SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ECOSYSTEM-BASED MANAGEMENT COMMITTEE

Savannah Hilton Desoto
Savannah, Georgia

MARCH 6, 2012

SUMMARY MINUTES

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Other observers attached to the end of the document

The Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, Savannah, Georgia, March 6, 2012, and was called to order at 9:05 o'clock a.m. by Chairman Duane Harris.

MR. HARRIS: Okay, I'm calling to order the Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council. The first item on the agenda is approval of the agenda. Are there any proposed changes to the agenda from what is published; any additions to the agenda? Seeing, none is there any objection to approving the agenda? Seeing none, the agenda is approved.

Next is the approval of the December 5, 2011, minutes of the Ecosystem-Based Management Committee. Are there any additions, deletions, changes to those minutes? Seeing none, is there any objection to approving the minutes as published? Seeing none, the minutes are approved. The next item on the agenda is the status of catches versus quota for octocorals.

DR. McGOVERN: Mr. Chairman, we get the octocoral landings twice a year from the state of Florida, and the final landings are reported in May of the following year. The octocoral landings are in Tab 13, Attachment 1, and for the first part of 2011, 7 percent of the 50,000 colony quota was met. Effective January 30, the ACL for octocorals is now zero, and this includes federal waters off of North Carolina, South Carolina, and Georgia. The state of Florida now manages octocorals in state and federal waters.

MR. HARRIS: Thank you, Jack; questions for Jack? The next item is Item 4, status of the Comprehensive Ecosystem-Based Amendment 2, which is Attachment 2. Are you going to do that, too? Thank you, Jack, go ahead.

DR. McGOVERN: The final rule for CE-BA 2 published on December 30, and the regulations became effective on January 30 of this year.

MR. HARRIS: Any questions for Jack on the approval of CE-BA 2? Seeing none, we'll move along. The next item is the presentation by Sean Morton with Florida Keys National Marine Sanctuary, and, Sean, it is good to have you here. As you know, we've been talking about issues related to the Sanctuary, so it is good to have you here, and proceed.

MR. MORTON: I really appreciate you having me. I know you guys have a very busy schedule, so I appreciate the time on the agenda. What I'm here to talk about is our Marine Zoning and Regulatory Review. What this is, is sort of like our management plan update. It's something we haven't really done since our designation in 1997.

Just some background on the Florida Keys National Marine Sanctuary, we are 2,900 square nautical miles. As folks know, we reach from basically Biscayne out to the Dry Tortugas. We are managed as a co-trustee with the State of Florida; 1,600 islands and about 1,800 miles of shoreline.

In this map you can kind of see that – I mean, it's kind of fuzzy there, but all the little squares and things in the map are all of our different types of zones, and that's really what we're going to

be talking about and over the next couple of years, really a comprehensive review of everything in it.

Just some background, some history and milestones; sanctuaries have been in the Keys since 1975 when the Key Largo National Marine Sanctuary was designated and then the Looe Key National Marine Sanctuary in 1981. In 1990 Congress passed the Florida Keys National Marine Sanctuary Protection Act. This really put in place the framework for the entire Florida Keys National Marine Sanctuary.

The purpose in that law was to protect the resources of the Florida Keys. We also have a mandate for education, interpretation, and to manage the human uses. Also in that act, in the law it mandated us to, like all sanctuaries, develop a management plan and form an advisory council. This is really important. We were the first advisory council of all the National Marine Sanctuaries and now everyone has one.

In the Sanctuaries Act, it also talked about how we would use temporal and geographic zoning as a management tool. This is something we use today, but also something we will be looking at as part of this review, what kind of changes maybe we need to make; and I'll get into that a little bit more. While the act was passed in 1990, after a lot of work with the public and I know with this council and with the Gulf Council and the state of Florida, we implemented the management plan and the zoning scheme and the regulations in 1997.

Really, the only change to our overall management plan has been the addition of the Tortugas Ecological Reserve in 2000. It involved the slight expansion of the Sanctuary, but really since then we've had a couple minor changes in regulations, mostly related to water quality and some technical changes. But this is our first look at really the entirety of the sanctuary in terms of zoning and our regulations.

What are the types of things that we regulate day to day? Most of them I think people are pretty familiar with. We have fishing regulations, different zones for that; certain areas where spearfishing isn't allowed, but we also have regulations for things like personal watercraft, particularly in the back country, places where we don't allow vessels; maybe this is shallow areas or places that are important for bird nesting or crocodile nesting.

We have a lot of work that we do on people that want to put things on the seafloor, a lot of construction activities. We do get into permitting and regulations there, but we've also got different zones for areas where you can't dive, for research areas, and then certain areas that are off limits for things like marine life or aquaria collection.

Most of those regulations are all done through some type of zoning in the Florida Keys Sanctuary. These are our main five types of zones; sanctuary preservation areas and ecological reserves, our no-take areas, there are 18 of the sanctuary preservation areas in two of the large ecological reserves. Tortugas is probably the most well known, as well as Western Sambo off of Key West.

Wildlife Management areas are more of our back-country zones, and this is where we limit access on things like jet skis and personal watercraft, as well as some boating particularly in the shallow seagrass areas. We have these other zones known as existing management areas, and these were really previously designated areas like the old Looe Key in Key Largo, National Marine Sanctuary, and these have special restrictions on things like spearfishing and marine life collection.

Then we've got a couple very small areas that are special-use areas, research only. A good example is one in the graphic there is Conch Reef where the aquaria's habitat is. We've got some restrictions on who can enter there so that they don't disturb ongoing scientific work. This review – we'll get to a timeline a little bit later, but it's really being led by our advisory council. It's a community-based advisory group representing all the different types of users in the sanctuary. You can see the list of them up there.

We've got several fishing representatives from the charter industry, different types of commercial activities from fishing scale to a marine life collection, as well as recreational fishing representatives, and then other representatives from the different industries: diving, tourism, research and education folks, and even submerged cultural resources protecting some of our maritime heritage work and shipwrecks.

This council is really the one leading this right now, and they are going to be doing the heavy lifting over the next two years. This review, in a way it started back in August when the advisory council kind of took a very large vote. We had some staff work put together, and they made some kind of broader statements that were really trying to lead us towards our scoping efforts.

In this case they really made some findings that some of the sizes of our no-take areas are insufficient and that new and larger no-take areas are warranted. A lot of this came out of the science that was published recently in the fall in our condition report. There is a lot of interest in new areas for restoration and recovery, particularly some of the advances we've been making with coral restoration.

Temporal zoning, I mentioned that earlier; there has been a lot of success, particularly out at Riley's Hump in the Tortugas protecting the spawning aggregations for black grouper and mutton snapper, and people have really seen the benefits of that. Maybe that's something we need to look at again in this review.

Also, bleaching areas; coral bleaching is prevalent during the summer, and we've had in the past areas that we've put off limits to really reduce diver pressure on bleached areas to just really try and help that coral out when it's stressed. Another finding they made was there really isn't enough connectivity between the Gulf side out to the reef track in some of the non-extractive zones. That's something to be looking at as well as connectivity along the whole reef track. These are some of the early things that they've talked to staff about. As we get into our scoping, these are the things we're going to be hoping to get public comment on.
I'm here today to just really give you a heads up that this is happening. I really wanted to get in front of the council and let folks know that, hey, we are starting public scoping meetings this

June, and encourage folks. We are really trying to encourage folks to come out. The Keys are kind of famous for rumors and things like that.

We've got a long way to go, but this is just the start, and we'll see stuff in the newspaper, but I wanted to give you all the heads up that we are starting scoping meetings in June. We're going to probably do a 60-day comment period. The meetings are mainly down in the Keys and then Southeast and Southwest Florida.

This is a review really focused on regulations and our zoning scheme. The advisory council wants to take this comprehensive look at kind of rezoning, really relook at the blueprint for the Keys. They are going to be out there asking folks what they want the marine environment to look like in 20 years; because as I said before, this is really the first time we've done this since our designation regulations went into place in 1997.

We don't do this often, and it is very important. For the South Atlantic Fishery Management Council, in terms of what the role is we really would love it if members would participate in the scoping process. I'm not sure if they want to make a formal comment or something like that, but pay attention to when this is coming out; and as individuals or members or as working groups want to work on this, please participate early.

After we get through scoping and kind of define what the process is with our advisory council, we're likely going to be having several workshops and/or set working groups to deal with specific issues, be it coral protection or restoration or maybe we're relooking at boating access in the back country, things like that. Encourage folks to participate on this.

In terms of regular updates, I'll offer myself to come to any of the fishery management council meetings and provide updates along the way. This is going to be a rather long process, but certainly I definitely want to keep you all informed and make sure that you know what's going on and as I said before maybe what's not going on; because sometimes like I said the rumors get out there.

There is a formal role. In a couple years after the recommendations are moving along, if there are any changes in our existing fishing regulations or there are new regulations that are fishing related, that is going to come before the fishery management council. There is the formal process under the National Marine Sanctuaries Act for that coordination and review.

There will be that formal process, but that would be several years from now, and I really encourage folks to make sure this coordination is happening a little earlier so it's kind of no surprises. Throughout the process I'll be coordinating with staff here at the council as well as at Southeast Region.

We've recently added southeast region staff onto our advisory council and are willing to make sure that happens throughout. There, again, shouldn't be any surprises as we move down this road. The overall timeline, as I said the scoping is probably – we're on schedule for doing that in May and June, with meetings kind of towards the end of June. Then, the advisory council really goes to work between fall 2012, and fall of 2013; working groups or workshops, things like that.

Again, the issues that come out during scoping are really going to define what formal working groups or workshops we set up. But that will probably take a year or so for that council to come up with some draft recommendations, maybe even longer. It depends on how complex the issues are that they want to tackle.

We really wouldn't be looking at a draft environmental impact statement and it could be just an EA, but since we are looking at boundaries and things probably an EIS, until spring of 2014. Once we get that draft together, that's when the formal process working with the fishery management council starts, but again really hope to make sure we're coordinated throughout this.

In terms of final regulations, this is really a best case scenario and I'm always wary of putting these kinds of dates out there, but there is no way we're going to see any kind of final regulations until 2015 or so. That is kind of our draft timeline right now. That's kind of it. For more information, I really encourage folks to go to our website. We'll keep that updated. There is a list serve sort of on there that you can enroll in, and we'll have regular updates coming out as this process is moving along.

We have fishing representatives on our advisory council. These are the Flats Guy's Charter, the Marine Life Collection folks, Bill Kelly – he is here in the room, is also a representative on the advisory council as well as the recreational fishing. You can always feel free to contact me via e-mail, or like us on Facebook, and you'll see updates there as well. That's all I have. I'm more than happy to answer questions.

MR. HARRIS: Thank you, Sean. I appreciate the update, and I'm glad to hear that you're not really asking the council to do anything for a couple years. We kind of are overwhelmed right now with other activities. Are there questions for Sean at this time? Wilson.

DR. LANEY: Sean, what is shell/scale?

MR. MORTON: That's the finfish and as well as representing lobster traps and things like that. That is just how they got named back in 1990 when they set up the advisory council. Again, Mr. Kelly is here.

MS. McCAWLEY: I had a question, and you might have said this and I missed it, so when the SAC makes recommendations, does the Sanctuary staff just completely accept what the SAC does? What's the process for how the Sanctuary staff looks at what comes from the SAC?

MR. MORTON: That's a good question. Generally, as we develop recommendations through the advisory council, by the time that's processed generally that's what we go forward with as the draft alternatives. There is definitely internal NOAA decision-making that happens, but there is also decision-making at the state level, because we are co-trustees with the state of Florida.

We have to coordinate both with FWC but also with the governor's office and Department of Environmental Protection. Tweaks may happen along that way, but that's why we kind of start with that draft Environmental Impact Statement. That will have a range of alternatives, and

somewhere in there you will have what is the advisory council recommended alternative. But if that is allowed to be the preferred alternative, or however that's decided that is kind of to be seen. We don't really know.

MR. WAUGH: Thanks, Sean. For the council's planning, we had talked about the Snapper Ledge, considering that an MPA. It looks like 2014 or 2015 even is when we would expect a formal recommendation coming to the council for them to act on it. Does that sound about right?

MR. MORTON: That's about right, 2014. That's pretty optimistic; working through our advisory council process to get an environmental impact statement; that was a very kind of framed out timeline, but as I said, for any kind of rollout of these kind of recommended alternatives, we have to coordinate also with the Gulf of Mexico Fishery Management Council, Florida Fish and Wildlife Conservation Commission.

This has to go through the governor's office and the trustees there. It is a very complex partnership, and all those folks need to be coordinated before we actually roll out with kind of that formal recommendation. Again, I really want to emphasize that we hope to – there are no surprises and we've worked through any issues prior to that, but the answer is what's the fastest we could get Snapper Ledge moving; 2014, 2015 would be very aggressive.

MR. HARRIS: Other questions for Sean? Seeing none, Sean, thanks again for being here. You are invited back anytime, you don't have to have a presentation, just come see us whenever we are wherever we are.

MR. MORTON: Be happy to, and, yes, ask me any time.

MR. HARRIS: The next item on the agenda is a discussion of Comprehensive Ecosystem-Based Amendment 3, and I think, Anne, are you going to go with the public comments first and then Gregg's going to talk about some decisions? Okay, Anne will go through the public comments that were received at scoping and other things.

MS. MARTIN: Just to remind everyone, the Decision Document for CE-BA 3 is Attachment 7 in your Ecosystem Briefing Book. We've also included the public scoping comments and a summary of those comments as Attachment 4 in your briefing materials. What I'd like to do right now is just walk through the actions in the Decision document that were scoped and provide an overview of the scoping comments.

In regards to the measure to expand the Coral Habitat Areas of Particular Concern that are recommendations from the Coral Advisory Panel; we received approximately 40 comments on general expansion of these areas. Most of them were in regards to expansion of the Oculina Bank Habitat Area of Particular Concern, HAPC.

Several Shrimp Advisory Panel members were in attendance at a few of the scooping meetings and spoke of their disappointment to find out some of this information in a scoping document without consultation with shrimp industry representatives before the material was presented. Many expressed concern about a potential socio-economic impact to shrimping industry that

would result from the possible expansion of these areas without consideration of significant modifications to the Coral Advisory Panel's proposal. Specifically in regards to expanding the Oculina Bank HAPC, we had about 29 commenters speaking on behalf of this issue.
We received comments about this area being actively fished since the 1960's for rock shrimp and reminders that shrimpers drag only on hard, mostly mud bottom and have no incentive to trawl their nets over the coral habitat areas. Expansion of the areas recommended by the Coral AP is extreme and unnecessary.

We also had comments that discussed if the purpose is to protect the coral then the council should consider limiting to protections to where the habitat exists. We did have a few specific recommendations to the Coral Advisory Panel recommendation here for Oculina. That is, one, to consider expanding the western boundary of the northern area the Coral AP is recommending, that lies east of the traditional rock shrimp fishing grounds.

They discussed the western boundary should be around the 60 to 70 meter depth contour. They also recommended that the council consider an expansion of the eastern boundary in this northern zone that the Coral AP is recommending, that lies west of traditional rock shrimp fishing grounds. Some discussed a specific depth boundary at 100 meters for this area and some discussed 90 meters.

They also stated that he council should consider modifying the eastern boundary of the original Oculina HAPC to exclude traditional rock shrimp ground, and that the council should consider modifying the transit provision to allow possession of rock shrimp on vessels going through the HAPC at speeds above trawlable speed. Some mentioned speeds when they are trawling to be around two to three knots, somewhere in that range.

Okay, moving on to expansion of the Stetson-Miami Terrace Coral HAPC; we had about 17 comments on this particular measure. Again, shrimp industry representatives spoke about the negative impacts that would be felt to the royal red shrimp fishery, and that the proposed expansion recommended by the Coral Advisory Panel covers the northern area where the royal red shrimp boats are currently operating.

There were a few specific recommendations during the scoping meetings. Shrimp industry representatives suggested that the council should consider the traditional areas of royal red shrimping and leave them out of the expansion of the Stetson-Miami Terrace HAPC. They also recommended that the council consider expanding Shrimp Fishery Access Area 1 to incorporate areas where the deepwater shrimp fishing is currently taking place.

Okay, moving on to the third recommendation from the Coral Advisory Panel, and that's to expand the Cape Lookout HAPC, there were few comments about this measure, only general comments expressing interest and not supporting an expansion of this area. Moving on to prohibition of powerhead; most comments on this issue were received during the Key Largo and the Jacksonville public scoping meetings.

We had around 33 comments received on this measure and were in regards to a prohibition throughout the South Atlantic. Most of the comments were not in favor of the council moving

forward with prohibiting powerheads throughout the EEZ. They stated that bycatch with powerheads is zero. The use of powerheads as a gear type is highly efficient; it makes up a minimal fraction of the overall effort in harvesting. They question the science to back up implementation of a prohibition here. Some comments felt that the council is revisiting an issue that has already been really addressed, and that previous findings should be referenced if the council decides to move forward with this measure in CE-BA 3.

We did have a few suggestions for council consideration if the council decides to move forward with this measure here, and that is to maximize a size limit for commercial and recreational harvest by use of powerheads. The council should consider prohibition at a specific depth limit and establish an endorsement program for commercial use of powerheads.

Also offered up was consideration of designating special management zones in Florida and prohibiting powerheads in SMZs there. Okay, moving on to Measure 3 in the CE-BA 3 Decision Document, and that's establishing MPAs across the Mid-Shelf Region, and designating HAPCs for speckled hind and Warsaw grouper.

We had roughly 23 comments received on this measure during the public scoping process. Approximately 15 were not expressing support for the measure. Many commenters opposed time and area closure regulations and feel that this measure may generate support if the areas weren't closed indefinitely.

Speckled hind and Warsaw grouper are found in some of the areas already closed to bottom fishing, and comments stated that identification of duplicative closures to protect coral and fish needs to be identified to the public if the council intends to pursue this measure. Many spoke unfavorably of the value of marine protected areas.

Some comments indicated that the public feels there is limited education and outreach on the existing MPAs, and they question whether the council is pursuing the appropriate management tool here. Some comments expressed the information provided now on observations of speckled hind and Warsaw grouper is the same information that was available for the council during deliberation of the 240 foot closure implemented in Snapper Grouper Amendment 17B.

Approximately 6 comments were received in support of the council working with stakeholders, fishermen and scientists to identify appropriate areas that protect spawning aggregations for speckled hind and Warsaw throughout their range and not just the Mid-Shelf area alone. A couple of commenters cautioned the council including this measure in CE-BA 3

One comment specifically offered recommendations they feel the council needs to consider here, and that is to include the full range of potential area protections ranging from fixed, large area closures to spawning and/or seasonal closures. The council needs to evaluate time and area closures, a network of no-take MPAs and cap some on total mortality.

They also suggested that the council should consider developing an EIS that identifies essential data collection elements and methods for this collection, and that the council should include a broad range of options for a total mortality management system. They also recommended that

the council have the SSC to evaluate impacts of discards and categorize real allowable mortality of the new management measures.

Okay, moving on to the next measure in the CE-BA 3 Decision Document, and that's to designate Snapper Ledge within the Florida Keys National Marine Sanctuary as an MPA. We had approximately 18 comments received on this measure; most of them during the Key Largo public scoping meeting. Thirteen were opposed to the council moving forward with this designation at this time, and there is some real confusion of why the council would implement a regulation here on an area that lies within the sanctuary that already has a managing entity.

Four comments were received in support of sanctuary preserve designation protections for Snapper Ledge, and they feel this is a designation that would protect spawning areas of coral and restore snapper grouper populations here. Okay, we have covered the measure to develop a recreational tag program during the Data Collection Committee, so I'll bypass that.

The next is to increase the minimum size limit for hogfish, and I would just to summarize; second, to the measures to expand the Coral HAPCs, most of the comments during the scoping process were received on this action item here. Most of them did come from the Florida Keys region and southern Florida, and those in attendance specifically at the Key Largo public scoping meeting.

Approximately 21 comments are opposed to an increase in the minimum size. They express that this illustrates a regional problem with fisheries management, and that it's not an issue throughout the South Atlantic. It's another indication that regional management approaches are needed here. Seven comments spoke favorably of this measure.

A few were in support of increasing the minimum size for hogfish to 14 inches and felt that an increase to 18 inches as recommended by the Snapper Grouper Advisory Panel would eliminate almost all fishing for hogfish in Florida waters. A few comments were in support of the council considering a gradual increase in the minimum size here.

Okay, moving on to Action Item 7, and that is changing the bag and size limit for gray triggerfish. We didn't receive very many comments on this measure, roughly 10 comments. Four were opposed to the council considering any changes here; one general comment that this is an issue better addressed through a framework or plan amendment.

Approximately five were in favor of this measure, and they kind of stated that limiting fishing opportunities has increased pressure for species here. Modifying the bag and size limit for gray triggerfish will help to alleviate the pressure this species is experiencing. Okay, moving on to Action Item 8, and that is to add African pompano to the appropriate fishery management unit.

We only received approximately eight comments on this potential measure; one expressing that this is an issue better addressed through a framework or plan amendment and removed from CE-BA 3.

Seven comments were in support of placing this species in the management unit. The last item there, to modify permits and data reporting to insure that ACLs are not exceeded was also covered during the Data Collection Committee earlier this morning. That wraps up kind of our summary of the public scoping comments for the list of items here for CE-BA 3.

MR. HARRIS: Thank you, Anna; are there questions for Anna? I have one. I've seen throughout the public comments that somebody is making a recommendation that we address these things through a framework or plan amendment. Well, what is this? Can you comment on why that comment was made?

MS. MARTIN: I think it was intended to state they felt some of these measures should be removed from CE-BA 3 and developed through their own or a different framework or plan amendment.

MR. HARTIG: Duane, I think I can help you a little bit on that. I think I remember one of the comments in particular was that the one other person in particular was making a statement that the Comprehensive Ecosystem Management Plan, they thought the comprehensive was – I don't know, I can't frame it out. They thought that these elements were too simple to be involved in a comprehensive plan; that's the crux of the comment.

MR. HARRIS: Okay, thanks, Ben, I appreciate any help you can give me on this. David.

MR. CUPKA: Mr. Chairman, looking at some of the general comments we got on CE-BA 3 that talks about general confusion on the part of the public about the scoping process and how that fits into the whole process of developing amendments, some people, I guess, felt that the council was a lot further along when they saw these things.

I would point out that this process we're going through on this really is no different from processes that we've used in the past, and we certainly intend to include the appropriate APs and get as much input as we can from them. This really isn't any different from what we've done in the past.

Again, I want to reiterate that we certainly are not trying to bypass any public input or input from the APs. We certainly will involve them just like we have in past amendments under not only ecosystem, but other types of amendments as well. There was confusion on this I think and some people thought we were trying to bypass part of the process. I can assure you that was not the intent, and it's no different from what we've done in the past.

MR. HARRIS: Thank you, David, I appreciate you making that comment. I was going to make the same comment. I was surprised at some of the comments that we received. It seems like a lot of folks don't understand what scoping is, and that's the earliest part of the process and it's to get the public to come in and give us information.

It's kind of hard for the public to figure out what to give us information on if we don't put something in front of them, so we put something in front of them through whatever process we received that information, and then we bring the public in and then we get our advisory panels

together and we flesh all this stuff out as we go through this process. I was just, quite frankly, surprised to see some of the comments. Are there other questions for Anna with respect to public scoping? Mac.

MR. CURRIN: I'm intrigued by the reaction in Florida to the consideration of increasing the hogfish size limit. I'm sorry I wasn't there to hear, and I'm wondering I guess whether there were any comments made or implications that hogfish just don't grow very big in Florida or is it just purely that there are more numbers of those smaller fish and they enjoy harvesting as many as they can? I don't quite get it from my perspective if you want a 14- or 18-inch hogfish, you've got to let enough of the small ones live long enough to get that big. I hope the implication wasn't that they won't grow that big in Florida, because I'm not buying that.

MR. HARRIS: Thank you, Mac, I have the same concerns. Ben, did you have your hand up?

MR. HARTIG: Mac, basically my experience with hogfish in Florida is there is a considerable amount of pressure put on those fish and they don't grow to the size they do in the Carolinas. They certainly could if you put an 18-inch size limit, but they seem to do quite well even at the smaller sizes.

The population still seems to maintain itself with smaller males and smaller females in Florida. I haven't seen any marked changes over the years other than the size thing. I dove for them for a number of years in the Bahamas, and, my gosh, it's a marked difference between the Bahamas, which would be similar to your area where you see those very, very large hogfish.

I've always been amazed; where do the hogfish come from in North Carolina? It's always amazed me. Where does that brood stock come from? Is it the Bahamas? I can't see hogfish moving up the entire coast all the way to the Carolinas. I don't really see that as a viable explanation for why you guys have fish that we don't.

You guys have got bigger hogfish; you've got yellowfin groupers that we don't have. You have got a number of species that seem to spin off from the Bahamas that we don't have. George is in the audience, maybe he's got a way to address that, but it's always been something to me. The red grouper is another one. We don't have many red groupers where I am.

It seems to me when the hurricanes blow them out of the west coast they come by us, we see them for three weeks and then they're gone. Are they making the move all the way up the coast to the Carolinas or not? Those things have always – there has always been questions that I've had about how the Carolinas get these tropical fish that some of the areas of Florida especially don't see. It's always been a question that I've had.

MR. HARRIS: Somebody will have an answer for you sooner or later, I'm sure. Are there any further questions for Anna on public scoping comments? One more, Ben, okay.

MR. HARTIG: No, just on the recreational tag program. What was the reason why we didn't go through that, Anna?

MS. MARTIN: We covered that this morning during the Data Collection Committee.

MR. HARRIS: We're going to talk about it again in just a minute; are we ready to do that now, Gregg? Are you going to go through the Decision Document, Anna or Gregg?

MR. WAUGH: I'll give an overview. What we did is our staff got together and looked at the items that we've got on the docket for this year, and this will be discussed during Executive Finance, but just to list them to give you a backdrop for some of our recommendations here. We've got Regulatory Amendment 12 dealing with tilefish.

It was a new item that we've been working on this year. That is expected to be finalized at this meeting; Amendment 18B dealing with golden tile, either this meeting or June; Golden Crab Amendment 6, hopefully finalizing it this meeting for submission to the secretary. We've got three joint amendments with the Gulf Council; two on mackerel, one on the dealer permit; CE-BA 3 and Shrimp Amendment 9.

Looking at that workload and looking at the items that were scoped for CE-BA 3 and with the goal of completing CE-BA 3 in 2012, here is what our staff recommendations are. First, the expanding Coral HAPCs, we recommend that be included in CE-BA 3 to be done in 2012. We don't feel this is going to be overly complex or controversial.

We've worked with the Shrimp AP; we've got meetings scheduled coming up in April. Using the VMS data, we can refine those areas pretty well. Item 2, prohibiting powerheads; the recommendation is to deal with that next year in CE-BA 4. That is going to be controversial; we've been down that road two or three times before. Doug.

MR. HAYMANS: If we resisted the urge to expand the powerhead issue regionwide and kept it just to the North Carolina request, could it stay in CE-BA 3?

MR. WAUGH: Our recommendation is just addressing it is going to tie up a lot of our time and your time, and we still recommend deferring it to next year. Item 3 are MPAs and HAPCs for speckled hind and Warsaw. We feel this is going to be the item that determines the timing for CE-BA 3.

Item 4, the Snapper Ledge, as we talked about just a few minutes ago, we were recommending defer that to 2013 in CE-BA 4, but it looks like it's even going to be farther out than that, 2014, 2015; so that would be deferred into the future. The recreational tag program, we are recommending that be addressed in CE-BA 3, again with the understanding that if any of this starts to slow down it just gets punted to CE-BA 4.

Hogfish and gray triggerfish are scheduled for stock assessments in 2013, so we have a framework that can deal with those. The recommendation is once the assessment is complete, that we use our framework procedure to address those. Item 8, African pompano; we had requested Florida to manage that in the EEZ off Florida. They're doing that, so we're recommending we drop that item.

Then Item 9, permits and reporting; we're recommending that stay in CE-BA 3. The way your staff is recommending that this work be distributed is that the Ecosystem Committee deal with expanding the Coral HAPCs; Snapper Grouper Committee deal with MPAs and HAPCs for speckled hind and Warsaw; and then the Data Collection Committee deals with the permits and data reporting and the recreational tag program.

The rationale there is you've got state reps as Chair and Vice Chair, and the idea would be that perhaps we could have the states administer a tag program. If you come back and see what's in CE-BA 3, our recommendation would have place-based management would address the Coral HAPCs and speckled hind and Warsaw, and that's an ecosystem type approach.

The other two items deal with preventing exceeding ACLs and would require amending multiple plans to implement those commercial vessel, for-hire, and bycatch data reporting. I know there is some interest in the public comment a lot on splitting out the MPAs for speckled hind and Warsaw.

Our concern is the timeline for this is to approve these documents for public hearing in June, hold the hearings in August, and then finalize in September and December. I know we're going to talk about workshops for looking at speckled hind and Warsaw. We've got a slate of AP meetings already scheduled for April and May.

Our concern, if we split that out, it's going to result in more work for the NMFS staff and your staff and just contribute to an increased workload on our part with no change in the timing. That's why our recommendation is to keep those four items in CE-BA 3 and distribute the workload as we've outlined. I'd be glad to answer any questions.

MR. HARRIS: Questions for Gregg? I know Phil had his hand up earlier.

MR. STEELE: Well, just to reemphasize, I think in addition to Gregg's list here, he also mentioned that we might have a considerable workload updating our ACL amendments, incorporating the new MRIP numbers this year.

MR. HARRIS: I was afraid you were going to say that. Gregg.

MR. WAUGH: Yes, and we've got that listed on the items that will be discussed at the Executive Finance. I didn't mention it, but we're assuming that Snapper Grouper Amendment 20B that deals with modification of the wreckfish program, that be put off for a year. We're reducing the ACL from I think it was two million pounds down to 230 or 240,000 pounds.

The idea is let the industry adjust to that, let's see what happens, and then we pick that up next year. But Phil is right, depending on the timing, we don't know what the timing is going to be. There are workshops scheduled, the SSC has to address it, but the idea is that we can use our framework and do what is supposed to be a simple regulatory amendment with a categorical exclusion.

We have yet to ever do one of those, so we'll see, and you'll see from looking at Regulatory Amendment 12, it's neither simple nor short. It is in the new format, which makes it easier to read, but as far as staff workload it is still considerable. We do have as an item to discuss at Executive Finance these other regulatory amendments, but the feeling is since we've laid out how we're going to calculate our ACLs, that it would be a simple framework and could perhaps be done at one council meeting similar to what we're doing with Regulatory Amendment 12 at this council meeting.

DR. DUVAL: Just a couple comments on parsing out these different things; I'm fine with not addressing the powerhead issue until next year. I just want to be clear on the record that it was just a North Carolina request, and the request from our commission was not a total prohibition on the use of powerheads.

In other words, for safety they would still continue to be allowed. I just wanted to make that clear just based on some of the comments that were received during the scoping. Then in my mind the MPAs and HAPCs for speckled hind and Warsaw, as well as the data reporting, those are the two, from my perspective, primary things of utmost importance to accomplish this year. Although I'm very supportive of the recreational tag program, I think I was the one that brought that up, and I know the council's looked at this before.

I think in order to ensure that we accomplish these other two things, particularly the speckled hind and Warsaw grouper work, I would be supportive of moving that to next year as well, particularly if the Snapper Ledge issue isn't going to be ready for us to consider until at least 2014. I think that opens up a little bit more space next year. It will probably give the states a little bit more time to go back and discuss amongst our staffs how we would administer a recreational tag program.

MS. SMIT-BRUNELLO: Thank you, Michelle, because I agree with your comments in terms of dealing with the recreational tag program. I just foresee that since this is one of those things that could really slow the amendment down, and I foresee that – well, we've never implemented such a program, and I just think that it's going to get bogged up a little bit, but as Gregg said, it could get booted to CE-BA 4.

I do have a question with Action 9, which is permits and data reporting, and as I read the summary of what that is, some of those items it seems like are already covered under the generic dealer reporting amendment that we discussed yesterday with the Gulf Council. I don't know if you could whittle that down even further.

MR. WAUGH: Yes, the dealer portion is being addressed in that joint amendment with the Gulf Council, but then we have to look at our commercial vessel and for-hire vessel reporting, looking at perhaps electronic logbooks in the for-hire sector and then bycatch reporting. Those are the items that would be addressed in CE-BA 3; but the dealers, that portion for quota monitoring is being done in the joint dealer amendment.

MS. SMIT-BRUNELLO: That could also slow some things down, too. I think it's very important for all the reasons that you guys discussed yesterday and today, and I would urge that

we try to move ahead, particularly with Items 3, potential MPAs and potential HAPCs for speckled hind and Warsaw, as soon as possible.

MR. HARRIS: That seems to be the plan. Charlie.

MR. PHILLIPS: Gregg, I think we need to figure out where we want to go with the coral, no problem, but I think we're going to run into a rat nest when we go into MPAs, and do we want them permanent or do we want them temporary until we can get an assessment and see what we really need.

I mean these fish were listed as overfished, and I think John told me back in the early nineties. We really don't know where they are or what they are. We are not being arbitrary, we're doing the best we can, but if we start setting out permanent closed areas, we may be doing something we need and we may not be.

I think this is going to run – this is going to be real hard to do this year. When we first did MPAs it took a long time and a lot of public comment, and we've already got public comment mostly saying not to do it. If we try to do it very fast and get it done this year, I think it's going to be a rat nest.

I've got a sneaking suspicion we're going to need a lot more interaction with the fishermen, the public, the scientists and be flexible with this thing until we can get an assessment and then know what we really need to know. And when are we going to get an assessment, we don't know. We're going to have to set something up. I just don't see us getting this thing done this fast and it be right, where the public will be happy.

MR. HARRIS: I'm going to let Gregg address what is planned. I think that might help allay some of your concerns, perhaps not all of them but some of your concerns.

MR. WAUGH: Yes, Charlie, those of us that went through the first round remember the pre-first round as well. We understand this is a lot, and that's why we think this will drive the pace. But there is a lot of concern that has been raised with your action in Regulatory Amendment 11 to do away with the 240 closure.

That removes any additional protection we had for speckled hind and Warsaw. If that goes, it puts more impetus on the council to take some action to protect those two species. What we have planned is in April; we already have a Snapper Grouper AP meeting, we will be meeting with our Coral and Habitat Committee will meet via a webinar. Later at this meeting the Snapper Grouper Committee will deal with a Decision Document we have for speckled hind and Warsaw.

There is talk of convening five public meetings and also using our SSC and invited experts to come in and provide information. But you're absolutely right; it's a lot to condense into a year, but depending on what happens with Regulatory Amendment 11, there will be increased impetus to move quickly. We feel you can't move any quicker than what we've outlined here, hopefully

finishing it up at September or December of this year. But, yes, it is an optimistic timeline and it's a lot to chew on.

MR. CUPKA: I agree that we definitely have to spend some time on this speckled hind and Warsaw issue. To Monica's point about data reporting, it may slow it down somewhat, but to my way of thinking this is a very important area. It is one of the reasons why we created this Ad Hoc Data Collection Committee was to look at this.

Now that we've got ACLs in place, we've got to get a better handle on this data and try and control these overruns that we're having. When we have those, it impacts everybody negatively, not just dealers, but the fishermen themselves. It's important I think that we spend time and try and improve our data collection process to try and avoid some of these situations we've had in the past on these overruns. It may slow it down but it's a very important at least in my way of thinking.

MR. HARRIS: Other comments or questions for Gregg? Ben.

MR. HARTIG: Yes, I've got a couple, Gregg. The first thing is how the SSC is going to weigh into this. I mean we've got a couple of different ways – I don't know generic ways to kind of look at this that they'll take a shot at in the first meeting about closed areas, percent area closed, or whatever.

Then after that we'll have our workgroup meetings and then supposedly they will come up with additional areas that may – and NMFS has got their areas that the data already suggested. Then we've got the workgroups to get together, and then the SSC will look at those areas again; is that how we are going to move forward?

MR. WAUGH: Right now John is working with the SSC to give us guidance at their April meeting on the approach we're taking and specifically some guidance on what percent of occurrence or what percent of habitat to protect to perhaps, as has been suggested in literature, equate to some percent SPR. We would look to that guidance from their April meeting.

Then as you indicated, we go through our workgroups; and if we meet this timeline, August we would be doing public hearings. Their next physical meeting is October. If we don't finalize at September, then they will look at it again in October at a physical meeting. If it looks like we're going to complete it in September, we can have them meet via webinar and review the proposals; but at September you would be reviewing public hearing input and making your selections.

Given how controversial this is, we would probably recommend that you look at the complete document in December rather than giving final approval without seeing the final document at the September meeting. That would give us the opportunity to meet and have the SSC look at it again.

MR. HARTIG: All right, the other thing I had was when we develop the rationale for going ahead with this, we really need to get in and look at Marcel's data from MARMAP; we need to look at that thesis that was done on speckled hind; we need to bring all the information that we

can possibly bring into this to show the public why we're moving forward with this; because it's pretty compelling for speckled hind. I don't know that we know as much about Warsaw, but for speckled hind it's pretty compelling.

MR. CURRIN: Duane, I couldn't agree more with the statements and comments that Michelle made. Clearly, from my perspective the top priority is the speckled hind and Warsaw issue. I support the staff in deference to Roy's concerns, and I'm fully aware of those that he would feel strongly that we should split this out and go it alone on that particular issue for fear that something else may bog it down.

I trust the staff's assessment of this that there is going to be efficiency to be gained, and I'm willing to support them and move down that path with the understanding that if anything even looks like, or smells like it's going to bog down the movement of speckled hind and Warsaw, then we immediately dump it somewhere else.

I agree with Michelle as well, I think as important as the permits and the tagging system is, I think that's going to take a fair amount of time to develop where I think we're going to get into some issues with states versus who is going to administer it. I think that's going to require some negotiations from NMFS and the states. I feel strongly enough about that that I would move that we remove that issue from CE-BA 3 and push it down the road into 4.

MR. HARRIS: Was that a motion, Mac?

MR. CURRIN: Yes, it was.

MR. HARRIS: Okay, there is a motion on the table; seconded by Michelle. Would you restate the motion, Mac, for the record?

MR. CURRIN: The **motion is to move the recreational tag program to CE-BA 4.**

MR. HARRIS: The motion is seconded. Discussion on the motion? Doug.

MR. HAYMANS: Just a question on the motion; would it be better to make the motion to accept staff recommendations to move forward minus number five and accept the list as it is without five? Do we need that motion?

MR. HARRIS: We've got a motion. Let's just deal with it and then we'll deal with the other ones.

MR. CURRIN: That will be easier.

MR. WAUGH: Certainly not speaking against doing this, because we had the same concern with raising it; the one potential concern that we have to address is how do we deal with these continued overages of our recreational ACLs? I just want to make sure that while you are moving it to CE-BA 4, it doesn't preclude the Data Collection Committee from beginning to work on it this year and prepare for that, because I think we're going to need something like that

to defend ourselves from having to further regulate the recreational sector to ensure we're not exceeding those recreational ACLs.

MR. CURRIN: Yes, and it's a good point, Gregg, and I think it's a great way to proceed. I don't want to drop the issue; and if we can make headway within the data collection committee on this issue between now and next year, that would be great. I just hate to see it thrown into the mix with everything else where it obligates us to work at some pace on that issue and therefore would detract from the available staff time to work on what I see is a more important issue.

MR. CUPKA: Mr. Chairman, I'd ask Mac if he might be willing to accept a friendly amendment. Since we're moving 3 down the line, what about Item 4, the Snapper Ledge, it's going to be a while, we've heard that. Do we want to take that out of CE-BA 4? I think we heard it was going to be probably 2014 or even later before we get a recommendation. I didn't know if you want to consider moving that while you're moving Item 5, the recreational tag program or not.

MR. CURRIN: You make the friendly amendment and I would support it, David. I felt like we had more time to deal with that. Clearly, it's not going to be into consideration this year, but if you want to do it right now, that's fine, go ahead.

MR. CUPKA: Yes, I would amend the motion to move Item 4 dealing with the Snapper Ledge out of CE-BA 4.

MR. HARRIS: Okay, there is a proposed motion to amend the main motion. That is just a friendly amendment and accepted by the motion maker? Okay, friendly amendment; okay with the seconder? Okay, just add it to the existing motion. The motion is to remove the recreational tag program to CE-BA 4 and move the designation of the Snapper Ledge from CE-BA 4 to a future amendment, perhaps, if requested. Okay, is there further discussion on the motion? David.

MR. CUPKA: We wouldn't be moving it to CE-BA 4; it's already proposed to be in CE-BA 4.

MR. HARRIS: Is that okay; move it to CE-BA 5? Okay, further discussion on the motion? Is there any objection to the motion? **The motion is to move the recreational tag program measure to CE-BA 4 and move designation of the Snapper Ledge as an MPA to CE-BA 5 or a future amendment.** Is there objection to the motion? Seeing none, **that motion is approved.**

Now we've got to deal with the other recommendations from staff that is above that. The Chair would entertain a motion to call on Jessica.

MS. McCAWLEY: I make a motion to drop African pompano from further consideration.

MR. HARRIS: Motion to drop African pompano from further consideration. Is there a second; Charlie. Is there discussion on that motion? Mac.

MR. CURRIN: I indicated during our Chairs' Conference Call that I have requested that North Carolina also look at some conservative measures to address African pompano. We do see them on some of the offshore wrecks in the southern part of our state in particular in fairly good numbers. Since there are no protections currently in place, I've asked our Marine Fisheries Commission Chairman and Dr. Daniel to consider that as a measure for North Carolina, so we'll see what happens.

MR. HARRIS: Further discussion on that motion? Is there objection to the motion? Seeing none, **that motion is approved**. Go back up to the recommendations for the alternatives. Jessica, thank you.

MS. McCAWLEY: I'll make another motion to wait to consider hogfish and gray triggerfish until after their assessments, which are scheduled for 2013.

MR. HARRIS: Motion by Jessica; seconded by Charlie. Discussion on that motion? Is there any objection to that motion? Seeing none, **that motion is approved**. We still have some other issues under the alternatives to deal with. That Alternative 1 kind of gives direction to staff as to where we're going to deal with these items. Jessica.

MS. McCAWLEY: I wanted to have a little bit more discussion on the powerhead issue. Michelle talked about it a little bit as this was something that North Carolina brought up. I didn't know if she was indicating it would be okay to postpone or was she indicating that this was something that North Carolina is going to take up separately. I'd just like to hear a little bit more on the powerhead topic.

DR. DUVAL: I was just indicating, Jessica, that I'm okay with postponing this issue. I can take that information back to our commission and just explain to them the workload and other high priority items that we have going on. Given some of the comments that have been received, I just wanted to make sure people around the table understood where the request to consider this issue had come from and that the intent was not a complete prohibition, that we understand that powerheads are necessary for diver safety and issues in that regard, and so I wouldn't want to bog anything down by considering a region-wide prohibition when really it was a request for just off of North Carolina, but happy to leave that to CE-BA 4.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we include Items 1, 3 and 9 in CE-BA 3 and distribute the workload as recommended by staff to the various committees.

MR. HARRIS: That's the motion I was looking for, David, thank you very much. Seconded by Wilson. Discussion on that motion? Is there any objection to that motion? Seeing none, **that motion is approved.** Okay, do we need anything else?

MR. WAUGH: No, now you guys deal with Coral HAPCs.

MR. HARRIS: What that means is now the Comprehensive Ecosystem-Based Management Committee is going to deal with Coral HAPCs and we're not going to deal with the other stuff. Does everybody understand that?

MS. MARTIN: Duane, if you can give me a second here just to load some revised information Roger has to present here shortly.

MR. HARRIS: Do we want to take a ten-minute break? Yes, ten-minute break.

(Whereupon, a recess was taken.)

MR. HARRIS: Okay, let's come back to the table and reconvene the committee. Okay, Anna, are you going to take us through some proposed items, you and Roger?

MS. MARTIN: Okay, what remains in the Decision Document for CE-BA 3 are the measures recommended by the Coral Advisory Panel to expand a few of the Coral HAPCs. Again, this is Attachment 7 in the Ecosystem Briefing Book, if you're following along. The intent here during the committee is to get some guidance for alternatives for council staff to take to the various AP meetings and SSC meeting as well as the IPT for further analysis as this amendment is developing here. That is the intent right now.

The first recommendation is Item A, expanding the Oculina Bank HAPC. If we can just go to Figure 4, I believe this is PDF Page 6 if you're following along in the attachment, this chart here depicts the Coral Advisory Panel's recommendation for expanding the northern boundary of the existing Oculina HAPC.

The original boundary here is the area in yellow with the green box at the bottom being the experimental closed area and the blue shaded box here being the Coral Advisory Panel's recommendation for this northern extension. The western and eastern boundaries in this northern area, as recommended by the Coral AP, would follow the 60 meter and 100 meter depth contours.

This adds approximately 393 square nautical miles to the original boundary in this area and extends the boundary up to off of the St. Augustine area. Again, this is all based on the research that was conducted in the South Atlantic by a number of the Coral Advisory Panel's scientists for the past three years .

Now we're actually going to shift gears a little bit. Roger is going to provide an overview of the habitat distribution in this northern area and talk a little bit about the fishery activity that is currently taking place in the blue box primarily, which is the AP's recommendation for extending the northern boundary.

MR. PUGLIESE: Okay, in order to facilitate the discussion of the HAPCs and detailed information, you had received two attachments, Attachment 8A and 8B, or 8 and 8A, which provided habitat information and the vessel monitoring information. This time around we've been able to access detailed vessel monitoring information and provide more of a substantive analysis.

What I'm going to do is focus just on kind of where we're at in terms of 8A information that provides alternatives that were based on scoping input and some of those impacts relative to the analysis we've done. What we looked at is in scoping there were recommendations on – the original HAPC recommendation from the Coral AP, as Anna indicated, was between a 60 and 100 meter contour.

What that was based on is, as you'll see here, you have two major mapping efforts that have been identified within this region that have multiple pinnacle systems that have been captured; in addition the high resolution bathymetry. In the attachments they were zoomed in a little bit further, but this at least gives you the base representation of that alternative.

What I did from that point then was to look at the recommendations of alternatives on the inshore being between 60 and 70 meters and the offshore area boundary between 90 and 100 meters and came up with these different alternatives that show between the 70/90 meter area, a 70 to 100 meter, and a 60 to 90, in addition to the original proposal of the Coral AP.

In addition to that, this area especially on the eastern side is fairly linear. It was really conducive to trying to build something based on bathymetry and not necessarily having to strictly stay with the bathymetry and come up with one of the biggest enforcement issues that have been discussed before, trying to have a baseline point distribution.

What this does is it takes one step to provide a simplified polygon of the representation of these four different areas. Then what you end up with are essentially four different alternatives that these kind of show the nesting with the western boundaries between 60 and 70 and again the eastern between 100 and 90 meters.

To get to the real detail of this – and this actually has updated – on the individual charts it did show the information relative to the VMS associated with fishing activity associated with each of the different depth contours. Originally that was just looking at, say, the VMS points. The data set used was the 2007 to 2011 vessel monitoring, which is over 300,000 points identified in this system.

The original was just to look at what occurred within those different areas. The initial one you looked at 60 to 100 meters; you had just over 2.2 percent of VMS occurring down to the 70 to 90 meter area showing less than 1 percent, like 0.69 percent. Well, looking at this one step further and having the detailed information, I was able to go in there and use a rounding of a 2 knot to 4 knot vessel speed.

What it did then is provided essentially what would be "fishing within this area"; and if you look at it, it drops the amount of points vessel monitoring activity from the highest being 0.8 with the 60 to 100 meter down to in the 70 to 90 meter 0.15 percent of points that you would identify as actually fishing in the zone. That's the information on the northern zone and the alternatives based on discussion with industry and scoping, and truthfully it was very productive. The discussions at scoping really led us to get some of these on the table and provide this type of detailed information so that they could react at the upcoming AP meetings and beyond.

MR. HARRIS: Do you want to take these discussions one at a time?

MR. PUGLIESE: Yes, deal with the northern first.

MR. HARRIS: First of all, are there questions for Roger on the presentation he just made? Mac.

MR. CURRIN: Just confirmation, Roger; that was a great analysis and I think fine tuning it some by looking at the vessel speeds is even more enlightening. The industry is perfectly comfortable with the analysis using the 2- to 4-knot vessel speed is indications of working in that area?

MR. PUGLIESE: Yes, I think that they were really pleased to have it even refined further down to that type of information. I told them it was rounding, so it actually gave a little bit on both sides, so it is giving a very clear indication of what's going on in that region.

MR. PHILLIPS: Roger, I like the way you've done this; so just so I'm perfectly clear or as clear as I ever get, I think one of them was 15 percent, one 31 percent, so 15 percent of the time that particular zone, I guess 70 to 90, 15 percent of the dragging was in that zone?

MR. PUGLIESE: No, it's 0.15 percent.

MR. PHILLIPS: 0.15 percent, okay.

MR. PUGLIESE: It's less than 1 percent on all – when you look at the actual fishing operations, it ends up being less than 1 percent for all four alternatives.

MR. HARRIS: Further questions for Roger? Anna, are you going to take us through the range of alternatives or where are we going with this now?

MS. MARTIN: Well, a staff recommendation here would be for the committee to consider approving that range of alternatives presented by Roger, which includes the Coral Advisory Panel's recommendation for this northern extension and also modifying the boundary, as Roger said, by the 70 and 90 meter depth contour. That would be Alternative 2. The 70 and 100 meter depth contour in this northern region, that would be a third alternative, and a fourth by the 60 and 90 meter depth contour. That kind of encompasses the suite that Roger just presented to you all.

MR. HARRIS: Is that an acceptable range of alternatives for the committee? Then the Chair would entertain a motion to include those as a range of alternatives for the expansion of the Oculina. Charlie, motion; second by Wilson. Discussion on the motion? Jessica.

MS. McCAWLEY: The only thing I was going to say was are we going to have some sort of – are we going to talk about transit provisions separately? Okay, thanks.

MR. HARRIS: Further discussion on the motion? **The motion is to include the range of alternatives presented for the northern extension of the Oculina HAPC, including the**

Coral AP's recommendation. Any further discussion? Any objection to the motion? Seeing none, **that motion is approved**. Next.

MS. MARTIN: Okay next we will focus on the Coral Advisory Panel's recommendation for expanding the western boundary of the existing Oculina Bank HAPC. If we can shift to Figure 2 in the Decision document, which is PDF Page 7, this depicts the Coral Advisory Panel's recommendation for refining this boundary here. It does lie primarily between the two existing satellite sites and bounded by the 60 meter depth contour. Once again, Roger is going to review with you the distribution of habitat in this area and any potential VMS activity that we have.

MR. PUGLIESE: Okay, if you look at what's being presented here, what it shows is the real high bathymetry that occurs between the satellite HAPCs and south of the southern satellite HAPC. To a great degree the AP was relying on this. Now this has been something that has been fairly effective in the deepwater HAPCs and more recently in some of the mapping that has been occurring in the northern proposal, that virtually almost 100 percent of the time when you have this kind of high relief bathymetry, invariably you have pinnacles, coral systems, et cetera.

That is the baseline for it. What you do have now is taking a look at this and then putting this in relationship to the fishing activity. I was just going back to the actual chart that showed the vessel operations. Now when you look at this area and you again look at the VMS points within the area, originally I had put like 211 points out of the 313,000 points even occurred within both between the satellite areas and south.

After again looking at the fishing type of characterization, using the 2- to 4-knot characterization, it ended up dropping down to 125. In reality you have 0.04 percent, basically very much less than 1 percent occurring within that area. That really gets confirmed by the fishermen at scoping and beyond. Some of those areas are just so – the high relief areas; I mean they are just going to lose gear in those places. That gives you the scope of both the habitat distribution and what we know of with regard to vessels operations relative to those proposals.

MR. HARRIS: Questions for Roger? Is this the only alternative that we have for the proposed western boundary expansion?

MR. PUGLIESE: The only other one is no action, as we always have.

MR. HARRIS: Is there a motion to adopt the proposed western boundary and the no action alternatives as the two alternatives that we go with? Mac.

MR. CURRIN: So moved.

MR. HARRIS: Moved by Mac, seconded by Wilson, to adopt the Coral APs recommendation for extending the Oculina western boundary as an alternative. Charlie?

MR. PHILLIPS: Roger, you did say that the Shrimp AP looked at this and they were okay with this?

MR. PUGLIESE: Yes, the members that made comments at scoping and beyond at this meeting talk about how they really cannot fish in those areas. Now, the AP hasn't met as a group yet, but the members have specifically said they're not fishing and they basically validated that they really can't get into that area with gear unless they want to lose thousands of dollars worth of gear.

MR. PHILLIPS: But we'll get further information once the Shrimp AP meets and looks in more depth at this area.

MR. PUGLIESE: Mr. Chairman, one quick point of clarification just as these are going forward. That compilation of the simplified polygons is what we'll use as the proposals, the point distributions on this, so it gives that foundation.

MR. HARRIS: Further discussion on the motion? Is there any objection to the motion? Seeing none**, that motion is approved**. Next.

MS. MARTIN: I was going to just bring up the issue of the transit provision as was discussed yesterday during the Law Enforcement Advisory Panel meeting. This was something we did hear a lot about during the scoping meetings, an interest in the council considering that as an alternative.

The Law Enforcement Advisory Panel did provide recommendations there in lieu of corridors for potential transit area within the HAPC, to have gear appropriate stowed. I think this is already defined n the CFRs. Also, they'd had some discussion about maintaining no lower than a minimum speed of 5 knots. I guess that would be another staff recommendation to include that as an alternative to take out to the AP meetings and for IPT analysis after this point.

MR. HARRIS: **The Chair would entertain a motion to include a transit provision.**

DR. DUVAL: So move.

MR. HARRIS: Moved by Michelle; seconded by Charlie, and that transit provision will be fleshed out later or are you going to go ahead and go with the 5-knot speed?

MR. PUGLIESE: You have the specific recommendation from the Law Enforcement AP that captures those three things, the stowage, the knot speed; actually four things, also the potential for increased ping rate, but there was a request to try to do that once they got in there. That is something that we'll have to get some information on.

But the fourth one is a provision that if there was a vessel having problems, that they would have a specific contact point that they would do, so there were four components. But there is that specific written recommendation from the AP.

MR. HARRIS: Okay, so, Michelle, is that okay with you to include the recommendations from the Law Enforcement AP as part of this transit provision motion?

DR. DUVAL: Yes, Mr. Chairman, it is.

MR. HARRIS: Charlie, is it okay with you?

MR. PHILLIPS: Yes, I just would like to know that, say, the pinging, for instance, if we decide we don't need it, can we leave it in or out as we see fit later?

MR. HARRIS: Yes. **Okay, the motion is to include a transit provision as an alternative as defined by the Law Enforcement Advisory Panel.** Is there further discussion on the motion? Is there any objection to the motion? Seeing none**, this motion is approved**. Next.

MS. MARTIN: Okay, moving on to the second recommendation from the Coral AP, and that is for the council to consider -- David, did you have a question?

MR. CUPKA: Well, I guess we're moving from the Oculina down to the Stetson thing. What about the recommendation from the industry to review the eastern boundary of the original HAPC; is that something that will be included or looked at?

MR. PUGLIESE: Well, I think the intent is that the AP and from discussions with industry, the recommendation was they discuss it and provide those recommendations as part of the AP meeting that's coming up to the council.

MR. CUPKA: Okay, that's fine; I just didn't want it to fall between the cracks. I'm sure they won't let it, but I didn't know if you wanted to put something in here on that or wait until you hear from them. That's fine either way.

MR. HARTIG: To what David just brought up, a number of tile fishermen and people that used to catch yellowedge groupers in that particular area have voiced concern about opening rock shrimping up in that area because it is a known yellowedge grouper habitat that has been off limits to fishing for a number of years. One of the reasons why the fishermen believe we are seeing such good tilefishing in that area is that area has been closed to any kind of fishing. There are concerns outside the shrimping industry about opening up that area to trawling again.

MR. PUGLIESE: To that, that is something that in discussions with industry I made it very clear that those types of considerations, it's not just the potential impact on the shrimp industry. It is other gears that would potentially be there. They know that there are those other considerations. That's why I think in that AP context some of those can be on the table so they can clearly understand what the implications would be.

MR. HARRIS: Okay, we're moving on to the Stetson-Miami Terrace area.

MS. MARTIN: Okay, this is Item B under that first action, and again the Coral Advisory Panel recommendation for the council to consider expanding the original boundaries of the Stetson-Miami Terrace Coral HAPC. I just will scroll here to the visual representation; this is Figure 4, PDF Page 10, if you're following along.

This depicts the Coral Advisory Panel's recommendation for expanding the western boundary area here. It would be along the 200 meter depth contour. Again, this is based on the research many of the Coral Advisory Panel scientists have conducted for the past three years, and it is specifically based on their discovery of a shallow water lophelia ecosystem occurring off of the coast of Jacksonville, in this area.

As with before, staff has developed some modifications to what the Coral Advisory Panel has recommended, and Roger is going to walk through a couple of renditions to this proposal here. But if you can't see that clearly, the Coral AP recommendation is in this purple zone here, this pink is Shrimp Fishery Access Area 1, and you can see it doesn't impact or overlap with the North Florida Marine Protected Area, which is already in place.

MR. PUGLIESE: Okay, what you had looked at before was the original proposal from the AP captured to 200 meters and then to the western edge of the Stetson-Miami Terrace HAPC. Now the AP did not actually – the Coral AP didn't have information on the VMS. We worked this up after the proposal was provided.

We were able to then look at – there was direct interaction with the shrimp fishery and to the degree that it actually was beginning to encroach on areas that we had worked with industry to develop that Shrimp Fishery Access Area, knowing that the fishery was occurring to the west of that bound. What we did is look directly at this information.

The recommendations were to try to see if you could accomplish both, protection of the habitat and elimination of the area that they had been traditionally fishing and most likely impacted anything that would occur within this area. What we've come up with at least as an initial proposal was to capture this area right here as the mapped habitat, both inside this and more recently some of the areas in the MPA.

But the one that is driven that she had identified – Anna had identified as some of the new pinnacles are contained in this system here, so trying to capture this area as well as leave out the existing VMS and fishery operations that occur within this. In the Attachment A package, there was one additional alternative just to try to look at a range which literally cut this area off here.

Now, that was put in as an option in the package, but what it would do is essentially eliminate the only mapped area within the system, so from a staff standpoint that probably would not necessarily be a reasonable alternative to put on the table because it eliminates kind of the driving force for this HAPC. This is at least trying to address retaining the habitat and retaining the fishery operations as they exist to get response from industry on if there needs to be any alteration and from the Coral AP and Habitat APs.

MR. HARRIS: The proposed range of alternatives would be the recommendation of the Coral AP, this area that the staff has worked up, and the no action alternatives. Is that the three alternatives? Charlie.

MR. PHILLIPS: Have you talked to the royal red guys to ask them why they don't drag north of where they're working? You've got two little small spots that I guess you've checked visually. I'm a little concerned with this one.

MR. PUGLIESE: But the industry has – I mean, the traditional fishery extends – this is its absolute northern range. They do not fish on this part at least, along the HAPC, have not really fished there. At least that is what we got from scoping. Their concern was that area that it literally was on top of and not nearly as much about beyond that area. This was very specifically a recommendation, well, can you protect that habitat and protect the fishery that exists in that area right there?

MR. PHILLIPS: To that point, yes, I understand you want to protect where you've been fishing, but I'm also – you hadn't been on the bottom north of there; and if I was to bet money, I'd say you could take a royal red boat and drag, but Richard Reed is over there shaking his head, no, and he's been out there, so we'll leave this as a range.

MR. HARRIS: The Chair would entertain a motion to include these three ranges. David.

MR. CUPKA: I had a quick question for Roger. The last graph or map that you had up there; is the southern boundary the same as at the same location the southern boundary is in the Coral AP suggestion?

MR. PUGLIESE: Yes, it is, and actually I had put together that composite of the first northern area in response to our discussion about looking at them in combination, and I had one created but I just didn't include it. This is the southern boundary of the AP's proposal right there. It ends at that. It would basically go due east, and that whole area would represent the AP's recommendation.

MR. LANEY: I'm prepared to make a motion, Mr. Chairman. I would move that for the Stetson-Miami Terrace HAPC Extension Scoping Alternative we include three alternatives; specifically the Coral AP Alternative, the Staff Alternative, and a No Action Alternative.

MR. HARRIS: Thank you, motion on the table, is there a second to the motion? Second by Michelle. Discussion on the motion? Is there any objection to the motion? Seeing none**, that motion is approved.** The next item is Cape Lookout Coral HAPC.

MS. MARTIN: Okay, this is the last measure as recommended by the Coral Advisory Panel, and that is for the council to consider expanding the boundaries of the existing Cape Lookout Coral HAPC, and this is in federal waters off of North Carolina. This figure here, which is Figure 6, PDF Page 13, if you're following along; this depicts the AP's recommendation for incorporating this area here shaded in the light green to include an area of recently mapped habitat into the original boundary.

This adds approximately 8 nautical square miles to the original HAPC in this area. It does lie around the 500 to 600 meter depth contour. This HAPC is in waters deeper than the other

existing HAPCs. No VMS fishery activity in this area. Our staff recommendation would be to move forward with the Coral Advisory Panel's recommendation as an alternative to present to the AP's this spring and also the SSC and for IPT analysis.

MR. HARRIS: There would only be two alternatives, the no action and the Coral AP's recommendation. Is there a motion to do that? Michelle.

DR. DUVAL: Mr. Chairman, I would move that we accept the staff recommendation as well as the no action alternative as alternatives to move forward for further SSC and AP analysis and input.

MR. HARRIS: It works for me. Is there a second to the motion? Seconded by Jessica. Discussion of the motion? Mac.

MR. CURRIN: Yes, Roger and Anna, did the Coral AP discuss or are they planning to discuss consideration of that area to the southeast of that small block that they've defined on the upper end of the existing HAPC? Law Enforcement has made a number of points and suggestions in that these little protrusions and little arms here and there hanging out are much more difficult for them to deal with.

I'm just wondering why that whole block didn't just shift to the right and become contiguous with the southeast boundary of that larger block. Is it strictly because they only looked at that little area; Ross had sub time there and they found some coral. Did they discuss utility and perhaps grabbing that bigger area to the southeast of the small block?

MS. MARTIN: Mac, it wasn't discussed in that level of detail. They last met in October and this was kind of initially presented to everyone on the AP, and they decided to move forward with a recommendation for that specific area of mapped habitat. That could be something to further hash out with them. They are meeting in May and so we can have that discussion at that time.

MR. CURRIN: Yes, to that point, if you look at what we just did with respect to Oculina, we had two little areas there, but they're in similar bottom type, and all of us at least so far seem fairly comfortable with trying to provide some measure of protection to similar habitats that are adjacent to that. Personally I would feel as comfortable trying to perhaps extend this area and make it a little more uniform in shape as well. I would ask that they consider it and discuss it at their next meeting.

MR. HARRIS: Would you like to add that as another alternative?

MR. CURRIN: Not really, Duane; I'd like for it to come from them. I don't want to second guess them. I'd just like for them to consider it; and if they are uncomfortable doing that, then I'm fine with it, but just make sure they understand that it is more acceptable to law enforcement if the blocks are bigger and have straight lines and all of that.

MR. PUGLIESE: Just a quick point; I think some of that other justification of expansion has a lot to do with where at least you have some feeling that there is high resolution bathymetry that gives you that sense that those are going to be very significant areas. I think to the east of that you may be getting into some more of the mud bottoms and different portions of that. But the focus is on what they had mapped, and that's all they did.

MR. HARRIS: Further discussion on the motion? Is there objection to the motion? Seeing none, **that motion is approved**. That was the last item action, Anna, Roger? Okay, the next item on the agenda is an update on ecosystem activities I believe, isn't it, Roger?

MR. PUGLIESE: I'll be quick, yes. A lot of activity, but I did provide two documents in the briefing material. One is just a snapshot of the South Atlantic Landscape Conservation Cooperative. That group has actually developed and approved a strategic plan that is moving forward.

There is going to be some efforts to build Atlases for the entire region and expand. There are decisions also made on a national level that these conservation cooperatives would as a footprint include the marine environment out to the EEZ, so that there would be uniform connection, building that opportunity to look at, say, their links to the Department of the Interior Climate Science Centers, and modeling that begins to understand the connection of land and sea-based information.

That is a pretty significant move forward in the effort nationally and at that one component of South Atlantic Landscape Conservation Cooperative. In addition, I included the implementation plan that is out in the streets right now, the Draft Implementation Plan for the Ocean Policy. That is the transition from those comment and overall areas that were provided for comment earlier this year, and the culmination of that effort with the intent to keep this whole process moving forward.

I think as a number of you have seen in the presidential budget, it actually did identify continued support of the policy potentially for 2013. This is to at least keep us in the queue on monitoring and connecting to that. It does have implications with regard to what will potentially be these regional planning bodies.

There was a decision made that councils would be formally represented on the regional planning bodies. However, there are actions that are happening under – the other connected activity is our partnership and working with the South Atlantic Governors Alliance. The group is moving forward with projects that have been identified.

One that has a direct connection with us is the Healthy Ecosystem Group, and actually Michelle Duval actually serves as the mentor on that and is collaborating on some of the efforts that we're trying work uniform together. In addition, bigger connections of systems that could provide information on the broader scope for coastal and ocean planning activities, so we're directly involved in that.

One of the more recent activities that has happened, the state of Georgia is also moving forward with an ocean mapping project, a collaboration between DNR and Georgia Tech. I attended a kickoff meeting trying to get some input and insight on how to move forward with that, how to collaborate, how to connect with existing systems, and laid on the table a lot of the partnerships we have with FWRI and how we've been building systems, and kind of gave that as opportunities for future collaboration and cooperation. That's an effort that's underway and moving forward fairly quickly.

I think those were some of the main areas I wanted to at least touch on and our collaboration and cooperation for the bigger ecosystem activities. The one thing in June, we are going to be having a workshop on the first day of the June council meeting to look at some of these functional tools that the council has been collaborating with FWRI and partners in what is looked at as a digital dashboard for our region, so that's something coming.

MR. HARRIS: Thank you, Roger. Are there questions for Roger? This is the first time I'd heard that there had been a formal decision to include the councils on the regional planning bodies.

MR. PUGLIESE: I haven't seen it on paper.

MR. HARRIS: You just think that it has happening?

MR. PUGLIESE: No, no, it's not think; this is coming through the chain from there so I'm not sure if Mr. Chairman may have more insight into it.

MR. CUPKA: Yes, this came up at our CCC meeting recently and we got a presentation. That was the word we got at the CCC meeting, which was good news. The news we got that concerned us, though, was the fact that they were also talking about using our SSC as their technical bodies, so a strange, strange thing. We'll see what happens, but apparently we will be included in the Regional Planning Body.

MR. HARRIS: Thank you, David. Other questions for Roger or Anna or David? Is there other business to come before this committee? Anna.

MS. MARTIN: Duane, I just need to clarify we may have additional alternatives that are developed during – we're having a joint Shrimp and Deepwater Shrimp Advisory Panel Meeting in April, a Coral Advisory Panel meeting in May. In addition to the range that the committee has just approved, we may have others to add to the list that we'll incorporate the analysis that will be presented during the next council meeting in June. In order to stay with the timeline for CE-BA 3 development, the council would then need to select preferred alternatives in June. I just wanted to clarify there, there could be additional alternative that you will see during the next committee meeting.

MR. HARRIS: And you will flag those for us as additional alternatives so we know what we're looking at. Timing and Task Motion; is there anything we need to do there? Okay, no other business to come before this committee, we stand adjourned, Mr. Chairman.

(Whereupon, the meeting was adjourned at 11:10 o'clock a.m., March 6, 2012.)

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