SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT HABITAT AND ECOSYSTEM-BASED MANAGEMENT COMMITTEE

Jekyll Island Club Hotel
Jekyll Island, GA

March 5, 2008

SUMMARY MINUTES

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The Joint Habitat and Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Wednesday afternoon, March 5, 2008, and was called to order at 1:33 o'clock p.m. by Chairman Duane Harris.

Mr. Harris: I'm going to call to order the Joint Habitat and Ecosystem-Based Management Committee meeting. First of all is the Approval of the Agenda. You have the agenda in front of you and are there any objections to approving the agenda?

The agenda is approved without objections and if you will allow me some flexibility to move some things around if we need to do so. We really have four hours today to complete our work and we have a lot of work to do. I would ask you to indulge me in trying to -- Bob just informed me that what you are receiving now has some recommendations from the Law Enforcement Advisory Panel that will pertain to the work that we are going to do today. When we get to that, it's from Item 5 forward.

The next item on the agenda is the Approval of the December 2007 Committee Minutes. Are there corrections, additions, deletions to those minutes? Seeing none, they are approved without changes and without objection.

We have Dr. Tom Jamir and Carlos Rivero with us today and I think they're trying to get set up right now and they're going to give us a presentation of the specific results of the rock shrimp and royal red shrimp vessel fishing areas, based on VMS data that we've received from the National Marine Fisheries Service Southeast Fisheries Science Center.

We also have, while they are coming up here and trying to get seated, from the Golden Crab Advisory Panel, Bill Whipple, and from the Deepwater Shrimp Advisory Panel, Marilyn Solorzano. They are coming to the table right now. As soon as everybody gets situated and Red leaves -- Bye, Red. We will ask Tom and Carlos to provide their presentation and Doug Rader has joined me as the Chairman of the Habitat Advisory Panel.

Mr. Waugh: If I could just clarify one thing, so everybody understands what is sort of going on. We have received recommendations from several of our advisory panels. The Habitat and Coral Advisory Panel have made presentations for the last two or three years on these proposed coral HAPCs.

What the council instructed us to do was to go out and meet with our Deepwater Shrimp Advisory Panel and our Golden Crab Advisory Panel and get their recommendations. What you are receiving today and what's in the document is their recommendations. At the last meeting, you all made clear that we were to pull some stuff out and that's been done and at the end of the management measures section, we've just inserted these groups' recommendations.

We have invited a representative from each of the three advisory panels to be here to help clarify their recommendations as we go through them. Once we get to that, we will work through their recommendations and look at the detailed habitat information that's in the areas and come up with how the committee and council reacts to those recommendations and we don't want the

advisory panels sort of debating each other about these various recommendations.

Mr. Harris: Thanks, Gregg. I neglected to recognize that there are, in the audience, members from the Golden Crab Advisory Panel. If you all will raise your hand if you're on the Golden Crab AP and then from the Deepwater Shrimp Advisory Panel, John Williams. Thank you all for being here as well. Tom, are you ready? You've got it.

Dr. Jamir: This will be a tag-team between myself and Carlos. Carlos is our main VMS guy at the Southeast Fisheries Science Center and basically, what I will present initially is a background as to how this thing evolved and then Carlos will look at more of the details and if you need to ask any other questions, Carlos is right here.

This is the VMS analysis of the South Atlantic shrimp vessels in relation to the proposed habitat areas of particular concern. I would like to thank a lot of these people that made this happen and I won't read through each one of them.

What the council ordered is basically to plot all shrimp trawl VMS tracks in relation to the proposed habitat areas of particular concern, in order to help in the FMP planning decisions. This is what you get when you do that. Definitely the VMS tracks overlap, muddling useful information. You cannot discriminate different fishing activities, as well as fishing from non-fishing activities, and as it is, it does not provide, in our opinion, useful information to decision makers.

What we did is to develop base maps and templates, but first, in order to do that, we have to screen for data errors and transfer them into an Access database format, for ease of processing, compare the geosynchronized base maps with the South Atlantic maps, as well as industry independent GIS maps, incorporate the bathymetric data and extracted the best estimates of depth for each VMS point, sorted probable fishing versus non-fishing activities, based on vessel speed statistics, and incorporate boundaries of proposed HAPCs, EEZ, South Atlantic and other state waters.

Aside from that, we were invited to present this to the advisory panel, the Joint Golden Crab and Deepwater Shrimp Advisory Panel, and from there, we also solicited additional information, in order to zero in on the specific items that are needed in order to help the council make your decisions. Here are some of the items that we were able to get from the AP, the last AP meeting, which helped improved a lot of what we are going to show you today.

First, Carlos was able to extract some of the information from Tina Udouj and other sources and we were able to get these boundary conditions in place. Then this is a sample of all the vessel VMS tracks. This is just the nighttime for all speed classes. This is similar to the initial template that I showed you earlier and these are all the VMS tracks for nighttime.

Obviously this is not useful and so we have to make some analysis and further processing of this data. If you take away the two to four-knot class and extract that from all of the dataset, the two to four-knot class being the estimated and agreed upon trawling speed for the fishery, you basically get an idea as to what among those mass of VMS tracks are probably fishing tracks and

this is what we get.

We can also extract from that sample shrimp fishing density maps. I think this is three-kilometers-by-three-kilometers wide, which is sort of an improvement on what you have currently, if you just use the ACCSP data and the statistical grids. If you're interested in supplementing this with the more detailed data, this is something that we also provided the council, through Roger.

The next item is among those possible fishing tracks, we have to identify which ones are rock shrimp fishing, rock shrimp trawling, as well as royal red shrimp trawling. Initially, we decided to look at the literature on this, but we found out that the literature outside of the South Atlantic Council is not of much use and so what we ended up doing is we actually looked at the statistics of all of the VMS tracks and look at patterns and then consult with the APs to verify those patterns.

Basically, based on the frequency distribution, we were able to isolate the most probable white shrimp trawling areas, which is around the shallow waters of around twenty to eighty meters. We're just looking at outside of state waters, rock shrimp trawling as well as royal red shrimp trawling.

You will notice here that the royal red shrimp trawling is just totally separated from the rest and it's kind of easy to classify them. Between the rock shrimp and the white shrimp, there are some overlaps, but it's hard to determine what's in between, in those gray areas. Somehow we have to make the classification. It's like a black and white classification in this case and so we opted for this classification system.

Using those modes, we were able to look at the same VMS tracks for fishing, or most probable fishing tracks, and identify which ones are probable white shrimp fishing tracks and which ones are rock shrimp and which ones are royal reds. In this case, the blue, that's your potential white shrimp fishery and the -- That area are your royal reds and the brown are your rock shrimp.

What is of particular interest here is that of the royal red shrimp fishery, which in this case is confined within a narrow band of water, primarily on the continental slope, at around less than 400 meters to around 350 meters or so.

This is now isolating just the royal red shrimp fishery. Since all of them are a nighttime fishery, this is the two to four-knot class greater than 160 fathoms and this is the general outline of where they are. There are a number of points, isolated points, outside and this is because of an artifact of the classification.

After the AP meeting, we were able to actually track each of these points, so we can identify whether they are fishing or actually they're just transiting and something happened along the way. Based on some of the key outliers that we were able to track, Carlos was able to identify them as basically they were cruising and somehow they stopped for an hour, most probably to repair gear, and then they moved on. We can basically clean up the data further, to eliminate those outliers.

A test as to whether we're in the right sort of ballpark, we independently validated this with the Shrimp Fishing Alliance dataset and the Shrimp Alliance people confirmed to us that we're basically on track on this and so at least there's no question along those lines.

The question now is where are the royal red shrimp fishing tracks compared to where the proposed C-HAPC boundaries are and this is where we ended up in terms of our map. The red dots are the royal red shrimps and hugging that -- That line is your proposed C-HAPC and from here, I'll turn it over to Carlos.

Mr. Rivero: We looked at a variety of different possibilities with the boundary itself and shifting it over one nautical mile, two nautical miles, and so on, up until six nautical miles, as relative to some of the discussions we had with the advisory panel last month. We were looking at this data and analyzing it over how many of the VMS points are actually contained when you do these shifts.

Given the current HAPC boundary, the proposed HAPC boundary, there were about 25.73 percent of the VMS points that lie within that boundary as it stands right now. As you move seaward one nautical mile, it begins to decrease. Shifting it eastward one nautical mile brings it to about 10 percent of the VMS points, of the current points of their current activity.

Shifting it three nautical miles in gets you about 1 percent, or 0.85 percent. Four nautical miles, you're looking at 0.01 percent or a magnitude of difference, in that case. As you move further seaward, you start to see that less and less of these points are being incorporated into the boundary. The question lies in what point is it worthwhile to shift it over and preserve the amount of activity that's already occurring?

In this case, as you can see the numbers, we're going from 26 percent to 10 percent to 1 percent to 0.1 percent and then 0.01 percent, as you go further out, to about four nautical miles. After four nautical miles, it's really inconsequential, because then you're only talking about one of the VMS points out of 7,500, at this point.

This is kind of difficult to see, but I'll zoom in and we can kind of look at a zoomed version. As you can see, the original boundary here is this dark blue line that comes across and there is some overlap with regards to the points themselves and as you move seaward, the red boundary is the one nautical mile shift, the orange is two, yellow is three, green is four, the light blue is five, and then the dark blue is a six-nautical-mile shift.

Up on the northern edge of the tracks themselves are the points. You don't really have that much interaction, but as you move further south, there begins to have a lot more overlap, especially in this area right here.

For the most part, up in the northern section, the western boundary of the HAPC follows the 400-meter contour and at some point, it deviates from that 400-meter contour and then eventually begins to follow the 300-meter contour or from what I've been told, that's what it follows and hence, why you have a lot of this overlap occurring in this region, as a result of that shift.

Mr. Harris: Carlos, let me just stop you for a second. I don't want to mislead anyone. What Carlos is presenting is based on the original attempt to draw the line at the 400-meter contour. Since we got the real data from Carlos and Tom on Thursday, last Thursday, what we can show you today presents a much better picture with respect to the original HAPC line than this picture does right now. Go ahead, but I just wanted to make sure that you all understand that you're going to see something a lot different once Roger can put his information on the screen, as well as some of the maps that are on the wall here.

Dr. Jamir: We're pretty much done, unless you have some questions.

Mr. Harris: Any questions of Carlos or Tom? I very much appreciate the extraordinarily hard work that went into providing this information to the council and the timeliness at which you provided it. I wish we would have gotten some of the detailed stuff a couple of weeks ago, but nonetheless, we have it now and we'll present that to you in just a little bit.

The next item is Item 4 and that's the Recommendation from the Coral and Habitat Advisory Panel Meeting, or series of meetings, and Roger and Doug Rader are going to give you an overview of those recommendations.

Dr. Rader: While Roger is getting set up, let me remind you that your Habitat and Environmental Protection Advisory Panel, which I chair, and also your Coral Advisory Panel, which I don't chair and Steve Blair chairs, but we meet together and so I'm reporting on behalf of both of those APs and the roughly -- I don't know the right number, but sixty, seventy, eighty, however many people it is, that constitute those scientists.

We met back in the fall and delivered to your meeting in December the set of recommendations that then was the basis for the analysis by the two deepwater advisory panels. I'm not going to reiterate that substance. You've heard it before.

I will tell you that I did -- Roger did, at my request, circulate back to all of the members of both of those advisory panels the recommendations that you're about to see and the very bottom line on their responses to that -- I won't go into it in detail, because we need to hear the other presentations first, but I should say, number one, that the 400-meter isobath that we recommended to you in December remains our bottom line position on where the deepwater coral ecosystem elements begin, going into deep water, and that there are a lot of known high-value reefs beginning right at the 400-meter isobath.

As you consider going east of there, you will see growing opposition coming from those two advisory panels in the delineation of the HAPC itself, which we believe should track where the high-value system resides. I'm drawing that distinction between that and how you might choose to manage that zone, since in some parts of that zone non-damaging activities obviously could be allowed. I think that's probably the main point to be made from the initial reaction there. Roger, would you like to -- Do you want to take over and --

Mr. Pugliese: I think everybody, in getting their materials and the document, has the long-term

presentations of all the recommendations over time, the 2004, 2006, and 2007 recommendations. In addition, the second attachment, 1B, specifically shows the bounds as recommended by the advisory panel originally in 2006 and then reaffirmed at both the Habitat and Coral Advisory Panel at this last meeting.

When we get into the discussion at the committee level, I'll be able to go back and forth with the actual habitat distribution and information relative to the proposals and including some of the more recent work that, as Doug had indicated, John Reed had spent about a month compiling additional information on providing additional shape files, et cetera, on new dives and all that is incorporated now in the deepwater database, which a number of the members have also re-acknowledged further supports their recommendations.

Dr. Rader: I'll just expand that very briefly, to mention that, in addition, Dr. Reed, who has been extraordinary in his commitment to the council, in bringing new information and also his personal time and resources to bear on this, also met with us at the Transatlantic Deepwater Coral Meeting in Wilmington last week or the week before. The weeks are blending together.

We did look in great detail at this records, habitat records, and I think you're going to find that there is in fact a disjunction between the actual 400-meter isobath in the central part of this zone and the conflict with VMS records and that there is no disagreement that those conflicts, apparent conflicts, could be largely mitigated by moving the western boundary to about the 400-meter isobath. I would guess it's a very high percentage of those 26 percent in conflict would be resolved simply by getting that right.

Mr. Harris: Thanks, Doug. One other person I neglected to recognize that's a member of the Coral AP and sitting in the audience is Margot Stiles. Margot, I apologize. You're just such a fixture that I just forget to recognize you. The next item on the agenda -- Are there any questions of Doug or Roger at this point with respect to the Habitat and Coral AP's Recommendations?

I'm going to move on to ask Myra and our Golden Crab and the Deepwater Shrimp representatives to present the recommendations of those two advisory panels. Myra, do you want to take it first?

Mr. Waugh: These are included, while Myra is getting ready, in the FEP Comprehensive Amendment document that was sent out. You were given it on the CD and it was also emailed to everybody on Friday. If you look at page 147 of 220 -- We do have some hard copies of this. Kim has some, but the Golden Crab Advisory Panel proposal begins on page 147 of 220 and the Deepwater Shrimp Advisory Panel recommendations are included on page 154 of 220.

Ms. Brouwer: I wanted to introduce Bill Whipple. He is chair of the Golden Crab AP. The golden crab fishermen met with Gregg and myself in Port Canaveral at the end of January, to begin discussions on what they were going to recommend, to make sure their fishery was not going to be impacted or to give us feedback on the potential impacts to their fishery from this proposal.

Subsequently, the Golden Crab AP met again, a couple of weeks ago, to continue their

deliberations. What Bill is going to present to you today are their recommendations and so I'll pass it on to Bill.

Mr. Waugh: What we've got is here are the recommendations from the Golden Crab Advisory Panel and I'll just touch on those and then Bill Whipple can provide any additional comments that he wants. Copies of this they handed out while they were here as well. They modified what's in this document a little bit and I think everybody has a copy of that and I'll just mention the additional changes.

What I'll do is update what's projected here with their additional guidance. For the middle area, they've provided some additional text that you all have in hand. Everybody should have a copy of it and if you don't, raise your hand and we'll get you a copy. In terms of this middle area, they have three alternatives in priority order.

One would be to create an allowable golden crab fishing area within the proposed coral HAPC boundaries, which is basically Item B here. Their second alternative would be to move the proposed coral HAPC boundaries, which is shown as A here, and then the third would be to develop a combined effort among advisory panels and management to redraw the boundary lines and/or create allowable fishing areas. Those same three sets of sub-alternatives are presented for the middle area, the southern area, and the northern area, where fishing is taking place.

The recommendation for the northern zone, where there is no traditional fishing, is to create an allowable golden crab fishing area in the sand/mud region of the northern zone, make provisions for additional areas to be designated as allowable golden crab areas after research shows habitat can allow fishing.

They are also recommending -- This is one of the items that we pulled out, based on your direction at the last meeting, but we've included some language in the document, as well as in the Appendix A, that would address this, to require VMS -- They're also now suggesting or electronic logbooks on golden crab vessels. The equipment is to be provided by NMFS at no cost to fishermen. However, monthly monitoring charges would be paid by the fishermen.

They also want to explore the use of some type of pinger on each end of the trawl trap lines and Bill can explain this a little more. The traps are fished fifty traps tied together and so if there was some sort of sonar mechanism placed on each end, then you would know where the trap itself was landing, the trap line.

They would like to see a minimum six-month sort of break-in period for industry and law enforcement, to understand where vessels are, where gear is, and how well the system works while monitoring golden crab vessels. Before law enforcement actions commence, the VMS system must demonstrate its ability to accomplish the intended purpose without the possibility of misinterpreted readings. It's a period of working with law enforcement so they understand how the VMS system works, in both directions.

Then, finally, to explore cooperative research with scientists, to integrate logbook, VMS, to refine fishing operations, and habitat characteristics and use this information to guide

cooperative research in the northern zone.

Once we get into the details of these recommendations and looking at the alternatives, we've got there corner points, and this is shown graphically, and we can overlay their proposals, as well as show the detailed habitat information that is there. Bill, I don't know if there's anything you want to add at this time or if you want to wait until we get into the detailed discussions of the amendment.

Mr. Harris: Gregg, we are now passing out the updated recommendations from the Golden Crab AP and so that is what you're just getting ready to receive. They've changed and to what extent, I'm not sure, since I have not seen them yet either. Bill, if you, at this time, want to go in and explain the differences, perhaps, between what we just received and what Gregg presented, that would be helpful. Can you do that?

Mr. Whipple: I think that's fairly simple. The boundary points, some of which are mentioned in the original text and some are not, have not changed. What has changed is the order of our recommendations. Our preference now, if you're looking at the sequence in which it's presented, we're now in favor of the box concept, as opposed to the moving of the boundary.

Other than that, there are no really substantive changes. I think I should mention that it's obvious that the world is a process and not a static position, to say the least. Since we've been here, we've had some very productive meetings with a number of people, relative to the issue primarily of the box concept and what is practical is a very convoluted figure that's created on the map, if you use all the boundary points.

It presents a problem for law enforcement, we've heard pretty strongly, and it also gives very tight proximity between the boundary and where some of our gear is actually located. We have a concern also about the VMS and the fact that the gear itself may physically be as much as a quarter to a half-mile away from where the VMS will show the boat.

All of these concerns are in the process of evolution, to try to -- Not as to where we should fish, but as to the practical process or system for making sure there is compliance, without getting errors in the collection of information and so forth and so on. There are several ways of addressing this and possibly Doug could present it more succinctly than I could, if you would like to ask him. That's one person who has been very much involved in these discussions.

Mr. Harris: I'm going to wait until we hear from Marilyn and then we're going to start the committee discussion and at that point, I will ask Doug to kind of summarize the discussions that have been held with both groups of fishermen today. Marilyn, are you ready to present yours?

Mr. Whipple: I also have, if they're useful, some personal charts, if you will. It's hard to find out by looking from where you are, this gives the presentation of what would be the allowable box and there's enough here that I think practically everybody can have them. There's a problem there with the fluid world, too, because this is put on the 2006 version of the boundaries and it doesn't come out quite right, but it might be helpful for people to see this.

Mr. Harris: Sure. If we can get one of the staff folks to pass those out to the committee, that would be helpful. Marilyn, if you're ready to make the recommendations of the Deepwater Shrimp AP, please do so.

Ms. Solorzano: These were the recommendations that came together at the last AP meeting that were gathered together by the fishermen. The reason we had asked for the boundary was for many reasons as he pointed out earlier, roughly 26 percent of the bottom would be lost if we left it like it was.

The reason we asked for six nautical miles was for the law enforcement reasons and to allow room for error, because we've ran into the situation in the rock shrimp fishery where we were given areas to drag and closed boxes which you can transit through, the Oculina Bank. If you drifted into it, if you had a problem with a crewman onboard or a mechanical error, there was basically no room for error and law enforcement won.

We wanted to make sure that we had room to eliminate from that happening. As you can see on the information that Carlos and them had presented earlier, we're not dragging out to six miles, but we do pull a mile of cable behind the back of the boat and so there's a lot of room there -- If you get mixed up there and if you have something go wrong, with the current running the way it is, you're quickly into -- You can cover a couple of miles pretty fast in the Gulf Stream.

Also, we wanted to bring in the area which -- It's not showing on here, because in the AP meeting last time, we didn't -- We figured that the area in the Keys, in south Florida, wasn't of a lot of concern, because we didn't really trawl in it, the boxes that you guys had. We don't trawl in it, but we run in it. We travel in it and anybody who would be coming from the Gulf into the east coast is going to transit through that area, because the need to travel with the Gulf Stream is fuel efficient and time saving.

If you're going to move out in that area, you're going to be transiting in it, but not necessarily trawling in it, most likely not trawling in it. We did want to bring into the fact that if a boat is in that area, he's going to be considered breaking the law, even though all he's doing is transiting. We wanted to mention that also.

When Carlos was presenting the first document, he pointed out also that the purple dots were all white shrimp area, trawling, and not -- Most of those purple dots that were outside of about six nautical miles were rock shrimp trawl areas and not white shrimp trawl areas and so that's clarified in it. That is deepwater trawl marks, most of those purple dots were, not just the red and I guess that kind of gold yellow color. A lot of the purple was also deepwater trawl marks and not the royal red fishery, but rock shrimp, which has been included into the deepwater fishery.

These are the recommendations that the council together agreed upon at this time that we're requesting to get, so that we can continue using the royal red fishery and be protected from errors, should something go wrong onboard the vessel. We need the extra nautical miles and not necessarily for trawling, but in the event of an error.

Also, there was another -- A lot of the VMS data only goes back to like 2003, I think. I'm

believing that to be the correct year, but it could be 2004. We've been royal red shrimping for many years prior to that and all that data is not on VMS. A lot of it is available on VMS, but some of it isn't. We presented the data via computer through -- I think Richard come and got some of it and it was presented to Carlos and I'm not sure if he used that data, along with VMS, which would be the trawl marks. Then everything should be covered, if you were able to retrieve that data and use it. I didn't know if it was just VMS or if it was also the trawl records that we gave to you on disks.

Anyway, I was just making sure that we know that we have everything and not just VMS data from 2003, because there may be some percentage of numbers that's not showing on there and that's the reason why we really are requesting to get the line moved east by six miles. It's just productive for us to have that go into play. If there's any questions, just feel free to ask.

Mr. Harris: Thank you, Marilyn. Are there any questions of Marilyn or Bill at this time? Seeing none, I'm going to ask Doug if he will perhaps summarize the discussions that have been held during this meeting between the chairman of the Habitat AP and the chair and other representatives from the Golden Crab and Deepwater Shrimp APs.

Dr. Rader: I would first like to thank all the members of both deepwater advisory panels that took the time to get here for this set of meetings this week, because it's an extraordinarily important investment of their personal time. I'm personally grateful to you for coming, but also for taking the time today to meet with staff and with those of us on the Habitat and Coral Advisory Panels, to find the win/win opportunity in this that I believe firmly exists.

I will try to summarize my understanding of where things stand now with respect to this potential win/win. Number one, I've heard nobody disagree with the fact that we in the Southeast, from North Carolina to Florida, are stewards of a world-class, largely unexploited deepwater coral resource and wilderness that there's a marvelous opportunity, together, to craft a long-term protection plan for.

Number two, it's pretty clear, after in-depth exploration, that the current impact of the current deepwater fisheries on that overall ecosystem is low and certainly no more than modest and that includes the existing royal red fishery, the existing golden crab fishery, and the wreckfish fishery, all three.

Therefore, it ought to be possible to both sustain those three fisheries while protecting them from outside developments of new frontier fisheries or expanding fisheries from elsewhere, at the same time that we protect that world-class resource. It seems clear, to me at least, and I would welcome any other input from that, that we can do that with relatively minor tweaking, by doing all of the following things.

Number one, to resolve the apparent conflict on the western boundary that yielded that 27 percent conflict number by going back to the initial recommendation of the two habitat APs and that is the 400-meter isobath. We did in the original design, the yellow lines on the map, encroach up onto the shelf, as shallow as 320 meters or thereabouts.

While there was a good reason, mostly thinking about law enforcement and north/south and east/west lines to do that, I think to all of us it makes sense to adjust the boundary of the HAPC accordingly and I think that's easily done with existing maps. Is that correct, Roger?

Mr. Pugliese: Yes and I'll get into the detail when we discuss it at the committee level. The one thing I will clarify about the line is that actually those were -- Those were official NDDC 400-meter bathymetry, as well as the Coastal Services bathymetry. They weren't incorrect lines, but it's just that they were lines versus the detailed bathymetry that we were able to look at relative to the VMS.

Dr. Rader: Okay, but the conclusion is the same and that is that the points, most of the points that lie to the east of that line, are resolved by shifting it in that southern middle part of the range, back to the actual detailed 400-meter isobath. Number two is the preference from the Coral and Habitat Advisory Panel to designate the entire range of the high-value coral ecosystem, but recognizing that there are innocent, wholly consistent activities with those three low-impact fisheries that can and should be allowed to be prosecuted within the HAPC, in order to be able to exploit the full footprint of the current low-impact fisheries.

That obviously would create some enforcement complications, but we believe, and this is sort of a general we, that creation of whether you call them buffer zones or allowable gear zones within the HAPC that we would deem consistent with the ecological goals of that HAPC, including two different areas, overlapping areas, one being a buffer to the west, potentially exactly the same size that the Deepwater Shrimp AP has requested, on the order of five or six nautical miles, on the western boundary, in which non-bottom impinging activities associated with transit, gear recovery, danger at sea or other agreeable non-habitat destructing activities would consonant could also be created.

Obviously that creates, for now, a challenge in identifying intent in that area, but our belief is that we can find a way to be able to allow those innocent activities to occur in that zone and then similarly that a zone of utilization for the golden crab fishery, within the HAPC, can be created that avoids the high-value, thousand-year-old pinnacles that are at risk to even occasional, once in a thousand years, even occasional damage associated with the golden crab pot fishery there.

That also is consistent with the maps that you've seen and the recommendations coming out of the Golden Crab Advisory Panel and that either way as we go forward that it be important to translate this amendment into a draft environmental impact statement and propose regulations with the detail to it adequate to -- Perhaps indemnify is the wrong term, but to hold harmless the fishermen that are in fact prosecuting their fishery with full intent to protect the coral habitats. I know that's a needle to thread, Roy, perhaps from an enforcement standpoint, but we believe a real important win/win opportunity exists here. Are there other elements that I left out?

Mr. Whipple: I find out that identification of who is doing what sometimes is less complete than one would think and I think it's important for us to point out the magnitude of our fishery and what kind of gear we use. To that end, we have a model trap out on the porch and nobody in attendance yet to explain things, but it's there and everybody is invited to look at it and to find one of us to explain exactly what we do and why and what the trap does and what the escape

mechanisms are and so on and so forth.

We invite anybody to take a look and talk to us about it and secondly, I think that people may have the impression that we're similar to the Bering Sea fisheries, with the thousand-pound traps and so forth and all that goes with it, the hundred-foot boats and so forth. The boat, the biggest one we have, is sixty-three feet.

There are only five of us in the fishery and among us, we control the majority of the permits, which strange as it may seem, we can't identify for sure the precise number, but it's somewhere around ten or twelve. We have the majority of that.

Further, there are only about 1,400 traps total, among all of us involved in this fishery. If you plot that out on the area that we've shaded, it's about 240 miles north and south and it's only three-and-a-half traps per mile that we're using and deploying. Furthermore, the frequency is very low. The gear gets hauled once every two weeks and bycatch is almost zero and it's almost 100 percent the isopods, the many legged beasts that, as somebody pointed out, look like Darth Vader and practically nothing else and even the mortality of them is probably not endangered. Whether that's good or bad, I'm not sure.

The traps do not move around in the weather. If you're talking about a lobster trap in shallow water, when a good storm comes or a hurricane, there's chaos and they go everywhere. In the deep water where we fish, we can be calm about that, when some of the hurricanes come along, because the traps will still be exactly where we left them.

I would invite any other questions, but I think a lot of the people involved in this decision making really haven't understood who we are and we really haven't understood who you are either really, but it looks like, as Doug said, there's opportunity for some win/win here. We can do some exploratory work with you and you can help us understand where we're going to find crabs and you can help us understand where the real danger points are and hopefully work up something that's really progressive for everybody involved.

Dr. Rader: Some people said that isopods look like Doug Rader instead of Darth Vader and it's true, Tony, that I do have a deepwater isopod named after me. There were two other interesting elements of our discussions with the golden crab group that I think are important to put on the record.

Number one, there is an intent, through a hopefully upcoming amendment to the golden crab plan, to look at developing the current limited entry system into an effort and/or impact limiting system that would cap the total impact on coral at a level that is acceptable and second, that there are some important conservation measures that could be put in place.

One of them that sounds pretty interesting to me is to require reporting of external bycatch, corals entangled in traps, when they occur, so that we do begin building a record for not just the isopods inside the traps, but the degree of interactions among them. The industry people that were here today seem very amenable to building in those measures into plan.

Mr. Iarocci: I just want to state on the record how proud I am to be a commercial fisherman and be able to deal with fishermen at this level that have created a fishery and worked with the management plan over the years and have such a sustainable fishery that's done in such deep water and minimal impact and how proud I am to say that I'm a part of this at this time, to work with not only saving the coral, but preserving a sustainable fishery at this time.

To simplify matters, they do have -- We worked on some alternatives for this thing and I think to simplify things, if you look at the bottom of the chart, the big chart, the areas that they basically do fish and as Roy had asked, to come up with a couple of alternatives.

When you look at the area that they fish on any of the charts, when you can compare and you look between the traps and where they do fish -- Number one, they cannot retrieve or do not want to get near the bottom of that coral, because they'll lose their traps and there's a big financial risk at stake.

Also, between traps, they do use floating poly rope and so where there would be a trap on the bottom here and here, in between, the rope would be up and it makes it easier and simplified to pull and haul the traps back.

I hope at this meeting that we can consider adding these two alternatives and through this process make sure that they're considered and please -- They did put together a great proposal and educational paper and how this is fished and while they're here -- They've been here for a couple of days and they're here to work with this council through this and I hope to, once we move this forward, bring them together and look at coming up with a trap cap, how many traps they'll be fishing and looking at the permits and limited entry.

We've got a lot of things on the table right now and I know they look forward to moving this forward and I just want to thank you guys for being here and to be able to do this and I look forward to working with you.

Mr. Harris: Thanks, Tony, and thanks for all of your assistance and interacting with folks. Nobody can talk the commercial fishing language like you can and I really appreciate -- I'm serious. I really appreciate your efforts in this regard. There's been a lot of discussion about law enforcement here today and we've had some recommendations from the Law Enforcement Advisory Panel.

They were just passed out to me, but one thing that I do have is as a result of our meeting with these two APs in January in Cape Canaveral -- We inquired of Karen Raine as to how many VMS cases have actually been made, because we were told that if you drifted into one of these HAPC areas that you were going to get cased. That was just the way it was going to be.

Karen has sent us a memo to the council and I don't know whether this has been passed out to all the council members or not, but I'll summarize it for you and then the details are contained in the memo of the cases, the actual cases, but it said between the implementation date of the VMS requirement for the South Atlantic rock shrimp fishery in October of 2003 and February 29 of 2008, twenty possible Oculina Bank cases involving shrimp vessels had been documented.

Out of the twenty cases, seven resulted in the issuance of NOVAs and NOPS and two are under consideration and the remaining eleven did not result in a NOVA and/or an NOPS. Two of the cases not charged involved royal red shrimping. I think that summarizes what has actually happened with respect to law enforcement. Rather than having conjecture with respect to that issue, this is the actual results of violations, if you will, based on VMS.

I don't know whether somebody from the Law Enforcement AP, Tracy or Karen or anybody, wants to come up and talk about the other issues with respect to buffers that Bob just passed out a few minutes ago. Do you want to do that, Tracy? Before we get into our deliberations, I think it's helpful to have the perspective of law enforcement on this issue.

Mr. Dunn: We discussed a lot of different issues. One of them was whether a buffer was an appropriate thing to put in the regulations and we've always maintained in the law enforcement community that the buffer really means nothing. You have a line and any line will be enforced as any other line.

We've always advised fishermen -- That question always comes up, the what ifs, what if I'm close, what if I have trouble with gear, what if we break down and the drifting issue. We've always said that if you feel like you're having problems and you know the history of your boat and you know what can potentially go wrong, fish farther away from the line. That is really the best response to staying out of any closed area.

The closer you get to a line, the more you're pushing the envelope and the more likely if anything happens that you're going to end up in and we will always investigate, just like you said. Depending on the circumstances, that will dictate whether an actual NOVA or any other kind of enforcement action comes up.

Ms. Shipman: Along the lines of what Tracy is talking about, I remember with the SMZs that we talked about buffers and you build it in, but your lines are on the outside of the buffer and the lines are hard and fast and so there's not two sets of lines.

Mr. Dunn: Correct. The problem is what would you do with a buffer? What happens if you enter a buffer zone? We don't have varying levels of enforcement like that. We still have to provide the same amount of resources to check that out as we would a regular line, a hard and fast closed area.

Mr. Harris: Let me summarize for the committee where I think we should go right now. I think we should continue this discussion about the FEP Comprehensive Amendment, because that's what this discussion is about, and delay the discussion of the Ecosystem Plan, the summary of that, until we finish this discussion of the Comprehensive Amendment.

Maybe that's not the right way to do it, but I hate to break up this discussion by going into a related but somewhat different topic at this point in time. If we can right now, we'll go ahead and discuss the proposed FEP Comprehensive Amendment, which involves establishing these habitat areas of particular concern, deepwater coral HAPCs.

Mr. Wallace: I really have a question for Tracy, one of the ones that I didn't ask yesterday. Based on the numbers of cases in there, how much time was involved in mitigating these cases that were not issued a NOVA? Did the fishermen have to defend themselves or did they -- Did you all just read over the case and it was essentially thrown out? How much time was invested in the ones that were thrown out?

Mr. Dunn: That's kind of tough to answer, but generally speaking -- Let's say we get a complaint or we have information that a boat may have violated the law. We're going to usually, depending on the severity of that, dispatch an agent to interview people, to talk to them, to look at the gear, to look at the totality of the circumstances around it. Each one is going to vary on its own.

We don't normally get a report and read it and decide one way or the other whether the case is going to fly or not. We do some follow-up work and if the report is sound on its own, let's say from a cooperative enforcement unit, Coast Guard or FWCC -- Unless it's FWCC, the Coast Guard is going to send it on through and we won't even see it.

Mr. Wallace: To that, were the boats taken to port and lost fishing time when the citation was issued? How much time was invested by the fishermen, lost time invested by the fishermen?

Mr. Dunn: Again, without really researching each and every one of those cases, I can't answer that. I would have to look at the specifics of a case. On some cases, I know that we just waited for the vessel to return and other instances, we had a patrol unit that met the vessel and directed them in.

It varies widely as to how they're handled. It's all based on those particular circumstances, but I guess if a boat does break a closed area, specific to the gear that's not supposed to be there, they can expect to be detained for a while, until we can complete an investigation. If that requires coming to the dock to do that, then we'll do that.

Mr. Harris: At this time, I'm going to ask Roger or Gregg or Myra or someone to put up the proposed HAPCs and let's then discuss the details of those and move this discussion along, if you will.

Mr. Waugh: This is included in Section 4 in the FEP Amendment and when we get to some of the specifics of the Golden Crab Advisory Panel recommendation and the Deepwater Shrimp, Roger can also project some information to show more detailed habitat distribution.

Mr. Robson: Could you steer us to the right spots on the disk? Is this on the added material or in the second briefing book disk?

Mr. Waugh: This was on the added material. It's Attachment 5A, Comprehensive Ecosystem Amendment, dated 2/29/08. It was emailed out to everybody on Friday and it was also handed to you on the CD when you got here. The first action is to amend the coral, coral reefs, and live hard bottom habitat FMP to establish deepwater coral HAPCs.

No action would not establish additional HAPCs. The regulations that currently apply within the Oculina Bank are shown there. No person may: use a bottom longline, bottom trawl, dredge, pot, or trap; if aboard a fishing vessel anchor, use an anchor and chain or use a grapple and chain; fish for rock shrimp or possess rock shrimp in or from the area onboard a fishing vessel; and possess Oculina.

Alternative 2 would establish the deepwater coral habitat areas of particular concern. Sub-Alternative 2A -- This is how you asked us to structure it, so that you could consider these areas individually. The first one is the Cape Lookout Lophelia Banks HAPC; Alternative 2B is the Cape Fear Lophelia Banks HAPC; 2C is the Stetson Reefs, Savannah and East Florida Lithoherms and Miami Terrace HAPC; 2D is the Pourtales Terrace HAPC; and 2E is the Blake Ridge Diapir Methane Seep HAPC.

The idea is those same regulations would apply. What's shown here in italics is the fish for golden crab in designated areas without an approved VMS. You all asked us to pull all that VMS stuff out and it is in the appendix, in rejected alternatives, but we did include the recommendations from the advisory panel here and they are recommending we include VMS and so should you agree with that, then we'll add this in here. If you don't add it, then we'll remove it. These areas are shown in Figure 4-1, the two Cape Lookout and Cape Fear areas, the Blake Ridge Diapir and the Stetson Reefs and the Pourtales.

Mr. Harris: Discussion by the committee?

Ms. Smit-Brunello: I have a question for Gregg. Would you scroll back up to the prohibitions that you would potentially apply in these HAPCs? Would you not want to prohibit fishing for or possessing shrimp in the HAPCs?

Mr. Waugh: If we do that, I think part of the concern -- What's in there now is fish for or possess rock shrimp. We should carry that forward. If we add directly royal red or shrimp, then don't we have to specify the SFA parameters for those as well? That's why we were staying away from royal red, but it should carry that -- Unless, Roger, we can remind me why we shouldn't fish for rock shrimp or possess rock shrimp, that should carry forward, I guess.

Ms. Smit-Brunello: I believe you're right, in that royal red isn't in the management unit, as far as I know.

Mr. Waugh: Correct.

Ms. Smit-Brunello: If you wanted to manage royal red, you would have to put it in the management unit for shrimp.

Mr. Waugh: Right, which is why we did not. This is a gear-based regulation.

Mr. Harris: Other questions?

Dr. Crabtree: I've got several questions about some of it. First off, just on the cover page, we're amending the Coral Plan, the Shrimp Plan, and the Golden Crab Plan here, but we're also prohibiting bottom longline gear, which I guess is snapper grouper gear, predominantly, but we're not amending the snapper grouper plan. How did we decide what plans we're amending and which ones we're not?

Mr. Pugliese: If you recall, this is a coral HAPC. It's a habitat-based regulation and when we put in the extension of the coral Oculina HAPC, we didn't amend all the other plans. The only place we did that was when we created the experimental closed area specific to the species embedded within there. There's no intent to do that within these proposed HAPCs.

In addition, with regard to say the rock shrimp species, there is actually no fishing -- There are no occurrence within the HAPC and so possession really is moot, but the point that Gregg made is the gear-based regulation, coral-based regulation FMP is the way this was done in the Oculina.

Ms. Smit-Brunello: I didn't advise the council then, but I thought that there was an amendment to the Snapper Grouper FMP, but at any rate, I'll go back and look at all that and make sure that's okay.

Dr. Crabtree: The other thing about it, just as a general comment, that seemed somewhat confusing to me is the title of the document, which is the Comprehensive Ecosystem Amendment for the Fishery Ecosystem Plan of the Southeast Region, but as I understand it, the Fishery Ecosystem Plan is basically a source document, right? It's not really a plan that's submitted to the Secretary and approved and so how can we be doing an amendment that is submitted to the Secretary that's amending a source document? That seems odd to me, at least.

Mr. Waugh: This tracks exactly what we did with the Habitat Plan and Habitat Comprehensive Amendment. If there's some way we need to change the title, we can do that, but we're just following the precedent that was established with the Habitat Plan and Habitat Comprehensive Amendment.

Dr. Crabtree: I don't know if it's a big deal, but it is kind of confusing, because we're amending a plan that's never been submitted and approved to the Secretary. You can see the issue I raise.

Mr. Pugliese: I guess one of the big things about this is the focus on it has been on the deepwater coral activities. The amendment is changing the entire process of the council. The intent is to go to an annual comprehensive amendment process and the FEP is the support document for that and will be expanded and continued and hopefully the SAFE reports will feed into it. It will be the foundation for the support and the EIS in the future and everything.

As Gregg said, it did track the exact way that we used terminology. We can make it clear about that intent and the way the write-up is in the front of the document, that it isn't necessarily creating or amending an existing ecosystem plan, but the FEP is the foundation for the information and for the process to go forward in the future, in future comprehensive amendments.

Dr. Crabtree: I understand that, but the difficulty is it clearly says that it is amending the FEP and so if it's not amending the FEP, we shouldn't title it as amending the FEP and that's the source of confusion. It's not what we're doing, but -- Then in the Description of Alternatives, Section 2.1.1, which I guess is right above these alternatives, it says: Subsequently the council, at their December 2004 meeting, approved establishing the new deepwater coral HAPCs through the developing Comprehensive Ecosystem Amendment.

A couple of sentences down, it says: The council subsequently voted to adopt the panel's proposal and take action to establish the four deepwater coral HAPCs. When I read this, it sounds as though the council has already made the decision, prior to voting on the document, to do this. We haven't even selected a preferred alternative yet and so I think that language needs to be worked on, because it sounds pre-decisional, like the decision has already been made to establish these, and it has not.

Mr. Harris: We need to modify some language in the document then.

Dr. Crabtree: Then just some other general comments on the document. I think that, in general, a lot of the analysis and a lot of the document is out of date. If you look through it, there are many cases where ex-vessel values and things are reported and the data is from the 1990s or it's maybe through 2003 or something like that. All of that is going to have to be updated, to be current through 2006, or as current as we can get it. I think large parts of the document are either incomplete or outdated and need to be readdressed before we can move forward with it.

Mr. Harris: To the extent that we have the data to update it, we will certainly do so.

Dr. Crabtree: We're going to have to look at -- We'll have to get the economists working on it and try to pull that data out and include that data into it. I think all of that data is available and can be added into it. Also, Roger, I couldn't find anywhere in the document the actual specific coordinates for these areas. Are they in there somewhere?

Mr. Pugliese: The coordinates are -- We had actually provided a set of coordinates, corner points and various other coordinates, when we had the joint Deepwater Coral and Golden Crab Advisory Panel building that. We didn't get a chance to put those in here, but the point is that those are polygons, with all the assorted coordinates, throughout the entire thing. What we were going to do in the iteration for hearing is to be able to put in essentially those maps that we created before, with the corner points as well as some of the other areas.

Right now, it's an entire polygon that has all the associated coordinates along the edge of the polygon and so we do actually have maps and we'll incorporate those, so it's clear about where the locations of these are. Some are difficult, because say the western bound on the one side is the 400-meter contour and it's the contour and then it's going to be the associated points of the polygon that meets that contour. The bottom line is yes, we do have that and we will include those.

Dr. Crabtree: We really need to do that, because to draft the regulations, somehow we're going to have to put that down in writing and I don't know if that means some of these curved

boundaries are going to have to be modified into straight lines or what, because I'm not exactly sure how we'll write that into the regulations. Maybe there is a way to do that, but I'm not sure.

Mr. Pugliese: We can look directly to our people that wrote up the eastern boundary of the Oculina Bank, which is the hundred-fathom curve. We have done that in the past and so we basically flip it around and look at where we don't have the solid line on the eastern side and now we have the 400-meter contour.

Dr. Crabtree: Roger, in the document, I saw some discussion of the impacts. Back in Section 4 with the environmental consequences, there's some discussion there of the impacts of anchoring, but I didn't see in the document an analysis of how much longlining activity, if any, is in the areas. We're prohibiting longline gear out there and so it would seem to me that you would need to go through the logbook data and identify how much of that activity is in there.

If there is longlining activity taking place, we would need to look at that in terms of the economic impacts. It may be that all of this is deep enough, but I think there could be snowy grouper trips out in this area. I don't know, but has anyone gone through the logbook data to make that determination?

Mr. Pugliese: Not the logbook data, but we did look at some of the ACCSP data, to look if it was even going out to the deeper ends of these bounds, and some of those, at least, it looked as if it were, but we can shore that up, I think, as well as looking at any other bottom longlining activities, hopefully with the help of your staff, too.

Dr. Crabtree: There's the discussion of anchors and the damage to corals and then there's a little bit of language relative to the wreckfish fishery, but I didn't see a very detailed analysis of why we feel like -- I know the wreckfish fishery fishes with essentially vertical lines with a lot of hooks on them.

I think they use weights on the order of ten pounds or so. I didn't see much discussion in here about why we think that activity wouldn't have impacts on the corals. I take it since we're allowing that activity to continue that we don't think it's going to have impacts on the corals, but I didn't see a discussion of why we think that and how we came to that conclusion.

Mr. Pugliese: This is really building on past activities. Originally in the wreckfish amendments, we had identified that there's a prohibition on bottom longline for wreckfish and so that eliminated the bigger significant impacts from that fishery and actually had qualified that with the fact to do additional work to see if there were any specific impacts.

To date, there is no more new information that could update what we have here and as far as we know, the eliminating of the bottom longline was the most significant impact to that fishery, plus the operations of those were not necessarily trying to run into the ledge areas, because they would probably lose the entire gear and configuration they have and the motor fishing way they operated would keep them at least in a depth line that they would keep away from any kind of structure that would lose the gear, but the point is, back to the original regulations that were put in for wreckfish, it did acknowledge a future need to further investigate if there would be any

potential impacts.

Dr. Crabtree: My point is just that there's going to need to be a discussion of all that in the document, because we don't want to appear to be -- You're going to have to justify why you're regulating this fishery but not this one and it needs to be discussed and looked at in the analysis.

Ms. Merritt: Roy touched on a couple of the items that I wanted to ask about, one being the coordinates. If I'm not mistaken, at the last discussion on this subject, we had asked about having an overlay which would indicate the relationship of the HAPCs versus the MPAs. I didn't see an overlay map, but I did see some -- There was a listing with some data regarding the relationship.

The other thing dealt with the wreckfish. I just didn't see enough there. Dr. Rader had mentioned the three low-impact fisheries within the HAPC and I just didn't see enough information there and I didn't see where perhaps the AP members dealing with wreckfish were consulted. I did catch, somewhere along the line, where the wreckfish area, Blake's Plateau, was both in North and South Carolina and I think that might have been a typo. Those concerns that Roy raised too are some of my same concerns.

Mr. Pugliese: Just quickly, one thing that we are going to be able to add into here is that George Sedberry provided, at the Habitat and Coral Advisory Panel, a review of a lot of the research that had been done in the area. In some of the overlays, it identified some of the more significant fishery operation areas for wreckfish and I think folding this in -- This was provided to the advisory panels and I think we'll fold this in the final document, that goes to hearing.

That will give us a lot better indication of the operation areas relative to the Blake Plateau. There's a lot of that type of information that I think is going to make this even a more substantive document as it moves forward.

Mr. Wallace: My understanding, in talking to the deepwater crab guys, is there's a new recreational fishery out there catching swordfish that are using something similar to the wreckfish, where they drop a heavy weight down on the bottom and it basically bobs along the bottom, until the fish hits it and then they've got a breakaway line and they leave the weight on the bottom and none of that has been explored in none of this.

Mr. Pugliese: We, when we met with the golden crab fishermen, had literally just found out about some of this and I haven't literally had the chance to run this through our Habitat Advisory Panel and request to the Habitat Conservation Division and I guess the EPA, potentially. Dropping that kind of weight is potentially an issue and I think it was very clear, from the Habitat and Coral Advisory Panel, and Doug can chime in on this, that if there are any other gears that had potential for significant habitat damage in the areas that those also should be considered in terms of a potential prohibition, as the information was developed and provided to the group.

Dr. Rader: I think the concern was mostly on new and developing fisheries, both commercial and recreational, that would be incremental to these sorts of baseline fisheries that we've all

talked about. In that regard, in addition to the sword fishery, in the sinkholes on the Terrace and other things, there also, as you know, John, is a rapidly developing cannonball weight driven recreational fishery for reef fishes, for barrelfish, blackbelly rosefish and others in that group, that could be addressed.

Mr. Iarocci: To that point, Doug, in our area, from south Florida up to Miami right now, there's not only charterboats, but there's a whole fleet of recreational boats that are starting for what we call the daytime sword fishery and they have developed this, where they do drop down, but I've been talking to a couple of the tackle shops and working with some of the guys and they have used the cannonballs, but they're very expensive and they've gone to these lead weights and they've gone to heavier sash weights, double sash weights, but a few right now are experimenting with bags of sand, where the bag will break loose and then tear apart.

We are looking at different things, but it is, and we talked earlier about this, it's one of the issues I think we need to deal with and I think some of the fishermen right now are being proactive and through this process here, I think we can make this move a little better, before it does get out of hand and starts damaging the coral.

Mr. Harris: Other questions or comments by the committee?

Dr. Crabtree: We've got these other alternatives that have been proposed by the Shrimp AP and by the Golden Crab and so I assume what we're going to do now is go into the document and add other alternatives for the shape of the areas, for example an alternative where the boundary is moved in, and are we going to go through that discussion now, Duane?

Mr. Harris: That's what I would propose to do, is go ahead and if it's the desire of the committee to establish these deepwater HAPCs, that is one motion. Then I think you're right that as we develop the document for public hearings that all of these various alternatives are going to have to be laid out for the public to comment on at the public hearings. Is that the way everybody else sees it or am I wrong?

Dr. Crabtree: I think what we're looking at is there are going to be more than two alternatives. There would be a third alternative which would set up these HAPCs, but the boundaries would be different. There might be a fourth and fifth and a sixth, because we have numerous proposals to shift boundaries in.

I think what we need to see are additional alternatives developed and then an analysis of the impacts on the fisheries and the potential impacts on the coral, so that the council can then come back in and make a decision about what the preferred alternatives would be. I don't think we have enough analysis before us, or even the alternatives really laid out at this time, to be able to make any decision about that.

Mr. Waugh: We can certainly approach it from looking at adding in lots of other alternatives. Another way to approach it would be to look at the area where there's some potential for interaction with the deepwater shrimp fishery and look to see if you need to modify the boundaries or, based on the detailed bathymetry, and Roger can show this overlay and we've got

it up here, there appears to be a lot less interaction with the deepwater shrimp fishery.

Do we want to -- Is there still sufficient overlap such that we need to modify the boundary to address the deepwater shrimp consideration and I think ultimately we need to decide what's your timing for proceeding, because certainly if we add a lot more alternatives, it's going to take a little while to add those. If we can talk about how you may or may not need to modify the boundaries of this coral HAPC to address deepwater shrimp and how you might modify them to address golden crab, we may be able to do it with a lot fewer alternatives.

Mr. Harris: I would say the fewer alternatives we have, the easier it's going to be for the council to understand and come up with a preferred alternative.

Dr. Crabtree: We have lots of suggested alternatives here to modify these and without incorporating them into the document and analyzing them, how can we make a reasoned decision about how to go? Isn't that the essence of NEPA?

We've got public comment from our APs asking us to look at alternatives, which is what they are, and as far as I can tell -- If we can do what Gregg is saying and determine that some of them aren't reasonable alternatives, that's fine. Probably we've looked at them, but I suspect some of them are probably reasonable alternatives that you can consider.

It seems to me the way the process works that you do that is that you evaluate and analyze those alternatives, in terms of what the economic impacts would be on either the shrimp industry or the golden crab industry, and then you've got to make a judgment about kind of the cost and benefits here, the impact on the fishery versus the benefits of the additional coral protection that you would have. It seems to me that's kind of how the process works.

Mr. Harris: Let's take a ten-minute break and come back in at 3:20.

(Whereupon, a brief recess was taken.)

Mr. Harris: Let me summarize for you what we discussed at the break. Roger is going to put up the detailed information that we just received Thursday from the Southeast Fisheries Science Center, to show you what's shown on I think it's this chart, the second chart right here, with respect to where the deepwater shrimping is, vis-à-vis the proposed detailed 400-meter isobath.

Then we'll have a discussion about that. What we would like to do, and what we talked about doing during the break, is we could, if it's the will of the committee and the council, approve the document to take to public hearings, with the idea that once that is -- We take out what is proposed right now and take to the public what the Deepwater Shrimp AP and the Golden Crab AP have proposed to us in their AP meetings, with the idea that we will come back after those public hearings and flesh out this document in a little bit more detail and then go out for another round of public hearings.

That way, we get the information from the public and we come back and we flesh out the document in a little bit more detail and we have a second round of public hearings. That's what

we talked about. It's on the board and I'll let Roger describe to you what you see. It's kind of tough.

Mr. Pugliese: What I'm going to do is zoom in on this and what I'm doing is for ease of -- I'll run through it and this is actually just the picture. I've got the original ArcMap itself and can even get into more detail, but what I'll do is I'll drop right into the area and then walk down the whole extent, from the northern area south.

Last Thursday, we had been provided a shape file of what is interpreted as possible royal red fishing operations. In getting that, the first thing I was able to do is to lay this over the detailed bathymetry, NOAA scanned in detailed bathymetry maps, from the entire area. As you work down from the north to the south, I'll do that and then I'll back off.

By doing that, I was able to create the 400-meter contour, digitize the contour on it, and then overlay the VMS information. It gives you definitely a different picture and the only reason I originally caught this is I was eyeballing it, because we didn't have the VMS information, the recent information provided by John Reed, and then looking at the original proposal, with how much was showing up, and it was obvious that there was something going forward.

As you move further down the Hatteras Slope, the 400-meter contour -- If you recall, there was a lot of this area that was actually outside that bound and probably constitutes the bulk of what was identified as 25 percent of the activity areas, but as you move down the Hatteras Slope, virtually all of the points that were identified as possible fishing are inshore and even in some areas significantly inshore of the bound, with a number of stray points further out to the east, but moving all the way down, virtually the entire Oculina -- East of the Oculina Bank is -- I wanted to reference something.

Moving from the Cape Canaveral area, down the entire length east of the Oculina Bank area, virtually no points are east of that boundary and it's not until you get further south that you start getting a couple of points that are showing up east of the proposed HAPC area and further south, again, you have very limited number of points relative to the 7,000 data points that this represents.

What I'll do is let me go to another slide that shows -- I'll go back to the north now and what we're looking at is a combination of the proposals from the Rock Shrimp Advisory Panel, the VMS information, and the habitat information, some of which was the most recent information provided by John Reed, both new information on dive locations, as well as identified polygons of high probability of some of the most significant deepwater coral habitats.

If you look at this area, of course this is the bound of the HAPC area. The black, yellow, teal, are the three different options proposed by the advisory panel, royal red advisory panel, or Deepwater Shrimp Advisory Panel. As you move further down, you can see the bulk of that habitat distribution lies east of all these areas, but you do see the overlap of any of the proposals directly in some of the most significantly identified habitats.

Even more recently, dives have been accomplished in the area directly from the Cape that

identifies some very significant habitats east of that area. However, there still are no, other than one point, operations within that area.

Mr. Geiger: The yellow represents what?

Mr. Pugliese: It's the first alternative proposed by the Deepwater Shrimp Advisory Panel. You're looking at the different -- You're looking at the six mile and then the six and the twelve mile, the one bounded alternative. They're all embedded together.

Dr. Crabtree: When I look at it, Roger, it looks like in some areas the coral is right up and almost over the boundary, but it looks like kind of down in this area, where there are some trawling tracks on the other side of the boundary, I don't see corals much inside their proposal. Why couldn't their proposal to be modified to kind of bow out to the original line in the areas where those corals are, but then move back in some of the areas like this, where there are some trawling tracks in there, but we don't seem to have any corals outside of what they're asking for?

I guess why couldn't their proposal, I think it's Number 1, be modified some and could you go up to that one area where there were some corals and I think it was to the north? It's right there and that line at that point, their proposal could cut back out to the original boundary or something like that, but why couldn't we kind of draw around some of these, to try and come to some sort of a compromise on this that meets everybody's objective?

Mr. Harris: I'll try to address that to some extent, Roy, and I'm certainly not the best one to address it and maybe Doug would like to add something to it. We asked that very same question and what John Reed said is these sites that are shown here are the known coral sites that have actually been observed, where they've actually done dives or fathometer transects or whatever. The other areas are areas where they feel pretty confident that there are corals, but they just have not had any chance to make dives on those sites yet. Is that your understanding?

Dr. Rader: I think that's right and the purpose of those dives was not to delineate the distribution of corals, but to go down and look at research sites. They were actually, in a lot of that area, moving from place to place, as the ship had opportunity, to document things that were there. The best professional judgment of both APs is that given the bathymetry, the rugosity, meaning the bottom roughness in those areas, that there's a high likelihood that important corals exist in those areas, up to 400 meters.

Dr. Crabtree: Then another question has to do with how we structure the boundaries of this. I'm not aware -- There may be some cases, but I'm not aware of very many cases where we've set up a boundary that's a depth contour. Almost always when we do that, it's a line. That's so people can know, are you on it or not. I think, Tracy, isn't that generally correct? I know like the twenty-fathom depth contour in the Gulf, there is lines that are drawn that approximate that and could you comment on that?

Mr. Dunn: We have a few that we do. The longline restricted areas in the South Atlantic, we do have a contour there. We don't recommend them. We were talking about this, in that that's a long line to use a bottom depth on it. We thought if there was some way to break it up into

distinct data points or lat and long points and then draw lines in between that, you wouldn't have what we normally like to see, but at least you would have something that everybody can say this is clearly the line and we know whether you're on one side and not the other.

Dr. Crabtree: It does seem to me like that's kind of where we're going to need to go, particularly because you've got an entire fishery that's sitting mostly on the outside, but boy, they're sure sitting awfully close to the line.

Mr. Harris: My understanding, Roy, is it's going to have to be, and it already has been, used. You're not seeing it here, but it's got to be translated to data points, to GPS points. You're seeing a line here, but you're not seeing each individual data point, but this line was created, once we got the data, from the individual data points.

Dr. Crabtree: Okay, but in the regulations, the line is going to have to be a series of kind of discreet straight lines in some form, isn't it? We're going to have to put coordinates in the regulations, so that a fisherman can look at am I on this side or that side and I think some kind of curved line is going to be very difficult to do that with.

Mr. Dunn: Correct and this is what the AP has advised.

Mr. Pugliese: With the Oculina, we have the hundred-fathom curve and that was actually put in place to allow, if people want to go back as far as they did, to allow the royal red shrimp fishery to operate. We did put that very specifically in at that time and created it.

I would say the exact way we would do it is put those bounds in, because all these are -- This is a polygon of individual points and based on the distribution, those would be what would go into rule and I assume we could do it exactly the same way we did with the hundred-fathom curve. I would ask the fishermen -- In terms of knowing where they're at, at that level, they probably know better depth contour than they know almost anything when they're out in those areas.

Dr. Crabtree: I guess that comes back to one of my comments. That's kind of why I want to see it written down and not just a picture, but right down the boundaries, as they would go on the regulations, because it's hard for me, Roger, to picture exactly what you're talking about. We may well have done it one way in the Oculina Bank years ago, but that doesn't change the fact of the comments we're getting from folks and it's hard for me to visualize it until I see what we would write in the rule written down.

Mr. Harris: We understand we have to do that, Roy. This is a depiction of what it's going to look like. We could put a whole bunch of points and a whole bunch of GPS coordinates on there and that wouldn't help you any more than seeing it the way it is right now. I know it has to be done for the rule, but --

Dr. Crabtree: Give me an idea of the complexity of what's going into the rule, which I think is directly relevant to how well we're going to be able to enforce it.

Mr. Harris: I think we have to sit down with law enforcement as we develop those data points

and decide what's going to go in the rule.

Mr. Wallace: I view it as putting the cart before the horse, because these fishermen are not able to respond to what the coordinates are until they know what the coordinates are. How can the AP give you a true depiction of what their fishery is like until they know what the actual coordinates are and they can put them into their equipment?

Mr. Waugh: I suggest what we do is follow the Law Enforcement Advisory Panel's recommendation. They've got it that 5C is to -- Once we set on the line, when we're writing the regulations and before we finalize the document, we'll put the latitude and longitude to approximate the depth contour and their suggestion is for intervals not less than ten miles apart. We can do that. We can convert this to latitude and longitude, no problem.

Mr. Harris: Gregg and Roger, can we do that before we put this document out for public hearing, so that they'll have that information?

Mr. Pugliese: I can do it tonight.

Mr. Harris: He can do it tonight, he said. I guess that's what you'll have for public hearing. Just for your information, for the fishermen's information, that's what they will receive when this document goes out to public hearing.

Mr. Wallace: There again, I've got a problem with it going to public hearing without the fishermen seeing it upfront.

Mr. Harris: They'll see it upfront. When it goes out for public hearing, they'll see it upfront. It's going to go out to them before the public hearing. We won't have it on the table at the public hearing, but it will go out to them ahead of time.

Mr. Wallace: I guess public hearing yes, but not public scoping and is that right? You're saying it will be there before public hearing, but it won't be there before public scoping?

Mr. Harris: The scoping is done. We're going to have a public hearing and then we'll come back and refine all this for the document and have the council refine it and select alternatives and take it out to public hearing again. There are two sets of public hearings.

Dr. Crabtree: I'm very comfortable with the process you laid out, Duane. I think that gives everybody chances to look at it and it gives us more time to clarify the document and work on all these things.

Ms. Solorzano: Depth contour is going to be difficult, because it's going to change over time. You can't expect a fisherman to go on depth contour. You need a line. It's going to change. Another thing is whenever we were in the AP meeting and making these recommendations, it was very rushed. It was very hurried. It was like that afternoon be done with it and make it and present it to us. I don't know what the rush is, but somebody has one.

What I was going to comment on is there were some coordinates of a dive and we asked for those coordinates and never got them. We had to make the recommendation and they said that there were three dives that were in the trawl area and to this day, we have never received the coordinates from the professor or doctor or whoever that made the presentation at that AP advisory panel meeting.

He didn't give us that and we still don't have them. We gave you recommendations that we never even had the dive coordinates to go on. He said we'll get them to you and they never did, but we had to make recommendations that night and we just wanted to know that -- As being on the AP, we think it's rushed, but I'm sure you all have protocol that has to be followed, but it seems like we're jumping into this really too quick and we don't have everything together, I don't think. We gave you a recommendation because we were basically pushed to give one, but that was what I wanted to say. We didn't get the coordinates.

Mr. Harris: Marilyn, if you will, before you leave today, point those areas out, we'll make sure we get you that information.

Ms. Solorzano: The professor that was on that meeting, it was his dives.

Mr. Harris: I understand.

Ms. Solorzano: He said he was going to give them to us, but he said he didn't have them.

Mr. Waugh: Duane, part of the concern here is researchers who have identified these pinnacles are concerned about making that information public and there's a concern that then people will go -- Certainly not anyone in this room, but others might go out and fish on those spots and so that's some of the reluctance on the part of the researchers who have identified these areas that are so critical.

There's just that concern that if that information gets out that it will be destroyed before we can protect it. That's why you're seeing some reluctance to give specific point estimates, but the concern of coming up with some way to document to the fishermen satisfaction, what we know and what we don't know, we have to try and accommodate that, to the best of our abilities.

Dr. Crabtree: I just want to say, Marilyn, I think what we've done here now is to give you guys additional chances to look at this and two more rounds of public hearings to comment on it. I understand that people were rushed and I've had a lot of people talk to me about that and so we're trying now to make sure that we make sure everyone is going to have adequate opportunity to comment and look at it and that we get all of the analyses done and all of the economic impacts understood.

Mr. Robson: This first round of public workshops, how is the -- We were talking before the break about including alternatives that had the golden crab carve-out areas and then the other alternatives for the boundaries. Are those going to be going incorporated graphically or in this first round of workshops or how is that going to be presented to the public?

Mr. Harris: What I would propose is that what you have seen -- Everything that's been presented to you all today and you have not seen the golden crab information. It's on the board behind you, but you've not seen it laid out on the screen here and we'll do that next if we have it and I think we do, but we would take that out to public hearing.

We would get feedback from the public on what the council has originally proposed and the information we have received from the Deepwater Shrimp AP and the Golden Crab AP and then we come back and as a result of the comments that we receive at those public hearings, refine the document and do the economic analysis and then bring it back to the committee and the council for a final round and then go back out to public hearing again, before we bring it back for approval. Does that make sense?

Dr. Crabtree: I think it does. What are we going to do with the VMS issue with the golden crab fishermen? I know they have proposals and want to be allowed to fish and it sounds to me like we're probably going to allow them to fish in some parts of this, but are we going to put back in the VMS alternative or how do we want to --

Mr. Harris: Yes, I would propose that we do. They've said they will do it and I think it should be in there. I think if we're going to carve out areas within the deepwater coral HAPCs that we've got to have VMS. I don't think there's any question about that.

Dr. Rader: I just wanted to underline how unusually responsive the science community in the Southeast has been here. I don't think those of you who aren't scientists understand how closely held many academic scientists, especially, keep their data. As Gregg said, it is to protect sites, but also to protect their capacity to use those data professionally. These people are taking a risk to allow a lot of the information that they could publish on for a decade to become part of this process, so much so that we have had nearly real-time information coming off the boats, back to the advisory panels.

I just want you to know how without precedent that is. There isn't -- Nobody is collaborating as well as those people are and if you get a chance -- I'm kicking myself for not bringing it, but the Southeast Deep Coral Initiative, SEADESC, has just published this unbelievable atlas that documents all the submersible and ROV, remotely operated vehicle, dives that have been made up to what date? Do you remember the most recent -- Was it 2005 or 2006? It's really quite an impressive atlas. Roger has been involved with it and Myra and the rest of the staff, plus John Reed and Steve Ross and it's just an impressive thing that they have done.

Mr. Pugliese: What he's talking about, actually that entire system is going to get integrated into our IMS system, with the images, and it's also an opportunity, again identifying how much willingness there is of this core group of individuals to be involved, is the system is -- It was really intended to be a rapid response system and as a dive was done, you get imagery of what was done, a list of species identified, base maps of habitat, literally within a week or two.

The idea was that we were going to have this built in and automated through our IMS system, so that ongoing research could facilitate other researchers and collaboration and more. It is a huge thing, but the key is that all of this is getting built in.

In addition, we have also integrated our work with the long-time commitment with the UNC-W and the University of Southern Mississippi and the Eagle Ray AUV information. All that information is being integrated and hopefully we're going to be able to get expanded and go far beyond just mapping.

I had a chance to discuss this with the owners of the AUV at the University of Southern Mississippi at Oceans 2007 and they intend on putting acoustics capabilities, in addition to potentially even fish counting and photography. We have some of the most cutting edge information in this system right now that's supporting these activities.

Ms. Merritt: I noticed the Golden Crab AP recommended that -- Not only did they want the VMS and I can see where it would be advisable to do that, but that NMFS pay for equipment and no cost to the fishermen, except for, of course, their monthly charges. I'm just wondering, how realistic is that?

Mr. Harris: To that point, Roy?

Dr. Crabtree: I think the way you'll have to draft this up is that the fishermen have to buy the VMS and they have to pay for it. Now, we have a reimbursement program and if Congress continues to fund that, there will be money available for reimbursements, I believe. We recently required VMS on the Gulf of Mexico reef fish fleet, which was 900 vessels, I think.

Most of those who actually bought VMS and applied for reimbursements, I think, have been reimbursed. This would be a very small number of fishermen and so I think provided that the money is available, you could get reimbursed for it, but that is all subject to appropriations and by the time this would be implemented and it would actually happen, we would be in a different budget year. It really depends on what Congress does.

Mr. Robson: This two public hearing process, is there a -- It looks like there's been a real effort to be collaborative and we've got two different industry APs that were involved and where will they fit in further into this -- Are they done now? Have they given us their recommendation? At least the Deepwater Shrimp and the Crab, are they going to look at what we do after the first round of public workshops again, as a group or -- I just want to know how that's going to work.

Mr. Waugh: The first round of public hearings would, at least as we planned thus far, would be done with Amendment 16. That would be done in May. We don't have plans right now, although Tony was discussing the need to pull in the Golden Crab Advisory Panel. We need to come up with the timing after this first round of when we feel we would have the document fleshed out. I think it would be a wise use of our time to meet with both APs after the first round of public hearings.

We would certainly expect to get some input from them at the first round of public hearings, but I think we should have another advisory panel meeting with both of them before we come back to the committee and council and we'll have to work that into the budget and the timing.

Mr. Harris: There may be a lot of additional information that only they can provide to us that's going to have to go into that document after that first round of public hearings. As Doug just said, also the wreckfish guys as well.

Mr. Wallace: To what Roger was talking about, I've understood there's some disks or tapes or something of the actual dives that Dr. Reed has done now and I would love to see -- In my understanding, it's about a two-hour time on each one of the dive times. I would love to see his approach to the pinnacle and his exploration around the pinnacle and just understand what bottom is around it.

Mr. Harris: John, did you get the Revealing the Deep DVD?

Mr. Wallace: All you saw there was segments, segments of a dive. I would love to see the entire dive.

Mr. Harris: You can go down to Harbor Branch whenever you would like. No, I'm just kidding.

Ms. Solorzano: I just wanted to make a comment on the VMS, for the potential use for the golden crabbers. The VMS that are onboard the shrimp boats, we were allowed to have one. When the VMS goes out, you go to port. It takes quite a while to get them fixed and when we did the rock shrimp proposals with the VMS, you can only have one onboard. You can't have a back-up system. You can't get a spare one and you can't get a loaner. When it goes out, you go home. A little bit of advice there on the VMS.

We would like to see something worked into the deepwater and rock shrimp proposal on VMS, to allow an extra one onboard that is documented with the enforcement, so that we can have one, so that we're not put to port in the middle of peak season, because I have seen instances where fishermen were sent in for a month in the peak season and couldn't go out, because you can't go into the Atlantic Ocean period without the VMS onboard. Just a little update when you're making your VMS recommendations, to try to get a spare.

Mr. Dunn: I just wanted to make a comment on that. Our protocol is if we see your VMS is out that we try to contact whomever and we work through it. If we're not able to get that reinitiated and underway, we normally leave you underway, until you return to port. Then, at that point in time, you must stay in port until you get the VMS fixed.

Ms. Solorzano: We've had instances where they've called me and said your VMS is out and then all of a sudden, like twelve hours later, they come back and say it's on and it's picked back up. For whatever mechanical reason or whatever it went out, it picks up and then it will track back the data while it was off.

It will pick it all back up and so you're still being monitored, even though -- You know these things, but the problem is when you get to port, you can't leave again without a working VMS onboard and that is something we would like to see taken care of in the Deepwater Rock Shrimp Panel, to fix that problem we have, so that we aren't forced to port.

Mr. Dunn: Correct. I just wanted to make the point that it's not immediately upon us noticing your VMS is out that we tell you you've got to head back in. We give you a little bit of leeway there.

Mr. Harris: Go ahead, Roy, and then I'm going to ask Roger to discuss the golden crab proposal.

Dr. Crabtree: Tracy, as I understand it, the problem is that a VMS unit is configured specifically to the vessel and so it's a problem to have two VMS units simultaneously configured to the same vessel and I don't know that that's something that we can find a work around.

Mr. Dunn: The biggest problem was putting a replacement in there, you're right, because you have a history of the data for that vessel and having two separate histories does cause problems. I would have to research that a little bit more with the VMS program manager, but it has caused us a lot of difficulty in the past.

Ms. Solorzano: Then could possibly --

Mr. Harris: Marilyn, hang on a second. I'll let you and Tracy talk about this after the meeting today, if you don't mind, because that's some detail that we don't really have time to get into right now. You've made us aware of the problem and I appreciate that and I'm going to ask Roger to go through what the Golden Crab AP has recommended, so that you can see that on the board and understand what is being proposed.

Mr. Pugliese: First of all, I'm going to go back and forth between the ArcGIS and actually the image and first present, in tiered components, the recommendation, because the golden crab fishery, as you know, has three different zones, the northern, southern, and middle zones. I've broken them up to show what the proposal -- The proposals actually overlapped all three zones, the proposal relative to the zones.

This is the proposal that was identified for the northern zone and it took some digitization, because this was specifically tied to depth contours. Let me zoom down in, to get a better idea of where we're at. Starting at 29 degrees, this was identified as a potential allowable gear area, or a zone within a zone.

Essentially the eastern boundary, western boundary, is the 500-meter contour and the eastern boundary is the 600-meter contour and as you move down to an area, it breaks -- Where the habitat starts changing, it breaks into a 700-meter contour and follows down through and this is capturing the bulk of what the operations, at least the areas that they were showing, trawl tracks. That's what these are. These are various trawl tracks that were provided, which brings us down to the southern part, where you move into the middle zone at twenty-eight degrees.

Mr. Harris: Explain what a trawl is.

Mr. Pugliese: A trawl is -- Let me clarify that. It's a connection of traps. That's a good point to make, yes. This is not a trawl, but this is connected traps, which they grapple up and retrieve in a series. You're seeing a number of different series of traps that have been -- That's the way the

fishery operates and it's basically north to south, in most all of the sets.

Further south, you'll see some that are set and some different angles, but that is the proposal that was put together as the section for the northern zone and what I'm going to do is jump from it to -- This is the same proposal now with the habitat information that's been provided, either in the existing deepwater database or recently provided by John Reed on multiple either new dives and/or interpretation of the most significant areas, where they have at least identified some habitat areas and let me zoom in a little bit further, so you can, again, go from north to south.

I'm in the map and that's why it's generating all these individual points as we're going along, but as you can see, the -- That's why you see the habitat distribution and the circle areas are centralized around dive locations, from north to south.

The polygons are, again, habitat distribution areas. You can see this shadowed area and actually, what we have here is the Gray's Reef/NOAA/council combination trip, where they were able to both use the Nancy Foster in the northern area, which is this area, to get ten-meter resolution multibeam.

You can really zoom far into this and while being very small, it's tracking right along known pinnacle and habitat distribution and actually, as this shows here, there's pretty significant numbers, but there's probably four times as many within that have been identified when they did the actual dives in the area. As you move down, this is the area off of Canaveral that was identified earlier as fairly significant habitat, some of the newer dives that were located within that area.

This also includes any of the work and information that was included in the ESDIM deepwater habitat information system, as well as information that came out of the USGS seabed grab sampling. That only included any actual sample locations and no extrapolated information. What you're seeing is the combination of at least what is known about habitat information in the HAPC, both detailed point information as well as extrapolated in high-probability habitat areas. That moves us down to the middle zone and let me just get the proposal itself --

Mr. Harris: If you all will look at those charts on the board behind you -- There we go. I think the take-home here is that almost all of the golden crab fishery is within the proposed HAPC. There are some that's outside of it right now, but most of it is within the HAPC. To accommodate these fishers, we've got to figure out a way to allow them to continue to fish in that area and that's going to be the details of what we have to work out.

Mr. Pugliese: To that, this is the middle zone and the proposal is moving along -- Now, this is the set of coordinates and this is not necessarily a depth contour that was provided by industry. It picks up where the northern zone drops off, but it bounds from this eastern boundary, which is, in some cases, 600 or 700 meters, depending on where you're at, to the western edge of the HAPC. That's the proposal that's been identified.

To a great degree, some of these were put together based on really only some of the dive location information, the older dive location information. It tracks most of those areas and so what you

see is you see this bound going all the way down and hitting some of the -- Missing some of the most significant habitats, but there is overlap in various areas and then moving down to an area right off the Miami Terrace and again, we have habitat information from ESDIM, from the dive locations, from the interpreted habitats.

I had mentioned earlier the multibeam mapping efforts. This area in here has resolution mapping down to one meter. You can zoom all the way down to one meter and you can see a lot of the pinnacles and sinkholes and a number of different areas in that habitat area. Some of the dives were north and south of the area and on the edge.

This area is proposed as an allowable area. The bound follows this edge here and so what you're doing is you're extending from -- You're basically following virtually all -- They encompass most of the fishing locations. I will identify that an area to the south has an amount of fishing outside of the bound of the HAPC, in the waters deeper.

Let me move to the next one, because it connects right up to the Pourtales Terrace, and that's actually the proposal itself without the habitat information. You can see it extending down through this area and skirting the bulk of the Miami Terrace, but having one section on the inside of the Miami Terrace.

This is moving into the southern zone and that encompasses what is proposed for the Pourtales Terrace and this is, again, a composite of everything and so we're looking at both the proposal as well as the habitat. In this case, the proposal actually is a small portion of the -- It addresses a small portion of the HAPC area.

If you look at it, what's obvious is that it starts -- This is tailing off in the proposal in the main section of the HAPC. You can see the fishing locations, starting to the west, outside of the HAPC proposal. They move into the area along the edge of the Pourtales Terrace and into the Pourtales Terrace, along this edge, and then the bulk of the fishing activity is south of what has been identified as potential habitats, which is not in the HAPC.

The bulk of the fishery we're seeing operating throughout this area, but what happens here is that it cuts across the southern part of the Pourtales Terrace, where the bathymetry really stacks up in that one area. You can see the black line is essentially the proposal. That is -- It's supposed to be at about 1,200 feet depth and so that's where they're interacting, but it is right up against -- As you can also see, it is right up against the dive locations and the pinnacle systems that are in that area.

In combination, those are the proposals that have been laid on the table by the Golden Crab as either allowable gear -- Now, they are specifically saying allowable gear areas or box within a box in these areas, as well as the information we have that has been compiled over the number of years of habitat distribution information on deep coral habitat and deep coral complexes in the region.

Mr. Harris: Are there any questions of Gregg with respect to the Golden Crab AP proposals?

Mr. Iarocci: At this time, they're still working a little bit to fine tune some of these alternatives and I just want to give them the benefit of the doubt and I'll help as much as I can to try to get these things as organized as possible and get them to you guys as soon as possible.

Mr. Harris: Thanks, Tony. You heard what we recommended earlier.

Mr. Wallace: I have more of a comment instead of a question, but you can see what they're doing there. Their traditional fishing grounds is encompassing about 80 percent of the HAPC from the twenty-nine line south and their fear, like the trawlers fear, is they're going to need some kind of operational buffer zone around that, in order to prohibit enforcement measures.

Creating that operational zone around it is the point of contention, I guess you would say, because they're telling us they don't fish in those grounds, but they do need the protection of no enforcement actions.

Mr. Harris: I think you've pretty much heard that it seems to be the intent of the committee to try to carve out an area where the golden crabbers can continue to work and where we have a reasonable solution to this issue with respect to the deep water shrimp trawlers. If it's agreeable to the committee, the chair would entertain a motion to take the proposed Comprehensive Ecosystem Amendment to public hearings, with the proviso that we're going to have a second round of public hearings at a later date and flesh this out.

Dr. Crabtree: Duane, do we need a motion before that to put the VMS alternatives back into the document, because I believe they were moved out of the document.

Mr. Harris: Yes.

Dr. Crabtree: **I would move that we put the alternatives to require VMS in the golden crab fishery back into the document for consideration.**

Mr. Harris: Is there a second?

Mr. Cupka: Second.

Mr. Harris: Is there discussion on the motion?

Mr. Wallace: On this motion, no.

Mr. Harris: Any further discussion on the motion? **Is there objection to the motion? The motion carries without objection.** Are there any additional motions?

Mr. Wallace: I'm questioning of do we need a motion that requires an operational buffer zone?

Mr. Harris: I would hope that we can work all that out during these two rounds of public hearings and working with these two APs, between those. We're going to take the proposed buffer zone out to public hearing. We said that. What the APs have proposed to the committee

and council, we intend to take out to the first round of public hearings, so that everybody understands what is being proposed by the council and what's being proposed by the APs.

Mr. Mahood: One of the things that -- I'm not sure if it's in there now or not, Roger, and you'll have to tell me, but is there any kind of requirement for notification, prior to leaving the dock, to go out and fish in these areas currently in the plan?

Mr. Pugliese: Originally, in the material that I included in the VMS material, it was tracking exactly what the requirements were in the Gulf of Mexico when they were implementing the snapper grouper VMS requirements. I'm almost positive that it had a notification requirement.

Mr. Mahood: That's a little different from what I'm talking about. The law enforcement, I think that's a notification before you come in to land, whereas -- Is that correct?

Dr. Crabtree: There are a couple of things and whether they apply here -- One of them is you have to declare the fishery when you leave the dock. If you're a reef fish vessel and you're going to go out and longline, you have to declare that you're going to be longlining and what I -- Do the golden crab vessels participate in any other fisheries or do they strictly participate in the golden crab fishery?

Mr. Manchester: I lobster too with the same boat.

Dr. Crabtree: There might be that law enforcement would want to know, if they're going to go out, what they're doing.

Mr. Manchester: Lobstering is done really inshore, real shallow.

Dr. Crabtree: I'm aware of that, but you're likely going to have to have your VMS on all the time, twenty-four hours a day, and law enforcement is probably going to want to know what it is you're doing, regardless of where it is. We can -- Roger, when you look at this, I would think to analyze the impacts that you're going to need to look at the dependency of these vessels on particular fisheries and probably ought to go through the logbooks, or at least through the permit database, and see what other permits are on these golden crab vessels. Then we would know what other fisheries they participate in, because I just have no idea.

Mr. Pugliese: Actually, I think at least one of the golden crab vessels already had the VMS on the vessel for the Gulf of Mexico and so yes, we will look at all that.

Mr. Mahood: I think the main discussion at the Law Enforcement Advisory Panel was a notification before they leave the dock and they weren't worried about where they were going, but if they're going to be out there fishing in this box, or inside the HAPC, enforcement wanted to know who is supposed to be out there.

You could handle it on a vessel pretty good, but if you have an over flight and you look and you see a vessel in the closed area, doing some sort of activity, and you know that they've already notified, called in and notified with LE that they're supposed to be out there, then there's not a

problem and they wouldn't dispatch a vessel. I think it's knowing -- If you're going to allow people in a closed area, it's knowing who is supposed to be there before they leave the dock. That was the gist of this type of notification.

Mr. Iarocci: To Bob's point, we were inside the AP meeting yesterday and Number 6, referring to the box, in the box there is a -- It's under A, that there should be a notification requirement for vessels that will be fishing in the box prior to leaving the dock and I don't think there's a problem with that. We just talked about this and it's something that we can address and I really don't see a problem.

Mr. Waugh: The VMS requirements that Roger talked about are included in the document now and on page -- The page is at the bottom, 4-32, Item G, is Declaration of Fishing Activity and Gear Type and it says: Prior to departure for each trip, each vessel owner or operator must report their fishing activity, including, but not limited to, golden crab, rock or royal red, shark, swordfish, tuna, et cetera, and the gear onboard the vessel and it goes on. That requirement is in here, in the material that's in the document right now.

Mr. Harris: What is the wish of the committee with respect to establishing these HAPCs? Before I ask for a motion, I'll ask John to speak.

Mr. Wallace: **I would like to make a motion that we include an enforcement buffer zone within the HAPCs in relationship to the golden crab fishery and the royal red fishery.**

Mr. Harris: There's a motion and is there a second?

Mr. Iarocci: I'll second.

Mr. Harris: Is there discussion on the motion?

Ms. Merritt: Do you want to add wreckfish in there?

Mr. Harris: I'm sorry, but I didn't understand.

Ms. Merritt: A buffer zone, if there is an infringement on the area that there's wreck fishing occurring as well, you may need a buffer zone there. I'm not sure, because I haven't seen an overlay. Not an overlay, but I haven't seen the coordinates and so I'm not sure.

Mr. Currin: Maybe it's just semantics, but the idea of a buffer bothers me, I guess for some of the same reason that it bothers the law enforcement. I think it makes things more complicated. You can build in a buffer zone to the definition of the area that you're trying to protect or trying to allow operations without calling it a buffer zone. I think we need one line.

I don't know how we get there exactly and how we structure or create buffer zones here, but the concept of using those buffers, as necessary as they are, perhaps, to the fishermen and also for the protection of the resources is, I think, a difficult concept to incorporate. I would rather see a single line, if we can do that.

Mr. Wallace: To that, this is -- You can call it an operational zone or you can call it a -- It is creating a line and it's a line for the law enforcement to go by, but you've got to have some kind of operational boundaries that will allow these guys to fish within this -- Some of the things that was brought up was the -- You provide a notice that you are disabled and if you're within this operational buffer zone, whatever you want to call it, before you get to the hard line, there's an operational zone that you can report that you are disabled.

It gives the fishermen some leeway to be in that line and I know law enforcement is looking at it as it's a hard line one way or the other, but it also protects the coral HAPC, to prevent any other activity going on in here within the definition of the HAPC line and the operational buffer zone. You'll have two lines, one that says that you are going in the HAPC, but that you've got the right to be there, due to entanglements.

Dr. Crabtree: John, it's just hard for me to see how a buffer zone really works, because all I can tell is you're setting up two lines and you're saying if you go inside the first line that that's okay and so why not just move the first line over? I think what we're talking about here is after this hearing that we're likely going to look at some -- Unless we can somehow resolve this, but I think where we're going to end up in this document is some other alternatives that do try to shift these lines a little bit.

It just seems to me if the issue is the fishery is too close to the line and if the council wants to accommodate that, the way to do that is not through a buffer zone, but it's through a shift in the line, because I just don't see how a buffer zone would work unless you can specifically tell me how that would work. If you're going to say if the vessel is in the buffer zone that that's okay, then it's not clear to me why that's not the same as just moving the line over.

Mr. Wallace: Moving the line over would be fine, but you're not going to protect the coral that the HAPC is talking about protecting then, because they've showed you that the coral is within the buffer zone that's going to be required to give these boys their fishing abilities.

Dr. Crabtree: If you say with the buffer zone that it's okay to be in there, how are you protecting the coral with that? Wouldn't that mean a vessel could go inside the line and if we caught him in there that it wouldn't be a violation?

Mr. Harris: John, the buffer zone could go the other direction as well. You could have a buffer zone to protect the corals. The way you've structured your motion -- It could be drafted either way right now. Is there further discussion on the motion? Are you ready to vote on the motion? **All in favor of the motion say aye; opposed same sign. The motion fails.**

Ms. Solorzano: I just wanted to ask a question. After we leave here today, can we give alternative amendments to this, like if it goes to public hearing, like say we've got five miles or six miles?

Mr. Harris: Yes.

Ms. Solorzano: That's what I wanted to make sure we still had time to do.

Mr. Harris: Yes, you're going to have a chance to attend the public hearings and speak to what you've already given us, as well as offer any other alternatives, and then, as Gregg said, after the first round of public hearings, we will get the Deepwater Shrimp and the Golden Crab APs back together and try to work through all of this.

Mr. Waugh: Several people raised questions about the wreckfish fishery, about a newly developing recreational swordfish fishery and a recreational deep-drop fishery. Do we want to include in here just items raising those issues and asking people to talk about them and let staff flesh those out, so that you have that information and so that we can evaluate potential impacts and bring that back to you?

Mr. Harris: I see a lot of heads shaking yes and so yes. The chair is still open for a motion to approve these deepwater coral HAPCs to go to public hearing.

Dr. Laney: **I so move, Mr. Chairman.**

Mr. Harris: Is there a second? Second by Robert. Is there discussion on the motion?

Mr. Currin: Just to make sure I understand, all the alternatives are a suite, including all of the suggestions or recommendations from the Golden Crab AP, as well as the Deepwater Shrimp AP, be fleshed out as alternatives within this document, in addition to the one that exists there now or will it replace the one that exists there now?

Mr. Harris: It will not replace the one that exists there now. All these other alternatives will go out to public hearings.

Mr. Currin: Everybody feels comfortable that we need all of those and doesn't want to get into trying to select a suite of those at this point?

Mr. Harris: I would suggest we include them all, because they were all alternatives that were presented to us by the APs, at this point in time. I think after the first round of public hearings that we'll probably narrow it down. Is there further discussion on the motion?

Mr. Iarocci: To make it easier and less paperwork, the Golden Crab AP stated that they would -- Some of the alternatives that they made changes to, they could remove those and just keep it simplified with the ones that they do support.

Mr. Iarocci: Thank you. Are you ready to vote on the motion? **The motion was to approve all the alternatives proposed to establish the deepwater coral habitat areas of particular concern to take to public hearings. Is there objection to the motion? With one objection, the motion carries.**

At this time, let me recognize Dr. Wilson Laney and recognize his new membership on the council and his past service on the Habitat and Deepwater Coral APs. Thank you, Wilson, and

welcome.

Dr. Laney: Thank you, Mr. Chairman, and I'm glad to be here.

Mr. Harris: Just in case those of you didn't know who he was, since he showed up late.

Dr. Laney: Technically, Mr. Chairman, I don't think I was late. I think I got here just as Mr. Currin was adjourning the previous meeting and so actually, I was on time.

Mr. Harris: Perfect timing, Dr. Laney, and thank you for being here. The next item on the agenda is we're going to move back to Discussion of the Draft Fishery Ecosystem Plan and I'm going to ask Roger to give us an overview of Volumes 1 and 5 and Myra will talk about Volumes 2, 3, and 4, and then we'll discuss those, with the intent to approve the Fishery Ecosystem Plan to take to public hearings as well.

Mr. Pugliese: First of all, I would like to acknowledge all of the work that has gone into the development of this document, as trying to coordinate its effort and bring it back to the original habitat plan. I think we've come an amazing way in terms of really setting the stage for the long term future of what's going to be the support document for the council's activities under ecosystem.

The teams that were developed, the writing teams, the availability of all the documentation and the different plans and materials, have really provided a solid foundation. I wanted to touch on the first section of the document, which is the overview, right now, on the Volume 1 section. It does identify some of the basis for the council's move toward ecosystem management and the habitat directions and some of the foundations of the fishing operations as they exist now, the foundations of the characteristics of the South Atlantic ecosystem.

A lot of that actually is embedded in the body of the rest of the document, Volumes 2, 3, and 4. Some of it originally was going to be brought forward into those subsections and I think they're more specifically responsible being in the appropriate sections.

For example, much of the description of the entire South Atlantic region, we have just been provided through our collaboration with our partners in the SECORA and the SEACOOS system that describes the entire South Atlantic system currents and actually have provided even more information on climate characteristics, which will be ultimately in the final document, as it goes to public hearing.

That really set the stage for the body of the document, which does describe all the species in the entire region, not only the managed species, but all the species outside of the council's jurisdiction that are integral parts of it.

I'll shift over and allow Myra to go through at least the core foundation of where the information has come from, how we got here, and then how we're going to finalize those subsections and I'll get back in and touch on where we're going to go in the future with Subsection Volume 5, on research and management and a lot of significant modifications and changes that have been made

in that document, but I was keeping it short and sweet and Myra is going to have some slides for you.

Ms. Brouwer: Thanks, Roger. As Roger mentioned, I was just going to put a few slides up, mainly to help me walk you through this and I promise that I'm not going to get into all the gory details, but I imagine that none of you have had a chance to read the thousands of pages that currently comprise the FEP and so I'm just going to give you a general overview.

The FEP is broken up into six different volumes and that was originally the configuration and it has remained like that throughout its development and I'm going to focus in on Volumes 2, 3, and 4.

Volume 2 is titled "Description of South Atlantic Habitats and Species" and this is the volume that contains the more detailed information that has been contributed by the writing teams on the various habitats in the South Atlantic. A lot of the information has built upon existing habitat plan information, as well as other agency documents, such as the ASMFC habitat documents, and a big part of the information also came from the North Carolina Coastal Habitat Protection Plan.

It's broken up into three major sections: freshwater systems, estuarine and inshore systems, and marine offshore systems. Another portion of Volume 2 comprises the description of the species. We focus in on council managed species, as well as other managed species, and this includes species managed under ASMFC and highly migratory species and then a section on protected resources, protected species.

Again, the information in these sections is mainly from council FMPs, as updated by the writing teams, again, ASMFC documents, SAFE reports, and status reviews for protected species information.

Moving on to Volume 3, this is where we focus in on the human and the institutional environment in the South Atlantic ecosystem. The Jepson et al document has been brought into the FEP in its entirety, to describe the coastal communities in the South Atlantic. The fishery descriptions contain information from the various FMPs, both managed by the SAFMC and managed by other agencies, and there is an entire section that presents ACCSP catch data from 1990 through 2006, by species, both for commercial and recreational fisheries in the region.

Again, SAFE reports, when available, and information from existing FMPs has been brought into this section. Volume 4 deals with threats and recommendations. Non-fishing threats are addressed through information in the habitat plan, again, as updated by the writing teams. I want to acknowledge that the Habitat Conservation Division of the National Marine Fisheries Service did a lot of work to update that information for us.

There's a section now on natural events and climate change. It was brought to our attention that climate change needed its own section and so information from the habitat plan, as well as the IPCC, the big report on climate change that recently was published. It's the International Panel on Climate Change and then the Barnett 2001 document that describes the various fishing gears

and its impacts is also included in this section, under threats from fishing activities.

Under a section for essential fish habitat evaluation and recommendations, we have information from the North Carolina plan and the habitat plan, with updates from the writing teams. I'm going to let Roger talk a little bit more about how we're going to incorporate recommendations that are found in the SARP. I don't know if you want to do that right now or wait until I'm done.

Again, EFH information is included in this section for all the managed species and we've included tabular information on attributes of existing HAPCs, to fine tune the rationale for why those areas have been designated as HAPCs.

All the South Atlantic Council policies for non-fishing threats are included in here, including the latest policy on offshore aquaculture and a section that focuses on area management in the South Atlantic region, talking about what the council has done and continues to do in that respect and what other agencies have done in regards to area management. That concludes my overview and I'm going to let Roger continue on to Volume 5.

Mr. Pugliese: Again, in Volume 5 is our data and research necessary to support ecosystem management. It's a pretty significant part of this entire document. It is setting the foundation of the various research programs that we have and it describes everything from the fishery independent programs of MARMAP and SEAMAP to also all the needs under the existing fishery management plans, identified research and monitoring needs.

It now does include the actual research and monitoring plan document that was approved by the council to set our stage for the next five years or four years into the future. That is incorporated as a part of this now, but we did keep -- At least I wanted to make sure that we kept some of the more detailed information and hopefully we have an opportunity to integrate that into our broader research document, especially on habitat activities and on ecosystem needs for modeling in the future, things that are really going to set the foundation for the next stage in evolution of this.

Some of the other things that have been specifically modified in this section is the incorporation of, as I mentioned before, an entire section on fisheries oceanography, our partners with SECORA and one of the more significant individuals that has done a presentation to this council before, Cisco Werner, with UNC Chapel Hill, provided, along with individuals from USC, Marilyn Fletcher, and Jim Nelson with Skidaway Oceanographic Institute -- They all provided information into a Southeast report that was integrated into the system, into this section of the document.

It also goes into really setting the stage for all the different types of model capabilities that the council will be able to look at in the future, connectivity models and models that are going to be looking at information on larval transport, things that will have really any of the area management needs to address for MPAs or for any other aerial type of activities.

That is a pretty significant modification and there is also commitment to significantly update that and probably the most significant is another subsection on modeling. Right now, it's a shorter

section, dealing directly with our Ecopath model that we had dealt with in the past.

An entire document was published not long ago, FAO, on modeling for ecosystem-based management, of which is being summarized and will be incorporated as a refined component of this document, as well as a commitment from a group that we just coordinated between Pat Halpin's group, as well as UNC Chapel Hill, with Cisco Werner, on a recent ecosystem workshop that is going to provide some specific recommendations on short term and long term needs to support ecosystem-based management in the entire region. That will all be available as we go through the public hearing process and ultimately integrated.

The last section of this volume, and the last section of the overall plan, is actually beginning to address the issue of indicators of ecosystem health. It draws very heavily on the information that was identified in the EPA reports that had been published, a couple different versions of those, but also it really takes the opportunity to acknowledge the development of the National Habitat Plan, the National Habitat Board, and the regional organizations that are supporting that activity, one of which is the Southeast Aquatic Resource Partnership, the SARP group that Myra had mentioned earlier.

We have integrated the entire habitat plan document, which actually specifies targets for water quality, for habitat conservation, all of which are key to our essential fish habitat designations. The key and the kicker on this is that by doing this and integrating and collaborating very closely, there's a funding source very specifically for that and I expect that that's probably going to expand very significantly in the future.

There's an opportunity to, what the council views as long term needs for water, for habitats, for activities, actually be able to be acknowledged through another funding source, to accomplish those conservation needs for not only looking towards the future, on ecosystem, for our essential fish habitat, and on water issues that are of the council's concern.

The final in this document was the draft document that was provided. The final was just provided to us and so we will integrate that in the final version of Volume 5 of the Fishery Ecosystem Plan, but that really wraps up the base of the entire ecosystem plan, as it stands now, and, again, I just would applaud all the individuals that have spent as much time as they have, providing a lot of the inputs and the reviews and the substantive -- The willingness to provide very substantive portions of their own documents to build this for the Southeast Region, understanding this is the first opportunity, the first step forward, on looking at everything in context in our region and a lot of encouragement that it's going to provide the council actually that next step to transition to truly an ecosystem-based management process. With that, I think I'll pass the baton.

Mr. Harris: Thank you, Roger. Thank you, Myra. Before I invite comments and questions, let me just say what a tremendous effort this has been. You all have been provided compact discs along and along of the various volumes as they have been developed for this Fishery Ecosystem Plan.

What we're asking the committee to do today is to approve this Fishery Ecosystem Plan to take

out to public hearings. This will be the first comprehensive ecosystem plan, if that is done, that has been completed by any fishery management council, the first one in the country. Alaska developed a specific fishery ecosystem plan, I believe, for the Aleutian Islands, but this will be the first comprehensive plan that will be done.

At this point, let me -- I'm going to ask Bill Whipple -- I told him I would give him a few minutes to make some final comments before I basically invite them to go have a seat back in the audience and thank the Habitat and Coral Advisory Panel and Dr. Doug Rader for the work that they have done, the Golden Crab AP and the golden crab fishermen who are here today for all the hard work they've done, and Marilyn, who walked out, and the Deepwater Shrimp Advisory Panel for the great work they've done. On behalf of the council, thank you very much. We look forward to continuing to work with you as we go through this process and protect these deepwater corals and work with the fishermen in doing so. At this time, I will invite comments and questions on the Fishery Ecosystem Plan. Go ahead, Bill.

Mr. Whipple: Thank you, Mr. Chairman. Being a hopeful soul, I think that when you have people of good will that don't understand each other very well and they're looking for objectives that interact, the more you know about each other, the better the prognosis for a good solution.

Here and there, recently, we've heard that coral is delicate and valuable and needs protection. I've heard that around here somewhere. I want to make sure that you understand that golden crab gear is also delicate and valuable and needs protection and for that very reason, we're making every effort that we possibly can to avoid an interaction with these bottom structures that are important for our benefit, ultimately, obviously, for habitat and so forth.

There are a lot of misconceptions about how tough and hammer-headed our gear is and it isn't. $14,000 is the cost of deploying one line or purchasing a line, I should say. Then you've got the cost of assembly and deployment and so forth. To us, that's a lot of expense and we go to a great, great deal of effort to avoid having that happen.

We need to get as close as we can to these structures, but we don't want to be on them, because we'll get destroyed and because we're not going to catch much there anyway, but if we get near them, that's the goal. We can lose that investment by being a little bit careless and getting tangled up with things. Not only would the coral be damaged, but we would lose a trawl. Wrong word, but we would lose a line of traps.

I want you to understand that we don't set blind. We don't just look at a place and say oh, we've never set there before and let's give that a try and see what's there. That would be disastrous and we have the technology and the techniques to avoid doing that. Even the relatively expensive sounders -- We don't have multibeam transducers and what have you, but with what we do have, we can -- No joke, but we can see the line and we can see the curves and the arc of the bottom and we can see the traps and we can see discriminations of very, very few feet in the bottom contour.

We not only look for our own gear, but we look very, very carefully for any mounds or any irregular features. We do it before we set, after we've investigated bathymetry charts and what

have you, as carefully as we can, and we do what we call run the bottom.

We go both sides and down the middle of where we think we would like to set and then we make a set and if it's successful, when we go back to the other end, to reset again, we'll go off to one side and cover another fifty or a hundred or two-hundred feet of breadth, to the area that we're interested in, and then make a set and we'll do that repeatedly, until we have a pretty firm conviction that everything is all right.

I would like to convey to you some degree of confidence, that we have a common interest in not getting the mix-up between our gear and the habitat or coral and that we do have the techniques and the motivation to do it. I'll put myself out on a limb here for a minute, but I think when we plotted our lines of traps that so far anyway, which I understand is very preliminary, we haven't run over any stars or run into any areas of particular concern. Is that fair to say, Roger, from what you've seen or did I just sink myself?

Mr. Pugliese: You didn't sink yourself, but some of it's close.

Mr. Whipple: We get very close and that's part of our concern, is that we preserve the right, somehow or other, without making anybody else terribly nervous, to get very close. That's going to be the future issue, I think, is to preserve the fishery. We have to preserve the ability to get to where the crabs are and they're not just like confetti throughout this area and we can't just move to fifty feet or fifty fathoms less and do well. We do have the same goal and as we go along, hopefully we can get a satisfactory solution to everything for everybody.

Mr. Harris: Thank you, Bill. I appreciate it. I appreciate you being here and I appreciate your fellow fishermen being here and I appreciate you working with the council in trying to resolve these issues and so thank you very much. If you wish, you can go sit in the audience now. I don't think anybody is going to have any further questions of you today, but if they do and if you're out there, we'll call you back up to the microphone. At this time, the chair will invite questions or comments on the Fishery Ecosystem Plan.

Mr. Currin: Myra, you're right. I, for one, did not have time to read all of this. Over the last few renditions, I've tried to read more and more of it. I did spend some time reading some sections of it and have some comments relating to those. I'll provide you with the little nit-picky spelling things that I found, at least, but in the overview, I think that would benefit from a close spell check or very close edit. I don't know about all the other volumes. Volume 3, there's a few there as well, but anyway, I'll give you some of those and some questions that were raised as I read through that and suggestions.

On page 9 in there, there's some discussion about the interpretation of substrate or artificial reefs and shipwrecks and they provide EFH, provide valuable habitat, and other submerged structures, such as jetties. I don't disagree with that at all, but I think we need to reconcile that against some of our policy statements, like the Energy Policy Statement, because they're not particularly consistent and I think we need to be careful about being consistent in how we refer to and treat particular habitats.

The other I guess more major problem that I encountered in Volume 3 has to do with something that Roy actually brought up a little earlier, talking about the Comprehensive Amendment, and that's the age of much of the data that's included in that and again, I look particularly at North Carolina, because I know most about that. I read that for accuracy's sake and that sort of thing, on the human environment, but much of the fisheries data and population data that's in there is 2003 and 2004 I think is the latest information that I saw.

I think we should strive, as best we can, when we publish this document in 2009, or whenever that's going to be, make it available to the public, that it's as up to date as we possibly can make it, because I wouldn't feel comfortable with anything less than that.

Mr. Pugliese: To that, Mac, I think we're going to make definitely every effort to update as much as we can and engage -- Hopefully our partners at National Marine Fisheries Service can provide more. A lot of it ties back to old SAFE reports, some of the other things that we haven't necessarily seen anything new since some of those. What we will do is we will go beyond, I think, and having some time with iterations of the hearings, I think we definitely can make sure that we shore up any of those ones that really are obvious.

I feel the same way. We just have to get into the guts of it and hopefully we get commitment to do that from also our state partners, where they have other information at the state level, beyond what we were able to access in these various rounds. We do appreciate any real opportunity and the fishing industry too, because I think there's shoring up of some of the descriptive things that can be done. We'll definitely do everything we can to make sure it's as well of a document to set us into the future.

Mr. Currin: Thank you, because a lot of changes have occurred, as everyone knows, in the fisheries and participation and permits and all of that. They give you two quite different impressions of the communities and the fishing industries in the states, between 2003 and 2004 and 2008.

I think that's critical and I'm happy to hear you say the states, because I think the structure that's in there is fine and where I encountered those problems were in some tables and figures that I think will tell you exactly what you need and what you need to update, at least in that section, and so the states should be able to provide you that pretty readily.

Ms. Brouwer: To that, Mac, I just wanted to make sure that I brought up that we were aware of this. We sent out the various fishery descriptions and economic descriptions to the advisory panels and certainly a lot of this information is outdated. However, it is still historical information on the fisheries, as it appears in the council's FMPs.

The intent was to leave that in the document, like I said, as historical information on the fishery and provide an updated section with ACCSP data that Roger has been working on gathering that will give a much more up-to-date picture of the fisheries as they are today.

Mr. Pugliese: Let me follow up with that. I guess I should have made that clear. That is one thing we really are looking forward to, is to really creating a section that's going to evolve

further, the whole section on ACCSP and integrating all that information. We've been extracting that and are going to make that where we can access all that information and be able to use that on a real-time basis in the process we're working on, but within that section of the FEP, begin to pull the most recent information, far beyond just some of the base catch information that's in there now, because that's where really it needs to be.

Dr. Laney: I too haven't had a chance to read the entire document, but I know, without having done so, that I'm sure there's a discussion of freshwater flows to estuaries in the document and by the same token that Mac raised, to the extent that we can provide quantitative information about what levels of flow constitute appropriate inflows to estuaries, I hope we can put that in there as well.

There have been some recent, and I suppose some are still ongoing, determinations in the form of settlement agreements or licenses to different hydropower companies that basically resulted in mandated flow regimes for some of the river systems. Specifically, that's the case for the Roanoke in North Carolina and I think it's going to be the case for the Pee Dee system in South Carolina, although there's still some negotiations going on between the applicant in that case and the Fish and Wildlife Service.

I think it's -- I don't think the council can understate the importance of water inflows to these estuaries that are such important nursery areas for a lot of the species that are under the council's jurisdiction, especially in this day and time when Mac and I are faced with the threat of living with thirty-five gallons of water per day in our homes. Do the math and figure out how much it takes to flush a toilet and you'll see what sort of constraints that imposes on you.

Of course, Georgia, I think, is in negotiations with Florida and Alabama and South Carolina is litigating North Carolina and North Carolina is lusting after Virginia's water and so I think it behooves us as a council to put our two cents out there as well and certainly, to the extent that we can, to document the need and the volumes and the timing of water for each of the estuaries in the South Atlantic Council's jurisdiction and to the extent that I can do so, I'll certainly make sure that I read that section and try and help staff update that, to reflect all the decisions that have been made and will be made in these FERC re-licensing's.

Mr. Harris: Thank you, Wilson. I very much appreciate that. You don't know how much I appreciate it, after what I've been through with the statewide water plan in Georgia recently and the comments that I've made and the fact that they were largely ignored, but we don't know, to a large extent, how much water we need to flow into these estuaries and to the extent that you have information that can help shore that up, I would very much appreciate it, because all of these proposed reservoirs are going to have to have federal permits and I'm very afraid of a whole bunch of new reservoirs being created in Georgia and impacting the flows down to the estuaries.

Mr. Iarocci: I would like to thank this committee and the co-chairs for taking into consideration the concerns in both industries, the shrimp fishery and the golden crab fishery. They came in here a little concerned about what was happening to their future and I think now, with seeing that we do have the two public hearings scheduled and the timing in between for them to work with these issues and work with the council, I feel confident that we can come up with something that

they'll be happy with.

I want to extend an invitation and I think, Doug, you've been invited, especially with those cement boots that you had talked about wearing out, to go golden crabbing and I would like to extend that to the chairman of the council and see if we can get George to go along and maybe get him a pair of boots similar to the -- Anybody, but no. Really, they seriously would like to extend an invitation to any of the council members that would like to personally go and see how they fish and what they do and I think just the educational factor, maybe do a video or something like that. That is open and they do appreciate the time that's been put into this.

Mr. Harris: Time for rebuttal?

Dr. Rader: I just need to make sure that the cement boots are big enough to fit in my mouth.

Mr. Geiger: I was wondering if those were cement boots that he was referring to.

Mr. Harris: Other questions or comments about the Fishery Ecosystem Plan? The chair would entertain a motion to approve it for public hearings.

Mr. Cupka: **Since I started this Ecosystem Committee four years ago, I guess I'll make the motion.**

Mr. Harris: The motion has been made. Is there a second? Second by Dr. Laney.

Mr. Cupka: **The motion is to approve the FEP for public hearings, with all the caveats we put in.**

Mr. Harris: The second was by Dr. Laney. Is there further discussion on the motion? **Is there opposition to the motion? The motion is approved without opposition.** Thank you all very much and thank you all very much. The next item on the agenda was going to be a report on deep-sea coral research. We are not going to have the report today, but Myra is going to provide a brief presentation on a meeting that she attended last week. I'll let her tell you what it was.

Ms. Brouwer: I thought I would brief everybody on a meeting that took place last week in Wilmington. It's for an initiative called TRACES, which stands for the Transatlantic Coral Ecosystem Study. This is to basically integrate research that is being done in the North Atlantic, between the United States, Canada, and the European Union. There's the flags of the participants in this initiative.

Why is it an appropriate time for such an appropriate initiative to get off the ground? Basically, there's been a lot of discovery and habitat mapping that has taken place in the last ten years in the North Atlantic. This is a map showing the distribution of deepwater corals around the world. There's been a lot of work that's been done on genetic markers of deepwater corals.

Paleoproxies to investigate climate change, threats from bottom trawling, and ocean acidification is another hot topic and then there's also been policy drivers, such as the U.N. resolution that was

adopted by the General Assembly, which calls upon states to take action immediately, individually and through regional fisheries management organizations and arrangements and consistent with the precautionary approach and ecosystem approaches, to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents, and cold-water corals, from destructive fishing practices, recognizing the immense importance and value of deep-sea ecosystems and the biodiversity they contain.

I just wanted to put that on the record. TRACES was basically launched in February of this year, at the AAAS meeting. As I mentioned, the partners in this initiative are the U.S., Canada, and the European Union and so the point that we are at in its development is preparing a science plan and this is what the meeting was about last week.

Researchers from the U.S. and Canada got together and we talked about priorities for deepwater coral research in the region. The first research cruise hopefully will happen in October of this year and the grant applications for this initiative are going to be in place by 2009 or 2010.

Another thing that I wanted to make sure I mentioned was this initiative has a lot of teeth, in that the European Union has recently announced that they will be substantially increasing funding for research over the next few years, by a large percentage. I think 63 percent comes to mind. There's going to be a lot of funding available for this kind of work and the scientists want to make sure that all the priorities have been fleshed out and outlined and have been thought through and are in place by the time the grant applications are ready.

Last week, what we did was we received several presentations on the various topics of research and then had breakout group sessions to flesh out research priorities and these are the areas that we concentrated on. I would be happy to answer any questions you may have. It was a very well attended workshop and it was very productive. It was a workshop that was facilitated by professional facilitators and so they really cracked the whip and a lot of work was done.

Mr. Harris: Thanks, Myra. Are you going to do the presentation on the Critical Habitat for Threatened Elkhorn and Staghorn Corals? Okay. First of all, are there any questions on the TRACES program, before we move on?

Mr. Waugh: Myra, I know you tried to get them to use our deepwater coral plan and to what extent was that successful?

Ms. Brouwer: I had to whine a lot and I did -- I'm happy to report that I was a good whiner, because they finally said a lot of work has been done already and we have this plan that the South Atlantic Council has put together and it has research priorities, together with methodology and deliverables, and it's all been fleshed out by a lot of the same folks that were present at that workshop and so they made sure that it was going to be taken into consideration and that the South Atlantic was going to get their priorities addressed through this program.

Dr. Rader: I was also -- We cosponsored it and I was able to attend as well and in fact, I gave the keynote address at lunch. It won't surprise you to find out that we used the South Atlantic experience, both looking at Oculina Banks and now at the deepwater corals, lophelia, et cetera,

as the focus for lessons learned in the United States.

The reception to that experience was really very positive and so I think there's an important launching pad being built here to mix with the one being developed in Scandinavia especially, the great work they've done in Norway, to build something really important beyond the bounds of the EEZ in the Southeast. Thanks, Myra.

Mr. Harris: Go ahead, Myra, if you're ready.

Ms. Brouwer: This is just an overview of the proposed critical habitat designation for Acropora and the 4D rule and I have to tell you that Jenny Lee, with the Protected Resources Division of NMFS, tried to be here to present this to you and she is the expert on this sort of stuff and I am not. I'm going to do my best to answer questions and present this in a way that is clear enough and this presentation was put together by the Regional Office and so I'm giving their presentation to you.

The Southeast Regional Office Protected Resources Division, of course, is the lead agency in proposing this designation and developing the rules and all the subsequent management actions for these species.

The Service listed both of these corals as threatened on May 9 of 2006. On December 14, after a series of workshops and public hearings that took place, they proposed 4D regulations that were published in the Federal Register. The comment period fort the 4D rule regulations ends March 13.

On February 6, the proposed designation for critical habitat was published and the comment period for that ends May 6 of 2008. There's still going to be a lot of time to comment on the proposed critical habitat designation and I should tell you now that the Coral AP is going to coordinate to put a comments package together to submit for this.

The listing of these two corals as threatened is important for a couple of reasons. First, because NOAA Fisheries listed these corals as threatened, the prohibitions that apply to endangered species do not necessarily apply in this case. These prohibitions include take of the listed species, which is defined in the Endangered Species Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. It is a much broader definition of take than simply meaning the collection of listed species.

Also, in order to provide for the conservation of these species, the Service needed to determine if some or all of these ESA Section 9 prohibitions were necessary and advisable and this is what's known as the 4D rule, this determination.

The proposed 4D rule, after the Service made their analyses, extends all of the ESA Section 9 prohibitions, including prohibitions on take, to elkhorn and staghorn corals. NOAA Fisheries anticipates that the implementation of the proposed 4D rule regulations will discourage development of a black market, a regulating of trade of these listed corals, and also slow the rate of decline and reduce the synergistic effects by managing for lesser stressors, such as incidental

take and directed take and also reinforce and support existing federal and state regulations.

As I mentioned, take means all of these different things under the Endangered Species Act and the take of listed corals can result from numerous private and public activities, including recreational and commercial activities, by direct and indirect impacts and intentionally or incidentally and so all this stuff falls under the definition of take.

There are specific exemptions to the Section 9 prohibitions, through interagency consultation, as prescribed by Section 7, or permits issued under Section 10 of the Endangered Species Act. One is for scientific research and enhancement activities that would be conducted under existing permits that are federal, state, or territorial research permitting programs and two is for restoration activities that would be carried out by an authorized federal, state, territorial, or local natural resource agency. Those are the two exemptions.

The research and enhancement activities conducted under permits issued by the following entities are excepted from the ESA Section 9 prohibitions on import, export, and take and that includes the NOAA Fisheries Service, the National Ocean Service Marine Sanctuary Program, the National Park Service, U.S. Fish and Wildlife, including site permits for research permits for research purposes only, Florida FWC, Puerto Rico DNR, and the U.S. Virgin Islands DNR.

When NOAA Fisheries determined that these agencies were exempted, they determined that the permitting programs that were already in place through these agencies were restrictive enough that they could be exempted.

The proposed 4D rule defines restoration activities as the methods and processes used to provide immediate aid to injured individuals. This is the definition of restoration. Under this exception, certain federal, state, territorial, and local government agency personnel, or their designees, are excepted from the prohibitions when they are performing a restoration activity.

Again, there's several federal, state, and territorial government agencies that have authorization to engage in such activities and that includes NOAA, EPA, U.S. Coast Guard, Department of the Interior, Florida Department of Environmental Protection, Puerto Rico DNR, and the U.S. Virgin Islands DNR.

Under the types of activities that most likely would violate any of these Endangered Species Act Section 9 prohibitions, include those that are likely to result in take or harm of these corals and those activities would include discharging pollutants, such as oil, toxic chemicals, radioactive carcinogens, mutagens, teratogens, all the really nasty stuff; activities conducted in shallow-water coral reef areas, including boating, anchoring, fishing, recreational scuba diving, snorkeling, that stuff that can result in breakage or abrasion of these corals; interstate and foreign commerce dealing in listed corals, of course, importing and exporting listed corals; and activities that would modify water chemistry in coral habitat, to the extent that it would disrupt or prevent reproduction, development, growth, happy corals.

The mere fact that an activity may fall within one of these categories listed above does not mean that that specific activity is causing harm or injury and so these are just types of activities that are

likely to cause harm and so they're not saying people can't go scuba diving, but they're saying this is the type of activity that could potentially harm the corals and it just needs to be considered.

The proposed 4D rule, when it is finalized and implemented, would apply to all persons under U.S. jurisdiction. It would not prohibit recreational activities, like I said, such as fishing, boating, scuba diving, or snorkeling. However, if you injure or harm elkhorn or staghorn corals while conducting one of these activities, you may be in violation of the Endangered Species Act and you would be then liable for damage done.

Critical habitat -- I've explained, I hope, well enough what the 4D rule means and what it would mean as far as incidental take, or take of listed corals. The critical habitat designation, basically the critical habitat is defined as the specific area within the geographical range of the species at the time that it is listed, where those organisms are found -- Where there's physical and biological features that are essential to the conservation of this species and areas that may require special management considerations or protection.

There is language about primary constituent elements, which are factors that would then prompt the National Marine Fisheries Service to designate an area as critical habitat. The first step is to identify the geographical area occupied by these species and this is where they occur.

Step two is, like I said, identifying these factors for listed corals that are critical and these are based on a conservation objective of facilitating increased incidence of successful sexual and asexual reproduction, protecting the natural history of elkhorn and staghorn corals and their habitat needs, the physical or biological features of the habitat that is essential to their conservation.

This substrate that falls within all of these criteria is habitat that is shallower within thirty meters within the geographical range that I just showed you. This, you can't really see very well, but these are the areas that have been proposed and I think there's a map coming up that's a little bit bigger and so in south Florida, through the Florida Keys, Puerto Rico.

Because there is such reduced abundance of these species in their geographical range, these four specific areas that I just showed you were identified to include all available potential settling substrate in waters that are shallower than thirty meters. Areas that do not provide suitable habitat are man-made structures, existing man-made structures, such as boat ramps, docks, pilings, maintenance channels or marinas that don't provide what the corals need to survive. These are not affected by the proposed critical habitat designation.

Then another exclusion is based on national security impacts. There's one military site that comprises approximately forty-seven square miles that is proposed for exclusion because of national security impacts and this is an area in the Naval Air Station Key West and associated annexes that would be adversely impacted by a critical habitat designation, because they need to perform various readiness activities.

That sums it up and if you need more information, these are the folks that you need to call or

email, Jennifer Moore and Sarah Heberling in the St. Pete Regional Office. I will do my best to answer any questions that you may have or at least point you in the right direction.

Mr. Harris: Thank you, Myra. Are there questions? No questions? The next item on the agenda is Other Business and the first item under Other Business is the Energy Policy that Roger is going to update us on. I will tell you that the presentation on the effect of lobster traps on coral communities in the Florida Keys is going to be reserved for tomorrow, during the Spiny Lobster Committee meeting. We thank Tom for his willingness to hang loose and do that tomorrow morning, so we can get out of here perhaps on time. Roger, are you ready to talk about the Energy Policy?

Mr. Pugliese: One thing that we had raised at the last meeting and had been discussed at the Habitat and Coral Advisory Panel was the existing Energy Policy and the need to address some of the most recent activity through MMS and the quick move forward on trying to embrace alternative energy in the country, but specifically, in our case, in the South Atlantic region.

To that, there had been a document that I had provided to the council previously, the MMS's compilation of essentially all the available information on the impacts of alternative energy, a compilation of international information relative to that. With that document, it did provide some very specific types of impacts and recommendations.

It was developed through RPI in South Carolina and they did a fairly extensive job of acknowledging councils and habitats and essential fish habitat, et cetera, in doing that. What was discussed at the advisory panel meeting and then subsequently at the last council meeting was that one of the first steps in addressing an update was to integrate the base core sections of that document into our existing policy, at least to set the stage and get us in the hopper, because things are moving quickly.

They're already putting ocean turbines off the Florida Atlantic. That one image video that I presented, they're already testing some of these and so things are moving rapidly. There's been a call for technology research to address specifically alternative energy opportunities. That just came out from MMS and so they are really ramping up opportunities and so it's really important that we keep moving forward.

What I've done is I've provided this document to everyone. The biggest focus is on alternative energy, but it also does another thing, shoring up some information specifically on activities relative to hydropower, something that has been in the background and we've kept on letting it go. With the help of Prescott Brownell, with the Habitat Conservation of National Marine Fisheries Service, we've shored up some specific wording in this document relative to hydropower impacts.

This is one of the areas within the document that very specifically addresses licensing with FERC and it gets a little bit more specific on trying to very specifically identify specifications relative to National Marine Fisheries Service, tie it to some of our EFH determinations and kind of tie some of those key reviews directly into some of the concerns of the council and National Marine Fisheries, again acknowledging pieces and parts in here specifically with regard to

shoring up the information on licensing.

When get directly down to the -- We start talking about not only alternative energy, but the other thing that has been added in, again working with our partners at the Southeast Regional Office Habitat Conservation, are LNGs, very specifically addressing the fact that proposed coral HAPCs and the potential impacts relative to very early life stages.

Now, I will qualify that with the fact that the report had mentioned earlier, at previous council meetings, that they have been doing ichthyoplankton surveys relative to the Calypso Project and that report is out and I'll be distributing that to the council shortly and the advisory panels, but their analysis is concluding that it's nominal impact relative to the type of water intakes that they are doing, but I will distribute that to the council.

We did want to make sure that it is acknowledged and that that information be continuous, because right now, in the Calypso proposal, it is intended to be ongoing. This gets specifically to some of the alternative energy issues. This one subsection addresses potential impacts of offshore ocean current energy installations on benthic resources. It addresses construction, operation, and the construction has mainly to do with any bottom disturbances from the installation, sediment disturbances suspension, sound associated with the activities, direct habitat loss, habitat disturbance during cable laying, introduction of hard substrates and habitat disturbance relative to scouring.

In the operations, the operational sound and vibration -- There's a lot of concern over sound and electromagnetic issues relative to some of these activities, introduction of contaminants, mainly with regard to use of antifouling in the system, as well as introduction of different communities and fouling growth.

Potential impacts from the ocean currents -- Again, it's split up into construction and operation activities, habitat disturbance and loss and sound associated with pile driving and drilling are two of the key areas.

Under the actual operations of those, introduction of artificial hard substrate, scour impacts in the benthic habitats relative to those placement areas, electromagnetic field effects on any of the sensitive species, collisions with moving parts, which is their way of saying basically chewing up the fish or anything else that's swimming through the water.

Changes in water flow and pressures are the identified operational activities and moving into the last section here, its potential impacts on fishery resources from wave installations and there's a lot of -- All type of opportunities that people are seeing about near-shore waves and onshore surf zone facilities. There's all types of capabilities that people are investigating at this time.

With regard to those wave installations, anchoring and hard bottom around any of the sensitive habitats and in our case, specifically, any of those near-shore hard bottoms are all essential fish habitat, habitat areas of particular concern, especially off of Florida and even being more recently acknowledged off of North Carolina, in some of the possible future designation, as new essential fish habitat areas of particular concern.

Transmission cables cannot be buried in hard bottom areas, creating concerns for, again, any of those electromagnetic field impacts, if you have any species that are sensitive to that. There are antifouling agent implications and that some of the devices used in operation of this are essentially going to be drawing surface waters and entraining embryonic or larval fish.

The only other area, again -- As we move through the LNG, also, again, highlighting the water intake associated with closed loop should be minimized, the effects on fishery resources and so right in the front end, saying if anybody is even considering thinking about these things that they're looking at a closed loop system in our region.

In addition, any of the, again, bouncing one other point on hydropower, original licensing or re-licensing of hydropower projects, they should have ecologically-based in-stream flows and safe, timely, and effective upstream and downstream fish passage. This is getting very specifically to a point on in-stream flow concerns through this policy.

Bear with me for one last -- Under submarine cables, there was a shore up, specifically to identify the use of existing conduits is preferred over creating new conduits and this is tying to some of the EFH comment recommendations that have been done in the past.

This brings us to the last subsection that has been modified, alternative energy and environmental information needs. This gets to a lot of the discussions that were actually amplified at the workshop that was held by MMS, finer grain data, distribution of life history for key species, regional ecosystem, environmental assessments for specific projects, identification of the benthic habitat, and implementation of multiyear studies and understanding the seasonal distribution and the abundance of key species in each resource.

Development of better field data for baseline studies and post-construction monitoring surveys and focused laboratory studies to determine thresholds for potential effects resulting from exposure of types of levels of sound and electromagnetic fields. There's a lot of concern about what the implications of the EMF in sound relative to these and a lot of it really has not been tested and it's not known, in our region at least, and the development of guidelines to set acceptable limits of direct, indirect, and cumulative impacts resulting from installations and operations of alternative energy projects.

Guidelines are needed for all types of potential impacts, changes to hydrodynamic climate, erosion of adjacent shorelines, habitat loss and alteration, avoidance and attraction behavior, mortality, aesthetics, and loss of use.

While not being complete, this at least was a good place to start to get some of the key issues that are going to come up as we move forward and we're beginning to see some of these at least test opportunities come before the council common to our region. This was a first attempt to do this and this was provided to our advisory panel. We really didn't have a chance to get a lot of the additional shoring up and I'll kind of bounce back to Doug and say at least this is the first step on a move toward getting alternative energies more fully covered in this.

Dr. Rader: I won't add much to say, especially at this time of the day and after our in-depth discussions earlier of how important this is in this region, with the new uses coming into the Exclusive Economic Zone. This is exactly the right time for the council to engage.

Roger did a really great job of taking some of the other policy statements that have been developed, associated with the Minerals Management Service and others, and incorporating them into the draft that existed before. I think we've come a long way and made some really important progress on this issue, but stay tuned. It will keep coming.

Mr. Harris: Thanks, Doug. Remind me. There was something about a cable coming in from Columbia recently that we didn't -- Who is going to address that, that we didn't know anything about?

Mr. Pugliese: Maybe we'll address that at council session.

Mr. Harris: That would be fine.

Mr. Pugliese: Let me just at least note what --

Mr. Harris: Can you do it in one minute?

Mr. Pugliese: No.

Mr. Currin: Reading through the Energy Policy, Roger, is what started me thinking about the inconsistencies that exist between this document and the FEP and, again, I think that's extremely important. If we've got jetties and artificial hard substrates that are important habitat for our species that we manage, and I believe that they are, then we can't turn around in an energy policy and say you guys are killing us and you're putting in all these concrete things that are destroying habitat and all.

We at least -- I don't know the best way to solve it, but I would ask the AP to look at that particular issue and perhaps it can be addressed after installation and there are benefits that are derived from some of these hard substrates. I don't know, but it's something we need to deal with.

Dr. Rader: The AP, over the last ten years, has been around that particular block five or six times, trying to separate out the sort of fish attraction function from the actual production change function, admitting that certain kinds of habitats are shifted, from soft substrate to hard substrate. I think everybody does recognize that it's a two-way street. The real question is how we now move forward in a systematic way, not trying to react to individual proposals, but think about a more wholesale, system-wide change.

Mr. Currin: The only other thing I think -- I may have missed it, but I didn't see anything about wind power in there as an alternative energy source, which whose installation, and perhaps not operation, but installation, is going to have some of the very same effects that any of these other technologies are going to have.

Mr. Boyles: I want to reiterate on something that Roger said. I think it's important that we move forward on this. I participated in a conference call last week with MMS and they are going to -- They are scheduled to publish their proposed rule on alternative energy this summer and so that may be the proper time to address this with them directly, as part of the public comment period, from the council.

Mr. Harris: Kim wanted me to remind you all that there are additional copies of the Revealing the Deep DVD on the back table there and so if you don't have one -- If you've not received one yet, pick them up. Is there any other business to come before this committee today?

Mr. Pugliese: Another stay tuned is the sonar testing site DEIS was just published and I was going to -- I'll get that out as soon as possible. Actually, that has -- They published it and it has a deadline for comments by the 15th of March.

Mr. Harris: Thanks once again to the members of the committee and the members of the public and the various APs and to Tom and Carlos for the great work you all did in helping us out with identifying these VMS areas and if there's no other business to come before the committee, we are adjourned.

(Whereupon, the meeting adjourned at 5:35 o'clock p.m., March 5, 2008.)

Certified By: _____ Date: _____

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TABLE OF MOTIONS

PAGE 37: Motion to place the alternatives to require VMS in the golden crab fishery back into the document for consideration. The motion carried on page 37.

PAGE 39: Motion to include an enforcement buffer zone within the HAPCs in relationship to the golden crab fishery and the royal red fishery. The motion failed on page 40.

PAGE 41: Motion to approve all the alternatives proposed to establish the deepwater coral habitat areas of particular concern to take to public hearings. The motion carried on page 41.

PAGE 50: Motion to approve the FEP for public hearings. The motion carried on page 50.

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Golden Crab AP Recommendations Concerning Proposed C-HAPC Regulations

1. Southern zone – in order to preserve traditional golden crab fishing grounds shave the southern boundary along the 1200 foot contour.
   a. Create an "allowable golden crab fishing area" within the proposed Coral HAPC boundaries
   b. Move the proposed Coral HAPC boundaries.
   c. Develop a combined effort among APs and Management to redraw boundary lines and/or create allowable fishing areas. See attachment A for clarification.

2. Middle zone – in order to preserve traditional golden crab fishing grounds move the western boundary toward the east as shown by the latitude/longitude points provided and move the eastern boundary as shown by the latitude/longitude points provided.
   a. Create an "allowable golden crab fishing area" within the proposed Coral HAPC boundaries
   b. Move the proposed Coral HAPC boundaries.
   c. Develop a combined effort among APs and Management to redraw boundary lines and/or create allowable fishing areas. See attachment A for clarification.

3. Northern zone where fishing is taking place – in order to preserve traditional golden crab fishing grounds continue the eastern boundary north from the middle area boundary along the 700 meter depth contour up to 28 degrees 38 minutes, then along the 600 meter contour northwards to 29 degrees. Begin the western boundary at about 79 degrees 41 minutes longitude and 28 degrees latitude, extending the line northward along the 500 meter contour to 29 degrees latitude.
   a. Create an "allowable golden crab fishing area" within the proposed Coral HAPC boundaries.
   b. Move the proposed Coral HAPC boundaries.
   c. Develop a combined effort among APs and Management to redraw boundary lines and/or create allowable fishing areas. See attachment A for clarification.

4. Northern zone where there is no traditional fishing– create an allowable golden crab fishing area in the sand/mud region of the northern zone. Make provision for additional areas to be designated as "allowable golden crab areas" after research shows habitat allows fishing (e.g. cooperative research projects).

5. Require VMS or electronic logbook on golden crab vessels; equipment provided by NMFS at no cost to fishermen, however, monthly monitoring charges paid by fishermen. Explore use of some type of "pinger" on each end of the trap trawl line. Initiate a minimum 6-month "break-in" period for industry and law enforcement to understand where vessels are, where gear is and how well the system works while monitoring golden crab vessels. Before law enforcement actions commence the VMS system must demonstrate its ability to accomplish the intended purpose without the possibility of misinterpreted readings.

6. Explore cooperative research with scientists to integrate logbook, VMS to refine fishing operations and habitat characteristics. Use of this information to guide cooperative research in northern zone.

Golden Crab AP Recommendations
Attachment A

We participants in the golden crab fishery would like to clarify and qualify our position with regard to the proposed C-HAPC.

The golden crab fishery is a good fishery that harvests a valuable fishery resource for sea-food customers. The fishery was developed by the Council. It is the result of a joint effort of fishermen, scientists, biologists and management personnel working together along the guidelines set forth in the Magnuson-Stevens Fishery Conservation and Management Act. There is very little by-catch and virtually no by-catch mortality, thereby fulfilling exactly what the ninth national standard for fishery conservation calls for. There is no indication of overfishing or habitat destruction from the fishery.

For these reasons we feel that the Magnuson Act assures the golden crab fishery a continuing role in the United Stated fishing industry.

If the original C-HAPC designations are adopted the golden crab fishery would be adversely and severely impacted. Over 80% of traditional golden crab fishing grounds would be closed. At best, three of the five present fishermen would soon be out of business. The fourth would have his area of operation reduced by 50% and the fifth one would lose an important portion of his fishing area.

Additional consequences of such limitations on the golden crab fishery are grim. The following are illustrative of numerous other unwanted developments.

First, the fishery's progression toward achieving optimum yield would quickly stall and then be reversed.

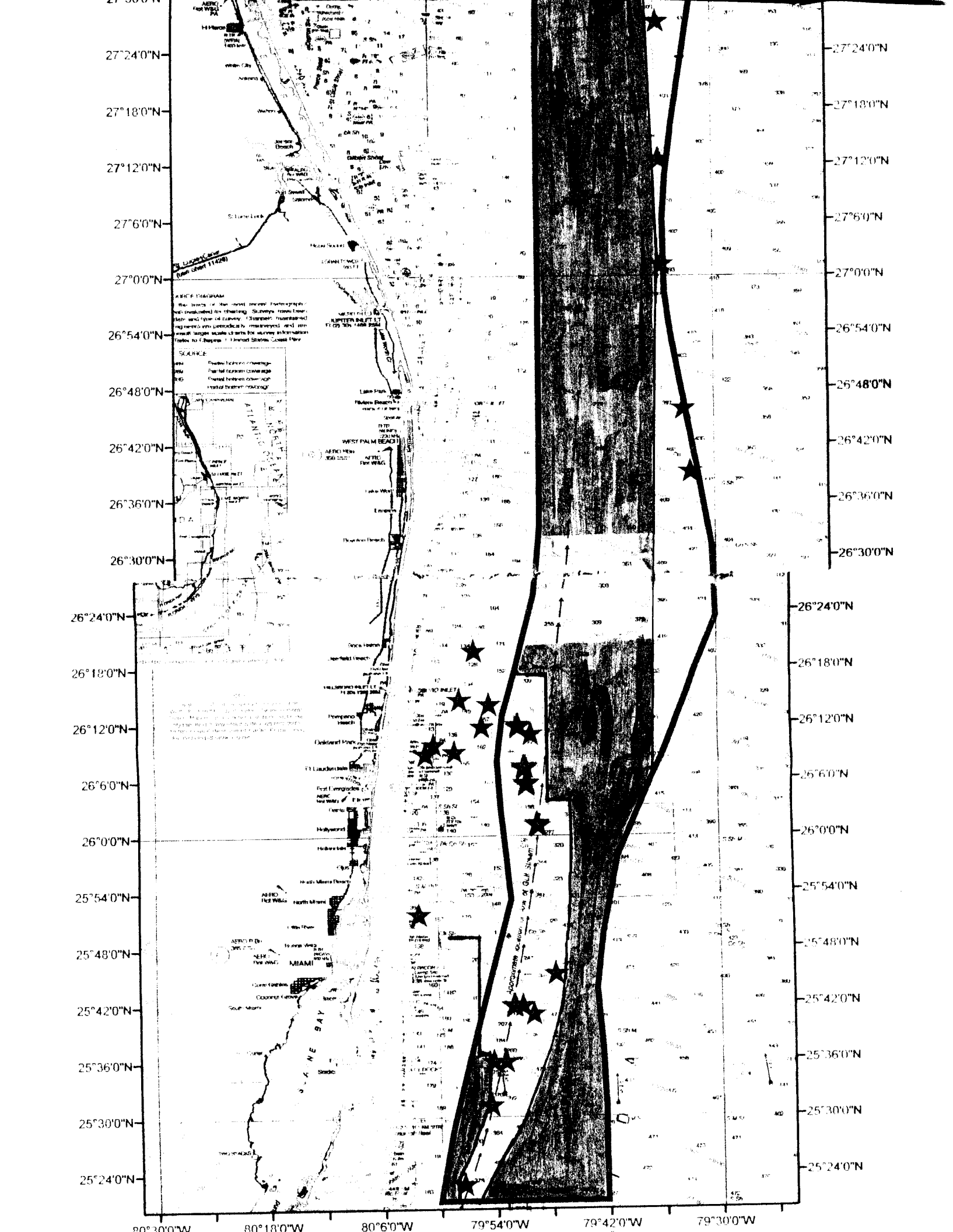
Second, concentrating the effort of the remaining fishermen into smaller allowable areas would cripple their operations, further accelerate the downward spiral of the fishery and lead to overfishing of these remaining areas.

Third, whenever more than one fishing vessel works in the same constricted area, trap lines will eventually cross. Life- threatening conditions develop when fishermen attempt to untangle lines in the deep water and strong Gulf Stream currents existing wherever concentrations of golden crabs are found. The probabilities of serious or fatal accidents would be increased significantly.

For the sake of all concerned, such consequences of strict adherence to the original C-HAPC designations must be avoided.

Along with our interest in preserving the golden crab fishery we also have a sincere interest in protecting our deep water coal reefs. Since we strongly believe our fishery operations do not conflict with deep water coral reefs and our traditional fishing grounds do not contain coral or coral habitat (that is, high-relief rocky areas or coral mounds), we are convinced that simultaneously protecting deep water coral and the golden crab fishery is an achievable objective.

In our recommendations "a" and "b" we offer two methods of protecting the golden crab fishery. We respect the Council's work and the huge effort that has gone into creating mechanisms to protect the C-HAPCs. Accordingly, we are receptive to any alternative method which protects both the coral and the vitality of the golden crab fishery. As indicated by alternative "c", we would be happy to work further with the habitat and coral APs along with Council Management to explore other options as necessary.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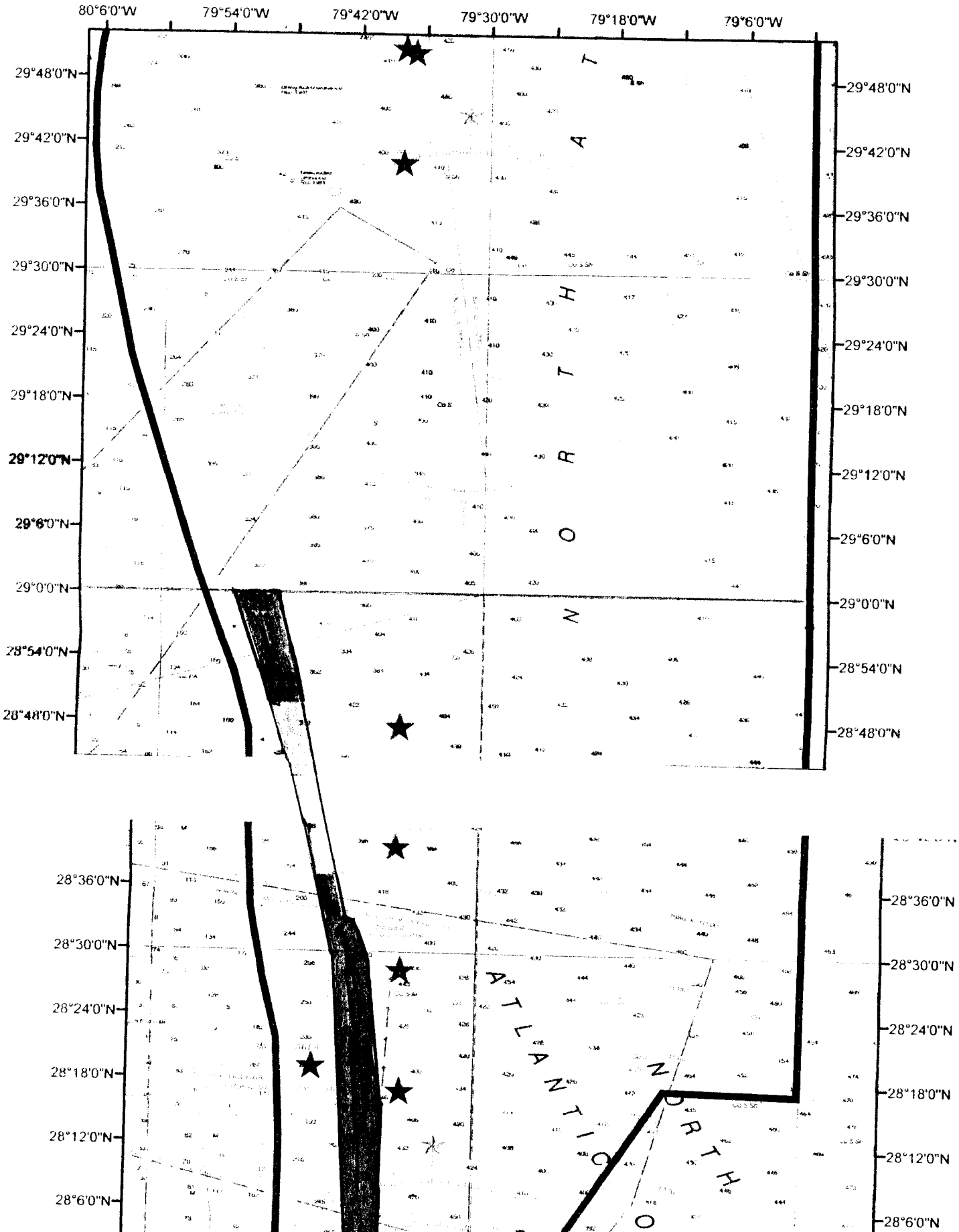
WEST PALM BEACH
MIAMI
BISCAYNE BAY
ATLANTIC OCEAN
FLORIDA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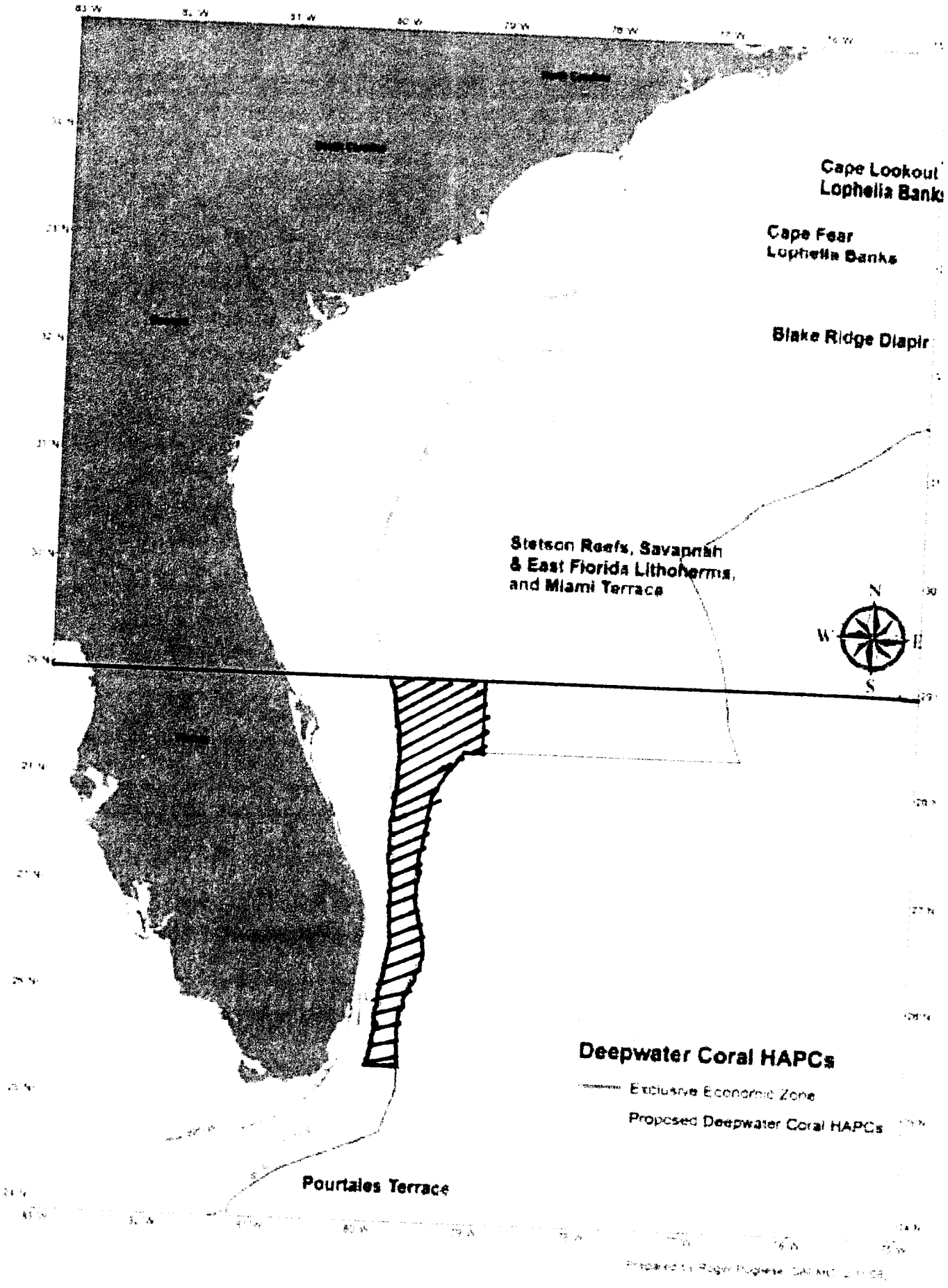

Figure 4-1. Proposed Deepwater Coral Habitat Areas of Particular Concern.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

Office for Law Enforcement,
Southeast Region
263 13 Ave. S.
St. Petersburg, FL 33701

Office of General Counsel for
Enforcement and Litigation,
Southeast Region
263 13 Ave. S.
St. Petersburg, FL 33701

February 29, 2008

MEMORANDUM TO: South Atlantic Fishery Management Council

FROM: Special Agent in Charge Hal Robbins 2/29/08
Senior Enforcement Attorney Karen Antrim Raine

SUBJECT: Oculina Bank Shrimp Cases

South Atlantic Fishery Management Council staff member Myra Brouwer forwarded the following request for the deepwater shrimp fisheries (rock shrimp and, if available, royal red shrimp) from the Deepwater Shrimp AP and asked that the information be available for the March 3-7, 2008, Council meeting:

> The AP requested that Council staff request information from NMFS Law Enforcement on the number of cases made based on VMS data. This is to include the ultimate determination of the case (e.g., guilty of fishing in area, innocent due to drifting into the area, etc.).

Between the implementation date of the VMS requirement for the South Atlantic rock shrimp fishery in October 2003 and February 29, 2008, 20 possible Oculina Bank cases involving shrimp vessels have been documented. Out of the 20 cases, 7 resulted in the issuance of NOVAs and NOPSs, 2 are under consideration, and the remaining 11 did not result in NOVAs and/or NOPSs. Two of the cases, not charged, involved royal red shrimping.

It should be noted that during the investigation and review of a case, all evidence, including aggravating and mitigating circumstances unique to each case, not just VMS data, is considered in determining whether a violation occurred, the appropriate enforcement response (including whether the catch is seized), and, if a Notice of Violation and Assessment (NOVA) and/or Notice of Permit Sanction (NOPS) are issued, the charges and penalties. Emergency and equipment issues are included in the circumstances that have been investigated. The unique

circumstances of each case are also considered in settlement negotiations.

The 7 cases that resulted in the issuance of a NOVA and NOPS are as follows:

SE044042FM Brent Zirlott, Jr./Rosa Marie, Inc. F/V MISS ROSA MARIE. Date of violation: September 29-30, 2004. The Notice of Violation (NOVA) was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a $30,000 civil monetary penalty. A 45 day Notice of Permit Sanction (NOPS) was also issued. There was no seizure. A settlement agreement was entered into with both the owner and operator for $15,000 and a 10 day permit sanction against the operator/owner/vessel for all federally permitted species.

SE044048FM Clinton Zirlott/Crystal Gale, Inc. F/V DEBRA LEE. Date of violation: October 1, 2004. The NOVA was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a $35,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was no seizure. A settlement agreement was entered into with the owner for $17,500. The Agency is pursuing collection against the operator, who had his permit sanctioned.

SE044049FM Wally Bozeman/Baron's Seafood, Inc. F/V MISTER B. Date of violation: October 2, 2004. The NOVA was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a $30,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was no seizure. A settlement agreement was entered into with both the owner and operator for $17,500 and a 23 day permit sanction against the operator/owner/vessel for all federally permitted species.

SE044058FM James Lupton/Abco Shrimp, Inc. F/V CAPTAIN A.B. Date of violation: October 30-31, 2004. The NOVA was issued jointly and severally to the operator and owner, who were charged with using a bottom trawl, or fishing for rock shrimp, or possessing rock shrimp in or from the Oculina Bank HAPC, and assessed a $25,000 civil monetary penalty. A 45 day NOPS was also issued to the operator and owner/vessel. There was no seizure. A settlement agreement was entered into with the owner for $12,500. The Agency is pursuing collection against the operator, who had his permit sanctioned.

SE044060FM Jason Dorman/Cieutat Trawlers, Inc. F/V THE SHOOTIST. Date of violation: November 5, 2004. The 2 count NOVA was issued jointly and severally to the operator and owner, who were charged with (1) anchoring or using an anchor and chain and/or possessing rock shrimp in or from the Oculina Bank HAPC and (2) failing to display a permit. The NOVA assessed a $50,000 civil monetary penalty for count 1 and a $1,500 monetary penalty for count 2. A 45 day NOPS was issued to the owner and a permanent revocation NOPS was issued to the operator. There was no seizure. A settlement agreement was entered into with the owner for

PLEASE SIGN IN

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

Joint Habitat Ecosystem-Based Management Committee
Jekyll Island, GA
Wednesday, March 5, 2008

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Eileen Dougherty	843-737-4466	Charleston, SC
Glenn Delaney, Southern Shrimp Alliance	202 434 8220	601 Pennsylvania Ave, NW Suite 900 Wash DC 20004
John Williams SSA	727-934-5096	P.O. Box 1577, Tarpon Springs, FL. 34688
Scott Zimmerman FKCFA	305-619-0039	PO Box 501404 Mth. FL 33050
CHIP Bellott	954 9649181	4671 S.W 35th AVE FORT LAUD. FL 33312
HOWARD Rau	954-612-3176	1673 NE 36th St ORLANDO PK FL 33334
Randy Manchester	9546329492	640 SW. 8th Terr Ft Lauderdale FL. 33315
Libby Fetterston	DC-FL	
Sera Harold	MFCN-NC	
Sarah Fangman	912.598-2420	10 Ocean Sci Cir, Sav. GA 31411

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4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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Jekyll Island, GA
Wednesday, March 5, 2008

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
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David Allison, Oceana	202-833-3900	2501 M St NW WA. D.C. 20037
Richard Venderhi - SSA	912-222-8796	POB 1781 Bwk, GA 31525
Darden Rice, Oceana	727-560-2479	110 18th Ave S St. Pete, FL 33705
Buffy Baumann, Oceana	202.833.3900	Wash, DC
Karen Raine GCEL/SE	727-824-5860	St Pete
Whitney Robinson, EDF	202.572.3305	1875 Connecticut Ave, NW Washington, DC 20009
Tom Matthews	305 289-2330	FWC/FWRI
Maynor Solorzano - F.S.A.	904 7570666	

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Jekyll Island, GA
Wednesday, March 5, 2008

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