SOUTH ATLATNIC FISHERIES MANAGEMENT COUNCIL

JOINT DEEPWATER SHRIMP & CORAL ADVISORY PANELS
AND MEMBERS OF THE HABITAT & LAW ENFORCEMENT ADVISORY PANELS

Radisson Resort at the Port
Cape Canaveral, Florida

OCTOBER 18, 2012

SUMMARY MINUTES

Joint Advisory Panel Members:

Stephen Blair, Chairman (Coral)
Dr. Clark Alexander
Dr. Sandra Brooke
Dr. Kate Lunz
Dr. Steve Ross
Pace Wilber, Chairman (Habitat)
Steven Wilson, Vice-Chairman (DW Shrimp)
Warren Gautier
Mike Merrifield
Marilyn Solorzano
John Williams
Otha Easley (LEAP)
Dr. David Gilliam, Vice-Chairman (Coral)
Dr. Kenneth Banks
Jocelyn Karazsia
John Reed
Dr. Robert Van Dolah
Dr. Amber Whittle
Fred Dennis
Nancy Jones
Richard Reid
Laurilee Thompson
Brent Ziriott

Council Members:

Ben Hartig
Doug Haymans
Tom Burgess
Charlie Phillips

Council Staff:

Anna Martin
Julie O'Dell

Observers/Participants:

Karla Gore

Additional observers attached

The Joint Deepwater Shrimp and Coral Advisory Panels and members of the Habitat and Law Enforcement Advisory Panels of the South Atlantic Fishery Management Council convened in the Radisson Resort at the Port, Cape Canaveral, Florida, Thursday morning, October 18, 2012, and was called to order at 8:30 o'clock a.m. by Ms. Anna Martin.

MS. MARTIN: Good morning, everyone. I think we are a little behind schedule already so it is time to get started. I know we have a lot to cover today. I would like to turn it over to Mike and Steve for the first couple of items on the agenda. We'll kind of move along and get into introductions here shortly. We have a lot of different folks here representing some different advisory panels so it would be nice to introduce everyone.

MR. MERRIFIELD: I guess the first thing on the agenda here, Steve is the Vice Chair of the Deepwater Shrimp AP. At any rate I am going to go ahead and look for approval of the Shrimp and Deepwater Shrimp AP minutes that were included in the package and that most of us here were present for.

MR. WILLIAMS: Don't we have to approve this agenda first, because I have some changes I'd like to make before we move forward with the agenda.

MR. MERRIFIELD: Did you want to make a proposal to move? Go ahead and make a motion.

MR. WILLIAMS: Yes, I'd like to and I'm prepared to make a motion if it's necessary. I'd like to change Number 6 on the agenda. I would like to reverse the order in which the discussion will be held from A, B, C and D to D, C, B and A. That would be putting the transit discussion first, which I think is central to everything else we will do today. I'm prepared to make a motion if it is necessary.

MR. MERRIFIELD: Well, does anybody have any problem with that change? I don't think we need a motion. We'll just address it and at least get transit out of the way first, D, C, B and A; basically just reversed. With that, do we need a motion to approve the minutes from our AP meeting?

MR. WILLIAMS: I'll make that motion.

MS. THOMPSON: I'll second.

MR. MERRIFIELD: Minutes approved. Are there any opposed to the approving of the minutes? All in favor say aye. The minutes have been approved.

MR. BLAIR: Likewise, we'll ask for approval of the minutes from the May 9 and 10 Coral AP meeting that were included in the briefing package as Attachments 3 and 4, if we could have a motion to approve.

AP MEMBER: I make a motion to approve.

AP MEMBER: I'll second.

MR. BLAIR: All in favor say aye; any opposed. Thank you, minutes approved.

MS. MARTIN: Okay, what I'd like to do as we are getting started here today is go around the table and introduce yourselves. I guess it would be really helpful for the record today, when you are speaking, to punch the microphone and state your name so we'll know exactly who is talking and we'll be able to refer your affiliation and what advisory panel you're representing here today.

MR. GAUTIER: My name is Warren Gautier; I am with the Pascagoula Ice and Freezer Company in Pascagoula, Mississippi. I've been involved in rock shrimp way back into the eighties. I hope we get a lot accomplished. Thank you.

MS. JONES: My name is Nancy Jones. We have a 50-foot trawler out of Jacksonville and he used to rock shrimp so I have rudimentary knowledge of it, but we'll see.

MR. ZIRLOTT: My name is Brent Zirlott; I am a commercial fisherman. I have two 97-foot trawlers. I have personally put 35 years out there fishing and hold permits for just about everything, royal reds, right on to the beach, and they're pretty good.

MS. SOLORZANO: My name is Marilyn Solorzano and I have equally two 97-foot shrimp boats and have put 30 years in shrimping – I'm not as old as Brent – into the industry, rock shrimping. I have three sons that also have their shrimp boats and they are all rock shrimping. We have my father who is a fisherman. We have a long line of traditional fishermen, all the way down to my baby granddaughter, seven months, she's been rock shrimping, royal red shrimping. She probably has a lot more experience with rock shrimping than some. Anyway, we'll proceed.

MR. REID: Richard Reid, I've been a commercial fisherman for 40 years and have probably drug every piece of dragable bottom, the offshore bottom from South Carolina to Texas. I'm presently in the unloading rock shrimp business.

MR. WILLIAMS: My name is John Williams; I'm with the Southern Shrimp Alliance. I have 40 plus years in the shrimp industry.

MR. WILSON: Steven Wilson; I'm with the Deepwater Shrimp AP. I've been in the business from a security guard, shrimper, and processer for 35 years.

MR. MERRIFIELD: Mike Merrifield with Deepwater Shrimp AP from right here in Cape Canaveral, Cape Canaveral Shrimp Company, and one of our specialty items is rock shrimp.

MS. THOMPSON: I'm Laurilee Thompson with Dixie Crossroads Seafood Restaurant. My Dad was the first one to start commercially harvesting and marketing rock shrimp back in the late 1960s.

MS. MARTIN: I'm Anna Martin; Council Staff. I know most of you. We have a couple of new advisory panel members here today that I haven't met yet. I've been with the council for about three and a half years and I work on developing the coral amendments to the fishery management plans and also the shrimp amendments. I work with the Shrimp and Deepwater Shrimp Advisory Panels and also the Coral Advisory Panel for the council.

MR. BLAIR: My name is Steve Blair; I currently serve as the Chair of the Coral AP. My background is associated with ecology and monitoring of nearshore reef systems. I've been involved with resource management for the past 25 years.

DR. GILLIAM: Dave Gilliam; I'm faculty at Nova Southeastern University, National Coral Reef Institute, and I'm a coral reef ecologist.

DR. REED: My name is John Reed; I'm on the Coral AP and I've been a research scientist with Harbor Branch Oceanographic for 37 years.

MS. KARAZSIA: I'm Jocelyn Karazsia with NOAA Fisheries Southeast Region, and I'm located in the habitat conservation field office in West Palm Beach.

DR. LUNZ: I'm Kate Simone Lunz; I'm with the Fish and Wildlife Research Institute. I am a coral ecologist.

MR. VAN DOLAH: I'm Bob Van Dolah with the South Carolina Department of Natural Resources, Marine Resources Division. I'm on the Coral AP and I'm a marine ecologist and currently Director of the Marine Resources Research Institute in South Carolina.

DR. BROOKE: Sandra Brooke, University of Oregon, Marine Conservation Institute. I'm on the Coral AP and I'm a coral ecologist, and I have been working with deep corals off of Southeast Florida since 1998.

DR. ROSS: I'm Steve Ross; I'm a research professor at University of North Carolina at Wilmington, and I'm a fishery biologist. I've been conducting deep-sea research mostly on deep sea coral ecosystems from the Gulf of Mexico through the Mid-Atlantic for the last number of years, and I'm on the Coral AP.

DR. ALEXANDER: I'm Clark Alexander with Skidaway Institute of Oceanography, and I'm on the Coral AP. I'm working with deepwater coral as a geologic agent. I've been told I'm the token geologist on the committee here.

MR. EASLEY: Otha Easley; I'm NOAA's Office of Law Enforcement. I'm on the Law Enforcement AP.

DR. WHITTLE: Amber Whittle with the Florida Fish and Wildlife Research Institute. I oversee our habitat research section and I am on the Habitat AP.

MR. WILBUR: I'm Pace Wilbur with NOAA Fisheries in the Southeast Region, and I'm physically located in the field office in Charleston, South Carolina. I am the current Chair of the Habitat AP.

MR. DENNIS: Fred Dennis, Deepwater Shrimp Committee, owner and operator of a trawler for 35 years plus.

MS. MARTIN: What I would like to do is briefly talk about the reason that the council has asked you all to come and be here together today. I have a couple of slides to walk through, and

then we will get into some presentations, kind of some background information from both of your groups represented, after which point we'll walk through the options paper, which includes the coral habitat area of particular concern recommendations from both of your represented groups.

Many of you are familiar with the process, but at the June council meeting in Orlando the council heard reports from the Habitat, the Coral, the Shrimp and the Deepwater Shrimp Advisory Panels. All of you had meetings this past spring, and each of you had recommendations for these coral habitat areas of particular concern and how to recommend to the council consideration of modifications and expansion.

These are recommendations that first surfaced last year specifically by the Coral Advisory Panel. As the Coral Advisory Panel recommendations were made, those were taken to public scoping. That is kind of the first step in the process as far as the council processes for developing an amendment.

One suggestion that was consistently heard during the public scoping meetings that were held by representatives from the shrimp community that attended a lot of the scoping meetings was an interest in the Deepwater Shrimp Advisory Panel in sitting down with the Coral Advisory Panel to talk about the recommendations.

At the June council meeting, after the reports from the advisory panel chairs were held and before the council could even get into discussions of these measures in the amendments, they decided to hold this joint meeting and pick up their discussion about the Coral HAPCs after you all have had an opportunity to talk about your recommendations, provide an opportunity for consensus if such consensus for any of these areas could be arrived at.

This would be the forum for doing so, simply to have you all at the same table for a time, so that is why we're here. We have the wording of the council motion on the slide here so you can see. They specifically had an interest in the Deepwater Shrimp, the Coral and representatives from the Habitat and Law Enforcement Advisory Panels, so that is why we are here today.

Now the goal and as far as an output from the meeting here today, what we'd like to do is review the options paper and use that as kind of the base for our discussion. We'll offer each of the groups represented here today an opportunity to provide recommendations for each geographic region that will be on the table for discussion.

The Deepwater Shrimp Advisory Panel and the Coral Advisory Panel are represented here in entirety, and the role of the Habitat and the Law Enforcement representatives will be to offer input as you see fit. Obviously, you don't have your entire advisory panel here; I know the Habitat Advisory Panel is meeting in November, so you'll have an opportunity then to provide formal AP recommendations.

The intent for today is not to develop new areas for council consideration but simply to comment and discuss what you've previously recommended and also what we have included in the options paper. As far as the timeline, this is something that will be reviewed with the council in the form of a report at the December council meeting in Wilmington.

We are anticipating the council would approve this for public hearings, and that is kind of a next step in the development of an amendment process. Those meetings would be held during the regular scheduled time. The council always takes out an amendment for public hearing during January and February. Those formal meetings would be held then.

That's another step in the process for allowing public input on a more formally developed amendment. If you're following along in the council process, this will be developed through Coral Amendment 7. These were actions that were previously included in Comprehensive Ecosystem-Based Amendment 3. Because the council deferred discussions of all of these areas at the June council meeting, this has now been taken out of that amendment and it resides in a new amendment vehicle that is just getting started.

Coral Amendment 7 will be the one that you will want to follow during the council deliberations during the Ecosystem Committee. It gets a little complicated. If you have any questions about the process for this, don't ever hesitate to ask. As far as kind of our terms of engagement today, Mike Merrifield and Steve Blair and I have had a few conference calls about structuring the agenda in order to engage in effective discussion today.

Mike will kind of be the facilitator for guiding the Deepwater Shrimp recommendations that your group would like to carry forward to the council. What we would like to do if you have a formal recommendation your group would like to make, we'd like to do that in the form of a motion so that we make sure we capture the intent of what you would like to carry forward to the council.

Steve Blair, who is the Coral AP Chair, will be doing the same with your group. We'll separate any kind of motions you would like to carry forward to the council, if you have new recommendations to offer today. I wanted to provide a little bit of background about some of the characterizations we're talking about.

I know that Jocelyn will be reviewing this is a little more detail in an overview she has coming up here shortly. The Coral Fishery Management Plan is the driver of our discussions here today. This is something that was developed jointly with the Gulf in 1982. It has now been separated from the Gulf so we have a South Atlantic Coral Amendment to this Coral Fishery Management Plan.

But this was developed in 1982, and the premise of the Coral FMP is to protect deepwater coral ecosystems in the council's jurisdiction from future activities that could compromise their condition. The FMP recognizes that these coral ecosystems also provide habitat for a diverse community of species, including an assemblage of fish species and also invertebrates. It's kind of a combination of things that the Coral FMP is encompassing.

The Coral FMP also established habitat areas of particular concern for corals. These are areas that have to meet certain criteria in order to carry that designation. These are areas that are particularly susceptible to human-induced degradation, areas that serve an ecologically important function, or are located in an environmentally stressed area.

That is the underlying premise of the HAPC designations. Now, the HAPCs in the South Atlantic have also been designated as essential fish habitat. The Magnuson-Stevens Act, which drives the council's jobs primarily in what we are guided to do, the Magnuson Act requires the

councils to identify essential fish habitat for each federally managed species in the council's jurisdiction.

These HAPCs that we're discussing today also carry that designation of essential fish habitat. As I mentioned, this is developing through Coral Amendment 7. That is a document in its infancy stages. We don't have a public-sharable version of that yet, but we will have one in time for the December council meeting.

As most of you are familiar with the amendments, certain impacts must be analyzed and taken into account with all of the decisions that the council makes as far as actions and alternatives. This does include impacts on affected fisheries. The impacts we're talking about are biological, social, economic and administrative impacts for every action and specifically every alternative under the action in a developing amendment.

Now, this just gives you an idea of the timeline. There are always questions about where do we stand in the process. For this one, it's been a little unordinary because it did reside in a different amendment vehicle before now. That was, as I mentioned, CE-BA 3, which included an array of measures the council is currently considering.

We are here in the corner at the joint advisory panel meeting, which is what the council has guided us to do at their June meeting. What the council will do in December is review your input from today in the form of a report. They'll talk about your recommendations and decide essentially what to do.

We are anticipating that they would approve this amendment for public hearings in December. Those will always be held in January and February. The next step in the process would be finalizing Coral Amendment 7, so tentatively that could take place in March. There is no statutory deadline requirement for this amendment; so if that is something that needs to be delayed until June, that can happen.

I have March identified here, but hopefully that isn't alarming. That is something that could be delayed until the next council meeting, which is June of next year. That is kind of where we stand as far as what we are doing here, what your goal and charge is for the day, and kind of a timeline to give you an idea of where we stand in the process. Next, if there aren't any questions yet, we have a couple of overviews from the different groups here. Mike Merrifield is planning to give an overview of the rock shrimp fishery.

DR. VAN DOLAH: Anna, I was trying to just find – the overview of the rock shrimp fishery is identified as Attachment 5, but it's not in the briefing book.

MS. MARTIN: Yes, sorry about that. The presentations were not included in your briefing book materials, but they will be after the meeting. I don't know how helpful that will be for you.

DR. VAN DOLAH: No, that's fine, thanks.

MR. MERRIFIELD: Basically what we wanted to do here today was just kind of present what it is we do. Listening to the Coral AP, which I wish I could have been there for that, but I could

not, there were a lot of questions and a lot of misconceptions, misunderstandings of the industry and how we operate out there.

A lot of what we want to do is just present what it is that we do and then try to go from there as far as the options that we are going to go through later. We'll go into greater detail later as far as the options are concerned. The first thing that we'd like to cover on the next slide is just kind of a brief history; and for that I'm going to let Laurilee talk to that because it is her family's history, and she's got a lot more detail where that is concerned.

MS. THOMPSON: I guess we're the ones that started it, and we were working and it started out in the late 1960s working with Captain Barrett on the Research Vessel Oregon II. I think it might have been some of the first research that the Oregon II was doing over here. They considered rock shrimp – NOAA considered rock shrimp to be an underutilized species.

They were encouraging people to try and do something with it. Actually I was the one that figured out that if you split them open and broiled them like a lobster, they would actually be consumable. You could get the sand vein out. There were lots of problems with peeling the rock shrimp. That's what we did.

In 1971 my Dad started Ponce Seafood and he built a little processing plant at Port Canaveral, and we employed about 30 women that sat on stools and sawed open – they initially started out sawing open rock shrimp with steak knives. Then we developed a little shrimp splitter to a Pronto that will mechanically cut them. But other than that, everything else was all done by hand.

We pretty much had the industry to ourselves for many, many years and operated – we had about a half a dozen boats that worked for us and we fished around east and west of the Oculina Reef. We knew that the reef habitat was important and we were very careful. Our boats were very careful to stay out of it, because it was costly on your nets if they went into it.

But we also believed that the reef was a nursery ground for rock shrimp. In 1984 Warren and his brothers very creatively figured out how to modify a Lathram Peeling Machine so that you could peel rock shrimp and get meat mechanically. That opened up a whole new phase of the rock shrimp industry; because prior to that point nobody really wanted to mess with rock shrimp, because it was all hand labor.

Once you could mechanically peel them, they became attractive, because the peelers could peel them and they could sell rock shrimp for cheaper than they could sell like peeled white shrimp or pink shrimp or brown shrimp. The rock shrimp; that was when they first became marketed. We had a lot of interest and a lot of boats came over from the Gulf. In 1995 we realized that we needed to do something.

We worked with South Atlantic and we came up with, the rock shrimp were added to the fishery management plan. We asked that the fishery be limited. We decided that the fishery could support 155 boats, so there were 155 rock shrimp endorsements and permits issued. In 2003, again cooperating with South Atlantic and NOAA, we agreed to put VMS monitoring systems on all of our boats.

These are things that we paid for, but we did it so that we could monitor and help enforce keeping the boats out of the reef area, because again our industry understands the value of the reef and the protection of it. The heyday of the rock shrimp was in the mid-1990s back when we had 155 permits.

Due to market, cost of fuel and a lot of factors, there are less boats in the fishery now. We have 98 active permits, but last year only 15 vessels landed rock shrimp in the whole entire South Atlantic. There is a lot less fishing effort that is going on around the reef now, but it still supports a lot of family operations and a lot of jobs.

It fills a niche and you all are probably aware of that. Most of the seafood that is consumed in the United States now is imported. It is really important that we keep these domestic industries alive so that Americans have a choice and they can have this really good seafood from here. Over the history of the rock shrimp, we have had some good years – I think our highest year was 21 million pounds in 1991 – and we've had some real lows. Four years ago we only landed on the entire east coast about 225,000 pounds. Hurricanes can affect it, cold water upwelling can affect it; there are a lot of things, but we've averaged over the life of the industry landing 2 to 5 million pounds a year. Thank you.

MR. MERRIFIELD: That's the plaque that hangs in the port. Today it is over in front of Rusty's restaurant, but it's in 1968 and it had Rodney Thompson on there was when commercial processing first got developed. It is an interesting historical point. There seems to be a lot of misconceptions about the deepwater trawling and what is going on there.

Basically shrimpers are looking for that soft substrate, silt, muddy and sand bottom where the rock shrimp mainly reside. I can't stress enough how important it is for these guys to know that bottom. They know that bottom like we're driving around our neighborhoods. They've been doing it and passing it down from generation to generation. It is critical to their operation.

Whenever they are not trawling, they are marking bottom. They are either traveling to and from port, they're trawling, or they're marking bottom, because the whole time that they are out there moving around they are watching the bottom and marking obstructions, marking any kind of – whether it is soft bottom, hardbottom, it is that critical that they are always continuously – because some of the obstructions down there move, so they are always watching for obstructions and marking those obstructions.

As you'll see and as you've already seen, the charts that have all the VMS plots on them, and that will line up very accurately with the track data that we have presented. They're just an overlaying basically that they are the highest concentrations of the dots match up with the highest concentrations of the tracks, which indicates that is the habitat where the rock shrimp are. That is where they are concentrated. It is a very focused effort. As Laurilee said, there are probably about a third of the boats in the fishery today that there were ten years ago.

It is an economically challenging fishery. They are so conscious all the time about whether what they are doing is economically feasible or not. It has to be economically feasible to offset the fuel costs and all the other expenses. They've got to be making money or they cannot be out there. As you'll see, too, it is a concentrated effort.

The bottom that is being trawled now is a bottom that has been trawled for decades. They are not out there looking for new bottoms especially today. Since there are fewer boats, there is no need to go out and explore for new bottom. The same bottom is being trawled year after year. It may change in terms of where the concentration of shrimp are, but they use the same patterns of checking in certain areas during certain times of the year and knowing what some of those migration patterns are.

For instance, in the last four years, prior to this year, there has been more of a concentration to the southern end of the current Oculina Box. This year it has changed; it is in a new place. Based on upwellings and different environmental conditions, weather conditions, tides, they change, they move around.

A lot of these guys know based on some of those conditions where to focus their efforts. The bottom that they are trawling is the soft substrate bottom. Actually they can come back to that same bottom sometimes a day later, a week later, a month later and they will have migrated back into that bottom. The bottom seems to recover very quickly.

I'm not a scientist; I don't know what the recovery rates are or anything like that but the shrimp do migrate back into the same bottom that has been trawled as close as a day later from when that area has been trawled. Safety and gear costs basically prohibit just aimlessly looking about for shrimp.

They are basically, like I said, looking at what they've done last year and they are going to go and do the same thing. The costs of the gear are about $15,000 per side, so there is about $30,000 for the gear being pulled behind the boat. You've got between the bridle, the doors, sleds, nets, TEDs, BRDs, ticklers, lines, and all this gear that is being pulled; so any time that they lose gear or tear gear up, it is very costly.

That is downtime to sit out there anchored up, repairing, sewing in new nets, whatever it might be, or coming all the way back to the dock, expending the fuel to get replacement gear, so it is very important that they know the bottom, they know where they are and to avoid the obstructions at all cost.

The Shrimp AP is very supportive of protecting the coral. They have no interest in tearing up that coral. The coral actually – the structure that is out there is what creates the eddies that drops the silt that creates the habitat for the rock shrimp. The quandary we have here is that the coral and hard bottom habitat are directly adjacent to the soft rock shrimp habitat. That is the reason we're here today is to try to resolve this very close adjacently conflicting purposes. Yes.

MR. WILLIAMS: I just want to go back – for the Coral APs knowledge, go back to something Mike said about searching for bottom, searching for hard bottom versus soft bottom. We don't do that with nets. We do that with the best bottom siting and commercial technology available. It is all done electronically; it is not done with our nets.

MR. MERRIFIELD: What I'm going to display later, if you haven't had the chance to see it before, is a program basically that a lot of the captains use that tracks where they are based upon GPS coordinates or even prior to that was the LORAN, but it tracks where they are at all times.

It records every trawl that they make and so they are using that data to go back to the same places because they know they're safe.

Roger did a great job of taking the VMS points, and I know there were a lot of questions in the Coral AP meeting about the VMS points and what is it really telling you, because statistics – you can basically see anything you want in a statistic. What he provided was an analysis of the points basically that showed impact – what he was trying to show was impact to the fishery.

When he brought that to the Shrimp AP meeting, which was prior to the Coral AP meeting, we raised the concern at that point that it is misleading, because, first of all, the ships are all required to have these VMS units on their boat and they are pinging once very hour no matter where they are; if they're sitting at the dock.

If they stop pinging, they are called and told they have to come into the dock immediately to get it repaired; and sometimes that is very costly because it is usually at least a week or two of downtime. We've been called before because NOAA had found a VMS unit that was traveling north on I-95, because someone was taking it to a repair shop and they didn't understand what a ship was doing on I-95.

They are being watched. They are being monitored, but the point was that the VMS dots were meant for law enforcement. They were meant to track vessel movement and to know when they are in areas that they are not supposed to be. A couple of the issues that we have with using this VMS data is that, first of all, it is a broad sweep.

Roger's newest analysis takes this blue polygon and basically concentrates his total VMS points into that area for rock shrimp. The total rock shrimp VMS points are now within this blue area. As you notice on the track chart to your left there, that there is a lot of activity that is within that area that is not rock shrimp.

This particular slide happens to be one captain's information. If I had a lot of captain's information, you would probably see a lot more white shrimping that occurred within this blue polygon than Roger has drawn here. What we're saying is that is not indicative – there are a lot more points in the total points there that are not rock shrimp.

We've not reduced that down enough to be a valid indicator of rock shrimp effort. The other activities that are going on in that blue polygon right there obviously is rock shrimp, we have white shrimping, brown shrimping, transiting where you're traveling from red shrimping or rock shrimping back to port, steaming north, steaming south, drifting, marking bottom, as I said.

These guys spend a lot of time out there marking bottom. When they have their catch on board and they're moving, they are marking new bottom. There are just a lot of activities that are out there that are not specifically related to rock shrimping. The other issues that we had were that we picked years of 2007 to partial year 2011. Two of those years were very low rock shrimp, production years. There was not a lot of activity in those two years of rock shrimp activity period. It is not necessarily indicative of the effort that is being on rock shrimp itself.

The point is that the VMS analysis is really not a good determiner of the impact that we're going to have on the rock shrimp fishery. By closing a certain number of a certain percentage of points

or a certain number of points is just not a good indicator of effort or of productivity within that area. Are there any questions on that?

I think we'll get into a closer detailed look at some of this stuff later when we get into the different alternatives. The staff analysis can't discriminate VMS for specific rock shrimp fishing effort versus all these other possibilities. Again, the blue polygon line, if you look at our track data it is very focused. It is a very focused area, a very specific area where the effort is performed for rock shrimping.

MS. MARTIN: Mike, I have a question for you. Do you have an idea of what speeds are transiting and marking that may be different? We can talk about this in a little while in the Options Paper, but the analysis that has been done for these alternatives define fishing as 2 to 4 knots. Are these transiting and marking provisions you're talking about here completely different from 2 to 4 knots?

MR. MERRIFIELD: I think 2 to 4 knots is a pretty common speed. Fuel efficiency is very important. They are not going to be burying it to expend a bunch of fuel just to mark or go to a new area. I think 2 to 4 knots is a very common speed that we're going to see. Maybe one of the captains would have a better –

MR. REID: Three and a half knots would be the upper maximum of trawl speed.

MR. MERRIFIELD: Any other comments on that? Does that answer your question, Anna? I just think that 2 to 4 knots, even if you would go down to 2 or 3.5 knots, you are going to get more trawling within that speed. If you just drifted in that area, you would be traveling 3 knots. We'll go over this in a high level at this point.

The northern extension, there was a new alternative that was added that goes into the 50 meter hard bottom ledges. Basically what I have here is a picture, and I have a chart in the back of the room that is blown up basically that shows the four different options, which are the Coral APs recommendations, staff's recommendations – the first staff recommendation – the Shrimp AP recommendation, and then the staff's newest recommendation. They are all four listed on the chart back there for the northern extension.

Basically when we've come into the ledge there, to the 27 fathom ridge, that we've now eliminated some other areas for rock shrimping that are extremely productive. This basically is showing the Shrimp AP's recommendation, which basically what we did was look at where our tracks are today and came up with this as a best alternative to retain most of the activity that we've been doing for the past few decades.

We'll get into this in further detail when we get into options. Well, there is a little more detail right here. Basically if you look at the slide to the left, that basically shows the top of the existing Oculina Box. As we move north, it shows the different options. Also what you see here is all the green lines are shrimp tracks that have occurred historically. I'm going to go through this relatively quickly, because I think we're going to cover it in more detail when we go through the different options.

But as you can see, any area that has green track lines inside the proposals, the proposed boxes would be eliminated. Then it basically goes all the way up to the top. Basically we're looking at a historical perspective, and in 2000 is when the expansion took place. Basically from the experimental box, we went out to about 200 meters. There was a lot of mud slope bottom that was excluded from rock shrimping at that point in time.

That is one of the things we wanted to bring up in this meeting as an option is to look at opening up some of that as maybe a shrimp fishery access area. Looking at the western expansion, as you can see on the slide on the left, the green areas are areas where there are some tracks, some rock shrimp tracks in there. As you look at the slide on the right, you can see that from the VMS dots that are there.

Then the fishery access area that we're looking at would be any of the area outside of basically about 90 to 100 meters, which is basically slope and mud bottom off to the eastern side of the Oculina Reef. One of the things that is being talked about in the MPA discussions that I have been to is basically some realigning; where they are taking squares that were built around a particular habitat of concern and basically shifting them or slanting them so that they actually get a better alignment around the area that they want to protect.

That might be something that we want to consider here, because basically what happened is when the original HAPC was created, it was created in a straight north/south and the reef just doesn't work that way. Basically if you were to realign this, you would take it and slant it to the west at the northern end and you would pick up more of that reef that way. In fact by going through this western expansion that is being requested, that is what you're gaining is you are gaining that reef that was missed in the first design of this HAPC.

The transit provisions is a very important issue, especially if we're talking about extending this thing from Fort Pierce basically to St. Augustine. The necessity for transit is obvious. It is not only a safety issue; it is also a fuel economy issue. There has to be some kind of transit ability to get from the far side back to shore with product on board. The way it stands right now is that if there is rock shrimp on board you are not allowed to transit that Coral HAPC.

From a safety standpoint, one of the things that we would like to propose as far as one of the provisions for transit ability is to have the gear out of the water, which would be doors out of the water, nets out of the water and typically hung on the back of the boat. The reason that we are requesting this, this is a very nice, calm situation here this boat is sitting in; but when you're out there, typically it is not like that.

Those doors typically weigh about 1,200 pounds apiece. When there are seas out there and those things are swinging, someone has to go out there to lash those to bring them in; it is a serious safety issue. The liability there is incredible. As far as gear stowed is concerned, there has been a lot of talk about nets stowed below deck.

Well, there is not really a below deck on these boats. Most of them are freezer boats and all below deck is freezer storage. Doors stored in the racks on deck on the racks, in the racks; the problem with that is what I just said, that basically it is a safety issue. If you're at sea, if you have a lot of seas out there, those things clanging around out there at 1,200 pounds apiece, it is a serious safety issue.

After a trawl and the doors are up and the nets are hanging and now you have product that is on deck that the crew is focused on getting that product put down, at that point you've got all your nets over the boat, you've got your doors up and the boat is ready to move. That is what we're looking for. We're looking to have gear out of the water and then through VMS we can determine the speed at which the boat is going.

We would try to pick a speed, and what did we come up with, 5 knots? If a boat is traveling 5 knots, there is no gear in the water. As long s they can transit going 5 knots with gear out of water, VMS can easily pick that up and determine what the speed is and actually can determine speed direction. There are a lot of things that can be determined by that VMS ping that occurs.

Right now it occurs once an hour. It is about a forty dollar a month cost right now. I think actually some of the providers might be a little higher than that. The one that we use is forty dollars a month. I talked with the manufacturer of the unit, Thrane & Thrane, and they have an ability to define a zone where the rate of ping can be increased to some higher frequency.

If you are out there and you are pinging once an hour all the time and then when you go through the HAPC that rate of ping could increase to some other faster period to where it is easier to tell speed and satisfy the concern that there might be some other activity going on during transit.

MR. WILSON: At the risk of giving away my age, when we were originally meeting on these AP meetings and trying to deal with this issue, we didn't even have cell phones at that time. Technology has increased quite significantly since that time that we started dealing with these issues.

MS. SOLORZANO: The VMS track data, I have them on my boat, Thrane & Thrane, and I also have Skymate; I have two. Whenever we get closer to these boxes, it will ping more than once an hour now. If you're close to one of the closed areas, it is going to ping more. You are going to get hit more often.

If I'm on the beach trawling, I may not get hit once every two or three hours. When the boat is anchored, I don't get hit as often, because they can tell when we're moving, when we're not moving and the location we are from any areas that are protected, and we pay for that. I just wanted to comment on the amount of pings and they already have that in motion and they are watching us.

MS. THOMPSON: When we first started this exercise ever how many years ago, we were talking about 155 boats. Well, last year we had 15 boats that unloaded rock shrimp on the east coast of Florida. It is not like they have to keep track of hundreds of boats out there now. They can easily keep track of less than 30 boats, which that would be my guess is that is what we're talking about. They are not trying to keep track of a huge herd of boats that are out there dragging around the reef. It is very few boats that they are now keeping track of.

DR. BROOKE: I have a question for Otha, actually. Your operating speed is up to four knots and your transit speed that you are suggesting is five knots. That is not a whole lot of difference so can the VMS system pick that up pretty easily? I mean I know they can, I know how VMS works, but is this something that the VMS Center would be able to pick up?

MR. EASLEY: That's a good point; one knot isn't a big difference. With the ping rate of one hour, the way the system comes up with this speed is it averages – I won't say averages, but it calculates the difference in location for that hour divided by whatever, multiplied, however that math works out of the distance, and then comes up with that rate of speed. That in my opinion is a pretty big gray area, a pretty big fog-factor area.

But if the ping rate was to increase, that would narrow it down a great deal and make it something worth considering. I'm not on the scientific end of things and I don't know how precise the rate of speed can be calculated as far as how many pings are necessary. But an increased ping rate would make it more of a possibility, but still four knots to five knots against the wind currents, et cetera, I don't know if that is going to be an issue for you all too with just that one knot difference.

MS. SOLORZANO: When we're getting close to these areas, we are pinged more than once an hour. I can go on and look at what Thrane & Thrane, the same things you guys are seeing, and it will tell us the estimated rate of speed and how much of the distance it has covered. Normally four to five knots is going to be one of our slower transiting speeds.

Sometimes when it's rough, that is all the distance that we can cover. But normally we would be moving faster than that and it would show as the pings were being hit more often that we're covering the distance when we're close to the box. It is easier to tell when we're moving faster, because you are covering more distance.

When we use the five knots as transit, we are using up one of our slower rates of speed versus – normally we may be running seven, eight knots, even ten knots, as much as ten knots, so it is going to be very easy to decipher that we're running. Even if we were only hit once an hour, and that is generally why they will only hit us once an hour, because they know we're too far away; but we get close, we get hit more often.

MR. MERRIFIELD: We looked at this as a possibility for increasing the ping rate just because it gives you more data and more confidence in that ability, but it is a time/distance equation no matter what the rate of ping is. I think that from the shrimper's side, I can tell you that it is not an issue where they are going to drop a net and just sneak in and do a drag on the bottom while they are transiting across. It is just not even conceivable, really, for two reasons.

First of all, you are transiting that coral area that is not the habitat they're looking for. It is incredibly dangerous and damaging to the gear and it doesn't happen that fast. Putting nets down and pulling nets back up is not a fast operation. This is something that takes a great deal of time and a great deal has to be done in a precision manner in order to get those doors to spread that net. It is not a quick thing.

If they're traveling at a speed to transit that area and if there is weather or currents, then they have to tack or they have to angle across there in order to maintain the speed, they can do that. The reason we chose the five knots is for those instances where the tide is running hard or where the wind is out of the west or some instance that is the worst case scenario; so that is why we chose that. Most of the time they will be traveling at a greater rate of speed than that to get across that bottom, because there is not interest in either dragging or even marking in that bottom. It is not a bottom that they're interested in.

MS. MARTIN: I just wanted to kind of remind you all if we can move – this is helpful discussion, but we also have a component for discussion when we're talking about the transit provision. If those comments can hold on for a little while, we still have another overview to go over first and then we'll bring this back up when we get into the options paper, if that is all right.

MR. MERRIFIELD: That's fine with me. I basically just wanted to give that overview that those are the components of a transit provision, plus the fact that there needs to be a call-in capability in case there is some type of problem with mechanical failure or something to that affect. Those are the issues that are important there.

The Stetson-Miami, what I have pictured here on the left is the blue line indicates the first expansion proposal. Then the pink line I believe is the current, but the dots that Roger gave me I think are incorrect, because I believe that is supposed to go all the way across right there. Basically it is capping off and shortening the drags that are done there now.

This is a very productive red shrimp bottom area; it is called the Honey Hole. It's always highly productive. The area to the north of that is untrawlable and there are a lot of wrecks and debris, airplanes, ships in that area that these guys are all very well aware of where they are located. By the way, the current down here typically has been five, and I think this year they recorded a 5.8 knot current in this area.

Anytime you draw a line like that, that means if you're pulling up a mile-long gear, you are going to lose a mile to the south of that just for drift in order to get gear up out of the water and then get turned around and start and headed back the other way in a five knot current. The second option that Roger came up with, where he had this finger basically is what we're calling it, would retain that productive red shrimp bottom. That is just a great picture of a boat with gear out of water running. He is steaming at this point.

MS. MARTIN: All right, thanks, Mike. Jocelyn, are you ready? In Steve Blair's stead, Jocelyn Karazsia is going to cover Agenda Item 5.

MS. KARAZSIA: For context, I'm Jocelyn Karazsia with NOAA Fisheries. Steve and Mike, it is my understanding that you and Anna and Steve thought it would be helpful just to provide some background information on some of the South Atlantic Council actions that have been implemented to protect and conserve deepwater corals.

I was just going to very quickly review the chronology behind the Oculina Banks and then the more recently designated deepwater coral habitat areas of particular concern. Some of these slides have already been covered in some of the previous presentation. The first slide is really just a reminder that these management actions are implemented under the Coral Fishery Management Plan.

That is the designation authority to allow the council to designate these special areas of protection as habitat areas of particular concern. I covered this earlier today, but just to reiterate that through the Coral Fishery Management Plan, criteria was established to designate the coral habitat areas of particular concern. The criteria are ecological value, recreational value, research value, or some threat of exploitation.

For the Oculina Banks Coral Habitat Area of Particular Concern, just a brief chronology on this; in the late seventies and the early eighties Harbor Branch scientists begin to describe the Oculina Banks, and in 1984 the council established a 92 square mile area. Then in 1994 the Oculina Experimental Closed Area was declared.

In 2000 the Coral HAPC was expanded to include an additional 300 square miles. In 2006 an Oculina evaluation team was formed and that team was formed to identify a strategy for what the law enforcement, outreach and education and research and exploration needs were for the Oculina Banks.

In 2008 an important study was completed that essentially documented that the Coral HAPC is working towards the intended goals of deepwater coral protection. There is not only more intact coral within the HAPC than outside areas, but there are also higher biodiversity and grouper densities on the inside compared to outside.

Between 2004 and 2006 the Coral and Habitat Advisory Panels received information from deepwater scientists, mainly John Reed and Steve Ross here that have summarized the state of the knowledge on deepwater reefs in this region. Then in 2004 the APs had recommended six distinct areas for coral habitat area of particular concern designation.

But based on this new information provided by John Reed and Steve Ross, those boundaries were redrawn and the council then accepted those boundaries and started the process to implement the coral habitat area of particular concern through amendments to the Coral Fishery Management Plan.

This was done through the Comprehensive Ecosystem-Based Amendment 1, which was finalized in July of 2010, which implemented the deepwater coral habitat areas of particular concern that are shown on the next slide. Five distinct areas were addressed through that Comprehensive Ecosystem-Based Amendment 1.

Through this process council staff worked closely with Golden Crab and Deepwater Shrimp Advisory Panels to establish allowable fishing areas, the intent being that the majority of the traditional fishing grounds could be maintained while also providing the protection to deepwater coral habitat.

Five specific areas were set aside as allowable golden crab fishing and four areas are designated as allowable shrimp fishing within the coral habitat areas of particular concern. Those areas are depicted in this slide, which I'm sure you've all seen. Then moving on to the Comprehensive Ecosystem-Based Amendment 2 for the purposes of our discussions today, one of the important elements of this amendment was that the coral habitat areas of particular concern were also designated as essential fish habitat-based habitat areas of particular concern, which is an important distinction for the NOAA Fisheries Habitat Conservation Division, because it allows us to consult under the essential fish habitat provisions of the Magnuson Act on non-fishing activities that could occur in this area.

For example, alternative energy, marine hydrokinetic energy projects, installation of fiber optic cables; there are some navy activities going on off Jacksonville that we are in consultation with

federal partners at the Navy Bureau of Ocean Energy Management to ensure that their activities avoid or minimize impacts to these habitats as well.

MR. MERRIFIELD: I have a real quick question on the golden crab. Did they give specific lat/long positions as to where those fishery access areas were; they turned over their fishery data to you.

MS. KARAZSIA: Right, they worked with the fishermen who provided the data. This is actually the last slide, which is just where we are today. That was just a really brief, quick, probably oversimplified review of some of the council's management actions to protect and conserve deepwater corals. Any questions?

MR. BLAIR: Thanks Jocelyn, I appreciate that. We know we're going to get into the issues coming up here now at this point. It might be a good time just to take a quick break.

(Whereupon, a recess was taken.)

MR. BLAIR: We've got a hefty agenda we want to go through so let's reconvene. We'd like to get back in order, please.

MS. MARTIN: We are moving on to the options paper. This is Attachment 7 in your briefing materials. As John has suggested, we're switching up the order a little bit here today. What we are going to do is get into discussions of the action that would implement a transit provision through the Oculina Bank HAPC. This is a little further along in the options paper.

Okay, as Mike and Laurilee and John have talked about, this is an action that is coming from the Deepwater Shrimp as a recommendation for the council to consider a transit provision through the Oculina Bank HAPC. This does need some clarification. Obviously, the issue here is for the shrimpers to be able to access historical grounds that they are currently fishing off of the eastern boundary and the ability to possess rock shrimp while motoring back through the HAPC.

This developed after the Coral Advisory Panel's recommendation for a northern extension of the current HAPC. What I thought I would do; this action has been preliminarily introduced to the Law Enforcement AP, and so I'll look for Otha to help us out and guide some of the discussion here.

Essentially the Law Enforcement Advisory Panel has recommended that the council consider some of the existing transit provisions. They have referenced the capability for being able to modify existing transit provisions in order to best meet the needs for what the Deepwater Shrimp is recommending here.

I thought I would just review what existing transit provisions are already in place; there are a couple of them. One is for a concurrent closure request for a state to be able to request during a cold weather event a concurrent closure of federal waters adjacent to state waters for penaeid shrimp.

There is a transit provision here identified for the penaeid fishery specifically during a freeze event. What this Code of Federal Regulations says for that particular provision is transit is

allowed in federal waters provided that nets are in an unfishable condition. That is defined in the regulations currently as nets stowed below deck. I have the language – and this is Attachment 8 in your briefing book. This is the language for transit provisions.

There is also a transit provision currently in place for the marine protected areas and this is dealing specifically with the snapper grouper fishery and being able to possess and maintain snapper grouper on board while transiting through a marine protected area. There are eight MPAs in the South Atlantic, Type 2 MPAs, so there is some fishing allowed in the MPAs.

At any rate, the MPA transit provision in the Code of Federal Regulations says that vessels may transit through the MPAs with snapper grouper species on board with fishing gear appropriately stowed. Pertaining to when the Law Enforcement Advisory Panel referenced this as a transit provision that could be used for this particular provision through Oculina Bank, they were talking about how it defines gear appropriately stowed.

For the MPAs it defines this as a trawl or try net may remain on deck but trawl doors must be disconnected from such nets and must be secured. Those are the two provisions dealing with how gear is currently stowed. I just thought I'd introduce that as we're talking about this action in Coral Amendment 7.

What we have identified here, Alternative 1 is obviously what is currently in place. There isn't a transit provision for the Oculina Bank. As it stands, you currently cannot possess rock shrimp on board in or from the HAPC area. Alternative 2, this is what the Law Enforcement Advisory Panel has recommended. This would allow for transit through the Oculina Bank HAPC.

Initially after the Deepwater Shrimp and Shrimp Advisory Panel meeting, there was discussion of corridors. That was presented to the Law Enforcement AP and I think they're – and, Otha, you can speak on this behalf as you see fit; but corridors presented a bit of an enforceability issue and the Law Enforcement AP provided guidance for this particular provision to state that gear must be stowed in accordance with the section in the Code of Federal Regulations dealing with transit through the MPAs.

Vessels must maintain a minimum speed of five knots while in transit through the Oculina Bank HAPC. In the event minimal speed is not sustainable, vessels must communicate to the appropriate contact. That is what we have identified. The Deepwater Shrimp may be interested in recommending an additional alternative here.

There obviously needs to be some further discussion about how to define stowage, and this is where I thought we could have some more discussion; what you had resurrected earlier in your presentation, Mike, for what you would like to like to recommend here.

MR. MERRIFIELD: I think that our recommendation would be the five knots, gear stowed would be the gear out of water, and a call-in provision in the case of an emergency or a mechanical condition.

MS. THOMPSON: I want to clarify. In our previous motion we had said doors in the racks, and we'd like to modify that because it is such a major safety issue. I just want to make it clear that

some of the boats have the technology to bring their doors in, but most of them do not. They leave their doors hanging from the ends of the outriggers for their entire trip.

They don't put the doors in the boat until they're coming through the jetty, because a lot of the boats have to put a man out on the end of the outrigger to tie a rope around the doors so that they can drag them over to the side of the boat. If you're in rough seas, the boat's rocking and rolling, there are two doors on the end of each outrigger, not one but two. They are slamming together and banging and swinging back and forth, and it is extremely dangerous. We'd like to modify that.

Another point I would like to make is why is transit necessary especially when you get up to the north side, the proposed northern extension? The boats fish on both the east and the west side of the reef. They can't anchor on the offshore side of the reef. They fish at night. The shrimp are buried up in the sand in the daytime and then they come up at night, and that is when they fish.

The boats anchor up. If they drifted, they would be up off Savannah by the time – they stop fishing during the daytime and they clean up their shrimp and put them away and then they sleep during the daytime. If they didn't anchor, they would literally be up off of Georgia by the time nightfall came again. They have to anchor every day.

If you're fishing on the offshore side of the reef, you cannot anchor. It is impossible for them to anchor on the offshore side of the reef, it is too deep, and the tide is running too strong. They have to transit the reef to be able to get over to the western side so that they can anchor for the day. Then at sundown they wake up and then they go back across the reef and they start fishing again.

In addition to just the major safety issue of walling off the reef for 300 miles from Fort Pierce to St. Augustine, there is just a working issue, being able for the boats to work economically. Another point I'd like to make is that the technology exists for the ping rate to be increased automatically.

We've talked to a company and they can do it so that automatically without the captain having to do anything at all – Marilyn touched on it – the closer they get to the closed area the more often the ping rate happens. When they actually start the transit and they enter the closed area, they can increase automatically.

That ping rate can be increased to any increment you want, once every five minutes, once every ten minutes; and then once you cross the box, it automatically goes back to once an hour again. I want you to be aware that the technology does exist; we paid for it with our tax money. We ought to get some use out of it.

But that technology does exist to automatically have the ping rate increase so that you can very effectively track the rate of speed when the vessels are crossing the reef area. It is very short; it is only four or five miles that we're talking about. One ping rate an hour wouldn't even cover you, so be aware that technology does exist. Thank you.

MR. WILLIAMS: Special Agent Easley can probably speak more about this if I'm wrong, but I agree with everything that Laurilee says. Having a transit restriction in any of these areas is

certainly extremely dangerous, as we pointed out earlier, some of our captains did, and owners. There is flexibility in determining transit provisions. I see that in a lot of other transit requirements in different species. I think that we can work through that.

It is time consuming to try to put doors on deck, and extremely dangerous, especially if you have to take your nets off to steam across a small area or small portion of this or a narrower portion of it. We do have a precedent, the northwest side of Key West, the Tortugas closure, state and federal closure – and Special Agent Easley can correct me if I'm wrong, but from what I understand the only provision there is nets are out of the water. You cannot wash your nets.

When you travel through that closed area, your doors are on the outriggers, your nets are jacked up. You don't have to put your doors on deck; you don't have to undo them. We don't have the technology over there that there is on the South Atlantic. VMS is not required. I'm not sure what level of violations occurred over the last 20 years, but I'm sure it is almost minimal. I think this is something we should follow in the South Atlantic also.

MS. MARTIN: Can you clarify? You talked about the weight of these doors and the hardship and safety issues with taking those down. How long would disassembling doors from the nets – what kind of time are we talking about?

MR. WILLIAMS: A lot of that would depend on the weather, but I would let Brent speak to that.

MR. ZIRLOTT: Ask me that question again. What do you want to know about disassembling them, putting them on deck and taking them apart?

MS. MARTIN: Yes, one thing the Law Enforcement Advisory Panel has suggested is stowing gear would mean to take the racks down and stow them on deck – doors, sorry. I'm just wondering if we can define that.

MR. ZIRLOTT: It would probably be a two-hour job.

MS. MARTIN: Okay, that's helpful I think to know when we're talking about stowing gear.

MR. ZIRLOTT: Twice a day.

MS. SOLORZANO: It takes 30 minutes at the most to cross the three or four miles you're going to cross.

MR. ZIRLOTT: It won't even take, yes, 20 or 30 minutes.

MS. SOLORZANO: The doors alone weigh 1,200 pounds each. Trying to put them down below deck where your freezer line is, you can't do that.

MR. ZIRLOTT: You also have a sled that weighs 1,200 pounds. It is about 4,000 pounds of gear on each side, counting nets, doors, sleds, an easy 4,000 pounds on each side that you're dealing with.

MS. BROOKE: I can see the safety issues with that. I spend a lot of time at sea; it can get pretty squirrelly in high seas. What I would suggest is that you keep the provisions of having the doors out of the water, that's, okay, but it really makes me nervous that the transit speed is so close to the operating speed; so either increase the minimum transit speed or mandate an increase in the ping rate to accommodate that.

MR. MERRIFIELD: Actually four knots is probably a little fast for trawling to begin with. Three and a half is really probably about the maximum. They probably wish they could trawl at four, but I don't think they are ever going to achieve that. You're talking about from three and a half knots to about five knots, and five knots is the worst case scenario. That is just in the worse conditions.

Typically you are going to see a lot faster transit than that; that is just not going to be an issue. The only reason that there is interest in five knots is because of the potential for adverse conditions. Honestly, the boats that are fishing on the far side of the Oculina Bank there are the bigger boats. None of the smaller boats are going to be over there.

The boats that are going to be over there have much higher horse power than anybody that's going to be inshore. Typically there is not going to be an issue. It was just brought to be five knots. Maybe there is a provision that says it must be six knots or seven knots, I don't know, unless you call in because there are certain conditions at sea that would warrant something different.

MR. BLAIR: Just on that; not being familiar with it, but understanding you're talking about the more extreme conditions when your speeds would be that low and having that call-in provision, what type of frequency is that, or is that something that law enforcement would see as a doable aspect, or something that can be handled? It sounds like it is a low frequency type of issue that would provide a means of being able to handle those issues when the speeds get close to what would otherwise be considered a trawling rate.

MR. MERRIFIELD: Brent or Marilyn, if you wanted to comment on that as to what would be an acceptable speed to where anything lower than that you would be required to call in and say under certain conditions you're not going to be able to maintain that speed while you're transiting.

MR. ZIRLOTT: Six knots; we can live with that.

MR. BLAIR: What would the frequency – I guess the concern is are they going to have to man a lot of calls? I don't think there is a lot of frequency that we're talking about here. What are you talking about in frequency that you would not be able to maintain six knots?

AP MEMBER: Mostly never.

MR. MERRIFIELD: Basically it is just not very frequent at all. Is six knots; is that a more acceptable alternative? We may have another question over here, too. Go ahead.

DR. ALEXANDER: I was curious from the law enforcement perspective. This contact call in number; is this staffed 24 hours a day? I mean we've already heard that the fishing that is going

to be going on is going on in the middle of the night, so I assume the transiting is going to be either very early in the morning or very late at night; when if you're not staffing this 24 hours a day, I guess you might run into problems contacting someone.

MR. EASLEY: To that particular question; my office won't have staff there 24 hours a day, but we can probably figure something our working with the state partners, maybe Coast Guard. Hopefully, the frequency isn't very high. Hopefully, you never have to make the call. I'm right there with you; hopefully you never have to make that call, too.

While I have the microphone there were several things that were said that I wanted to clarify as well. The definition of stowing gear; we'd like to see some consistency in the definition, but there are other factors that come into play, too. From my perspective, I'm willing to seriously consider a special definition of transit for this fishery.

The other half of enforcement, the General Counsel attorneys, probably if they're listening are cringing right now. Consistent, that is what the mantra has been for LOE and for NOAA and especially enforcement for the longest time now, a number of years, but we can work on that at least from this end.

Automatic ping rates, right now the ping rates automatically increase in most of the units if one of the positions – and the hourly reporting happens to fall inside the restricted area; so that increases to about 15 minutes. Now, as far as coupling this ping rate increase with stowing gear, whatever definition that might be for transiting, that increase in ping rate as was mentioned right down the table here is a very good idea from an enforcement aspect. I don't think anyone has a problem with increasing the ping rate.

Also, as far as the technology, some vendors' units have the ability to put geo-fencing inside their units, so to speak. They automatically increase ping rates on their own. Vet, Thrane & Thrane and Skymate and others, they deal with other fisheries not only in the United States but across the globes.

There are other functions that those other monitoring countries and agencies have that we don't necessarily have here in the United States or at least in the rock shrimp fishery. They may have different various capabilities. We haven't paid for that. We haven't required, you know, a Skymate needs to do the same thing as a Thrane & Thrane versus two or three of the other vendors, so we're keeping it pretty basic from that aspect. Nonetheless, we can change the ping rate on units that you do have now for transmitting purposes.

MR. WILSON: One point I wanted to make is over the years the rock shrimp fishery has tried to always cooperate as best we can in fulfilling different provisions to protect the Oculina Coral. The rock shrimp fishery does value the Oculina Coral. I would ask the special agent recently have there been incursions and any kind of infractions there within that HAPC by the rock shrimp fishery.

MR. EASLEY: I can't answer that question right off the top of my head. Has it been 100 percent compliance? I think it would be hard to say that, but I'd have to get some numbers and get back to you on that.

AP MEMBER : I have a little bit of a question of terminology here, and I come back to, Mike, some of your earlier comments. First of all, I would fully agree that you folks are not in the business of trying to snag bottom obstructions; and when you do, that gets to be a dicey situation. I understand that the fishery is not trying to do that.

I also understand that when you are transiting from one side of the protected area to another, that is a true transit in my mind. I think where the gray area is here, especially as we look at modifying boundaries under these various alternatives, you're trying to fish right up to the boundaries. In some cases the new proposed boundaries exclude areas where you would like to be able to still work, but you will be right up against the boundary.

You, Mike, said that for economic standpoint often the transit or steaming time might not be real fast, because you don't want to waste fuel or you're marking bottom or whatever. I think by definition, if you're in the area you are in theory supposed to be transiting. Whether you're steaming back up to or down to a location to start a new trawl or whatever, you're supposed to be in a transit mode.

It is this gray area where you are fishing the edges that is more of a concern than crossing back and forth on this thing. If you're marking bottom and your gear is not in the appropriate status, I fear that you are going to face violations that may be not true violations. You're doing something.

You're drifting even while you are processing the catch and you happen to get into the area. It's those areas that I think should be the greatest concern as to how we can all work collectively to protect the bottom and somehow allow your fishery to occur where it is not going to influence sensitive bottom.

MR. MERRIFIELD: The areas that are being marked now are not closed areas. If there is a closed area, there is no point in marking, so that wouldn't be occurring. If there are any pings now that are in the existing Oculina Coral HAPC, that would be a transit, and only from the red shrimp boat transiting back without rock shrimp on board; because if there is a ping in the box and they have rock shrimp on board, they are met at the dock and hatches are sealed and the fines are distributed.

And it has happened where at our dock there was mechanical failure. A boat came to the dock and he was met there and that is exactly what happened. It is a substantial fine. There will not be any marking or drifting of that sort that occurs in the box. Even today that just doesn't occur. Where that is happening today is in the northern area that we want to close, the extensions to the north. That happens today. People are marking that area.

Not actually today, but it has over time; because I think today there is so much pressure to be productive out there, the only bottom that is being worked is traditional, historic bottom. There is no new bottom being marked today. The only time that you're marking is if you're going in an area and you see something that was not there last year or two years ago, last time you were there, because there are ships that sink or there are obstacles that move on the bottom. But those are going to be in areas that they traditionally fish. There is no new bottom being marked today, In terms of searching for new fishing grounds; it is not happening. The fishery is very focused and it is all traditional bottom. Did that answer your question?

MR. WILSON: One other issue, we did deal with this a long time ago. One reason the Oculina HAPC expanded was because we as the Rock Shrimp AP at the time was asked to give up more area to allow to help law enforcement, so they expanded the boundaries of the HAPC simply not because of protecting the coral, per se, or the shrimp boats were too close.

We did it for law enforcement. They needed it. They didn't have the technology we have today. They asked us to give them extra buffer. We're talking about being right up to the line, but the reality is that was just a buffer allowed for law enforcement at the time.

DR. REED: I think it's important, especially for bottom tending gear like trawls, when we built these borders, that there is a buffer. We know the trawl is well behind the ship and there is drifting and currents and you don't know what the bottom current is going to be. The bottom currents on the Oculina Reefs is quite variable and at times can be opposite from surface current.

You know as well as I do you could be drifting north and that bottom current could be going the opposite way or tidally in and out. It is difficult to know without a buffer and putting a border, let's say right at the foot of a so-called reef area, the potential of damage of this live bottom habitat is great. It certainly is there and it certainly has happened.

The other thing is with the best available maps that we have – and this is what I've studied for 35 years using all different available technology, fathometers, echo sounders, single beam echo sounders, multibeam echo sounders, and traditional fathometers; okay, you can pick up high relief from moderate relief features, but to date even with the best multibeam in a low relief environment or habitat, we cannot tell what's there.

We can tell slow relief. There could be hard bottom covered up by sediment veneer that is still live bottom with gorgonians and sponges and hard bottom habitat and high bottom habitat. It's not a picture of the bottom. You don't know what is on the bottom. At least I think for the Coral AP perspective, the point is to protect these deepwater coral reefs or deepwater coral habitat, coral sponge habitat.

It's just not coral, it's the associated species, the gorgonians and sponges and all the invertebrates which makes up the essential fish habitat. When we start drawing these lines, whether it's 90 meters or the 100 meters, we ought to add a buffer in there and not just put it right up to the known contour charts that we're using here that the habitat extends beyond this high relief feature.

We've seen coral rubble, coral habitat extending hundreds of meters away from the high relief features. We're just not talking about the big mounds; it is the habitat between the mounds and the habitat where the fisheries are going out to fish. The majority of fish that we're seeing are the commercial species, scamp grouper, gag grouper, red grouper, black sea bass are not on top of these mounds. It's on the bases and around the edges of it and going out on the flat bottom, low relief ledges that is easy to trawl over.

This low relief feature could be easily trawled. The rubble itself is providing habitat for the rock shrimp. We know they are in that rubble; that is why the whole fishery is there. They are in that rubble eating and the main diet of rock shrimp are crabs – and this is from the South Atlantic Council Website and DNR and I think some of your work, Bob – are mollusks, shrimps, crabs,

anthropoids, small invertebrates that live within this rubble zone, too. The thing is the maps are not perfect. The best technology that you have for fathometers does not map the bottom.

It shows topography; it does not show what is living there. We know for a fact from visual observations with ROV submersibles, this habitat extends away from the high relief features, so we need a buffer and not just draw these lines right up to the obvious high relief feature.

MS. SOLORZANO: We've been doing it a long time, obviously. We're not going out there. I read in your Coral AP that you had commented that we were going out there just to give people justice to destroy coral. We're not. It is in your minutes. Yes, it is in the coral minutes; yes, it is. Anyway, regardless of that, we already have a buffer zone around it. We're not catching snapper and grouper and the things you're saying.

Brent himself, he's been there since, what, '88, never caught one. Rock shrimp don't eat other shrimp, they eat crab and mud. They are not eating shrimp, other shrimp. They're not – what's the word for eating one another.

MR. MERRIFIELD: Cannibalism.

MS. SOLORZANO: Yes, they're not that. Anyway, we're not going out there just to destroy coral. When you're protecting all of this, you are talking about basically putting the entire industry out to protect everything that's there. When we stop dragging – and my boat was out there in the area that you're asking to move the boundary over to the 60 meters.

I have VMS track data where last month my boat was trawling right where you're saying this stuff was at. We're not catching any of it. We didn't tear any nets up, we didn't destroy anything, and we were dragging 60 meters out to the box. I don't know where you're getting your information, but it's different than ours.

MS. MARTIN: I think if we can get back onto the task here, we're looking at the transit provisions, and I think it might be helpful if the Deepwater Shrimp wants to make a motion for that specific language that you have just been talking about. We're going to get into the other regions here after we go through this transit provision action and then some of the others. Is that something you're interested in doing right now, Mike?

MR. MERRIFIELD: Yes, absolutely. I can take a stab at a motion and say that transit provisions would allow shrimping vessels to cross through the Coral HAPC with rock shrimp on board at a speed of six knots, with gear out of water defined as doors out of the water and nets out of the water and above the deck with a call-in provision in case of mechanical failure or emergency. Is that adequate to satisfy the concerns that there would be?

MR. WILSON: I second the motion.

MS. MARTIN: Do we need to talk about increasing the ping rate as well; is that another component?

MR. MERRIFIELD: I think the component is six knots, and I think whatever we have to do to satisfy law enforcement that rate of speed is being maintained; that that is increasing the ping

rate more than what you say is happening today. I think we need to figure out what that is. I don't know if we can determine that today.

I think the motion would be that six knots has to be maintained while crossing; and if not, a call-in provision or you're illegally in that area. We would have to work to figure out how we satisfy law enforcement's need to know that that is a six knot speed. Do we need to put that into the motion?

MR. EASLEY: I hear what you mean as far as we don't know what an adequate ping rate would be, and I won't go out on a limb and say exactly what that would be either to best meet Law Enforcement AP's needs. I'm thinking at least at this point we could mention that you are in favor of increasing the ping rate to some level.

MR. MERRIFIELD: Okay, so we can say six knots determined by ping rate that is acceptable by law enforcement during transit.

DR. ALEXANDER: I think that you could probably get pretty close to a good recommendation for ping rate. You've said it's a half hour transit. Obviously, it has to be a much shorter period than half an hour, and five or ten minutes – you know five minutes gives you six pings if it's a half an hour and ten minutes will just give you three, but I don't know if that is enough, depending on when the ping goes while you're transiting. Why not five minutes?

MR. EASLEY: I have no problem with five minutes; I'm sure my technical folks won't either. One minute, I mean –

MS. SOLORZANO: Right, we're the ones that are going to have to pay for it.

MR. EASLEY: I know, I know, that was half a joke. What I'm getting at was the more the better for law enforcement. Five minutes I think would be a safe number.

MR. BLAIR: Just a point; are you charged on ping density? Every time you get a ping, you get a bill?

AP MEMBER: Yes.

MS. SOLORZANO: They give us a package that gives us so many pings, and you can use e-mail or whatever in it and we would end up – they would bill us for each one over the package amount, and it would go over the package amount. Most of us have just the minimum needed.

MR. ZIRLOTT: Yes, and that is going to be like a 20-minute steam time at the worst case scenario I think. I'm okay with that if everybody else is. Five minutes is fine with me. I'll go a minute; it doesn't matter. I just need to transit. I've got to transit across that bay.

MR. BLAIR: I didn't want to make it onerous; I didn't understand the cost issue. If that is a problem, I think we should discuss it further.

MS. SOLORZANO: It's more cost to shut down the fishery and to run 300 miles around it, because we wouldn't be going.

MS. MARTIN: This is something that would be an alternative. Again, we're in an infancy stage. We have some time to work on this, but this would be an alternative presented to the council as your recommendation in December. That would make the suite of alternatives for this particular action. That would then be analyzed for all of those different areas I mentioned earlier. One clarification I wanted to get here; are we specifically talking about transit through the proposed northern extension?

MR. MERRIFIELD: I would think the entire distance, because north to south –

MR. BLAIR: Entire area versus corridors.

MR. MERRIFIELD: Yes.

MR. WILLIAMS: I would like to ask Mike, if he would, to look at the motion or the alternative and remove the definition defined as doors and nets out of water, stop it there and take out and hung above deck, because if we have our doors on outrigger all your nets can't be above deck, but they are out of the water. That may cause a problem with enforcement.

MS. MARTIN: Okay, do you want to vote on the motion we have here?

MR. MERRIFIELD: We've had a second. Is there anyone opposed to this motion? All are in favor, say aye. **Motion carries.**

MR. WILSON: Anna, I have a question. Because this is a joint meeting, how does this work? We can make our own thing? This is a coral amendment, right?

MS. MARTIN: That's right. These motions are intended to help organize where these recommendations are coming from. At the Coral AP meeting, the Coral AP did not make motions. They made recommendations and it was a Coral AP report. This will be a joint report that includes any motions or recommendations from the Deepwater Shrimp AP and also from the Coral AP. The motions will be distinct, but it will be a joint AP meeting report. Does that make sense?

MS. SOLORZANO: My question is they don't vote on this same option, too?

MS. THOMPSON: Yes, wouldn't it help us?

MS. SOLORZANO: Yes, if we knew what their stance was on this, we'd have a better perception if they took a vote, too, or an aye or a nay, or whatever, yay, nay.

MR. BLAIR: I guess we could consider if nothing else at least a no objection statement that would at least state that we have some level of understanding, and just that; that we have no objection to the provision, along those lines, or if turns out we have an objection we could state those.

DR. GILLIAM: I don't feel very well equipped to make a decision on how gear is stowed on a boat or the speed of transit through these HAPCs. I personally don't have an issue with being able to transit through the area; I understand the position. But in terms of voting yay or nay on

six knots versus five, to me it's all about uncertainty and five knots versus six knots doesn't mean anything to me, because I'm not out there doing it.

To me it is what is the uncertainty of knowing the activity of the vessel as it goes through this area? Does six knots decrease that uncertainty to a point where law enforcement can make a decision; I don't know. I don't know that answer. In terms of transit through the areas, I don't personally have a problem with that. But in terms of the other specific language in this motion, I don't feel comfortable being able to comment on it.

MS. SOLORZANO: It is impossible for us to trawl at six knots. It is impossible. It is not going to happen. It is impossible, we can't do.

MR. BLAIR: If I may, I think that the point here – and that is why I don't think that we should vote, per se, on the motion, but rather we could provide a statement saying that there is no objection to the motion. That way we are kind of not trying to make our statement of understanding. We're depending on the Shrimp AP and law enforcement to have that agreement.

I think our concern is the fact of ensuring that fishing is not incurring in the habitat area. With these provisions, if the shrimp industry says that and it is agreed upon by law enforcement, then we can go with the assumption that those are appropriate and more or less just voice a non-objection to the motion. Bob.

DR. VAN DOLAH: I've never participated in the rock shrimp fishery. I have spent more than my desired amount of time on shrimp boats doing research trawls. I sympathize with these individuals about the original language of having doors and nets stored on deck. I was only dealing with it in much shallower waters.

I have no problems with that and I fully believe that they can't trawl at a speed of five or six knots**. I would make a motion for the Coral AP to voice a no objection to the proposed language here.** I think it truly does reflect intent of transit without increasing the risk to the fishermen trying to prosecute this fishery.

MR. BLAIR: We have a motion for a statement of no objection to the Shrimp AP's motion, and is there a second?

DR. BROOKE: I'll second that.

MR. BLAIR: Any further discussion? All those in favor say aye. **Any opposed? Okay.**

MS. MARTIN: Okay, we switched up the order of the regions here. I think now we were going to shift over to the western expansion of the Oculina Bank. This is in the options paper. This is Figure 5, Page 9.

MR. BLAIR: Just as we go along, I want to make sure that there is a general understanding that statements often get made in heats of passion type of thing that may otherwise be misconstrued. I think that I speak for the Coral AP and us saying that we understand that the industry is not out there to destroy the habitat and understands and realizes the benefit of the habitat to this fishery and the dependence of it.

With that also said, it is our charge to ensure that we are protecting that habitat. As we go forward with these recommendations, we would like to keep it in mind that we certainly are not looking to impair or limit or damage in any way the fishery. However, we are going to stick to our charge and we hope to be able to provide – just this exchange that we've already had, I think has been very beneficial.

We will look to provide the reasoning for why we feel certain boundaries or limits and so forth are necessary. Again, I think the exchange is very important. We will look to see where there is a common ground; and if there is no common ground, then definitely both parties need to make their statements appropriate to bring that forward to the council.

MS. MARTIN: Okay, this is dealing with Alternative 3 under Option 1, and we're still talking about the Oculina Bank scenarios here. As Alternative 3 the document reads this modifies the western boundary of the Oculina Bank HAPC. The western boundary is using here the 60 meter depth contour line. This adds 76 square miles to this particular region of the HAPC.

This is Figure 5. As you can see here the proposed expansion of the western boundary, this is from the Coral Advisory Panel. The Habitat Advisory Panel has also endorsed this alternative as a preferred. It does lie primarily between the existing two satellite sites. We do have VMS data here. It is inset in the box and a little bit later on, after we talk about scenarios for northern expansion of Oculina, I will go over the VMS analysis. That's the table defined in the options paper.

But at any rate, what we have here – fishing activity based on the VMS data within the last five years in this proposed expansion scenario is minimal, 0.45 percent of rock shrimp fishing based on those fishing VMS points. We pointed out the fishing points are defined as traveling two to four knots, so 0.45 percent of rock shrimp fishing is occurring in this proposed expanded western boundary.

MS. SOLORZONO: The information that you have on that is going to be from '07 to '11 and the first half of the year in '11. We didn't work in a lot of those areas. I have one month's worth of data that is going to show VMS pings inside the area that you want to close where we were working.

MS. MARTIN: Okay, another caveat with the VMS data to point out, Roger is working on compiling the entire dataset from VMS since it was implemented back in 2003. With future renditions that you'll see of Coral Amendment 7, and that will be for the public hearing versions of the document, the March version of the document, we hope to have the entire dataset, but what we do have today here is the most recent, well, '07 to '11.

MS. SOLORZANO: '07 to '11 is not going to have very much information on it VMS-wise.

MS. MARTIN: Okay, that is certainly good to state for the record. John.

DR. REED: In that Figure 5, the dots within the O-HAPC, what are those?

MR. MERRIFIELD: That would be royal red transits. If they are out on the royal red bottom, they are allowed to transit through when they are going back to the dock with royal red shrimp

on board and no rock shrimp on board. If they have rock shrimp on board, then they are in violation.

DR. REED: How do we know from the VMS pings which ones are in the two to four knot zone versus a higher speed?

MS. MARTIN: This is of all VMS points two to four knots.

DR. REED: They're going two to four knots through the HAPC.

MR. MERRIFIELD: Agent Easley, could you kind of just give us a brief – when you see information associated with a ping, what kind of information is presented to you? In other words, how is it determined? You mentioned earlier that each ping comes with a speed marker to it; is that correct?

MR. EASLEY: That is correct.

MR. MERRIFIELD: That is essentially the speed determined by, as you say, the calculations relative to the previous location, so each dot has with it associated a rate of speed for that specific point?

MR. EASLEY: Speed and direction.

DR. BROOKE: It seems like this data needs to be cleaned up before we can really easily assess who is doing what, because if those pings inside the HAPC are either transit or violations – I'm assuming they're transits, then that means that some of those pings they're showing in the area that we wish to close could also be transit. This doesn't give a good indication of what the fishery is actually doing at this point.

DR. ALEXANDER: Hearing that we're going to be getting a much larger dataset within a relatively short amount of time, I don't really feel comfortable making large decisions like this on a small and potentially biased dataset.

MS. SOLORZANO: I can give a little explanation for those pings. When the guys were rock shrimping or royal red fishing, we haven't been told that we have to make a certain speed to go through it, so they are only red fishing. It is generally a different time of the year. It is usually in the winter months that would be maybe December to April or May, not that that matters; but because they are red shrimping, they are not in any idea that they are breaking any law so they are not rushing to get across these zones.

There is no urgency. They are not breaking the law. They are in a fishery that isn't even required for them to move a certain speed. That is explaining some of those reasons that they are not rushing to get across it. It could be weather related, saving fuel, trying to be more conservative with that.

MR. ZIRLOTT: Some of those pings are mine, probably. I always called. I had a number to call and I talked to a gentleman and told him my intentions. When I would leave that royal red

bottom and go inshore and go to the dock, I would have to cross that box occasionally. Some of those are probably mine.

MR. BLAIR: The point here is that the royal red shrimp industry does not have to maintain a minimum speed through that. They are not allowed to have rock shrimp aboard. Those are the type of protections to be able to do that.

MS. MARTIN: Now, I just wanted to clarify royal reds are not in the fishery management unit. The council does not manage the royal red fishery; but as I understand it, everyone fishing for royal reds in the South Atlantic is also fishing for rock shrimp. All of those vessels are carrying VMS in the South Atlantic.

MR. MERRIFIELD: That's correct; there isn't anybody that royal reds that does not have a VMS. Rock shrimp is really the primary fishery and royal red is a secondary fishery based upon just the seasonal nature.

MS. SOLORZANO: If you have a rock shrimp permit, you must have a VMS anywhere in the South Atlantic EEZ. Regardless of any other fishery that we're involved in, the VMS must remain on board at all times and working.

MR. MERRIFIELD: It is common practice for the captains to call in. I know a couple of the other captains as well will call in and let people know when they are going to cross. Even if they are red shrimping, they are very concerned about that.

MR. EASLEY: That is a courtesy we appreciate a great deal.

DR. ROSS: I would have to second what Clark said about reanalysis of the data. If I'm not mistaken, we brought this up at the Coral AP the last time that these data were insufficient to really judge what was going on there. What we might want to consider, I don't know what the resolution of VMS is in terms of speed, if it can differentiate a half knot or not, but we could take several cuts of these data.

Marilyn pointed out that there may be more hits within those areas. Then we've also pointed out that some of these hits may not be fishing. We could have a subtraction and an addition, and we really don't know what we're looking at. I wonder if another way, too, to present these data might be on a seasonal basis so that we could attempt to sort out some of the different fishery issues and we can maybe better resolve what's going on. I would recommend that we take several passes at these data with different speeds and some different seasonal breakdowns, and it should be pretty easy to do that an dome back with some better data that also includes the full dataset.

MR. REID: I don't think the VMS was ever intended to be used to produce this kind of data. Now, we have fishing data that does demonstrate this. To me the main advantage of having the VMS is to prove that the data that we are giving you is the real thing, is accurate. Thank you.

DR. VAN DOLAH: I recognize there are limitations to the VMS data that we've already been provided and maybe adding 2012 will change the overall picture. Having dealt with the VMS data myself, when you're looking at literally millions of records over a multi-year period like

this, I'm not sure that it is going to change the overall percentage, even if you, Marilyn's or your boats were working in an area in 2012 within that area.

In the grand scheme of all the records out there, I don't think it is going to change the percentage very much. I think what we need to try to do so that this doesn't drag on for years and years and years is to try to come to some perhaps consensus of these groups that in point of fact even though there might be some piece of fishery activity in an area to be closed, unless the Rock Shrimp AP can demonstrate that this is such a vital – that little bit of area being fished is just so vital to their fishery – I look at these data and say it is a very small percentage of the fishery is likely being prosecuted in the area being proposed for additional closure here. I'd like to have the debate focus more on why is this so critical to maintain this small area of actual fishing activity that truly is occurring.

Sure, I recognize that there probably is fishable bottom within this area, there most certainly is since you're fishing it, but in the grand scheme of it and in the interest of trying to protect a lot of bottom that is not fishable in there and is in need of protection; is there not a mechanism to move forward with the existing data to some degree?

MR. WILSON: One reason economically rock shrimp fishery is not a huge fishery. But it like I can say for our company in this case, if we don't get any rock shrimp this year I don't know what is going to be for next year. Of course, we're located in Alabama. It has been a very poor year shrimping partially due to the BP Oil Spill.

What we've discovered now is that the dispersant, if they would have just let the oil burn off, we'd have been okay, but they hit it with dispersant. They did some tests. The University of South Alabama did some tests with the seawater and putting the same ratio of oil that was in the BP Oil Spill. Then one barrel they hit it with dispersant.

In one barrel with just the oil, there is still life. The barrel with the dispersant is dead. We are finding that what shrimp feed on is not there. It has kind of hurt our industry pretty severely. We are really dependent on rock shrimp. It's not huge in maybe poundage; but in value at the marketplaces on it, it could mean make or break for us.

MS. SOLORZANO: To comment back on what you were saying, when we have the four years VMS data, we've got a big large area. You're basically saying, well, this is just a small area. The rock shrimp, some years they are to the north, some years we just have a little small area to work. This year we didn't have a lot of rock shrimp, and they were in that 60 meter and towards the box area.

It is going to vary – over a ten-year period of time you are going to have north end, south end, sometimes they are just all up and down the whole bottom and in the center in the bottom. Other times they are going to be in little small areas, depending on how many of them there are in the seasonal crops and things. It is critical to us to give up any extra bottom.

We worked on this and came to the conclusion that the least amount we would be lose would be at the 70 to 90 meter. To extend it to 60 to 100 meters was going to take more of what we utilized and work. The four-years data that we have isn't clear enough to show all the areas that we work in. Some years are more in one place than they are in others.

You are looking at it thinking, oh, this is just a tiny little area, but you need at least ten years to get an overall conception of – maybe this area hasn't been worked in five years, but the following year it is where the production is at. It's not always going to be the same thing.

That is basically my consensus on why I don't want to see it going into our trawl areas, because it is costly to us. It is an economic issue. We need all ob the bottom that we currently use traditional bottom. We've already given up so much to protect this, and we really have. I know that Mr. Reed stated in his minutes – I believe it was Reed – that by closing more bottom would help the rock shrimp fishery, because they would be protected.

From what; it is not going to help us to close anymore bottom. It is going to cause us a lot more harm. When you're seeing areas that you are saying wasn't worked much and, okay, well, we can afford to lose those four or five percent of track data, maybe that was all that was caught in one season. That's just all I really want to say on that.

MR. GAUTIER: I have to concur with Marilyn and Steve; this is an economic condition. I'm also located in Pascagoula, Mississippi, and we have been devastated, of course, by this oil spill after Katrina. To take away any of that bottom we have given up for years – and I've been around this thing a long time going back to when we started it – we don't want to destroy anything.

Everybody wants to CYA today. We've got to stay in business. We've got a lot of jobs and a lot of people in the United States want our product, but we don't want to be choked to death. So do hear the fact that this is an economic situation. Anytime we lose any bottom it just tightens the noose around all of our necks. Thank you.

MR. MERRIFIELD: That was the concern that I had about using the VMS data, especially the dataset we're using. There may be some advantages to using more data and we can look at that. What is very difficult to do is to determine the productivity of a given piece of bottom, because anytime that a shrimp boat is dragging on a piece of bottom, it has got to be productive or they're gone.

They cannot just keep going and not being productive, because they'll go backwards. The hard thing to quantify here is how productive is that particular area? We really don't have the data to do that, because every pound that comes in is recorded in a trip ticket system, but it is not specific enough to tell you how productive a specific area is.

When these captains are looking at these data and saying that this area is going to be cut out, and it's just this many points on the VMS plot, what is going through their minds is that when that area is productive, it is really productive. When it is not, there is nothing there. They are not there. It is on or off. It is determined by all the elements that are out there.

An upwelling comes up and the shrimp go south or they go west, or whatever they are going to do, it is hard to place a productive value on a piece of bottom. That is why there is concern about closing something because of a number of VMS dots. If there are VMS dots there, that means that at some time it was very productive.

DR. ROSS: Let's see if I can remember whatever points I had to make. One is that we are in agreement apparently on at least one thing, is that you don't want to trawl reefs and we don't want to see you trawl reefs. The problem is that our data on what is exactly on the bottom is imprecise. We're pretending as if the VMS data is more precise and we've got good information on the fishery.

What we haven't addressed really on those maps yet – and I know that John has a lot of data from this area – is what we think is on the bottom. We are all going to be at a disadvantage; because as John pointed out, the technology that we have access to just doesn't allow that kind of resolution.

You know I do a lot of trawling, a different kind than you do, but I've trawled the same bottom repeatedly and just last month lost a net in a place that we had trawled several times, because we snagged something and we lost the whole tow rope of half-inch steel cable. That happens to a lot of us. I'm not sure that we can solve the issue of habitat resolution.

We're going to have to come up with some kind of compromise. Buffer zones are an issue. Most of us can agree that a buffer zone is reasonable. What we can't agree on is what the word reasonable means. Our maps are not like this table where that is the trawlable area and this is the reef. We could all say, well, there is a certain amount of buffer zone that makes sense.

I think we are going to have to come up with something that we can all agree on that hits all these points, but I think we do need to address the bottom type issue at some point as much as we need to address where the fishery dots apparently are.

MS. SOLORZANO: Yes, we agree with you on that except when we are dragging we have track data prior to lines that show where we drag into these areas that have come in before the VMS. Those are the things that we have history. We have a lot of history prior to anything that's ever come in this room.

We did buffer zones in '96 when we started this whole Oculina thing. We gave up huge areas to protect the coral that was there. We put in place the buffer zones; we agreed to do that. Then we were told that if we put the VMSs on our boats, that we would not have to give up anymore closures for anymore coral habitat, because we were patrolling ourselves. Now we're coming back and we're having to take the same argument again, the same one we've already done.

DR. ROSS: I don't mean to be argumentative there, but part of what's coming up at least with our committee is that we're gaining new information that we didn't have at that time; and perhaps to you being out there more than we are, that doesn't seem reasonable. But we have discovered in the last new – at least new to us, new reefs and not just new bumps on the bottom from multi-beam sonar, but what's actually growing those from visual groundtruthing. To us we're bringing new data to the table to throw into the mix and have everybody evaluate it. That is where part of the issue comes. It's unfortunate that promises are made without the caveat that new data changes things.

MR. MERRIFIELD: I don't know if it's helpful at this point, because I know we're having problems looking at tracks and VMS points. It may not be the actual issue here, but it might be helpful if we just put up a slide of track data that is specific to this area. It kind of shows

specifically the areas that are being trawled versus those that are not; the ones that need to be protected that you want to have protected versus those that are not.

Basically this is the southern satellite that you're looking at here. It's the area between the satellites and then the area south of the satellite. As you can see, there are tracks inshore of the coral bottom there. This is an area – the area just north of the southern satellite there is an area that this year. there is productivity there this year. There hasn't been in probably many years, but this year there is.

MS. MARTIN: What about those tracks going through the satellite site?

MR. MERRIFIELD: The tracks that go through the satellite site are older than the satellites, when the satellites were generated. Those went into effect in 2000. You can see on the bottom there it says 1999, '09, '02; 1999 was when that track was generated, when one of those tracks in that area was generated.

MS. SOLORZANO: That is probably maybe two-boats track data, correct?

MR. MERRIFIELD: That is probably two or three boats that worked that area there. This just gives you an idea. You can see where they don't trawl and you can see where they do trawl. It is just very hard to say that those VMS points that are inside the box were not significant. This year alone, without them we probably would not have the amount of rock shrimp that we have, which is not very much this year.

DR. REED: When these data were presented and reviewed by the Coral Committee, the Coral AP, and I believe by the Habitat AP, again it is based on the habitat and not fisheries; it is where the habitat is. That's how these lines were drawn. Since the 2000 extension of the HAPC, we've had extensive data filling in that hole between the two satellites, verifying that was coral habitat. We had multi-beam and we had ROV dives and verified that.

The southern satellite were dives – well, the two satellites originally were based on dives that we had made and verified that it was high relief going out to 60 meters west of the 80 degree line and it goes I believe three miles west of the 80 degree line. That bottom satellite is full of live bottom habitat.

When this box was drawn, it was to protect the obvious high relief coral habitat between the two satellites. As you mentioned before, this zone of coral, which occurs basically between 60 meters and 100 meters, parallels the shoreline. It is the old Paleo Shoreline from 20,000 years ago when that was the beach out there.

As the sea level came in, these reefs and hard bottom built up along that depth zone of 60 to 100 meters about. During our AP meeting, during the Coral AP meeting we said, okay, here is the obvious fill in of that box between the two satellites; fill it in and then bring it down, because the hard bottom obviously is west of the current boundary, south of the satellite. We drew the angle down.

There is discussion of trying to follow the 60 degree contour instead of just a straight line from the southern satellite down to the bottom of the high relief bathymetry there. I know we had

discussions with the Coast Guard on the problems of putting points for a boundary following a bathymetry, 60 meter bathymetry, and that is why it was drawn straight down. But it is obvious there, that fisheries had occurred within the satellite.

If that data is prior to 2,000, we've seen that impacting those reefs that are within the satellite. I guess based on the best data available, the Coral AP and the Habitat AP drew those lines. According to these data again, it is affecting 0.5 percent of the VMS hits, less than one percent. I understand the shrimp move around, but for those four years that is where the hits were; 0.45 percent is taken out of this equation by this alternative.

I proposed that the Coral AP offer this alternative. We didn't have another alternative; it's this alternative. We could start drawing wavy lines to go around each reef or something. I think that is not going to be suitable for law enforcement and we'll never finish the day up if we start doing that.

MR. MERRIFIELD: No, absolutely, you can see the bathymetry, you can see the reef there and it needs to be protected. What is a viable buffer zone; because if you look to the eastern side of it, we're going out to 200 meters. We want to protect that coral. That is not an issue; I think we're all in agreement here. The question is how do we do that and maintain the fishery? If there is a buffer zone that needs to be there, what is it? How do we accomplish both of our goals here?

DR. REED: I think we're going to have to stick option by option. Right now we were talking about the west option; and are we going to agree on that or not type thing.

MR. BLAIR: We'll work from there, but, yes.

DR. REED: The east side is a different option.

MS. THOMPSON: I appreciate Dr. Ross's comment that we need to compromise and come up with a solution where everybody wins, and I'm not sure we can do it by just working on each single agenda item one at a time. Agenda Item C, which we're on right now, the western extension, it all ties with the existing HAPC and our discussion on an allowable access area, because, Dr. Reed, you said that the mission of the coral committee is to protect coral, but by extending the Oculina CHAPC beyond 100 meters, you're not protecting coral out there.

That removed a huge, highly productive area of historic rock shrimp grounds. I'm not sure that we can come to an agreement by just working on these agenda items one at a time because in my mind B and C have to go together. We can't just talk about the western boundary without looking at the eastern boundary, what we're trying to protect and what has been protected that really isn't coral. That is my comment.

DR. ALEXANDER: I had a comment – we've kind of moved on a little bit – about these track lines that are within the proposed area, given that they're from – at least from what we understand, they are from prior to VMS systems, so we don't have records of these. How do we know whether that was productive trawls at all? At least within the data here, from 2007 to '11, no one has gone back there. Just because someone went there, maybe they found it to be totally unsuitable and never went back.

MS. SOLORZANO: As we stated earlier, seasons to seasons change. Two of those years we didn't rock shrimp. One of those we spent on the beach working white shrimp, because it was so productive. The Gulf, their crop was not worth anything. We were getting paid well and had an abundant supply over here, so we stayed over here and worked.

We didn't even rock shrimp on one of those years. On another one of those years there was just a small crop so we didn't go. We haven't had the concentration of boats and working in the areas in those four years. We do move around. We look from place to place and we try net; you know, we check.

We make a drag and it's no good, we move to another spot, check it around. You're going to check a lot of areas. You're not just going to run out there and it would be magic, if you could just crystal ball, boom, I'm right in a honey hole. It doesn't work that way. It would be great if it did.

MR. ZIRLOTT: Also we store our tracks when they're productive.

MS. SOLORZANO: We do save track lines. The productive track lines, we do save them.

MR. ZIRLOTT: We get rid of a lot of track lines that is not efficient for us to keep. It is not economically any good to us.

AP MEMBER: I guess my question is do you know whose track lines those are that go kind of through that area? Can someone say we don't ever go there because it wasn't productive and it's never been productive again?

MR. ZIRLOTT: I don't think you could find a fisherman in the fleet that would say that; not the first one.

MS. SOLORZANO: Because it might not have been productive for five years, but it may have been very productive.

MR. BLAIR: The one time they did it.

MS. SOLORZANO: Yes, so that's going to be difficult to do. Also, fishing is one of the most dangerous professions there is. Nobody is going out there to hang up and tear up their equipment and hurt people. We're not dragging on coral; we're not trying to destroy any habitat. We just want to make a living and keep out bottom and make as much money as we possibly can like everybody else is. We're not out to destroy any of it, but we want to keep what we've had. We already feel like we've given up a lot since '96.

MR. BLAIR: To kind of try to work towards a way of which we can move on from this point, obviously, as John Reed explained there a lot of reasons on why these lines were drawn. Again, part of those reasons is associated with appropriate buffers, meeting requirements of law enforcement for enforceability, and so forth.

Whether or not they are the absolute best lines, they are the best that we could come up with, with the information that we had at the time. I think that the Coral AP at this point still feels that

those are appropriate. What I would suggest is if the Shrimp AP has an alternative that they could draft that would do that, would be more appropriate in their vision and still protect the habitat that is there; obviously, I can't say that it would be – and I'll defer to everybody on the panel here, but it is not feasible to create a mosaic of areas within these protected areas to provide specific honey holes in other areas to be protected.

There needs to be a minimal area, or however you want to conceive of it, that will allow for an exclusion, if it is appropriate, where you have had historic fishing, but still provides the buffer and so forth away from other areas. We're not saying that this is inclusive of or not enclosing some areas that may be fishable, but other criteria such as law enforcement needs, proximity, buffers and so forth have the lines drawn where they are.

What I would offer as a potential way to move forward is suggest that the Deepwater Shrimp AP – this one you have not provided an alternative on. Some of the others you have provided an alternative, and maybe you can come up with an alternative that could be evaluated at a later time by the Coral AP. We can continue to work to try to see if there is some aspect. I believe that at this time it would be the opinion of the Coral AP to continue forward with this alternative at this time.

MS. MARTIN: I want to clarify. When the Coral Advisory Panel developed this recommendation, it was presented to the Shrimp and Deepwater Shrimp AP during your April meeting, and at that time you didn't have specific comment on this region. If you have a recommendation you want to develop today or at a future time, I think we need to go ahead and capture that and move on to some of the different areas.

MR. WILSON: I didn't have a comment; I have a couple of questions. This is being proposed because of new data?

MR. BLAIR: The extension?

MR. WILSON: Yes.

MR. BLAIR: Yes, as John said, additional information has shown the complexity of the systems between the two satellite areas and to the south, and that is why it's there. That is why the extension was sought. Again, the lines are the best ability to be able to encompass the complex reef systems and providing some levels of buffers as well as other requirements necessary in defining protected area.

MR. WILSON: Your concern was actually these two satellite areas?

MR. BLAIR: No, the concern is the information that brought forth to say that there is very large, significant, high relief habitat between those areas and to the area to the south of the southern satellite.

MR. WILSON: I was just asking because I'd been out for a while and hadn't been part of the process for a little while, so I wasn't sure.

MS. MARTIN: Right, so if you look at the screen here, we're talking about the blue polygon; so the line that connects the existing HAPC is the area identified in yellow. The blue polygon line would connect the two satellite sites and also further south there delineated by the 60 meter depth contour.

DR. REED: I would just like to add that the whole northern HAPC that was added on in 2000 was based on available data that was presented in the original Oculina proposal in 1981 that went to the South Atlantic Fishery Council and to NOAA. All the data was presented. The known data of Oculina habitat was basically at that time from Fort Pierce up to Cape Canaveral. We had no data north of there, because our ships never went there.

In 1984 those three options were offered to the council for the original Oculina HAPC. One was to follow the 60 meter line, which really follows that west border, and the other all the way up to Cape Canaveral. Then there were two other options just to draw a straight border up about where the satellites are, about three miles west of the 80 degree line.

The third option is the one they obviously selected, that it was the southern part which was original 90 square mile Oculina HAPC. We had that data going up to Cape Canaveral back in the mid-seventies, but it was just decided at that point for various reasons not to do it, not to make the whole thing an HAPC, basically for the lack of data.

The most of our data was in the southern end. Since then, in the last 20 years there has been considerable research, nearly 100 publications, reports, dozens of researchers working in this area, working on all matters of science, looking at the fish, looking at the animals that live within the coral, coral growth rate, coral health, coral reproduction, geology and so forth.

I'm just saying these data at least for this area to Canaveral were known. That's why the satellites were there. Those were transects that we made with the Johnson Sea-Link Submersible in the 1970s. We saw coral going out to that western end. I can't answer why they didn't fill in that satellite area in 2000. That was rather odd why they didn't do it then or they just picked those two little satellites.

But now we have filled in that data within the satellites to the south there where we see obvious high relief features. I think we've got to work together through all this western boundary. We all agree there is relief there and there is habitat there that we need to protect. Whether going along the 60 meter line or drawing a straight line like this, I think we have to agree on, and we've got to agree sooner than later. Just to go another year and we'll be still fighting over draw a line around this bump or that bump, we'll be here forever.

DR. BROOKE: Yes, I have a question for John, if you can pull up the previous slide with the trawl tracks in it and go to the southern part of that southern satellite. Now, John, do you have information where it looks like the contours are pretty far apart towards the western boundary. It looks like the contours are pretty far apart towards the north, just south of the satellite area. Yes, I don't know what that depth boundary is. Okay, now it looks like those contours may be pretty far apart. Do you have information that there is low relief stuff in there or is that kind of a buffer?

DR. REED: I don't have data for that spot right there; no, probably no.

MR. MERRIFIELD: It's obvious you're right, there is high relief in there and it needs to be protected. It has not been drug on. There is obviously at the edge where we are adjacent – the coral and the rock shrimp are adjacent to one another, it's a productive edge. There are probably areas where we can come to compromise on some of these things and come to some agreements on these things.

This is a perfect slide to show that on the eastern side we just have a lot of bottom that was removed from the fishery years ago. We're getting into our next item. Let me just finish up on this western boundary thing. I don't think we're prepared at this point in time to present an option. I think there is certainly some room to work with Coral AP and come up with something here.

It might be amiable to both groups, but I don't think we're prepared at this point in time to say – I don't think we're anywhere near where we'll probably say let's go with this. I don't think anybody is prepared to say, well, let's draw that line from here to here. I think we're going to have to just move on past this western boundary here and know that there is definitely some area in there that needs to be protected, that you want protected, that high relief area, absolutely. There is a lot of it in both those pieces of that western expansion. What that boundary is, I think we're not prepared really to say what that would be.

MR. BLAIR: I think we agree that we'd like to work with you to the extent that we can. I think it is important to capture if we're going to have an alternative, that it be stated that there is going to be either work towards a possible other alternative, be it coming from the Deepwater Shrimp AP or some attempt to combine.

I think it would be great to have first your impression of what's appropriate for us to look at and evaluate. As Steve and John both said, everything is done with information in hand the day you're looking at it, and information continues to come in. I think it would be appropriate to capture in the minutes and have, if you are comfortable with it, that an alternative be forthcoming from the Shrimp AP for consideration by the Coral AP to continue to work towards trying to refine the alternative.

MR. MERRIFIELD: I think we would absolutely do that. Originally I didn't have some of the data that I have today the last time that I presented this, so I didn't think there was going to be a lot of contention on this western expansion. And it just so happens that this year in between the two satellites there was activity this year. We've caught shrimp this year in an area that I didn't think was going to be contentious.

MS. MARTIN: As we update the VMS data that we have for this, it should indicate that, correct?

MR. MERRIFIELD: Absolutely.

MS. SOLORZANO: In working with this compromise that we all want to do, there is some area that was taken from us that is very good trawlable area when the first one was put in. There is no coral there. We would like to be able to get you all to agree with that, too, that we would like to get that trawl area.

MR. MERRIFIELD: That's the next topic.

MS. MARTIN: Okay, that's a good segue, because next on the agenda we would like to talk about – unless there are any other questions.

MR. MERRIFIELD: Just to finalize that, we will present another option where this is concerned that may be more agreeable or maybe not.

MS. MARTIN: Right, we have a recommendation to kind of motor through and talk about this existing recommendation, if that is all right before, we break for lunch. This is strictly coming from the Deepwater Shrimp Advisory Panel. This is Item B on the agenda. This is not yet an alternative under the action for modifications to the Oculina Bank.

This is a recommendation that came from the Shrimp and Deepwater Shrimp Advisory Panel during their April meeting. It was presented to the council in June; but because they did not get into discussions of the document, they wanted to wait until after this joint meeting to go back and do that. This will be presented to them as a recommendation at the December meeting.

That is why this is not specified in the range of alternatives here for the expansion of Oculina. What we are talking about, the Deepwater Shrimp and Shrimp Advisory Panels have come forward with a recommendation to modify the existing HAPC; the existing HAPC being the area here in yellow. This red polygon from north to south is the area in which they have recommended the council consider a fishery access area, and a fishery access area being defined as trawlable area. At this point, I'll turn it over to Mike to kind of clarify the rationale for that recommendation.

MR. MERRIFIELD: Basically, what we're looking at is the southern end of the existing Oculina. The red box that is to the left is the experimental area, which then is encompassed by the larger Oculina Coral HAPC total area. As you can see, the green tracks are the trawl tracks. This is typically very productive bottom. Although it's not this year, but it typically is a very productive rock shrimp bottom.

If I go to the top of the box, you'll see where that continues on. Now we've taken this chunk basically of this normally contiguous bottom and broken it up. You can see where the relief area is in the western side of the experimental box. The proposal is to have a shrimp fishery access area within the Oculina Coral HAPC, in areas that are sloped and soft substrate bottom that was rock shrimp bottom prior to this being put in to place.

If I take this up to the top, basically the bathymetry data shows where the sloped bottom is and how actually today within the corner of this northern satellite and the Oculina Coral HAPC main box there, there is an area there of sloped bottom that is worked today. The tracks that go through that satellite are prior to that satellite being put in to place.

Basically, what we're saying is that there is a lot of – I don't know if that was buffer or if that was at the time from a law enforcement standpoint that they wanted a square box or what the reasoning was. I wasn't here at that time to know what the reasoning was behind the size of the extent that it went out to the east. We're asking that it be looked at to allow fishery access into that area that is east of the Oculina Relief Zone.

DR. REED: Can I just point to the chart up here; do you see a mound?

MR. MERRIFIELD: We didn't see a mound right there.

DR. REED: The proposed box, which is the red zone here, right, the red polygon got opened up. Fortunately this regards like 35 years of research, Oculina coral habitat occurs all through this zone. I know for a fact up here this is coral habitat all through here. Right down here is Tess Reef and some of our miniature reef areas.

We know for a fact that Oculina goes out to about 150 meters, but it's very limited. For the majority, we know beyond 100 meters you are pretty much on the mud slip there in that green mud. It is my understanding when they expanded this to the 183 meter line, the eastern edge, when the South Atlantic Council did that, which is well beyond 100 meters, it was my understanding that they did that for not only a buffer, but for tilefish and other fisheries.

But certainly within that red zone, that just tears the core out of the Oculina habitat there. Now if you go take your color out and zoom in again, take the color off of that and zoom in, what we have here are two different charts. This chart that we have been talking about, like looking at the chart we used to call NOAA regional bathymetry chart, that chart that we were looking between the satellite areas and to the northern areas are these regional charts, because they have pretty good bathymetry.

They are ten meter contours and they are picking up the relief stuff. If you can show that first chart you showed, those charts end here. Then we go to another chart, which are much larger with less resolution. If you could look in here and look at the bathymetry that you're showing in here, the background bathymetry, the high relief, the high resolution chart ends here. Then you go into this lower resolution chart, which is like 50 meter resolution, you are not picking up anything there.

There is definitely coral habitat within this block you're showing here. Once you get these within a hundred meters, it is not likely there is going to be coral habitat beyond 100 meters. Your western border, this polygon is well within the 100 meter line. Up here you're cutting across a coral mound that I dove on right there in the middle of that. That is 30 years of research we have in that block there, and to open that up is ludicrous. If you want to discuss beyond a hundred meters –

MR. MERRIFIELD: That's what we're talking about; we're actually talking –

DR. REED: That polygon is not bad.

MR. MERRIFIELD: Well, it's hard to see on that particular one there, if you want to go back to this one here. What you can see is the yellow polygon actually rides between the 90 or the 100. I think it's sitting on the 100; actually probably it's the 90. It is at the 90, but we're talking about the 90 to the 100 meter would be the western side of this yellow polygon, the 90, 100 in that range is what we were talking about.

DR. REED: Again, the 100 meters is major coral habitat with 30 years of research in there.

MR. MERRIFIELD: And we don't want to disturb –

DR. REED: That contour chart you're showing here does not pick up any of that relief in there; it shows none of the true relief there.

MR. MERRIFIELD: If it were out to the 100 meter, that would be acceptable? What we're really looking for here – and maybe these are the wrong lines. We're just saying that the reason that we're making some of these changes on the western boundary to begin with are because there is new information that was missed or it wasn't included back when they made the satellites or whatever the reasoning is, but we're making some corrections. While we're making these corrections, we're just asking that maybe we can look at this eastern boundary and allow some access here on slope bottom that was removed with the information that was available at the time.

DR. REED: I do not know the reasoning for the 2000 boundary for that eastern zone, where the South Atlantic Council came up with 183 meters. It is my understanding – I wasn't part of that – was it's based on protection of tilefish habitat, and that is why it was brought out to there. But that would have to be up to the Council to decide that change.

DR. BROOKE: If we're discussing those eastern boundaries, again there a lot of diagrams and charts floating around, but one of them shows it butting up right against the coral habitat. We absolutely need to leave a buffer. You know 100 meters, 300 feet and change, there is coral there, and so we certainly need to be talking about deeper than 100 meters at the very minimum.

Also I would suggest that experimental closed area, if we were to talk about opening up areas of the expanded HAPC, I would be willing to entertain that based on the science, but I really wouldn't want to see the OECA as it is now touched. It has been that way, it is a research area. It is a control area for fisheries. I would suggest that we don't touch that. If we're in discussions about opening up the expanded area, fair enough, but I wouldn't like to see that area opened up.

DR. ROSS: Yes, I'd just like to add to that. I think, as John pointed out, we're at a disadvantage, coral is obviously off the table, but we're not the committee that established that zone. If we're talking about we've got a protected area that is supposed to be preventing bottom disturbing gear and talking about taking a big strip out of that, we've got to go back to the original reasoning for having that in the first place. It may not even be relevant to this committee.

MR.BLAIR: To that point, I think we're in the same point as we were with the transit provisions. We know that other panels exist and other panels are going to have their opinions. If they are part of the reasoning for the inclusion of it, then they will have their opinions and offer it when they see the alternative. I think the best that we may be able to come to today is if there is a region of this that the Coral Advisory Panel has no objection to having available for an allowable access area.

MR. MERRIFIELD: Well, actually Laurilee asked for the minutes back then, which are probably prior to being electronically stored. We were basically told that they are in some archival building somewhere and they are just not accessible, but someone has that information and knows why that area was put out to the 183 meter.

That is basically what we're proposing here, is that we look at opening up this area again as an allowable fishing area, because we don't know why that sloped bottom was closed. As you can see from the charts that I have, that at one time it was contiguous from one end to the other a rock shrimp fishery. Since we're in the mode of trying to move things and take away some bottom, we were just trying to entertain the idea of maybe possibly getting access to some areas that were previously closed that could be productive.

MS. MARTIN: I want to throw something else onto the table as well. This is coming at a time when the council is considering additional protections for speckled hind and Warsaw grouper. These are two species undergoing overfishing. The experimental closed area is being closely analyzed as one of the existing MPAs.

They're have been some observations of speckled hind within the experimental closed area. The Deepwater Shrimp and Shrimp Advisory Panel do overlap with a portion of the experimental closed area. I just wanted to caution and throw that out there. The council will have to have this discussion at the December meeting.

It will be proposed to them as a Shrimp and Deepwater Shrimp recommendation for an alternative. Dou have any interest in modifying what your group originally recommended for this one, because as it stands it will be recommended to them as an alternative at their next meeting?

MR. MERRIFIELD: I think that if there is any subset thereof, we would certainly be interested in discussing that. The downside of these options are is it a set in stone option or can it be, say, this area or any subset thereof that can be opened would be certainly appreciated.

DR. BROOKE: I would like to suggest that maybe the Coral AP looks at – I don't think as is that it is really acceptable to the Coral AP; but maybe since you've tasked the Shrimp AP to make a revision to our proposed boundaries, maybe we can come up with a revision to these boundaries in the spirit of compromise.

MR. BLAIR: Either that or as guidance as to where it needs to be. I think we're working along that with some of the ideas of minimum depths and considered buffers; that at least as far as providing areas where we think a minimum depth would be necessary to – that area would need to be east of those types of guidelines could be appropriate as well as any if there are any other additional confinements that may be necessary in a north/south area. Those types of guidance recommendations may be something that we could offer to assist the panel in their development or refinement of the alternative.

MR. MERRIFIELD: Absolutely, we would certainly appreciate any of that. Then we can go back to the table with those suggestions and see if there is another alternative that we can present. If you're saying that the experimental area is forever closed and needs to be left alone, then we would obviously have to work around that.

This is the precaution I have about these MPAs is that when we're creating these things, we really need to understand what is their function and what are they providing? We need to make sure that they are defined correctly and everybody understands that once they're there they are there.

MR. BLAIR: Mike, the area right now that you had suggested I think was out to 140 meters.

MR. MERRIFIELD: It is out to 140 meters.

MR. BLAIR: Is that a hard-cast type thing for you or is there a deeper zone that if inclusion – in other words, I'm trying again to think of is it something that can just be shifted or has experience shown that the area is deeper than 140 are not productive?

MR. MERRIFIELD: Deeper than 140, and I'll let these guys really talk to that, but my understanding is that under deeper than 140 or 145, there is no productivity in rock shrimp, and tilefish is actually deeper than this area. Tilefish habitat is actually offshore of this area. As far as the 140, 145, rock shrimp is not beyond that point.

MR. BLAIR: We're also trying to think of a timing aspect on this and just to be able to keep things in a way moving on as to how quickly we can respond back. When would an alternative need to be – we're looking to try to get things for consideration of the council at its December meeting?

MS. MARTIN: Sure, but also the council defers to these two groups for some guidance here on the range of alternatives you would like to see for these scenarios. We have some flexibility there. They will be presented this in December and potentially approving it for public hearings. Then later renditions could come even after that. I suppose it is up to you all as far as timing.

MR. BLAIR: I think your original intent was to request for 100 to 140 meters as an access area; is that correct? Is there some guidance to be provided as far as the contour for the western side of that? I know we're talking 100 may be too close.

DR. REED: I just want to be clear that the red polygon that is drawn there is not 100 to 140. The west border of that red polygon is not 100. It is hard bottom throughout that western.

MR. MERRIFIELD: It probably goes in and out of 90 to 100.

DR. REED: Well, I don't think so.

MR. MERRIFIELD: According to the chart that I have – and maybe it's not, but I think that the intent was for it to vary between the 90 and the 10 based upon any bathymetric indications of those structures on the bottom. This is just meant to be an option to present; and if there are any changes that need to be made to it, to move it out in certain areas or move it whatever, we're certainly open to that. I mean, if it is 100 meters, we could take it to 100 meters.

But the intent was just to try to avoid structure and it may go from 100, it may go into the 90 where it appears there is no structure, and back out to the 100 where there is some structure. It was intended to kind of go between the 90 and the 100 and try to avoid structure or what appeared to be structure by the bathymetric chart.

MR. BLAIR: I think it is sounding as though there does seem to be a depth limit that may be able to be obtained that would be protective. It may be slightly narrower than say maybe of –

AP MEMBER: We can't drag there if there's coral.

MR. BLAIR: But like 110 to 140 versus might be something that the Coral AP would have no objection to or would find no reason to object to.

MR. MERRIFIELD: No, exactly. Our intent is to just be offshore of a structured bottom.

MR. BLAIR: We can put in the minutes that it appears that polygon; it does not demonstrate itself in the appropriate area.

MR. MERRIFIELD: There may be some adjustments that need to be made; that's fine. But it sounds like there is more than the Coral AP here though that need to be –

MR. BLAIR: Yes, and as I say, I think that again if you're coming up with a recommendation, then it is going to have to ping through all the panels.

MR. MERRIFIELD: Habitat is here, too, but I don't know if they have a comment on this.

MS. MARTIN: Pace, I know you and Roger have been speaking about this before the meeting. Do you have any thoughts or input to add on this existing area?

DR. WHITTLE: Amber Whittle with Habitat; this did not come up in our discussion.

MR. BLAIR: Is it possible that the Coral AP would be able to state that as long as the western boundary is no less than, I'm going to say X and I'll offer 110 meters; that would be something that the Coral AP would not object to or the zone being between 110 and 140.

DR. VAN DOLAH: I don't know how this would get worded, but I think in the interest of compromise, that something like that could be considered with the caveat that the Shrimp AP concedes on the western boundary. We've got known good bottom out there that we're trying to protect, and we recognize there are trawlable places within that.

This is an option of give and take to some degree. We recognize that in the area that they're proposing there is likely to be little sensitive habitat compared to lots of trawlable bottoms if we can get the depth boundaries right; whereas, on the western border we recognize that there is lots of non-trawlable bottom and little trawlable bottom. I don't know if we can kind of build a language in that shows that compromise, which is to the benefit of both APs.

MR. BLAIR: I like the concept. It is just we also have to have the caveat that we are one of many panels that have to comment on this.

DR. REED: I would like to propose from a coral standpoint; I certainly believe that 30 years research of the experimental Oculina polygon, the original Oculina HAPC should not be even in discussion of being impinged on. North of that, up to within the current HAPC, it works then talking about 110 meters, opening up possible 110 meters and beyond north of the northern border of the Oculina experimental area. I think from available data, we have no data that would show there would be coral within 110 meters, greater than 110 meter contour line until you get out to the Lophelia. That's different and then you're in the royal red.

MR. BLAIR: John, just looking at that, I'm not sure of the depth contours for the original closed area. Do you know what the eastern boundary is? Keeping it to the north of that is probably inappropriate. Then it would be an area north of the experimental closed area in a depth range of 110 to 140 would be considered something that the Coral AP would have no objection to.

DR. BROOKE: I would just say offshore of 110. There is no point in putting a strip in there for the shrimp people to operate and then having it closed again and then opened again. I'd say offshore of 110.

MR. BLAIR: That's fine; I agree. The idea is just for what they were asking for; that's all.

DR. ALEXANDER: I would suggest that it would make sense for us to make a very strong case for why we need to keep the experimental area closed. There are a lot of people who see areas being closed for experimental necessity, and then there isn't a re-evaluation of why do we need to keep all of it closed, we've had it for a long time, we've done our research; do we still need all that area? I think it would be good to make that case.

MR. MERRIFIELD: I agree, because if 110 is that line, that is fine, but I do agree with you that there needs to be something that says this one needs to be with all MPAs I believe as to what the purpose is, what the value is.

MR. BLAIR: I think at this time we can put this is a kind of form of a motion if we need to in a second just to make sure that we have it; that the Coral AP feels that if the area north of the experimental closed area between depths that are bounded by the 110 meter depth on the western side; that the areas east of the 110 meter north of the experimental closed areas, the Coral AP would have no objection for considerations of access areas for the Deepwater Shrimp.

DR. REED: I would think that should also include the proposal for the northern extension going up.

MR. BLAIR: Yes, I think the north area right now, the consideration for the boundary is 100 meters. This would be outside that region. Yes, somewhere in that area, but I think we're explicitly talking about an already defined area; and when we get to that, we could see if that is a consideration.

It is the intent to make sure that the Oculina Experimental Closed Area is not included in any way. I believe I heard that it is the AP's thought to have the access area north of the Oculina Experimental Closed Area even if there may be some narrow range to be east of it that is less than 140; you said it is 183, right, so it can't be there.

DR. REED: Currently it goes up to 183.

MR. BLAIR: The Coral AP's consideration would be for an access area that would be north of the experimental closed area, in a region from 110 to 140. By that it is including of the HAPC, just not the green box.

(At this point there was a lot of discussion from Mr. Reid without the microphone activated.)

MR. MERRIFIELD: Nothing that would be eastward of the experimental, so it would just be from the northern end of the experimental box north through the HAPC. No, we're talking about the experimental box.

MR. BLAIR: We're talking about the area in the yellow box north of the green box.

MR. MERRIFIELD: That would be the 110 meters out. It's a closed area.

MS. MARTIN: Are you dragging in the HAPC? That's the HAPC.

MR. MERRIFIELD: This is closed; this is all closed.

MR. BLAIR: We're talking about an area within the presently closed area that would be north of this experimental closed area. What we are talking about is having the area here.

MR. REID: The boats are going to drag up to here and then have to jump from there to there and then start again?

MR. BLAIR: Yes, because it is actually here, if I'm correct, in consideration for the area.

MR. MERRIFIELD: They jump now; this is just a shorter jump.

MR. REID: That's a whole different fishing location up there.

MS. MARTIN: Again, this is something that will have to be vetted through the Snapper Grouper Advisory Panel, the Habitat Advisory Panel. The council members have not yet seen this as an alternative. It would have kind of a round of vetting process associated with this recommendation.

MS. KARAZSIA: Related to that in the Oculina Evaluation Report from 2006, there is some information in there about tilefish utilizing the deeper water portions of the closed area and the HAPC that should be considered.

MR. BLAIR: At present the wording is on the board for a motion from the Coral AP that is in the area north of the Oculina experimental closed area, depths equal to or greater than 110 meters on the western boundary, the Coral AP has no objection to consideration of an access area for deepwater shrimp.

MR. MERRIFIELD: What's the difference on this one?

DR. REED: It's not arbitrary; it's where the reef starts.

MR. REID: It's off the Continental Shelf. It's only there because somebody said, look, you can't go any farther.

MR. BLAIR: Are the VMS points on the north side of that; are they associated with your fishery as well?

MR. REID: Yes, but that's not where I go.

MS. MARTIN: Richard, we have to capture all of the discussion for the administrative record. If you're not on the microphone, then it is obsolete.

MR. MERRIFIELD: Okay, so the proposal is to go from the northern end. Is there an issue?

MS. SOLORZANO: What we're asking for is in the green box at the southeast end. That is the area we would like to be able to trawl in. You can see the tracks where we come down the side. Then it comes to the bottom of the box and we can drag south of it. We want to try to get that little corner back in there, that area where we can trawl into that.

MS. MARTIN: This is the area that has been identified as protected for golden and blueline tilefish habitat, so we're not specifically talking about coral in that zone.

MS. SOLORZANO: I believe Mike made the comment earlier that the tilefish were outside of 140 meters, is that correct? Was it you or Richard?

MR. MERRIFIELD: This is their motion. If we have a counter motion, I guess we're going to have to put that in. Basically they're saying that they can agree to outside of the experimental box because the experimental box has a lot of historic data that they've been tracking over a number of years. They can probably better explain that than I can.

They could not agree to anything that would go through that experimental box was the statement that was made, but what they can agree to is if you go north of that experimental box 110 meters out, that is the proposal that they've put together. If we have a different proposal, then we will have to present that.

DR. ALEXANDER: I really do think that we should evaluate the bottom within the experimental area to show that it is necessary and that they shouldn't be given fishing access to it. I don't see why we should exclude an area just because it has been used for a long time. I think that it should be evaluated for efficacy. If we do that and it isn't as functional, maybe we can use that to get the expansion to the west.

MR. BLAIR: John, is there information that would indicate that areas deeper than 110 in the experimental closed area still have significant habitat?

DR. REED: We don't have on that chart what the depth is of the eastern boundary of the Oculina Experimental Area. We need to find out that depth, what that eastern boundary is.

MR. BLAIR: It looks like 130 meters. It rides right along –

DR. REED: If you had that boundary – kept the eastern boundary of the Oculina experimental and opened that up all the way to the current eastern boundary of the HAPC, which goes out to the red border, out to the 183 meters, the eastern border of the Oculina HAPC and then north of

it, if it cuts back in north of the Oculina experimental zone, it cuts back in to 110 meters, then you could cut in at that point.

MR. MERRIFIELD: I guess the question is even inside of the experimental box at 110 meters out, is there – and this is what you're saying is it needs to be looked at and said is there a reason to hold onto that 110 meters and out even inside the experimental box.

DR. VAN DOLAH: As a followup to Clark, I think unless we have evidence, even within the experimental area, that if it is deeper than 110 meters from a coral protection perspective, that it should be considered as not especially protective of coral habitat. Now other APs may say, well, we need it for this purpose, but they need to make that case as well; that is that the tilefish is actually prosecuted less than 140. I also agree that even within the green area, just because it was an experimental designated for some time, unless we have good evidence that there is coral habitat there, that it should be considered.

MR. BLAIR: What I'm hearing is that in the recommendation that we would make that we would want to have a caveat or a statement that pending demonstration of lack of habitat at 110 meters, east of 110 meters, that the allowable access area would continue to the south borderline of the HAPC and include those areas in the experimental closed area.

DR. VAN DOLAH: Correct, so the language might be able to be simplified to start at the verbiage at depths equal to or greater than 110 meters. That first phrase; put it towards the end, including consideration of opening the area within.

MR. BLAIR: Yes, I'd say more like contingent on demonstration of lack of habitat in that area of the experimental closed area.

DR. VAN DOLAH: Yes, that's fine.

DR. REED: It should go all the way to the top; to the new extension area.

MR. BLAIR: Yes, I think that right now it is up through that area.

DR. ALEXANDER: I was just curious about the language you proposed that pending documentation of there being no habitat; how do we balance – if we've been studying the experimental area for so long, either we should have data that there is habitat there or we should know one way or the other, right.

MR. BLAIR: Going back to when these lines were drawn and so forth or associated with a number of parameters and factors, including as we all know looking to have more rectangular, square, more defined borders, easier to be able to enforce, some of those considerations, I am just not at this point thinking that we're all willing to be able to sit here without going home and take a look at some of our work to understand and confirm to ourselves that habitat doesn't exist.

I think it provides an intent of ours to be able to allow that to occur to the extent that it's possible. If habitat is found within that area, then the recommendation would be modified to exclude areas that have habitat. I think what we want to say is after the Deepwater Shrimp AP,

say contingent upon verification of lack of habitat within the OECA and terminate the rest of the sentence.

MS. MARTIN: A motion you need to vote on?

MR. BLAIR: Well, yes, and that might be a lack of coral hard bottom habitat. Do we have a second for that motion?

DR. VAN DOLAH: if you'll add lack of coral hard bottom habitat there so that it is clarified, I would like to second that motion.

MR. BLAIR: We have a second. All those in favor. Those opposed. One opposed, motion carries. Two, three, excuse me, just to make sure we have it right; those opposed, two.

DR. BROOKE: I'd like to see a caveat in there about buffer zones; deeper than 110 there may be no coral habitat, but you might be butting right up against coral habitat. I think at least within the OECA I'd like there to be some additional sort of consideration, because that southern end of the OECA is where our known intact coral habitat is. It has been damaged since VMS has been in place. I've seen damage in there since then. That area needs to be thoroughly protected with buffer zones.

MR. BLAIR: I guess the issue will be what is the buffer that should be considered?

DR. BROOKE: For discussion, when we look at the maps, John knows more about that area than anybody does.

MR. BLAIR: Then part of the contingency aspect about –

DR. BROOKE: It would be contingent upon verification of lack of coral hard bottom plus appropriate buffer zones within the OECA.

MR. BLAIR: Allowance of appropriate buffer.

DR. BROOKE: I could live with that.

DR. ROSS: I have kind of another concern here that maybe – I don't want to slow down the process, but it seems to me that we're bypassing the normal stage of things that we go through to draw these boundaries. We're talking about modifying long-standing boundaries potentially. It seems like another alternative would be – and this committee wasn't even involved in all of these issues.

Maybe another approach is to take all these concerns back to our table and come up with different boundaries altogether, but not any of these specific recommendations at this point. It just looks like we're throwing darts at the wall talking about different sorts of small changes, but without appropriate discussion and without any of us looking at all the data that we have. We've already admitted that.

MR. MERRIFIELD: I agree with you, and that is why realigning is a topic to discuss. There might be a better alignment of these boundaries, but Roger's jaw would be dropping on the floor right now and he'd be having a coronary. The reason that we pushed it this way is because of his response basically was that these boundaries have been there forever and you can't change them. We're looking to work within those boundaries and try to figure something out. But I agree with you; some of the other MPAs are realigning to better serve the purpose of protecting those areas, and this is certainly a good candidate for that.

MS. THOMPSON: We're not proposing that the boundaries of the HAPCs be changed. We're asking for allowable fishery access areas. Those were accommodated for the golden crab industry and the royal red shrimp industry when we established the Stetson-Miami. We're not proposing that the boundaries of the HAPC be changed. We're asking for some allowable trawl areas I guess is what we're asking for.

MR. WILSON: It's my understanding, and correct me if I'm wrong, which I have been, but it is called the experimental area, and that the council has to go back every so often and approve to extend it to be the experimental closed area. It's not like it was, okay, this is the closed area, period. It was supposed to be revisited every so often, anyway.

DR. BROOKE: That's correct, and I think there was a sunset clause in 2006, was it, and it was extended for another decade. The thing about that closed area is that it is the only scrap; it is 92 square nautical miles. It is the only scrap of ocean that has not been trawled, fished, at least poaching notwithstanding. We know there has been an issue with that. But it is a tiny little scrap of ocean that has not been touched. I think even if we can't show exactly what's come out of it, we really need to consider that before we start opening it up again. There are very few pieces of the ocean that are like that.

MR. BLAIR: I'm kind of getting a sense from what we talked about that even though we have a motion that was just passed; that it may be that going back to the original, I think Sandra had proposed that the Coral AP come up with an alternative with knowledge of the desire of the Shrimp AP to see what we feel is appropriate or would allow us to do the evaluation of the existing experimental closed area habitat areas, and we'd work to try to come to meet the needs and desire of the AP within the realm that we can while still protecting the habitat.

DR. ROSS: I just have one. I think that is a good recommendation, actually, and the safest one at this point. I think what I've seen, too, is we're wasting some amount of time by not including a broader membership in some of our committees, because we don't get all the input we need. We've gotten input here that we can consider that we didn't have before. I would also recommend that to the extent we can we have a representative from relevant committees attend across meetings We may be able to save a lot of time and debate that way by considering some things or at least saying that we considered them.

MR. BLAIR: This is kind of a rule of order type idea. If we want to do this, do we have to vote to strike the previous motion? I guess in the motion; I don't know if we have to do it as two separate things or can do it in one – develop a new motion which will strike the other one and state that the Coral AP will present an alternative in consideration of the Deepwater Shrimp's desired configurations that will allow us to be able to do evaluations of the area to be considered, allow more complete evaluation of the areas to be considered.

DR. ROSS: I wonder if you could consider adding other APs as needed.

MR. BLAIR: I think that's a process that clicks along. I'll ask Anna to come in or Ben, to please speak up regarding the process that's going to be involved; that it will be seen by the other APs and by the council where all of those considerations can come into play and modifications as necessary be made by them. I kind of hate to say we're one of the hurdles that may have hoops to be jumped through in the process, but we'll work to see what we can do to provide a starting point.

MR. WILBUR: What timeframe are you envisioning for crafting this alternative?

MR. BLAIR: I think we need a little powwow for that, because it is going to be done offsite, obviously. But I think that we would try to get, where are we, middle of October – it is kind of something we can try to do in a reasonable period of time, but I'm sure it is going to take at least a month between back and forth and getting graphics and so forth put together.

MR. WILBUR: Will we hope to bring this to a conclusion in time for the Wilmington council meeting and stuff?

MR. BLAIR: I think it would be out intent to try to have something forwarded to be for consideration at the December meeting. Is that right; that's the Wilmington meeting?

MR. WILBUR: Backing up from the date of the Wilmington meeting, which is fixed to when the briefing book needs to be prepared, we're talking four weeks from now we have to have this done?

MR. BLAIR: Does that seem like a reasonable amount of time? I'm looking at the people who are going to have to kind of get their major approvals on, a four-week period to come up with an alternative that we feel is appropriate to evaluate the potential regions.

DR. BROOKE: Well, again speaking for others here, too, but I think that sounds reasonable. John is probably going to be the one. He's got most of the maps here.

DR. REED: There is limited data. I mean, there is no new data to be reviewing. When the Oculina experimental area was made, it was based on all this data we knew where the coral was. That's why the box was made. East of that box, I don't know. There is no data east of the experimental area, east of the eastern boundary. There is no data. Nobody has dove out there except for Bob Avant. Actually there is some limited data. We can't offer new data within the experimental OEC. There is no new data within there except where the border is now.

MR. BLAIR: I think what we're doing is asking to give ourselves a bit of consideration and go back and take a look and make sure that we don't have any conflicts by giving recommendations at this point; that there isn't any existing data that may not be in the corner of our mind right now, and just verify the considerations that we're thinking about are appropriate.

DR. VAN DOLAH: I think the idea is not that we're looking for data that doesn't exist east of the current experimental area, which goes out to 130 or 140, right? I think it is deeper than what they're asking. They're asking to potentially carve out a slice of allowable trawlable area within

that. We should, presumably after 30 years of study in that area, have some evidence of whether there is any sensitive habitat there or not in that width, in that band. The second comment I would make is – I don't know if Anna just stopped typing to listen or not, but the current motion doesn't really say anything.

MS. MARTIN: Yes, we need to work on these. We have two motions on the table that I think we need to first get rid of the original one and have a substitute here.

MR. BLAIR: Do we do that in the same motion or is it just a quick act right at this point, and how do we identify that specific motion to strike?

MS. MARTIN: Motion withdrawn; consensus.

MR. BLAIR: That's true. In light of developing a second motion, is there a consensus to withdraw the first motion or previous motion that was done? Seeing almost all the heads nod, we'll withdraw.

MS. MARTIN: Okay, now let's work on this one. Just to make sure we capture the intent of what we want to say here from the Coral AP, an alternative will be presented in response to the Deepwater Shrimp Advisory Panel for the existing HAPC to evaluate different scenarios.

MR. BLAIR: I would say to evaluate feasibility of a shrimp access area within the existing C-HAPC and eastern portions of the Oculina Experimental Closed Area.

DR. VAN DOLAH: Perhaps add at depths deeper than 110 meters.

MR. BLAIR: Any other considerations for revisions of the wording of the motion?

DR. REED: I think you can just make it simple to evaluate the feasibility of the existing Oculina HAPC greater than 110 meters. The HAPC includes the OECA, you understand; greater than 110 meters all the way up.

MR. BLAIR: Yes, just from our discussions, since we had that kind of almost as an exclusionary area before, I thought it would be appropriate to have that in there to say that we are considering that area, too.

DR. VAN DOLAH: Yes, Steve, even though it may be a little redundant, I would concur with leaving the language in there because of the very comments that have been made that this is an area inviolate to any consideration or something.

MR. BLAIR: Is there a second for the motion?

AP MEMBER: I'll second.

MR. BLAIR: All those in favor say aye, all opposed. Thank you.

MR. WILBUR: The Habitat AP just has representatives here. We don't have quorum; we don't have a voting body or anything like that. The only thing I will want to make sure is on the record

is that if the Habitat AP is going to be asked to weigh in on this in time for the Wilmington council meeting. We have a huge task in front of us, because we have not dwelled on this point in any recent Habitat AP meetings.

Most of the Habitat AP members are not experts on deepwater corals. Their expertise is on inshore habitats. If the council wants a meaningful set of comments from the Habitat AP as opposed to just sort of a blind endorsement of what another AP has said, the council staff will be necessary to attend the Habitat AP meeting, which is four weeks from now, and present this data in a very clear format well ahead of that AP meeting so we understand what decisions we are being asked to weigh in on.

That means really good maps, because part of our problem right now just following this discussion today is that the red lines don't look like they're in the right place. They don't match up what other people's datasets seem to have, and a lot of this just seems awfully confusing to me at this point.

MS. MARTIN: I agree with you; I think you're coming in at a disadvantage and not having had an advisory panel meeting yet this year. You have one in a couple of weeks. Hopefully, that can be an opportunity for the Habitat AP to be brought up to speed on these issues here.

MR. WILBUR: I understand that's an opportunity, but the Habitat AP has its own set of issues it needs to deal with, and there is limited agenda time for that meeting, and now we're being asked to essentially wipe out a good part of our draft agenda for the meeting in a couple weeks and get up to speed on stuff we know very little about to have a very informed and deliberative discussion. The task is huge in front of us and we're going to need a lot of help from the council staff to accomplish that.

MS. MARTIN: Well, I think it would behoove us to have a conversation with Roger following this meeting to make sure that happens.

MR. BLAIR: The impact of not having this available for the December meeting is what?

MS. MARTIN: This might just slow the timeline down for this amendment. There is no statutory deadline requirement like the council was under with the Comprehensive ACL Amendment. They are not being forced into meeting a deadline here. If this isn't ready for approval for public hearings, then this is delayed. This has already been delayed at one point in the road. If the document isn't ready or in shape for approval for public hearings, then it will be that, it won't be approved. There is anticipation of that also.

MR. EASLEY: Since we're putting statements on the record, I just wanted to state from a law enforcement perspective, access areas we are not in favor, we can't support either by that term and the way that I believe we're thinking, the group is thinking of going with that. Either the whole area is open or the whole area is closed. That is the preference. Whether it is for tilefish reasons or shrimp or others, a mixture of vessels out there doing various things supposedly, it is not as clean to enforce as just move the whole line over and have a nice day.

MR. WILLIAMS: Agent Easley, how do you deal with the shrimp access area now in the deepwater corals on the red shrimp issue?

MR. EASLEY: We don't like it; that's all I can say.

MR. WILLIAMS: Have you had any violations yet?

MR. EASLEY: I can give you the numbers of cases that have happened dealing with the Oculina area since – let's see if I can pull that up. Let's see we've had as far as incursions into the Oculina area, other than the royal red shrimpers passing through, the good news is nothing since 2009, but we've had 20 cases since 2003 to 2008.

Seven of them we had to send to General Counsel -- some significant NOVAS were issued on those – two permit sanctions, but the other remaining 11 were pretty much dropped. We didn't go further with those. That will give you some numbers there. Before 2003, before VMS, October 2003, there were all kinds of incursions into the closed area.

MR. WILLIAMS: That leads me to believe that technology is working in the closed areas then.

MR. EASLEY: I agree.

MS. MARTIN: Okay, I think we need to consider a lunch break. It is 1:15. This is getting a little delayed into a typical timeframe for that. Is 45 minutes acceptable time for breaking for lunch? Be back here at two o'clock. All right, we will adjourn until two o'clock.

(Whereupon, the meeting recessed at 1:15 o'clock p.m., October 18, 2012, and there was no further recording of the meeting.)

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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.

Deepwater Shrimp AP, Coral AP/ Law Enforcement and Habitat AP Members Meeting
October 18, 2012
Cape Canaveral, FL

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Deepwater Shrimp AP, Coral AP/ Law Enforcement and Habitat AP Members Meeting
October 18, 2012
Cape Canaveral, FL

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Attendee Report

GoToWebinar

Generated
Oct 19, 2012 08:15 AM PDT

General Information

Webinar Name
SAFMC JT Deepwater Shrimp & Coral AP's and

Webinar ID
413394058

Actual Start Date/Time
Oct 18, 2012 08:22 AM EDT

Actual Duration (minutes)
521

Clicked Registration Link
22

Opened Invitation
34

Total Attended
7

Session Details

Barker,Pat — patrex@bellsouth.net

Attended Yes

Registration Date Oct 18, 2012 02:19 PM EDT

State FL

Organization SFA

Unsubscribed No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Oct 18, 2012 02:20 PM EDT	Oct 18, 2012 03:28 PM EDT	68.08

Interest Rating

Attendee's In-Session Level of Interest: 29

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

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Registration Date Oct 17, 2012 02:43 PM EDT

State SC

Organization South Atlantic Fishery Management Council

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In Session

Join Time	Leave Time	In Session Duration* (minutes)
Oct 18, 2012 08:22 AM EDT	Oct 18, 2012 04:19 PM EDT	477.33

Interest Rating

Attendee's In-Session Level of Interest: 34

Registration Q & A

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*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

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Join Time	Leave Time	In Session Duration* (minutes)
Oct 18, 2012 08:22 AM EDT	Oct 18, 2012 04:34 PM EDT	412.62

Interest Rating

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Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Oct 18, 2012 11:15 AM EDT	Oct 18, 2012 12:04 PM EDT	48.4

Interest Rating

Attendee's In-Session Level of Interest: 3

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Tsao,Fan	fan.tsao@noaa.gov
Attended	Yes
Registration Date	Oct 04, 2012 11:13 AM EDT
State	MD
Organization	
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Oct 18, 2012 08:29 AM EDT	Oct 18, 2012 04:44 PM EDT	501.07

Interest Rating

Attendee's In-Session Level of Interest: 21

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Mahood,Robert	robert.mahood@safmc.net
Attended	Yes
Registration Date	Oct 18, 2012 01:13 PM EDT
State	SC
Organization	Safmc
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Oct 18, 2012 01:13 PM EDT	Oct 18, 2012 01:17 PM EDT	4.1

Interest Rating

Attendee's In-Session Level of Interest: 0

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

collins,mike	mec181@yahoo.com
Attended	Yes
Registration Date	Oct 18, 2012 09:29 AM EDT
State	SC
Organization	safmc
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Oct 18, 2012 08:30 AM EDT	Oct 18, 2012 03:12 PM EDT	279.2

Interest Rating

Attendee's In-Session Level of Interest: 12

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Martin,Bob	rmartin@palmettoheritagebank.com
Attended	No
Registration Date	Oct 17, 2012 09:15 AM EDT
State	SC
Organization	
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)

Interest Rating

Attendee's In-Session Level of Interest:

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.