

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **LAW ENFORCEMENT ADVISORY PANEL**

**Savannah Hilton DeSoto Hotel  
Savannah, Georgia**

**MARCH 5, 2012**

### **SUMMARY MINUTES**

#### **Law Enforcement AP:**

Major Chisolm Frampton, Chair  
Capt Rob Beaton  
Lt. Brandon Fisher  
Capt. Doug Lewis  
Mark Rogers

Capt. Jim Kelley  
Special Agent Otha Easley  
Mike Kennedy  
Karen Antrim Raine

#### **Council Members:**

Ben Hartig

#### **Council Staff:**

Bob Mahood  
Myra Brouwer  
Dr. Kari MacLauchlin  
Julie O'Dell

Roger Pugliese  
Anna Martin  
Dr. Brian Chevront

#### **Observers/Participants:**

Phil Steele

Dr. Jack McGovern

Other observers attached to end of document

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened at Savannah Hilton DeSoto Hotel, March 5, 2012, and was called to order at 1:30 o'clock p.m. by Chairman Chisolm Frampton.

MAJOR FRAMPTON: This is the Law Enforcement Advisory Panel Meeting. The first thing on the agenda is the approval of the agenda for this meeting. Just to minor changes that Myra is going to go over more than she thought she was going to go over.

The second item on the agenda is the approval of Law Enforcement AP Minutes from our last meeting. Have we got any corrections, deletions, additions, discussion on it? The minutes are approved. Next on the agenda is the update on recent amendments. Myra, do you want to give us an update on this?

MS. BROUWER: I'll just quickly walk you through the amendments that are currently under review, the ones that have been recently submitted and such to give you an idea of what is coming down the pike. The Comprehensive ACL Amendment, you're all familiar with that one. We went over it a couple of times.

It's the one that sets all the ACLs for species that are not assessed. This one was submitted in October. We received a letter in January that the Comprehensive ACL Amendment has been approved and so we are waiting on the publication of the proposed rule. As far as law enforcement issues in this amendment, there are at least two actions that I can think of.

One has to do with prohibiting bag limit sales of dolphin for charter captains, and the other one has to do with wreckfish regulations. There is a 5 percent allocation to the recreational sector that is going to go into place. There is a limit of one wreckfish per vessel and there is going to be a recreational season of two months, July and August. All those are going to be part of the Comprehensive ACL.

Then we have Amendment 24, which is the amendment that established a rebuilding plan for red grouper. The Notice of Availability of that amendment was published on February 27<sup>th</sup>, so the comment period is open for a month. The proposed rule is up in Washington, so that will publish at some point soon. There are really no enforcement issues with that one, I don't believe.

Regulatory Amendment 11, this is the one that would take away the 240-foot closure. I'm sure you have been hearing about this one for some time. The amendment is still under review. It is going to be discussed at length, I imagine, during the Snapper Grouper Committee on Thursday. I don't know what else to tell you about that one other than we don't know what is going to happen.

Amendment 18A, this one you probably saw last July. We discussed mainly, if I recall correctly, what constituted a trip. There is an action in that amendment that requires that pots be brought back to shore at the conclusion of each trip. The law enforcement folks were saying, well, what exactly does it mean "brought back to shore".

We discussed this at the last council meeting and the council gave us guidance to adopt the same language that is in the regulations, and there is actually a definition that says what “brought back to shore” means. That has now been included in the amendment itself. This one was submitted in January. It’s still undergoing review. Another thing going on with this one is the council has requested that NMFS, if all possible, try to implement the regulations by June 1<sup>st</sup>, which is when the season for black sea bass opens up. We’re going to wait and see if that actually happens.

Amendment 20A was submitted in December. That one is also still under review. This is one that makes changes to the ITQ Program for wreckfish. What this one does is it figured out the shares in that fishery that weren’t being used and it reallocated them among the active participants. Of course, this is going to function under the new ACL that the Comprehensive ACL is going to put in place, which is substantially reduced from the previous one. It’s going to be 235,000 pounds altogether. That’s pretty much all I have as far as updates on current amendments. Does anybody have any questions or clarifications that you might need?

MAJOR FRAMPTON: Is there any discussion on what Myra just went over, thoughts, issues? All right, moving right along, we’ll go to Amendment 18B, golden tilefish.

MS. BROUWER: Amendment 18B puts in regulations for the golden tilefish fishery. This amendment has been under development for a long time. Initially it was part of Amendment 18 and then in June of last year the council split out 18A and 18B with 18A being all the regulations pertaining to black sea bass, and so we were left with 18B, which is everything pertaining to golden tile.

We took this amendment to public hearings earlier this year. We did hearings in New Bern, North Carolina. We did Pooler in Georgia and three places in Florida at the beginning of February. What I’m going to do is walk you through the decision document, which is what the council is going to be using and what the Snapper Grouper Committee is going to be using to discuss this amendment on Thursday.

Basically what we’re looking for here is anything that you see that might have enforcement repercussions or any kind of enforcement issues that you see need to be discussed or brought to the council’s attention, but I think it’s pretty straightforward. Initially the purpose of this amendment overall is to limit the participation in the golden tilefish fishery.

The way that the council has chosen thus far to accomplish that is through establishment of an endorsement program. The first action would establish such a program. Currently the preferred is to establish a hook-and-line and a longline endorsement; and if you qualify for both, then you receive both. The fishermen can make their own decision as to which one they’re going to fish under.

After the endorsement program is established, then you have to figure out eligibility criteria; who is going to qualify for the hook-and-line endorsement and who is going to qualify for the longline endorsement. Action 2 establishes the eligibility criteria for the hook-and-line endorsement. Currently the preferred is to receive a hook-and-line endorsement a fisherman

must have a harvest level of 500 pounds gutted weight when the best three of six years from 2005-2010 are aggregated.

Based on that, there would be 39 endorsements that would be established. I believe 36 of those would go to fishermen in Florida because that's mainly where the fishery is being prosecuted and those are the folks that have the history to qualify. Any questions so far? Okay, then we would establish the eligibility requirements for the longline endorsement. The preferred is the fishermen must have an average of 10,000 pounds for the best three years within the period of 2006-2010.

Notice that both of these alternatives do not include 2011, so the issue we're having as far as the public is concerned is folks that have entered the fishery recently, of course, would not qualify for these endorsements, and they have come forward and requested that the council reconsider the eligibility criteria so they will be eligible to qualify.

Under this alternative there would be 14 longline endorsements and 10 of those go to Florida. One of the problems or one of the things that the Snapper Grouper Committee is going to be talking about is one of the reasons for this amendment. One of the things the council wanted to do was to try to even out the harvest geographically, because what is happening right now is the majority of the quota is being taken in Florida before the folks in the Carolinas even have a chance to get out and fish.

The council wanted to try to even that out a little bit, but unfortunately with this endorsement program as they have it set up right now still favors Florida as far as the majority of the harvest is going to be there. Any questions?

MAJOR FRAMPTON: If you wanted to get into the fishery; how would you get into the fishery now? How would you get into the fishery now? If you wanted to be a new participant, you cannot?

MS. BROUWER: No, you could not.

AP MEMBER: Are any of the permits held by North Carolina at all?

MS. BROUWER: Yes, they are and let me look it up real quick. As far as the hook-and-line endorsement, there are two individuals out of Dare County that qualify and there are no individuals in North Carolina that qualify for the longline endorsement under the council's preferred alternative.

AP MEMBER: I had a couple of fishermen that called in and inquired. They thought they were going to lose their eligibility and that's why I wondered.

AP MEMBER: How will these be filled once somebody comes out of the fishery; what would be the criteria for a new person getting in one of these? Will it be a limited entry fishery to start with 39 and if, say, two people dropped out, how will those be filled?

MS. BROUWER: One of the actions that are going to come up later is that the endorsements are transferable, so a new entrant would have to acquire an already existing endorsement from somebody else. That would be the only way that they could enter and fish for golden tilefish the way that the council has it set up right now.

Now, I should tell you that the council is also going to be discussing, when we meet in the Snapper Grouper Committee on Thursday, a potential Catch Share Program for the longline sector. This is something that we were asked to put together just to see what the scenarios would be like, what a catch share would look like. As you know, there are hundreds of different ways that you can design such a program. We'll go through that during snapper grouper on Thursday.

Just to remind you, if you guys have any recommendations or anything that you would like for the council to consider as coming from the AP, as I walk through these please stop me. Usually what we do is there is a section in the amendment called "Council Conclusions"; so when we go and we write that we talk about what has been recommended by the various APs or the SSC or whatnot. If you have any recommendations now would be the time to bring those up.

Okay, moving on, the next action is to establish an appeals process. This is pretty straightforward. There would be a period of 90 days during which appeals would be considered, and hardship arguments would not be considered. It just basically goes into the administrative details of the kinds of information that you would need to appeal.

AP MEMBER: Myra, going back to one of the comments you made a while ago, I would like to see some way that these permits could be scattered out; so if somebody in Florida wanted to get out of the business, it wouldn't necessarily have to stay in Florida. It could go to Carolina or somewhere else on any of these permits, if that makes any sense to you.

MS. BROUWER: You're saying if somebody in Florida wanted to move and go harvest elsewhere in a different state?

AP MEMBER: No, I'm talking about somebody in Florida gets out of the fisheries business and somebody in North Carolina may not have access to the person in Florida that is coming out of the business; now how would he get the opportunity to be able to make contact with that person to get that?

MAJOR FRAMPTON: I think if I'm reading Myra, he'll have to buy it from him. The actual permit will have some type of case value associated with it. I don't know how the people in South Carolina and North Carolina would know that a Florida fisherman was getting out of the fishery, but I would assume if he wanted to get the most for his permit he would let that be known.

MR. KENNEDY: I may be wrong, but I believe you can find those things everywhere from Craig's List to all kinds of different listings. At least you can for the snapper in the Gulf. If someone wants to get in, they could buy their way in.

AP MEMBER: I just wanted to make sure there was some way that somebody out of North Carolina wanted to get out of it and somebody in Florida wanted, they would have access it.

MS. BROUWER: Okay, moving on to Action 5, this is where the council would allocate the ACL between the two gear sectors. Currently their preferred is to allocate 75 percent to the longline sector and 25 percent to the hook and line. This preferred is based on the distribution of landings for this fishery before the longline fleet came to dominate the fishery.

Back in the early eighties or late seventies the hook-and-line sector was taking at least 25 percent of the allocation or their landings showed that 25 percent of the harvest was being taken with hook-and-line gear. Then the longlines came along and they basically have taken over and dominated this fishery, so the council would like to see the fishery going back to that 25/75 percent split. Currently this is their preferred.

I think most of the folks that we heard from during public hearings were okay with that. The one unknown here is the ACL is going to be adjusted, and I'll tell you about that when I talk about Regulatory Amendment 12. The ACL is going to be adjusted because there was a stock assessment that was recently done on golden tilefish, and that stock assessment indicated that the stock was no longer undergoing overfishing and it's not overfished, and so the ACL is going to increase.

The concern here is – and I don't even know if this is a concern, but just something to keep in mind is in recent years the hook-and-line sector has been taken an average of about 10 percent of the harvest. With this new allocation and an increased ACL; are they going to be able to harvest 25 percent? That's an unknown, I guess, and that's something the Snapper Grouper Committee will have to discuss.

Another thing that they're considering for this fishery is trip limits, so I'll tell you about that as well a little bit later. This table basically shows you – the hook and line and longline are the first two columns, and it shows you the split between the two gear groups. Action 6 gets into the transferability like we were talking about. Here I'm not even going to go over the preferreds because I think they don't reflect the council's intent.

I think the Snapper Grouper Committee is going to have to spend a little bit more time thinking about this. The reason it's a little bit disjointed right now is because the guidance we received in December was to go ahead and make these alternatives be similar to what was put in place for black sea bass.

Then it turns out that what was put in place for black sea bass did not exactly reflect what the council intended to do. We were a little bit at a loss as to how to fix it, so we're going to go back to the committee and say, okay, can you please – let's go over this again and let us know what exactly it is that you'd like to do.

My understanding is from the discussions and the minutes at the meeting is that the council would like for the endorsements to be transferable, but the landings history would remain with the permit.

Okay, so the endorsements could be transferred independently of the permit; but if somebody needed to acquire history for the fishery, they would have to get basically a new snapper grouper permit because there would be no landings history associated with the endorsement. Any questions on that?

CAPTAIN BEATON: Where is the council when we look at all these amendments to management plans; what is their position with requiring VMS on these fisheries, especially when we start talking longlining fisheries?

MS. BROUWER: Yes, that's a good question and I wish I knew the answer. It's unclear to me. I have been with the council for nine years now, but it goes back and forth. I'm not sure. They are going to be talking about it or they have talked about it for the golden crab fishery. I think when Brian gets here a little bit later will be asking your thoughts on that and whether it would be a good thing for enforcement.

We went through this when we were doing the Coral Habitat Areas of Particular Concern. If you remember, we talked a lot about the golden crab fishery and whether the VMS was going to be a useful tool for enforcement. I know they're discussing it for that, and the Snapper Grouper AP and the fishermen in general have come to the council with that suggestion, that they feel there should be VMS implemented in the snapper grouper fishery. I couldn't tell you what the council is intending to do.

CAPTAIN BEATON: I think everybody in this room enforcement-wise thinks it's a great tool; and for the record, if we could, we support VMS for highly regulated fisheries; and especially like I said when we start talking longlining gear and how it indiscriminately fishes. Sometimes it has been a big help in the Gulf with our longlining fisheries and our enforcement abilities.

LT. FISHER: I also echo that from our perspective, safety as well. I can think of several SAR Cases where VMS has played a major role in locating the vessel more quickly than we would have been able to otherwise.

MR. HARTIG: This is a really good discussion. We do have some closed areas. There is no longlining done that starts at St. Lucie Inlet south and then we have the Oculina Closed Area, which incurs out into tilefish grounds that actually has protected some of those animals over the years. I am a tilefish fisherman and a hook-and-line bandit fisherman and I fish in the no longlining zone and we have seen some incursions in the last couple of years. Certainly, VMS would go a long way to help curb those. I certainly support VMS for this fishery particularly.

CAPTAIN KELLY: I really like the idea of the VMS, but I'd like to try to find some way short of a JEA that we can get some of the information that would be made available. I'd like to try to find some way to work our way into at least gaining access to that.

MAJOR FRAMPTON: Currently North Carolina has no access to VMS?

CAPTAIN KELLY: That is correct.

MAJOR FRAMPTON: I think we'll have to work with NOAA and see if we can come up with something.

MS. BROUWER: Okay, so just to recap, I've got on the screen a recommendation from the Law Enforcement Advisory Panel that the use of VMS for all highly regulated fisheries is recommended for both law enforcement and safety purposes. Okay, moving on to Action 7, the council considered potentially adjusting the fishing year to address the inequality of the harvest. Like I was explaining to you, they figured, well, if they changed the fishing year maybe that would give the guys in the Carolinas a little bit more of a chance to participate in the fishery. In the end they settled for the no action alternative, which is to retain the existing calendar year as the golden tilefish fishing year.

Then we get into modifications and establishment of new trip limits. Action 8 would modify the existing trip limit. The council is considering removing that 300-pound gutted weight trip limit when 75 percent of the ACL is taken. From what I understand, when this first was put into effect – and I believe this was through Amendment 13C back in 2006 – that 300-pound trip limit was intended for the hook-and-line sector.

The idea was that the longliners would fish under that 4,000 pound gutted weight trip limit; and then when 75 percent of the quota was taken, then the hook and liners could fish under a 300-pound trip limit. Now that the council is considering separate quotas for each gear sector, then there is no longer a reason to have a 300-pound trip limit so they're considering removing that.

Then we get into establishing trip limits for fishermen that do not receive a hook-and-line endorsement. This gets at the issue that was brought up earlier on how would somebody who wanted to fish for golden tilefish be able to do so. Well, there would be a trip limit specifically for those folks who have a snapper grouper unlimited permit but that do not qualify for the hook-and-line endorsement. Currently that preferred trip limit would be 200 pounds.

AP MEMBER: I'm just wondering because like you said earlier North Carolina seems to be on the short end as far as a lot of the quota being eaten up. Is there no way to bring them in more?

MS. BROUWER: Well, that would be a question for the Snapper Grouper Committee and they will be discussing this I believe on Thursday. Ben, do you want to speak to that?

MR. HARTIG: Yes, that's a really good question. North Carolina has only produced about 4 percent of the quota over time. South Carolina has produced around 30 percent and Florida the remainder if you look at long-term averages. Certainly, we will have one longline fisherman from North Carolina who will qualify.

If you look at what has happened since 2006 when we put the real restrictive quota impact in, South Carolina hasn't caught their historic proportion. What I would like the council do is go back and regionalize this fishery and go back and try and – and now that we have a bigger quota that we can actually do this with is actually get those different areas back to their historic participation in the fishery. That is something we can do.

AP MEMBER: It just seems like when you're giving people without a permit or without an endorsement to fish and then you have people on the other end that have the endorsement but aren't getting them, it just made me wonder.

MR. HARTIG: And I don't know how that – with law enforcement, as long as you know what the trip limit is, you don't have the endorsement – it was primarily as a bycatch provision. It got up to 200 pounds in the last discussion. It probably will settle down around 100 pounds as a bycatch for other fisheries. Like if you're catching snowies in South Carolina in that rock and mud bottom, you could have a hundred pounds of golden tilefish and you wouldn't have to throw those fish away dead, which would be why we would do that.

Getting up into 200 pounds where I am in South Florida where it's a one day in and one day out, that's a directed trip so 200 pounds is really too much for that area because people could actually direct on it and then you would have a lot more competition.

Farther down the line we talk about a trip limit for the hook-and-line fishery of 300 pounds; and if you have a 200-pound bycatch allowance it doesn't do you much good to have an endorsement for the hook-and-line fishery. My intent at least is to go down to get this a bit smaller but have something in there so we can address the bycatch.

CAPTAIN BEATON: Kind of building on what you were saying, if you're a longliner without an endorsement your bycatch is zero pounds; is that the way this alternative is reading?

MR. HARTIG: That's an interesting thought.

CAPTAIN BEATON: You can't have any golden tilefish as bycatch.

MR. HARTIG: But if you look in the snapper grouper fishery, I don't know that there is a longline fishery outside of golden tile that we actually harvest snapper grouper any longer. You have to be outside of 50 fathoms, 300 feet, and none of the longliners I know can actually set in areas where they're actually catching other species.

There really wouldn't be a bycatch of golden tile in a longline fishery unless somebody targeting something that we don't know about in a depth that was close to that. What has happened is there used to be a longline snowy fishery, and in South Carolina it was snowy and golden mix because of the bottom in South Carolina in that depth, but there hasn't been a snowy fishery in the last ten years since we did the last assessment.

Because the quota has been so small, they couldn't effectively make a trip to target snowy. Maybe in the long term we'll have to address that; that's a good question. If that longline fishery does – as snowy gets better and we increase those harvest limits on snowies and if that does resurface, we might have to institute a bycatch allowance for golden tile. That's a really good question.

MS. BROUWER: Ben, just out of curiosity – and I should know this but I don't – is there any bycatch of golden tilefish in the shark longline fishery?

MR. HARTIG: Not to my knowledge. I don't know of any longliners that set in that depth range for sharks. It's primarily inshore and farther inshore since the prohibition on their main targeted species, which is escaping me right now, sandbar sharks. Sandbars were a bit deeper than what they can catch primarily now, the bulls and lemons, the blacktips. Blacktip is even farther inshore. I haven't ever seen a shark longliner fish in those depths.

MAJOR FRAMPTON: Maybe we should make a recommendation that the council look at this. Can you restate concisely as you can what you just said that we need to do?

MR. HARTIG: As far as looking at – yes, if the snowy fishery redevelops in South Carolina, the longline fishery redevelops, the council should address bycatch of golden tilefish in that longline fishery.

CAPTAIN BEATON: Yes, and that would be for non-endorsement holders for golden tile.

MAJOR FRAMPTON: When would we get another stock assessment on golden tile to have an idea of whether the – or snowy to know whether the fishery will come back?

MR. HARTIG: Snowy is coming up pretty quick. I think next year we'll have a snowy assessment. The preliminary indicators from the MARMAP information show that snowy has improved quite a bit. I envision that fishery starting to come back and we'll have some harvesting.

MS. BROUWER: Okay, and then getting into Action 10, as Ben mentioned this would establish trip limits for fishermen who do receive a golden tilefish hook-and-line endorsement, and here I have to explain what I think happened. The council in December I think intended to send Alternative 2 to the considered but rejected appendix and consider trip limits of 400 and 500 pounds for hook-and-line endorsement holders.

Instead what happened – and this I'm not going to admit that I'm guilty, but could have been my fault. The council approved just going out to public hearings with Alternatives 1 and 2. The trip limits of 400 and 500 pounds were not actually taken out to public hearings. We only went out to public hearings with a trip limit of 300 pounds.

Going back through the minutes of the meeting, I think what happened is they got confused with actions. They actually intended to take Alternatives 3 and 4 out of Action 9 and make those go away, and I'll put those up on the screen here, and then keep the higher trip limit for the endorsement holders.

I see Ben nodding his head so I think that's exactly what ended up happening because it makes no sense that folks without an endorsement would fish under a 200-pound trip limit and those with an endorsement would have only 100 pounds more.

MAJOR FRAMPTON: Why under Alternative 2 is it a gutted weight and under 3 and 4 it's not?

MS. BROUWER: That's probably a mistake; it should be all gutted weight. As Ben said, this is something that the Snapper Grouper Committee is going to have rehash on Thursday and decide whether how they want to proceed with the trip limits. Okay, then we have Action 11 which is the one that would address the ACL and the optimum yield based on the latest assessment.

We took this out to public hearings because at the time we had not yet received the analyses that the Scientific and Statistical Committee had requested to establish the acceptable biological catch, and so we included this action in Amendment 18B. Since then we received the information that the council needed to go ahead and select alternatives for adjusting that ACL.

This action was actually moved to Regulatory Amendment 12. I'm not going to go through it right now because we'll go into more depth in Regulatory 12. The same thing goes for the following action which would revise accountability measures for golden tilefish. Both of these ended up getting taken out of 18B or are going to, I should say, if the Snapper Grouper Committee approves it, and I think it probably will since we have a whole 'nother amendment that deals with just these two actions, and they will be taken out of 18B.

That pretty much wraps up the changes for golden tile for Amendment 18B. On the agenda the council was supposedly going to approve this for submission to the secretary, but now that there are so many things that are left for them to decide and discuss and reconsider that I think they're going to end up spending a little bit more time on this amendment and also considering what we've put together in Regulatory Amendment 12.

The other thing is if you're going to go forward with 18B, the ACL adjustment in my mind at least should happen first, and so the idea is to get that taken care of first before any other changes are made, so 18B is not going to go to the secretary more likely than not at this meeting. I should say it's not going to get approved.

Now I'll tell you about Regulatory Amendment 12. Okay, this is a regulatory amendment because it is adjustments to the ACLs can be done more quickly through the framework process that the council has put in place. It's a process that takes less time than a full-blown amendment. The idea is for the adjustment to the golden tile ACL to take place as quickly as possible so the council could potentially even consider recommending that the fishery be reopened in 2012.

As you know, the fishery closed I believe it was February 17<sup>th</sup>. Depending on what they decide, there is a chance the fishery could reopen. Let me walk you through this amendment. There are only three actions. The first one is to adjust the ACL, and there are five alternatives. One is no action and the current is that the ACL would be set at the yield at 75 percent of Fmsy.

Then there are three other alternatives, Alternatives 2 through 4, which are very similar to what was in place for similar actions in the Comprehensive ACL; so set the ACL at the same level as the ABC, and this is what the council chose to do for all the species in the Comprehensive ACL. Then there are two alternatives that would set that limit at a percentage of the acceptable biological catch.

Then we added Alternative 5 which would set the ACL at the yield at 75 percent Fmsy but when the stock is at equilibrium. It's different than Alternative 1, and I'll show you the numbers in a minute. These are the ones that the council will have to choose from when they talk about this later this week. I'll show you what the numbers look like in just a little bit.

Action 2, we are recommending that the council consider an annual catch target for this fishery, and that is because there have been overages in recent years. An annual catch target would provide another level of assurance that the ACL is not going to be exceeded. These are the alternatives that we're going to present to the committee; and again the ACT is set at a percentage of the ACL to account for that management uncertainty and quota monitoring issues.

Then the last thing they'll do is talk about revising the accountability measures. For this they actually have chosen preferreds. This basically mirrors what the council did for the Comprehensive ACL Amendment. Right now for the recreational sector they have a three-year moving average that is used to compare landings to the ACL.

Since that went into place through Amendment 17B, we have realized through looking at the numbers and running through scenarios that particular methodology is risky in that it could potentially trigger accountability measures when they're not needed. When the council was developing the Comprehensive ACL, they looked at a whole bunch of different alternatives.

They looked at using confidence intervals, they looked at a modified approach and they settled on simply comparing landings to the ACL in a given year, and then there would be an in-season AM where the RA would publish a notice to close the sector when the ACL is projected to be met, which is already something that is happening with other species.

Then Alternative 4, which is the post-season AM, would take a bit more of a conservative approach than is currently in place. If there is an overage, if the ACL is exceeded then there would be much more close monitoring of the landings the following year. Then if the overage persisted, then the RA would publish a notice to reduce the length of the fishing season the following year.

Here the council is not considering the payback like they have for things like black sea bass and some of the other fisheries because those fisheries are overfished, and so that's when the payback provision comes into play, so at least they have been consistent on that until now. They're not considering payback for golden tilefish.

Let me show you the numbers. Basically the projections that were received from the Southeast Fisheries Science Center are based on a recommendation from the SSC for a probability of overfishing level of 35 percent. They call that a P-star level. The SSC, based on what they have outlined in their control rule, established that a P-star of 35 was appropriate for this fishery based on the assessment.

That's where the projected ABCs for each of the years that you see here on the left-hand side of this table come from. Then it's just split out 97 percent commercial and 3 percent recreational,

which is the current allocation for this fishery. You see what the numbers would be for each of the alternatives.

Alternative 5, notice that the ACLs stay constant for the entire time period, and that is because this is the level when the stock is at equilibrium. Okay, this comes directly from the stock assessment and it's a level that can be sustained over a long period of time. Rather than adjusting the ACL every year like would happen if the council chose to go strictly by the projections, they would pick level that would stay the same until there is another stock assessment.

You see what the ACL would be over here on the right-hand side of the table for that alternative for commercial and recreational. For commercial the ACL under Alternative 5 would be 606,000 pounds and some change and the recreational quota, which is as you know specified in numbers of fish, would be 3,019 fish. Do you have any questions on that?

That's the meat of Regulatory 12; and as I said that's an amendment that the council is going to looking at this week and most likely they're not approving it for submission to the secretary. There is going to be a public hearing held on Thursday evening where the council will take public comment on this amendment.

Then if all goes well and the ACL is adjusted, then potentially golden tilefish could reopen this year. I believe another thing the council is going to consider or least they're going to talk about is maybe divvying up the increase and not allowing the ACL to go up all at once; maybe just a portion of it this year and the rest next year. I don't know what ideas they're going to come up with, but that's sort of the kind of thing I've been hearing, so I think they're going to talk about that as well.

MAJOR FRAMPTON: Myra, in Table S-7, just looking at the commercial and the recreational total, can you tell me why we go from such low numbers to high numbers and back to low numbers?

MS. BROUWER: This table here that Chisholm was just asking about is a table that was included in the public hearing summary for 18B that went out to public hearings. It's included also in the amendment and I believe it's also part of Regulatory Amendment 12. This is the breakdown of commercial and recreational landings since 1986 forward.

There are some zeros in the table that people are wondering why they're there. The one that jumped out at us mostly was this recreational number for 2005 of 240,000 pounds. If you look at all the other ones, they're much lower than that so we've been trying to figure out how this happened, whether this is a real number, whether this is a number that went into the assessment like that or whether the SSC recommended something different.

So far it looks like the majority of those landings came from the charter sector. I believe it was 195,000 of that amount came from charter according to the data base that is maintained by the Southeast Fisheries Science Center. Now, when the stock assessment folks got together for SEDAR 25 and they saw these landings, they considered that number unrealistic. What they did

for the assessment is they took the average of the previous three years I believe or somehow they smoothed it so that it was a number that wasn't going to throw things off that much.

It was taken into account and it was corrected for in the assessment. We've been talking to the region and to the Center over the last few days to try to figure out is this a real number or is there something fishy going on in there, but so far we haven't – we actually had a conference call the other day and that's what the data base is showing, so I'm not sure.

MAJOR FRAMPTON: Ben, do you know when SEDAR 25 was done?

MR. HARTIG: Recreational statistics, the way they gathered, when you have occurrences of rare species, which tilefish is a rare species of occurrence in the recreational fishery, you have these ups and downs just because one year they encounter more people and other years they don't, so you have this up-and-down problem that occurs. Myra was right, the 240,000 in the assessment that they averaged values on each side of it to get rid of that figure.

You could do the same for zeros. When I've used recreational data in the past for the different papers I write, I go through and find those numbers and deal with them in some kind of a way to make them as not outliers. I don't think that's a real number and it's an artifact of how recreational data is collected, and that's the point I wanted to make.

MAJOR FRAMPTON: Not to get off topic; it doesn't have anything to do with what we're doing, but why such a large reduction in the catch in the commercial side, too? What is the cause of us going from such high catch levels in a steady downward progression?

MR. HARTIG: I'm trying to figure out when the amendment was put into place. We had a step-down in quota in Amendment 6, Myra, where we went from – it came down to a million pounds. It started at a million-six, I think; I can't remember exactly, but that may have something to do with it. I can't remember the year, but I will tell you that the council never got a handle.

They were always behind the eight ball trying to get ahead of the decline. They would set a quota and the fishery continued downhill after a couple of years. Those are real declines you see in those – we had real significant declines; and in fact they've declined so much in that ten-year period that most of the longliners got out of the fishery.

By the time we're back up around 2004 where we start to see increases again and on into 2008 was when decided, hey, we need to get a handle on this fishery, we've got a core group of longliners that are still in it, let's cap it here; and then as the fishery progresses let's try and rebuild the fishery and let some other people in it in a rational manner.

Unfortunately, we were so tied down with MSA requirements for the last three years we couldn't get that done. Now we've had four years of increased landings histories participation, the fish are there, more fishermen have gotten into it, so now we're in a real mess on how to deal with this deal.

But that was real decline in the fishery; it hit the bottom as you see right there in 2003 where you had that real low number, but then we had those two hurricanes in 2004 – I think it's 2003 and 2004 three of the eyes went right across the area where most of the tilefish are caught. The fishermen are thinking that there was some kind of movement with the rebuilding of the population. It's an interesting dichotomy there you see, but you're spot on in what happened.

MAJOR FRAMPTON: Thank you for that little lesson. Myra, we'll go back to you. Anymore discussion on Regulatory 12? Comprehensive Ecosystem-Based Amendment 3, Anna.

MS. BROUWER: Okay, Anna is going to go grab Roger. He has some things to show you guys, but let me just give you a little bit background on this amendment. This is an amendment that we took out for public scoping earlier this year. At the December council meeting we were told these are the items that we would like to get more input from the public.

We went out to scoping with the list of items, several of which have to do with spatial management. There is one action to potentially increase the extent of the Oculina HAPC northward. There is a recommendation to extend one of the Coral HAPCs towards the western boundary of it. It's the one in Florida.

There are a few items related to snapper grouper. There was another item that drew a lot of attention from the public, which was the prohibition on powerheads. This was something actually that originated from the North Carolina Commission because they were concerned in their waters they had seen – they were concerned about, what do you call it, localized depletion. I guess there were some rather large individuals that were being taken out of specific regions, areas or what have you. Anyway, the council thought, well, let's just see how the public feels about prohibiting powerheads throughout the South Atlantic. That didn't go over very well at all.

We also scoped a recommendation from the Snapper Grouper AP to increase the size limit on hogfish to 18 inches. As you would expect in Florida folks were kind of dumbfounded by that. They're saying, really, you see them that big? It was one of those things where the southern end people were saying that this is too big of an increase.

Again, that was a recommendation that came from some of the Snapper Grouper AP members from North Carolina. There was also an action to increase the size limit on gray triggerfish that we took out for scoping. Anyway, Anna and Roger will get into more details about this, but that's basically the background on it.

MS. MARTIN: I'm Anna Martin; I've met most of you on the LEAP here. I'm council staff and I am the lead on the Comprehensive Ecosystem Amendment. I will also be working with our Shrimp Advisory Panels, and I've been working with our Coral Advisory Panel, so just to give you a little idea of where I'm coming from on the council staff level.

As Myra said, this is an amendment that has a number of issues. This was taken out for scoping during our meetings in January and February. We did receive a good bit of input on what we have in this document. What you see here are most of the issues are in regards to deepwater

coral, the designation of spatially managed areas and changes to management in the snapper grouper fishery.

Scoping is a step that allows the public an opportunity to provide comments and suggestions to the council before any direction is taken at the council level. This week they will be deliberating about these issues and deciding what to include in the developing amendment and what to defer to a future amendment.

At that point we can take these measures to our advisory panels this spring and our SSC in April and as well as our planning team to kind of further refine analysis to bring back a more fleshed-out document to the council in June. I want to walk through these issues – Roger has some specific details to provide the measures to expand the Coral HAPCs – and just give you a little bit of background on where these issues came from and give you again an idea of the timeline for the developing amendment here.

We have a few actions that are directly coming from our Coral Advisory Panel. They met last October. Many coral scientists sit on our advisory panel and they brought forward some specific recommendations to consider expanding the boundaries of a few of our existing coral habitat areas of particular concern, or HAPCs.

It is important to note that a few advisory panel members were involved in research that NOAA's Deep Sea Coral Research and Technology Program has focused on surveying uncharacterized areas of bottom habitat in the South Atlantic for the past three years. The recommendations that they brought to the table are kind of a direct output of that work. The first is to consider expanding the boundaries of the existing Oculina Bank Habitat Area of Particular Concern.

Again, this is based on research that has identified two newly discovered areas of high-relief Oculina Coral mounds that lie outside of the current boundary. I'll kind of give you the chart, which is a better depiction of what they are proposing here. The lightly shaded blue, which is a little hard to see on the screen here, this is the Coral Advisory Panel's recommendation for expanding the northern boundary of the existing HAPC.

This would extend the boundary up to off of the St. Augustine area, and the western east boundaries would be along the 60 meter and a hundred meter depth contour. This is a recommendation again from the Coral AP. The council has not yet discussed this issue, but the Coral AP is recommending approximately a 393 square nautical mile addition here.

Again, still focusing on the Oculina HAPC, the Coral Advisory Panel is recommending that the council consider expanding the boundaries of the western Oculina boundary. This figure represents what they are proposing. This is an extension primarily between the existing two satellite sites and also bounded by the 60 meter depth contour.

AP MEMBER: That 60 meter depth contour line, that's actually following the contour or lat/long simulation?

MR. PUGLIESE: I can get into some of the details after she runs through the general, but I think their intent was it was supposed to follow the actual bathymetric line. We've been working with that and actually have some things on the table that after scoping tried to address some previous interactions we had with law enforcement about trying to address bathymetric lines versus straight lines.

Hopefully, that's going to help all of us get further down the road, but I know exactly where you're going with that. Yes, right now that's the proposal that originally came out of the advisory panel and it was trying to give the best science on the distribution and we're reacting beyond that.

MS. MARTIN: Okay, moving on to Figure 3 – this is PDF Page 7 if you're following along in the attachment – this is a chart that represents the known distribution of fishery activity. As you all know, this is the only fishery in the South Atlantic that is required to carry VMS. This represents the distribution of known rock shrimp fishery activity and also royal red shrimp fishery activity, and that is the band on, obviously, the far right of the screen there.

This kind of juxtaposes the Coral Advisory Panel's recommendation with the known area of fishing going on in this area. That kind of sums up the Coral Advisory Panel's recommendations for the Oculina Bank HAPC.

CAPTAIN BEATON: Just for my Florida fishermen – and I'm sure you got an earful down there in Titusville, but their concern is returning from that royal red fishery and transit through these area with their trawls on board and how they're going to be accommodated because it's a long way around your elbow to get back home for this fishers.

MS. MARTIN: Right, yes, thanks for bringing that up. That's one point I think we wanted to get into after Roger has an opportunity to provide some of the specific details of the VMS activity with the specific areas that have been mapped and these three HAPCs. I'm just about to get into the second one, but one thing we did hear during the scoping meetings was, well, a suggestion for the council to consider modifying the transit provision. It would be helpful to have a recommendation from the Law Enforcement Advisory Panel on some specific parameters there with the transit provision as far as how to define corridors and what is the definition of appropriately stowing gear.

MR. PUGLIESE: Just one other quick point on the transit issue; one of the things that's clear on this action versus the one before is you have a fishery that occurs on the eastern side of the operations area, so it's very different than what we've got on the Oculina Bank where essentially the rock shrimp fishery is prosecuted wholly on the western side of the Bank area, so you'd have a very significant area.

Some of the input at the hearings at least on the side talking with Richard Chesler about some of this was that this would be conducive of something we could discuss on the transit corridors, guidance that we can really get to the industry to say where those would be, what sizes and all that kind of thing on what could be done; but from the VMS technology you can define and color

code or whatever so that you can monitor what is going on. That's going to be an important input from the AP.

CAPTAIN BEATON: Are you looking for that input today and you'll give me the nod when you're ready for that.

MR. PUGLIESE: Well, bounds of recommendation of what – you know, are there latitudes of how wide something like this should be. I mean, some of those are going to be coming from industry, but I think there should be some guidance from law enforcement as to what you would feel would be enforceable corridors in an area that you need; you know, appropriately distributed under a certain size, things like that, and then that could be a response that the industry can react to and determine basically where some of those should be.

MAJOR FRAMPTON: We'll let you finish and then when you get into the meat of it, we'll have some recommendations and the discussion.

MS. MARTIN: Okay, this is the second recommendation from the Coral Advisory Panel, and this is for the council to consider expanding the boundaries of the existing Stetson-Miami Terrace Coral HAPC. This is to incorporate a newly discovered shallow water lophelia ecosystem. Again, this was a discovery made during that research that was focused on the South Atlantic from 2009-2011.

Figure 4 here depicts the Coral AP's recommendation and that is the purple-shaded box there off to the left of the western boundary. This would add approximately 639 square nautical miles to this original HAPC. The western boundary in this area would approximate the 200 meter depth contour. Again, here from the VMS data that we do have from the deepwater shrimp fishery, you can see there is some activity there in the southern portion of what the Coral Advisory Panel is recommending here.

It also kind of interacts there with Shrimp Fishery Access Area 1. Again, I will defer to Roger. We did some modifications to what the Coral Advisory Panel has proposed based on a number of the suggestions that we heard during these public scoping meetings. He has some options that the council will be discussing later this week that he can present to you here shortly. Lastly, from the Coral AP, this is a recommendation for the council to consider expanding the boundaries of the Cape Lookout Coral HAPC.

This is the deepest of the existing HAPCs. This is in waters off of North Carolina. You can hardly see it, but it's the very lightly shaded green box there. They are recommending adding approximately 8 nautical square miles to the original boundary for this HAPC. Again, as with before, to incorporate newly discovered areas of bottom habitat in this region. This is the boundary between the 500 and 600 meter depth contour. We'll defer to Roger now for some kind of specific details on modifications to the Coral Advisory Panel's recommendations here.

MR. PUGLIESE: A long-standing relationship with industry and the researchers in dealing with deepwater coral conservation and working with industry on operations and retaining the operations of the deepwater fishery, both rock shrimp and royal red shrimp, as indicated, the first

iteration and discussion on this was really the Coral Advisory Panel coming in looking at what the bounds of information they had on existing mapping areas and then bathymetries and coming up crafting these proposals to the council.

The subsequent response prior to the scoping was to look at the first cut of VMS, and that was what you saw, just that first splash of what we knew, which really did show that there was a lot more interaction or at least some interaction with the northern portion, with the western proposal and then also when we started looking at the Deepwater Coral HAPCs.

In order to respond to that, we worked through the scoping and talked with industry at the scoping and we're looking very clearly at what the VMS showed and their response in terms of how this fishery operated. What I did was provide some kind of bounds of information that tracked that and lead to ultimately potentially some alternatives from the base proposal by the AP to some bounds that have been provided by industry.

What you received were Attachments 8A and 8B that kind of gave you layouts of the bathymetry-based discussions on what some of these distributions were, some potential alternatives, and then leading it to what I'm going to really focus in was kind of a summary of what is in Attachment 8A that I had forwarded to you.

What you saw before was the original information on the overall distribution of vessel monitoring points, which essentially is the entire area from the northern zone all the way through the end of the Oculina Bank. What I had indicated earlier was that the original proposal on the northern extension of the Oculina Bank was the sixty to hundred meter contour as the Coral AP based on – you can see the high-resolution bathymetry; the two areas that are the map components and the high bathymetry runs through that entire area.

In discussions with industry you have pretty much hard ledges especially in the offshore area that cuts along this at almost a continuous bound in the north to south of that area and as well as the inshore area, which I think is depicted to a great degree by the VMS information. As you can see there is some concentration in the central area and then some distribution on here.

What we did is I then took the overall and actually looked at what distribution there was of actually VMS points within the area. Now, to take it one step further, instead of getting into the details on this, what I'd like to walk through is the different areas and then go to the overall impact that this has identified. What you see on this area is the actual proposal. It identifies the VMS points that are identified within those different potential alternatives.

From scoping there were discussions about this inshore bound potentially being at either the 60 meter or approximately 70 meters, some were 200 to 220 around those different areas and in the offshore area between a hundred and ninety meters. So essentially what I looked at were four different alternatives from the original base, which is this, and beyond.

In order to address some of the previous issues that the Law Enforcement Advisory Panel and other individuals had regarding establishment of large spatial areas, what we did was looked at the bathymetry areas. In this situation these areas are a lot more uniform than some of the

previous proposals under, say, the Deepwater C-HAPC, so they were to a great degree conducive of trying to come up with at least potentially a reasonable amount of points so that you would have a small number of points that defined this area.

What we did was look at that and again looked at the impact. In this case we're looking at an area sixty to a hundred meters based on a simplified polygon. It is showing that within this bound you have like 2.2 percent of the VMS points that actually exist within this area. And then looking at one of the alternatives, again kind of going back and forth between those inshore/offshore bounds, in this case we have a seventy to ninety meter.

It does tighten that entire area up pretty significantly. It still does capture the mapped areas and the core bathymetry. You're looking at like 0.69 percent of the VMS points in that area. With this, it's building the base on potentially 20 points. One additional alternative is now moving again back to the outside sixty and a ninety; and within that one you're looking at about 0.99 or about 1 percent of the VMS points.

These are 313,000 points between the years 2007-2011. And then a last potential alternative was between a seventy inshore and a hundred – going back out to that hundred outside, and that was about 1.89 percent; just under 2 percent. Also, what we looked at was the extension to what they called the western extension.

It was kind of the southwestern, between the two extensions and south of that, approximating the sixty meter straight line, but it approximates the 60 meter contour. Within that area you're looking at less than 0.07 percent, like 211 points out of 313,000 points that had occurred within that area, most of which almost nothing occurring in this. You can see from the bathymetry this area is serious pinnacles, hard structures, just literally untrawlable in those areas; some hits within and around, say probably around the edges of some of those southern pinnacle structures.

Now, what this all brings you to really is kind of a summary. I took it one step further. Previously when we dealt with industry with the royal reds and rock shrimp in the past, we talked about operational characteristics and generally it was agreed between two and four knots or someplace close to that in terms of operations.

So I took it one step further and looked at the distribution within those areas of vessels that were traveling and rounded between two and four knots. Now, it could even be tighter if you just literally cut it off at the line, but I kind of gave it a little bit on each side. What you ended up seeing was that in the original proposal at sixty to a hundred meters you're talking about 0.8 percent, less than 1 percent of the VMS points fell within that area.

When you moved to kind of bounds of it, you moved to the seventy to ninety, it drops all the way down to 0.15 or 478 points out of 313,000 points. So knowing the actual fishing operations makes a big deal; it does really show that a lot of those were transiting the area, anyway. And then when you look at the western bound, again it already was pretty low with 211 and it drops down to less than 0.04 percent of the actual VMS indication. So that is for the northern and western extension proposals of the Coral HAPC Oculina.

The other proposal area that had some direct interaction with VMS and fishery operations was the Stetson-Miami Terrace C-HAPC. Right from the beginning when this proposal was laid on the table, we knew that there were fishing operations because the council had created the shrimp fishery access areas that extended up through this point knowing that there was an adjacent fishery in this area.

We had the proposal and then we began to look at what the actual fishery operations were relative to that. The mapped area that they talked about earlier actually occurs west of that area, so the fishery occurs here. During scoping we talked to individuals and they talked about either cutting the line off here or potentially keeping all the fishery area but identifying that western component so you would come up something like this.

Again trying to simplify this and taking the high-resolution bathymetry and picking essentially points along here because this would be the bound and actually this would go away. If you extended this, this would have boundaries along that way and you end up coming up with approximately 14 points that could represent this type of distribution, capturing the habitat and retaining the vessel operations within the area. Now, this is subject to industry discussions but it was trying to capture it at least by concept of that.

MS. RAINE: I have a question. I don't know that I'm understanding it correctly, but the Stetson-Miami Terrace and then the tan section next to it, so there would be an open area between them?

MR. PUGLIESE: What you've got right now is you've got fishing that is occurring in these areas; so if there even was habitat within those areas, that's a significant amount of activity and that's actually processed purely fishing operations. This is when we did the original work and captured those earlier years.

MS. RAINE: Right, but my question is –

MR. PUGLIESE: Yes, the proposal would – at least what is on the table as one of the potential options that were raised was providing that corridor in the middle for the industry.

MS. RAINE: Right, so you go closed, open, closed?

MR. PUGLIESE: Yes, and the only other option that was on the table was potentially cutting the entire thing off here and the council has to see if that's an option to be moving forward because that does remove the area that has habitat mapped in it and most likely the significant distribution of the pinnacle.

MS. RAINE: What is the distance from one end of the open area to the other end of the open area?

MR. PUGLIESE: You're talking about this distance in here?

MS. RAINE: Yes.

MR. PUGLIESE: I would say maybe ten miles.

MS. RAINE: And what is north of that?

MR. PUGLIESE: This is like one mile, but I'd have to go back to look at that exactly. These were like one mile, the fishery impact area, so I'm just estimating maybe a little bit less than ten. These are things that are brought forward for consideration based on scoping comments. I assumed this was probably going to be somewhat of an issue for discussion at the law enforcement about creating something with both sides.

The issue becomes really the simplest would be put it here, but then what you do is you eliminate what really was driving in trying protect this area, so the council has to balance these and determine what is going to go into this. The fact that they have VMS in this fishery provides a very significant powerful tool; because when you look at the western edge of the Oculina Bank, if you look at that thing, they're right on the money and there are literally no points inside there.

MS. RAINE: I'll just say I am happy to the proposal about the little satellite areas going away because those have been problematic for people, and I would imagine that this would be similarly problematic for people running into it.

MR. PUGLIESE: I guess the only thing I would say is in lieu of cutting it off here, industry was proposing something that kind of hybridized or provided protection of the resource but also provided fishing operations. Again, that definitely was anticipated that probably would be an enforcement issue, but it's kind of a reverse of the concern over – the industry concern on that side, they're looking at is there a way capture both, our operations and protect the habitat at the same time.

CAPTAIN BEATON: Let me see if I can just put these maps together. We've got the northern extension of Oculina. Does the northern most part of that extension – how far does it come to the southern extension proposed of the North Florida MPA?

MR. PUGLIESE: Actually that area is way north. The Miami Terrace is a lot further north than this. What you're looking at – if you look at this, this area connects in with the original satellite on that, so then that connects with this. When you look at this area, you can see where the bank – look at this here. That is where that proposal is. This extension is literally right here.

CAPTAIN BEATON: It runs quite north of the Cape, though. It goes north of Palm Coast. That's coming very close to the southern boundary of this proposal, if I'm thinking right.

MR. PUGLIESE: But one of the biggest differences, too, is see this? I can look at the map and actually try to put them together, but if you look at this, this is the royal red shrimp fishing operations. When you look at the proposal there, that's offshore a significant amount from what the rock shrimp fishery operation is

CAPTAIN BEATON: Okay, so the eastern most contour line of the AP proposed extension, where the North Florida MPA is, what is that contour line? Within your proposal, what is that contour line to the east? If we have both of the maps together, I'm a visual person. I'm just trying to think of how much space there is and what type closures are these going to be. Is it Type 1 or is it Type 2; is it only closed to trawling?

MR. PUGLIESE: Well, at least under this proposal these are the Coral Habitat Areas of Particular Concern, so they'll track exactly what Oculina – potentially at least what Oculina would have, which would be gear-based – you know, all bottom-damaging gear are prohibited, trawling, longlines, anchoring.

Those are the proposals that would be in – at least these ones right here, so it has nothing to do with species-based operations. It's truly, truly habitat based, so they would be exactly – at least the proposal I would anticipate moving forward would be exactly the same regulations that are in the existing HAPC, both the Oculina HAPC, as the Deepwater HAPC.

MS. RAINE: I agree with Rob; it would be very, very helpful and useful to have a chart that had all the different areas charted on them so we could sort of see the contents and visually sort of understand what is open and what is closing, particularly when you have that little open area in between, just sort of seeing which closed areas are butting up against each other and how far.

MR. PUGLIESE: The biggest one is you were talking about is how does that extension potentially connect with this. What I'm going to do is after we have these discussions is let Anna maybe finish up through the rest of CE-BA 3 and I'll just pull up this and turn on the layers that maybe we can just look at what one of these would be relative to those two. That was the only one I didn't put together was the HAPC was the extension of the Stetson-Miami with Oculina.

LT. FISHER: Let me ask you a question real quick about the experimental closed area. On the west side expansion of the Oculina that goes down through the satellite areas; does that affect the experimental closed area with the snapper grouper – so that doesn't even get touched, but it's going to remain in effect as is?

MAJOR FRAMPTON: I hate to interrupt the discussion, but we've got a problem back here that they need to swap out something. If we can take a couple of minutes, we'll come back.

(Whereupon, a recess was taken.)

MR. PUGLIESE: Okay, the question before was to try to put these in relationship with what exists right now and what is potentially proposed. Just to give a quick view of it, what I've done is this eastern section is the existing Stetson-Miami Coral HAPC. The southern portion of this is that extension of the Stetson-Miami. This was the proposal we were looking at which bordered that edge of the Stetson-Miami, but then it also shows the most northern portion of the potential extension of the Oculina Bank area. You're looking at this. Those are the three areas in relationship.

They come about ten miles – I think what I was looking at, yes, there is about ten miles, but the fisheries are – in talking to some of the fishermen, too, when you're fishing royal reds, you are in that deep zone on the edge over here; very distinct and how it's separated significantly.

CAPTAIN BEATON: Yes, I was more thinking that we're building a wall. That's kind of what I was visualizing out there.

MR. PUGLIESE: Let me go out a little further. I'll just pull it down to where actually Oculina is in relationship to the Deepwater Coral HAPC.

CAPTAIN BEATON: This obviously is going to take some time and thought from Florida's perspective. You're not looking for any type of concrete final recommendations today from this LEAP; are you?

MR. PUGLIESE: As I've talked before, we are in the post-scoping process. We've had input from the industry. We had the recommendation from the AP, input from the industry, possible alternatives. The council is going to look at alternatives. We have the Coral AP, the Shrimp AP and Deepwater Shrimp AP, the Habitat AP is doing to do it via web and – well, snapper grouper is going to do it separately for the other issues we're going to talk about.

But all those APs are going to meet in response to CE-BA 3 and respond to that, so any guidance that this group – and I think as indicated earlier on, Anna had said that one of the biggest things is this issue of transit and some of those types of enforceability issues I think are going to be important at least to get some guidance that going into those AP meetings, they can respond and provide some additional recommendations based on some of those types of things.

The council is not poised to approve a document for public hearing until June. We're early in the game and we're trying to deal with some of these issues, especially with some of these types of things where we've been working before closely with industry and have had some enforcement issues and about trying to resolve those early; so guidance at that level. It has a number of stages beyond this point, but you kind of get the first shot to get some significant input early.

MAJOR FRAMPTON: Due to the time and what we've got on the agenda, I don't want to shorten it but can we get to the meat of where the issues are going to be for us so we can start to think about our feedback on any issues we may have.

CAPTAIN BEATON: When the first MPAs came through, the North Florida MPA, St. Lucie Hump, the Hump down there in Upper Marathon, we put together – not everybody was here back in 2003 or 2004 I think when we put all that together, but we preferred boxes, square, straight lines, lines of latitude and longitude for reference points; as Otha spoke up, you know, following contour lines.

We've got issues about whose depth machine did we use; does your transducer bounce, is it six feet below a through-hold transducer. There are all these issues with depth, where do we put the buffer and that's why we prefer lines. Now, I realize that because of the industry, they don't

follow north/south/east/west lines; they follow the contour lines for their fishery. That's a challenge, I think, and I'm trying to come up with a balance.

I really don't like to see small, little points or fingers where the box narrows down to the end of an ice cream cone. We've had issues with those little points off of the Oculina. There have been some incursions in there if you look at some historical VMS tracks. I like to keep a box, keep it a regular shape and follows as logical of a latitude and longitude line as you can for starters.

MAJOR FRAMPTON: I think the LEAP – somebody correct me if I'm wrong – is called the Guidelines of Enforceability; the feasibility study that was done on enforceability pretty much sums up I think what the panel likes to see in boxes and straight lines and that type of thing, so we probably would refer back to the recommendations in that. Brandon.

LT. FISHER: I was also wondering about the choice of meters as the unit for marking the boundary. Is anybody out there using meters; especially when the snapper grouper and the HMS, all those things use fathoms as their boundary.

MR. PUGLIESE: Just one real quick comment; the intent there was to transfer from that to actually something that was a representation of those types of depths. Ultimately, potentially that would be those points and the area has nothing to do with trying to enforce it based on bathymetry. At least that potentially is what is coming and that's essentially what the other ones are. They're not actually saying you have to do it. They're based on true points.

LT. FISHER: I think in the regulations it actually says – it actually says seaward of the 50 fathom curve, and then there are points marking the inshore edge or something like that.

MS. RAINE: I agree with everything that has been said; but also if we're concerned about the transit and stowing issues, there already are definitions in 622.35. Under the Atlantic EEZ seasonal and/or area closure; 622.35(i)(1)(i)(2) has that information that defines those in transit.

CAPTAIN BEATON: If we do allow a transit, I'd like to make the suggestion that industry increase the ping rate. I don't know what their current ping rate is on their VMS – once an hour – so during those transit periods I'd like to have an increase in ping rate so we can more closely monitor speed during transit, to see if there is some type of mechanism that can be an alert set off if the boat/vessel goes below five knots. I'm just throwing it out there as a thought.

MS. RAINE: I guess I should say that particular provision is under obviously a very specific provision so you'd just like to transfer I think those definitions over.

CAPTAIN BEATON: The speed is in the definition? Okay.

MR. EASLEY: To the speed pinging rate, if I recall correctly I believe some of the other VMS requirements in other fisheries that have increased pinging rates, I want to say that is in the regulations so that the fishermen know and that cost is on them.

MS. BROUWER: How does enforcement feel about the use of corridors?

MAJOR FRAMPTON: I'll ask a question I don't know the answer to; have we ever used corridors before in the southeast? Do we have any experience with corridors?

CAPTAIN BEATON: We had corridors for the gill net issue back when there only certain inlets and passes that you could enter through and you had to be direct and continuous transit. The nets had to be stored, locked, below deck; quite a bit of language in there, so, yes, Florida has some experience with corridors. I don't like them; I don't not like them; and they just kind of are what they are. I really don't have a position one way or another.

MAJOR FRAMPTON: Are we better off going back and looking at something like how nets are stored and how gear is stored on deck and below deck as to our recommendation as to weave our way through open areas, closed areas, open areas instead of corridors?

MR. EASLEY: Corridors have been used with VMS on the western coast of the U.S., but that's over there. Over here they haven't been used for federal fisheries. We've always used the stowing of equipment. I don't if that has been a problem for us, a large problem at this point. If we add more restrictions, then that's more that we have to enforce and more things can go wrong for both us and the fishermen. If just transiting with the stuff properly stowed is working for us, then maybe we should consider leaving it that way.

MAJOR FRAMPTON: Can I ask one more question; how many corridors, Roger, do you think we're talking about?

MR. PUGLIESE: That is the guidance we were looking to what I guess fishermen – input from fishermen, too, about what they would think would be reasonable to be able to go around. Right they're looking at no corridor, so essentially that entire area. I mean we'd end up without guidance that there needs to be some type of a distinct enforcement kind of a recommendation on how far apart these should be or whatever, it's almost back to the industry and saying, well, something every 20 miles with three miles wide or something like that is what we'd be looking to industry and say if you really wanted to do something like that. Right now I think they're leaning to just say if you can use VMS and you can use it with characterizing the speed and with the stowing of gear; that might be one of their more significant recommendations.

MAJOR FRAMPTON: I'll go out on a limb here for the panel, but it seems to me with the price of fuel and as hard as it is to do, making people go 20 miles out of the way to go through a corridor, it's a lot easier to do what Otha said with on-deck restrictions and how the stuff has to be stowed. We've done that in other things and haven't had huge problems in it.

MR. PUGLIESE: And you have VMS; this is the –

MAJOR FRAMPTON: And we do have VMS here and that's a big help. Rob.

CAPTAIN BEATON: Yes, since this is – we'll call it the Florida Wall; I think we can live with that. I think industry – the great, excellent point with the fuel, I don't see why – I would like to review the stowage language and see if maybe it can be strengthened somehow and make sure it

covers everything; but also with the VMS tool and increasing the ping rates so we can more closely monitor those transits, I think that would probably be best for everybody.

CAPTAIN LEWIS: I think we have just done this basically with Gray's Reef, if I'm not mistaken, haven't we, allow them to transit through as long as it's stowed.

MS. RAINE: I know I've tried to encourage when there is stowage language, that it be consistent throughout the regulations. At least in the provision that I just referenced, it reads, "For the purpose of this paragraph of the section, in transit means direct, nonstop progression through the MPA. Fishing gear appropriately stowed means:

"(1) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear. However, buoys may remain on deck; (2), A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured; (3), A gillnet, stab net or trammel net must be left on the drum. Any additional such nets not attached to the drum must be stowed below deck;

"(4) Terminal gear (i.e., hook, leader, sinker, flasher or bait) used with an automatic reel, bandit gear, buoy gear, handline or rod and reel must be disconnected and stowed separately from such fishing gear. A rod and reel must be removed from the rod holder and stowed securely on or below deck. (5) A crustacean trap, golden crab trap or sea bass pot cannot be baited. All buoys must be disconnected from the gear. However, buoys may remain on deck."

MR. EASLEY: Since VMS is in this particular fishery, I wonder what the AP thinks about combining a speed restriction, since that is a possibility, in addition to the transit language that can tighten it up a bit.

MR. KENNEDY: That was the point I was going to make. It makes logical sense to me that stowage and speed on transit is the better way. I think transit corridors are just not reasonable for these guys. I don't know how many folks we have out there fishing in these two fisheries. I don't know, but it just seems ridiculous to make them go way out of the way with today's market and gas prices and fuel prices.

MAJOR FRAMPTON: When we talk about speed on VMS; are we saying that they would not be allowed to transit at any less than a certain – four knots, five knots; is that what we're saying when we talk about speed with VMS?

CAPTAIN BEATON: In talking to, at our last commission meeting, some folks in the shrimp industry over there, they said you can tell on VMS when we go below five knots. I just heard the number five knots. I don't think anybody is hauling trawling gear any faster than that. I think it's realistic of their vessels, even some of the older, slower ones can make at least five knots going across the Gulf Stream as long as they're not heading due south into. That's just a number that I've heard.

MAJOR FRAMPTON: That sounds like a good idea to me. That sounds like it could lead to a lot more discussion and problems for us if we say that. It's probably what you just said, as long as they're not bucking the Gulf Stream, how are we going to figure all that out?

MR. EASLEY: That's true, it's another restriction or another question for enforcement and the industry; but if this particular fishery's gear is difficult to stow according to these parameters, which may or may not be the case, then doubling it up with VMS would assist.

MAJOR FRAMPTON: I would think that if we increase the ping rate – and I don't know how hard that is to do, but if we increase the ping rate plus our gear stowage restrictions; would that get us where we need to be without opening up a whole lot of other problems for us?

CAPTAIN BEATON: I still think you need to have a speed threshold in there somewhere. They're a long ways offshore and if we get an alert from the people monitoring the VMS in St. Pete, they're going to say we've Vessel X, Y, Z, he is only making two knots, so now our only option to go find out if there is a violation is to run sixty miles offshore to see if there is stowage. I think there probably needs to be some caveat for speed.

MR. PUGLIESE: To that point, in discussions with monitoring, they were saying that they can easily program it so when it hits a critical threshold like that it could start color coding it so you would get that and you would know that a vessel has dropped below the limit of something.

CAPTAIN BEATON: Not to keep harping on this, but I know that VMS does send alert to their fishermen that there has been an incursion and they send a teletype message to the VMS. It could even be sent it to them. They maybe lost an engine. There might be a logical explanation for the speed other than illegal activity. I think we could probably vet this a little bit more, but I don't think we need corridors. I think we can find another method.

MS. RAINE: It might be that if the fisherman is running into some sort of mechanical or gear problem that it would be up to him to call in and notify.

MAJOR FRAMPTON: Can't they do that through their VMS machines or is that only some machines that they can send messages back?

MR. EASLEY: There all should be two-way communicating now.

LT. FISHER: I thought there was an extra service that they had to pay for, though, to send messaging back and forth; is that a requirement for them to have that service enabled?

MR. EASLEY: No, it's not a requirement that they pay for that. All that is required is they have the unit that communicates both ways and that they send position reports once every hour. Their ability to send us a message if there is something wrong, that's all on them, or they don't have to and they can take their chances. In order to enforce a speed restriction in that corridor, the pinging rate will have to increase; and that is another choice of theirs that in my opinion should also be their financial decision, too; go all the way around or pay the increased pinging rate to cut through.

MAJOR FRAMPTON: I'm looking for some approval here. Let's add to the recommendations that if there is some type of mechanical failure and they're not able to sustain the applicable speed, then they must phone in. I don't know the appropriate person they would call into to notify, but there would have to be some type notification made.

MR. REED: My name is Richard Reed, commercial fisherman from Florida. We've always been desirous of a way to communicate with the authorities in the event of a breakdown and an incursion. If somebody is dragging in that area, the average rock shrimp dragging is three hours long. You're in there for 30 minutes going 2 knots, you're not fishing, anyway. There is no advantage to doing it.

CAPTAIN LEWIS: What is going to keep them from calling you and telling you they're broke down and fishing, anyway?

MAJOR FRAMPTON: Well, it's not a perfect world. I think some of that is going to fall back on us to qualify what we think is true and not true. Roger.

MR. PUGLIESE: One of the best things is that if you really look at the number of times any vessel would be inside that area. They're fairly limited to begin with. That's a good thing coming into this so it's not as if there is even an amazing amount of transit because I think as narrow as that is, they're cutting across that fairly quickly. At least right now the amount is fairly limited even inside of it.

LT. FISHER: But isn't that because there is no transit provision right now?

MR. PUGLIESE: That area is all open for fishing.

CAPTAIN BEATON: Using what is existing for Oculina now, those ruby shrimpers have to go north or south of it. I'm sure you would be littered with lines if transit was approved now because they might be planning now to end their drag either north or south so they can go back home; but if they're allowed to go back anywhere, I think you would see the behavior change and you would have just crossing after crossing after crossing.

MR. MOORE: I'm Woody Moore. The name of my boat is Band of Gold. I fish nowhere but the royal red and rock shrimp. I go through the Oculina Bank once a week; sometimes every day. I was told not to go slower than four knots and not to have no rock shrimp on the boat and no TEDS; with no problem; leave it alone.

The other night I couldn't make the three knots going south and I was heading to Ft. Pierce so I didn't want to head to Ft. Pierce so I went south so I could go back north to pick my speed up to get through there. I didn't want to seen three knots going.

LT. FISHER: Actually I had a question for the gentleman as well. If there was a five knot requirement to be maintained as speed over ground transiting through there; would that be problematic to maintain throughout the year too fast because of the current?

MR. MOORE: Yes, because nobody is going to drag over three knots. Like the other night, I couldn't make the three knots when the wind is blowing 40 and the tide –

LT. FISHER: While in transit you couldn't make the three knots?

MR. MOORE: I couldn't make the three knots.

MAJOR FRAMPTON: Anna, would you go over the recommendations and we'll see where we are.

MS. MARTIN: Okay, what we have here from the discussion regarding the Coral HAPC areas; recommendation from the LEAP to refer to previous recommendations for area closures, and that includes preference of boxes and following as closely to latitude and longitude as possible. A recommendation from the LEAP to refer to CFR 622.35, which references stowing gear and the transit provision.

MS. RAINE: It's for MPAs and not Oculina. It's point 35, little i, 1, little i, then numerical 2.

MS. MARTIN: Okay, thanks for the clarification. Then we have an LEAP recommendation if the transit provision is allowed through the HAPCs, request that industry increase the ping rate for VMS. The LEAP favors using the stowing of gear in lieu of corridors for transiting closed areas in addition to speed restrictions; for example, no less than five knots. Also in the event minimal speed is not sustainable, the vessel must call in to the appropriate contact.

MR. EASLEY: If they communicated via the VMS, it wouldn't really be a call, but it would be communicating might be a better word to use. The call is fine but they might be able to just go in and send a VMS text message if they choose to communicate that way.

MAJOR FRAMPTON: I don't want to do something I'm not supposed to do, but I would refer back to the gentlemen from Florida that spoke to us. You told us the problem you would have with no less than five knots, you can't make that; are these any of these other recommendations; do you see any real heartburn with what is being done?

(Answer to the question given off the record.)

MAJOR FRAMPTON: Let me ask you this, then; what is a viable solution to you guys that is not disconnected nets that works for enforcement, too?

MEMBER OF THE AUDIENCE: Well, I used to call John and them with the National Marine Fisheries to tell them I'm going through the box.

MEMBER OF THE AUDIENCE: I called them so much they told me to quit calling them.

MEMBER OF THE AUDIENCE: Don't get below a certain speed and don't have no rock shrimp on the boat. I mean, we know what to do. You can make the speed if the tide is running

north and you want to go south, but that three miles, you can go north and get across and go on about your business. That would be better than running twenty miles and three miles to go through there.

MS. RAINE: Just to clarify, at least as far as the trawl gear, it doesn't say that it goes below deck. It's a trawl or try net may remain on deck, but trawl doors must be connected from such net and secured. It doesn't talk about anything going below deck.

CAPTAIN KELLY: Would it would work to put the doors on deck and then chain the nets and the rigging?

(Answer from the audience given off the record.)

CAPTAIN KELLY: I'm not talking about taking any loose; I'm talking about securing the doors on deck, bring them from the outrigger and then chain the nets and the rigging.

(Answer from the audience given off the record.)

MAJOR FRAMPTON: We don't mean to put you on the hot seat. How about restating what you just said? I think this is a constructive conversation to find out. We're not here to hinder what you're doing. I think we want to try to work together so that you get to fish and we can manage the resource.

Hearing what you've got to say as far as you know what is a viable option that you really can conceivably do and what is not viable is awfully important to us. If you could just restate for the record so we can mull this over again if we need to what you were stating about the nets and the doors and what you can do and what you really can't do.

MR. MOORE: Well, basically we have no problems now. We don't get below a certain speed going across the box. We're not allowed to have rock shrimp, white shrimp, pink shrimp and brown shrimp on the boat; only red shrimp. That eliminates anybody else from doing it; no TEDS. That's basically it. We used to call to say we was going through there and finally they told us don't call no more and you know what to do.

MAJOR FRAMPTON: For clarification, who are you calling?

MR. MOORE: Some guy names John of the National Marine Fisheries; and then there was another guy but I forgot his name. I called him at 3:00 o'clock one morning. He gave me his cell phone and I woke him up. He said don't call no more.

MAJOR FRAMPTON: Great, thank you, I appreciate your participation.

AP MEMBER: What other boats, just for my information, would want to transit through there. I mean, it would be strictly royal red fishermen?

MR. PUGLIESE: I think William is really talking specific to the royal fishery operations. You've got that northern extension westward, which is rock shrimp, so you do have that inside, that fishery there that is – but with regard to gear, from asking them, it is essentially the same gear recommendation as possible.

MAJOR FRAMPTON: You generally wouldn't have rock shrimp and royal reds on the boat at the same time; would you? You would? I hate to revert back to the audience, but you normally wouldn't have royal reds and rock shrimp on the boat at the same time; would you?

MEMBER OF THE AUDIENCE: If it wasn't for the law, we would, but I always go unload because we're not supposed to, and it's always a big problem.

MAJOR FRAMPTON: To have both?

MEMBER OF THE AUDIENCE: Yes; I wish it wasn't like that.

MAJOR FRAMPTON: So maybe that ought to be a recommendation that you're only allowed to have one or the other on board. That's the way they're doing it now. That wouldn't be a new rule.

CAPTAIN LEWIS: My question is what other type of industry might want to use this to their advantage if you start allowing transit where you've never allowed it before? He is saying before they had to go around to come in. If you open it up, how many other species of fisheries might there be that would start using this for transit?

MR. REED: Richard Reed, commercial fisherman. If the new closures are made, then the rock shrimp fleet will be working on both sides of a controlled area.

CAPTAIN BEATON: Back to Doug's question about other industries, we've got a pelagic longline fleet that runs just north of Bahama Bank and off the coast of southeast Florida, but they're not heading back up that way, so I don't think they'd be coming across there. Again, I think anybody is really out there other than these trawls, and it's too north of the west end of Grand Bahama to affect any other charter headboat or recreational boats coming across.

MR. HARTIG: You've got the tilefish longliners, the tilefish longline fleet. They fish extensively on that side. That's where most the catch comes, right from that general area. They would be looking for transit provisions different than what they have now; similar to what is used in the MPAs, actually.

CAPTAIN BEATON: So again we'd refer back to storage and speed, but they're not a VMS fishery so we lose one of those enforcement tools.

MS. THOMPSON: My name is Laurilee Thompson. I'm with Dixie Crossroads Seafood Restaurant. You had asked a question a while ago, and I think there was confusion. You asked how many boats would be doing that. Woody answered three. There are three royal red boats

that would be transiting the closed area, but there are about 75 working rock shrimp boats left in the fishery.

The difference in the protected area to the south is that the area is so large, it includes the historical rock shrimp bottom on the eastern side of the reef. The boats can no longer fish there, so they have no reason to be fishing on the east side of the reef and then going across the protected area.

On the north side, the new proposed area, they will be fishing on the offshore side of the reef and the inshore side of the reef. Fishermen, they like to go try one spot here and one spot there, and so I would think that they would be crossing the proposed new HAPC pretty regularly, because they would have a reason. Since they're fishing offshore of the reef and they're fishing inshore, it would be a totally different situation than what we have with the existing Oculina HAPC now.

CAPTAIN BEATON: Okay, so just referring to this historical VMS tracks, you're saying this is that group right here that we're talking about that still is rock shrimp?

MS. THOMPSON: Yes, sir.

CAPTAIN BEATON: So these tracks here are still rock shrimp?

MS. THOMPSON: That's correct; yes, that is rock shrimp and they would be going back and forth across the reef.

CAPTAIN BEATON: On the western of the new proposed, and there is a possibility –

MS. THOMPSON: Yes, this is royal reds out here.

CAPTAIN BEATON: So both of them would be coming across?

MS. THOMPSON: Yes, sir.

MAJOR FRAMPTON: If I heard you right, we're talking about close to 80 vessels in this fishery doing this on a daily basis or near daily basis.

LT. FISHER: Could we put what you guys just discussed up on the map on there and kind of go back over that. I'm not sure I followed everything.

CAPTAIN BEATON: Let me ask industry again if we do allow a provision for transit, how much rock shrimp fishing will we see go on the existing west side of the Oculina as it lies now? Right now nobody is shrimping rock shrimp on the eastern side of the existing Oculina? Okay, it's too deep. Okay, thank you.

MR. PUGLIESE: Okay, we've got the map back up of the fisheries. For clarification, this is the historical royal red shrimp fishery, both the historical data plus the most recent. The offshore,

that's the edge of the Coral HAPC right on the eastern side of that. The rock shrimp fishery occurs south of the Oculina Bank in this closed area.

A significant fishery occurs right along the edge of the western side of the HAPC and mostly just west of the satellites; and then the newer area we're talking about, you can almost see some distinction even between the inside, the inshore section; a very significant fishery along the western side, both here and then right along that edge; and then pretty much offshore about 90 meters, that wall area in there.

This is the rock shrimp fishery that occurs through here and down south and then along the outside. What Laurilee was talking about is this is the existing HAPC and some of that mud bottom does exist within the existing HAPC area. Those are the fisheries.

LT. FISHER: And we're saying there is about 80 boats total or 75 or 80 boats that are prosecuting the fishery on the eastern side of the proposed area that we need to come across; was that right, about? Is that what Laurilee was saying?

(Answer to the question given off the record.)

MAJOR FRAMPTON: Okay, thank you for that, Roger. I think for the sake of time with what we have left on the agenda, if we can move on. We'll get another crack at this before it goes to the council. I think we've got some good recommendations on this. I want to thank you guys for putting your input into it. We're very grateful for that so we appreciate it and we hope you'll come back when we have another crack at it again and we'll mull it over one more time. Anna.

MS. MARTIN: Okay, just to kind of continue on through the remainder of the measures that we have in the Comprehensive Ecosystem Amendment. Believe it or not, that's just a part, the Coral Advisory Panel recommendations. We do have some measures in here kind of specific to the snapper grouper fishery, and I'll quickly go through these.

We have some staff recommendations that we'll be presenting to the council this week for deferring some of these measures to a future developing amendment, and that is what we have here with council consideration of prohibiting powerheads. This is something that has come to the council's attention from the North Carolina Commission.

They developed an issues paper about a year ago and distributed it to the council basically stating concerns of localized depletion of some of the larger snapper grouper species. The Snapper Grouper Advisory Panel has also discussed this measure. The council and the AP wanted to approve this for scoping so we took out to gather some input. It is a very controversial issue.

There is obviously a lot of interest in not prohibiting powerheads. What we will be recommending is for the council to consider this, if they do decide to keep it on the table, for consideration in a future amendment. We have a lot of measures in Comprehensive Ecosystem Amendment 3, and so that is what is going on here.

Item B here was also scoped during the January and February meetings, and that is consideration of the prohibition not only in North Carolina federal waters but throughout the South Atlantic. This is a gear type that is prohibited in federal waters off of South Carolina and in Georgia Special Management Zones, but it is otherwise allowed in federal waters.

MS. RAINE: I would just point out that, for example, in Grays Reef recently spearfishing was prohibited because of the use of powerheads. One of the reasons is because the use of powerheads is so closely associated with spearfishing it can be difficult to enforce the prohibition on powerheads without some type of regulations of spearfishing. I know that's something that folks usually don't want to talk about, so I'll just throw it out as an FYI.

MS. MARTIN: Okay, if there are no more questions, I'll keep going on. Moving on to Action 3, establishing marine protected areas across the midshelf region and designating HAPCs for speckled hind and Warsaw grouper. This was also an item that was scoped during the recent meetings.

As you know, speckled hind and Warsaw grouper are two midshelf species undergoing overfishing, and under the Magnuson Act the council has to take action to end overfishing here. Under Snapper Grouper Amendment 17B, the council implemented a prohibition in waters greater than 240 feet for the sole purpose to reduce bycatch for speckled hind and Warsaw grouper.

Recent data analysis that was conducted indicated that the six species identified in the 240-foot closure weren't as closely associated with speckled hind and Warsaw grouper as was previously thought. The council developed Regulatory Amendment 11 to remove the 240-foot closure in order to address the recent analysis that was conducted. This is something, as Myra mentioned in an update, that was approved by the council in December and it still remains under secretarial review.

In CE-BA 3, in this amendment the council is looking to implement some additional protections for these two species as they're required to do under the Magnuson Act. What information do we have on the table? This was the analysis that was used in that Regulatory Amendment 11 to remove the 240-foot closure, and that is incidents of occurrences of these two species.

The council will be looking to develop some targeted marine protected areas along this midshelf region where these kinds of points here are areas from fishery-independent data and some fishermen observations where speckled hind and Warsaw grouper have occurred. This chart here represents incidents of occurrence of these two species in the northern South Atlantic region from that fishery-independent data.

This chart here represents the same data set from the same time series, areas of occurrence of speckled hind and Warsaw in the southern South Atlantic region. You can see there is not much data that we have on these two species in the existing analysis that the council is looking at here. We also have headboat survey data and this is spanning from 1973-2009. This chart here depicts observations of Warsaw grouper occurrences from the South Atlantic region.

You can see the greatest area of occurrence from the logbook grid 29/80 and 29/90. It's there kind of off of the central Florida coast, and this is specific to Warsaw grouper encounters from that data set. Lastly, another data source similar; this is headboat survey data from that same time span on speckled hind encounters, and so you can see this mirrors some of the fishery-independent data for speckled hind.

The largest area of occurrence from this data set is off the central South Carolina coast. Again, this is something that is going to be discussed later this week during the Snapper Grouper Committee, and the council will have to make some decisions and discussions about what additional protections they want to move forward with in this developing amendment.

MS. BROUWER: Also, a little bit more background, just so you know what is coming, one of the things that we're going to be discussing with the Snapper Grouper Committee later this week is also the possibility of hosting a series of workshops to get input from the fishermen themselves and experts in the, I don't know, biology of speckled hind and Warsaw.

We don't know quite how we're going to conduct those workshops, but I think the council or at least some members feel it's important that we bring the fishermen into the whole process, just to take their time and make sure that whatever areas get selected for a potential closure are the ones that are going to benefit those two species the most.

MR. KENNEDY: The data points we saw earlier, the little purple and then the green boxes, do those indicate a catch of that particular species, whether it's speckled hind or a grouper, or does that indicate more than that?

MS. BROUWER: I think it's a single occurrence.

MR. KENNEDY: And some they have combined occurrences because some have purple dots inside the green box; does that mean both species were caught there?

MS. BROUWER: Right, the purpose is speckled hind and the green is Warsaw grouper. There are some areas where there is some overlap. One of the things we've talked about internally as staff is perhaps one of the alternatives the council should consider is looking at areas where there is such an overlap or perhaps even expansion of existing MPAs.

MR. KENNEDY: Thank you; you anticipated my next question.

CAPTAIN BEATON: I think you answered mine, too, because it looks like some of these dots, be they purple or green, would lay in some of these new proposed extensions of Oculina and that area around the MPA, North Florida MPA.

MS. MARTIN: Okay, the next measure in the document is Action 4 designating Snapper Ledge. This is a small site in federal waters down in the Florida Keys National Marine Sanctuary, designating this as a marine protected area. I just want to preface this by saying Sean Morton, the superintendent for the Florida Keys National Marine Sanctuary, he will be at our Ecosystem

Committee tomorrow presenting on their plans for a strategic review. They're looking at doing some rezoning down in the Sanctuary.

It's our recommendation to the council to wait for this measure to be vetted through the Sanctuary process. This is coming from a conversation we had with staff prior to the public scoping meetings. It was something the council approved for scoping. They wanted to take input on this measure.

This is a small site that is a very highly populated fish ledge and gully area. It's also used as coral transplantation and repopulation study area. There has been some discussion at the Sanctuary Advisory Council level for the council to possibly look at complementing their interest in designating this area as a sanctuary preserve.

In doing so, the council's authority under the Magnuson Act would be to complement that measure and designate the area as a marine protect area. Again, our staff recommendation is going to be for them to wait for a formal recommendation from the Sanctuary because we don't have that yet for this site.

Action 5, develop a recreational tag program for deepwater species – now this is coming from the council having some preliminary discussions about options to address overages in recreational annual catch limits. This is something that all snapper grouper species will have an ACL with the forthcoming Comprehensive Annual Catch Limit Amendment that has been approved but not yet implemented.

Specifically there is concern about golden tilefish, snowy grouper and wreckfish. These species all have very low recreational annual limits. The council here is interested in developing a recreational tag program to prevent continued overages in these recreational ACLs. This is a tag program in which a certain number of tags would be available for recreational harvest for these deepwater species on an annual basis and could possibly be administered through the states' existing programs. Again, this is a measure that has initially been scoped and the council will be having further discussions about this actually now during the Data Collection Committee.

We have a couple of actions that remain that are recommendations from the Snapper Grouper Advisory Panel, and one is to increase the minimum size limit for hogfish. This was a very controversial measure during the public scoping meetings. Obviously, there is a lot of interest in not changing the minimum size limit for hogfish down in Florida waters, but at any rate this is a recommendation from the Snapper Grouper AP.

They are recommending increasing the minimum size to 18 inches fork length, and that's from the existing limit of 12 inches. Their concern there is that too many large males are taken out which is skewing the population. The council will be looking at this recommendation and receiving an overview of the scoping comments that were made on this measure.

Again, with all the others, we'll have a staff recommendation for the council to help provide some guidance to them while they deliberate over these measures. FWC is taking the lead on an

assessment for this species in 2013 so it will be our recommendation that they defer any changes until after the stock assessment is complete and they have the results.

The same with Action 7, changing the bag and size limit for gray triggerfish – again, this is a recommendation from the Snapper Grouper Advisory Panel. They are recommending an increase in the size limit to 14 inches total length and establishing a recreational bag limit of five per person per day.

This is also a species that will be assessed in 2013 so again our recommendation will be that the council defer any changes to this fishery until after the assessment results are in hand. Action 8, adding African pompano to the appropriate fishery management unit; this is also a recommendation from the Snapper Grouper Advisory Panel. It's to add this species to the Snapper Grouper FMP. There is some concern that there is no management in federal waters for this species, so adding it to the appropriate FMU would require all of the stipulations under the Magnuson Act.

MS. BROUWER: This one is actually one that we are recommending that the council drop from consideration because FWC actually submitted a letter to the council back in 2009 indicating their intent to extend state regulations into the EEZ for this species. For whatever reason, the Snapper Grouper AP recommended this measure, and at the December meeting the Florida representative didn't realize that this had already been taken care of so it's sort of a non-issue.

MS. MARTIN: Lastly, for the CE-BA 3 Scoping Document, Action 9, modify permits and data reporting to ensure ACLs are not exceeded; in December the council approved a motion addressing the need for modifications to dealer permits and reporting requirements. Again, this is kind of a result of the forthcoming annual catch limits for all the snapper grouper species.

There is some concern expressed over the existing reporting systems' ability to track limits and ensure that overages are not occurring. This again was a measure that was scoped. There is currently an amendment being jointly developed with the Gulf Council to address revisions to dealer permits and reporting requirements for dealer permits. In the CE-BA 3 amendment the council will look to developing improvements to commercial and for-hire permits and reporting requirements. That kind of wraps up what was scoped for CE-BA 3. Do you have any questions?

MR. HARTIG: One of the things that came up in the hearing in Jacksonville, I think, was the question of some of the Florida fishermen are going to the Georgia Towers and shooting African pompano and bringing them back on spearfish trips. What I've been always told by law enforcement is that if Florida has laws in place and we don't manage the fish, the Florida laws apply; and if you're a Florida vessel coming back from wherever you were fishing, coming back into Florida waters and landing your fish in Florida, that you would be in violation if you didn't abide by Florida law. Am I correct in that assumption?

CAPTAIN BEATON: Only if there is specific language in the rule. There is case law out there that says the terms that have to be used if there is no fishery management plan and Florida

wishes to extend their jurisdiction beyond their state territorial waters for that species, they have to specifically use the terms “within or without the waters of the state of Florida”.

That’s a term through Magnuson that allows the state to extend, but those specific terms have to be there. That’s why you’ve seen at the last couple of commission meetings we’re incorporating that terminology. If you look at some old rule language for some species, African pompano, permit, that was never there. It was like an urban legend, but it wasn’t a hundred percent concrete until that language is in there.

MR. HARTIG: Somebody better tell David Hagan that because he lectured us very well on that subject that we couldn’t do that.

MAJOR FRAMPTON: Anymore discussion on this? What is next?

MS. BROUWER: We don’t have a lot of time left. On the agenda we have an update from Kari MacLauchlin on Snapper Grouper Amendment 20B, which is a modification to the Wreckfish ITQ; and also an update on the recent approved regulations for spiny lobster. The last item on the agenda is some issues with Golden Crab Amendment 6. I guess what I would suggest is perhaps moving on to Golden Crab 6, and I would need to go get the staff person that is going to cover that. I think he had some specific questions that he needed input from the AP.

CAPTAIN BEATON: I have to sign off. I have to catch a plane to go to Biloxi for the Gulf Council meeting tomorrow. I left Myra my state report, if you get to it, as well as the JEA update, hours and everything; so if that needs to be presented, Myra can do that on my behalf.

DR. CHEUVRONT: Okay, we’re ready to roll here on golden crab. Just so you all understand, the council is considering establishing a catch share program for golden crab at the request of the fishermen who participate in that fishery. If you’re not familiar with the fishery, there are about five or six active participants in the fishery. There are only eleven permits total.

The entire fishery occurs basically in deep water off of Florida, from about Cape Canaveral down south around the Lauderdale area. What the council is doing is considering establishing a catch share program at the request of these fishermen. Part of the reason has been that they had several years ago – this is mostly a smaller vessel fishery compared to something like the larger Alaskan crab vessels, and they actually had a scenario that occurred a couple of years ago where some larger Alaskan vessels came in and started fishing, and they were very concerned about the impact of that. This is also a very difficult and dangerous fishery to participate in.

It’s a very deepwater fishery. The fishermen want to make sure that anybody who is going to participate in this fishery understand it and participate safely. There is a real problem with the potential for gear entanglements and things that are very costly and time-consuming. What these fishermen did is they came to the council and said, “Can you please help us and we’d like to consider having a catch share.”

The council is doing that now and currently the council is considering 15 actions related to this. Now, I will tell you most of these we’ll probably be able to blow through pretty quickly. This

first action is basically to establish criteria for a golden crab catch share program. The council's preferred alternative is to restrict eligibility to valid commercial golden crab permit holders.

A lot of these actions, I'm not sure that you are all are going to have a lot to weigh in on, but I'll give you a pause for a second. If you want to weigh in and if not, we'll drive on. This first one; does anybody have any anything you want to say about any of the actions related to establishing a golden crab catch share program?

Okay, Action 2, the initial apportionment of catch shares – and it happens to be at this point that the council prefers to divide up 25 percent of the initial catch shares equally among eligible participants and then distribute 75 percent of the initial catch shares among the eligible participants based on the aggregate annual golden crab landings and logbooks; but to participate in this, then the fisherman would have to have landed 50,000 pounds from 1997-2010. That's the Preferred Subalternative B. Do you have anything you want to say about eligibility for a catch share program?

Okay, moving right along, Action 3 is to establish criteria and structure of an appeals process. The council's preferred alternative and subalternative basically lays out the rule for somebody who feels that they didn't get the share of the allocation that they should have. The council's current preferred is to set aside 3 percent of the total allocation for appeals.

And just as a reminder, just to you know if you're not familiar with this, this fishery has never caught more than about 800,000 pounds of golden crab in a single year, and their current ACL is at 2 million pounds. They've never even caught the ACL and everybody who is going to be participating in this fishery will get more than they have ever caught before. That's where we are with that.

Establish criteria for transferability, the council doesn't have a preferred alternative on this at this point, but it's basically who can they transfer their shares to and it's a matter of whether then can transfer them only to other golden crab permit holders or could they, after a period of time, transfer them to any other catch share program participants or any U.S. citizens or resident aliens or whatever afterwards.

Action 5 is define quota share caps. That is the idea of what is the maximum amount of quota share that a single entity can own. Right now if the total allocation was distributed solely based on aggregated landings over this time period, there is one participant who would have well over half of the allocation. The council is concerned about that and currently has as their preferred that no person including a corporation or other entity may individually or collectively hold shares in excess of 49 percent.

Basically what they're saying is they don't want one person be in control of the fishery or one entity, and what they're trying to do is this is largely related to the fact if there is ever a vote or anything based on share allocation, that one person couldn't control the outcome. The council is also considering a use-it or lose-it policy, and they do not have a preferred alternative here.

The idea is you've been allocated shares they want the fishermen to actually use them. They don't want them to sit on these shares. The two alternatives that they are considering is that they have to use at least 10 percent of their allocation over three years or 30 percent over a three-year period; and is that 10 percent or 30 percent, is that further determined based on just landed crabs or transfers of shares so that somehow they could add them together. This is mostly an administrative thing.

MR. KENNEDY: I just want to make it clear; does that mean that someone could transfer their shares for a year, rent them for a share and they would still be within the lose or –

DR. CHEUVRONT: I believe if the council chose Subalternative B; that transfers would count towards the 10 or 30 percent. If they wanted to have somebody use their shares for a couple of years, 10 percent of their shares, that would count towards their participation in the fishery. It's a matter of does the owner of the share actually have to fish them or do they just have to be active somehow in the fishery.

Action 7 is a cost-recovery plan. Actually this is pretty much governed by the Magnuson-Stevens Act, but right now the council's preferred subalternatives involve cost-recovery fees would be calculated at the time of the sale at a registered dealer, and it would be based on a standard X-vessel value of the landings as calculated by NMFS.

Subalternative 3B is that the dealer would collect and submit the fees and then the fees would be submitted to NMFS quarterly is the council's current preferred action. Now, actually we're getting to Action 8, and this is one that I'd really like for – we're starting to get to some that if you have comments, it would be really good to hear.

Currently there is a rule that is in place that when a permit is transferred from one vessel to another, the vessel that the permit is transferred to cannot be larger than 20 percent bigger than the vessel that the permit is coming from. Now, the reason that was put into place was to keep somebody from transferring his permits to a really, really large vessel, like coming from Alaska or something like that.

Well, the AP met in January and they have actually requested to increase that size to 35 percent because there is actually one participant – everybody knows everybody who participates in this fishery, and they all kind of are friends and they want to help each other out – there is one participant in the fishery who would like to get a vessel that is larger – more than 20 percent larger than the vessel he is currently fishing on.

Part of the reason for that is because a lot of these vessels are now going to refrigerated seawater systems to hold these crabs to keep them from deteriorating once they have caught them. This particular fisherman would like to buy a vessel that is going to be about 30 or 35 percent larger. Almost all of the fishermen that participate in this fishery are part of the AP and have decided that, sure, 35 percent is big enough, so they have now made a request of the council to allow this increase size. Do you see problems with doing that? Otha.

MR. EASLEY: I don't know if there is a problem, but who determines the 35 percent and how?

DR. CHEUVRONT: Well, I guess it has to be based on the vessel that the permit is assigned to. I'm sure the permit has the vessel characteristics on it; so when it transfers to another vessel, you can figure out what 35 percent is larger of – I guess that's the permits office who would do that.

MR. EASLEY: It's 35 percent of its capacity or just its –

DR. CHEUVRONT: Its vessel length; it's based on the length of the vessel.

MS. RAINE: I was just going to say from my perspective of a prosecution, I don't care. I imagine that somebody is going to make the decision, whatever it is, and issue a permit or not issue a permit. For myself, I don't quite see how it impacts the prosecution.

DR. CHEUVRONT: That's fine; I just want to make sure you all have an opportunity to say something. Action 9 is restrictions on where permitted vessels can fish for golden crab. If you're familiar with this fishery, even though there are only eleven permits and about five or six active participants, there are actually three zones.

Currently you have to have a permit for any zone that you are going to fish in, and you can only have one permit on the vessel at a time. What happens is that the fishermen have to – they can fish in the one zone and they have to come back to port, they call NMFS and they transfer the permits between vessels.

Interestingly, it may be another vessel that they own, but it may be a buddy's vessel, and just a way to move it, so they can now move the permit that they own for a different zone on to the vessel and then go back out and fish another trip. That's the way it currently works. What the fishermen have asked for is can they fish the quota that they have at any time for any zone where they have a permit and so not have to do this swapping around to make it more efficient for them.

Now the council has come back and chose as their preferred is that a vessel with a permit to fish for golden crab can use annual pounds in any three of the golden crab fishing zones, which in essence would get rid of the zones altogether. Now, theoretically that kind of makes sense, but the fishermen don't want to do that.

The reason why they don't want to do that is because they don't want everybody fishing in the same zone at the same time because of gear entanglement problems. They fish very long trawls with these traps and they move around quite a bit. They're basically fishing in the Gulf Stream. The fishermen want to keep the zones, but what they don't want to have to do is to play this shell game of moving permits between vessels, so that's what they would like to have done.

MS. RAINE: I just have a question. Who requested the current regime that is currently set up; wasn't it the crab fishermen and now they want to change it?

DR. CHEUVRONT: Are you talking about the zones?

MS. RAINE: Right, and now they want to change it?

DR. CHEUVRONT: No, they don't want to change the zones. They're completely happy with the zones.

MS. RAINE: Right, but they want to change the setup that they had initially asked for?

DR. CHEUVRONT: Well, as it turns out moving the permits between vessels was not something that they ever requested in the first place. That was something that I think administratively occurred with NMFS. Do we see a problem with having more than one permit on the vessel at a time? That's not something that NMFS typically does.

CAPTAIN KELLY: It seems like if they're allowed to transfer them back and forth, why would it matter? If you've got two boats and you're going to draw the permit from one on to the other and use it, what would the difference be?

DR. CHEUVRONT: It's not that they're going to use a different vessel when they go out. They've got the one golden crab vessel. What they're trying to do is they want to save trip costs. If you a northern zone permit and middle zone permit, to go fish in the northern zone and you have to come back a long way, offload your crabs, change your permit and to go back out again, they would just as soon like to go fish the middle zone and the northern zone and come home all in one trip.

CAPTAIN KELLY: Since they have two permits?

DR. CHEUVRONT: Since they have two permits already.

CAPTAIN KELLY: That makes sense to me.

DR. CHEUVRONT: But you don't see any kind of a legal problem with something like that; as long as they have both permits on the vessel at one time?

MR. EASLEY: It's not a legal problem but I don't see how it alleviates their earlier concern of too many fishermen in the same zone.

DR. CHEUVRONT: Well, again, this really falls under almost like a Mom and Pop kind of thing. These guys call each other and say, "Where are you fishing?" Then they know to try to stay out of each others way most of the time. It doesn't always happen. They occasionally have entanglements and things, but this is something that they have requested.

MS. RAINE: I guess I have a question. Really, kind of what is the difference between what they're requesting and what the council's preferred alternative is?

DR. CHEUVRONT: Because the council's preferred alternative would get rid of the zones altogether, so that says regardless of where you are currently permitted you would be able to fish anywhere in the golden crab fishing area.

MS. RAINE: Right, and so as a practical matter that's sort of what they would be doing, anyway, isn't it?

DR. CHEUVRONT: Not if they're not currently permitted – nobody currently has a permit for all three zones.

CAPTAIN LEWIS: That's the only reason they'd want to keep the zones is because everybody doesn't have a permit for all three zones. What is to keep them from getting a permit for all three zones?

DR. CHEUVRONT: Theoretically they could. I think it's really a matter of more distance. There are enough crabs out there that nobody needs to travel that far to be able to fish in all three, and that's just the way it is now.

AP MEMBER: This is a no-brainer; go for it.

MR. KENNEDY: I agree. I guess the issue about entanglements, it's a small group and they seem to be relatively getting along well in the sandbox. If they start entangling each other, I'm sure they'll find a way of figuring it out. I don't see an issue with it.

DR. CHEUVRONT: Okay, and Action 10 is regarding one of these small zones, the southern zone. Part of the southern zone is set up to restrict the size specifically of the vessels that can fish in there. When this fishery was originally set up with the zones and the eleven permits, there were literally eleven different participants in the fishery.

A couple of the fishermen had relatively small vessels and they had not perfected their seawater cold storage system at the time. What has happened is that some of these smaller guys have fallen out of the fishery and other people have picked up their permits. What they had done originally – part of the southern zone is really quite small and fairly narrow, and so what they wanted to do was to set up part of the southern zone that only the small guys could fish in.

The problem is that there are no really small guys left in the fishery, so what they're asking now is could we please remove this restriction so that we can fish the entire southern zone. That's all they're asking for. The council does not have a preferred on this action yet.

MR. KENNEDY: It just seems to me that if we're making these regulations less and less difficult to enforce, it makes sense to me. Am I missing something here? As long it was on a biological drive to have these different zones –

DR. CHEUVRONT: There is no biological reason to have the different zones at this point. We don't know that there should be; let's put it that way.

MR. EASLEY: Not to speak for the chairman but I think the LEAP's preferred alternative is Alternative 2; just go ahead and eliminate the small zone.

LT. FISHER: Yes, absolutely from our end. It sounds great.

MAJOR FRAMPTON: You haven't given an enforcement issue yet that I think we see as any type of enforcement issue.

DR. CHEUVRONT: And actually, to be honest with you, I think the fishermen have said that it's really not being enforced now, anyway, and so they'd like to make it official. There is this action for permit stacking, and this is related to the other one that we had talked about before about allowing a vessel – how many permits can they have on the vessel at one time?

As I had said, nobody has three permits at this point, but that's a possibility that could happen in the future; and so do we keep it right now you can only have one permit on the vessel at a time or are we willing to allow up to three permits for each of the three zones?

CAPTAIN KELLY: If you had all three permits, how much as far as the quota would he actually be able to control?

DR. CHEUVRONT: It depends. Right now the permits are not specifically tied to any amount of the allocation. There are actions in here that might – or the council is considering actions that might tie certain amounts of the allocation to a specific permit. For example, if you buy a permit, a southern zone permit, you would have to then buy allocation to go with that permit, and you would have to negotiate that with whoever you bought it from at the time.

One of the questions that the council will have to answer; is it possible to own allocation without a permit, and you could use that to speculate whatever how you wanted to do it business-wise. The council hasn't made up their mind on how they wanted to do that. Currently the amount of allocation that you fish is tied to a specific zone, but nobody under any circumstances would be allowed – the council's current preferred, from all the zones combined, could not have more than 49 percent of the total allocation; however it's split out in different zones.

CAPTAIN LEWIS: If I understand this correctly, you're saying the fishery is coming nowhere near catching what they're supposed to catch or then can catch, so you're going to up what they can catch because they're not getting what they're capable of catching; and if they don't catch 30 percent of what they can't catch to start with within three years, they're going to lose their permit?

DR. CHEUVRONT: Well, this is basically a demanded-driven fishery, and it's a growing fishery. The amount that they are catching from one year to the next seems to be increasing, and they see a potential for this fishery to grow. Thirty percent in some cases, if you've got that much allocation, could really be a difficult thing for you to do.

CAPTAIN LEWIS: Well, with all the other fisheries we've done and trying to make it more convenient and more economic for the fishermen, why not let them fish the permits they on the boat while they're out. I mean that just makes good business sense unless I'm missing something.

DR. CHEUVRONT: Well, just to give you an idea, 1 percent of the allocation in this fishery would be 20,000 pounds, and some of these guys on a single trip and a decent trip can catch 15,000 pounds of crab on one trip. If somebody has got 49 percent of the allocation, that's 98,000 pounds, and so you're really talking somebody could do 60 trips in a year. That's actually a pretty feasible amount at this point if they're having good trips. They're just not doing it because they don't have the demand for the crabs and they're trying to build that up. The one person who is in that scenario who may be limited to 49 percent has been doing pretty well. He hasn't been catching that 98,000 but has gotten fairly close.

LT. FISHER: It seems to me that a number of these alternatives, they're presented both for the stacking and then are all kind of dancing around trying to get rid of the teeth of the subzones have anyway, so some of them understand exactly why the AP didn't want to get rid of the subzones entirely.

DR. CHEUVRONT: Right, I think really the AP would really like to see the subzones as a way to help everybody protect the turf where they're fishing.

LT. FISHER: So they don't have to self-deconflict, which is apparently what it sounds like they do, anyway, but they want to have something on the books maybe because of the potential for growth in the fishery and they want to preserve that ability. I'm thinking out loud.

DR. CHEUVRONT: I think that's really what it boils down to for these guys is that they've got it worked out pretty well amongst themselves. They like the idea of the zones because you know who has the permit in whatever zone; so when you're going out to fish, you call those other people who have permits in that zone and say, "Do you have gear out there right now; are you going to be fishing out there; where are you going to be, so I can stay away?" That way they have to make one or two phone calls instead five or six.

LT. FISHER: And just from an at-sea enforcement perspective, as we already said, trying to get to a simpler structure with one permit none of these subzones would be – you know, our preference to make it easier to understand and easier to enforce and adding all these different layers of complexity with different permit stacking seems like it's dancing around – a much simpler approach is just to get rid of them all, but obviously there are other perspectives on it.

DR. CHEUVRONT: Yes, and I think even if the council decided to go with what the AP prefers, it will simplify enforcement. Basically, you'd still be left with the three zones and the fishermen would have to have permit to fish in each of those zones, but that would be it. There would be no subzones based on vessel size and nothing strange like that.

MR. EASLEY: If we go forward with this one here with the stacking of permits, then that makes it even easier for enforcement because they wouldn't have to worry about them transiting through another subzone or zones that they didn't have a permit on board for.

DR. CHEUVRONT: That actually is a scenario; especially if this goes to a catch share and VMS ends up on these vessels, then you're actually going to see them transiting through other zones potentially.

LT. FISHER: Does it have any impact on the golden crab fishery access areas inside the Deepwater Coral HAPCs or there is no impact on that?

DR. CHEUVRONT: There are no actions at this point that are being considered that would modify those at all although there was a request from a fisherman at one of the public hearings to do that, but I don't think the council is going to entertain that at this time. The big one is Action 12, monitoring and enforcement specifically.

One of the things in all catch share programs at least in the southeast that have gone into place in the past, VMS has always been a component of that catch share. There is an issue with this fishery, unfortunately, that where the vessel is, because they tend to drift and they can drift into those HAPCs, those Coral HAPCs, that may not be where the gear is currently deployed.

The difficult issue here is that the fishermen are concerned that if they have drifted into a Coral HAPC and they are not running so you can't tell that they're just transiting, would they be liable for a violation of some sort. Some of their allowable fishing areas go right up against those Coral HAPCs, and so they could conceivably have the vessel there but their gear not be there.

Now, what the fishermen have said, "We're perfectly happy with hail-in and hail-out," and they would even like to go to the point where they would like to put some kind of a pinger type system or something on their traps so you would actually know where the gear is located, whether or not that is where the vessel is located.

I don't know the feasibility of doing that. I think if there was some way that the fishermen could be persuaded that VMS would not be a really bad thing for them, are they going to be given violations if their vessel happens to drift into the Coral HAPCs, I don't know, but this is one of the things that I would really love for you guys to comment on so that we can get this into the record.

MR. EASLEY: I know in earlier discussions with this industry a year or two back, VMS was not elected to be a part of the monitoring effort. Part of the reason at that point, at least enforcement's reason at that point was because, like you say, it wasn't clear cut. The vessel would be in essence in the closed area and the gear would be out.

The VMS technician would see the vessel in and then for them at least at that time the trigger was either on or off. We had contract employees then. Now we have more seasoned employees and they can make that distinction now that for this particular gear their fishing habits are such, and they can be trained according to those practices.

That training can happen by either an enforcement person or the industry can give a presentation to the VMS technician just like they gave a presentation to Hal, Tracy and myself and Pat O'Shaughnessy, VMS Program Manager, and Karen a year or two back so that there is a real clear understanding.

I think there is a benefit in them having VMS for a reason you mentioned earlier that for some consistency catch share programs have VMS and the default to keep that going. This would be an exception. On a national basis this would be an exception; not the only exception but it would be an exception. Wreckfish is kind of out there.

For being able to ensure there is hail-in, but I don't necessarily have to have that if VMS is on board, and the hail-in is a system that really goes to Crabtree's office – not that the communication is going, but that's a program that he is administering that we have access to and everything works out fine, but that's a commitment he would have to agree to. The VMS data also gives a lot of I think scientific information to the science end of the house that wouldn't exist.

DR. CHEUVRONT: Well, I'll certainly agree with you. I've talked about this with some of the scientists and they would really like to see VMS on the vessels as well. You all were just talking about in CE-BA 3 I believe they're showing – did they show you all the maps where they showed the VMS tracks and all that on there?

It was very clear that it could show where those shrimp vessels were and were not. In that sense having VMS for these vessels could be helpful in helping to manage those fisheries as well. They're certainly in favor of that. What the council has in their alternatives is that Alternative 2 is to require VMS. If this advisory panel would like to endorse putting VMS on the vessels, that would be a good thing to do. If you have a particular subalternative, the subalternatives basically relate to who pays for it, but I think the bottom line is that who pays for it is based on availability of funds.

MAJOR FRAMPTON: I think the panel would endorse that we're for the use of VMS on the vessels.

MR. EASLEY: In particular, Subalternative 2C.

DR. CHEUVRONT: Right, because apparently there is the National OLE VMS Reimbursement Account, but contingent on whether there is actually money in it or not.

MR. EASLEY: Yes, I just did a check on that. There is \$7 million in there, so I think we have enough to cover this happening.

DR. CHEUVRONT: Yes, considering you're talking six vessels. That's basically what you're talking about right now. Thank you; I appreciate giving me your comments on that. Action 13 is establishing criteria for new entrants. I'm not sure if you all want to weigh in on that; how do they try to get new entrants into the fishery.

The council was struggling with this. The Golden Crab AP was struggling with how they wanted to get new people in. The current alternatives set aside a certain percentage of the ACL each year to be auctioned off; and that would only be able to happen if there was a permit transfer because this would be related to new permit holders who didn't have any allocation.

The council has no preferred alternative at this point. I can tell you that there is a good chance that this action is going to change a lot perhaps at this meeting because they're going to consider some new ways at looking to get some new entrants in here. If there is something that this AP would like to endorse, that would be fine. If not, basically the differences are either you don't set up anything to let new entrants in or the different percentages that you could set aside of the ACL. I don't see a whole lot that you would want to say at this point.

Okay, we're almost done. Action 14 is one that I would for you all to weigh in if you have something to say about it. This action, if the council goes with Alternatives 2 or 3, would allow the fishermen to exceed their ACL or their share of the ACL on their last trip of the year. They could either exceed it by 10 percent or by 20 percent. Now, realize that say you've got a fisherman who could have as little as 1 percent of the allocation fishing; and if he has one really good trip, if that is 15,000 pounds, he has got 5,000 pounds left.

If he wants to go out and do a second trip, he could maybe only drop one trawl instead of two but he could still come up with 7,000 or 8,000 pounds of crab. What they would like to do, instead of throwing the crab over, let them bring it back and he has gone over and any excess would come off his allocation for the next year.

The council is considering allowing 10 or 20 percent overage in a year with the overage to come off the following year. Do you see any kind of an enforcement issues or anything involving that? Okay, the last one is approved landing sites. Basically what this would do is who gets to decide where the fishermen get to land the crabs.

Basically it would require the participants in the fishery to land at an approved landing site. The council's current preferred subalternative would require that the fishermen could recommend a landing site that they would like to land at ahead of time and it would have to be approved by NMFS OLE and the state law enforcement agency as opposed to just allowing NMFS to decide where approved landing sites could be.

In talking with the fishermen about this, they said, "Well, how do we know where we're going to land?" Well, up front you just give the possible list of places where you think you might like to land at sometime in the future and then you get those approved before you even start fishing. Then all you do is when hail-in you let them know within the time period where you're going to land so they can have an officer there if they wish to have somebody there.

They were concerned, well, why does that matter because they'll get the information off a trip ticket or something, but I tried to explain to them it had be for inspections and that sort of thing. Then they kind of understood and they said, "Okay, fine." Would you like to endorse one of the subalternatives over another or does it matter?

2A basically says that you would have to land at a site that had been selected by a fisherman but approved by NMFS OLE and the appropriate state law agency; or, 2B is just that the approved landing sites will be selected by the council and NMFS in consultation with the appropriate state agency.

MR. EASLEY: I take it they're thinking of this action in lieu of VMS, right?

DR. CHEUVRONT: No, not necessarily at all. They're kind of independent of each other.

MS. EASLEY: The Gulf Catch Share VMS effort for snapper grouper there, the VMS and the landing site information, both of those are required. Like you mentioned, the entrants provided a list and it had been pre-approved by enforcement. Those landing sites are uploaded, so to speak, into the VMS system and to the fishermen's system so they can designate where they're landing via their VMS units and, of course, with the amount of time in advance. There are also questions of what time of day will they be allowed, 8 hours a day, 24 hours a day; how much advance notice, et cetera.

A bunch of those questions will have to be answered to flesh these alternatives out. I think it can work here. Which alternative; I don't think it hurts to know what the landing sites are in advance once they get the details figured out, but even without that I think VMS would help us. It would be about 80 percent there with VMS alone. This would add about 20 more percent, so to speak, of a couple of tools for enforcement.

DR. CHEUVRONT: It sounds like, then, if you all are agreeing Otha that doing something here under Alternative 2 is a good thing. Do you want to endorse one of the subalternatives over the other, whether the fishermen or the council are involved in deciding where those landing sites are going to be?

MR. KENNEDY: How many landing sites do they use now? This is a very small group of folks, right?

DR. CHEUVRONT: Right, most of the landings occur in the Fort Lauderdale area and there are some around Cape Canaveral. That seems to be where the focus of all these are. However, the fishermen, if they're out there and they encounter bad weather they may want to have some alternative sites where they could land in between those two places as well. Yes, I think somebody is going to need to make the decision as to where those sites would be.

MAJOR FRAMPTON: I think 2A or 2B; one of the two of those seems like reasonable things. We haven't in the past gotten involved in voicing an opinion on where somebody lands fish. Correct me if I'm wrong, that's really not an enforcement issue to us unless the dealer is not permitted to land what they're bringing in.

MS. RAINE: I would just suggest that – and this is why law enforcement needs to be involved because you wouldn't want someone landing where there is no public accessibility by land and by water so that law enforcement can get to the landing site to check the vessel for what is going on. In that sense, yes, it is important where people land. You don't want somebody landing where it's private and law enforcement can't cross the property.

CAPTAIN LEWIS: I would to take it up with Rob and them see what their preference is in Florida.

MR. EASLEY: 2B is the better alternative so that enforcement and the states have input on it, because what Karen has mentioned is in fact what we've lived on the Gulf where some of these proposed sites happened to have been someone's yard. They live on an inlet and the dock is out back and it's private property between the road and to their offloading site and earlier approved. Some of these places have been visited and have been removed, but that was due to law enforcement's input or say so on where these offload sites are determined.

MAJOR FRAMPTON: I think that being said, then maybe we should have a recommendation there that the sites have to be public sites or commercial sites. We might be splitting hairs here.

DR. CHEUVRONT: Well, right now if you read the subalternatives, under both of the subalternatives NMFS Office of OLE has to approve any sites that are recommended before they become acceptable. Well, under 2B they would be selected by NMFS, but under 2A must be approved by them.

MR. KENNEDY: It seems to me that 2B would be easier. The AP or the users could suggest the sites but they would know the sites in advance, so I guess the question is 2B or not 2B.

MR. EASLEY: I believe 2A is the way it works in the Gulf. Enforcement had to approve all the sites and many of the agents will really – for every site the responsible agent in that area had to go and preview them and then get back to the regional office and division office and say yea or nay and then permission went on forward to Crabtree's office and the VMS folks to get it all put into the system.

MAJOR FRAMPTON: So NOAA agents are going out and previewing the sites? Okay, I'm all right with either one of them.

DR. CHEUVRONT: So are you just recommending basically Alternative 2 because either way you end up with OLE-approved sites?

MAJOR FRAMPTON: Just thinking this thing through, do we not want the council to have say so in the approved sites? No?

DR. CHEUVRONT: To be honest with you, I'm not sure if the council really wants to get involved at that level.

MAJOR FRAMPTON: I'm not so sure the state wants to get involved at that level either.

CAPTAIN LEWIS: I think the big thing from the states is going to be just to keep them from going to these recreational docks and trying to offload commercial stuff. I think that's probably the only reason behind this so they know where to go to and look for it. I know that's the way Georgia would be. You couldn't offload in a recreational or a personal dock. It would have to be a commercial facility.

MR. EASLEY: I just thought you'd prefer to be involved and have some say so. I just thought you'd prefer it.

CAPTAIN KELLY: I can't imagine going anywhere except a commercial facility with any amount of crabs; just the difficulty that would be involved.

MR. EASLEY: With this industry, that might be the case. It's just that over in the Gulf there are even issues where some snapper grouper were offloaded – let me change it. Their boat would pull up in a trailer, it wasn't offloaded and it was taken off some place else. It wasn't officially offloaded. There are those issues that have to be crossed, too, but I don't know if that would be the case here with this industry.

CAPTAIN KELLY: That is what I was thinking; these vessels sound like they're not going to be trailerable and there are going to be such an amount of crabs coming in that I think that would take care of it.

MR. KENNEDY: I don't think there is any problem with this fisher, anyway. These are a small group of folks, they seem to be very tuned up to each other. Whether they recommend the sites or someone, I think the only the issue I had with that was advanced notice of where the site would be. They wouldn't be calling and say – you know, 36 hours out and say I want to have you meet me at such a place. It have to be a pre-approved site. That would be fine.

DR. CHEUVRONT: So it's sounding to me like what you're saying is you endorse the idea of Alternative 2 under this action, but who picks the sites, as long as they're approved by OLE is fine. Am I interpreting that correctly? That's it; that's all the actions that we have.

MAJOR FRAMPTON: The only other thing we have to go over in additional business is the Law Enforcement Office of the Year. I think we said we were going to do that in September, so we just need to come up with when we can have our nominees and get those forms in so we can pick somebody and move those people forward. Myra, any suggestions on when would be a good time for us to get our nominees together to you?

MS. BROUWER: Well, if you still intend on presenting the award in September, which I think was the original idea, but then last year we have to change it a little bit, well, the council would have to – probably would like to see the nominations at the June meeting, so some time before June would be ideal.

MAJOR FRAMPTON: How about towards the end of April we shoot for getting them in. That gives us a little bit of a window.

CAPTAIN LEWIS: Will you send us the form again? Okay.

MAJOR FRAMPTON: Myra, we'll go on your e-mail deadline. Any other business?

MS. BROUWER: One more thing; one of the things that the Snapper Grouper Committee is going to be discussing is potentially limiting the number of black sea bass trips because there is an issue with people off of Florida being able to do back-to-back trips whereas in the Carolinas

that is not feasible. Are there any enforcement issues or recommendations or things the council should be aware of if they entertain this limit?

MR. KENNEDY: Did you get Rob's thoughts on that? He'd be the one, obviously, to speak about that in large part.

MS. RAINE: You know, enforcing that type of provision may be challenging and there are some things that the council might want to consider such as call in when somebody is going to go out and call in when they're going to come back so you know about when they're going to be there and perhaps if they're taking out pots, how many pots – I know I'm mixing provisions, I'm sure, because I have some suggestions that might help with the pot program, too.

But, in any event, VMS could be helpful as well with this type of program. Another thing that might be – I don't know everywhere that these fishermen fish, meaning state or federal waters, but if there were provisions that they needed to provided – you know, permitted folks need to abide by federal regulations wherever they were fishing, that might prove helpful if they were just fishing in state waters or partially state – I'm not quite sure how they do this fishery and where they're fishing, but those are some provisions that might aid, I would think. Those are just a couple of suggestions. I may have more but that's a couple more.

MAJOR FRAMPTON: Would you shoot Rob an e-mail and maybe he could respond back to us, you particularly in the e-mail, with his concerns since I think this primarily is a Florida concern; isn't it? Am I wrong about that?

MR. KENNEDY: No, I think the issue is the other states. If the folks in Florida can do five trips a week, for example, and the folks further up the coast have to go farther and can't make that trip as quickly, so that transit time would put them down, and there is an issue about I guess being fair with the catches. Am I right on that?

MS. BROUWER: That's correct. The council is likely going to consider limiting the number of trips to even out the harvest, so they just would like to know if there are any enforcement issues they should be aware of ahead of time.

MR. EASLEY: And they're going to discuss that this week, too, right?

MS. BROUWER: Yes, it's an agenda item for the Snapper Grouper Committee on Thursday.

MAJOR FRAMPTON: Otha, are you going to be here for that?

MR. EASLEY: Yes, I can be there to represent you and the LEAP.

MAJOR FRAMPTON: After it's over, can you just shoot us an e-mail with the highlights of what the upshot of the conversation was, please?

MR. EASLEY: I can do that but I think that might be late. If we have a few minutes to address it, I think we should address it now.

MAJOR FRAMPTON: My fear is it's hard to address it without Rob here, if I think we're addressing the same thing.

CAPTAIN LEWIS: My understanding is what they're wanting to do is limit the number of trips that somebody can take in a week's time, whether it's from five down to three or something like that.

CAPTAIN KELLY: They feasibly can't do it from South Carolina or Georgia because of how far they've got to run.

CAPTAIN LEWIS: I think that's going to make some of the other states happy and it's really going to tick Florida off.

MS. RAINE: I understand that there has been some consideration that this would be enforceable by trip tickets alone, and I would just question whether that's possible. It really might depend on different state requirements and what kind of accessibility trip tickets have for enforcement or prosecutors and that type of thing.

CAPTAIN KELLY: I don't know that the trip tickets by themselves will do it. I think it's going to be more about the officer being on the dock and knowing when the boat leaves and knowing when he comes back.

LT. FISHER: Yes, I would think that's pretty much unenforceable from an at-sea perspective of the boarding officer getting on board a boat, so hopefully there is something downstream there that they're going to set up.

MS. RAINE: Hence a call-in and call-out program, plus VMS; those types of things could help with the enforceability of them.

CAPTAIN KELLY: Certainly, trip tickets are an indicator, but most of our officers are on the docks and they know when the boats leave and they're back.

MR. EASLEY: Yes, and we want to be there to make sure that trip tickets are correct. If we're not there, no telling what gets reported or even if the trip ticket is produced, period. I think you're right on, Jim, we want some tool that allows us to be there when they're there.

MAJOR FRAMPTON: VMS is the most likely tool, I would think.

MR. EASLEY: Yes, VMS would be the best one, but we're talking about a pretty big number of vessels, so I really think that's going to be an uphill battle with the council, but something less than that like Karen suggested, hail in and call in some number of hours ahead of time is more doable.

MS. RAINE: I might add that if you call-in and call-out, in the past in the Gulf, for example, had traps. There was a call-in and call-out and people would need to say how many traps that they

were taking out and then how many they brought back in, and that could tie in also with the trap issue, too. There are a number of issues with that, too, and I don't know if this is the time to raise it.

MAJOR FRAMPTON: Do you know who they were calling; were they calling the –

MS. RAINE: I think it might have been law enforcement or it was the regional –

MAJOR FRAMPTON: That's where they're calling I guess the agency or a federal –

MS. RAINE: Well, it was federal. This really hasn't come up and I will raise the thing with the traps and the number of traps that might be allowed. I know the council seems to be talking about the different numbers, the 35 or whatever, and I know when I was doing some things last week, one my questions was whether there were going to be replacement tags and how that was going to work.

Again, that's where the call-in and call-how, how many traps you're taking out, how many you brought back and why if you didn't bring them all back. Maybe there was weather, I don't know, there could be all sorts of things, but some sort of explanation that you might losing tags that way as well. I think there are a number of issues that sort of surrounds this fishery that are coming to the forefront, and just to try to make it easier for everybody, the fishermen included.

MAJOR FRAMPTON: Otha, do you think that covers it or do we need to have more discussion on it? Karen.

MS. RAINE: You know, one other thing that I understand when they were tracking the Gulf is that at some point – maybe they first had this program or when fishermen were first going out – they also had an inspection program where I think actually law enforcement went down and inspected the traps so that at that moment in time they were either constructed or everything was properly – or if they weren't, you know, they could explain to the fishermen what they might need to have done. That might be something else that the council might want to consider again to help fishermen be in compliance before they even –

MAJOR FRAMPTON: More outreach to the black sea bass fishermen. Myra, will you recap what our recommendations are to the black sea bass fishery.

MS. BROUWER: What I've heard is that enforcing the number of black sea bass trips might be challenging and here a call-in and call-out requirement or VMS would be helpful in increasing enforceability of that limit. In addition to the trip tickets alone, it sounds like there should be on-site enforcement as well, and this again is where VMS would be ideal.

Another issue is how are the replacement tags going to work with the specified number of pots that the council wants to have per trip, and they have specified I believe 35 pots per trip. Again, the LEAP would recommend a call-in and call-out program to help with that. Does that capture it more or less?

CAPTAIN KELLY: I just have a quick question on how you would treat broken trips for mechanical reasons or weather. Have they thought anything about any of that?

MS. RAINE: I don't know but it seems like it's something that ought to be considered, I would think, because those types of questions will come up. Sometimes these issues come up after the regulation is passed and in place, and then it's like, oh, what are we supposed to do about that.

CAPTAIN LEWIS: If we don't have the call-in and call-out, they've just got to notify us when they're coming back to the dock. Who cares how many trips they make when you're got a better account of the quota?

CAPTAIN KELLY: I just perceive gear being left out for mechanical reasons or busted trips where you come in and he has only got half a trip and then back out.

MAJOR FRAMPTON: Did the council say that they would have to stay with the gear or will they be able to set the gear – when they set the gear; do they have to stay with the gear or can they come back and then retrieve the gear? So they've got to stay with the gear the way it is written if we're worried about traps and bringing them back.

DR. CHEUVRONT: I guess it depends on the definition of what is a trip.

CAPTAIN LEWIS: Didn't we have this discussion in Florida?

DR. CHEUVRONT: Ben, correct if I'm wrong, but I think the council's intent is if the vessel comes back, the gear is supposed to be on that vessel.

MAJOR FRAMPTON: I agree with you and I think from an enforcement perspective, we would be worried that if you took 35 out and let's say you said lost 10 and you intentionally left them out there to soak; then the next day you came back with your 35.

DR. CHEUVRONT: But also remember, though, they're going to be limited in the number of pot tags they're going to get as well, and so they would be limited to 35 tags.

MS. RAINE: Right, and that was of my questions as I was reviewing earlier last week, what about replacement tags, so that was the question that I was raising because there may be replacement tags and how would that be tracked. It seems to me that if someone had the replacement tag, hopefully there would be a number or something, some designation so that if the other tag showed up somehow and that was being tracked, there might be an issue there that would need to be resolved because they might end up with more than 35 traps.

Those are the type of things I think that need to be thought about and a lost trap sort of call in, which comes from case law many, many years, in the eighties, I think it was, but the ALJ sort of adjusted that, you know, NMFS have a call-in program for lost traps. I'm not quite sure where that is at right now, but, you know, all these things need to be thought about for this type of program, I think, so that everybody understands what the program is and what they need to do under those circumstances.

MAJOR FRAMPTON: I'm not totally up to speed on the amendment but when we talk about a trip, are we talking about midnight basically to midnight?

DR. CHEUVRONT: Not necessarily; a trip is not necessarily 24 hours; a trip is when the vessel leaves and then returns, so you could do a multi-day trip.

MS. RAINE: Well, a trip is defined so when you go out and you come back; if you go back out again, that's another trip.

CAPTAIN LEWIS: But I think we described what our recommendations would have been during that meeting. I'm just trying to see if somebody remembers what they were then.

MS. BROUWER: Right, and I can't recall exactly what the recommendation was, but my recollection is that the discussion centered around what the conclusion of a trip – you know, what constituted the conclusion of a trip, and that's where the back-to-shore language – we looked into that and made sure that it was appropriate and it was descriptive enough so that law enforcement would understand when a trip ends and the gear was brought back to shore.

MAJOR FRAMPTON: Something in my head says, though, if we're going to talk about it in that term, then what difference does make the number of trips if you can go and stay? If you can go out there and stay out there and keep fishing, why does the number of trips matter?

CAPTAIN LEWIS: What was the guy from Florida that told us he could fill up the traps in how many hours?

MR. EASLEY: Maybe it's the capacity of their hold. That is what I could think of.

DR. CHEUVRONT: There is a trip limit in 18A; a thousand pound trip limit that the council passed; so however long it takes you at a thousand pounds, that's your trip.

CAPTAIN KELLY: But if you're catching them so much quicker in Florida that you can make two trips in 24 hours and you could only make one trip in North Carolina in 72, there is where the problem is; that's the rub.

MAJOR FRAMPTON: I don't see how we can regulate that.

LT. FISHER: Well, I remember that was the subject of a lot of discussion before the Florida meeting. I mean going back when we had the gentleman from – I think there was one from Florida and one from North Carolina and they were both discussing how different the transit times and the soak times were between the two states. It almost sounded like two completely different fisheries.

CAPTAIN LEWIS: It's almost like you're going to have to go to a quota limit per state if you're going to try to be fair about it.

LT. FISHER: Myra, could you also add in a line that determining compliance with this at sea would be problematic; determining compliance at sea for enforcement would be problematic and “possible” is a good word, too.

CAPTAIN LEWIS: It seems like, again, the only way to solve that problem is a quota limit per state, and I don’t think they want to go there; do they?

LT. FISHER: I don’t remember all the discussion; I just remember this was from like eight or nine months ago I think, whenever those two fishermen from North Carolina and Florida – we specifically talked about that and I don’t remember all the details, but it was a big point of contention.

MR. EASLEY: I’m not crazy about quota per state. Fishermen from Georgia go down to Florida and load up and then go back up to Georgia to offload, how are we going to deal with that? We will be completely dependent upon the Coast Guard and Florida’s Marine Patrol and their vessels getting out there.

CAPTAIN LEWIS: We still have people wanting to know why we have a commercial fishery for something that is being overfished; and why not go back to recreational, that’s what they’re talking about. There is not an easy answer to it.

MAJOR FRAMPTON: I’m content that we send our current ideas to the committee and see where we are. Do we need a motion for that? Any other discussion on this? We’ve talked about it before. All right, if there is no more discussion or no more topics, let’s adjourn the meeting. The meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:30 o’clock p.m., March 5, 2012.)

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April 2012

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# PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

**LAW ENFORCEMENT AP MEETING**  
March 5, 2012  
Savannah, GA 31401

P.O. BOX/STREET  
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