

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ECOSYSTEM-BASED MANAGEMENT COMMITTEE

**Renaissance Orlando Airport Hotel
Orlando, FL**

June 9-10, 2008

SUMMARY MINUTES

Ecosystem-Based Management Committee Members:

Duane Harris, Chair	Dr. Wilson Laney
David Cupka	Mac Currin
Anthony Iarocci	Rita Merritt
Dr. Roy Crabtree	Dr. Brian Cheuvront
George Geiger	Susan Shipman
Mark Robson	

Council Members:

Lt. Brian Sullivan	John Wallace
Robert Boyles	Tom Swatzel

Council Staff:

Bob Mahood	Mike Collins
Roger Pugliese	Kate Quigley
Myra Brouwer	Kim Iverson

Observers/Participants:

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Dr. Doug Rader	Kay Williams
Dr. Tom Jamir	Hal Robbins
Dick Brame	Eileen Dougherty
Darden Rice	Dan Whittle
Buffy Baumann	Marilyn Solorzano
Dave Allison	Margot Stiles
Randy Manchester	Kay Stolk
Charlotte Hudson	Michael Travis
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Glenn Delaney	Bill Kelly
Dr. George Sedberry	Carolyn Belcher

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Adjournment The Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council convened in the Vienna Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Monday afternoon, June 9, 2008, and was called to order at 3:09 o'clock p.m. by Chairman Duane Harris.

Mr. Harris: This is the Ecosystem Committee and so we'll come to order. The first item on the agenda is Approval of the Agenda. If you all will indulge me and allow me a couple of quick modifications at the beginning of the agenda, I would appreciate that. With that, is there any objection to the approval of the agenda? Seeing none, the agenda is approved.

The next item is the Approval of the March 2008 Committee Minutes. Are there any changes, additions, corrections to those minutes? Seeing none, is there any objection to approval of the minutes from the March 2008 meeting? Seeing none, those minutes are approved.

The first thing I've asked that we do is ask Monica to just give us a brief history of the Antiquities Act and then I've asked Doug Rader if he will talk about the potential proposed national monument, which would encompass, to a large extent, the area of the deepwater coral HAPCs that we've been talking about. Monica, the floor is yours.

Ms. Smit-Brunello: This will be fairly short, much like the Antiquities Act, since it's about a paragraph long. I'm assuming, Duane, that this came up because of a recent report I think that was on National Public Radio and elsewhere about that this administration, the President, is considering creating massive marine reserves, which could include deepwater coral reefs off the coast of Florida, Georgia, and South Carolina, and the Antiquities Act was mentioned.

When I got asked last week to tell you all what the Antiquities Act is, I jumped into it and it's actually very interesting. It's found at 16 United States Code Section 431 and it was enacted 102 years ago yesterday and so it's an old act, 1906. I will read you the first sentence of it. It's two sentences long and so I could read both, but let's get through the first one.

It's: That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected.

When I looked at the U.S. Code, I noted that there were over 150 national monuments that have been designated under the Antiquities Act and thirty-six national memorials. Some of you may know the Lincoln National Memorial, the Vietnam Veterans Memorial. Those were all designated under the Antiquities Act.

The key here is lands owned or controlled by the Government of the United States. Because the Antiquities Act extends to lands controlled by the United States, it changes as the government's control over certain lands change. There has been some litigation on it through the years and the courts have spoken and it's fairly well entrenched.

The control of such a national monument rests with the Department of Interior and any other agency, if the President delegates management to another agency. The Magnuson-Stevens Act provides, as you know, that fishery management plans must be consistent with any other applicable law and the Antiquities Act, of course, would fall under that “any other applicable law”.

You will remember that on June 15, 2006, President Bush established the Northwestern Hawaiian Islands Marine National Monument by proclamation and he did so under the Antiquities Act. That encompassed a coral reef habitat of roughly, I believe, or maybe even more than roughly, 5,178 square miles, is that national monument off of Hawaii.

That sums it up, really, in a nutshell, unless anyone has any questions. I guess I would just say stay tuned, because I have no idea if this will come about or not, but I’ve heard, perhaps, Doug Rader can give us an update on that. Are there any questions from anyone?

Mr. Harris: Any questions of Monica? Perhaps there will be after Doug finishes. If there are no questions right now, I’m going to turn it over to Doug.

Dr. Rader: Thank you, Mr. Chairman. I want to say right at the outset that I may not answer all of your questions and if I don’t, it’s because I’m respecting privileged communications from people who have asked me to maintain that privilege, but having said that, what I am going to try to do, as quickly as I can, is brief you what I know about what is happening in terms of potential interest in taking the world class deepwater corals of the U.S. Southeast that we all together have spent ten years trying to manage in a way that maintains sustainable fisheries and protects world class habitats.

First of all, the genesis of recent events, as you know, has to do with President Bush’s legacy and his administration’s concern about his legacy and the phenomenally positive response that came out of the actions in the Northwest Hawaiian Islands related to Papahānaumokuākea National Marine Monument.

Our -- I say our, but the community of people who have been approached by the President to vet potential areas around the U.S. ownership, the Exclusive Economic Zone, were informed really early on that a variety of criteria existed. The two important ones that I am going to mention, number one, is that the prospective targets would be of appropriate absolute scientific and ecological quality to merit potential designation before they would even be considered and the second one, which I think is more important and may be less obvious, is that those would have already been subjected to extensive stakeholder-based evaluation, such that a fair understanding of stakes and rights and interests would already have occurred, so that he and they would be making assessments with that information in mind.

That general invitation, having been issued through a variety of informal pathways, some of which were captured in the NPR story and some of which weren’t and don’t ask me what I feel about that story personally, because that is off the record.

He and they, the administration, took input from all kinds of people and as you might imagine, the proposals covered pretty much every square inch of U.S. territorial waters, in somebody's interest or other, but it's real clear that the U.S. Southeast corals qualifies, by both of those two parameters, both being of very high potential quality, high known quality, and second of all, having been subjected to an extensive set of processes to evaluate the pluses and minuses of different kinds of actions.

It does, in that sense, qualify on both counts. I signed on and helped engineer a 121 scientist sign-on letter advocating -- You won't see the words "national monument" in it, but full protection of deepwater corals of the Southeast, along the way. When the word got out that the NPR story was breaking, in some people's view early, we decided to go ahead and release that letter. I had had it in my hands for a couple of months up to that time.

I know you saw that Governor Mark Sanford from South Carolina elected to urge the President to take that particular action. I wouldn't be all that surprised if there were similar things like that going on elsewhere. It seems to me like the important things to talk about have to do with what the implications of such a designation might be for the joint work that we're about.

I do think that Monica exactly correctly characterized the law and what it does and maybe what it doesn't do, but it's really clear that what a designation would have to include would be a set of bounds and a rationale for having chosen those bounds, a plan of management, including a designation of agency, if any other than the Department of the Interior, to manage it, and then, in the words of the law, proper management, in general terms, to be achieved through that designation and subsequent management planning.

There's nothing in that law that precludes the carefully crafted management outcomes that I think we together have been working on for quite a long time from being fully implemented either way, either under the auspices of the council and NMFS, per se, within the Department of Commerce, or as a national monument, and particularly if the management decision were made to dedicate, to designate, NMFS, in fact, as the implementing agency for that national monument, with the concomitant resources that that would require.

I guess I want to assure you that to the extent that I have anything, that we have anything, to do with it -- I have no idea. My crystal ball is probably as muddy as yours whether the administration will make any decisions or not, but if they do and if they elect to go forward with this process, there is every likelihood, given the communications that we have continued to receive about their very strongly held belief that it should be tied to an informed stakeholder-based process, that the outcomes here would be central, in fact a necessary, foundation for anything that might happen beyond that.

Hopefully, in fact, that a -- I think there are two reasons to consider advocating such a designation. Number one has to do with activities other than fishing and the potential prospective threats in the future of non-fishing activities developing in these deep waters and the kind of improved management that can come from that and then number two is resources.

You all know how hard it has been to get the resources we need to fully implement our Oculina

research and monitoring plan, our deepwater coral research and monitoring plan, and for that matter, all the normal requirements of all of the FMP amendments in this region. The squeaky wheel does get the good stuff, the northwest Hawaiian Islands, the Puerto Rico shelf from the Coral Reef Task Force, and other things.

If it were to happen and happen in a correct way, it could provide a way to get those resources. Wearing a purely -- Remember, I do wear two hats, one you get to command and one you have less say over, but I think as an Environmental Defense Fund employee that if we can do it in a way that maintains the integrity of the process created here that it would be a good and effective overlay along the way and it would help us get the resources we need.

As one of your officials, I'll do what you tell me to do with that hat, in terms of -- Actually, I'll do it anyway. I'm going to do everything I can personally to make sure the integrity of this process is maintained. I don't know if that's what you wanted, Duane, but that's --

Mr. Harris: That's exactly what I wanted, Doug. Thank you very much and I very much appreciate you telling us what you could tell us that you know about the idea of a potential designation. At this time, I'm going to call on questions of the council and questions of Monica or Doug.

Mr. Currin: I have two questions for Doug and I think you answered one, Doug, but my question is the implications of action or inaction on the part of this council regarding this particular issue and how that might affect that process and then the other question I have is regarding the implications for what I perceive as gaps between the lines that we've drawn on maps that I think a lot of people suspect, if we had the resources to look at this, would be identified as similar to the ones that we are aware of.

If we go the monument route, the monuments are implemented or passed and we've got gaps in between and how easy or difficult is it to add those as either monuments and -- Certainly, we could do it independently of them and offer some level of protection.

Dr. Rader: I think you've answered really both of your own questions, but I'll rephrase my answers to them, just for the record. I think continuing the council process to the logical, successful conclusion is paramount, irrespective. In some ways, I don't think we, our community, should worry too much about it. If we get the answer right here, it's the right answer and it will be memorialized if anything happens at that higher level.

It certainly would be the wrong thing to do to in any way interrupt the important, critical progress, leadership progress, this council has established and particularly if something else is going to happen that's going to be guided by the sensible, common ground that we build together. It makes no sense to drop that ball and so I hope there's no lack of clarity about this. Getting this council process completed and completed right is job one, period.

The second question about gaps is an important one and we've had some discussions about it, since our information is incomplete. I know you will remember from after the last meeting in the fall, when we warned you, the APs, two APs, warned you that there were areas where there

probably would be some additional discoveries. If you look at where those are -- Some actually have already been made, up to the north, between the Cape Fear zones and down.

Most of them are outbound, in even deeper waters, less accessible waters, and I would -- There obviously are processes to adjust boundaries, including follow-up designations by Executive Order or by congressional action or, probably most sensibly, by action of the council and the Department of Commerce.

Mr. Harris: Are there other questions?

Dr. Rader: Of course, I'm just a scientist and I'm not an attorney.

Mr. Iarocci: The conference call we had last week when we were dealing with all the committee meetings and this came up -- After that went through, I started thinking about what happened in Hawaii and I made some phone calls to some of the fishermen out there that are still waiting on some money that's supposed to be coming in for the guys that lost their permits that aren't fishing there.

I like everything you said, Doug, and I really appreciate what you said and Monica was short and sweet, but I'm a realist when it comes to politics and how Clinton did what he did and how President Bush can with a sign of his name put this monument in and all the work we've done and involved the fishing industry that's fishing out there, which are clean fisheries and they need to be considered to this stage -- I just hope that in the future we can push forward what we're doing with this plan and this amendment and consider these fisheries and not have a blanket closure like they did in Hawaii.

I hope we do have the time, because from what I'm hearing from the people that I know in D.C. is that he is considering this and he's considering this -- I just got a letter from Kay today in the Gulf of Mexico and they were going to do that Islands in the Stream and there's consideration and we are doing the right thing to save this deepwater coral and I know that, but I just want to put it on the record that I am concerned about this, number one, and I just hope that we can move forward what we're doing and get this done and not have any changes to it or if we are going to be a part of this, we consider and they let the councils help do some of this in the future, not like they did in Hawaii.

Mr. Harris: Tony, thank you for those comments. I couldn't agree with you more. I think those are extremely important comments for us to hear and to take to heart.

Mr. Boyles: I'm not on your committee, but, Monica, I've got a question for you. Perhaps most of my questions revolve around the issue of timing and the development, presumably, of a management plan, should this come to pass. I'm curious as to what level of engagement this council will have, but perhaps more importantly, just the effect the constituents might have, should a designation be forthcoming, via an Executive Order, I guess. Is there an Administrative Procedures Act and are there public hearings? Kind of talk to me about this, if you could.

Ms. Smit-Brunello: Robert, I really don't have much information on that at all. I know out in

Hawaii, and Tony could speak to this better, I believe this area was being vetted with the public and discussed as a National Marine Sanctuary and that's, I think, the lines as -- I just have very little knowledge about this, but I think the public thought it was going to go down that road and then it became a national monument via a presidential proclamation.

Out there, there was a lot of public input via the sanctuary process. I don't know that there was any public input as to the national monument designation. That I don't know and I'm assuming there probably wasn't too much.

One thing I meant to point out too was these areas are quite different and I hesitate to bring this up, but I thought you might be interested. The Northwestern Hawaiian Islands National Monument proclamation set out terms and conditions, such as, and I thought you might be interested in this, entry into the monument, including mandatory use of NOAA-approved VMS by vessels and notification prior to entry and upon leaving.

The proclamation prohibits taking, possessing, injuring, or attracting any resource, altering the seabed, anchoring or deserting a vessel, touching coral, possessing fishing gear unless stowed, and swimming, snorkeling, or scuba diving within the special preservation areas or special management areas. However, some of those activities are allowed by permit, but you have to get a permit.

Then permits cannot be issued for exploring, developing, or producing oil, gas, or minerals. Use of poisons, electrical charges, or explosives to collect or harvest any resource and, course, anchoring on a coral and then holders of permits for commercial fishing for bottom fish and associated pelagic species will be allowed to continue to fish in the monument for five years and then they will be phased out.

Now, remember this is -- I don't know if it's like the coral areas over here, Doug, or not, but there, many of these things, for all I know, were possibilities under the Sanctuaries Act already. I really don't know, but I'll find out a lot more information for you and bring it back, but I don't know to the extent the council would be involved. I really don't.

Mr. Boyles: To that point, Monica, what you're telling me is all of those things you just recited were part of the proclamation?

Ms. Smit-Brunello: Yes.

Mr. Boyles: Not part of the development of a management plan? That speaks volumes to me. Thank you.

Mr. Robson: I'll be reiterating, but when the Islands in the Stream issue came up and the Fish and Wildlife Commission expressed concern about that process and the fact that the fishery management council process had not been included at that point, I think this is a very similar situation, if you're looking at significant fishery management regulatory actions that could be taken. It's more or less preempted by the designation as a national monument.

That's something that I would continue to be concerned about as a council member and certainly representing the Fish and Wildlife Commission, I know they would be concerned about it. I think we need to be very clear that we want to have a role and that we have a process that we've been working on for these deepwater coral areas that is a good one and if we're going to be looking at a management plan and looking at regulations, those need to have a lot of weight put behind them, if they are going to go down this path of setting up a national monument, but I don't think we really have much control over it and I think that's a concern.

Mr. Harris: Let me just say this. I think we don't have any control over it and you're correct, but the process that we have been going through and the roads we've been going down and working with, our Habitat and our Coral APs and our Golden Crab and Deepwater Shrimp APs, has worked extremely well.

I thank the fishing public and the environmental community, who has done yeoman's work in this regard, in between all the meetings that we've been having. We'll find out today, but I think we're pretty close to working out an agreement on this and hopefully if and when we do have that agreement, we can put that information forward.

A lot of the people that are working to get this designation done by the President, in my opinion, are people that know what has been going on in this council process and I don't think too many of them really want to see this process preempted by designation. I'm sure there are some out there that probably do, but I think as long as we keep going down the road we've been going down and do it in a timely fashion, I think that's all we can do and I think if something happens and they take that away from us, I won't be a very happy camper, but I know that that's still a possibility.

Mr. Iarocci: To that point, I was involved -- I was very involved with the Sanctuary process throughout the Florida Keys and I was brought into that Hawaii thing at the time and I was dealing with the industry and low and behold, there I was, telling these guys don't worry about it and they didn't impact us and they let us be a part of process, be a part of this and deal with it. We'll go through the motions and give the public testimony and in the end, they turned around and all that stuff they did, they didn't consider that at all.

He came in and signed away on the bottom and turned everything back and said, sorry, boys. Only one aspect, the bottom fishermen, had a five-year reprieve. The other guys, the spiny lobster fishermen, are still sitting there with their boats and traps, wondering what they're going to do. That's what scares me.

We've got a great process. You're right, Mr. Chairman, that we've got a great process and we've got the fishermen involved and we've got people at the table and we've got people in the audience and we've been doing this for a long time. Give us the credit and let us take the benefit and let us do this. Don't come in on the tail-end of this and take credit for us and sign on the dotted line and go out with a blaze of glory and look like the big shot, because I'll tell you, I'll be upset. I'll be really upset over this one.

Mr. Currin: Monica, I just wanted some clarification. I'm not sure I heard exactly what you

said. When you were talking about the regulations that were implemented under the monument, were they or were they not a part of the MPA or sanctuary process that they were going through before the monument designation?

Ms. Smit-Brunello: I said I don't know. The items that I mentioned were part of the proclamation and what I suggested that I would do is go back and perhaps I could look to see, if you're interested, whether they were part of the sanctuary process as well. My guess is they're pretty detailed and they very well might have come out of the sanctuary plan.

Mr. Currin: I would very much appreciate knowing that, because then that would tell me how scared I need to be.

Ms. Smit-Brunello: That's why I was a little hesitant to bring this up, because I don't believe it's a one-size-fits-all deal here and this was -- The items I mentioned were in the proclamation, but that does not mean -- You heard me say that there are over 150 national monuments and they're not all the same and so I brought these to your attention because it was a marine monument and it was enacted fairly recently, but I have absolutely no idea if those kinds of items and restrictions would be put forth on something that would be designated in the Atlantic.

Mr. Mahood: I'm just going to go on my recollection from my compatriot out in the Western Pacific, Kitty Simons. Basically, I don't think it followed anything. It just stopped fishing in that area and if you look at the -- There's a very large national monument in the Caribbean that precludes the Caribbean Council from any management in that area.

I think historically, if you look at it, the councils are not involved in any management in any national monument. Now, maybe Roy knows of something I don't know of, but -- In deference to Doug, I know Doug would like to keep the process where the councils are involved in it, but when that paper is signed, it's just going to be a broad brush across the country, if there's a number of them. I'll guarantee you probably there's not going to be much council input into what happens out there and that's just my feeling, from what I understand of what's gone on in the past. Now, certainly it could be done differently, but I would be concerned.

Mr. Boyles: Again, I'm not on your committee and unless my comment has been misinterpreted, I think we ought to recognize that this is another tool that's available to the powers that be and I think it's wonderful that we've got enough interest in groups operating independent of this process and other processes, using the tools that are available to them, to seek protection for these magnificent resources.

Having said that, I was privileged last year to participate in the final vote in Amendment 14 that many of my predecessors and many of you all worked very, very, very hard on for a very, very long time. Despite the glacial pace that Amendment 14 took, it really represented a change of attitude and a change of thinking and I'm still hearing about these MPAs and I think the concern that I've shared with some of Doug's colleagues is that we face monumental tasks before us in managing our resources.

I do believe that none of us can do what we need to do by ourselves. I'm interested in durable

decisions, decisions that last, consensus, because I believe we can build consensus on protecting these resources and I believe we have, through the work of this committee and others, but I am concerned about just what Tony referenced, about kind of walking out in a blaze of glory that this thing gets done.

That, I'm afraid, might promote cynicism and we can't be patient and we can't work through a slow process, a long process, and we need to do these things now. I just -- My request for a briefing on the Antiquities Act was just to know the kinds of things that are potential outcomes of the application of the Antiquities Act and so, Monica, I appreciate you bringing to the council one example and it may be an outlier. I recognize it may be an outlier, but it gives us a sense of one potential outcome of the application of the Antiquities Act and so thank you.

Mr. Harris: I'll take one more question, if there are any, and then we're going to move along to the main agenda items. Are there any other questions or comments? If not, what we have before us today is we're going to review the written and email comments on both the Fishery Ecosystem Plan and the Comprehensive Ecosystem Amendment. We're going to hear comments from our SSC on both of those items and take whatever action this committee deems necessary. At this time, moving on to the agenda, I'm going to ask Roger to review the FEP public hearing comments.

Mr. Pugliese: We did take the FEP and the Comprehensive Amendment to public hearings between May 7 and 15 and had a deadline of May 16 as the written comment deadline. We received a number of comments on the comprehensive amendment and a few on the ecosystem plan itself.

The written comments really were to build on the Fishery Ecosystem Plan, which is our broad document for, of course, the biological, social, economic characteristics of the Southeast. This document is updating our EFH and is serving for the Comprehensive Ecosystem Amendment.

The written comments on the FEP were nominal. We had just a few comments really that looked at regulating oil companies and looked at one -- The description of the recreational deep drop fishing is going to be useful, because we'll be able to integrate that into the fishery description for the swordfish fishery within the FEP, which everybody was concerned about having that detail, so we understand what the implications are for potential any impacts, et cetera, and I think a lot of that was clarified, at least about the operations.

With that, those were really the only specific written comments on the FEP, other than acknowledgment of it as part of the process and supporting the Comprehensive Amendment. Those were kind of folded into some of the other comments from organizations, et cetera. That is the level of what we've received.

With regard to -- Actually, Carolyn Belcher will not be coming in right now and so if you would like, at least I can touch on some of the comments. It was just a brief discussion the SSC has had. This is the second version of the Fishery Ecosystem Plan before them and they had provided -- The main discussion was to ensure that the social and economic sections are available for review and ensure that those are fully complete as we finalize this document, in

advance of the next round of public hearings.

That really was the broadest comment from our SSC and so it was very limited at that point and moving forward. It is a voluminous document and acknowledged as a living document that's going to evolve as the council process moving towards ecosystem management moves forward.

Mr. Harris: How are we coming with the social and economic sections of the FEP? Are we getting close to finalizing that?

Mr. Pugliese: We're getting closer. This is going to be the crunch after this meeting, to make sure that we get all the final ducks in a row on what we have. We do have some outliers in there to be added still, but those are either going to be added or if we don't have the information, it's going to be forward and so it will be complete for the next round of hearings and one of the big things is that we do have -- Going into the amendment, et cetera, we had some input directly from National Marine Fisheries Service and hopefully we can get some additional support as we finalize these documents.

I think now the Habitat Conservation and other divisions are looking very closely at this that's getting finalized and moving outside of the council's hands and so hopefully we'll get all of the individuals -- There will be a call to all of our writing teams and other participants immediately when we get from this meeting, to really finalize any of these sections. Now is the time to get their last comments, the final tweaking, so that we can have this ready for completion for this next round of public hearings.

Mr. Harris: That section or those sections will then be available to the SSC for final review and comment before this plan is finalized by the council?

Mr. Pugliese: They will get it in advance of us submitting the documents for the Secretary in December. That's one of the reasons there was desire to have certain members at least look at some of the subsections prior to going to the round of public hearings.

Mr. Harris: I just want to make sure that our SSC has an opportunity to review all the sections before this council votes finally on this Fishery Ecosystem Plan and submits it for formal review. We can't go it without the SSC having had that opportunity. Questions of Roger on the FEP public comments? Let's go right into the Comprehensive Amendment, unless there's something else.

Mr. Pugliese: Let me just touch on the actual public hearing comments, because I highlighted just the written and the other ones. Again, these were the broader sense and they actually captured both the public hearing comments on the FEP and looking at the future, as the FEP is translated into possible action the council may take.

Support for creation of protected areas, looking at protection of watershed and near-shore communities, reef ecosystems through a collaborative ecosystem-based approach. The council should focus future ecosystem activities on addressing two major areas, trophic interactions, food webs, and forage fish, as well as looking at time and area management. A lot of these are

tracking many of the intents of what the document is doing and the council is doing.

To look at stopping drilling to solve energy problems, educate fishermen on the impacts of gear, what their gear can have actually have on the environment, so there's a more knowledgeable fishery operations. Manage the ecosystem for balance, there is some discussions about the whole prey/predator issues and very specific comments on goliath grouper and with the implication of harvest and removing harvest of one area actually produces more burden on other species, that whole connection, the ecological connections, need to be addressed.

Habitat protection as the foundation for sustaining fishing in ecosystem, the need to understand the entire ecosystem, including the impacts of predators and as well as non-fishing impacts, ocean outfalls and algal blooms, and concern over impacts of global warming, ocean acidification, with, of course, relationship to fishing operations, opposition to any future closed areas for recreational fisheries off of Cape Canaveral, Florida or Port Canaveral, Florida, and also streamline the deepwater coral protection process, figure out a way to make it move quicker, as well as support for aquaculture to grow fish. Those are some broad sense either issues or areas to address in the future relative to the ecosystem plan.

Mr. Harris: Questions of Roger?

Dr. Laney: Roger, in light of the comments about focusing future ecosystem activities on addressing the trophic interactions and food webs and forage fishes, is the preparation or work on an Ecopath model still on the council radar screen at some future point, I guess, and on the committee's radar screen, for that matter? I think it should be and I think that's -- Even though it's imperfect as far as using it as a management tool at this point in time, I still think it's the only way for the council and the management community to really get a sense of some of the relationships between the different resources that it's responsible for managing and I would like to see us pursue that.

Mr. Pugliese: As a matter of a fact, we did have another ecosystem workshop earlier this year and really brought together a broad group of individuals involved in a whole different number of aspects, of either data collection or following up on some of the previous Ecopath activities and some of our key advisory panel members, like Pat Halpin and some of our ocean observing individuals, Cisco Werner and some real people, thinking forward on building ecosystem efforts, as well as the State of Florida's representative doing the Ecopath modeling. They all participated with the intent of building a collaboration across the region, to move forward.

The idea is that we are going to also look at an additional workshop later this year in Florida, to pick up and move that forward. There had been a number of individuals that are submitting possible proposals for some ecosystem modeling efforts in the future, for our region, but the idea was to try to get a more concerted effort, really something that maybe can actually even be funneled into the finalization of these documents on doing an Ecopath and doing other modeling efforts and then setting the longer term modeling future, looking at all the resources we have.

One of the springboards was the information that's being built through our habitat and ecosystem IMS system. It's going far beyond just an internet mapping system. It actually is going to have

a lot of information that can be built and drive models. Virtually all the fishery independent programs will have funnels through that system, MARMAP and SEAMAP and the Albemarle and Pamlico Sound survey and any other ones that can be brought together.

There's going to be an avenue to build from here, to hopefully do exactly that and to pick up where we left off on the last Ecopath build and new efforts as well, to look at other model capabilities, because there's a lot of people thinking outside the box and working with us right now in the Southeast region, especially with Pat Halpin's group in North Carolina.

Yes, we are not dropping the ball. The intent is that we're going to move forward and not only for the short term, but for the longer term, to build tools for the council to look as we get to looking at multiple species efforts under the new comprehensive ecosystem amendments in the future.

Mr. Geiger: Roger, is there another page to this? Do you have more under written comments on the FEP?

Mr. Pugliese: No.

Mr. Geiger: Maybe I'm in the wrong place in the document, but I believe there were some comments from the Southern Shrimp Alliance and some other folks in regard to boundary lines and suggestions.

Mr. Harris: Those are related primarily to the Comprehensive Amendment, rather than the plan itself. I think they were inserted in both places in your briefing book, because there was some overlap. You got them from the Southern Shrimp Alliance under both the FEP and under the FEP Comprehensive Amendment. You actually had them twice in the briefing book, I believe. We'll be discussing that in just a minute anyway. Other questions or comments about the FEP? This is the time, if the council has any additional comments. I knew I could stimulate Roy to ask a question or make a comment.

Dr. Crabtree: We have a number of comments that, as I understand it, have been provided to Roger. A lot of it has to do with parts of the amendment that are still out of date. For example, the VMS section refers back to the cost shall not exceed \$1,200, which I think is what was done back in rock shrimp, but these units are running around \$3,000 to \$3,500 now, at least a year or two ago they were, and there's a reimbursement program that's in place.

There's still a lot of the amendment that will need to be updated and we can work with you guys to talk about that and I still am confused by just the title of the amendment, the Fishery Ecosystem Plan Comprehensive Ecosystem Amendment of the South Atlantic Region. It just seems confusing still to me.

It's not amending the Fishery Ecosystem Plan and it's not amending the South Atlantic Region. When you just read that one statement, it's not clear to me what this is. Now, later down, it says it's Amendment 6 to the Coral Plan and Amendment 3, but I still think it's confusing to the public and I still get confused talking about the FEP and the CEA and these things and so I know

it's got to be confusing to the public and I wish we could come up with some more clear terminology to put in the bold type to define this.

There's still a lot of economic work and other things to be done and updating landings and all that type in the amendment that we addressed in our comments and we'll work with folks to try to get that done.

Mr. Harris: Thank you. Other comments?

Mr. Geiger: Certainly I appreciate the confusion caused by the title, but does anybody have any suggestions or alternatives that we could use in lieu of? I think we would accept those in writing and consider them.

Dr. Crabtree: The clearest title, to me, is Amendment 6 to the Coral Plan and Amendment 3 to the Golden Crab Plan. That's really what it is. I know the desire to reflect the ecosystem part of it and I guess I would just ask staff to work together and see if they can't come up with something that's a little clearer on that.

Mr. Pugliese: To that, I think one of the big things is maybe just the idea of having the Ecosystem Plan connected with the Comprehensive Amendment in the title. The Comprehensive Ecosystem Amendment is going to be the amendment that the council uses to amend multiple plans in the future, once all the other amendments are run through the process. At least that's the way this has been identified as being a mechanism.

This would essentially be Comprehensive Ecosystem Amendment 1, with any amendments to existing plans that need to be amended. That's the intent of trying to at least keep the title of Comprehensive Ecosystem Amendment, whether it has the Fishery Ecosystem Plan in it at the same time is the call of the --

Dr. Crabtree: I voiced my disagreement with that on any number of occasions. I don't think that's going to work. It's not clear to me when the council actually decided that and I don't think it's realistic and when you look at what we're doing now, it's really not what we're doing. We're still amending our plans based on when we're getting assessments and when the requirements are happening and so that's a whole broader issue that I guess we'll just have to wait and see how that plays out in the years to come.

Mr. Currin: Roy makes a good point and, Roger, I know I've mentioned this to you before and I hope we can make every effort that we can to update those landings data, because what's published in there now is already three years old and by the time this thing is published, they're going to be four, perhaps, plus years old. I really do think when this thing hits the ground that it ought to be as up-to-date as it possibly can be with regards to landings and state-supplied data and all of that.

Regarding the last point, perhaps some clarity could be added by referring to it or having on the title page the Comprehensive Ecosystem Amendment 1, which amends Coral Plan Number X and Golden Crab Number X, so that it at least cues people in to exactly what it does.

I don't know, but the whole overall issue that Roy is talking about, I know the council has discussed that and has agreed that the comprehensive amendment pathway is a good one, at least in theory. How it works in practicality or actuality, I don't know, but I think everyone so far is committed to at least starting down that road and see where we go.

Mr. Harris: To that, Roger, or other comments or questions?

Mr. Pugliese: Just a quick comment is the way we've structured the title, other than, again, having the Fishery Ecosystem Plan in the front of the document, it does state it as the Comprehensive Ecosystem Amendment and identifies those specific amendments, which is exactly the way we did it when we did the Magnuson amendment, as well as the EFH Amendment. We're following down a path that has worked in the past, in terms of looking at multiple plan amendments.

Ms. Shipman: I think the difference is with habitat, with EFH, we actually had two documents. We had the EFH plan and then we had the amendments to all the other fishery management plans. There was the huge document that was the EFH, the blue book, so to speak, that was the plan and then we had the amendments for the other species. It was a little bit different, but I would think we could look at it -- I think it can be fixed structurally.

Mr. Harris: I think you're right, Susan, and I appreciate that and I appreciate all the comments on this. I know it is confusing to folks and we need to work on getting rid of the confusion, to the maximum extent that we can. We've been going down this road with this Comprehensive Ecosystem Amendment and that's what it is, but it does amend some specific fishery management plans. Let's work on the title and try to get those amendments to those plans in the title in such a way that it's less confusing to folks. Just give us some time to do that. Are there other comments on the FEP itself?

We're going to move into the Comprehensive Amendment now. Whatever we call it in the future, that's what it is right now, Roy. I know, I know. Public Hearing and Email Comments or Written Email and Public Hearing Comments on the Comprehensive Amendment, are you ready to give us those, Roger? All right. We're moving into that.

Mr. Pugliese: We received a number of comments. Individuals got a summary package for the ecosystem amendment comments, as well as written and public hearing. The written comments were provided as identifying the time received and specific points of areas and it was limited enough -- I was going to walk through the major areas that were identified by the individuals that provided those to us.

We had a number of different organizations and agencies and individuals provide comments in writing, email, as well as fax. The 100 Fathom Fishing Club supported the HAPC designation, with specifically prohibition of bottom longlining and trawling, as long as it did not prohibit recreational deep-dropping. We had the Delaware Chicken Farm and Seafood Organization requested the council not reduce anything that would limit the supply of golden crab to their operations. One representative recommended designation of a separate national monument for

the area.

From a number of captains, again, they had, finally, getting some very detailed description of the deep-drop swordfish fishery and recommending that -- Clarifying some points, that originally much of the fishery was using lead in terms of the drop areas and now they've shifted to cast cement or bags of sand and pebbles, to reduce the -- Number one, really their cost on doing that, but it also reduces the impact on any bottom. They clarified the operations on how they do that and, again, I indicated we can include that into the FEP also.

In addition, we had representatives from the Canaveral Shrimp Company specifically request that there be a buffer created, buffer zone, relative to the operations of the royal red shrimp fishery, to address issues such as disabled vessels and any problems that may occur, turning, et cetera, within the area. They also requested possibly a shift in the western bound of the HAPC itself, to look at the VMS information and address how that bound would be changed.

Also, we had a comment specifically from one of our highliners in the deepwater shrimp fishery, royal red, Woody Moore, who supported the designation of the habitat areas of particular concern as designated, indicating that the 400-meter contour truly was the habitat distribution of coral and agreeing with our scientists. He didn't support the extensive proposals that had been laid out, the six all twelve and eleven-mile proposals that were brought to public hearing in the original recommendations for the areas.

We had comments from Oceana, under Ocean's title, but really from many of the researchers in the Southeast and international, including Jeff Ross, John Reed, as well as Andy Shepard, supporting the designation of the HAPCs, as well as reducing the impact on habitat damage by prohibiting the gears within those coral habitat areas of particular concern.

An additional comment from an individual regarding also the desire to ensure that the golden crab fishery be maintained, because they are harvesting or actually providing for the market upwards of 375,000 pound of golden crab, through their markets and operations. Any impact on the supply was recommended to be minimized or not occur at all.

We received comments from the Southern Shrimp Alliance. The Southern Shrimp Alliance supported the designation of the habitat areas of particular concern. However, they also were looking at addressing the traditional fishing operations and looking at the recommendation of a western boundary change, to ensure that all the traditional fishing areas are documented by the VMS information are included, as well as to prevent any movement, innocent movement, because of a disabled vessel, et cetera, from being impacted.

In addition, there was a request that penalties be eliminated for vessels that have broken down or are adrift into the HAPC area. In addition, there was a desire to ensure that there is an ability to have a notification system to confirm and identify when a vessel is disabled, so that they do not have the possibility of having large penalties.

We received comments from our Deepwater Shrimp Advisory Panel member, Marilyn Solorzano, about, again, looking at the possibility of ensuring that the boundaries capture the

existing royal red fishery operations and that the western boundary be shifted. In her comments, she did indicate that the boundaries, as written, impacted the fishery extensively. At least that's the comments that they had made, despite what we see on some of the VMS information, but there's historic information that's also included in that comment, I think.

In addition, some of the other fishermen provided comments on -- Joel Spellmeyer, Lee Vogelsong, and Jean Nam with Cape Canaveral Shrimp. Each of those looked at the recommendation on a movement of the western boundary, to look at fishing areas, as well as look at this issue of broken down or impacted vessels, the need to address problems at sea and be able to have some type of a buffer, to ensure that they do not have large fines or whatever associated with that.

In addition, one of the last statements was with regard to specifically the Offshore Fishing Association petition. It was provided to the council, where they had recommended and supported -- Fifty-three names were provided, supporting the council designation, however ensuring that there's not an impact to the recreational deep-drop fishery. Those are the written comments that have been provided to the council or I should say the public written comments provided to the council on the Ecosystem Amendment.

Mr. Harris: Do you want to go ahead and go into the public hearing comments?

Mr. Pugliese: Public hearings, I just wanted to kind of highlight the main comments that were raised. At the public hearing in New Bern, we received comments from two organizations, Oceana as well as the Marine Fish Conservation Network, providing recommendations supporting the HAPC designation.

The Marine Conservation Network also highlighted the fact that the council look to the future for possible interactions, trophic interactions, food web and forage fish, as well as time and area management areas. Ocean strongly supported, again, the designations and we're looking at the strongest protections for deepwater corals.

One of the individuals provided a comment supporting the broader sense of a network of protected areas, but also to really capture -- In doing what we're doing, we're capturing the protection of multiple ecosystems, breeding grounds, and the biggest thing is the inclusion of all the stakeholders within the process.

At the Charleston public hearing, again, we received comments from three organizations. The South Carolina Conservation League provided -- Nancy Vinson provided comments supporting protection of the fragile deep coral systems and highlighted the fact that they also do represent untapped resources for medical research in our region.

Ocean, again, provided inputs, highlighting their organizational membership, over 35,000 members, and a desire to see these areas be protected, as well as highlighting -- In this specific case, highlighting the fact that the information more recently shows the limited operations of the royal red fishery within the area and that they would like to see the boundary of that specific area stay the way it is.

In addition, we received individual comments supporting the HAPC designations as established. One comment in supporting it also qualified it by indicating that the council should consider removing the anchor and chain prohibition, the allowance of that.

In addition, there was also a concern that if there's not a problem with the golden crab population, then there shouldn't be any intent on prohibiting harvest. The one interesting point of that comment was that the family apparently had been involved in the fishery operations and did acknowledge the impacts of the trawl systems on those coral areas.

The Recreational Fishing Alliance also supported the actions under establishment of the Coral HAPCs Alternative 2 and all the connected five HAPC proposals and recommended that there be a streamlined process to protect deepwater corals in the future, as new information is found and new distribution is found, that a rapid effort could be there. They did qualify it by saying that the caveat be that it would not prohibit hook or line gear or things such as the deep-drop fishing in the region.

In Pooler, Georgia, we had two commenters and Richard Vendetti with the Southern Shrimp Alliance provided the recommendations. They did support the designation of the Coral Habitat Areas of Particular Concern, but also looked at possibly a slight movement of the western boundary, again to address traditional fishing, as well as the possibility of movement, because of vessels in distress or the drifts of the system, working in the high current areas, the possibilities of the problems in turn around, et cetera, and so there was a desire for a slight movement in the western boundary, in the middle, the Stetson-Miami Habitat Area of Particular Concern proposal.

In addition, we had a comment specifically indicating that the fishermen -- Provide an opportunity to educate fishermen, to show what types of potential impacts the gear may be having on the environment.

In Key Largo, we received comments on the CEA from three additional organizations, four organizations in here. The comments from the Organized Fishermen of Florida really were focused on broader ecosystem efforts and species interactions and more focused toward the FEP, but it identified them with the CEA too and prey and predator interactions.

We did receive comments and clarification, again, on operations of the deep-drop fishery, identifying that the way that the fishery did work is it was working with rigs that were up to 150 feet long, three-way swivels, with a secured weight to the system and dropped to the bottom and then brought back up about fifty feet from the bottom, so that it did not hang up or tie into the bottom. There was no intent to impact the habitats.

Our Golden Crab Advisory Panel was represented. Howard Rau, Bill Whipple, Randy Manchester, Chip Bethel, Robert Palma, and Gary Graves provided comments at the hearing. Written comments were provided, as well as the details of maps, et cetera, on four different recommendations or really four different alternatives for consideration for the council, revising the recommendations the council previously had been provided on allowable gear areas, in

addition to regulations for the golden crab areas.

The initial recommendation that was developed combined -- The first one was to essentially go back and combine everyone and redraw the boundaries. The two areas that additional recommendations were from the industry formally to require a vessel monitoring system or electronic logbooks on the golden crab vessels, at no cost to the fishermen, but the fishermen would be looking at being able to pay for the monitoring costs.

Also, there was a request for a one-year break-in, essentially to get the entire VMS system operational and ensure that it's collecting the right information. One other part of that is to explore the use of pingers on traps. This goes to one of the options that was brought to public hearing, the possible acoustic monitoring of the vessels.

The second recommendation expanded and really gave additional clarification of recommendations for the southern, middle, and northern zone, based on the traditional fishery, and then added an additional area for the northern zone, to provide for allowable areas for permit holders that are not presently fishing.

Again, that also included the first two requirements for VMS, as well as explore cooperative research. There's a desire to see if they can refine the fishing operations and integrate logbook and VMS, as well as other data, to refine fishing operations and habitat characterization in the region.

Further recommendations expanded the area further north, between 28 and 29 degrees, between further north up through actually the bound of the entire Stetson-Miami HAPC. I'll actually get into the maps and whatever when we get into the details of information beyond the public hearings. One of the other AP members provided concern about just being put out of the fishery with so much of the activity going on.

Oceana also provided comments, again, and German Mendez personally provided it, in support of the protection of the deepwater habitats and the point being made was the need to conserve those habitats will conserve the fisheries and long-term ecosystem character.

We'll move to the Cape Canaveral, Florida public hearing. At the Cape Canaveral, Florida hearing, we received comments from three organizations, four organizations. The Conservation Chair of the Sierra Club, Volusia-Flagler, provided support for the activities under the Comprehensive Amendment and the idea of restricting the areas and protecting the deepwater coral systems.

Oceana provided comments on, again, support of not only of the areas of particular concern as proposed, but also the process the council has gone through with working with the golden crab fishery, the deepwater shrimp fisheries and advisory panels, and building a system that collaborates to build a best management process to conserve habitats and look at traditional fisheries.

In addition, we had comments from the Central Port Offshore Organization. They were really

opposed to any changes and closures in regard to recreational. However, they supported anything that would be reducing the impact on longlines or trawls on habitats. The Recreational Fishery Alliance also did support the habitat area of particular concern designation Alternative 2, with all the sub-alternatives, the five proposed HAPCs. However, they did identify the importance to protect the recreational fisheries within some of these areas and not impact those fisheries.

The Environmental Defense Fund was represented by our Habitat Advisory Panel Chairman, Doug Rader, and Doug actually provided comments both as the Habitat Chair for the council as well as the Environmental Defense representative. Comments as Chair of the Advisory Panel, he endorsed the full protection of the entire zone, as previously recommended in the proposal, institute all of the alternatives, and also acknowledged, as Doug previously mentioned, is that as was identified before, there are new areas being identified and those are going to be provided in response to the council's deliberation back in 2004 of moving forward with conservation of deepwater coral sites as found.

There is some new areas in North Carolina, I think. I have not seen those data yet, but I assume we'll see those in the not too distant future and the support to keep on building the information system that's going to expand the protection.

As the principal oceans scientist for Environmental Defense, Environmental Defense reiterates strong support for the designation and of all the alternatives in combination and being able to put the strongest support protecting the deepwater reefs in from both fishing as well as non-fishing activities.

He did identify the fact that the advisory panels are providing comments on the habitats and the recommendations based on the science and had not reviewed and provided input on the specific other designations. As the representative for the Environmental Defense, however, they didn't support the movement of the western boundary of the HAPCs that were proposed under the shrimp recommendations, to accommodate any specific enforcement protocols.

In addition, there was the desire to work with the golden crab fleet and possibly accommodate the level of effort in industry without significantly damaging the coral systems, acknowledging that as long as the habitat information and habitat distribution can be addressed, while refining the traditional fishing areas, then with that refinement the alternatives can provide effective management within the golden crab and protection of the HAPCs. The organization did support 100 percent monitoring of the golden crab fishery, using VMS.

He did respond to the discussions that had been raised earlier on about the potential impacts of the deep-drop fishery, the recreational fishery, at that time, but not making any recommendations to prohibit the activity, but really build the foundation and understanding and possibly managing these activities in the future.

The last point that was raised was with regard to species that may be expanded for fishing operations that are not under management. Barrelfish and blackbelly rosefish, et cetera, are being harvested through the wreckfish fishery, but are not under any existing plan and what the

implications are and to move forward with figuring out how to deal with those specific species as we move with the other efforts in here.

Moving forward, we did receive comments, again, in support of -- Individual support of the HAPCs and also some concern about moving forward in creating some of these if enforcement doesn't match up with the regulations. If it's not, then there's notes saying that all you're going to do is create areas for poaching within the areas and so enforcement was a priority in that individual's comments.

We had comments from Laurilee Thompson, with Dixie Crossroads, supporting the Ecosystem Plan and supporting the Comprehensive Amendment actions, but very specifically indicating that they would like to see some type of an area to address expanding the line, modifying that line, tracking the alternatives that the advisory panel had put in, Alternatives 4B through 4D, any of those, addressing that need to address both traditional fishing as well as issues about disabled vessels and the concern over moving into the line unintentionally and high penalties that may occur.

The last comments were from the 100 Fathom Fishing Club and, again, they supported protection of the area, but also qualified that by ensuring that the recreational fisheries and the deep-dropping were allowed to continue through the system and those are the public hearing comments that we received through the entire process on the Comprehensive Amendment.

Mr. Harris: Thank you, Roger. Before we take questions, let's take a ten-minute break. Come back here in ten minutes and we'll have about an hour-and-twenty-minutes left before we have a presentation at six o'clock and so we'll get into questions on Roger's presentation after this break.

(Whereupon, a brief recess was taken.)

Mr. Harris: Let's reconvene. Everybody come back to your seats, please. We're going to take questions for Roger on the public comments and written comments on the Comprehensive Ecosystem Amendment. Are there any questions about Roger's presentation? I do have one and it's a question about the comment on pingers on traps.

I don't know anything about that. I know about VMS, but if you've got any information or anybody has any information on the installation of pingers on golden crab traps or fish traps and how those work, I would like to hear that. Roger, do you have anything?

Mr. Pugliese: Just some of the basics about the use of pingers, this actually came from our discussions with the industry and the opportunity to really get a defined location of these types of efforts, so you actually know where the traps go and be able to monitor them. What really is going to drive something like this or the capabilities of using this is the ability to monitor it. It's acoustic monitoring.

You would have to actually have enough platforms to be able to identify these and working very closely with our regional organization, SECORA, I think we have an opportunity to see that type

of capability evolve in the Southeast. Right now, especially given the depth of some of these areas and the location, the amount of platforms out there to be able to secure something to actually be able to listen to these is limited.

However, with fisheries being one of the three major areas that the ocean observing systems are addressing in the Southeast, I think there's going to be opportunities for cooperative research and for hopefully establishment of new platform areas to monitor the resource, as well as potentially things like the fishery, vessels, et cetera.

Mr. Harris: That's down the road in the future and that's not something that you think can be a part of a plan amendment at this point in time?

Mr. Pugliese: Mainly because of the limited amount of areas to be able to monitor. That's what it's tied to and this goes back to a number of different other things that we would like to be able to do with fisheries, be able to monitor vessels, fishing, migration patterns, et cetera, and the arrays to be able to accomplish that, at least at this time, are not large enough to be able to do that and while the technology to be able to actually maybe listen to and be able to identify when say an acoustic -- It would be like putting an acoustic tag on a trap, versus an acoustic tag on a fish, and be able to locate that, but it's tied to the ability to have a range of where you're going.

I don't know if there could be a system developed in the future for maybe an active effort that sweeps through and finds these, but the ultimate thing would be to have fixed platforms that could cover enough of an area that when this got deployed you would have -- The acoustic signature would be tied directly to that.

Mr. Harris: That's something that we should probably add, without objection, to our research plan in our ecosystem amendment, right? Okay. Is there any objection to doing that, having that as a research need? Without objection. Are there other questions of Roger on the public comments? Okay. Let's move into the description of the alternatives being considered and the first one will be -- We're going to go to the deepwater shrimp alternatives first. Are you ready to take us through that?

Mr. Pugliese: For public hearing, what was developed by the Shrimp Advisory Panel and brought to public hearing were essentially capturing the VMS information, which we're looking at, the royal red fishing operations, identified VMS --

Mr. Robson: Do we have this in the briefing book? Can we get some direction of where those are?

Mr. Harris: It's all over the place. There are a number of different places and I can't tell you exactly where to go. I wouldn't want to do that anyway, but --

Ms. Shipman: How about Attachment 10, which is the amendment, the public hearing draft? Can you tell us what pages that would be?

Mr. Harris: I'm going there right now and I'm going to try to get you to the right place. It's

Attachment 12, CEA Addendum.

Mr. Pugliese: It would be the last page, that's identified as 4-34. This is the distribution of vessel monitoring information for the royal red shrimp fishery, as provided through National Marine Fisheries Service and Carlos Rivera.

Mr. Harris: That's what you're seeing on the screen right now. It's page 4-34 in the Addendum to the Comprehensive Ecosystem Amendment. That is Attachment 12 off the index. You've got to go in the index and go way down, about halfway down, in your index and you'll come to Tab 4 is the Ecosystem-Based Management Committee. It has the agenda and then it has Attachments 1 through 9, Public Hearing Comments, and if you keep going down to Attachment 12, you'll come up with this diagram.

Mr. Pugliese: We'll jump right past that actually and -- Now that you've seen that, actually that's -- This is within the document, but it's the vessel monitoring system positions for the royal red shrimp trawlers. This was worked up after we clarified the 400-meter fathom, based on high-resolution bathymetry.

We reran that one analysis that was presented to the council on the distribution of the vessel monitoring relative to the HAPC boundary and the point of this was that there was analysis looking at a couple of different nautical mile shifts, from one to six miles, and what it does identify is the fact that sixty-nine individual points out of the 7,031 during the years 2003 through 2007, the more recent royal red shrimp fishing operations, which is less than 1 percent of all points, and not of all trips, but of all points, where it identified fishing operations, vessels that are moving essentially two to four knots in depths greater than 160 fathoms, were actually inside the bound of the HAPC as proposed.

Mr. Harris: Are you going to stay on that one for a little bit or not? I knew you weren't. Tell us where you are in the document when you get to a different diagram.

Mr. Pugliese: Getting back to the main one, again back to the addendum, the attachment that you were looking at before, but on 4-28, what this shows is the habitat distribution relative to the coral area of particular concern. You've got the VMS, the HAPC boundary, and habitat information combined. It's page nine of the addendum.

Mr. Harris: There are ten pages in that addendum, Addendum 12, and this is page 9. The figure is 4-26.

Mr. Pugliese: On page 4-28 and that's why it's confusing. The figure is 4-26 and the page is 4-28.

Mr. Harris: Everybody got it? Okay, everybody has got it and go ahead.

Mr. Pugliese: The bottom line with this was to bring together the available information on habitat distribution that we had relative to the VMS and relative to the line and the location of the existing western bound, with all the discussion of the options from six miles to twelve-mile

boundaries. We had further discussions with industry on concern over fishing operation distribution.

If you look to the southern area, there is some VMS concentrated in that area, as well as about halfway up. There were some areas of concern, as well as some of the issues on safety, et cetera. We had discussions and we had further discussions with industry and I think Doug Rader was going to pick up from here and then I'll be able to zoom in and provide some more detailed view of this information.

Dr. Rader: Dr. Crabtree hosted representatives of the Habitat APs and Deepwater Shrimp APs at his facility, to try to look at the information that was available, both from VMS and also additional information from trawl tracks from the vessels over the last twelve years that was brought forth by industry to look to see if there was a way to accommodate all of that, all of the traditional fishing area, while protecting the coral habitat itself.

I'm going to skip to the bottom line on it and recommend to you, on behalf of all of us, an additional alternative that we believe will do that. Obviously not every representative of every interest is fully onboard, but we do think it is a reasonable compromise that accommodates this sharp knife edge between people fishing on the bottom, close to sensitive habitat, in a way that provides some flexibility to accommodate law enforcement concerns and business concerns in that context.

Basically, what we are recommending to you is that the C-HAPC western boundary stay as proposed, but that within the HAPC that an allowable gear zone that would have a name a little bit kinder and gentler, like a shrimping area, be established that would extend from 30 degrees, 12 minutes North latitude down to 26 degrees, 18 minutes and 56 seconds of one nautical mile extent in the northern zone and one-and-a-half nautical miles extent in the southern zone, that would allow for normal vessel operations on the bottom outside of the HAPC, the idea being if it's been being trawled, the corals aren't there and if the corals are there, they don't want to be in them anyway, because at these depths and current speeds, it's dangerous. We all agreed that that was the case.

Cut out from that one mile and one-and-a-half nautical mile zone are three cutouts that the Coral and Habitat Advisory Panels suggest, to keep to the initial HAPC boundary. Basically, where the -- You can see the yellow line and the yellow constitutes approximately one nautical mile, down to the latitudes -- Those should be east/west latitudinal lines, at that box, and then again farther south. Can you shift down to the second one, in the Canaveral area? Here, you can see the pinnacles coming up very close to that zone and so that would be an additional cutout back to the original HAPC boundary for the deepwater shrimping area and then down to the south is a third cutout.

That those areas be accessible within the HAPC to shrimping vessels using normal shrimping gears with VMS onboard, as accomplished as a rock shrimp endorsement to the shrimp permit, federal shrimp permit.

Dr. Cheuvront: I guess we don't have the drawing with the yellow line or at least I can't --

Dr. Rader: This is just happening and in fact, this version shows a truncation on the northern and southern boundary that we have just today resolved.

Dr. Chevront: That's fine, but just my follow-up question to that is in the drawing that we do have, it shows a certain number of the dots, like you have there, that are to the east of the HAPC, the purple line. With the new yellow line that you're showing that would allow the shrimping to occur -- I guess I'm trying to get a feel for what amount of activity would still be excluded with this yellow line. Are we basically allowing the activity just to continue and it's just a few outliers maybe that aren't included in there?

Dr. Rader: The answer is yes. What we're trying to do is to formalize the existing footprint of activities actually in both the royal red shrimp fishery and also in the golden crab fishery, on the theory that the existing corals are compatible with the existing industry.

Dr. Crabtree: I want to thank Doug and Glen and John Williams and Richard for coming down and working on this. I think they have put together what appears to me to be a good compromise that will achieve our management objectives and accommodate the fishery. The fishery right now basically can pull for royal red shrimp anywhere they want out there, outside of the Oculina Bank, and so they really don't have any incentive to pull outside of the areas they've been pulling and so this seems to work.

The other part of this is in order to shrimp trawl in this strip inside the HAPC, as I understand what we talked about, you would have to have a rock shrimp limited entry endorsement on the vessel, which means you'll have a VMS on it. **I think this is a pretty good compromise and so I would offer a motion, Mr. Chairman that we include the alternative that Doug has presented into the document.**

Mr. Harris: Thank you, Roy. Is there a second to the motion? Susan seconds the motion. Is there discussion on the motion?

Mr. Geiger: I second Roy's comments in regard to the compromise that's been reached here. The one concern I have is that when we've gotten into boundary issues like this, and the latest one was with Amendment 14, it seemed like we just had a difficult time nailing down the definite longitude and latitude and points on all those different areas. It seemed like we had to keep going back.

I hope that if we pass this motion that we have these boundaries nailed down airtight and they've been checked and rechecked and not just by you, but they've been checked and rechecked with industry and everybody is in agreement and we know exactly where they are and it's a hard box.

Mr. Harris: Without question, that has to be done. We can't be revisiting boundary points in the future with respect to this issue. We've got to nail it down now, before we finalize this amendment.

Ms. Shipman: The other thing that appeals to me about this is that it will be limited to the people

holding the limited access permits, which means it is a defined universe and it is the traditional participants and it's not a fishery, really, that would have opportunity for expansion. You presumably could buy a permit or whatever and get in that way, but you've got a limited amount of effort that you know is in there and from what we've seen with the rock shrimp industry, I think it is a fairly discreet universe of vessels and so that appeals to me about this as well.

Mr. Harris: Further discussion on the motion?

Mr. Wallace: I'm not on this committee, but down at the very southern part of the -- I see there's some VMS tracks that are south of the yellow and has that been compromised between --

Dr. Rader: It's been fixed, John. In fact, there are three -- Yes, it's been fixed. That's the southern extension that I told you about and it will go straight across to the 28, 18, 56 latitude and connect right down there. We have fixed that.

Mr. Harris: It doesn't show that it's fixed on this diagram, but it has been fixed. Roy, did you have another comment?

Dr. Crabtree: Just a question for Roger. Law enforcement has looked at the coordinates that we would use and it's my understanding that right now we're ten miles between coordinates, all the way around the entire HAPC?

Mr. Pugliese: All around, especially the bathymetry. It's small on the bathymetry, but where there's straight lines on the eastern side, some of those are fairly long, but it's a total of about 566 points, building that system. That was, to some degree, at your request from the last meeting, building a very detailed point-by-point location for the area. That actually is why that's that way. With regard to this area that's being laid out right here, I think there's only thirty-four points in this boxed area for potential allowable gear areas and so we addressed that.

Dr. Crabtree: That's just something we're going to have to work with the law enforcement guys. I know I said that we need coordinates and not a depth boundary, but I would like to not put 500 coordinates in the Federal Register. At the same time, I think we have to be sensitive that we need enough detail along this boundary that it gives us what we need and so I would ask that you guys work with law enforcement and the regulations writers and let's see that we can't work that out, so we can revisit that at the next council meeting, I suppose.

Mr. Harris: Further comments on the motion?

Dr. Rader: Just for the record, this particular idea -- Obviously I didn't put it from everybody, but it was actually Dr. Crabtree's idea, building from a motion that John made at the last meeting. There's been a lot of people putting time in to get to this point and we'll hear some more during the next public comment period, but I think it's a really reasonable approach and I will also -- You'll notice, when you go back and look at the VMS marks on the north, it goes three full miles to the north of the northern end of those dots, but that's with the northerly currents in that direction. We felt like that was really important, to extend it to the north a bit for normal vessel operations.

Mr. Harris: Are there any further comments on the motion? **Is there any objection to the motion? The motion passes without objection.** Is there a desire to make this our preferred option for the next round of public hearings?

Dr. Cheuvront: **I would like to make a motion that we make this our preferred option.**

Mr. Harris: Is there a second? Second by Susan. Discussion on the motion? **Is there objection to the motion? That motion passes without objection.** Thank you all and once again, to Glen and John and Richard and all the hard work and Doug and everybody else that was involved in this, Dave Allison. You all have done great work to get this done. That includes you too, Roy. Thanks very much.

Mr. Pugliese: The question I was going to pose to the committee was the desire to retain any of the other alternatives for detailed analysis or should those just be identified as rejected? We'll still need to do detailed analysis. It depends on if you're saying it's meeting the objective of the management action, because all of those include areas that are six to twelve miles movement of the existing boundary line.

Mr. Harris: My preference is not to include any more than we have to comply with NEPA, but I don't know what that will be. We had five options originally and is that how many we had and the no action option? We certainly don't need five. Monica, can you help us out there? It would be a lot of work to analyze seven different options.

Ms. Smit-Brunello: I guess I would like to look at it, because what I'm looking at right now, it says move the boundary and I don't think that's what the alternative was and so if I could see it printed out and just think about it a little bit, I'll be able to give you better advice.

Mr. Harris: We'll come back to that tomorrow then. Roger, what's next?

Mr. Pugliese: We're going to move into the golden crab alternatives and I'll move from the northern zone to the southern zone. Hold on.

Mr. Harris: He's trying to figure it out, just give it time.

Mr. Geiger: While he's trying to figure out the page, Roger, again, I hope you take from this a staff action item to verify those longitude and latitude points on that chart.

Dr. Rader: If it helps, George, I'll let you know that everybody involved is acutely aware of how important that is.

Mr. Pugliese: Bear with me, because what I'm going to do is have the image here, but then be able to zoom directly into the details, because this is something that includes both the original proposals that were brought forward to the public hearing, the three different northern zone, southern zone, and middle zone proposals by the Golden Crab AP, but also the ones that were presented at public hearing.

What it includes is all of those overlaid and I'm going to have a map that we can zoom in to look at exactly what all those proposals are relative to the habitat distribution, as well as additional follow-up detail we had with our AP members in trying to even refine their proposals as they've laid them out.

The first set of maps I wanted to show were the alternatives that the Golden Crab Advisory Panel proposed the allowable gear area in the northern zone that addressed traditional and non-traditional grounds. What it does is, as I mentioned, it includes both the original proposal -- The original proposal in this image is in black and the latest proposals are outlined by green. What I'm going to do is go to this first image, separate image, and be able to zoom.

That's the original proposal in the northern zone. This is the northern zone proposal, original proposal that was provided to identify the traditional fishery. In black is the traditional golden crab fishery. What this proposal originally laid out was a bound that had the western boundary at 500 meters. The eastern boundary, up to this area here, was to 700 meters and then it kicked inshore to 600 meters.

This was what was brought to public hearing. As a follow-up to public hearing in both recommendations to or alternatives to Alternatives 3 or recommendations 2 and 3 that have been subsequently provided was an expanded area that now you see in the bright green. What it did is it kicked it to the east on one side and moved it further toward the area.

The intent here was to try to create at least a larger area for consideration in this fishing operation. Now, you look at at least the information we've had provided so far from the industry, most of the fishing is within this bounds. Sitting down with Howard and other representatives, one of the first things that was identified is that when we brought this to public hearing, we identified the fact that the council was identifying protection of traditional fishing area, as well as eliminating the impact or reducing the impact on deepwater coral habitats as being the driving forces on establishment of these allowable gear areas.

With that said, in looking at and readdressing now, what we've got is, as I mentioned, the black is the previous proposal, the bright green is the present proposal for the traditional area. With the statement I just made, there was agreement that any of the other proposals that were expanding to non-traditional fishery areas were essentially going to be dropped out of their present proposal. I'll go through those and show some of those areas to the north, but let me focus on this area, which is their traditional zone of fishing.

Mr. Harris: Where are we, off of what part of Florida?

Mr. Pugliese: This is that hump that we were looking at before in Canaveral.

Ms. Smit-Brunello: Roger, what are the circles?

Mr. Pugliese: Let me identify the habitat. I was trying to get to the next level of the habitat. This is the bounds that we were looking at, the two lines, black and green. The habitat

distribution map includes everything from pinnacle distribution, which the circles actually -- If you see some of the areas have stars and circles combined and they're pinnacles then with what has been identified as the habitat distribution associated with the pinnacle as it tapers down and extends into the deeper water, as well as north and south.

Those were provided by John Reed, comparing the distribution of those habitats in the deepwater system. In addition, this is a mosaic of all that habitat information. That includes everything from USGS seabed data that has hard bottom coral distribution, additional coral sites. The brown circles were provided, as well as the green circles, after the November meeting and actually, we had that information included in the last information by John Reed and then these areas of either confirmed habitat or high-relief areas that in the past have provided virtually 100 percent verification of deepwater coral or combined coral, sponge, and other combined habitats.

Special habitats are identified, as well as other possible hard bottoms, and then the dive sites that have been previously looked at before 2006 by John Reed and after 2006 are stars, both green and -- The other area that you see is there is a -- This right here is multibeam mapping that was done based on fathometer readings that John Reed provided in the Gray's Reef combined research cruise.

That is some of the highest resolution mapping of pinnacles that we have, next to the Miami Terrace, where they used the AUV. You can see how it tracks right along the center of many of these pinnacles and actually in that effort had identified far more than they had even previously known existed in that same area.

Mr. Harris: There are some pinnacles that are within the proposed golden crab allowable fishing area and is that correct? Like that one right there.

Mr. Pugliese: Yes, this one right here. To that, what I wanted to do is I actually had a chance to sit down and re-review the habitat information and review the proposals and discussed how to deal, potentially, with this and then it's going to be the committee's determination on what they want to do right now.

As I mentioned, what I'll do is start from south to north and base it on habitat and on discussions with industry about the opportunity of -- Again, the most recent proposal in the southern portion of this actually shifted even closer to the pinnacle structures and even into some of the high relief mapping areas that we had done.

The discussion was that, if anything, that this line better represented staying away from those pinnacle systems and the original proposal on the eastern boundary would at least keep most of this area outside the bounds of the allowable gear area. The fishing operations, as you can see, track outside of that area and so the original boundary here would, at least in their discussions, would -- If it addresses the concern over the habitats, it would be retained as the eastern area.

To the west, there was a desire to see the possibility of extending this boundary actually to the end of the HAPC or to stay at this area, but the discussion with that had to do with the fact that this area here on the Canaveral bound to meet that habitat information really need to move that

boundary to track this distribution area.

What you would see is you would see this boundary shift to -- The eastern would shift to track the habitat distribution, as well as track both the north and south bounds, to include or exclude any of the habitat on this really high profile and highly important deepwater habitat areas. This is -- In the comments with John Reed and others, this is some of the most dynamic habitat areas and a lot more needs to be done within it. There was a real desire that out of any of these breakout areas that this one be addressed. The idea is to move that bound to address those two areas, out to the east, as well as the northern and southern areas.

Moving further north, the bounds here actually -- The original boundaries kicked right out away from the pinnacle structures, which tracks protection of those habitats. However, the newer boundary pushed into areas which are real high probability pinnacles and habitats, based on other work that's been done throughout this area, which is reflected by the polygon area here.

The idea here then would be to shift this line. Instead of going all the way to that area, actually to shift this line right to the edge of this habitat distribution. Then it would expand it to this line, but it would eliminate all this area in the proposal.

You would end up with a distribution that had this bound to the north and retain the western side and expand the eastern side and shift to the bottom and follow this line and move to the south and follow the habitat distribution and stay on the original line to the east and finish it off by following that distribution and either come straight down the original proposal or move it to this side, to compensate for the area that is lost in there. Then on the eastern side, follow, again, the original proposal down in here, whether it be this -- This is specifically the 700-meter contour and that could be slightly modified.

The comments from John Reed about the actual distribution of the significant part of the pinnacles is usually around 670 meters or so, but this line comes right up to 700, to at least encompass most all of the fishing effort that is presently going on. Those are the adjustments that have been made to try to track the habitat distribution and to acknowledge the traditional fishery within the bounds of different proposals that have been laid on the table.

Ms. Shipman: I'm sorry, but I think I missed this when you said it earlier. Tell me what every different color circle is. I am having a real hard time figuring out what I'm looking at.

Mr. Harris: There's a lot of information on there, isn't there? Brian, do you want to go ahead and ask your question, while he's getting ready to do that?

Dr. Cheuvront: Mine sort of is along the same lines of clarification. I just want to make sure that the yellow line represents where fishing has traditionally been occurring. No? Okay, then what we want to do is we want -- What you're talking about doing is the eastern yellow line, you want to adjust again, in many places further to the west, to cover areas that maybe have not yet been mapped, but have a high probability of having coral structures that need to be protected and am I correct in saying that?

Mr. Pugliese: Actually, it also does cover habitats that are known within here. This is giving us more detailed distribution, especially when you look at this is the existing proposal in this area. We know the pinnacles are within this area in here and so that shift back to the original bound really does address actual known information on some habitat distribution in there.

In other areas, I think here, say this area up here, about shifting it all the way to the east, really we don't have the information within some of those areas, but the scientists have specifically identified that as a high probability area, but there's no fishing in there right now.

Dr. Cheuvront: That's my concern, is I just want to make sure that if we are proposing changing lines, I would like to know, does it have anything to do with traditional fishing grounds that we already know about or are we really just what we're doing is refining the areas that we want to protect and it's really not going to be affecting anybody or their activities. I'm just trying to separate that out, so we can make that kind of an informed decision.

Mr. Harris: I'm going to ask Doug to take a shot at that, too.

Dr. Rader: I think one of the challenges here that in discussions before the meeting with the Golden Crab AP members, it was clear to staff and to me needs to be on the record, is the fact that those this fishery is small, there are still more permits, including latent permits, than the existing golden crab bottom could support.

In squeezing them in order to sustain the traditional sustainable fishery, but away from the high profile coral features, we were trying to make sure that there was a matchup between the effort in the fishery and the amount of bottom that would sustain it. Really, what should happen is the golden crab plan itself should be amended to be able to put in place a limited access system of some type, including either a territorial use right for fishing or gear limits and gear caps and things like that that do match up those limits on the bottom with the number of people in the fishery, so that in building these alternatives, they were trying to build a buffer in, should those people come back into the fishery.

Among other things, we had discussed asking the council to consider a control date for this fishery, anticipating a limited access program in an amendment down the road or something along those lines.

Where we're looking to push the lines a little bit away from the traditional fishing grounds, we are thinking about compensating for areas that occur within the traditional grounds that probably interact with high profile features, including there on the side of eastern side of that Canaveral bulge to the west.

If we're going to take away a little bit of that, we need to compensate for it elsewhere, so that the amount of bottom available in that piece of the fishery would be a reasonable amount to prosecute. That's the sort of back story to it and we would hope -- I don't want to speak for industry, but it seems pretty clear to me that they are interested in marrying area-based management and effort in a way that leaves a sustainable fishery.

Ms. Shipman: Could I still find out what those circles are?

Mr. Pugliese: What you have before you really is the entire -- At least the combined information on our deepwater habitat mapping. What we see is the blue circles are information from the USGS seabed data that shows hard bottom, grab samples or coral samples that have been collected. The brown dots are additional coral sites from -- I think a number of those may be Smithsonian Institute collections that John Reed provided more recently, as well as the high relief reef sites that he had points on that he provided more recently, this greenish brown area.

The additional coral sites are -- This is the brown here area and then underlying these, you'll see stars that are dive sites; the actual dive locations of the Johnson-Sea-Link, under some of these pinnacle areas. Sometimes, they're double validated and they're both in the dive location sites as well as in the deepwater mapping site locations and so it shows up on top of itself. In this case, even under the ESDIM deepwater coral has this box, hard bottom habitat, on top of that, too. It's validating the same exact area.

A number of the other areas are combinations of habitat, known habitat distribution, plus high relief bathymetry. These different ones, like Walkers, Pillsbury, M&H Polygon, the Sierra M Polygon, the Canaveral Reef, Pourtales, Walker, Bahamas, Bimini, and Pillsbury are all additional areas. What we're looking at, these additional areas have -- If you look, and this is fairly obvious, but if you look to the high resolution and the pinnacles formations that are here and you look to the east and the amount of area that has not been mapped that has essentially the same type of bathymetry and the same time of high relief fathometer readings previously is very extensive in this area.

It's a combination of all these different datasets, which gets real confusing when you lay them together like this, but it was trying to do an aggregation of what we know on habitats is not perfect, but it at least provides what we know, from the point data all the way to the combined information on what may be high probability coral habitats or coral ecosystems in this area.

Mr. Harris: Just to expand on that, the Habitat and Coral APs reviewed all these data and they are the ones that told us that they believe even though there may not be some specific points where we know there are pinnacles, they believe that because of bathymetry data, not the real sophisticated data that they've got for some of these other places, but because of bathymetry, they think there's a high probability there are more coral pinnacles in those areas.

Mr. Wallace: I've got two questions and it may be some of the golden crabbers may be answering it easier, but first, is there any traditional fishing ground above the twenty-nine line? No? Okay. Then the second is does this line -- Do these proposed lines encompass all of your transit concerns, because you're going to be with VMS and you will see -- If you're transiting outside that line, you will be in violation and so do these lines -- Are you able to stay within these lines while you transit?

Mr. Pugliese: I've laid out what I can do and it's actually recreate it based on what I've walked through in terms of the habitat distribution relative to what was -- This was sitting down with industry and laying out the habitat again, habitat information, and kind of getting a reality check

on what is the most significant fishing operation areas and how to craft in and protect the rest of the habitat areas.

Mr. Harris: What you're telling us, Roger, is none of this really represents the new boundary area that you have been working with the golden crab fishermen on? You've been trying to show us that, but there is no line on this chart at the present time that shows specifically where that area is?

Mr. Pugliese: Right, I just tried to walk through what the concept -- What I can do is have that available for the committee.

Mr. Harris: Tomorrow?

Mr. Pugliese: Actually, if --

Mr. Harris: No, not today. Tomorrow will be fine.

Mr. Pugliese: Tomorrow I'll have it. I was going to do it on the fly, but no. That's getting a little too much. The idea here is that -- One of the other big takeaways too is that -- Let me back up in terms of the other areas that have been excluded.

Mr. Harris: Let's go the other areas. We've covered this area.

Mr. Pugliese: What I can do is in the original proposals too, it had been identified -- These are the broader sense of the proposals. What we've seen now is we are working with the area in the northern zone area up here. This is that Canaveral hump and that was modifying this to address what we just discussed.

In both of the Recommendations 2 and 3, we actually had proposals to expand areas to allowable fishing in this area and adding this area and adding that area. What those areas show is -- Again, these are habitat maps relative to those areas, but they have already said that they would not recommend these additional areas now. What we're seeing is a number of these is this is Pete Popano's interpretation geology maps from our ESDIM deepwater habitat mapping, showing coral mound areas and hard bottoms.

Virtually that entire area has some type of hard bottom or coral areas. You're bumping up into the Charleston Bump and some of the areas where they have high resolution multibeam mapping, which we're seeing here. In addition, as I mentioned before, this area to the east has real high relief bathymetry and has also been acknowledged by the habitat advisors as being a very significant potential habitat, very similar to these pinnacle structures to the west.

In addition, those are the two zones I mentioned before. This is the area that's moving right up onto the Charleston Bump, as well as this one area to the west. Now, there was some mud areas that were identified in these zones, but again, all of these areas I've just showed you are non-traditional fishing areas, but were included in the proposals. Industry has subsequently said that those will be removed from consideration now. What we've done is we've started with that

northern area that we just walked through would be the first one, as modified based on that first proposal. This moves us to the middle zone and this is the most significant fishing area for the fishery.

Mr. Harris: This is Figure 4-25, page 8 of 10 of Addendum 12.

Mr. Pugliese: What I'll do is I'll start from the south and work north and let me drop back to the map itself, so we can look at the proposals and the habitat. Really, this has two components of the proposals. If you looked at your public hearing supplement, it actually showed the point information relative to these areas.

Starting at the most southern portion of the Stetson-Miami large HAPC, what we're seeing is the initial proposal. Again, the initial proposal is in black and in this case, because all the other color lines -- The follow-up proposal is in red, which in most cases, as you'll see, is really almost mirroring. They followed a lot of what they originally had identified.

There was some shifts in here to try to address straight lines, et cetera, but in the discussions, we were looking at this one area is the traditional fishing grounds of the Nielson's. This is where pretty much the fishery originated, down in this one whole section here, and that was the proposal. It's essentially mirrored in both proposals, essentially the same. There's a little bit of a shift away from here and away from at least some of the coral pinnacles with the original proposal versus the present one.

Mr. Harris: Let me make sure I understand what we're talking about. The black line is the original proposal that went to public hearings and there's a red line that indicates the latest discussion with industry and that red line is almost on top of that black line in the southern area and is that correct? What about the area that's to the west of the black line that shows all those sets, I guess, traditional sets?

Mr. Pugliese: This is the proposal right here. This zone right here is the proposed allowable gear area in this section. It would be using the HAPC boundary to the west, the southern boundary, and then following either the -- The original proposal is following the black line through here. These are individual sets throughout this area.

Mr. Harris: Then what's this red line that is on top of the black line to the east of that, that line?

Mr. Pugliese: This is the other side. This one proposal is here and this is one part of it and what you're doing is to avoid all the habitat that is really the biggest concentration of habitat on the Miami Terrace, it starts another line to the east of this. This is where immediately you're running into considerations of a lot of other habitat distribution that is in the proposal.

In discussions with industry to address this, potentially shift the line to this, which is a habitat -- This is encompassed by habitat distribution across this area and so it actually goes outside the bound of our area, but use this habitat distribution line as this boundary. What we're doing is you're looking at a western component and then starting into an eastern component. You use this line, the southern boundary and the northern boundary, and cut this off. This becomes a

small box area within here.

Start off again with the habitat distribution to the north and so follow this northern boundary to the north and use, again, the HAPC boundary. The pink boundary is the HAPC boundary and now we're coming up into where the original proposals and the new proposal somewhat merge. The black proposal is the original and the new is shifting some.

There's this issue of habitat distribution in here. This area in here has been identified as one of the most productive areas and so that's why they really wanted to have this kind of a jog within the area. However, the habitat is right up in here and the one option is to retain this and potentially identify that or just to ensure that a small box area is being protected or allow that fishery to operate through that area, understanding that the sets are being made north and south of that entire area.

With this, the opportunity to then continue this, instead of moving to the west, track this line up here, so you eliminate some of these types of habitat in here. Right now, there's no sets going on in that area and so move to the north and so you're following this and following that and following the habitat line to the south. Follow the HAPC proposal and now we're moving, again, to where the two proposals are and as you can see, most of the fishing sets are inside of this area.

The proposal now, the existing proposal in black, the present proposal in red, the habitat distribution recommendation really is on the green and so the idea is to shift that line to follow this habitat distribution line all the way up to where it converges with the black line and use the HAPC proposal here.

You would exclude this box in the area and continue to move north, using, again, the HAPC line to the west. Now, this is where it becomes an issue. The bulk of the fishery in this northern area fishes really close to the bounds, the original proposal and the more recent proposal. The more recent actually goes even a little further to the east, but not significantly. As you can see, those are virtually all sets stacked up on top of each other right along this line, all the way to the northern part of the zone.

The fishery operation is really concentrated. Now, they do fish sometimes in -- This is about 500 right here and really, south of this, in discussions with the fishermen, they've fished probably up through here and all the way to the HAPC and so the bottom line is you have a line where the fishery is operating and potentially some issues of habitat distribution in there. However, that is the traditional fishery, right up against that area.

Mr. Geiger: Has there been any investigation, Roger -- Have they been able to see anything on the bottom or determine what type of impact has already occurred to the habitat in this traditional area, if any?

Mr. Pugliese: No, as far as I know, we don't have any specific dive in here. What we do have is the multibeam map that was running right along that track and so that area, if you want to just for a point of reference, is essentially the center of the pinnacle system that you see running along

here, but as for dives in the northern area, other than this area right here -- As far as I know, in that dive, in those locations up there, at least John has not indicated there's damage within the top of the pinnacles, where is probably where they dove most in that location.

Mr. Geiger: To that point, Roger, when you say the green and brownish lines to the left of that black/red line indicate traditional fishing grounds, over how many years and approximately how many -- Is there any idea as to how many sets or --

Mr. Pugliese: These are some of the most recent sets that industry provided us of actually where their main fishing operations are. This is what they've indicated is where they have been fishing and used it to establish what these proposals are and so I think there was some confidence -- At least this reflects the most recent fishing effort.

However, it does shift inshore and offshore of this area within the bounds of what they've proposed. That's what I was trying to acknowledge. In the past, I think there had been some fishing all the way inshore in this area south of this area, all the way up to the end of the HAPC, but we don't have -- There is not a VMS system or anything. Industry has provided this as documentation of where their fishing operations are, to give us a bounds on the locations.

It is essentially the most recent fishing operations. Two years essentially is what it is and so it's reflecting the present operations and not some of the vessels that may have been in it five or six or seven years ago.

Mr. Harris: Okay, continue and take us down south.

Mr. Pugliese: That covers the entire middle zone and the idea -- Right now, the present boundary is here. There was concern about moving it anywhere from that point to impact their fishing operations and we really didn't have any recommendations on revisions of that, because of how much fishing is going on in the area.

Mr. Wallace: In this one, I definitely can see how there's going to be a transit interaction, because you're getting two separate boxes and one of them is going to be through a closed area.

Mr. Harris: They're going to have to go through a closed area just to get back to shore.

Mr. Wallace: Yes, unless they run completely south of it, but that's going to be tough. I guess are we going to be -- Is this committee going to be addressing the transit?

Mr. Harris: I'm hoping VMS is going to allow us to do that, since the industry has agreed to put VMS on their boats. We'll be able to track when they're actually setting and retrieving gear with the VMS. When they're transiting, it's going to be a different kind of track. At least that's what I saw when I was down in St. Petersburg recently, looking at the VMS system that they've got in place. It's pretty obvious when somebody is deploying or pulling gear, as opposed to when they're transiting. The speed is different. We'll have to work that out, John. It's a good point, but we've just got to work that out.

Mr. Pugliese: Any other comments or questions on the middle zone, as it's laid out? Moving on to the southern zone, the southern zone is actually -- Before I zoom out, let me stop here and indicate that if you look to the east of the present proposal for the Pourtales Terrace fishing operations, these are all sets.

South of the middle Stetson-Miami HAPC, there's fishing operations and fishing efforts and trawl sets throughout here and actually, there's a number throughout this entire area that we didn't get into this dataset, but most of the fishing is operating through here and then to the west of the proposal, all through this area in here, which brings us to the continuation of that fishing and that's, I think, what the proposal really was trying to address, is that the fishery operates right up along through those areas and sets through this entire area.

In the original proposal, there was a desire to ensure that the effort did not go inside of 1,200 feet and that was an approximation of that in the original line. It has shifted to the north of this area. Now, what you can see is there is habitat. Of course, the Pourtales had a pretty significant amount of habitat throughout this area, but there is habitat and pinnacles that have been up in those areas.

Now, there has been testimony or discussion that this has been fished fairly heavily throughout that entire southern part of that triangle, but that's the only proposal that they're considering. In further discussions, we asked about the importance of this area relative to the fact that you have the significant fishing to the eastern area and to the western area.

It would be good to be able to continue and fish through this area and set through this area and move through the area, but their most significant fishing operations are outside of this bounds and so that's going to be a call of the committee on retaining -- Limiting it to the original or removing it from the proposal, based on if the habitat information concern about potential interactions with any of the areas within there, is a concern. That is a call of the council on what they would like to do.

Those are the original proposals and working with industry, I think they've jumped forward to really clarify what their most significant habitat areas are and what their most significant fishing operation areas are within this bounds, but I think they qualified a lot of those discussions with the fact that some of the expansion of the proposals were really to address that if any of those other permits dropped into the fishery or all of a sudden had a lot of entrants, then you would have the limited area that they are fishing on expanded by multiple people. I think it's qualified, but it does provide, I think, at least addressing of a lot of the habitat information that we've provided in refining these proposals.

Mr. Harris: Tomorrow morning when we come back, you'll have all of these that have been worked out with industry on the chart, so we can see exactly where they are?

Mr. Pugliese: Yes.

Ms. Shipman: Can you also tell us how many people are fishing in northern, mid, and southern? Can you bring that back to us tomorrow, too?

Mr. Harris: Other questions of Roger?

Mr. Iarocci: Roger and Doug and Duane, I want to personally thank you guys for the time you've put into this and especially the Golden Crab AP and the golden crab fishermen to do this. I know Susan and myself included now, seeing the overlaps of the different alternatives that everybody came up to -- I'm hoping that we have enough time to do this right and to get the concerns of not only the industry, but the concerns of the NGOs and the hard bottom that we're looking to save.

There are some areas there where these guys have fished traditionally and some of the areas too - - One in particular, up the middle zone, where you said it was right close to the line, these guys have fished that area for years and years and years and they do not impact -- I don't want to go through repeating the same thing over and over again, about how they don't get on top of that and they don't want to lose their traps, but we've got to take all that into consideration, Roger.

My question to you is do you have enough time -- Because these guys are going to be here and whatever we need to do and I know we're on a timeframe and we've got a lot of things on the table right now, but I want to do this right. We have to do this right to get the full credit of what this is going to do for the habitat and for the industry, to find that compromise. Do you have enough time to do this and overlap and make sure the concerns are -- Tonight, by tomorrow morning at eight o'clock, this is going to be done?

Mr. Pugliese: I would say if Howard and the others are willing to sit down. We sat down in advance. That's how we got as far as we did in terms of laying these out. My intent was to basically do what we had talked about and create those images. What I can do is build those and verify that that's what the discussion was and that addresses some of the concerns and the habitats and everything that we've laid out. I think if they would like to, the intent was to create exactly what we discussed and then sit down and I guess walk through those again.

Mr. Iarocci: Thank you, Roger. Also, to the other points that Doug had brought up and we had talked about when we met informally and when we had the full AP together, some of the other issues that were discussed today and previously about limiting entry and different things and looking at how these fisheries would be regulated -- I think after we go through this process and get this going, maybe reconvene a meeting of the Golden Crab AP and look at or for us to consider some of the options and talk off the record and see how we would address some of these other issues. Let's deal with this right now, while we've got it on the table.

Mr. Harris: Doug, do you want to make any comments on that?

Dr. Rader: Only that there's an element of trust involved with the industry here in moving forward. Roger said they had agreed to take those areas off the table, but that was in the context of not having other people fall into the fishery on top of them and so I do think there's an element of trust involved in going forward piecemeal that way. I, for one, would like to see the two things matched up, so that the management of the industry and the bottom available do match up. Obviously you're the man, but it would be nice if we could somehow memorialize the

intent of the council in moving that forward.

Mr. Harris: We started this process several months ago and we've made just tremendous progress in working with the industry since that time. I'm pretty hopeful that the committee and the council will go with the recommendation that finally comes out of here and tries to allow these folks to fish in their traditional areas and still protects all these coral resources that we've been talking about protecting.

Mr. Iarocci: One last comment. The last meeting -- It was a full AP meeting, but it wasn't a council AP meeting, when these guys all drove down to the Keys and spent most of the day at the fish house around the table hashing this stuff and talking about all the other aspects of going back and looking at the golden crab plan after this and dealing with these issues and the trust working with the industry and the council through this. I think it will be a win/win for both sides.

Mr. Harris: I do too. Other questions or comments? We have about nine minutes before we have to turn the meeting over.

Mr. Pugliese: The only other area that we do need to address later on is the requirement for vessel monitoring and we can get into the details tomorrow on that. The one good thing is that the industry has formally recommended use of vessel monitoring systems within their fishery or electronic logbooks. They had provided that as a recommendation.

Mr. Harris: We need to take into account what Roy said earlier and make sure we've got the language squared away with respect to that, because it is somewhat different. I think the situation is somewhat different than the language that's captured in the document at the present time and so we need to make sure we've got that worked out by tomorrow as well.

Ms. Shipman: Monica and I were looking back at Amendment 3 in 2000 and there was some discussion then about the northern zone and I remember the issue with the current and at that time, we were only allowing two new vessels to be permitted and so in a sense, I was of the impression that there is somewhat of a limited entry, particularly for that northern zone. I think we need to look at that as well.

Mr. Cupka: I'm sitting here wondering the same thing, because I thought the number of permits were already limited in those areas. We did that a number of years ago.

Mr. Harris: Was there not a control date in the original golden crab plan? Is that what you're looking for right now? I thought I read somewhere that there was.

Ms. Smit-Brunello: I haven't found it yet, but I'll keep looking.

Mr. Iarocci: One other thing to that point, Susan, and I remember this was some of the discussion we had in the Keys and it was years back and I know there were studies done up in the northern zone and also, there were fishermen that went up there and did catch crabs, but I don't know how many and who did it, but it was brought up at that meeting, that there was

traditional fishing at one time being done in the northern zone.

Ms. Shipman: It was somewhat experimental and the current kicked their butt is what happened. I mean really. They went up and they tried it and the current was just -- The boat came around from Seattle and you all remember it and it showed up in Brunswick and really caught our attention, because we had never seen anything that large. They tried to fish for some time and they couldn't fight the current.

Mr. Harris: Those were those Bering Sea folks that supposedly knew how to do that, the Deadliest Catch peoples, who we learned a lot about in Alaska last week. Any other questions? If not, then we will stand in recess until eight o'clock tomorrow morning.

(Whereupon, the meeting recessed at 5:55 o'clock p.m., June 9, 2008.)

The Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council reconvened in the Vienna Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Tuesday morning, June 10, 2008, and was called to order at 8:00 o'clock a.m. by Chairman Duane Harris.

Mr. Harris: Let's call back to order the Ecosystem-Based Management Committee and while Roger is finding the figures to project, a couple of comments. This morning, Carolyn Belcher, the chair of the SSC, will be joining us to give us the comments of the SSC on the Fishery Ecosystem Plan and the Comprehensive Amendment, whatever we decide to call that in the future. She will be joining us in a little while and so when she comes in -- When she has a break in her committee meeting and comes in, we'll go ahead and go right to that item at that time, so that we can hear what the SSC has to say.

Let me make clear for everyone, because Mark and I had a discussion this morning -- Just so that everybody understands that we're not proposing at this point in time to change the boundaries of the deepwater coral HAPCs. The boundary lines are largely to be the same or I think in all cases will be the same, simply providing an allowable shrimp fishing area within the proposed boundary of the HAPC and allowable golden crab fishing areas within the HAPC.

I just want to make sure that everybody is clear on that. There was some confusion yesterday, probably as a result of something I might have said, but that's what we are doing and just so everybody understands that.

Per our discussion about the golden crab fishery yesterday and whether or not a control rule had been established, Gregg just handed me a note that the control rule for the Golden Crab FMP was published on April 7, 1995, and so there is a control rule. Just to clarify that. It's a control rule date. We're going to continue our discussion of -- Go ahead, Mark.

Mr. Robson: Just to clarify what Duane was just saying, it's probably just me, but I was under the impression that we were talking about actual changes to HAPC boundaries and that's probably my lack of attention, but that's not what we're talking about. We're talking about allowable trawl zones.

I think when George was talking about we need to make sure we have the boundaries well described; everybody needs to understand what we're talking about. These are different allowable zones within the HAPC and I presume they would also be described separately and is that correct? I just want to be clear on that.

Mr. Harris: Yes and there was an addendum as part of your briefing book. I think it was part of the second briefing book that Roger has that has some of the diagrams in it and that addendum has all the latitude and longitude coordinates of the -- It's the supplement and so if you look for that in your briefing book, that's what it's called, the Comprehensive Ecosystem Amendment Supplement. That does have all the latitude and longitude coordinates.

Between now and the next public hearing, it's your job, as council members, to review each and every one of those coordinates and make sure they're correct. It's Tab 4, Attachment 11 in your briefing book. There was a meeting with the golden crab industry last night and Roger and Doug and others and I -- I guess you're going to project what is on the table at this point in time right now? Okay. Go ahead.

Mr. Pugliese: What I'll do is I'm going to have two images for each of the proposed areas. One will show the alternatives and the habitat associated with those alternatives and the second will be the proposal that's on the table. We worked into the wee hours of the night last night. I cracked the whip with our AP members and worked hard to work through the issues of laying out their latest proposal for northern, middle, and southern zone for allowable gear areas for golden crab. With that said, let me jump directly to the northern zone and start from the northern zone and work south.

Mr. Robson: I know we've made changes, but to try to follow along on our laptops, are we still looking at Attachment 12?

Mr. Pugliese: Yes, the addendum has all the proposals for golden crab in there.

Mr. Robson: What page?

Mr. Harris: If anybody knows the answer to that -- Is that correct? I don't have it up. It's page 9 of the addendum and is that it? Let's go to the figure number. What figure are you looking at, Figure -- Figure 4-26? I'm asking for help here.

Mr. Pugliese: It's Figure 4-24.

Mr. Harris: Which is in that same document. It's page 7 of 10 in the PDF. Okay, Roger, go ahead.

Mr. Pugliese: What you're seeing here now is a combination, an expansion, of what was on that. That includes the latest proposal, which is the one that was provided during the public hearing process in bright green, as well as the original one brought to public hearing in black. These lines through here in black are the northern zone proposal and then the habitat distribution, as we

described yesterday, from point information to area location and potential habitats, are all included.

Mr. Robson: I would like us to get all oriented, because we're looking in the document and there's new lines and so you've got -- Could you just kind of once again real quickly walk us through? You've got the green and you've got the yellow and where those came from and which ones we're looking at?

Mr. Pugliese: The one you're looking at inside is the black and it's the original allowable gear area for the northern zone. It's the black lines we're talking about here. You move to the bright green lines, which follow this outside bound and move here and exclude part of this habitat and move up and through there. It's this outside boundary area.

That is what was identified as traditional fishing area in the proposal that was submitted by the Golden Crab AP at public hearing. What we have now is the yellow area is the area that was developed last night, looking at the habitat distribution and looking at their fishing operations and adjusting the lines relative to those with the latest proposal.

What you're seeing is, starting from the south, is the line -- There's an attempt to try to create some straight lines in here, instead of having it follow directly the 700-meter contour. There's some straight lines that follow up a little further to the west of the original line. As you move to the north, the line tracks through and it goes on the outside bounds of what was originally proposed to be used. It was cut off and moved to the north, following what was identified as high probable habitat within these locations.

It followed the northern bound. Now, what you're seeing on the western side actually is mirroring the royal red shrimp allowable gear proposal and so we've butted basically up against that area, so it didn't interact with the area. Now, there was some discussion about this by the advisory panel, about if you created the allowable gear area for royal red, would it be exclusive for just trawling?

The decision was to lay it out this way, where it butted up against, to avoid gear conflict, but some clarification was desired by the advisors on if that's a reasonable way to look at this. What you see now, as you move further, this area is the royal red shrimp area proposal. You exclude this entire Cape Canaveral habitat.

In their latest proposal, they had actually gone to the HAPC boundary and captured some of the pinnacles, but there are significant other habitats outside that bound and so it moved it all the way out and cut it out of not only the latest proposal, but also cut it out of what was in the original one that went to public hearing. You're seeing a real broad swath out to capture all those habitats. Again, tracking the shrimp one-mile area proposal in that and then following the southern boundary of the northern zone allowable gear area.

Ms. Smit-Brunello: Roger, just so I'm clear, that yellow area that you just outlined would be a proposed area in which the golden crab fishermen could fish?

Mr. Pugliese: Yes, that's what this would be, an allowable gear area for golden crab fishing.

Ms. Shipman: Roger, point out for us where they are fishing now and I think it's those blue marks, but they're hard to see.

Mr. Pugliese: What I'm going to do is I'll zoom in a little bit and then walk down and then you can see it a lot better that way.

Ms. Shipman: How many people is that?

Mr. Pugliese: The number of people right now is one. Actually, one fisherman, one person, is fishing in the northern zone, Nuno.

Ms. Shipman: Is that one one of the two boats we provided to allow for in Amendment 3? Do you know?

Mr. Pugliese: I don't know.

Mr. Harris: Does anybody from the industry know the answer to that question? Just raise your hand if you do. If you don't, we'll try to find out.

Unidentified: There's a little detective work, I think, to be sure. The northern zone, it's permissible to fish there by transferring either a middle or a southern zone permit to that area. In a few cases, that has happened. There were, I believe, no northern permits originally, way back at the original issuance, but the council did generate two permits, I think in 2005, somewhere near there. Whether this particular one is a transfer from a southern or one of those two, I'm not sure. I think it is a transfer from a southern permit, but I'm not positive.

Mr. Harris: Thank you. Susan, between now and the next round of public hearings, we'll try to flesh out that information, so that everybody has it and it's correct.

Mr. Pugliese: What I've done is actually pulled up a map that has the proposal with the trawl tracks, so it's a little cleaner and you can see what's being proposed and what the fishing operations -- At least in the last two years, that's what these represent. What you're seeing is the bulk of the operations is in the southern area, captured right through here, and it excludes any of the activity that may have been going on inside the Cape Canaveral habitat area.

Mr. Harris: Which is depicted by that long green line, which was fishing activity, and is that correct, within that Cape Canaveral area?

Mr. Pugliese: Yes and I think it's either two combined or one that got expanded a little further on the one end, but somewhere within that bound, there was some fishing.

Mr. Harris: The blue lines and the green lines are the traditional golden crab trap areas?

Mr. Pugliese: Yes.

Mr. Wallace: Before, you had a green line that was east of the pinnacles and is that part of the allowable zone also?

Mr. Pugliese: This right here is the proposal for the allowable zone. Those original lines were the last proposal that was developed.

Mr. Harris: The question is was there a golden crab trap line that was east of the present proposed boundary? That's the question, John?

Mr. Wallace: Just you had the series of the pinnacles of the circles. Then east of those circles, there was a green line that was the same color or it appeared to be the same color that tracked the eastern boundary of the HAPC and is that an additional --

Mr. Robson: Was that in the middle zone?

Mr. Wallace: No, just in the last --

Mr. Pugliese: There shouldn't be any difference between these two images. All this image here is extracting all the habitat information and so that may have been an edge of one of the habitat distributions that we were looking at. Are you talking about that large area?

Mr. Wallace: Yes.

Mr. Pugliese: You're talking about it as a trawl versus a large area? Yes, that area was originally proposed by the industry as being potentially an allowable gear area, but it was proposed also as what we're looking at. This entire area was identified as a potential area, with a line dropping down through here, in this potential area. That was removed from the proposal, mainly because this has been identified as potentially a real high probable high-quality habitat, especially if you go by the bathymetry that all these areas in here have produced extensive pinnacle structures and this area has very similar bathymetry throughout the area and has been -- You had the two boxes, the box as the proposal and then you had the boxes as being identified as high probable habitat underneath it.

Mr. Harris: Does that answer your question now, John? Okay.

Mr. Pugliese: We'll move down to the middle zone. Again, I have the combination image and then the breakout as a separate one, so we can walk through the combined area and then step back and get the clean image of where the actual overall proposal -- Starting in the southern part of the middle zone proposal, which you see is the first area that's being proposed is this one section on the western side of the Terrace and this is really what is pretty much the traditional Neilson fishing grounds.

The fishing activity is identified by these sets and you can see extensive sets all the way along through here. There's an attempt in creating the original bound to track just east of those, so that you could retain those, but also avoid these major pinnacle distributions. This is where we do

have some of the highest resolution mapping efforts.

Right underneath here is the multibeam map that is one-meter resolution that was done with the Eagle Ray AUV and so we have very well documented distribution of habitat. The proposal tracks exactly what went to public hearing and actually was in the second proposal and now is in this, except for the line here actually jogs a little bit out and drops a little bit further to the west of this one pinnacle structure, but that is, in total, pretty close to what the original line indicated. The next part of this area is this --

Mr. Harris: Let me stop you a second and let me make sure everybody understands. The eastern boundary is the yellow line and the western boundary is the boundary of the HAPC, but there's no yellow line there and so I just want to make sure everybody understands that is the area that's being proposed.

Mr. Pugliese: What I'll do in the final version is we'll actually have the cutouts that show that as an area and not just the one bound. That will be one of the areas. The next area -- It's the same with this next one here. We've got the boundary was the western side of the HAPC and the southern side of the HAPC and then what it did is it moved the original proposals -- Again, the original black, the one that was more recently submitted now and in this case, just to be able to differentiate between the two, is in red and the yellow is the new.

It moved away from all the habitat and pushed out to this edge, capturing this entire habitat area on the Terrace area. It excluded this entire pinnacle area and so this one area over here is being proposed as a component of this. As you move further north again, it's addressing trying to avoid as much habitat as possible, by moving it away from the pinnacle structures.

The eastern side is tracking the HAPC line. This line jogs somewhat to here, because these areas up in here are some of the most productive areas for one of our fishermen and so these areas have been retained from the original proposal and moved into this proposal. It tracks a little bit to this side, to be able to allow this set and the issue of being able to retrieve those sets and turn around through the area, but it does capture all of this outside of that proposal.

Moving further north, and this is an issue the council needs to discuss here. Traditionally, these sets have been made all up and down through this area. We do have habitat information that crosses right across this one area.

There's the desire by the panel to bring it forward as it is here and basically at the allowance of the council about what they would like to do. What originally we discussed was boxing it out, which essentially makes setting on some of these areas to the north and south very difficult, because of the need to be able to retrieve those lines, or I had identified the possibility of creating a box outside of that area and allow a corridor from which you could do it. Again, you may still have some problems with doing this.

Most of this information is habitat information that was provided by John Reed when they did the pipeline transit area. A lot of this is what is being identified as hard bottom areas within there, hard structure areas, and not necessarily coral habitats, but that's something that they

wanted to basically allow the council to make a call on, relative to fishing operations where you want to go with that one area.

Moving further north, in order to track their proposal through here and trying to capture this area that's been fished in this area, the line moves along pretty much on the same proposal line, a little bit to the west in the southern part of it, but then it jogs out and does capture the habitat distribution line, the high probability habitat distribution line, in the end of the pinnacles and tracks to the north on this eastern side, basically excluding all those habitat areas that have been identified or potentially identified in the area.

On the western side, what you're seeing here is this is where the proposal by the shrimp industry, deepwater shrimp trawl area, starts in this area and moves north. Now, what you will see is there is an actual set that does occur within there and there was discussion about that they have fished in some of these areas. However, we did build it to acknowledge that this is going to be established as a trawl area and so to avoid conflict, identified that and basically allow the council to make a call on whether that should be retained that way.

As you move along the eastern side, it's tracking along, again, the habitat areas. On the western side, it's excluding this high habitat within the area. Now, they did have some fishing in the area, but it's been identified that we did have this high habitat, in order to compensate for possibly that move and to possibly capture some open habitat area or open fishing area on the eastern side of this and so to move it to the HAPC boundary and then track it north, in that area.

Again, the western bound is following the shrimp proposal. The eastern bound moves a little bit further to the west in some of this and it jogs a little bit back and forth, to try to create some straight lines, but does follow pretty closely some of the original proposal that was brought to public hearing, with some slight modifications.

This is some of the most significant fishing grounds that the people fishing in the northern zone really have right here and so they are fishing right up against, but that area has been fished for many years. Now, again, the northern bound is the edge and then it moves a mile and then this is the jog at 27, 30, out to one-and-a-half miles, to capture the shrimp proposal. That's it and what I can do then is drop out to the proposal, just without all the background imagery. In this case, it does indicate that there is -- In this case, one trawl outside the bounds, but that's right up on top of a pinnacle area.

Mr. Harris: No, we're not going to call these trawls. Sorry, but these are trap lines. They call them trawls, but that's been very confusing and so let's just call them trap lines.

Ms. Shipman: How many people are fishing in there now, all those various sets? How many fishermen does that represent?

Mr. Pugliese: Those are three vessels fishing that entire area.

Mr. Harris: Now, does that encompass the entire area that you just showed us on the more comprehensive map?

Mr. Pugliese: Yes.

Mr. Harris: Okay. Then the area that there's a question about, where there's the pinnacles, but that trawl set -- Where there still seems to be some disagreement or not a resolution, perhaps, with the industry, where is that area on this chart? You can just point to it.

Mr. Pugliese: It's right up in here. It's right through in here.

Mr. Harris: If you would like, let's have some discussion about that. What is the view of the committee with respect to that area? I can tell you my personal view is -- I've talked with Doug about this. If we get these other amendments where there is a limit on the number of fishermen and all that, which I think there probably already is, but make sure that that is done and I don't really have a problem with them making that set in that area where they've traditionally made that set.

Obviously if they've been able to make that set in that area and haven't lost gear, there's probably an area in there where they can make that set and so I don't have a problem with that, but I would like to hear the view of the committee on that.

Mr. Currin: Duane, I agree with you and even more so looking at what's been resolved between Roger and Doug and the fishermen here. There's been obviously a lot of give and take and I think if you look from just a pure habitat conservation or preservation perspective, we probably gained through this, some of the habitat that's been recently identified.

I understand that that's high-quality habitat and there's some risk of losing some parts of it, but I think that we've come out ahead of a zero sum game in these negotiations and I want to thank all you guys involved in this. I think you did a great job with it and I have no problem with understanding that we're putting a very small portion of this at some risk, understanding that these guys are going to do the best they can to avoid stuff that's going to foul their gear and cause them problems.

Mr. Cupka: I agree with Mac and your view, too. I think we are gaining a lot here and I likewise appreciate all the hard work that went into this and I'm sure that the number of people that can fish in there is limited, because I know we set a limit on the number of permits in those three areas that we were going to issue. I don't have a problem with that one area. I think it's something we can live with.

Obviously they have fished in there before and that's expensive gear. That line of traps is very expensive and they're not going to want to take a chance on losing a trap line with the amount of money that's involved in that and so I don't have a problem with that one area.

Ms. Shipman: I don't disagree with that. I think also trying to carve out a box, from a law enforcement standpoint, is going to be extremely difficult. I think you're better off just to stay with as straight lines as you can do.

Mr. Pugliese: To that, I think to some degree, really, that's what some of the bigger concern was, that if you put a box right in the center and if they're setting to the north or the south, the likelihood that they're going to go, either in haul back or whatever, and end up in that zone -- The probability of having a VMS hit would be real high and that's probably more -- They really are trying to avoid the habitat within those areas, but it's more of, again, reiterating exactly what you said, a concern over issues relative to --

Mr. Harris: Any further comments on that? If there are not, then direction to staff is to make that straight line right through that area, to accommodate the industry's desire there, correct?

Mr. Wallace: Could you just scroll your marker down to show what you're proposing here now?

Mr. Harris: The question, I guess, is does this line, this present box, capture what we just directed staff to do? The answer is yes. This line that you're seeing now does allow them inside that box that was the questionable area.

Mr. Pugliese: This is the area that we're talking about and the line already addresses that.

Mr. Wallace: My understanding was that you all were proposing maybe moving the line a little bit to the eastern -- This is what you all were discussing, is whether or not you should move it a little bit more to the eastern --

Mr. Harris: No, it's just to go straight through that box, rather than carving out that box. If you're talking about the entire line, what you just said may be true. I think there was some give and take on that, but if you're talking about what the subject of the discussion that we were just having was about, the line would go straight on through that box area and not carve out a box that would be not an allowable golden crab trap area. Are you clear with what I'm -- Am I clear with what you're understanding me to say?

Dr. Laney: Just for my information, if we did carve out a box, how big would it be? I can't tell from the map there. How much area are we actually talking about?

Mr. Harris: I don't know the answer to that, Wilson. I guess let us work on that and come back with the answer to that question later, if that's okay, and move on to the other aspect of this proposal and try to finish that and in the meantime, after we do that, we can calculate that size. Roger, are you ready to go to the next one, the Pourtales Terrace?

Mr. Pugliese: Pourtales Terrace, again, this is the Pourtales Terrace proposal with habitat and with the three different proposals that have been considered. The original proposal, the one that was submitted at public hearing, is the bright green line and what the industry has recommended is essentially going back to the original proposal and so essentially the line that we see here is attempting to capture it close to the 1,200 foot line in that area.

They basically went back to and removed that area. There's habitat and there are pinnacles up along this entire area. Let me back out, because the biggest point that was made is the fact that most of the fishery is operating to the west, to the east along the edge throughout this area here,

and then all the way up to -- This captures right up at the base of the northern HAPC proposal. The fishery really is operating all along through here and all along through there and given the current system, the real issue here is the ability to keep and work those lines, through kind of that continuous area.

Mr. Harris: In here, the proposal is to maintain the present boundaries of the HAPC but have those allowable trap set areas within that area of the proposed HAPC and is that correct?

Mr. Pugliese: Yes and I did go ahead and just box it on this one, so you can see exactly the area that you're talking about. This bound right here is exactly what was brought to public hearing.

Mr. Harris: Does everybody understand this one? I'm still a little fuzzy on this one. It's still to maintain the present boundary of the proposed HAPC and to have an allowable golden crab trap area within that, based on that area right there, and that's the only one that's proposed? Okay. It's in yellow there. Does everybody understand that?

Mr. Robson: I understand it. Have these proposals -- Has our Law Enforcement AP -- Have we gotten input from law enforcement about how we're going to manage these areas of such --

Mr. Harris: There will be VMS. That's what we're proposing now, is to require VMS on the golden crab industry vessels. That's in the proposed amendment that we're considering at this present time, but there still has to be a workout of language with respect to transiting and all that. It's not going to be the easiest thing to enforce, obviously, but I think working with the fishing community here I think -- I'm hopeful that the enforcement is not going to be a huge burden, because we seem to have a pretty good working relationship with this industry.

Mr. Mahood: To that point, the Law Enforcement Committee will be meeting again to look at these specifics, but they do have a set list of parameters they would like to see that makes enforcement easier. They're not triangles. They're rectangles or squares and they do have a certain thing that we actually have in the record, Mark, but we'll be looking at that again and we will have a Law Enforcement Advisory Panel meeting before then.

Mr. Iarocci: To that point, that area in particular on the chart right now, there's one boat in the Keys that fishes that part time. They fish 200 traps and they're a full-time lobster boat and they fish offseason. Enforcement there, unless somebody new comes in, which we're talking about making changes to now -- I think when you look at this industry and this fishery and the people involved, I think you're going to see self-compliance and a very close relationship. We're working through this whole management plan and I think you're going to see that in the enforcement aspect of it.

These guys have been fishing this area and I don't think they're going to deviate from the norm. I think that's going to be there and I think there's going to be a good communication between enforcement and this industry and so if there's questions, once we get into VMS -- I don't think there will be problems along the way.

Ms. Shipman: Is that part of that subzone we set up years ago or did that go away? We had set

up that subzone to try to eliminate the conflicts between vessels and so that is that area? Okay.

Mr. Currin: Just looking at that and effective enforcement of it, it's really not a triangle. What you're doing is creating an allowable area to the south of that straight line and so I think enforcement would like that. My question was on the previous map, the one we've got at Figure 4-23, Roger, there's habitat indicated to the east and to the north of the proposed HAPC. Are those areas that have been discovered relatively recently?

I don't know whether we want to try to consider modifying that to capture those habitats or save that to be done in the future. Obviously there's very little fishing going on there, but that area outlined by green there that appears to have substantial habitat -- If you look at the bathymetry on it, it's very similar to much of the other stuff we've tried to set aside here. Any comments on that?

Mr. Pugliese: At this time, the AP had not put on the table any expansion. It had considered some of the areas and have identified this in the high probable habitat needing additional mapping and research and so that was considered and reviewed and there was a desire to keep it on the highest science supporting the existing proposal.

Mr. Harris: My recollection, there was a lot of discussion about whether this proposed boundary should be expanded at this time or not and the Habitat and Coral Advisory Panels discussed it at length and decided at this point in time to just leave the present Pourtales Terrace HAPC boundary as it is.

They said they will be conducting additional research as funds are available in this area and they know there's habitat outside the proposed boundary, but they don't have enough information right now to expand that boundary. Are we done with that now, Roger? Okay.

Mr. Easley: I just wanted to make one final comment on the triangle. Enforcement is not crazy about triangles. It's the sharp angle there at the points that get some folks in trouble, but if we're dealing with one vessel and we continue to communicate with that one vessel, two way, I think it's something we can deal with.

Mr. Harris: Thank you.

Mr. Pugliese: Just a quick issue. We had some pretty extensive discussion about why some of the original proposals had been expanded and there's a lot of concern by industry about the implementation of the VMS and I think we have a real opportunity to use the VMS and the technology they have, because I think they're going to have to really integrate the operational characteristics of the fleet to understand the differences between the vessels setting and hauling back and moving.

Also integrating call-in components and I think there's just a real opportunity to use it more, especially since the size of it, to use it as a more active and responsive type of a tool this time than where you have a fleet that's so large that they may not be able to have some of that interaction. I think the technology is there and the computer capabilities are there to refine any

of the monitoring and work with industry on ensuring that where they're setting they're setting and where they're moving they're moving and that type of thing.

Mr. Iarocci: Speaking of VMS, and we had talked about this in our discussions, and I remember back with what happened in the Gulf and for the rock shrimp fishery and there was funding and is there any money left available in any of those coffers for -- It wouldn't be a lot, but it would help get this thing moving and help the fishermen along and maybe see about acquiring some money for at least the start of a VMS program for this fishery.

Mr. Easley: I have an answer and I don't know if it's the right answer that you're looking for, but enforcement is at the whim of Congress when it comes to money allocated through us for the paying of implementing new VMS systems. We've been lucky the last couple few years to get a consistent allotment of a million or so for this type of effort. If Congress continues, most likely there will be some money available, but keep in mind too that this money is used for new VMS implementations across the country and so how much new effort receives -- I don't have a good answer on that one.

Mr. Harris: We won't be asking for a lot. We're just a minor part of that overall million dollars, perhaps.

Mr. Iarocci: What I would like to do for a follow-up, I'll get with the industry and maybe come up with a little proposal on what it would take to put VMS on the active fishing boats and then get back to the council on that and maybe try to submit something and work with you guys on this. Thanks for your help.

Mr. Harris: What we're going to need is, I believe, a motion to adopt these new boundaries as you have seen depicted this morning as an alternative and then if it's the desire to make this our preferred alternative, we'll need that motion as well. Is there any desire on the part of anybody on the committee to make a motion at this time?

Mr. Currin: **I would like to move that we select these newly formed areas as alternatives in the Comprehensive Amendment.**

Mr. Harris: Is there a second? Second by Chairman Geiger. Is there discussion on the motion? **Is there any objection to the motion? Without objection, that alternative is approved.**

Mr. Cupka: **I would like to make a motion that that be our preferred alternative.**

Mr. Harris: Is there a second? Second by Tony. Discussion on the motion? **Is there objection to the motion?**

Mr. Geiger: In terms of discussion, I guess I would just like to go on the record and, again, compliment staff and the industry for stepping forward and coming up with the compromises and being able to work through a plan that we can all live with and I would certainly support a motion to make this our preferred alternative.

Mr. Harris: Further discussion on the motion? **Is there any objection to the motion? Then without objection, this will become our preferred alternative.**

Mr. Currin: Just a quick comment. I want to thank Roger as well. I know he had a long night last night and it sounds pretty simple to sit here and say can we draw out these new lines and make some new colors on there and I'm sure it's not nearly that simple and we do appreciate, Roger, all your efforts working with the folks in industry and the long hours you put into making this crystal clear for us this morning. Thank you.

Mr. Harris: Amen. Now, we still have to have a report from our SSC. Does anybody have a -- Can we see if Carolyn is available at this time or is there something else we can do in the meantime, Roger or Doug? Go ahead and grab her, if you don't mind.

Mr. Pugliese: She is planning on being here. They were going to have additional discussions this morning and be here at nine o'clock.

Dr. Rader: Why don't you do the royal red?

Mr. Harris: We're going to go ahead and project the royal red. We've got a depiction of the proposed shrimp access area boundary that was discussed and approved yesterday. We've got the details of that that Roger can project. If he can do that before Carolyn gets here, we'll do that right now.

Dr. Rader: I was going to say that in addition, the members of the Southern Shrimp Alliance and members of your Deepwater Shrimp Advisory Panel and others met this morning to refine the language in support of the motion you approved and identified as preferred yesterday and corrected the graph, the map that accompanies that. We want to make sure that you had seen it, so moving into the full council session you're familiar with what it was you approved.

Mr. Pugliese: That's the actual wording that --

Mr. Harris: Let's look at the wording that has been worked out that basically captures the motion that was approved yesterday, but we want to make sure that there's not a problem that anybody sees with this wording. This is the intent of the motion yesterday and we just knew that we needed to work out some details as to positions and all that. Have a look at that and it says the alternative is to -- XX, I don't know what that means.

Dr. Rader: You were going to collapse the other alternatives, so there would be fewer numbers, different numbers.

Mr. Harris: Right. That's right. I'm just trying to get a little rise out of the folks here. Create a shrimp fishery access area within the within the proposed Stetson Reefs, Savannah and East Florida Lithohermes, and Miami Terrace Coral HAPC boundaries, where fishing with a shrimp trawl and/or shrimp possession is allowed by any vessel holding a rock shrimp limited access endorsement and equipped with an approved vessel monitoring system.

The SFAA is located as follows and I don't think I need to read that to you, but those are the boundaries that are proposed. Monica, have a look at those and make sure you don't see anything that's problematic with those and --

Dr. Rader: The Xs are the latitudes of the cutouts that we discussed yesterday.

Dr. Laney: Mr. Chairman, I'm wondering, do we gain anything by noting that these are traditional shrimping areas and traditional rock shrimping areas? I don't think it would hurt to reference that fact, stick that adjective in there somewhere.

Mr. Harris: We certainly can use that. They are traditional rock shrimp/royal red shrimp trawl areas and so if we can find a location where --

Ms. Smit-Brunello: If that gets problematic in there, you could have that when you discuss the alternatives and put it right up front in the very initial part of the discussion.

Mr. Harris: Let us just work on that. That will be the intent, is to fix that. Any issues with this language?

Mr. Wallace: In your intent to allow passage, the transit clause there, shouldn't it say within the HAPC, to make it clear that it's within the HAPC and not within the allowable gear zone?

Mr. Harris: We're going to have to work on the transit language specifically, John, with law enforcement. We already have transit language in some of other FMPs, but let us look on that and work on it. The intent will be to allow transit with shrimp trawl gear onboard through the HAPC but we've got to work the specific language out. I talked to Otha about that this morning and so we'll need to do that.

Mr. Robson: The term innocent transit or innocent passage, I just want to be clear what that means.

Mr. Harris: That means non-fishing passage with gear onboard through a boundary of the habitat area of particular concern. Monica, anything further on that?

Ms. Smit-Brunello: I haven't seen that innocent passage use since maybe international law and law of the sea kind of things and it has specific connotations and so if you'll give us editorial license to work on that a little bit, because I don't know that you really want innocent passage in there, but I understand what you're trying to get to and so I think we can wordsmith it for public hearing.

Mr. Robson: That's good. I just wanted to be clear what it was and then I don't necessarily want to revisit all of this, but just so I understand the decision process that led us to establish this trawl area, as opposed to changing the HAPC boundary. What was the primary basis for going that route?

Mr. Harris: I'll have to defer to Doug or Roger. What was the decision -- The question was how

did this decision come about to make this an allowable trawl area, as opposed to moving the boundary of the proposed HAPC?

Dr. Rader: That was actually at the AP's request, because fishing is not the only threat to coral habitats and the current suite of fishing isn't necessarily the future suite of fishing and so we were trying to create the coral zone where the coral actually is and then configure allowable activities within the HAPC to include those that would not damage the corals that were there.

The presumption is that the existing deployment and gear management recovery practices outside that require activities within are actually not bottom disturbing and are consistent with maintaining the coral habitat condition, but especially for dealing with non-fishing activities, it's important to have the coral, where it is, protected.

Mr. Harris: Thank you, Doug. A follow-up Roger? Then we're going to go to Carolyn.

Mr. Pugliese: Just a real quick follow-up on that. One of the other things is for the entire area north of the Miami Terrace, the driving force of the intent of the effort is that the coral distribution extends to that 400-meter contour. All the information is really built on that whole dataset and the intent and the metadata going into the HAPC boundary system and so maintaining the integrity of that science and development to this data I think was really important, too.

Mr. Harris: Thank you, Roger. Now we'll hear from Carolyn Belcher, chair of our SSC, with respect to the Fishery Ecosystem Plan and the Fishery Ecosystem Plan Comprehensive Amendment. Thank you, Carolyn.

Ms. Belcher: Thank you, Duane. Basically, this was presented to us by Roger on Sunday and it was more of an information presentation for us, but we did have a few comments that went around relative from our socioeconomic folks and from a few fisheries folks. The one thing that came up was a concern relative to fishing activity occurring within the HAPC. It seemed contradictory that fishing was occurring in that area, but there wouldn't be an impact on coral habitat, but staff explained that the HAPC was a mosaic of habitats, having results of high resolution mapping for those areas, and where fishing was occurring, it would not impact these deepwater corals. That kind of addressed that issue.

However, there were several sections that were felt to be incomplete, somewhat piecemeal or outdated. For these reasons, even though we weren't asked to endorse as best available science, there was some concerns that with some of these being outdated that it may not be the best available science.

The SSC is requesting that these concerns be addressed before the FEP is finalized and that they be granted another review of the document. We have a couple of socioeconomic folks that had specific items that they are willing to list and provide to Roger for addressing and all that they're asking is that they be granted a chance -- When the council reviews it again in September, that there be some mechanism by which they can be looking at that document and provide comments at that point as well. That was pretty much the discussion relative to the FEP and the

Comprehensive Ecosystem Amendment. Are there questions?

Mr. Harris: Thank you, Carolyn. Are there questions for Carolyn? It was acknowledged that some of the tables for sure are not up to date and that we've got to get those up to date before we finalize this document. I don't think there's anybody that would disagree that we would like to have the SSC have another look at the document before it's finalized and submitted in December. Hopefully that can take place in September. Is there any reason it cannot, Roger, take place in September?

Mr. Pugliese: We'll provide these drafts in advance and beyond even the tasking that Carolyn has had, there's some individuals I've talked to specifically about other activities, modeling and different things, that I think we're going to try to get as many of the individuals involved directly in providing additional guidance and finalization of these documents, especially technical recommendations and updating a lot of those sections, so we have as complete of a document as we can.

Mr. Harris: Let's make sure we get the tables finished before we worry about too much additional modeling stuff. We want to make sure the tables are as up to date on landings information as they possibly can be when we submit this document. That's task number one, I think. Any other questions?

Mr. Currin: Not a question, Duane, but just a comment. I would just encourage all the state agency folks to make sure they have some staff within their divisions or offices take a look specifically at the material regarding their states and the overviews and the economic sections, human impact sections, and make sure that they're as complete and as up to date as possible and then can provide some of that information to the council staff to assist with the document.

Mr. Harris: Thank you, Mac. Any other questions of Carolyn before she returns to her other task? Thank you, Carolyn. We appreciate it very much. Roger, next?

Mr. Pugliese: I'm going to go ahead and project the image of the revised royal red area and what I'll do is I'll zoom to the north, to show the modifications. Basically, there were essentially three modifications. The northern area was extended. Starting in the northern zone area, this was originally at 30 degrees, 9 minutes and was extended, as a compromise, to 30 degrees, 12 minutes in the northern and using a straight line of latitude. Moving south --

Mr. Harris: I don't know that you have this. This is the new version and so --

Mr. Pugliese: This is just what has been developed with industry and so you don't have it.

Dr. Rader: You don't have it. This was developed yesterday, in consultation with Richard and Glen and others.

Mr. Harris: I think it would be helpful that -- I'll just make this statement, that as soon as this meeting is over with, that these charts be sent out to the council and the council is asked to have someone, if it's a state agency especially, review them and make sure they don't see any

problems with latitudes and longitudes in this document, because those have changed and sometimes when you make these changes, not everything gets changed. Let's just make sure that we get that done.

Mr. Pugliese: The second area was just aligning -- Originally, these were not latitude lines and they've been reoriented to the latitude line, which captures the habitat distributions in those areas. That one area was not -- It's been realigned since. The only other thing is the southern boundary. It originally ended in this area and what it's done is -- What the industry wanted to do is capture these last points of the VMS and essentially extend it down to where the break is right here and use this point as the latitude line there, to capture it.

Now, all this was encompassed in our discussions with the golden crab and so in the layout of that, it tracks right along with this. Those were the modifications to the bounds. In this actual entire file on the western side boundary, it only has about thirty-four points to ensure that at least we have a limited number of straight line point areas, capturing the one mile as well as the one-and-a-half mile, but trying to make it clear that we do have -- The western boundary is the HAPC boundary and so that is the revised proposal.

There had been a request by Susan to put these in context with what had been brought out to public hearing yesterday and if you would like, I can at least just show quickly the difference between that and --

Mr. Harris: I think we probably also need to give some direction to staff as to how many of these alternatives we are going to perhaps move to the Considered but Rejected Appendix and which ones are going to be analyzed for this next round of public hearings. We'll give some thought to that as we're going through this.

Mr. Pugliese: What I'm projecting now are there ones that were brought out to public hearing that were developed by industry, provided we had those images, the actual files provided by National Marine Fisheries Service when they were doing some of the analysis originally of the line. In the document itself that we brought to the public, it indicated that most of these areas are starting between six and eight miles and going eleven and twelve miles. These last two go all the way to the end of the HAPC boundary, which encompassed essentially some of the most significant pinnacle distribution, let alone all the habitat areas, on the inside.

Virtually every one of those covered either significant habitats or even in the cases of the furthest out, a number of the most significant pinnacle distributions within the area. You see the proposal is the yellow line at this time and those four other lines are the ones that were originally proposed by the industry.

Mr. Harris: Based on what the committee did yesterday, the yellow line is the preferred alternative at this time and there are other alternatives that were taken out to public hearing, in the first round of public hearings, and I think what we need to do is have some discussion as to what other alternative or alternatives you want to have staff analyze between now and the next public hearings.

It seems to me maybe the alternative that was the most all encompassing alternative, the alternative that was the farthest to the east, might be an alternative to consider, the preferred and then perhaps the no action alternative. Is there any need to consider any of those other ones?

Dr. Cheuvront: I believe yesterday you had asked Monica if there was a certain number and have we heard back from that?

Mr. Harris: We're getting ready to right now.

Ms. Smit-Brunello: Maybe. I'm never going to tell you there's a certain number, because the alternatives that you should look at are those that are a reasonable range. What I would really like to do is somehow look at these together, to see whether some could be eliminated, because they're so close to the other ones, before I give you a final answer, if that's possible.

Mr. Harris: That is possible. Is that okay with the committee?

Dr. Cheuvront: I agree with the goal of minimizing the number of things and not just because of the burden on staff, but just because of common sense. Let's be honest here. I think everybody feels pretty good about our preferred alternative and we have to consider the do nothing alternative and I'm not sure what else seems logical at this point, but I think we need to make sure that we are considering whatever that range is that we should be looking at.

Ms. Shipman: Usually I'm going to tell you that before you choose a preferred alternative you need some analysis in front of you, so that you can see which alternative is the best one to choose. In this one, in this situation, it's a little bit different, because we're talking about areas -- I'm not sure that the levels of analysis that you need in other types of actions -- That you need that here before you choose a preferred alternative, because you're visually looking at the map and choosing areas in which fishermen have brought forth where they fish and all this sort of thing. I just really need to look at them and then I'll be better able to give you advice on which ones, if we should move a few of them to Considered but Rejected.

Mr. Harris: Roger reminded me that the other proposed alternatives were to move the HAPC boundary and so that's different than what -- The proposed HAPC boundary is the same now as was originally proposed, with just allowable fishing areas within the boundary. That is substantially different than what was taken to public hearings the first round.

Ms. Shipman: In a sense, it's almost five alternatives. Moving the boundary is one and leaving the boundary where it is and establishing no trawling areas is one and no action, not establishing a thing is one, and then the preferred alternative is one. To me, that sounds like reasonable alternatives to evaluate.

Mr. Harris: Did you get that, Roger? Let's make sure we capture that, because that's exactly what I was trying to say earlier. Other discussion on the alternatives that need to be considered? I think everybody is satisfied with Susan's proposal there and so, Roger, what else? VMS?

Mr. Wallace: I guess this is for Roger. Will you be able to get the actual coordinates of the

allowable gear zones to both the golden crab and the royal red fishermen, to where they can ground truth it with their equipment, before we get to that stage or do we need to do that -- I guess that needs to be before the law enforcement has a chance to look at it.

Mr. Harris: I think we have most of it now, John. We're going to have to tweak it some, based on some changes that were made, but I think we have most of those coordinates already and we did talk about having the industry ground truth those coordinates before we finalized this. I think that's the intent.

Ms. Smit-Brunello: As if Roger didn't have enough to do, I would like to ask him to do something else. I think it would be very good when you take this out to public hearing if you could have a real clear map of the proposed coral habitat area of particular concern and then within that, the area which you would allow some fishing to occur.

I think these other maps have been very good and they're very useful and they should be in the document as well, but you might want to do a subset, where you have instead of -- It's just less busy and it focuses the fishermen and all the other constituents out there, the public -- It focuses them on what exactly is being proposed and I think that it might be very helpful to do that.

Mr. Harris: Good suggestion. Other comments? Are you ready to project anything on VMS? Under your overview document for the Ecosystem Committee, the alternatives with respect to vessel monitoring are listed and I don't know whether that's the best place to go or not.

Mr. Currin: I think I found them in Attachment 10 on page 44 of 247. There's a table 2-3 there. **Duane, I would like to, based on the discussion we had yesterday about the lack of platforms and capability to conduct or effectively use acoustic monitoring, I would like to move that we move Alternative 4 to the appendix for being considered and rejected at this point.** That would leave us with three for VMS.

Mr. Harris: There's been a motion and is there a second? David Cupka seconds. Discussion on the motion, which is to move Alternative 4 to the Considered but Rejected Appendix? Alternative 4 is the acoustic monitoring provision. **Is there objection to the motion? That motion carries without objection.** We did also agree yesterday, in principle, to have that as one of the proposed research items in the research plan associated with this amendment.

Mr. Cupka: I was going to ask Roger, isn't it more of a question that the equipment isn't in place than the technology is suitable? I don't know that it's really a research question. It needs to be in there somehow, but my understanding was that it's possible to do it, but that the equipment wasn't in place to monitor it. Is that correct?

Mr. Harris: I believe technologically this can be done at the present time. It's simply a matter of having the equipment there, because we're doing this with passive acoustic listening for right whales right now off the coast of Georgia and it's working extremely well. We just have to have the buoys out there to receive the signals and then the capability to transmit the signals, via satellite, back to land. Without the equipment in place, obviously it can't be done.

The equipment is not inexpensive, as you can imagine. I don't know what the pingers on the traps would cost, but certainly the equipment to record those signals and transmit that information is not cheap.

Mr. Pugliese: To that, I think there is the opportunity to, say through the developing SECORA system and as monies come forward, to get some cooperative research work. I think it is going to be a challenge to do some -- You've got to remember we're monitoring in significant depths and so that type of tweaking of the technology I think is going to be pretty important, to be able to -- You not only have the distance, but you also have to deal with depth, in terms of trying to identify where those are. I think there's real opportunity to get resources to do that and so I think it's going to be a significant opportunity for cooperative research.

Mr. Harris: Let's look at these alternatives. Wilson, do you have something?

Dr. Laney: I was just going to add, Mr. Chairman, it seems to me this may be another potential arena where the council could establish partnerships with academia to ultimately work to have some sort of a listening array out there that could accommodate both law enforcement need and fishery research needs as well. We're currently working on one off the coast of North Carolina to do some spiny dogfish monitoring. East Carolina University has gotten a grant from North Carolina Sea Grant to begin putting a listening array out there and we'll be using it for monitoring spiny dogfish movements, but it could just as easily be used to monitor trap locations as well, I think, depending on the number of receivers you put out and so forth and so on.

Mr. Harris: Let's look at this language that we have presently with respect to VMS systems in the golden crab fishing. This is the present language that was taken to public hearing. Is there any need or desire to change that, other than to the proposal that was just made to move Alternative 4 to the appendix? Seeing none, we'll stay with the language that's in there at the present time. Roger, what else do we have? Is that it? Is that all of our business?

Ms. Smit-Brunello: I have a question. Roger, have these deepwater coral systems that we're proposing as coral HAPCs, have they been identified as essential fish habitat?

Mr. Pugliese: We have a section within the document. What it does is acknowledge that some of the species that have been identified within these deep coral areas -- It's a complex. You've got everything from hard bottom to soft corals to sponge habitats to things that you could consider almost live rock areas that are already identified as important habitats for wreckfish, for royal red shrimp, for golden crab, many of the species that we're doing, as well as some of the other species that we manage, such as snowy grouper, that have been found in certain locations.

What it's doing is it's identifying that it does serve as essential habitat for a number of different species, but the regulatory structure is tied to the coral management effort, but it does acknowledge that there are a number of different species that do use various portions of these habitat areas, overall habitat area of particular concern, as essential habitat or even as essential habitat area of particular concern.

Dr. Rader: Monica, in addition, within the coral fishery management plan, all the hard bottom

live bottom are essential fish habitat for corals as managed species and so the answer is yes, that they are essential fish habitat for corals, even in the deep waters.

Ms. Smit-Brunello: All of these areas have already been identified as essential fish habitat for corals?

Mr. Harris: Is that in the habitat plan right now?

Mr. Pugliese: Yes, technically the way the definition is -- We'll double check to make sure that it does -- There was some discussion about some of the species and the way the description was, but I think the intent was that that was supposed to be covered in the original designation and so it should be.

Dr. Rader: I'm just not sure about the EFH maps in the FEP. We need to make sure that it's consistent that way and you're completely right.

Ms. Smit-Brunello: I guess there was a question raised by some within the NMFS habitat group that we're calling these Coral Habitat Areas of Particular Concern, when under the Essential Fish Habitat Guidelines found at 50 CFR 600.805 or Part 800, really, they identify Habitat Areas of Particular Concern as those areas of EFH identified pursuant to the EFH Guidelines and Habitat Area of Particular Concern.

I know that Oculina HAPC existed before these essential fish habitat areas or guidelines came onboard and so I think the idea is that there could be some confusion and we want to make it clear, to try to make the document as clear as possible. I don't see a problem with it necessarily, calling them Coral Habitat Areas of Particular Concern. I'll double check with my office and make sure that we're all okay on that and I'll tell you that when the council meets, at the latest, but it may be a good idea to go back and check the designations under the coral plan for EFH, to see whether those areas are in EFH HAPCs or EFH or whatever they are.

Mr. Pugliese: To that, Monica, that's the very big distinction that we have in this. In other areas, such as the Aleutians, they did it as an EFH rule when they protected some of the habitats. This is a regulatory structure that is in the Coral FMP to establish Coral Habitat Areas of Particular Concern. The idea is you're managing and protecting that suite of species managed under the Coral FMP itself.

The secondary benefit is that it does serve as EFH for the corals, as well as it does serve as EFH for a multitude of other species. What we need to do on the front end is make that very clear distinction in the description of the process, because the process went through and having the technical input and report to the council -- Actually, that's spelled out in the way the Coral HAPC designation is laid out in the -- Actually, I think it may even be laid out in the original framework layout of the plan.

We just need to be a lot clearer in the frontend of the amendment that that process was followed and that's the regulatory structure and maybe allude to the fact that EFH is considered, but it is a secondary benefit of this overall effort.

Mr. Harris: Other comments? Questions? Is there any other business to come before the Ecosystem-Based Management Committee?

Mr. Swatzel: I just wondered, is this the appropriate time, and I'm not on the committee, Mr. Chairman, but to talk about the National Monument issue one more time?

Mr. Harris: Certainly. We've got time, if you want to talk about it. Go right ahead.

Mr. Swatzel: I'm not on the committee, but in listening to the comments by various committee members about the National Monument issue, it just came to my mind that it might be a good idea for council, rather than remaining silent on the issue, to perhaps consider going on the record in a respectful manner to the President about what it is that you would want to see, if indeed a national monument comes to fruition concerning these deepwater corals. Otherwise, the assumption is that you're agreeing with it. I would just suggest that maybe this committee or the council give consideration to going on record concerning that issue.

Mr. Geiger: I share your concern and your desire to go on the record and I think that it would be beneficial for us to have that discussion and if we came to an agreement, to go on the record. However, I'm not sure that, from the council perspective that writing to the President is the right thing to do.

Perhaps we can provide our input through the chain of command and provide our input to NOAA Fisheries and have NOAA Fisheries convey that information to CEQ as they have regular operational -- It's just uncomfortable writing to the President. I don't know if our letter would even be received or how it would be received or if it would be beneficial. I think if we went on record and we went on record through NOAA Fisheries and the Department of Commerce, it might be a better route.

Mr. Iarocci: To that point, there's a lot of people, Tom, at this time keeping track of what's going on there and I think at one time the Gulf Council wrote a letter to NOS about the Islands in the Stream, which is similar to what's going on, but to a lower degree. I think what we'll do and what I'm doing right now is we'll keep track of the D.C., the lobbyists, the people keeping track of this -- There is a group of people that at the time -- At the time, I think both councils might weigh in on this at the time, but I think we need to wait before we do something like that.

Ms. Shipman: I was wondering if we had any idea of when they might begin soliciting public comment on it, because it seems to me we would certainly want to weigh in on the public comment, just like we do when our own proposed rules are being published. Typically, the council does weigh in and I don't know -- I understand what Tom is saying and we may want to try to influence the content of that public rule as early as we can and maybe -- I think the suggestion of maybe going through NMFS, to the degree they're going to be asked to help craft that -- It's a big unknown how they're going to go about either preparing a management plan or whatever.

Mr. Harris: I appreciate all the comments. I think you're right. My main concern with doing

anything right now is we haven't finalized anything and we certainly could send a letter to someone telling them the process that we've been going through and we are going through and where we are in that process, but until we actually amend these FMPs and finalize the FEP, we're kind of not there just yet, but we're certainly a long ways along in the process.

Ms. Shipman: One other might be to -- If we can figure out the proper channels to go through, begin sending them a copy of our public hearing draft, so they can see how far along we are in contemplating this and addressing this and ultimately, they may lift some of that, hopefully all of that of that, content for those areas that are in our area of jurisdiction.

Dr. Rader: I think you're right, Susan. I think it would be worthwhile for all of the decision makers to have in their hands clear evidence of the process that we together have been engaging in and where that stands now, so that they can factor in that information and build it into where they're going. I think it would be totally reasonable to deliver an expectation to those people that whatever outcome is considered would take that process and result and stakeholder-based process into account, since it's not a secret that they are interested in stakeholder-based processes and you're the main guys on that. I think it would be reasonable to deliver a letter of that type or the set of information from staff or something to the Secretary of the Department of Commerce or --

Mr. Harris: The Secretary of Commerce? Okay. Is there any objection to sending such a letter as Doug just described to the Secretary of Commerce, just outlining the process we've gone through and where we are in the process and --

Dr. Rader: I hope it would start by saying the council has exerted ten years worth of leadership into trying to protect these world-class resources and we understand you're considering protection above that and we would support whatever full protection exists, but please know that we have this process underway and we are doing everything we can within our tools to do that or something like that.

Mr. Geiger: We're going to look to Roger to put the tenets of this letter together and certainly, in consultation with our Chairman of our Habitat AP, to ensure we capture the salient information that he believes might assist in the decision making process.

Mr. Shipman: I would put the links to our public hearing draft and all of that. I really think they need to see how much work and thought has gone into protecting those areas. They may want to comment on our public draft. You never know.

Mr. Currin: I don't know a lot about this, but it seems that I've heard at least some of these monuments have been administered under the Department of the Interior, many of them, I guess. I'm wondering whether the same letter or a similar letter should be sent to the Secretary of the Department of the Interior, to inform them that we've got this process, in case this gets thrown in their lap at some point and they don't know what's going on at all.

Mr. Harris: I think that's a good idea.

Mr. Currin: It may be a little bit out of the blue, I don't know, but at least --

Dr. Laney: I don't think it's out of the blue at all, Mac, and I would concur in that recommendation, Mr. Chairman. I know for the Hawaiian Islands one, which I cannot pronounce and I won't even attempt to, not even having practiced, as my colleague, Dr. Rader, did, the Fish and Wildlife Service and the National Marine Fisheries Service, or NOAA, and the state are all co-trustees for that particular one and I have no clue -- I haven't discussed with Doug whether or not the Fish and Wildlife Service is being considered as a co-trustee for this one or not, but in the event that it could be, then it would be appropriate to send a letter to the Secretary of Interior as well.

Dr. Rader: I think Mac is exactly right and Dr. Laney is exactly right, that we should address it together to the two secretaries.

Mr. Harris: Any objection to sending such a letter? Without objection, such a letter will be drafted, with the assistance of the Chair of our Habitat AP, and we will move forward. Any other business to come before this committee today? You received an email from Roger earlier this week about the award that the *Revealing the Deep* DVD received and just to acknowledge that and to acknowledge the work of everybody that put that DVD together and it received -- Tell us what the award was, Roger. I used to know.

Mr. Pugliese: It's the Silver Telly for the section for nature and wildlife, out of 14,000 applicants.

Mr. Geiger: What do we do with the money that we get as a result?

Dr. Rader: In addition, our excellent colleagues at the Museum of Natural Sciences and others have now converted that DVD into a second DVD called *Into the Blue* that is being considered -- The two together are being considered as the basis for a public television special that would be focused here. There is a question of money and so get your wallets out. They come to us, among others, to try to raise about \$30,000 to be able to turn that excellent work into an hour-long PBS special. We're excited about trying to help do that.

Mr. Harris: We'll make sure that the letter that we send to the Secretaries of Commerce and Interior have a copy of the DVD included in the letter. Any other business to come before this committee? Seeing none, we adjourned.

(Whereupon, the meeting adjourned at 9:38 o'clock a.m., June 10, 2008.)

Certified By: _____ Date: _____

Transcribed By: Graham Transcriptions, Inc.
June 22, 2008

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ECOSYSTEM-BASED MANAGEMENT COMMITTEE

**Renaissance Orlando Airport Hotel
Orlando, FL**

June 9-10, 2008

TABLE OF MOTIONS

PAGE 26: Motion to include the alternative entitled “Shrimp Fishery Access Area” into the document. The motion carried on page 28.

PAGE 28: Motion to make the “Shrimp Fishery Access Area” alternative the preferred alternative. The motion carried on page 28.

PAGE 52: Motion to add the newly formed areas as alternatives in the Comprehensive Amendment. The motion carried on page 52.

PAGE 52: Motion to make the newly formed areas the preferred alternative. The motion carried on page 53.

PAGE 59: Motion to move Alternative 4 to the Considered but Rejected Appendix. The motion carried on page 59.

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Orlando, FL

Monday, June 9, 2008

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