

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ECOSYSTEM-BASED MANAGEMENT COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 13, 2011

SUMMARY MINUTES

Ecosystem-Based Management Committee

Duane Harris, Chair
Tom Burgess
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Mac Currin
John Jolley
Dr. Wilson Laney
Dr. Michelle Duval

Robert Boyles
Bill Teehan
David Cupka
George Geiger
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Gregg Waugh
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Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Kate Michie

Dr. Jack McGovern
Rick DeVactor
Bob Gill

Other Participants Attached

The Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, September 13, 2011, and was called to order at 10:05 o'clock a.m. by Chairman Duane Harris.

MR. HARRIS: I'll call the Ecosystem-Based Management Committee to order. The first item is the approval of the agenda. Are there any additions or suggestions for amending the agenda? Seeing none, the agenda is approved as published. The next item is the approval of the June 13, 2011, committee minutes.

Are there additions or corrections to those minutes? Seeing none, is there objection to approving those minutes? Seeing none, the minutes are approved as published. The next item, Item 3, is the status of catches versus quota for octocorals. Jack, were you going to do that or is Bonnie going to do that?

DR. McGOVERN: I can state that the status of the catches versus the quota for octocorals is in the briefing book in a memo from Dr. Crabtree to Bob Mahood. It lists the landings in there.

MR. HARRIS: That's true. Bonnie, do you accept that?

DR. McGOVERN: I'll find what attachment it is.

MR. HARRIS: Okay. Yes, I read that and it's not a lot of landings to date. Anything else to add on Item 3? If not, then we're going to go to Item 4, Status of the Comprehensive Ecosystem-Based Management Amendment 2 and have an update from the Gulf of Mexico Fishery Management Council August Meeting, which are Attachments 1 and 2. I'll ask Anna Martin, who did a wonderful job at the Gulf Council Meeting, to brief us on that.

MS. MARTIN: Just to quickly review, the Gulf Council did receive an overview of the Comprehensive Ecosystem-Based Amendment 2, CE-BA 2, and specifically Action 4, Preferred Alternative 3. This is the measure that amends the Joint Coastal Migratory Pelagic FMP. They unanimously approved the alternative and deemed the proposed rule necessary and appropriate.

As Duane mentioned, Attachment 1 are the motions from the Gulf Council's August Meeting. Attachment 2 is a letter submitted from the Gulf Council to the South Atlantic Council indicating their approval of this measure that amends the joint plan. The FWC Commission also met last week and approved extending management of the Marine Life Fishery Program which includes octocorals into adjacent federal waters off of Florida.

This also establishes an annual quota for octocorals at 70,000 colonies and maintains the prohibition for octocorals in the HAPC areas and also in waters north of Cape Canaveral in Florida. Their new rules are going to be effective October 31st of this year.

MR. HARRIS: Thank you, Anna; questions for Anna? The item is status of the review, the National Marine Fisheries Service. Monica.

MS. SMIT-BRUNELLO: I'll jump in for the National Marine Fisheries Service. The status of the review is that the Notice of Availability and Proposed Rule sent to me. I gave it back with some comments and now I have it back for review. I'll get to it as soon as I am able.

MR. HARRIS: At the end of this week, I'm sure. Thank you, Monica. Committee discussion and guidance to staff as necessary; is there any committee discussion on this amendment that has been submitted? Seeing now, we'll move on to the next item on the agenda, Item 5, Comprehensive Ecosystem-Based Amendment 3; review of items for consideration, Anna.

MS. MARTIN: I wanted to review with you a number of items for consideration in the next Ecosystem Amendment, which will be Comprehensive Ecosystem-Based Amendment 3. Now, some of these measures have been discussed in previous in previous amendments and others have been brought to our attention from the latest in deepwater coral research in the South Atlantic over the past few years.

What I'd like to do is provide you with a list of the items and a little bit of background on the issues and seek some guidance in further developing the list and also a future purpose and need for this amendment. The bulk of the work will begin in 2012. In the meantime we have our Snapper Grouper Advisory Panel Meeting in October as well as our Coral and Habitat Advisory Panel Meetings this fall to weigh in on this list as well.

We'd like to take a list of items for consideration out for public scoping and that will take place end of January/beginning of February in 2012. The council would need to approve a list of measures for the next ecosystem amendment during the December council meeting, just to give you an idea of the timeline that we are looking towards here.

DR. CRABTREE: Some of the items on this list it seems to me could be more efficiently handled through a framework action; the protective measures for speckled hind and Warsaw grouper, powerhead prohibition and I think the snowy wreck seems to me should all be handled through the Snapper Grouper Committee and could all be dealt with through a framework action in a more timely fashion and in a more efficient manner. I would like to hear some discussion on that before I make a motion.

MR. WAUGH: If we could, it might be better to have Anna complete her presentation and then we get into the discussion as we have planned for.

DR. CRABTREE: Okay.

MS. MARTIN: As I mentioned, NOAA's Deep Sea Coral Research and Technology Program has conducted the past three years of research focusing efforts in the South Atlantic and preliminary results indicate some compelling evidence for expanding some of the Coral Habitat Areas of Particular Concern that were designated in the first ecosystem amendment and also earlier.

Now, again the Coral Advisory Panel will be meeting in October to present recent research, provide map products to visualize some of these boundary revision suggestions and weigh into

the council with some recommendations specifically for these boundary revisions. In June of 2011 NOAA's Deep Sea Coral Research Expedition discovered new oculina mounds in areas far north of the current Oculina Habitat of Particular Concern.

Scientists mapped several areas of the outer continental shelf edge between St. Augustine and Cape Canaveral, and this was for the first time. They discovered somewhere in the range of 75 new coral mounds of oculina coral and coral rubble north of the HAPC. There is some interest in looking towards possibly expanding the Oculina HAPC.

A shallow water lophelia site off of Jacksonville was first examined during a deep sea coral cruise in November of last year, and this discovery represents the shallowest known lophelia community in the southeast region. It lies outside of the current Stetson-Miami Coral HAPC boundaries.

Scientists revisited this area this past summer and confirmed what they had seen during November of last year. Just to remind you, lophelia is a fragile deepwater water coral and it's found within many of the Coral HAPCs, and it's typically observed at depths of greater than 980 feet, so this shallower observation was somewhat of a surprise for the scientists in the observation.

Okay, moving on, based on new multibeam data from a 2010 research expedition, the recommendation has surfaced from Dr. Steve Ross and this will be to consider expanding the boundary of the Cape Lookout Coral Habitat Area of Particular Concern. During the expedition, researchers observed lophelia mounds in areas far north of that HAPC and suggests refining the boundary here as well. And then just to remind you, we're going to be seeking guidance from the Coral Advisory Panel when they meet here in Charleston in October.

Okay, the Snowy Wreck Marine Protected Area, during a recent multibeam cruise, scientists mapped the Snowy Wreck and discovered the area in the deeper areas larger than previously thought and what the current designation affords for this area. Lophelia Coral also occurs at this site. However, the extent is unknown and more data is needed for this specific area.

This is a preliminary observation by the scientists involved in that excursion, and there is some interest as such among them involved in conducting a bigger survey of the area and also in getting a Deepwater ROV to this site to get some more information and collect some more data. Just to remind you, we do have a Coral Reef Conservation Program Project that is funded under our Council Coral Grant, and it's scheduled to begin in October of this year.

It's a three-year study that continues the work of Andy David and Stacey Harter at the Science Center, and this will be collecting more post-closure data to assess the effectiveness of the these MPA areas. They're currently scheduled to further look at five of the eight MPAs. However, the area in question with the Snowy Wreck MPA, it's in waters much deeper than the project is scheduled to look at and would require a more specialized ROV than what the project is currently scheduled to have on board, so some logistical hurdles would need to be overcome in order to incorporate observations of the Snowy Wreck MPA and to the MPA project of Andy David and Stacey Harter that will begin in October.

MR. BURGESS: I know this is very preliminary, but was there any indication about you said the expansion of the Snowy Wreck and what type of an expansion and how close those corals were located to it at this time?

MS. MARTIN: We don't have that information. That is something Steve Ross is organizing and will be presenting during the Coral Advisory Panel Meeting, but we thought it would be important to surface it at this point and just let the council know there is some interest there.

Okay, the North Carolina Commission has requested the council consider taking action to prohibit the use of bangsticks in the EEZ off of North Carolina, and this is in response to concerns of localized depletion of larger snapper grouper species. Their concern stems from a 2010 spike in numbers of the use of bangsticks by commercial fishermen off of North Carolina.

They have received a lot of questions and concerns over instances where fishermen are landing many pounds of larger grouper and targeting larger snapper grouper species off of North Carolina. Brian Chevront with North Carolina DMF at the time developed an issues paper, and I believe that was circulated to the council earlier this year kind of identifying this situation to the council.

There has also been some council discussion and a suggestion to address this situation regionally. Currently bangsticks are only prohibited in the EEZ off of South Carolina. At the time this prohibition was implemented through Snapper Grouper Amendment 7, no other South Atlantic had requested this be considered at that time.

The Snapper Grouper Advisory Panel is meeting in early October and they have indicated an interest in providing some recommendations to the council specifically on this issue as well. Okay, we'll also be revisiting an issue that has surfaced in the first Comprehensive Ecosystem-Based Amendment in assessing whether gear impacts from the commercial wreckfish fishery jeopardized the integrity of deepwater coral habitat.

Just to remind you, the wreckfish fishery is a bottom-tending hook-and-line fishery and the technique is using a 30- to 50-pound sinker, cable and terminal rig while motoring against the Gulf Stream to maintain a constant position over the bottom. As was identified in CE-BA 1, it's unknown if this harvest technique incurs any impact on bottom habitat, and there was council discussion to revisit this issue in a future amendment so that's what we'd like to do here.

We do know from some submersible dive observations that wreckfish are associated with coral mounds and lophelia communities, and we also know from dive records that wreckfish have formed dense aggregations and spawn within the Miami Terrace Coral HAPC. Another item for possible consideration for the amendment is considering whether other recreational deep-drop fisheries incur bottom habitat damage through gear impacts as well.

Okay, lastly, for the presentation purposes, through the analysis of Regulatory Amendment 11 and finding the 40 fathom closure that was established under Amendment 17B is no longer necessary, in CE-BA 3 we want to consider measures for protecting two mid-shelf species undergoing overfishing, and that's speckled hind and Warsaw grouper. The council has had

some preliminary discussion about increased protections for these two species through more targeted MPAs, expansion of current MPAs and a possible spawning season closure for speckled hind.

This is also going to be discussed further this week during the Snapper Grouper Committee. As mentioned earlier, the MPA study that Andy David and Stacey Harter are spearheading, this study and project will be considered as well to determine if the size and configuration of the existing MPAs need to be expanded to include some further protection for these two species here. That kind of wraps up the list of items for consideration and a little bit of background information.

MR. HARRIS: Thank you, Anna; if we can go back to the list of items for consideration for Amendment 3. David.

MR. CUPKA: I'd just like to note for the record that this is one time that South Carolina was ahead of the curve in regard to the bangstick issue. It was prohibited 17 years ago and I'm glad to see that other states are finally considering similar action. Seriously, I did want to mention, too, all of you should have received a copy of a letter that we sent out supporting a project that has been submitted by Sustainable Seafood Solutions relative to trying to get some more information on Warsaw and speckled hind.

I think that's going to be an important cooperative research project and we hope to get some good information out of that. We are trying to support some activities in that area as well, and I just wanted to, like I say, bring that to people's attention. Thank you.

MR. BOYLES: Mr. Chairman, just for a reminder could I get a sense from Bill and from Doug where Florida and Georgia are with respect to the bangsticking; is this something that they are actively pursuing or have they had discussions with their commission?

MR. HAYMANS: It's not our radar at the moment. We haven't discussed it and thought about it. It's a prohibition in the SMZs, but that's it. I don't know where we would be on that right now.

MR. TEEHAN: That's not on our radar either, but we do have concerns with bangsticking of commercial spiny lobster in that area, so it may be something that the commission would be willing to take up following the lead of the council.

MR. HARRIS: Using 12-gauge shells? That's kind of overkill; isn't it?

MR. TEEHAN: Whatever it takes.

MR. PHILLIPS: I was just thinking if South Carolina is going to be closed to bangsticks and North Carolina; is it going to cause an effort shift down to Georgia and Florida? I've heard some of my hook-and-line fishermen discuss just how efficient bangsticks are as far as taking grouper, especially. And then if they can't use powerheads, are they hungry enough to try to do the same thing with a plain spear and just switch gears a little bit? I think that's stuff that we need to kind

of consider because we all know there is effort shift when we do regulations. We might want to be thinking about that.

MR. HARRIS: Well, the first bangsticking I remember commercially was off the coast of Florida for amberjack, and that is what started the commercial amberjack fishery. I saw amberjack on the menu at a restaurant in Atlantic and I couldn't believe it, that people were serving amberjack in restaurants. They were coming from Florida from that bangstick fishery down there. Roy.

DR. CRABTREE: Well, I always get concerned when we start down this state by state because it's hard for me to see why bangsticks are bad off of South Carolina but they're good off of every other state.

It doesn't seem to me – I know that was done a long time ago, but it seems to me hard to make rationales for why a piece of gear is good on one side of a line; but if you cross over to the other side of the line, it's not good. I think we need to be careful about that and have a broader conversation about are bangsticks an appropriate gear or are they not. It just seems hard for me to come up with a rationale for why it's an appropriate gear off of one state but not off another state.

MR. HARRIS: Bob, you came up to the table; did you have something you wanted to say?

MR. MAHOOD: Not about that but I will weigh in that when the staff was working on that prohibition in South Carolina I would have lost a lot of money if I was better whether it was approved or not, but it was approved.

DR. CRABTREE: When was that, Bob?

MR. MAHOOD: In the early nineties.

MR. CUPKA: 1994. Yes, I'm like Bob, I would never have thought it would have passed, but it did.

MR. CURRIN: Just to Charlie's point, Charlie, if you recall in fact the initiative by North Carolina was as a result of an effort shift, but it was effort shift from Florida coming up to North Carolina, a number of boats that were utilizing gear in areas where I guess our fishermen chose not to or didn't know better or something, but they were shocked and outraged by some of the catches they saw and it caused a big stink. That's partly why this whole issue came up.

MR. TEEHAN: Mr. Chairman, just to clarify, we don't allow the use of powerheads in state waters in Florida. However, they can be possessed for personal protection. Obviously, the commission in Florida is amendable to prohibiting powerheads so we may have some traction for federal regulations, also.

DR. CRABTREE: And to Mac's comment – and I recall some of that, but that's when I start getting nervous because the fact that fishermen are fishing off of North Carolina are from

another state is not a rationale to change things because you're not allowed to discriminate against residents of other states. We need to be really careful with this.

MR. HARRIS: Just an observation, I think the three guys that started that activity off of Florida, using bangsticks on amberjack, have all died from decompression sickness. Mac.

MR. CURRIN: And to Roy's point, Roy, we're not going to prohibit people from Florida coming up but we're going to prohibit people from Florida or anywhere else or North Carolina, for that matter, utilizing a gear that seems to cause some problems in our state and resulted in some state regulations implementing trip limits on some of those species that are particularly vulnerable to that gear.

MR. JOLLEY: I'd be interested to know if anybody in the group here has ever participated in the bangstick fishery? I guess there are two of us then, because I did a lot of it in the fifties and sixties. I can attest that it is a pretty efficient methodology, but I can assure you the fish doesn't care which way it's killed. It just doesn't make much difference.

Having experienced it extensively throughout the Bahamas and I used to build these things, I guess I was kind of against it, but it is a very efficient methodology and I question, as Roy does, whether banning this is really the way to go in the management process. I am against it now but I killed a lot of fish, I can tell you, between 1960 and 1970 using bangsticks.

The unique aspect of it is – of course, today they're going down the reefs using these scooters so they can cover several miles underwater and they don't have to stop until they see the right fish. The fish doesn't have to be hungry to bite a hook. The diver just has to see it and be able to get close enough to it, fire that speargun and hit him in the head and it's lights out. You can kill almost anything very effectively that way.

MR. PHILLIPS: And I guess there is a possibility you want to possibly leave something like amberjack that you could take with bangsticks and not grouper or not hogfish or something else. I'm trying to remember back, it seemed like somebody was telling me not so awful long ago that they were doing it at night and putting lights down which attracted the grouper and again made it very, very efficient.

We might decide that we want to allow that gear for certain species and not other species. I'm kind of torn because it can be pretty selective. I have seen amberjack that there was a small amount of grading at the dock because of what they thought was 36 inches was only 35, but it wasn't much and it was years ago. I want to let fishermen fish where the people can have access to the resource, but I'm a little bit torn on how it goes sometimes.

MR. HARRIS: I have two more people who have their hands up and want to speak on this issue, and then I'm going to move off of this issue and the question is going to be do we include it in this amendment or not; and to Roy's point, is this a matter for a further larger discussion? Michelle land then Bill Teehan.

DR. DUVAL: Mr. Chairman, just to speak a little bit further to some of the points that Charlie brought up, part of the concern of our commission was the efficiency of the gear. It is effective in terms of being selective, but it's also very efficient. And with some of the efforts that the council is undergoing to try to conserve some of our snapper grouper species and with decreased quotas that are being allowed, there was a lot of concern at our state level regarding the efficiency of the gear. There was also an intent in that issue paper to exempt greater amberjack from that particular prohibition; and also similar to Florida to allow for the use of bangsticks for personal protection as well, but it was a concern about the efficiency of the gear.

MR. TEEHAN: Mr. Chairman, the proposal here – and I'm on a learning curve here for the South Atlantic – the proposal here is to add a prohibition of the use of bangsticks off of the North Carolina EEZ, am I correct on that, and no other place?

MR. HARRIS: To add that to the Ecosystem-Based Amendment 3 for consideration.

MR. TEEHAN: Okay, and if it's prohibited there now in state waters as in Florida, the implication is that there is no jurisdiction in the EEZ unless they're North Carolinian or Florida-registered vessels or landing in those states; is that correct?

MS. SMIT-BRUNELLO: Bill, would you ask that question again, please.

MR. TEEHAN: If there are no regulations in the EEZ; however, there are regulations in particular state waters for prohibition of anything, that state regulation does not apply in federal waters unless the vessel is registered to that state or lands in the state; is that correct?

MS. SMIT-BRUNELLO: So if there is no FMP that covers that fishery, the state can extend their management measures into federal waters for vessels of that state.

MR. TEEHAN: Right, but they have to do that and it has to be that state?

MS. SMIT-BRUNELLO: Right.

MR. TEEHAN: In other words, Mac is concerned about the Floridians, which I doubt actually happens, Mac, coming up to North Carolina and fishing in their waters, bangsticking in the EEZ and then tootling back to Florida, there would be no prohibition on them doing that even if you have a state waters prohibition.

MS. SMIT-BRUNELLO: I have received some telephone calls from a Florida resident, who I believe he is a diver or his vessel employs divers or whatever, and they go off of North Carolina, for example, for hogfish. I think that was the phone call that I just got that I wasn't able to call him back on.

He would catch those hogfish, kill them, I should say – and let's say he did via diving – in federal waters and when he would try to land them in Florida there was now a – within state waters there was a trip limit, and so there is some question as to whether the courts would allow that to be upheld. I know there has been a decision way back when in Florida, I think in federal

courts, involving king mackerel, whether the states could put prohibitions and regulations on fish that were harvested legally in federal waters.

So in this case – and the court found that they could not, but that was for that factual set of circumstances, so in this case you have a fisherman who would be harvesting legally in federal waters and then not being able to land them or bring them into state waters because of trip limit restrictions. That issue is kind of hanging out there.

MR. WAUGH: To Bill's point about whether this gets put into CE-BA 3, I think just to back up for a second, if you remember our long-term goal with the ecosystem approach to management has been to bring some rational timing and planning to fishermen and to the council members and staff with our amendments.

The intent here is to surface this as a potential list of items that at the December meeting you all will approve to go out to scoping in January and February. Then at our March meeting you all will look at the scoping comments and tell us which items that you approved at December to go out to scoping that you want us to work on over the course of next year.

Those items then – the Snapper Grouper items would be worked on by the Snapper Grouper Committee and that information would then be funneled into a comprehensive amendment document. I think our experience over the last several years has shown that it's neither effective nor efficient to have so many multiple documents going on at the same time.

Your staffs both at the council level and the regional level can't keep up with it. The quality of the documents has declined and we're having difficulty at the very end cleaning these documents up and, getting the numbers right in them before they're submitted for secretarial review. The timing is that at March you'd give us the directions on what you want us to work on, the committees work on them, bring those back at June to approve for public hearing.

Then they go out to public hearing, in September you review the public hearings comment and then select your final preferences. The mechanism to implement that is a comprehensive amendment rather than multiple different amendments and framework. That has been your direction to us to work towards doing that.

We've gotten sidetracked with all these deadlines. Particularly for the newer council members that's an idea and then people can plan on, okay, the last week in January or the first week in February we're going to be scoping, we plan on scoping meetings, and then after the March meeting there are public hearings, so it just brings some normalcy to the process.

MR. HARRIS: Thank you, Gregg, and Gregg is correct, that was the plan for the ecosystem-based management amendments. Doug.

MR. HAYMANS: I hesitate on learning what to say on the record and what not to say, and Monica's comment just a moment kind of scares me in that we've had on the books for a decade now – and this is to Bill's comment – a prohibition on gill net caught fish in Georgia. You cannot land a gill net caught fish no matter what the jurisdiction, and we are contemplating the

head-and-fins-intact rule right now, whether the fish is in the FMU or not for fish landed in Georgia. So if there is some question as to whether that's legal or not federally, I need to kind of dig into that.

MS. SMIT-BRUNELLO: I'm sorry to open up a can of worms or maybe it's a can of snakes, I don't know. It's a big issue I think. I'll look into it further and I'll get back with you, but I'll look at the case law a little bit and we can even discuss at a future meeting.

DR. CRABTREE: Well, I understand what Gregg is saying; I just disagree with it. I think we do better when we have smaller, more focused amendments. Where we get in trouble is when we have huge, all-encompassing amendments. Part of the trouble we're having right now is these huge comprehensive ACL amendments, and I don't think we had much choice to do those. I think we have frameworks that we have set up in order to move more efficiently and a lot of these are things that can be dealt with through the framework.

The bangstick is a snapper grouper issue and it could be dealt with by a framework. Specked hind and Warsaw could be dealt with through a framework. I suspect the Snowy MPA could potentially be dealt with by a framework.

I think we'll move much more quickly and efficiently. I think it's more confusing to the public when you lump all of these into cryptically named amendments. My preference is to move these through the Snapper Grouper Committee's framework actions and not to do them through the CE-BA process.

MR. MAHOOD: I think the problem, Roy, is that we've not found that regulatory amendments have moved any faster than the big amendments. I'm not sure what the rules are for regulatory amendments anymore, and I'm not sure if they are considered noticed actions or are they –

DR. CRABTREE: Well, they require a proposed and final rule but they clearly move faster than amendments. The time that it takes to do a framework is simply less than the time it takes to do a plan amendment. We moved very quickly on framework actions recently. I understand staff wants to go down this path of CE-BA, but it is an inefficient path that is going to lead to problems for us, and I don't think there is a reason to do it. I think we can get these things done much cleaner and much more quickly by dealing with them as framework actions.

MR. MAHOOD: This is basically the same discussion we've had for the last five or six years, so it's up to the council how they want to look at it. I think one of the things that the staff was interested in and we're seeing some efficiency in it is trying to have a sequence of events like Gregg said that allows the public to know when we're doing something and allows them to tune in to the schedule that we're on. Now, I will admit Regulatory Amendment 10 went very fast, but I'm not sure how that happened. If we could do every one like that, then I would agree with you.

DR. CRABTREE: I think Regulatory Amendment 11 move quickly. They'll move quickly; the key to moving them quickly is not to load them up with all kinds of things and not to argue about them forever. We can move regulatory amendments very quickly. The things that get us trouble

are always these huge amendments with a huge number and in this case seemingly unrelated actions.

MR. CUPKA: To Roy's point, here in recent years that has been our history. We've seen a number of these amendments that we've split so that we can move them quicker and make them more focused. I understand the discussion we've had about these big amendments, these comprehensive amendments, but that certainly hasn't been our history at least within the recent years in how we've tried to move forward with some of these things.

MR. PHILLIPS: I'd like to switch gears just a second. Anna said something about expanding MPAs; do you have any rough – which MPAs and where to expand them to yet or is that still up in the air?

MS. MARTIN: Well, right now we're just talking about the Snowy Wreck MPA and Steve Ross' lophelia observations in the northwest corner and the deeper areas of the MPA there. That's specifically what we're referring to here.

MR. HARRIS: And the Oculina Bank.

MS. MARTIN: Well, right, also some of the HAPCs that I mentioned.

MR. PHILLIPS: And to that point, I guess the other question I had in my mind was if you find coral anywhere; do you intend to put it in a box and protect it or are we just going to try to protect the huge or the bigger chunks of coral? That stuff off of Jacksonville I think you said it was 680 feet or something; that's inshore of where royal red people drag. I'm just trying to get a feel on what the intent is; is it to protect every mound whether it's 20 feet across or is to protect chunks of bottom where coral is; and can we do it if we want to?

MR. HARRIS: Well, I'll try to take a stab at answering that. When we went into this process with Ecosystem-Based Amendment 1, we knew that additional research was being done and in all likelihood they were going to find additional coral resources, both deepwater and other coral resources, and we knew that the Coral AP would probably come back to this council with some recommendations in the future for expansion of some of these.

Now, it's still up to the council but we need the information presented to us by the researchers, and then the council is going to have to make a decision; does it want to expand them, does it want to create new MPAs or new HAPCs? I can't say what the council wants to do and I can't say we're going to protect every spot of corals that we find out there, but we at least need to know where they are and if they're worthy of protection and what kind of protection.

I don't think we want any trawling done on coral resources. That's my personal opinion because we've seen with the Oculina Banks what trawling does on coral. We did that with the research that we did off Georgia where we prohibited the use of roller rig trawls off of live bottom areas. We did that because it destroyed all of the species that were important to those live bottom areas. It's up to the council what it wants to do, but I think we at least need to see what the APs recommend and then go from there. Gregg.

MR. WAUGH: Also, the issue of expanding the MPAs isn't just for the coral although you do have the issue of now since you've approved a regulatory amendment that is going to open the deepwater, now all the corals in that deepwater now are subject to gear impacts from the vertical gear of fishing.

Also, now we've got to figure out how we deal with speckled hind and Warsaw in the mid-shelf fishery. The options there are spawning season closures or permanent closures, MPAs. There are a number of avenues that the MPAs are going to be a tool to address issues before you. But, again, what you will be doing in December is approving a list to go out and get scoping, and through the Coral and Habitat APs and through the scoping process, then you'll have that information before you in March, Charlie, to then determine how we go forward.

MR. PHILLIPS: Okay, so if we're going to look at expanding MPAs, we're assuming that they're working to some extent; is there any way to verify exactly what they're doing so that we know what we're getting? I haven't heard that there is; but you understand where my question is going, if we're going to do something we want to know – okay.

MR. HARRIS: And we knew that was going to be a question that needed to be addressed and answered in the future, but I'm not sure where we are. Anna.

MS. MARTIN: I think it may be worthwhile to have Andy David come and talk to you all about what he has been able to do since – he has collected data on these areas before they were closed, and since 2004 I believe they've been out there surveying these areas. Andy and Stacey Harter have collected a lot of post-closure data as well and that's going to continue. I think they have pretty significant finds and can certainly say that the closure area's working for certain species, yes.

MR. CURRIN: To Charlie's point, I'm pretty well convinced, Charlie, from what I've read and what I've seen that MPAs throughout the world – not all of them, but if they're set up properly and managed and monitored properly, some pretty dramatic results in increase in size and abundance of fish.

I think that's preliminarily what the data has shown from the studies done on our MPAs as well, so I'm not as skeptical, perhaps, as you are on that. Then I want to get back to Dr. Crabtree's point about the documents and all that at some point once we finish this discussion on the MPAs.

MR. HARRIS: I'll call on you, Mac, after I give Charlie one last comment here.

MR. PHILLIPS: Mac, I'm not skeptical. What I'm trying to do is validate what they do so that when we say if we add this we should be able to protect that. It's not that I'm skeptical that they work. If we need to protect speckled hind for something, then if we make an MPA 50 percent bigger, it should give X protection. That's the formula that I'm looking for.

MR. HARRIS: Thank you, Charlie. I think it's time to go to what Mac just commented on. We've got this list of items for consideration for Amendment 3 of the Comprehensive Ecosystem-Based Plan. There have been arguments to remove some of these items and have

them addressed through framework action by the Snapper Grouper Committee, and that's where we are right now. Mac.

MR. CURRIN: I think everybody is pretty clear regardless of which route we choose or vehicle we choose, the Snapper Grouper Committee is going to handle those items that are obviously a part of the Snapper Grouper Fishery Management plan. If we go the CE-BA route, then that just modifies the Snapper Grouper Plan through the CE-BA Amendment. It's pretty clear-cut.

I think Roy questions whether that's an efficient way to go, and we've had this discussion, as Bob indicated, before. I don't know the answer to that, Roy. It's very intuitively appealing to me to have – and I think there are efficiencies to be realized through this approach of having a single amendment with timing for public hearings that the public is aware of and that occur about the same time of year.

Then the timing of those amendments, unless they get bogged down and rearranged and all of that, is somewhat predictable. I'm a fan of the process, I like it and I think the council has been on record as liking this approach. We don't have that much history with it. We're talking about the third one now, so maybe we're not as efficient as we hopefully will be utilizing this approach. That being said, if we can gain efficiency on two or three of these items that you've suggested doing through snapper grouper framework, then I don't have any problem with that.

If we can get that done more quickly than we can through CE-BA 3 along with a number of whatever else ends up in there, then I'm all about getting things done more quickly. That's really the question that I have before I decide which approach we need to take. I don't know who can answer that, you or the staff or somebody; but if there are efficiencies and time savings to be gained by doing those three snapper grouper items under a snapper grouper framework, then that's the way I'd suggest we go. If there is not, then I'm comfortable with the CE-BA process and modifying multiple FMPs with a single amendment.

DR. CRABTREE: Well, I think it's clearly more efficient and quicker to do framework actions. That's why we have a framework. I can't tell you exactly how long any of it will take because I don't know what it is we're going to do and how controversial this gets, and how long will it take us to reach a decision, but I think clearly frameworks are more efficient and can go more quickly.

MR. WAUGH: If you look at these three items – and I think what you're talking about is looking at the MPAs, bangsticking and speckled hind and Warsaw, slightly controversial, and you'll probably want to hold some public hearings, so that's a new round of public hearings. To think that action is going to move quickly, just walk backwards in your mind, those of you that have been on the council for a while, think bangsticking. We've gone through this several time. I've got a stack of documents where we've looked at prohibiting powerheads. This isn't going to be easy and it isn't going to be straightforward. To think it's going to be fast and efficient just by throwing it in a framework, I don't think so.

DR. CRABTREE: Just one more thing; going back to David's comment, we have a history of ending up with very large amendments and then we go in and split them up and we end up with

all these As and Bs and Cs, and I just think the approach of putting this all in CE-BA, it makes things harder to write, it makes purpose and need harder because you have a lot of unrelated things put together in the same document. To me it's just a clear-cut answer to it, but that's just my opinion and you all can do what you want with it.

MR. HARRIS: Okay, there has been a lot of discussion about this. You've got a list of several items that are proposed by staff for including in CE-BA 3. You can either leave the list as it is or remove items from the list to include in framework amendments. How do you want to proceed?

MR. MAHOOD: I think there is one more consideration. I agree with Roy; we get these very complex amendments, but most of that has been driven by congressional mandates lately. Before the congressional mandates, we'd start out with an idea and by the time we'd build the amendment, instead of two actions we'd have thirty actions primarily because we're dealing with it so we kept adding things to deal with.

I think what we're looking at here, if you look at that list up there, those are all individually fairly simple things, but they, like Gregg said, may have some complexities to them. Another thought is since nonce of those that I see up there are time-driven, they've got to be done right away, it seems like you could run them through the process of the scoping and then the hearings or at least after the scoping session the council could decide if they wanted to put one of them into a regulatory amendment or whether they want to just leave it in CE-BA 3 based on what we get from scoping.

By that time, based on what the staffs have put together looking at the individual items, even though they're disconnected from each other and they each kind of stand alone and other than the bangsticking issue – and the only reason I see the same problem as Gregg is we have been through it and we know it's problematic.

Although I'm not sure, Roy, how you could have allowed it one state and then deny another state the same rules, so that's going to be one we're going to have to deal with. It seems like we could at least follow the process of approving things for scoping, take them out to scoping together, and then decide after that process whether we wanted to break it out or not.

Now, if an issue comes up that had some emergency attached to it, then, yes, maybe instead of going through the annual process, then you're going to go directly to a regulatory type or a framework type action. That's just another way to approach it especially with issue where they're not time-driven.

MR. HARRIS: Thank you, Bob. As Anna reminded me, there is no need to finalize action on that list at this meeting. We can go with the plan that we have in place right now, take this out to scoping, get the feedback on all these items at scoping and then decide, based on that feedback, how we want to handle it, whether we want to go with framework actions through snapper grouper plan amendments or whether we want to leave those items in this ecosystem-based amendment. That's where we are. Michelle.

DR. DUVAL: Mr. Chairman, I'm definitely supportive of that approach, particularly I think as regards the expansion of the Snowy Wreck MPA and any further protections that the council might want to consider for speckled hind and Warsaw grouper. I definitely see those being controversial.

The fishermen have expressed their desire to see whatever information and whatever data there are to support any additional protections like that. I think that approach and taking all these items out to scoping and then going back and making a decision allows for more public comment and more information to be brought to the process. Thank you.

MR. TEEHAN: Mr. Chairman, I agree with what you said and what Michelle just said. I think that's the way we should go ahead and proceed, and that's it.

MR. CURRIN: And I agree; my only question is about the wreckfish fishery impacts on bottom habitat. What information do we have now, one, about what habitat they're impacting out there, how they're impacting it. Obviously, if there is stuff out there and they drop heavy weights on it, if it's fragile coral, then there might be some impact. Do we know that there is coral out there?

Have we seen evidence of impacts? That's a pretty broad, and as you mentioned earlier, and could lead well into consideration of all deep-dropping activities depending upon where it's done. I'm wondering, I guess the bottom line, do we have enough information to even make any headway on determining what wreckfish or other fishery impacts are on bottom habitat?

MS. MARTIN: Mac, to be honest with you, this is a carryover issue from CE-BA 1, and I don't know that we do have more information now than we had then. That's something we need to determine and figure out. I think scoping, we can get some more information from the fishermen during that process.

George Sedberry with Grays Reef had expressed an interest in developing a proposal, a NOAA Coral Reef Conservation Program Funded Proposal to place cameras on gear, but again that's preliminary. That's not in place right now, so that's something we need to determine. I don't know what other information we have right now.

MR. HAYMANS: If this goes to scoping with regards to bangsticks; is it just prohibition off of North Carolina or is it going to be a discussion of prohibition off the entire South Atlantic?

MR. HARRIS: Well, if goes to scoping and someone from Georgia wants to bring it up in Georgia, we'll get input from Georgia, but right now the proposal is based on the request from the state of North Carolina in an issue paper. Bob.

MR. MAHOOD: And Duane is right about that; it's funny how the system changed over time. Scoping used to mean that you carried some rough ideas out to the public of what the council has been hearing needs to be done in particular fisheries, and then the public can comment in two ways; one, no, you don't need to worry about that fishery, everything is fine; or, two, yes, there are some other areas that you could really improve it for the fishermen and/or resource.

As a matter of fact, we started with a one-page document and we've built on it as we went to each scoping meeting and got new input. Now a scoping document is more than what it used to be in the options paper, and I think we need to try to get back to getting more input from the public in the scoping part of it.

If you look at it that way and you take out maybe a specific idea of what they want to get done in North Carolina. And like Duane said, if somebody from Georgia says, yeah, we need that here, too, so then when you come back to the council after scoping the council could then say, okay, yes, we need to consider this whole idea of the use of bangsticks throughout the South Atlantic EEZ; or, you may come up with some other idea a fisherman has that something the council needs to address in the process.

DR. CRABTREE: I think it should be broader and look at bangsticks as a gear and whether it should continue. I think it's going to be hard to build much of a record for why we should prohibit off of North Carolina and not other places. A lot of the discussion we had was about it's an efficient gear. Well, we've got a national standard in the Act that says we're supposed to promote efficiency. I think it's going to be tough so I think it should be broader in terms of getting public comment.

MR. HAYMANS: To that point, Mr. Chairman, if I may, I would agree; not that I'm necessarily in favor either way, but if we just say prohibition off of North Carolina, what is your comment, you're going to get none, I think.

MR. HARRIS: Well, in December we'll approve the list to take to scoping, so I think you need to think about that. I think it's a good comment. If you want to expand that proposed prohibition on bangsticking to cover the entire South Atlantic, then that's what we need to take to scoping. Bob.

MR. MAHOOD: In South Carolina, when it was prohibited, it wasn't a biological issue. Like John said, the fish doesn't care who kills him or how he is killed. It was a social issue and you basically had people from Florida coming up to South Carolina with bangsticks that had never been used in South Carolina to harvest fish.

According to some of the testimony, the bottom was littered with shell casings. It was a social issue. It's not even an economic issue, really, other than the guys from Florida are benefiting economically beyond what the guys from South Carolina were. I think as we get further along now and start meeting some of our biological mandates, social and economic considerations are going to become very important of how we manage.

MR. HARRIS: Okay, this has been a great discussion. I've got two people with their hands up that I'm going to call on and then we're going to move on. Wilson and then Mac.

DR. LANEY: I think it is more of a social issue. Also, I guess an issue – and I don't know how this plays into the national standards, but somewhat of an issue of equity I guess in that there is a perceived unfair disadvantage to those that are fishing with bangsticks versus those using other gear types. Just because a gear is extremely efficient doesn't necessarily mean we should allow

it. Dynamite is highly efficient, too, but I don't think we have legalized that. It's something we should definitely discuss maybe in the broader context like Roy said.

MR. CURRIN: Dynamite has only been illegal in North Carolina for a few years. I would rather see this bangstick issue go out as it's indicated on the slide there because I would hate to see it go out in a very, very broad context and end up prohibiting the approach which North Carolina has requested, and that is to allow us the same privilege that South Carolina has been allowed by this council in the past.

I would rather see it go out as prohibition for the North Carolina EEZ; and if during scoping there is interest from other states and groups and areas to, yes, we want to do the same thing, that's fine, we can expand it. I would hate to see it start broad and then North Carolina's request and proposal be dragged out because others are opposed.

MR. HARRIS: Thank you, Mac. We've had great discussion on these items for inclusion in CE-BA 3 and just think about these, talk to the fishermen in your states and see if there is something that you can gain from some of those fishermen and come back in December ready to finalize this list for taking out to scoping. At this point we'll end our discussion on this issue and move on to Item 6 on the agenda, which is ecosystem updates. Anna you are first and then Roger.

MS. MARTIN: I just wanted to provide a couple of quick updates. The first is on the SERMA Project. This is Surveillance and Enforcement of Remote Marine Areas Project that is funded under the council's 2010 coral grant. It's a project that is conducting a strategic review of law enforcement challenges and needs in the South Atlantic. It's being coordinated by Sandra Brooke with Marine Conservation Institute. It will wrap up in October of this year.

She held a workshop in July in Orlando in conjunction with the Law Enforcement Advisory Panel. This was to discuss surveillance and enforcement critical needs, challenges, new and emerging technologies and opportunities for law enforcement entities both at the state and federal level to collaborate.

The end result of the project, she is going to be producing law enforcement training materials, developing an options paper to identify the issues law enforcement folks are facing in the South Atlantic and also outlining potential solutions to some of these issues. Pending time during the December council meeting, I'd like to have her come and present kind of the results of her project and particularly the project report she is going to be distributing.

Again, that's a time consideration there for the December meeting. And just quickly, the 2011 Council Coral Reef Conservation Program Proposal is a proposal that includes funding for fiscal years 2011 through 2013, and I mentioned it briefly at the June meeting. We did receive final approval on the projects that are included in our proposal, and again this includes two projects out of the Science Center continuing the work of Andy David and Stacey Harter with the MAP characterization and assessments. That project also includes characterizing further a couple of the coral HAPCs and that will include of John Reid on that project as well.

The second project under our proposal is characterizing the octocoral fishery, and that is also coordinated by scientists down in Miami at the Science Center. This was something the council wanted to endorse in light of no assessment for the octocoral fishery and especially in regards to some of the decisions that were made in CE-BA 2. So just to update you there on those two projects; they have received the go ahead and the work will begin in October of this year and carry over through March of 2013.

MR. HARRIS: Thank you, Anna; questions for Anna? Next is Item B and Roger is going to brief us on those, and, Roger, I'll ask you to not repeat what you briefed us on at the last meeting; so anything updated.

MR. PUGLIESE: I provided a lot of materials at the last meeting and background documentation. What I would like to do is at least highlight some of the activities of the different groups that we're coordinating with and implications for the council and long-term activities.

The Southeast Coastal Ocean Observing Regional Association, SECOORA, continues to move forward in its development and refinement. The most significant action that is occurring now is development of a ten-year build-out plan. It has been mandated that all the associations in the country provide this information, on the short term by the end of this month and on the long term by I think March of 2012.

What this provides is an opportunity to integrate – what really wasn't included earlier on was the building out of a system that will more adequately provide everything from wind information to biological information. Very specifically my direct involvement is trying to make sure that we have the real opportunity to highlight the expansion of observing capabilities, the network, the capabilities to have biological information start to be sampled as well as things such as expansion for acoustics capabilities.

What we have been developing at this last meeting last week was actually looking at the arrays that may exist in the entire southeast region and specifying it. One of the efforts we did was to very specifically look at our existing marine protected areas, deepwater coral HAPCs, any of the spatial areas the council has and where we are looking at proposing the expansion of these systems begin to align and connect those in the long term that would provide some capabilities for everything from monitoring vessels, fish to potentially, as I mentioned, building expansion for biological information.

So that's one of the most significant efforts that is moving forward that really will have a long-term benefit to the council and to the region in terms of fisheries as well as other ocean observing activities. In addition, the South Atlantic Governor's Alliance actually had their first full meeting last week. A number of council members attended that meeting.

Actually, Robert and Spud Woodward were involved directly with the activities. There was an effort to link and have some discussions between both the Alliance and SECOORA activities, but the Alliance was really focusing on their next steps. The newest activity is development of

an implementation plan which highlights long-term activities that the Alliance between the states can provide to address some of the significant efforts in the region.

At the recent meeting it was the first really higher-up review – the steering group met with the direct governors’ appointees. The executive planning team had input on where things are going and the different subparts of the organization. And then the technical teams were really focusing on some of the discussions about what in the short term would be some of the most significant efforts that potentially could happen within, say, six to twelve months on the efforts.

Now, one of the qualifiers there is essentially this does not have any resources associated with it right now, so there is a view of how this is going to relate to the continued development and activities of the ocean policy, the regional planning bodies. There was a lot of discussion about how there is somewhat of a separation between presently the Alliance activities and what a body may ultimately be.

I think most of the effort is directly focusing on what states’ needs are in the areas and trying to get something at least on the table just, for example, from the healthy ecosystems discussion at the task group. One of the first efforts was going to look at maybe a unified view of the intercoastal waterway activities between all states, implications for long-term maintenance, conservation and all the fishing activities or vessels, recreational vessels, commercial vessels, ports, et cetera, would have with regard to that.

They were trying to focus on trying to do something in the short term with essentially right now no real resources at this time. The intent is to look to the future and to keep at least moving forward with trying to build some basic capability for the organization. Moving on, the South Atlantic Landscape Conservation Cooperative is continuing to develop. The group is focusing their efforts on developing a regional optimization strategy.

They’re combining many of the information systems to look at everything from land into the ocean systems. One note for our state participants is that many of the freshwater organizations are directly involved in that, and you may get a direct contact about the willingness to have this opportunity to look at everything from the headwaters of the rivers to out into the continental shelf; is that a significant value to our region and to your individual states, so just a heads-up to the states involved.

It will provide an opportunity to look at those types of connectivity’s, and that’s where I’ve trying to push to look at – one of the biggest things with that group is that NOAA has not really been able to provide resources to look at, say, the development of the NOAA climate science centers. The Department of Interior has .

The climate science centers for Interior are established and are going to support the South Atlantic and other landscape conservation cooperatives; so as they build out these down-scaled models for use at the state levels, local and regional levels, that is going to be a funding opportunity, an opportunity to collaborate with those groups to translate it to state and regional needs and building that connectivity on what the implications for changes, for everything from disaster efforts to impacts on fisheries habitat in the region on a broad scale in fisheries activities

I think is a real unique opportunity and one that especially in light of resources being allocated, that we really need to stay on top of and collaborate with.

One of the other groups, the Southeast Aquatic Resource Partnership is moving towards – it's one of the partnerships under the National Habitat Plan. A coastal assessment is underway. There was a national assessment of habitat distribution, which really will provide a connection into our EFH designation, state activities and also can be used by I say the Landscape Conservation Cooperative as they're looking at the prioritization and optimization strategies.

A coastal assessment is now going to get kicked underway on a regional basis. We're collaborating closely with NOAA and with other partners on integrating our EFH information and other priorities into that long-term coastal assessment that is going to be slated to be developed in the not too distant future.

Also, that group is developing a prioritization tool to provide guidance on conservation and restoration efforts. There is a call for opportunities at the community levels in your individual states to focus some of those on long-term conservation efforts at the community level. To date we have been really lucky that a lot of those efforts have been focused on what are critical habitats and essential fish habitats for our managed species, oyster restoration and long-term conservation efforts.

That brings us to the last ones, the SEAMAP efforts. The five-year plan is finalized. I have identified that earlier, but as it does get completed for publication I want to make sure that everybody has an opportunity. The implications here is that it really does set the stage about the connectivity between SEAMAP, MARMAP, SEFIS, all the fishery-independent systems, but it goes beyond that because it's ultimately going to connect even at the inshore system such as the Pamlico Survey.

Right now the data system is the newest information. It will be established at South Carolina Department of Natural Resources. At the last SEAMAP Committee we also made it clear that we have been building on the outside, with the collaboration of FWRI, the GIS to support that, so the data system is going to be at DNR. The GIS system, the South Atlantic Fisheries/SEAMAP combination will provide all the spatial information in context for all our fishery-independent systems, which have the implications of being able to be used by a lot of these other groups or work with the researchers and better refine our fishery-independent systems in the long term.

Connected to that we are having also as some of these different tools are developed for the council, different services, we're going to ultimately create what is known as a digital dash but which will have connections for GIS information on our regulations, on our EFH designations. We're building an ocean energy system, but it will be in a unified area that can connect it to other information such as the FEP designations, regulations, so that's something that is going to be developed. The first look at it will be at our Habitat Advisory Panel meeting coming up in November. With that, those are our broader long-term ecosystem coordination efforts and hopefully some products that will benefit the council in the long term.

MR. HARRIS: Thank you, Roger; questions for Roger? Anna has something that she needs to add to an update.

MS. MARTIN: Yes, Dr. James Morris was supposed to come to the September meeting to provide an update on his lionfish research. Due to some funding constraints and the new quarter situation, he is going to be coming to our December Ecosystem Committee meeting in Raleigh. I just wanted to remind you all about that. It was a previous agenda item, so we're just kind of pushing it over to the December meeting.

MR. HARRIS: Thank you, Anna. Is there other business to come before the committee? Do we need to do a timing and task motion, Anna? We know what we're doing? Okay, seeing no other business, we are adjourned.

(Whereupon, the meeting was adjourned at 4:22 o'clock p.m., September 13, 2011.)

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PLEASE SIGN IN

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

ECOSYSTEM-BASED MANAGEMENT COMMITTEE MEETING

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

ECOSYSTEM-BASED MANAGEMENT COMMITTEE MEETING
September 13, 2011
Charleston, SC 29403

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