now, www.safmc.net.

You will not get specific travel information about it, because you're not one of the participants but you will get, again, all the briefing materials and you can look up all the information, the hotel information online. And, you can also call our office, and you can make sure if you want to attend. So, again, 4:30 to 6:00 on Tuesday, June 12th is the Shrimp Committee.

Mr. Flowers: Folks, if anybody else doesn't have anything to add at this time, we're going to be wrapping our meeting up today. We'd like to thank the council and people that's traveled to help us. If I'm talking out of turn, somebody else has something to add, go ahead and speak and I'll shut up. I know this is a lot to ask in a hurry and we appreciate that the time that the council has given us today on short notice.

If it wasn't of a priority to us, we wouldn't have asked for such short notice. This thing is something that we just really feel as an industry we've got to deal with and deal with it shortly. I think you all agree or you wouldn't have accommodated us. We appreciate your time and your efforts, and we thank the ladies very much and we thank you, Richard, for traveling here. And thanks for your help.

(Whereupon, the meeting was adjourned at 11:57 o'clock a.m., May 2, 2007.)

Certified By:  Date: 5/27/08

Transcribed by:
Graham Verbatim Transcription
May 31, 2007

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ROCK SHRIMP ADVISORY PANEL MEETING

**Town & Country Inn
Charleston, SC**

May 1-2, 2007

SUMMARY MOTIONS

PAGE 20: Motion to recommend to the Council:

- Remove the 15,000 pound requirement
- Reinstate permits that may be lost due to not meeting the 15,000 pound requirement
- Reinstate permits lost through failure to renew the limited entry rock shrimp endorsement.

The motion approved on page 61.

PAGE 68: Motion to rename the Rock Shrimp AP, AP the Deepwater Shrimp AP and add royal red fisherman to the AP. The motion approved on page 69.

PAGE 94: Motion to remove the prohibition for possessing rock shrimp in the Oculina closed area provided a vessel is in transit (as monitored by the VMS tracks). The motion approved on page 98.