

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
ECOSYSTEM-BASED MANAGEMENT COMMITTEE

Charleston Marriott Hotel
Charleston, SC

September 14, 2010

SUMMARY MINUTES

Ecology-Based Management Committee:

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Additional Observers and 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 14, 2010, and was called to order at 8:30 o'clock a.m. by Chairman Brian Chevront.

DR. CHEUVRONT: Let's call to order the Ecosystem-Based Management Committee. Okay, the first item on our agenda is approval of the agenda. Does anybody have any additions, corrections or anything they want to make to the agenda? Seeing none, the agenda stands approved. We also have the approval of the June 2010 Ecosystem-Based Management Minutes. Any additions or corrections to those minutes? Wilson.

DR. LANEY: Mr. Chairman, I have a bunch of typos; and if it's okay with you, I'll just get those to Joe as opposed to going over them individually.

DR. CHEUVRONT: That works for me. Anything else? With those edits, the minutes will stand approved. Okay, the next item is the SSC Report by Dr. Carolyn Belcher.

DR. BELCHER: Good morning everybody? I'm here to give you the update from our August meeting. The synopsis of what we were asked to work on during our August meeting here in Charleston was to further develop the ABC Control Rule for unassessed stocks or stocks that were lacking a P-star analysis.

We were also asked to consider additional information and ABC recommendations for golden crab, octocorals, sargassum and wreckfish, which we had also discussed and provided recommendations back in April. An additional point that we were asked to do that wasn't on the agenda but obviously kind of links in with everything that is above was the mutton snapper OFL/ABC recommendation.

This one was presented to us because to us because we had based our recommendation on a P-star approach and that assessment had not been through a SEDAR where the P-star was part of the terms of reference, so we did not have a P-star value for that, and that's why we were asked to provide a recommendation in absence of that value.

The ABC Control Rule for unassessed stocks; obviously, you had tasked us with revisiting what we had drafted out in April. We've had a change, obviously – again, I'm kind of educating the mass on this already that you've already been the ones that have helped us with developing our members. We have some new members on the SSC. Currently we have four members that are part of an ad hoc group that came out of the National SSC Meeting last November, which they are dealing with they're calling the ORCS, which is only reliable catch series data.

This is how do we deal with situations where the data at hand is just based on our landings and catch data. We have Dr. Luiz Barbieri, Dr. Jim Berkson, Dr. Steve Cadrin and Dr. Andy Cooper all sit on this ad hoc committee and have been discussing how we're going to handle these situations. It's a more unified national look at how this is going to be done.

They basically decided they would present to us the progress there has to date with this committee to let us know what they're talking about for their approach as they see it relative at the national level, and this information will be presented at our next National SSC Meeting, which is next month here in Charleston.

Their proposed approach is a four-tiered system similar to what the council has asked of us to provide. At the higher tiers the method provides an estimate of ABC and not an OFL as OFL is difficult to determine from catch data. Basically Tier 1 is equivalent to what we have been working with our current ABC Control Rule based on P-star. I'll actually walk you through the tiers in a minute.

We did have a discussion about the absence of OFL. I know that was kind of part of the council meeting discussion back in June as well. We had Mike McLemore present in our group, and we did go through the NS-1 Guidelines and had discussions in depth about this. Basically the advice that we were given is that the general counsel felt that this was acceptable for us not to provide an OFL in situations where only catch series data was available provided that – and the quotation on this is basically what came out of our minutes from Mike – that the SSC explains its reasoning and judgment.

As long as are clear in our intent in how we made our decisions, that should stand to suffice. The recommended tiers that we're looking at for deriving the OFL and ABC values for fisheries, Level 1 is when we have stocks that have been assessed with a probability of overfishing accounted for based on our P-star approach. So all ABC recommendations and OFL recommendations are based on results of a P-star analysis where we have a distribution about our OFL level.

Level 2 lacks key information needed for P-star. We're missing things like MSY reference points, projected stock size or the distribution of OFL. There is currently an analysis that is being prepared by Dick and MacCall, which is called a Depletion-Based Stock Reduction Analysis or DBSRA approach.

It requires that we have the full history of landings. We look at life history information and from this they can produce a probability distribution function for the OFL. It is just a different approach and it does require expert opinion and judgment as to how this particular methodology is applied and put forward, but the bottom line is it's a little less data heavy than a Level 1 but we're able to generate a PDF for the overfishing level.

DR. CRABTREE: You talked about expert judgment; what sorts of things are you talking about there?

DR. BELCHER: Well, this one in particular I had planned to look this over to be a little bit more clear on what is in this one that is not in the DCAC approach. Basically there is a lot more quantitative data in this, but in situations like your life history information; your productivity levels, high/medium/low; anything that is a qualitative assessment, it will have to come from the group as to how a determination is made.

So the expert judgment in terms of reference points, B versus Bmsy, those types of things where we may not be able to quantitatively have an assessment for that, you have to use expert judgment into what you think based on the parameters of the fishery and the stock that you have at hand. It won't be a single person; it will be obviously a group decision as to how you're handling those.

The Level 3; probability-based approach cannot be provided, so we don't have the data richness that we see at the Level 1 and Level 2. This level they're planning to apply what is known as a depletion-corrected average catch approach. This was developed by Alex MacCall back in 2009. It requires less data than the DBSRA, meaning less quantitative data. This one there is a little bit more in terms of the expert judgment that is going into this.

At this level this is the first time that we will not be able to provide an OFL because we don't have a distributional value for that, so we would say the OFL is unknown and we're working directly with an ABC determination. The last level that is still causing people a lot of discussion and debate is what happens when you're dealing with catch-only data?

It is currently being discussed. They're still reviewing it. The Restrepo et al approach, which has been around since 1998, is being considered at this level. There were some concerns within the group in talking about Restrepo as to some of the original assumptions behind Restrepo as far as the probability of overfishing is basically assumed to be 50 percent for that particular model.

There are three different tiers to that. It's just not as simple as applying 75 percent of your average landings. You have to have some informed judgment as to where you are relative to your reference points. That's basically the beginnings of the framework that they're looking at, but there is still a lot of discussion and debate about that.

At this point they would also like to be able to look at the productivity of a stock so that productivity susceptibility analysis that we've talked about at different levels is accounted for in our Level 1 tiers as well would be included at this point, so how productive is it, how susceptible is to the fishery, all of those would weigh into how we determine the ABCs for a Level 4.

Another document that we worked with for helping us with ABC decisions – and this table was key for us when we're dealing with wreckfish, octocoral, sargassum – was looking at how to inform yourself on your possible action would be in situations where you only have catch data. This table was presented back last November. Dr. Rick Methot has come up with this approach as to how to deal with how you quantitatively look at your catch levels.

There are four levels that he has come up with. You have the nil or not targeted historical catch. Expert judgment is it's inconceivable that the catch could be affecting stock. Possible action includes not in the fishery, so you could consider it as an ecosystem component. Basically your stock status determination criteria isn't required for this particular species.

Small landings where you basically have – it's caught but it's not enough to warrant including the stock in the fishery and tracking, so some of our smaller species in snapper grouper might be considered in this small category. You look at things like possible actions being setting your

ABC and ACL above your historic catch because you know that the fishery is not being fished at such level that you're concerned with an overfishing status, so you have that ability to be a little bit closer to what you're seeing within the fishery.

You can set their ACT at a historical catch level and it will allow for increases, but it does require that at this point we start building into look at research and monitoring along the way. Moderate and moderate high, these categories are basically giving you some directive as to how close ABC and ACL should be.

In a moderate fishery, if any increase could lead to an overfishing situation, you want to cap that fishery at your catch level, so that's kind of one the situations I'll talk about in a minute relative to wreckfish. Then we have moderately high where you're looking at the possibility of overfishing or overfishing may already be occurring; but because we can't do a full-fledged assessment, we really can't assess those bio-reference points to that.

In this situation we're looking at trying to setting an OFL as a function of your catch and vulnerability for that stock and then setting your ABC/ACLs well below that OFL level, so that you can allow for rebuild. So getting into fishing-level recommendations – actually I'll go ahead and open for questions. George.

MR. GEIGER: Carolyn, could you back up one slide, please. Now, I understand this and it says historical catch. One of the things that is of interest, however, is in some of these fisheries we have some significant effort controls in place that would limit effort. Was that considered in any of these discussions?

DR. BELCHER: When we get into the discussion specifically for like wreckfish, I can explain that because that did come into our discussions during the group. We're looking at that classification, but we're also looking at some of the characteristics of the fisheries to help us determine how some of those decisions are made. Like I said, I can walk you through wreckfish to see if that if that helps to answer that question for you. Carolyn.

MS. PHILLIPS: Carolyn, when you say historical catch, I guess you're talking pounds of a species. I can easily see where if you're got a historical catch of something like a Goliath grouper that grows really slow, so if you were going to have a landing of a species in that – and then you've got a historical catch of something that grows really fast, small species, something like a vermilion or something like that – the landings aren't really going to put you in the right categories because you may be able to have a lot more of a landing of a quicker-growing fish than you would a smaller-growing fish, and that's not even getting into the range of the fisheries. I don't know that landings are going to put you where you need to go.

DR. BELCHER: Well, coming back one more slide, when we're looking at Level 4 where we're dealing with the only quantitative data we have is coming from catches, we are going to be looking to other things to help determine that; because the idea being as you're estimating an ABC and you're basing that on historic landings, there are some assumptions to what you know about those landings, say, relative to stability of the stock; are you fishing it at a sustainable

yield; and if it is at sustainable yield, is it actually maximum sustainable yield or just some sustainable yield which could be lower than maximum.

This is where Level 4 really requires a lot of this dialogue and discussion is going to need to be opened up. You're going to have to be informed from something other than numerics. You're correct, landings are not always the best indicator of what is happening with that stock. In addition to this, it's not really clear in how I set this up, but there may be situations where we have trends and catch per unit of effort, size data, looking to see if the average size has decreased over time.

Those are other informed things that can help us with that, but the generalized idea is that you don't have the biological parameters to fill in to be more conclusive with what is happening with it. You're just looking at your landings as your key determinate for impacts. Okay, anybody else have any questions relative to what we've kind of put forward as the next step in good faith for the ABC Control Rule? Mac.

MR. CURRIN: Just one, and I'm not sure whether we've talked about this before, but it concerns me a little bit that the categories – and I'll use productivity of the stock as an example. I think it occurs or did occur in the previous approaches that the SSC has taken with this control rule. Are you comfortable with having only three categories of productivity, high, medium and low? As best I remember from previous presentations and information from you guys, there is quite a bit of difference.

There is a fairly large impact as you move from category to the other. Have you guys at all about trying to establish more of a continuum having that greater than three categories of productivity or other parameters where those impacts, depending on whether it falls in medium or low or high, can be fairly substantial. Do you understand what I'm asking?

DR. BELCHER: Yes, the PSA approach has been pretty much – and falling back on this; it sounds negatives to say it this way, but it is a canned approach. We basically get results out of that, so the interpretation of it is that output feeds in, but I think at this point with especially the Level 4 PSA may not be the best way to do that.

It may be just discussions of the general components within that. I don't think that we've automatically assumed that productivity susceptibility discussion will be based on the results of the PSA. This is my recollection and not the group, obviously, with the PSA I seem to remember a lot of snapper grouper as pretty much always being in the high category, but you're not really getting a lot of distinction amongst species in that situation.

Okay, anyone else? The next stage that I'm going to walk your through is our fishing level recommendations for those four species that we were being asked to revisit. The SSC as a whole – and this is my recollection back to April. I know there was a lot of discussion and a lot of after discussions about where we went with these fishing level recommendations.

Everybody was pretty much sure that we were going to revisit this. In light of all of the accumulated knowledge that we received from the folks that were on the ORCS Committee and

looking at that development for that portion of the ABC Control Rule, this is where these next four species have been looked at relative to what we just discussed.

For golden crab, what the SSC was recommending for an ABC value – because, again, we’re not looking at OFL because we have catch only – was support of Alternative 2, which was the 2 million pounds, with a precautionary note that more data is needed. A lot of this came about from general discussions – and, again, this is the expert opinion. I’ll kind of pull some of the highlights out from our report. We looked back to the assessment, which was Harper et al, which was a production model.

The first thing that the group acknowledged was that it only covers a portion of the resource, which is likely why in the past the outcome hasn’t been used. This fishing is looking to develop in a different region, but that particular region was not accounted for in that assessment, so we really can’t say at that point what that impact is going to be.

We tried to get more data and assessment history – or the staff did – and we weren’t successful at that. It is a developing fishery that is difficult to participate in, so obviously that ability for higher exploitation and therefore more pressure to the stock is a little bit more controlled. This was actually where it was interesting in having Steve Cadrin a new member.

The discussion was looking at relative to other surplus production models, and one specific example was the New England red crabs; that there is similarity in those types of stocks, and that information could be informative. One of the concerns was that in the past, in looking to the Harper document, that there were some concerns that could have been signs of depletion. With red crab there were no signs of depletion.

The red crab assessment did use long-term average for ABC since there was no evidence of depletion. That was kind of some the discussions that we had in looking at what information could be pulled from Harper. Seeing that there were a few concerns about what was happening or had happened in the past, we were using these directives to inform ourselves as to how to best go about setting this number.

When we looked to Table 4, the discussion came about to where did we feel that golden crab fell relative with the historical catch; was it nil, small, moderate, moderately high? The group overall felt that it was considered a small fishery, but the concern is that the catch is large enough to warrant including it in the fishery, but it’s not enough to be of concern.

This is the kind of thing that as we’re looking at it, we were hoping that as we’ve asked in the past about the availability of trends reports, this becomes very critical for us to be able to say whether or not we need to start changing around how we’re looking at these fisheries where we have just catch. It is considered small so the catch is enough to warrant including the stock in the fishery, but it is not large enough to be of concern because of the effort that is involved in this fishery, but it does need to be monitored. George.

MR. GEIGER: Carolyn, just a question in regard to classification of it being a small fishery; was it considered to be a small fishery predicated upon the pounds of landings or the number of participants in the fishery or a combination of both?

DR. BELCHER: It is based on the landings, but also the discussions came about to the number of participants within the fishery and the type of fishery that it is. The ability for people to come into it, it's a very demanding fishery and it's a very difficult fishery, so that in its own way basically limits the inclusion of other folks that are not going to be targeted and serious fishermen about it. David.

MR. CUPKA: Carolyn, when we were talking about golden crab, we knew there was some other information out there that we wanted the SSC to look at; things like catch/effort data and average size and all. How much of a role did that play in your reconsideration of these values? It seems to me those sorts of things are important to be considered somehow in the process if we have that kind of information. I know we requested it from the science center, and I'm assuming that you looked at that.

DR. BELCHER: I believe we had some discussions about that. I'm looking at the report specifically right now, and I don't see where we actually captured that. I do remember that we did have discussions within some of these fisheries about the size data. A lot of the discussion was the concern over the fact that we didn't have the assessment for the full area; you know, relative to the central and south, but the northern area we really didn't have that ability to assess what the impacts would be there. I can't really say specifically. I do remember that we've had discussion about biological characters that were present in the data in front of us for a suite of these other species, but I can't say specifically for golden crab at this point.

MR. CUPKA: Yes, it seems to me like some of those factors would be considered part of the informed decision process you have been talking about, particularly if you have people who participated in that fishery that have that kind of knowledge, that somehow it needs to be taken into consideration and used in the process.

DR. BELCHER: And that's one of our requests in the future is – again, as we start talking about some of these species, especially ones that are a little bit more on the bubble, that we need that ability to be able to see where things are happening on an annual basis. Whether it's through the trends report, CPUEs if they're available, average sizes of catch, all of those trends are important and those were all germane points within conversations within a species.

Based on the notes I have at hand, I can't really say specifically that we did do it for golden crab, but I can't tell you we didn't do either. There was a note, as Brian is pointing out, that we did request that. I do have a note under our report that said that staff tried to get more data and assessment history but were not successful. I don't know specifically – Gregg.

MR. WAUGH: Just a question; maybe you can clarify in your report what data are missing. I think if there are data that are not being collected, we're amending the Golden Crab Plan so we could put in a requirement for that data. Right now the three to six vessels are under a hundred

percent logbook requirements. They provide all the data. They have to make their catch available.

I'm not sure that there are data that are missing. Perhaps it's analysis of data that is missing. I think this is a theme that is going to come up. We see it in our SEDAR assessments, too. We talk about research needs, but they're not really research needs. They're data needs. I think if you all could be a little more specific.

If indeed there are pieces of data that are missing that are not being collected, then the council can take action and put that in as a requirement in the plan. If it is an analysis of data and timeliness of stock assessments, then we have a SEDAR Committee that's meeting later that can address that. I think that would be very helpful to us.

DR. BELCHER: Okay, and further into the report our rationale for recommending that 2 million pounds, there were three main points that the group put forward. The level of exploitation; it's considered to be a small fishery, so you can set it above historical catch. There is really no solid evidence on MSY. The 2 million looked to be a middle-of-the-road compromise, allowing for some fishery expansion but not to an extreme until you have more information. It was what we felt was probably the best approach based on the data that we had at hand.

Octocorals; we also looked to apply the Methot Table on this and determined it to be a small fishery. Obviously, the majority of the fishery occurs within state waters. Dr. Feddern did provide us with some information, and we did have discussions with Dr. Feddern during the SSC meeting. There is no stock assessment, really, so obviously our information in landings is limited.

You're dealing with an aggregate of multiple species as far as the way that the landings are reported, so that makes it a little bit difficult as well. Then based on the discussions, too, as far as what is happening with potential shifting of management, the situations relative to the characteristics of the fishery and specifically that organisms are caught and sold live wholesale, they're on a demand basis in that sense that, you know, people need ten animals, that is all that is pretty much harvested is to meet those requirements and getting at the commercial collectors only make trips when they have an order to fill and need a specific organism, it is a more directed fishery in that sense.

The fishery is small; effort participation is mostly in Florida waters. It is capped by a limited entry program. The fact that there are no signs of local depletion in areas where the fishery operates or any other indication the fishery has been operating at unsustainable levels, we basically felt that the best recommendation we could put forward was to support what is currently there and recommend an ABC of 50,000 colonies annually; so basically supporting what has already been in effect for octocorals.

Sargassum; this was actually kind of an interesting debate when we got into this and looking at that Methot Table again. The SSC as a whole believes sargassum should be labeled and treated as an ecosystem component species. In using the Methot Table to determine the fishery type, we debated this nil versus small fishery.

Small fisheries, there were discussions of when you're looking at a developing fishery – sargassum, the reverse of a developing fishery or not – we have a fishery that had landings and over the last 12 to 13 years has had no landings; so, do you keep it as a fishery? Those were kind of the germane questions that we had at that point of how do you deal with a 13-year bank of zero landings?

When we went through our discussions, we determined that currently you could call it a nil fishery. However, it has been a small fishery in the past; so if you decided you wanted to continue to keep it as a fishery, average catch would be defined to be the average of the time series, which comes out to 12,800 pounds of wet weight.

Consistent with the council's previous limit that accounted for the ecosystem role which basically dropped that level away from the average to 5,000 pounds, we're recommending that the council establish an ACL/ACT equal to 5,000 pounds. If you choose to keep that as a fishery, that was our recommendation. We more strongly feel that maybe the ecosystem component species place is at better fit for it; but if it chooses to stay as a fishery, that would be our recommendation. Charlie.

MR. PHILLIPS: When they were fishing, Carolyn, what kind of landings did they have, give or take?

DR. BELCHER: Off the top of my head, I can't recall. I had we had given a range for one species, but it was wreckfish and not sargassum. I can't remember what the actual range of values were.

MR. PHILLIPS: Well, I guess my point is if somebody was harvesting sargassum 15 years ago, I don't think they could even think about it being a profitable fishery with a 5,000 or 10,000 pound TAC, so you've basically closed the fishery in setting a TAC that low. You've got to set a TAC either where they can go and work when they were working or set it at zero; but setting it in the middle basically is the same as setting it at zero because then there is no way you can go and work that way.

DR. BELCHER: Well, just as reminder, this is the previous level that was set an OY for this fishery, so that number wasn't something that we kind of derived. We basically just defaulted to what the current management recommended. David.

MR. CUPKA: As I recall, Charlie, the harvest in that fishery was on the order of like tens of thousands. It wasn't a whole lot, but the concern was that a fishery would develop and somebody would find out that there was something that could be extracted from it or something, and overnight this thing would really balloon. It never was really very high. It was on the order of what the ABC level was, somewhere in the area. It wasn't a big fishery.

MR. PHILLIPS: And I'm not saying that we should have a fishery there. I'm just saying that the method of coming up with that number of when you're working and averaging a whole lot when you weren't working is not a viable way to come up with a number. That's all I'm not saying. I'm not saying we should have a fishery or not.

DR. BELCHER: And I think that's part of the discussion that needs to be had with this particular organism; is it still – because, again, that was one of the interesting questions that we did discuss around the table is keeping it open as a potential developing fishery you do have to at least have that ability to start someplace.

Our understanding was up until recently, there was only one individual that was pursuing that fishery, anyway. Based on the information at hand, we really couldn't say much more than – you know, looking at the average landings and letting that be our set for at least the limit but understanding that in the past the council has acknowledged that ecosystem role and as such has put it down to the lower level.

We didn't have any better information that could say it could be higher than that. We felt in that essence of treating it as a fishery, that status quo would probably be fine at this point. But, again, our group really lean heavily towards it being treated as an ecosystem component species. Roger.

MR. PUGLIESE: Just to follow up on the landings' information, originally the council had proposed a zero OY and went back – and then with the request to actually allow some harvest – to identify landings between – I think it was 1990-1999 and dropping the highest and lowest values and then went to 1991-1999 and ultimately came up with about 4,800 pounds. I think that was to constrain as far as the council could do within the bounds that they were given at that time. The whole reason this FMP was brought forward was a habitat-based FMP essentially similar to coral.

DR. BELCHER: Wreckfish; again we looked to the Method Table for guidance on this and classified it as a moderate fishery based on the size of the landings. We looked at average catch starting from 1979 and carrying through recent years. We, obviously because of confidentiality, don't know the exact average landings, but it was approximately 250,000 pounds.

ABC is set to average catch but acts as a cap for the current fishery, so I'll bring you back to that table again so you can see. Basically under the moderate, we look at the ABC/ACL as a function of the catch and the vulnerability but want it to act as capping it at the current catch levels. We acknowledged with the situation with wreckfish, especially because of the ITQ system, this seemed like a good place for us to start, and it definitely seemed justified as an approach.

The other thing that we have asked, though, is because of the particulars of this fishery and the fact that there had been an assessment done in the past, that in the future – and this is within the next calendar year – that a DCAC or a DBSRA analysis be conducted for this species to get a better handle on how that could work in terms of potential adjustments to this number.

Then, lastly, the mutton snapper, because we had recommended a P-star value of 35 percent or 0.35 and a P-star was not available or the distribution was not available through that assessment, our first thought was to ask for the P-star analysis to be done. Given that the present workload for Florida's group that was responsible for doing the assessment is pretty heavy as they've got spiny lobster and Goliath grouper on their plate, that getting this value in a timely manner may

not be possible, so we recommended that we get this value when the update is done, so we just build it in at that point to an update as opposed to waiting on a benchmark.

To be consistent with what we've done for other stocks that have basically worn the same jersey, we recommended using the current estimates of MSY for OFL and the OY for the ABC value. For those who are curious, OY was defined as 40 percent of SPR. With that, I will open the floor to more questions if anybody has any?

DR. CHEUVRONT: Thanks, Carolyn; anybody else have anymore questions for Carolyn? Ben.

MR. HARTIG: Carolyn, I'd like to thank the SSC for taking a fresh look and looking at all the extra information and coming up with pretty much an ad hoc approach to unique circumstances within some species that we manage. It doesn't end here. I mean, there are some other species within our management that have some unique characteristics.

I'm thinking of the coastal pelagic species. I wrote a short paper to the council and I'll get you a copy of it. You have shrimp bycatch in a number of species like king mackerel, Spanish mackerel and to a lesser degree cobia. Significant effort changes in the shrimp fishery over the last ten years have increased the productivity of those fisheries.

That is one thing I'm interested in looking at. Also, in Spanish, if you look at the landings in the commercial fishery prior to the net ban in Florida, the commercial fishery caught over their allocation every year. If you look at it after '95, we haven't reached the allocation. Those gear changes made changes in the catchability of that particular species.

There are fishermen that have a lot of knowledge about different things that have happened in the South Atlantic that have caused stocks to have landings that are not of much use in determining an OFL value or an ABC value. We would actually like to see a select group of fishermen get together with the SSC in the future on some of these stocks to be able to talk about some of these changes and probably work in tandem to get the right values for these stocks. I think I'll leave it there.

DR. CHEUVRONT: Yes, I think that's a good suggestion, Ben. I was at that SSC meeting, and there were a couple of participants in the fisheries that were there at those meetings, and they were very beneficial to the SSC in helping them to understand how the fishery is prosecuted and some of the specific characteristics of the fishery. I think that would be a very good suggestion for the future and try to be maybe proactive about that, if possible.

DR. BELCHER: Well, I know with the concern of the interjection of expert judgment on this, I do think that the AP should have a handle in helping to keep us informed on that. You have scientists' informed judgments that talk about the biology and all of the current scientific data at hand, but a lot of the fishery data and that information, especially in these situations where – I know when we took the presentation a couple of June's ago from the golden crab and the wreckfish fishermen, that was pretty eye-opening for me as an individual.

I had no idea that fishery was – I mean, literally my eyes were popping knowing that they were out there fishing and the depths that they were on and the size of boats that they were fishing on for the sake of these fish and knowing that you really can't have marginal fishermen in that fishery. It's very helpful for the scientists who just basically have generalized characteristics of a fishery. I think it would be beneficial as we get to these species where that information is lacking.

MR. HARRIS: Mr. Chairman, I want to go back to the request for data – Bonnie is here. I know prior to this SSC meeting and other SSC meetings we have requested data from the science center and it has not been provided. It just kind of seems like it's an ongoing saga of us requesting data and not receiving it and then our SSC or somebody not being able to do the job that they're tasked with doing because of the lack of data, so they're forced into doing something with a whole lot less than what they'd like to have.

I know we had an oil spill this time around, but we have not had oil spills in the past. We seem to continue to have problems getting data out of the center. Gregg alluded to it earlier. Gregg talked about the data that the council requests and feels like it needs for these assessments and to analyze the status of these stocks, but I'm not so sure it's really the council that should be deciding what data we need.

Perhaps it's the science center itself that needs to decide what data are needed to analyze the status of these stocks and come up with a list of data and provide it to the council and then tell us how that those data are going to be provided. That's all I have; thank you.

DR. CHEUVRONT: Okay, thank you, Duane, but perhaps maybe the SSC should be also involved in helping decide what data are needed.

MR. HARRIS: I think it's a scientific determination as to what data you need. There are certainly scientists on the council and the council has got a lot of experience in utilizing data to do stock assessments, but somehow or another we've got to get to the point when data are requested, they are provided; and if they're not provided, there is at least a response as to why they're not being provided and when they can be provided. In some cases we don't even get responses.

MR. CURRIN: Carolyn, I echo Ben's kudos to the SSC for the amount of time and thought that you guys put into dealing with a handful of these species that were obviously oddballs, and I think you did a very good job. I'm having a little bit of trouble with wreckfish. I know part of that is tied up in the fact that the data are confidential.

I think we have mentioned this before, and I don't know whether any requests have been made to the fishermen to waive their confidentiality on the data so that we can – and maybe with even limits so that they're not made public, but at least for the analysis. Somehow we've got to be able to look at those data.

I guess I take exception – and it's probably from a lack of information – about the characterization under the Methot Table of the wreckfish as a moderate fishery based on what I think – and I haven't seen the confidential data, of course, but just from the knowledge of the

participation or lack thereof in that fishery over the last handful of years, which is where most of the confidential data are; and then the landings for several years prior to that, it seems to me at least that the classification approaches much more closely to the small in Methot's table than the moderate, especially in view of the previous landings when the fishery was its peak for 2 million to 4 million pounds a year and stayed well over million for a number years, and then the effort just went to nothing after a while. I'm a hard time reconciling that classification and the recommendation on wreckfish ABC.

DR. BELCHER: I think our report is a little bit more comprehensive as to how – there was a lot more that went into that distinction. One of the things that was discussed was the fact that when you look to the historical assessment, which is the 2001 assessment, that there was a concern that it could have been under a lot more pressure, and as such you don't know what level it had been fished at that point.

So, current levels of fishing weren't equivalent to what was going on back then, and that was a large portion of why people stayed away from looking at the 2001 assessment. You can't classify what happened then and now was the same fishery anymore, which is why it came to a moderate fishery at that point, because you don't know what the past impacts had been when it was a larger fishery and was fishing at higher levels.

Even a discussion came up about sustainable year. We acknowledged that it probably wasn't maximum sustainable yield, but it was a sustainable yield in essence of what the fishery is currently at, but it may not be at MSY; but until we get a better feel for what is going on through a different analysis type, we can't really say what the depletion is. That was part of where that was coming from.

MR. CURRIN: Yes, I can appreciate that, but I think there is other anecdotal information available in either expansion of the range of that species or location of other populations that previously hadn't been fished. I mean, those things are showing up all the way up off of Virginia now and up through the coast of North Carolina where historically they weren't at least abundant. You didn't hear much about it; but over the last five to ten years at these very low fishing levels, I'm starting to hear more and more every year about people encountering wreckfish all the way up off of our coast and into Virginia.

DR. BELCHER: And we feel that was a potential revisit. I mean, that was the one thing is that by looking at those other methodologies, we might be able to change that number, but that was the point is based on the current information we had at hand that was what we could offer for advice was to cap it at the current. I had one comment.

I know that in the past, just as you were discussing the data needs, we have asked in the past for trends reports for the SSC or the SAFE reports. I really do think that those two documents would be very influential with helping us with getting at looking at some of those trends, whether it be sizes, catch per unit of effort, generalized landings' trends, those reports. You pretty much hear about throughout all the other management regions and the SSCs having access to those, and I really do think those two documents would be key to helping us continue on with giving good, sound management advice.

MR. CUPKA: That was the comment I wanted to make that Carolyn just made, that in terms of some of this ancillary information like on golden crab, in the past we used to get on wreckfish, and a lot of those trends information like an average size or catch per unit effort and all used to come to come out of those SAFE reports, which we've gotten away from.

I think those are very valuable to at least periodically look at some of these trends for some of these species that we don't have all the information we'd like to have to come up with some informed judgment on the status of some of these stocks. Again, we used to get those in the SAFE reports. We've gotten away from those, but I think it would be very useful if we could go back to something like that, particularly for some of these species that we don't have as much information as we'd like to do a full-blown assessment.

DR. LANEY: Carolyn, I just had the one question. I think I've asked it before and I think I know what the answer is. Is there still no information on production rates for octocorals? There is nobody working on that issue at all that would give us any idea of what their natural productive capability would be?

DR. BELCHER: We've received some papers. Dr. Feddern was nice enough to provide us with some of the literature that he had available access to. I think the biggest problem is that as an overarching group, productivity – I don't know if you could summarize productivity for octocorals in general or you'd have to look at it on a species-by-species basis. I know Dr. Feddern's experience is mostly with the gorgonians, but octocorals are another suite of individuals besides the gorgonians as well.

DR. CHEUVRONT: Okay, anything else for Carolyn? All right, thank you, Carolyn, we really appreciate your help and all the work that the SSC has done. As an attendee of that meeting last month, I saw it as being really productive. The SSC worked as hard as I've ever seen them work. We really got through the agenda, got into it and I think they're headed in the direction that the council has been hoping that it would going. Thank you, Carolyn, for your leadership there. Mac.

MR. CURRIN: It seems like every meeting it comes up – David brought it up again – that we talk about the need and the value for SAFE reports and for trends reports. Duane has hit on it as well. Literally, if not every meeting, at least every other meeting somebody makes a comment of the need and the value for that. **I'd like to make a motion that we request the science center or whoever is responsible for these to provide SAFE reports. I guess that would include the trends analysis.** If that's what we need, then let's try to get it done.

DR. CHEUVRONT: So you're making a motion?

MR. CURRIN: Yes, I made that motion.

MR. GEIGER: Second.

MR. HARTIG: Second.

DR. CHEUVRONT: I think everybody around the table would like to second that, but George did it first.

MR. GEIGER: Yes, and it's important I think, Brian, because a half a dozen meetings ago we even went to the extent of having John Carmichael develop the contents of a SAFE report, theoretically what a SAFE report would contain, a new SAFE report, and it would be formatted and used, so that information is all out there. We've just never done anything with it, and I think this is a timely motion.

DR. CHEUVRONT: Does that capture it there for you, Mac.?

MR. CURRIN: Yes, and I'm not sure whether the SAFE reports actually provide the trends analysis in there. I've seen one SAFE report. When I first got on the council, I think I received a SAFE report from the National Marine Fisheries Service, and it's the only one I've seen. I can't remember what year that was, but I haven't looked at it in a long time so I'm not sure whether it includes the trends analysis. If they're one and the same or contained within a SAFE report; or if in fact the trends analysis of what we really need, then that's what I'd like to see. I think currently for now let's for now leave the trends and SAFE reports in the motion.

DR. CRABTREE: Well, we used to get a status and trends reports from the Beaufort Lab. I think we got them every year, and I think they stopped it around 2001 or 2002. I think if you're going to make a request like this you need to be specific about what do you want the contents of the report to be.

DR. CHEUVRONT: Yes, I was thinking that one needs to be not only specific about contents, but George mentioned the outline that John Carmichael has put together, but I was thinking in terms of timeliness as well, saying when we want them. I was going to suggest that maybe we can amend this motion. Gregg.

MR. WAUGH: That's the point I was going to make. This motion just restates what is currently required by the Magnuson Act and law; so unless you put a specific deadline with it, you're just reiterating what the current requirements are. And staff; we would have no problem pulling from the Magnuson Act what it lays out and what the requirements are for a SAFE report.

We can go back to our comprehensive amendment where we laid out the requirements – and this is under the previous Magnuson Act – the requirements for a SAFE report. As was mentioned, John has done a lot of work on this, so we would have no problem putting that together. I would urge you to put a date associated with it.

MR. GEIGER: Gregg, before you get away, what would your suggestion be in terms of a period sufficient for these SAFE reports?

MR. WAUGH: Well, we can go back to our comprehensive amendment that was approved and that laid out a suggested timeline. I don't have that before me right now, but what it did was went through FMP by FMP and put in a timeline each year that you would receive the SAFE reports and it would be presented to you.

It would be good for that to come before the council at our September or December meetings; because if you remember the annual cycle we're trying to get on is that we go out scoping in January/February and then do one comprehensive amendment. If we had our presentations at our September or at the latest the December meeting, then you would have before you the information to identify any needed management changes, and it would feed right into that management cycle.

MR. CURRIN: Then I would like to modify, if I could, the motion to put a timeframe on it and request that they be made available annually by the September council meeting.

DR. CHEUVRONT: And do we want to say something about what format we want them in. Gregg had mentioned that there had a previous format under the old Magnuson, but we've got John's sort of update.

MR. CURRIN: Yes, and I don't recall having – and maybe I've seen it, but I haven't seen John's analysis that he has done of the information that we need, but I would rely on John's analysis to fill in the gaps of the actual data that we need.

MR. CARMICHAEL: I think George is recalling some work we did at the SEDAR Steering Committee about looking at potential contents. I worked with Jack on that several years ago and we came up with a basic outline that the steering committee endorsed for contents. It was trying to streamline it a bit and focus on really the type of information that was in the trends reports from years past.

The trends reports, just to refresh everybody, it only covered about 15 species so that wasn't something that was wholly comprehensive of all the stocks you manage. I think we should think something about timing; and when considering the timing not just what was in place before, but under the new Act requirements that require ACLs and ACTs and require ABCs established by your SSC, so you should consider the timing of when you would like to receive an ABC recommendation from your SSC, and that should somewhat dictate when we get this.

And then, of course we know there are data realities in the data for, say, the previous year tend to be available around June 1st of the current year. So, perhaps getting something – if the SSC had some information in maybe September, so it might be something that you get it and maybe the SSC gets it in time to act on it and have some information to you – you know, if they meet in the summer or they meet in the fall, we don't know yet, but I think the important thing is to consider the timing of your overall management process contrasted with the data availability when we pick the actual timing.

Putting that in a motion is helpful to some extent and certainly have it annually, but we want to make sure that we have some flexibility and our hands aren't tied if maybe at the Comprehensive Amendment discussion you come up with a different sort of annual timing for how you want to deal with these issues.

DR. CHEUVRONT: Thanks, John; those are good suggestions. Robert

MR. BOYLES: Mr. Chairman, I'm not on your committee, but I'm just wondering and ask the maker of the motion what his intention is. If we have got a motion that comes out of here that full council will bless; is that the end product or are we looking at a letter to the AA for Fisheries or the administrator?

MR. CURRIN: Yes, I think it would probably be transmitted via letter. You make a good point about the full council is going to have to approve this thing. I would like to think that between now and then, because I'm not prepared to do it right now – and John has brought up points about the SSC needs to see it. I've thrown at Gregg's request the date of September up there.

I do think it's important that we have some deadline to request. Now whether September is the absolute best month for us to have that information by, at this point I'm not positive, but I think by full council that we can hone that down and perhaps modify this motion to address everyone's concerns.

By the same token, John just indicated that the Status and Trends Report may well provide the information that we need on an annual basis. If that's the case, then I'd be certainly willing at full council to remove the SAFE reports aspect of this motion. I'm just trying to get the information that we need on an annual basis so we don't come to this council at every meeting and it comes up that if we had trends reports we would be a whole lot further along in the process.

I know it's an onerous request for you guys, Roy, and it may be extremely difficult. I know it gives you some heartburn, but it just comes up every time, and it's just important that we try to provide this information on an annual basis so that we're not sitting here going, well, if we had that. Carolyn said it today; it would have helped them out if they had had a trends analysis in their deliberations for the SSC.

MR. GEIGER: Mr. Chairman, perhaps we could ask Gregg to have the timeline available for full council, while we're discussing this in committee, so we see what that looks like, and also John could dig in the archives and bring forward his suggestion for the contents of a SAFE report and everybody could have an opportunity to review that and possibly fine tune it, if necessary.

DR. CHEUVRONT: I think that's an excellent suggestion, George, and we'll be able to do that at full council? Okay, I think have Gregg and then Roy.

MR. WAUGH: And just remember there is a world beyond our biological world. The trends report just looks at catch-per-unit effort, average size; and the SAFE report has requirements to look at the economic and social status as well, so it isn't just a trends report, but we'll pull that information from the Magnuson Act.

DR. CRABTREE: I would suggest that when you guys talk about prior to full council you pull Bonnie into that to talk about what is doable and time-wise. To get CPUEs, you've got different sources of data that you're going to use and all those kinds of things to work out something that is specific and can really be delivered on the timelines that we're looking at.

The problem in the past has always been workload, and so what you're faced with is do you want people doing more SEDAR assessments or do you want them doing status and trends reports, because there are a limited number of people, and that's what we're up against. We just need to understand that there are tradeoffs of all of this, and it's the same people who are working on one set of things that are going to work on the other set of things.

We've got to balance these out in some way or another. It's one thing to say, yes, we need this information, that easy to say; but it is a different thing when you've got to say, okay, what are we going to give up in order to be able to produce this information. I think that's really the conversation that you've got to have, and I think you've got to sit down with the center and work that out. Now I don't know if that can be done by full council or not, but I think they ought to talk about it.

MR. WAUGH: Not to get into a debate with the Regional Administrator at all, but the SAFE Report is a requirement of the Magnuson Act. ACLs are a requirement of the Magnuson Act. It would be nice if we could sit down and talk about what is doable based on workload and assessment and information for meeting the ACL requirements. We can't; that SAFE Report is a requirement of the Magnuson Act. There are real ramifications, but that is a legal requirement, and I think the strongest road for the council to take is lay out what you need and let the agency respond.

DR. CRABTREE: Gregg, can you point out where in the Magnuson Act that requirement is? There is a lot of language in the guidelines about it, but I still think there is a lot of things to be determined in terms of specifically what is in the SAFE Report.

DR. CHEUVRONT: Yes, I think we're going to be bringing some of that up at full council when we have that discussion. Anymore discussion on SAFE reports? I think this is not a new discussion for this council to be having, clearly, but I think we're seeing more and more some of the frustrations that the council and SSC are facing by not having those, so I think we need to do what we can to get them. Hopefully, this discussion will move us along towards that end. We have a motion up here.

MR. GEIGER: And the modification is okay with the as the seconder.

DR. CHEUVRONT: The modifications are okay with the seconder, so, Mac, can I get you to read your motion again so we can get it into the record.

MR. CURRIN: I'll be happy to. **The motion is that the council request that the Southeast Fishery Science Center provide Trends and Safe Reports annually by the September council meeting.**

DR. CHEUVRONT: Is there any objection to the motion? Seeing none, the motion carries. Okay, the next item we have on our agenda is the Comprehensive Ecosystem-Based Amendment 2. What we have got here now is Myra is going to provide us an overview.

MS. BROUWER: What I'd like to do is walk you through the actions and alternatives that are currently in the document. Some of these you've seen many times; some of them have changed based on SSC recommendations and team discussions. Action 1 is up on the screen. It is to establish maximum sustainable yield for octocorals in the South Atlantic.

Now I included a note in here that there is no MSY for the octocoral fishery currently. The original FMP cited lack of information to arrive at an estimate and the amendment, in response to the Sustainable Fisheries Act, made no changes. OY is currently set at 50,000 colonies combined for the Gulf and South Atlantic.

With that information, I would like the committee to think about what they'd like to do. The alternatives are now on the screen. Some of them were provided by the Coral AP earlier last year. In light of the recommendations from the SSC, you may want to move some of these to the appendix. Alternative 1 is no action, to not specify an MSY.

Alternative 2 is to look at the options that Coral AP provided; Option 1 being 5,000 colonies; Option 2, 29,200 colonies, which is based on a percentage split between the Gulf and the South Atlantic; that percentage being based on harvest. Option 3 is an MSY of 21,000 colonies, which is approximately twice the maximum annual harvest for 2003-2008. That is what we have currently in the document for MSY.

DR. CHEUVRONT: Okay, in light of what we've gotten from the SSC, would the committee like to make some recommended changes here? Roy.

DR. CRABTREE: The SSC conclusion, right, was that we can't estimate MSY; is that correct?

MS. BROUWER: I believe the SSC, Roy, did not really discuss MSY.

DR. CRABTREE: To me, I'm not sure why we wouldn't just remove this action entirely.

DR. CHEUVRONT: Is that a motion?

DR. CRABTREE: Well, I guess it can be unless someone sees it differently. I want to make sure I'm not missing something, but what I gathered – and my opinion is this on the octocorals. I think unless we're going to remove it from the FMP, I don't think we need to do anything with octocorals. We have a quota; that is the ACL. The SSC has essentially reaffirmed it. I don't think we need to do anything with octocorals. We already have an ACL.

I think a paragraph in the document explaining that ought to be sufficient unless you want to put an alternative in to remove it from the FMP. I think we could leave that in if that's still something that is under consideration, but I think all the rest of this could probably come out. I would like to hear staff's comments on that.

MR. GEIGER: Yes, I understand what Roy said. Roy, would your suggestion include accountability measures; wouldn't we still have to have accountability measures in the event –

DR. CRABTREE: We have accountability and that is we have a hard quota and we close the fishery when the quota is reached, so I think we have an ACL and we have accountability measures already in place that comply with the guidelines.

MR. WAUGH: This issue of MSY is going to come up with a number of other species as well and it's currently a requirement of the Magnuson Act; so perhaps some guidance from Monica if we don't have to specify an MSY, this will save some discussion when this comes up for several other species.

DR. CHEUVRONT: Yes, I was thinking sort of along the same lines, Gregg, I was wondering how this would apply. Monica, do you want to weigh in on this issue?

MS. SMIT-BRUNELLO: Are you asking me whether you need to specify MSY?

DR. CHEUVRONT: Right; basically if we already have something that is a functional equivalent of an MSY that exists; do we specifically have to go back and state an MSY?

MS. SMIT-BRUNELLO: If you believe that is your MSY, then you ought to state that in your document so you're saying you already have MSY or don't have MSY; what you have is something that could be MSY, but you haven't designated it as MSY?

DR. CHEUVRONT: I think the latter rather than the former.

MS. SMIT-BRUNELLO: Well, then I think that you should explain that in your document and explain that is MSY.

DR. CHEUVRONT: And that's basically what our SSC has affirmed as well is that these same values could be used for future management as well, and so in essence we do already have those numbers at least for corals.

MS. SMIT-BRUNELLO: But you haven't really said that because –

DR. CHEUVRONT: We have not said that in a document anywhere this is MSY.

MS. SMIT-BRUNELLO: So I think we should say that in this document.

DR. CHEUVRONT: Okay; is that clear enough for staff? Myra said she'd like to have a motion to that effect. Carolyn, would you like to come and address us before we get a motion here?

DR. BELCHER: I just have one concern with saying that is MSY. I don't think that the SSC has ever endorsed that as an MSY. It is a sustainable yield, but we had that same argument with a different discussion. You can't argue that it's maximum sustainable yield. MSY could be in essence a lot higher than that. We don't know the true MSY value, and I don't think you need to confuse that terminology.

DR. CHEUVRONT: But in lieu of having that other information, we could use this as a proxy for MSY, could we not, because we know that the true MSY is not lower than this value but it may well be quite a bit higher?

DR. BELCHER: I guess I just get hung up on the fact that we generally calculate an MSY, and that value is a non-calculated value based on a stock assessment or some form of quantitative assessment of that value, so that's why I'm hesitant to say that I would use MSY as that value..

DR. CHEUVRONT: So you'd be unwilling to say MSY is greater than or equal to 50,000 colonies?

DR. BELCHER: Yes, because it is unknown. I mean, based on the information that we've had a hand, obviously that's been a lot of the discussion and debate is that we really don't know what the production is for these because it is multiple populations of animals that are being aggregated into a management unit, so MSY for octocorals is unknown because it is aggregation. It is not a single species.

DR. CHEUVRONT: But Gregg just told us a little while ago that stating an MSY is a requirement of Magnuson, correct, Gregg?

MR. WAUGH: Yes, that's one of the required provisions of the FMP.

DR. CHEUVRONT: We have to come up with something, and I don't know if that's our best proxy. Monica.

MS. SMIT-BRUNELLO: Well, I was just thinking that maybe the next time the council sees the amendment we can lay out exactly what the Coral Plan says, what the SSC says, what we think might be able – if we're talking about using a proxy for MSY, what we think it is and all that so that you have all that before so you can see it all, because of right now – and I'll ask Myra – there is no MSY proxy either?

MS. BROUWER: No, what I have up on the screen is basically what the FMP says and what the SFA amendment says regarding MSY and OY, so it cites insufficient information to calculate the MSY. When the council revisited this, when they were doing the SFA Amendment, they made no changes to that.

MS. SMIT-BRUNELLO: Okay, thank you.

DR. CRABTREE: Well, what the statute says is that you have to assess and specify the present and probably condition of and the maximum sustainable yield and optimum yield from the fishery. Basically MSY is unknown and that is what our scientists are telling us, it seems to me we ought to be able to discuss that there is no estimate of MSY. I don't know what we have from optimum yield in this fishery, but it seems to me it ought to be 50,000 colonies. I think you can make an argument that is consistent with what the SSC has recommended to us, and it's believed to be that the MSY value, although unknown, is some higher value than that because everyone has concluded this is an okay amount of take and isn't constituting overfishing.

I think for that to be the case it would have to be true that MSY is some greater number of it, and then I think you can make the case that we already have a quota that corresponds with this and we already have an accountability mechanism, and so all of this meets this requirement of the Act. I think it's just something you have to write up, but I think it's doable.

DR. CHEUVRONT: Yes, I agree with you, Roy. Myra, do you feel like you'd like to have motion to that effect, telling you to do that? Okay, Myra is shaking her head, yes, so would somebody like to make a motion along those lines; that is basically to withdraw this Action Number 1 and then to put in text to explain that MSY is incalculable. Mark.

MR. ROBSON: I would make that motion to withdraw Action 1 from the document with an explanation.

DR. CRABTREE: I think we're talking about a lot more than just Action 1 here. I think we need to see if we can't do this without having to make different motions. It looks to me like you've Action 1, Action 2, Action 3, Action 4 and Action 5 that you could take out of it, but you still have Action 6 in there, which is the extend the jurisdiction of the council for octocorals and the other one to transfer management to Florida. I don't know if you want to take those out or not. It seems to me don't necessarily want to get rid of this whole thing here.

MR. ROBSON: Well, I have a question. I guess after we go through all this discussion, then we're going to have a discussion about repealing or delegating octocoral management. It seems like if there is a discussion of repealing octocoral or taking it out of the Coral Plan, all these discussions would go away. We wouldn't need to go any further, so can we have that discussion first?

DR. LANEY: Well, I think a lot of it would go away, but the one remaining issue that I don't think has been resolved is what about octocoral harvest north of Cape Canaveral within the Florida waters but also in Georgia, South Carolina and North Carolina. I hearken back once again that we discussed this at our last meeting that the Habitat and Environment Protection AP desire was to minimize the possibility of any harvest north of Cape Canaveral, so we still have to address that issue somehow. I think Action 6 may speak somewhat to that. I'm not sure that it does completely, but we still need to have some discussion of how we're going to deal with that.

DR. CRABTREE: So we still have a motion waiting on a second; is that where we are?

DR. CHEUVRONT: That is exactly where we are.

DR. CRABTREE: It looks to me, Mark, if you made this to withdraw Actions 1 through 5 and replace them with a discussion, and then we could dispense with that and then move on to these other things.

MR. ROBSON: Yes, that sounds like a good plan and I can modify my motion.

MS. BROUWER: One little comment; Action 3 actually is to set an ABC, so that one should not be removed.

DR. CRABTREE: We get the ABC from the SSC and already have an ABC, right, 50,000 corals?

DR. CHEUVRONT: But we have to have some kind of reference to that in the document somewhere.

DR. CRABTREE: Well, we're replacing all this with a discussion of all this, which we'll go through that we have an ABC from the SSC, it's 50,000 and all of that I think. I guess you could talk about setting up an ABC Control Rule, but I don't really know how we're going to do that in this situation based on what we have. I think just a discussion of all of this is what you really need.

DR. CHEUVRONT: Okay. Well, we have a motion up here, but we don't have a second for that motion yet. Would anybody like to second the motion? Seconded by Roy. Anymore discussion on the motion? Okay, let's go back; I'm going to have Mark read his motion again because we've had some clarifications on this.

MR. ROBSON: Well, we were going to modify the motion to include removing Actions 1 through 5 and replace it with an explanation of why that is being done. Anyway, that's my motion.

DR. CHEUVRONT: Anymore discussion on the motion? Any objection to the motion? The motion carries. Roy.

DR. CRABTREE: Myra, do you know what we have in the plan now for optimum yield for octocorals?

MS. BROUWER: Yes, it's 50,000 colonies.

MR. ROBSON: When we were having that brief discussion about ABC, it is established by the SSC but what I thought I heard was ABC could be essentially equivalent to the annual catch limit, so we have an action regarding annual catch limit as well. All right, never mind, I'm sorry.

DR. CHEUVRONT: But we were going to drop it with an explanation.

MR. PUGLIESE: Probably for the record there needs to be at least some discussion about the 50,000 colonies because right now the 50,000 colonies applies to federal waters, and the overall catch levels have been at about 50,000 for state and federal waters. I think that at least needs to be clarified for the record by eliminating the ABC discussion and some of these other ones or these actions, what the ACL and ABC are relative to those issues because right now the catch in federal waters is around 5,000 colonies.

DR. CRABTREE: Well, my understanding, based on all this, was the 50,000 colonies was the total quota, state and federal waters, and not as specific federal water quota.

DR. CHEUVRONT: That is correct, not in the federal plan. Mark, correct us if we're wrong, but the way it is set up now is that the 50,000 colonies is federal waters only; and if the 50,000 colonies in federal waters is met, then state waters shut down regardless of the landings from the state.

MR. ROBSON: I believe that's correct; I'll have to check.

DR. CRABTREE: Well, we'll have to check on that wording; and if that's correct, then we may have to have an action in here to change the quota applies to the overall harvest.

MR. PUGLIESE: Roy, to that and really to the point, I think listening to all the SSC discussion, a lot of it really was discussing status quo as the fishery has operated and encompassing an ACL for what is being harvested, which would be that 50,000 for the entire fishery.

MS. BROUWER: Well, just for the record, under Action 4, which is to establish an ACL for this fishery, one of the options under Alternative 2, Option 3 is to set the ACL equal to the ABC, but then we have a clarifying note that says "but no more than 50,000 colonies aggregate for state and federal waters".

MR. ROBSON: Yes, and I was looking at that option earlier as maybe covering it. The question would be the federal waters aggregate would include Gulf as well as South Atlantic, because you do have a Gulf-side harvest.

MS. BROUWER: Yes, right now that's the way it is set up; it's a joint quota.

DR. CHEUVRONT: And the 50,000 colonies, just to clarify for me, does include Gulf landings as well?

MS. BROUWER: Yes, it does.

DR. CHEUVRONT: So where we go from here now, Myra?

MS. BROUWER: I would like clarification, I guess, from the committee if you intend to set the ACL at 50,000 colonies combined for federal and state waters.

DR. CRABTREE: Yes, that's intent and I think that is how it has to be to be consistent with what the SSC reported. I think Monica is going to have to dig through the regulations to figure this out.

DR. CHEUVRONT: Well, give us a motion then, Roy.

DR. CRABTREE: Well, a motion to do what?

DR. CHEUVRONT: I think what Myra is asking for the – because we've removed all that language now through the previous motion, I think Myra is looking for some kind of direction to

state that this is what our intent is, or is that just enough to state that this is our intent? She wants a motion.

DR. CRABTREE: All right, I move that it is the council's intent that this 50,000 colonies apply to both state and federal water harvest.

DR. CHEUVRONT: Seconded by Mark Robson.

DR. CRABTREE: But having said that, it depends on what is in the regulations. If the regulations specifically say that it is federal waters only, then we're going to have to have an action to change it and not just a motion, but I'm looking to see what that is.

MR. PUGLIESE: Yes, and the regulations are set up as 50,000 colonies for the EEZ.

DR. CHEUVRONT: So then that would mean that we need another action for that. Okay, Mac.

MR. CURRIN: I may be wrong but it looks to me like if we were to reinstitute Action 4, that would provide some options to do exactly what we want to do, which is set that ACL for both federal and state waters. I don't know whether that causes other problems.

DR. CRABTREE: I think if this is what we need to do, all you need is an action in there, which would be status quo, a 50,000 colony quota applies only to federal water harvest; and then a second action that 50,000 colonies applies to state and federal water harvest, and that's all you'd need. I think it can be considerably simpler than Action 4.

MR. CURRIN: And I would second Dr. Crabtree's motion.

DR. CHEUVRONT: It has already been seconded. Anymore discussion on the motion that we have before us?

DR. CRABTREE: We can take a quick break and look this up.

DR. CHEUVRONT: Before we vote on it? Okay, let's take a five-minute break.

DR. CHEUVRONT: Okay, we've had time to do some checking and some clarification, and I believe that Roy wants to make a motion.

DR. CRABTREE: Well, we did look in the regulations and it does state that the 50,000 colony quota applies to federal waters only; but when I read through the SSC report and their rationale for this – and I'm looking at, for example, they have a statement that says “Based on the number of licensed fishery participants and the magnitude of landings, mean annual landings from the South Atlantic and Florida state waters equals 33,755 colonies. A TAC of 50,000 colonies has never been reached.”

And then they talk about the SSC considered octocorals to be in the small category, and they go through the rationale and say they see no reason to change the current quota. Well, I'm not

convinced that the SSC understood that the quota, as specified right now, was just a federal water quota. It seems to me if you read their rationale and put it in context, it seems like they were looking at the overall catch of octocorals and comparing that to the 50,000 and saying the 50,000 is okay. I'm not sure they would have reached the same conclusion had they understood that would only apply to federal waters and there could be a much, much larger take in state waters. I think this is something we need to – John, maybe if we have minutes somewhere – kind of look at this and see if we can put it in some kind of context for the discussion in the document.

MR. CARMICHAEL: We do have minutes and we could look at that. My recollection, though, was that they did understand, by the time the discussion was over, what the different landings related to and what the 50,000 colonies related to. It may not be as clear in the language in the report, but there was a presentation that showed the landing levels and talked about what it applied to, and we did have a lot of discussion about that. I think they did understand the underlying reality that that is potentially at the federal level, and they also were really –

DR. CRABTREE: Well, it's difficult for me to understand their thought process and how they arrived at this; because clearly when they justify the 50,000, it was in the context of the overall landings, and the EEZ landings have been a much, much smaller portion of that. It's hard for me to understand how their rationale makes sense unless I put it in the context of the 50,000 being the overall limit.

If the 50,000 is just the federal limit, then I'm not sure they've provided us much of a rationale for why that is okay to find it. **At any rate, I'm going to make a motion to add an action to the document that would specify that the 50,000 colony octocoral quota apply to catches from both state and federal waters from the South Atlantic and the Gulf of Mexico.** If I get a second, I'll explain it a little more.

MR. ROBSON: Second.

DR. CHEUVRONT: Seconded by Mark.

DR. CRABTREE: So I envision there would be an action to do this; there would be status quo, the quota of 50,000 applies only to federal waters; and then one other alternative, the quota applies to state and federal waters. We can go through and do that analysis and have the discussion. We aren't making a final decision on that today, but it's just hard for me to follow the logic of it all without changing it to apply to both state and federal catches.

DR. CHEUVRONT: Between this meeting and the next meeting of the council, the SSC will be meeting in November. Do we want to ask the SSC for clarification of what they meant at that meeting?

DR. CRABTREE: I think that's probably a good idea, John, and I assume the SSC will look at this document again when it is further along?

MR. CARMICHAEL: I think one of the issues is that the SSC was well aware of the many uncertainties about what all this applies to. There are issues between the South Atlantic and the

Gulf of Mexico. There are issues between the state waters and the federal waters. One of the SSC's intentions was just to recognize what the council had put in place before and say, well, we see no reason to overrule that at this time, we have no other information to overcome that, so that's why they really put forth the largely status quo recommendation.

I think if the council can clarify some of these state/federal issues and the South Atlantic and Gulf of Mexico issues and what it might mean to have a quota in federal waters versus the state waters and how all this stuff works together, then the SSC may be able to provide you with some other guidance in terms of state versus federal or perhaps combined quotas. I think they did understand what it meant, but they were also trying to avoid boxing you in if they didn't have a really strong reason to say, yes, this has to be brought down.

DR. CHEUVRONT: Well, what we're going to have now is we're going to have a new action that is going to state it as Roy has stated it and maybe what we should do is ask the SSC to comment on that action.

DR. CRABTREE: Yes, because if you read it that – I think they said this was a small catch and so they were going to put it – when I read this table, they have the target catch level at the historical level. Well, at least in recent years, the last decade or so, it looks to me like the EEZ portion of the catch has been less than 5,000 colonies; so if we go down the road of saying the 50,000 applies to the EEZ, we're setting it ten times higher than any of those recent catches.

That doesn't seem consistent with the whole way they laid this out and the whole rationale. That's my problem with it. It does seem consistent and makes sense if you put it in the context of state and federal waters because then you're looking at catches that have been between 30 and 40,000 colonies a year, so you're setting it slightly higher than that. That's why I'm saying if I look at just the context of their whole rationale, it seems to make sense if it applies to state and federal, but it doesn't seem to make very good sense if it applies to only federal.

DR. CHEUVRONT: Okay, we have a motion on the table. Mark.

MR. ROBSON: Just to clarify Roy's motion, what I thought I heard was that there was – basically you put in the document two actions, one state and federal and one just federal; does that motion capture that?

DR. CRABTREE: Well, I think staff will figure that out. There will be the status quo and then there will be action to do this.

DR. CHEUVRONT: Okay, we've got a little bit of confusion here. We actually have two motions on the table because remember we went to break before we actually voted on the other motion. Roy.

DR. CRABTREE: Well, I think I made that first motion.

DR. CHEUVRONT: You did.

DR. CRABTREE: If my seconder will agree, I'm going to withdraw it.

MR. ROBSON: Yes.

DR. CHEUVRONT: Okay, so we're going to withdraw the motion that it's the council's intent that the 50,000 colonies applies to federal and state waters.

DR. CRABTREE: Yes, because we're now making that actual action in the document to make that determination.

DR. CHEUVRONT: Okay, so that motion will be withdrawn. Does any committee member have objections to removing that motion? Seeing none, the motion is withdrawn. We do now have the other motion on the table, which is to add an action to specify in the document that the 50,000 colony quota applies to both state and federal waters in the South Atlantic and Gulf of Mexico. Is there anymore discussion on that motion? Carolyn.

DR. BELCHER: I was just looking back through our minutes because I do have a copy of the minutes. The 50,000 was staying with status quo from Amendment 1. We did not have justification to basically make that distinction to knock that level lower. In all those discussion that we had, the size of the fishery and all that, the conversation led to supporting that 50,000 as already stated; whatever was in Amendment 1, the language for Amendment 1, which my assumption would be that would apply to federal and not state.

DR. CHEUVRONT: I think you're right, Carolyn; that's the way I remembered it. I think part of the argument for that was that since this is a demand-driven fishery, it is unlikely to grow, and so there seemed not much concern in the fact that we're never catching more than 10 percent of that 50,000 colonies in any given year, it did not make it a big issue, but it sounds like the council is wanting clarification on this and wants to consider having that 50,000 colonies be considered both state and federal.

I think what we need to do is to vote on this motion, send this motion to the SSC for consideration and see what they think about it. Is there anymore discussion on this motion? **Is there any objection to the motion? Seeing none, the motion carries.** Okay, what is next, Myra?

MS. BROUWER: Okay, that moves us down to Action 6, which is to extend the South Atlantic Council's management unit for octocorals into the Gulf of Mexico Fishery Management Council's area of jurisdiction. This is something that was brought up at the June meeting by the Gulf Council. They do have this in their generic ACL Amendment.

DR. CHEUVRONT: Any further discussion on this action? No; I think we just move right along, then.

MS. BROUWER: This moves us to Action 7, which is to transfer management authority of the octocoral fishery to the state of Florida. We'll need some guidance from the committee on

whether they want this action to remain in the document or not given the previous discussions this morning.

DR. CRABTREE: Mark, it is my understanding that Florida's position was you're not interested in any delegation of authority; but if the council wanted to remove octocorals from the plan, you would be supportive of that and let Florida manage it; is that correct?

MR. ROBSON: That is correct.

DR. CRABTREE: So it seems to me this action would be retitled to remove octocorals from the FMP or from the fishery management unit, and that's really what it would be doing. We'd have no action, leave the fishery management unit as is, and then the alternative would be to remove octocorals from the FMU.

DR. CHEUVRONT: But then that opens up the can of worms of how do we deal with octocorals in places other than Florida where they exist?

DR. CRABTREE: Well, we wouldn't do anything with them, I guess, if that is what we did.

DR. CHEUVRONT: Okay, then they're not being managed at all, then?

DR. CRABTREE: The way I just laid it out there would be no federal management of octocorals. Now whether you want to do that or not is a different issue.

MR. PUGLIESE: Yes, just to add one statement – we had had some discussion about his earlier on – some of the implications of removing the octocorals from the FMP, they go beyond just the regulatory and fishery operations. A lot of the habitats north of North Florida are hard-bottom based octocoral gorgonian foundation for those habitats.

Any potential that those could influence or impact any of the essential fish habitat discussions, consultations or interactions with non-fishing activities could have some significant implications if it is not included under the FMP or it doesn't have the force of what an FMP would have for management of that complex.

DR. CHEUVRONT: Well, I think at this point what Roy is suggesting, though, these are modifying the action and that we will have these discussions, and that would have to be included in the document. Monica, and then I'm going to be looking for a motion to change that action.

MS. SMIT-BRUNELLO: Just so it is clear, if octocoral was withdrawn from the FMP, Florida would be able to manage I think Florida vessels in federal waters, so there would be some sorts of management there. They wouldn't be able to regulate – regulate is better. They'd be able to regulate Florida vessels. They wouldn't be able to regulate other states' vessels and they wouldn't be able to regulate it in the EEZ not off Florida; for example, South Carolina, Georgia, Texas, if you extended it into the Gulf's area.

MR. ROBSON: Just to clarify for Florida – and Monica is correct – if the octocoral was removed from the Coral FMP, the first thing that Florida would do is we would write a letter to the councils and to the NOAA Fisheries Service. We would say it would be our intent to extend our regulations into federal waters. That would allow us to regulate, under our program, all Florida-registered vessels and any vessel landing in Florida. That is what we would do and then we would continue to manage the fishery under our current program.

DR. CHEUVRONT: Thank you, Mark. Would somebody like to make the motion? Charlie.

MR. PHILLIPS: I've just got a technical question, I guess. Could you delegate the federal octocorals off Florida to Florida and then still have a management plan for Georgia and South Carolina with just having no harvest on the rest of it; would that kind of make sense?

MS. SMIT-BRUNELLO: I don't think so. There was some question in our office whether you could parse out a fish like – well, we'll call it a fish because it is fish under the Magnuson Act – whether you could parse out octocorals and just delegate octocoral management; and to do that, I think you would have to redesignate that a fishery, the octocoral fishery, because the Magnuson Act talks about managing fisheries, and the delegation portion talks about delegating fisheries. There is that issue, but I think it's either all of it or none of it even if we were able to the delegation question, which I think we could. The answer to your question is, no, you can't do that.

DR. CHEUVRONT: Okay, we're still lacking a motion here. Duane.

MR. HARRIS: Mr. Chairman, I would move that we remove octocorals from the Coral Fishery Management Plan, the intent being to ask the state of Florida to assume management for octocorals. And then I want to explain something.

DR. CHEUVRONT: Do we have a second for that motion? Mark.

MR. HARRIS: Let me explain myself. I'm not sure I want to do this, but I want to have it evaluated because I want to know what the implications of this are. I have concerns that the protection that a fishery management plan affords a specie or species is pretty significant. If we do go down this route and we don't have any protection afforded for octocorals off the other states, I want to know what the implications of that are going to be. I would like to have this provision evaluated and lay out what we gain or what we lose in doing this, so that's why I made the motion.

DR. CHEUVRONT: Okay, thank you, Duane. And to clarify this, that's not exactly the way that Roy stated it. He suggested that we make this action replace the current Action 7 with this motion.

MR. HARRIS: That's what I said.

DR. CHEUVRONT: You added a new action and I think what Roy was suggesting was let's take care of both issues at the same time.

MR. HARRIS: Well, he should have made the motion.

DR. CHEUVRONT: I tried to get him to make the motion, but he was doing something else, so you made the motion.

MR. HARRIS: I'll accept that.

DR. CRABTREE: Mr. Chairman, I'd like to offer a substitute motion. My substitute motion is that we restructure Action 7 so that the action would be to remove octocorals from the Coral FMP.

DR. CHEUVRONT: Now I have to get a second for the substitute motion.

MR. HARRIS: Second.

DR. CRABTREE: And so my intent with this is that Action 7 would then be – the heading would be “remove octocorals from the fishery management unit”, and Alternative 1 would be to leave it in and Alternative 2 would be take it out.

DR. CHEUVRONT: Exactly, I think that's where we were trying to go. The seconder was Harris.

MR. CURRIN: Just a point for consideration; if you recall the SSC felt fairly strongly that I believe octocorals might be considered as an – or maybe I'm getting that confused with sargassum. I'm wondering whether we should include an alternative that would designate them as an ecosystem species or am I getting that confused with the sargassum?

DR. CRABTREE: I believe you're getting confused with sargassum. This you couldn't because there is clearly a fishery for these.

DR. CHEUVRONT: Okay, now we have to vote on making the substitute motion the main motion. We vote on the substitute motion to make it the main motion. Any opposition to doing that? Seeing none, the substitute motion now becomes the main motion so we have to vote on the new motion that is before us, which is to restructure Action 7 to remove octocorals from the FMP. Any further discussion? Seeing none, any objection to the motion? Seeing none, the motion carries. Wilson.

DR. LANEY: Mr. Chairman, obviously, this is just for discussion purposes only, but I wanted to get it on the record that I think probably the Coral AP and the Habitat and Environmental Protection AP would have serious issues with this one actually being implemented. Hopefully the discussion that is included in the document would be very clear about what the implications are for those octocorals that are essentially I think north of Cape Canaveral.

My understanding is that there is little or no harvest from the EEZ north of Cape Canaveral, and I don't think there is much at all, if any, in Georgia or South Carolina or North Carolina. Given,

again, the importance of this as a habitat, hopefully the implications of removing them from the plan will be fully discussed and fleshed out in the document.

DR. CHEUVRONT: Thanks, Wilson. I was just told that the Habitat Committee is meeting in November, so I'm sure this is going to come before them at that time. Okay, are we ready to roll along, Myra?

MS. BROUWER: Okay, this will move us out of octocorals and into special management zone discussions. Action 8 is to modify the management of South Carolina SMZs. You have three alternatives. The IPT suggests that the council may also want to consider a possible Alternative 4 to prohibit use of spearguns and hand spears in the SMZs.

DR. CHEUVRONT: Any discussion on that? Roy.

DR. CRABTREE: Do we have something in here that shows where these SMZs are?

MS. BROUWER: Do you mean a map showing the location of the SMZs?

DR. CRABTREE: Well, is there one in one of these documents somewhere?

MS. BROUWER: No, not currently.

MR. BOYLES: Mr. Chairman, I'm not on your committee. Myra, we could end up selecting Alternative 2 and Alternative 3, correct?

MS. BROUWER: That is correct.

MR. BOYLES: They're not mutually exclusive?

MS. BROUWER: That's correct; that was written that way to facilitate the analysis.

MR. BOYLES: Mr. Chairman, from our perspective I think the suggestion from the team may be a good one to include for public comment, and I would support its inclusion and would make motion were I on your committee.

DR. CHEUVRONT: I'm not sure that we need to have motion since it is already in there, correct, Myra?

MS. BROUWER: You can simply provide guidance to the team to go ahead and include that alternative for analysis.

DR. CHEUVRONT: Okay, Wilson.

DR. LANEY: Mr. Chairman, I'll make the motion that the council include an Alternative 4, which would be to prohibit use of spearguns and hand spears in the SMZs as recommended by the IPT.

MR. CUPKA: Second.

DR. CHEUVRONT: Okay, we have a motion and a second. Any discussion on the motion? Any objection to the motion? Seeing none, the motion carries. Roy.

DR CRABTREE: But I would say we need to be careful with this one and make sure that we aren't just reacting to some fisherman's perception or someone who has raised a ruckus about something and that we have real reasons for why we would single out a particular user group or a particular gear type on these.

MS. BROUWER: Staying with the SMZs, Action 9 is to modify management of special management zones throughout the South Atlantic. This action has been restructured a little bit to give the committee the chance to determine whether certain states would like for us to analyze this and others not. I'm going to ask Monica at some point to possibly provide some guidance on how this could be accomplished.

MS. SMIT-BRUNELLO: I think it is going to be difficult to accomplish it, and really what you're talking about in Alternative 2 is really delegation. It says transfer management of SMZs off the South Atlantic states to the respective state upon request, but you're delegating. The delegation discussion in the Magnuson Act, much as I brought up for the octocoral fishery, is for fisheries.

And I think it's very difficult to parse out pieces of the snapper grouper fishery to just address these special management zones and allow the states to – it's difficult under the Magnuson Act to delegate management of the special management zones to the respective states. Because these should be fisheries, so if you wanted to delegate all of the Snapper Grouper FMP to the various states to manage, that's one thing –

DR. CHEUVRONT: We would love that.

MS. SMIT-BRUNELLO: You would love that, yes. My workload would go down, too, but I'm trying to make sure that all of my colleagues agree with this. The wrinkle is in Alaska there is a Crab FMP, and I think it is partially managed by the state and partially managed by the feds. It has existed before the Sustainable Fishery Act came in '96 and it is under Magnuson Act. It has been existing a long time.

I believe that are maybe portions of that that are managed by the state but not all of it is, and so I'm trying to ferret that out; but be that as it may, if there is a difference in my opinion I will tell you at full council or in the Snapper Grouper Committee when we meet, but right now I'm saying that I think this would be difficult to impossible to do under the Magnuson Act.

DR. CHEUVRONT: But at this point we're asking about can we leave it in for analysis, and it may turn out the analysis says that we can't do it?

MS. SMIT-BRUNELLO: It you want to do that, that's fine.

DR. CHEUVRONT: Because I think there is some consideration that people do want it discussed. Robert.

MR. BOYLES: Mr. Chairman, again, I'm not on your committee but as I recall the evolution of this issue – and Roy has been consistent with cautioning the council about going down this path – and just to reiterate what the state of South Carolina's interest in this is regarding the special management zones that were constructed using federal aid funds derived from the sale of saltwater fishing tackle and supported largely – almost exclusively in South Carolina, actually, by the recreational community.

Our interest at the evolution here was to prevent overexploitation beyond the bag limit. I'm not sure, quite frankly, that the state has the capacity to deal with Action 9. I don't want to speak for my other colleagues in Georgia, North Carolina and Florida, but I think with Action 8 there are some reasonable alternatives there that certainly meet our interest if we could go down that road. Action 9 may be a bridge too far.

DR. CRABTREE: I think Action 9 probably is a bridge too far, and I don't really see it going anywhere. Given all the things we have to do, I move that Action 9 be removed to the considered but rejected appendix.

DR. CHEUVRONT: Okay we have a motion on the table; second by Ben. David.

MR. CUPKA: I was going to make that motion.

DR. CHEUVRONT: Any other comment? Mac.

MR. CURRIN: Well, I'm going to speak against the motion. I think I asked for Monica to look at this because to me if it can be pulled off – and I understand that there may be problems, but you've given me a glimmer of hope when you brought up the existing fishery off of Alaska that there may be some opportunity for this to happen.

I see it strictly as a streamlining opportunity for those states that have the desire to implement regulations just as we're trying to do at South Carolina's behest regarding their SMZs. It provides an opportunity for states to do that outside of the long and drawn-out federal process. I would speak to leaving this action in until such time that we have determined that it is so difficult to near impossible to try to provide this opportunity to the states.

MS. BROUWER: Just for clarification to Mac's point; I do have on the screen a little bit of the background of when the request was made, and it came from North Carolina. However, North Carolina does not currently have any designated SMZs. They do have artificial reefs that are outside of state waters. They brought this issue up because it would give them more options to exert control over those areas. I just wanted to clarify that North Carolina does not have designated SMZs at this time.

MR. BOYLES: Mr. Chairman, to that point I was wondering is there any interest or any desire to modify Action 8 to include all SMZs in the South Atlantic or other alternatives?

DR. CHEUVRONT: I think that's another separate issue that we might want to come back to once we get through with this one, but hold that thought and we'll come back to it in just a minute. Let's deal with the motion that we've got right now, and that is to remove Action 9 to the considered but rejected appendix. Wilson.

DR. LANEY: Well, can I just ask, Mr. Chairman, how much work it is going to be to delve into this just for the purposes of discussion, especially if there is a possible precedent for it in Alaska.

MS. SMIT-BRUNELLO: Our office will pull together something. I mean, really what you're looking at is something that I think we should give Myra to put into the document. We'll work with Myra and do that. If you want that information in the document, we'll work to get it in there.

MR. PHILLIPS: Well, back to Roy's point of our slippery slope. If you leave this in and you're going to basically make these SMZs recreational areas, then you might as well consider from the council's point of view are you going to have strictly commercial areas. If you're going to go one, we don't have them yet, but you need to decide whether you're going to have that option available or not. You know where I'm going.

MR. BOYLES: Charlie, I hear what you're saying, but our interest in all this has been not to make commercial and recreational only. It's just that everybody plays by the same set of rules within these separate areas. I think that is what Roy is getting to as well, that we don't carve out spaces in the ocean where we exclude certain user groups. I think our interest in restricting the catch to the bag limit doesn't prohibit anybody from using these spaces. It just puts us all in the same playing field.

MR. PHILLIPS: And I fully agree with where you're coming from; I totally understand. I'm almost inclined to think that some conversations with any commercial people that may be wanting to go in there, some conversations and a gentleman's agreement may be a better way to skin this cat, especially if you get some – we can get the Coast Guard to monitor these places and if they see people in there, that would some of their, quote-unquote, favorite places to monitor. Commercial people have got better things to do to be monitored every time they stop somewhere. I think a gentleman's agreement might do what you want without starting something.

DR. CHEUVRONT: Okay, we've got a motion on the table and I think it's time to call the question here. Since we've had people speaking both in favor of the motion and against it, I'm going to call for a show of hands. Those that are in favor of the motion raise your hand, please, 6 in favor; those opposed, 4 opposed. The motion carries. Robert, you had something that we put on the back burner for a second; would you like to bring that back up?

MR. BOYLES: Mr. Chairman, it's just a question for the committee of whether or not the actions that are depicted I believe as an Action 8, whether the council would like to consider that throughout the entire South Atlantic EEZ and not just off of South Carolina. I defer to my colleagues from other states to answer that question.

DR. CHEUVRONT: Okay, would somebody on the committee like to bring up for discussion?

MR. HAYMANS: I was just going to say isn't it sort of sending a mixed message in that we've said we're going to allow spearfishing in the closed area for snapper grouper, but now we're going to perhaps limit spearfishing in special management zones north of the line or throughout the closed area.

MR. BOYLES: Doug, I guess what I'm looking at is not only the spearfishing. I'm not quite sure how I feel about the spearfishing prohibition, to be honest with you, but I think it's important to get that out to the public. I was speaking even more broadly and saying all alternatives, to apply those to all the SMZs off the South Atlantic and not just the new Alternative 4. Are you with me?

DR. CHEUVRONT: All right, is there any interest for somebody on the committee to do that?

MR. CURRIN: No, but just to answer Robert's questions, North Carolina currently has no SMZs.

DR. CHEUVRONT: Well, it is looking like, Robert, there is not a whole lot of interest to pursue that at this time. Okay, Myra.

MS. BROUWER: I'm going to turn it over to Roger. He is going to walk you through the EFH actions in CE-BA 2.

MR. PUGLIESE: Okay, there has been a pretty significant followup on the workings on EFH. One of the most significant was again revisiting the existing designation and refining what truly are new proposals for designation. What it resulted in are additional ones that are not limited. They are essentially identified as essentially already existing under previous designations.

We start with Action 10, with the Shrimp FMP. The alternatives are now limited down to amend the Shrimp FMP with two subalternatives for Bulls Bay, South Carolina; and the Ashepoo, Combahee and Edisto, the ACE Basin, basically, for penaeid shrimp. The second action would be amending the Snapper Grouper FMP, and again this is a refinement down, and it focused on – Subalternative 1 is a – and probably one of the more significant designations, EFH designations for golden and blueline tilefish, and we've worked closely with the Habitat Conservation Division, specifically Pace Wilber, the local offices, and other experts, George Sedberry, et cetera, that are identified in here to come up with EFH designation – EFH-HAPC designations for both golden tilefish as well as blueline tilefish.

Now, the following alternatives – two of those I think in the one that was distributed; those have actually also been removed. Originally we had all waters classified as outstanding resource waters and the North Carolina Strategic Habitat Areas; and under the existing designations, I've been working with, again, Habitat Conservation.

Those areas are encompassed and what we're doing is working in the background to refine the presentation of those as well as other spatial presentation of nursery areas and state-designated

areas to clarify that those areas are already encompassed so that then you will be able to go to the website and be able to see the information used in EFH consultations, et cetera, so it's truly a refining of it, so it really does, again, limit it down to Bulls Bay, South Carolina; the ACE Basin; and the Deepwater Marine Protected Areas as new proposals. Yes, Roy.

DR. CRABTREE: I guess I'm still kind of confused. Alternative 2 amends the Snapper Grouper Plan and then it has a series of subalternatives; one of which just says golden and blueline tilefish, but what area is it naming as EFH for blueline tilefish?

MR. PUGLIESE: Right underneath it, areas which meet the criteria for EFH-HAPC for golden tilefish are – and then the next one is areas which meet the criteria for EFH-HAPCs for blueline tilefish are – and those are the specific wording of the areas.

DR. CRABTREE: But where are the boundaries and coordinates for where the area is?

MR. PUGLIESE: Well, those are going to be developed in the draft document that is brought forward for public hearing. We do have some base distribution maps, but it is going to have to be created based on these newer designations that have just literally been created. Originally we had a proposal in there that identified between a hundred and 300 meters.

This is a refinement of that, so the idea is that we're going to then refine it down to get a bounds within what is presented here for both blueline and golden. The next generation of this document will have the maps showing the actual designated areas, which are basically the mud complexes but a more refined snapshot of those, but they still may be a broader bound just because of the amount of information that actually exists for those.

Right now in the last iteration of EFH designations, we deferred to descriptions in the Habitat Plan but never actually put it in the actual wording, so this has been something missing that really came to head when we were looking at some of the LNG discussions, et cetera, so it's something to refine that, but we will have the actual map designations that are associated with it. It is that fairly narrow habitat that I think most of us really understand.

That is for snapper grouper, and that is what has been proposed for coastal migratory pelagics. Also, I had mentioned the two subalternatives are Bulls Bay and ACE Basin. For the coral reef areas, the Deepwater Coral HAPCs are the only alternatives that are being identified under the Coral Amendment. For pelagic sargassum, under sargassum we do not have EFH or EFH-HAPC designated under the FMP, so this would establish EFH.

What this is mainly picking up is the recommendations that the National Marine Fisheries Service had provided in the last round that we went through on hearings. It provides no action; it provides amend the Sargassum FMP to designate the top ten meters of the water column in the South Atlantic EEZ or to amend the top ten meters of the water columns bounded by the Gulf Stream for pelagic sargassum EFH. That deals with the EFH designation for sargassum.

The HAPC designation focuses on two significant oceanographic areas, the Charleston Bump Complex and The Point off North Carolina as being areas that are significant to sargassum itself

and entrainment and occurrence of sargassum within those areas. What we are going to have – we essentially have this section drafted out and it also has – many of the spatial designations are already existing because of previous designations. That is the EFH material in the document.

DR. LANEY: Roger, back up on Action 12 where you deleted the original 2A and 2B, I guess I have a question sort of akin to Roy's question is relative to maps for ORW and SHAs in North Carolina – and I'll ask Brian. I know the strategic habitat areas were in the original Coastal Habitat Protection Plan, which I think is how they got into the '98 Habitat Plan to begin with, but I didn't think they were finalized until relatively recently. Are we going to have updated maps for both of those in the document as well?

MR. PUGLIESE: Well, actually, what I was identifying is that the whole – we have been discussing that whole context of state-designated areas and looking at all those designations that exist with the intent that we clarify that. I think we're going to have a table. We've worked together on providing a table and then links to – because ultimately we want to have all those spatial loaded into the IMS and any of the habitat areas, but it clarifies those outstanding waters.

That is why it is stated it is not moving it out of it. Those technically are umbrellaed under and are already being cited to a great degree under the EFH consultations, et cetera, so this will refine that process and make the spatial areas more available and really clarify within the document itself that they already are existing. We will make that link within there, but then also have connections to the other spatial.

MR. GEIGER: Roger, does this put us on a road where we begin talking about restricted activities within these HAPCs?

MR. PUGLIESE: Puts us on a road; I think the council has had latitude to be able to address regulatory actions within the HAPCs.

MR. GEIGER: When would we begin to address those?

MR. PUGLIESE: Whenever you decide that you would like to go further than existing areas. One thing that comes to mind is we have already technically addressed snapper grouper spawning aggregations as EFH-HAPCs. There may be an opportunity to look at, in a blanket way, some of the opportunities for context or regulatory measures.

Traditionally it has been used as addressing non-fishing in the EFH consultation and addressing most of those types of concerns in the past. We have not gone down those roads to look at regulatory to date, and it's up to the council if you want to go down further. Many of the areas we're back-filling already have regulations.

MR. PHILLIPS: The outstanding resource waters, it seemed like – and I think I've talked to you before and I've seen some maps, and we've got pieces of the coast that are for shrimp essential habitat and another piece – and just for Georgia I'm thinking all of those coastal areas, sounds, all of that would fall into essential fish habitat for one species or another or probably for most of

them. I can't remember where the outstanding resource waters – if we're in that or not in that, or where exactly they are.

MR. PUGLIESE: And that's one of the reasons we have been looking at the whole broader scope in context so that we can come up with that and provide that in the background of the EFH activities, because much of that is already being acknowledged, and it would be portions that would be associated with the managed species and the important habitats. You do have those essentially in each of the states and various terminologies.

This is the opportunity to, under those state-designated areas or nursery areas that are already EFH-HAPCs, to clarify and where spatial footprints exist, identify where those are. We're going to be working in the background to acknowledge existing designations like that, so, yes, those areas do encompass many of the most significant estuarine habitats that are already technically designed as HAPCs.

MR. HAYMANS: I just have a simple point of clarification; why is what we're looking at on the screen different than what we've got in our handouts?

MR. PUGLIESE: Because we have been working continuously on this section, refining it and essentially have done exactly what I stated, looked at some of the proposals, because this has been whittled down from even further areas. We're really getting into translating the operational use of EFH and HAPCs designations into what we had.

Some of these areas like the ones we have just discussed are already being acknowledged in some of the deliberations and the review process for EFH conservation. What we're going to do, instead of redesignating those as they're already encompassed under either nursery areas as interpreted by the National Marine Fisheries Service or under state-designated areas – and the record is pretty clear that when the council went down the state-designated area designation, that they really wanted to provide the opportunity to translate those areas as designated into HAPC components.

Many, as Wilson has stated, have been designated past areas and are already are being looked at in the consultation process and provided. I think that discussion and clarification and then some of the products are going to be developed, we're actually going to have some discussion of that specifically at the upcoming Habitat Advisory Panel to get a lot of that documentation down and clarification, so we separate between truly new areas and then some of the areas that are a broad sweeping area for state designations.

MR. BOYLES: Mr. Chairman, just to the point earlier I think that George made and Roger alluded to as well; it is my understanding that the state of South Carolina considers all ocean waters outstanding resource waters, so it is just something to consider about a broad sweeping designation.

MR. ROBSON: Just a question on sargassum; so, if you make a designation of everything from ten meters in all of the EEZ, what does that trigger in terms of additional EFH consultation workloads? Does that then now cover every kind of activity would trigger an EFH review?

MR. PUGLIESE: I would say not necessarily. I think you'd have to identify it as a significant impact on those resources. We do have Pace Wilber out of the conservation division, and I don't know if he'd like to touch on what implications – I mean, this is something newer. That's why you do have a couple of alternatives here; the top ten meters or an area that is bounded by the more significant distribution of sargassum, the Gulf Stream or areas associated with the Gulf Stream.

In certain aspects, yes, the broader sense would have a broader sweeping designation, but it would not be the entire EEZ, which was included from the surface to the bottom, but it is definitely broader. I would assume in the past we've already been identifying sargassum as significant but probably more in context of sargassum is significant for other managed species.

This is actually a designation for sargassum itself and the conservation of sargassum. To some degree it is hard to tell how much more because it would have to be significant, but I think the implications are where you may have occurrence within some of the more significant areas of its concentration; you may have the likelihood of more consultations.

DR. CHEUVRONT: Okay, we've got these six actions, ten through fifteen. Is there anything specific that you would like us to do in terms of a motion regarding these actions?

MR. PUGLIESE: I guess it is just are those sufficient to move forward with developing for the public hearing draft?

DR. CHEUVRONT: I'm assuming because the actions are currently there, that if we don't do anything else, those are the ones that are going to go forward. Does anybody want to change any of that? Seeing no desire to change it, let's just go ahead with those. Charlie.

MR. PHILLIPS: I just want to make sure I'm on the right page. Should, say, Georgia or another state decide we want to make an area of the coast or the whole marshes and estuaries designated, say, outstanding water resources or something, and this is done and the state does it after the fact; does it automatically go into this and be protected accordingly?

MR. PUGLIESE: Well, that's some of the discussion that we've have had with Habitat Conservation. They have been interpreting some of those designations as essential fish habitat-areas of particular concern. With the council's acknowledgment of the value and the state values, the intent is to try to the maximum degree possible provide that ability as we move forward. I think we have built the history on that.

I mean, the council can always clarify that as we move forward about intent, but we'll have more of that discussion and documentation after the Habitat Advisory Panel discussions and collaborating with the Habitat Conservation Division and really pin down a little bit more about what some of the implications are.

DR. CHEUVRONT: Okay, Roger and Myra, is there anything else that we need to with CE-BA 2 or are we pretty much finished up? It looks like we're done with CE-BA 2. We're considerably behind in this committee right now. We've still got some more significant work to

be done. For example, Agenda Number 5 is the Comprehensive ACL Amendment for sargassum, and we do have to come up with some alternatives here at this meeting. Let's move it right along, and, Roger, are you going to help us out with that.

MR. PUGLIESE: Well, we have been given the presentation by the SSC, the deliberations on sargassum for the ACL Amendment. The SSC has identified an ABC of 12,800 pounds and a recommended ACL/ACT of 5,000; essentially track the existing activities. What I did want to bring forward were just a couple of other points.

I mentioned before about the original designation and its origin from the council essentially dropping high and low catches and coming up with the 5,000 pounds as being kind of the lowest designation they could because of the habitat conservation. This issue has been brought forward for a number of years through the habitat – two times through the Habitat and Coral Advisory Panels jointly in June of 2006 where they identified and recommending establishing a zero harvest through the Comprehensive Ecosystem Amendment.

The joint Habitat and Coral Advisory Panels' November 8, 2007, recommended establishing a zero harvest of sargassum, and the Habitat Advisory Panel meeting in 2008 recommended prohibiting all harvest of sargassum fluitans and patens. In addition, there has been international activity after the council's Sargassum Plan that was put in place that resolutioned to protect sargassum as essential fish habitat for highly migratory species.

It was drafted by the National Coalition of Marine Conservation and submitted to the U.S. delegation at ICCAT in 2005, and it represented the first-ever action by ICCAT to address habitat and ecosystem concerns. Just for some context of some of the discussion on this as well as the SSC recommendations and I guess with the actual actions that are in the document, probably of the same considerations that we had discussing on octocorals in terms of MSY and OY and some of the other provisions that were identified.

Now, in the discussions at the SSC level, the SSC had reviewed the original MSY information and really had pretty much identified that as not representing best available information at that time, so that was one thing that was raised by the SSC; so that in the ACL Amendment, any of those specifications I think may need to be addressed.

DR. CHEUVRONT: And also if we just want to just go ahead and consider an action that would designate sargassum as an ecosystem component species; correct?

MR. PUGLIESE: Yes, I guess the question is designation as an ecosystem component species for what FMP is what it comes down to because right now we have a Sargassum FMP. That's why this is a little more complicated because it is a plan that really is a habitat plan; and the species, in discussing it, their intent of presenting the ecosystem component I think at least from all the deliberations I heard was to protect it or to conserve it as an ecosystem consideration.

The council has kind of taken the other side of saying the FMP is the highest conservation method of this and had originally intended to look at one level. I think, yes, that is in the mix, but it is something that I think we need to get some additional clarification. Plans that have

habitat as context are somewhat different than the actual fishery as a full context; because you look at the full Coral FMP and it is kind of in the same situation in terms of it providing a significant ecosystem function for snapper grouper, for everything else.

MR. ROBSON: Well, that was exactly where I was headed. I heard discussion of the SSC's recommendation actually that it could be an ecosystem component species. I was going to make a motion. I have a question now as to whether there should be some discussion if an FMP is even needed. I think we are managing this as a harvested resource. That's the FMP that's in place so I guess I'm confused about how we would want to handle this at the federal level.

DR. CRABTREE: I think if you look at the criteria they allow for ecosystem species in the guidelines, sargassum would fit it. I think it would be strange to have an FMP and the only thing in it is an ecosystem species, but I think we very likely could go into one of our other FMPs, dolphin and wahoo or something else, and designate sargassum maybe as an ecosystem species in that or something. I hadn't really thought about it until this meeting.

If we did that, we could withdraw the Sargassum FMP and I guess then you could continue – if you wanted to prohibit harvest of sargassum, you could do it under one of the FMPs, but you wouldn't have to do ACLs and reference points and all these things that have created so much of a problem for us. We've never done something like that because we've never had ecosystem species.

I think you have a lot of authority under the Act under your existing FMPs to protect habitat and put regulations in place to protect habitat. I think it would be worth asking Monica and staff to look at our options in terms of reclassifying sargassum in some other fashion, aside from having the FMP, and to come back to us I guess at the next meeting with some options for doing that and the pluses or minuses on how that would work. I think if we could do it that way, it might save us a lot of time and headaches.

DR. CHEUVRONT: Well, I think what we need to do at this point under the Comprehensive ACL Amendment for sargassum is we need to come up with some actions. If we had an action to consider designation of sargassum as an ecosystem component species, wouldn't it seem logical that is where that discussion would occur? I guess I'm thinking so, so if somebody would like to make a motion to that effect to add that action, because right now we've got to come up with some actions because we have none for sargassum at this point.

DR. LANEY: Mr. Chairman, I'll make the motion that we add that as an action. I'm not sure exactly how to word that, so I could use some help from the chair on that point. The action would be just to investigate the possibility of designating sargassum as an ecosystem component as Roy has suggested, either under the – does it have to be tied to this plan or can I go ahead and say that we should investigate the option of removing the Sargassum FMP and then designating it as an ecosystem component in the Dolphin and Wahoo Plan? I mean, how far do you want to go in the action. Could that be like a subalternative under the action?

DR. CHEUVRONT: Before we go on, do we have a second for this? Okay, David seconds.

MS. SMIT-BRUNELLO: I think that you would definitely want to include the possibility of withdrawing the FMP. I think it would be very odd and maybe cause you some legal risk to have a Sargassum FMP in place in which the only species managed is an ecosystem species. I think it would be incumbent upon staff to investigate – or maybe if you would give the IPT latitude to come up with various options and ways at which it could be done. I think you have under the Magnuson Act already authority, if you wanted to, to restrict the harvest of sargassum because it is habitat for another species. I'll work with staff and we could lay out those options as well.

DR. LANEY: Okay, so what I'm hearing is – and I welcome any assistance on the wording of the motion from other committee members, but add an action in the Comprehensive ACL Amendment to investigate the possibility of designating sargassum as an ecosystem component under another FMP and/or withdrawing the Sargassum FMP. Do those need to be sequenced somehow? Does that capture what we're – what I'm trying to do is capture Roy's suggestion and Monica's suggestion that she just made in an appropriate action.

MR. PUGLIESE: Wilson, I think what we would do is then weave it into the existing measures because there are measures in the ACL Amendment right now, and they do identify ecosystem component as one of the options. I guess what we almost need to do is to walk back through what we have and then see where these would fit into that, because it expands some of the wording. I mean, I think it just was identified as an ecosystem component with no information; so if we could just look at what is in the existing amendment, I think that would probably be –

DR. CHEUVRONT: Well, see, what we have right now is not really clear on what we're discussing at this point; so would it be something that we could ask the IPT – give them sort of the direction and ideas that we're considering and ask them to come back with a range of actions and alternatives for us to consider at our next meeting or is that going to screw things up with the timing for the ACL Amendment?

MR. PUGLIESE: Yes, this is going to be brought back as a public hearing draft for the December council meeting, so the intent is to bring this forward.

DR. LANEY: Also, then, Mr. Chairman, do I just need to change the motion to say request the IPT to examine the possibility for additional actions in the Comprehensive ACL Amendment that would include the possibility of designating sargassum as an ecosystem component, so forth and so on?

DR. CHEUVRONT: I think that would cover it; and since this is going out for public hearing, we just want to make sure that we have all the range of options we want to consider at this point. No matter what we decide later on, at least we've had it out public hearing. David.

MR. CUPKA: Yes, I'm all right with that as the seconder, but the ACL Amendment does I think include dolphin and wahoo where we have our discussion before on the role of sargassum as habitat for dolphin and whatnot. I just wanted to make the comment also it's kind of ironic that this would give us the ability to do something that we tried to do 15 years ago. We never wanted a Sargassum FMP to begin with. We always thought it was habitat, but because of that small North Carolina fishery we had to set it up as an FMP.

MR. PUGLIESE: David, to that, I just wanted to again go back into kind of the one history point on it is that, yes, we designated sargassum as EFH in the Coastal Migratory Plan mainly to address the dolphin. Under the Dolphin FMP the National Marine Fisheries Service rejected EFH designation for sargassum, so that's why I think right now at least the FMP is pretty high ground, depending on how far the council can go with it.

MR. BOYLES: Mr. Chairman, I'm not on your committee and I don't have a lot of details, but just as an FYI for the committee the state of South Carolina has received some preliminary proposals from a business who wishes to consider culture of sargassum, so just as an FYI.

DR. CHEUVRONT: Wow, sargassum farms. Well, we've got a motion on the table now basically directing the IPT to help us come up with some actions and alternatives. Is there anymore discussion on the motion? Mac.

MR. CURRIN: Yes, just a question, and I'll explain why I ask it after I ask it; what do we know about the life history of sargassum as far as longevity? I'm getting toward the provision in the Magnuson Act for species that are annual crops in essence. I have a hard time envisioning sargassum an individual branch or a colony or whatever, group, bunch living much more than a year. I don't know that.

The only reason I ask that question is because – I mean, Monica said she is looking into this and it may be a possibility that we can move in the direction that makes sense, but there is also some chance that we might not be able to move in that direction. If we get stuck with having to maintain that plan and if sargassum is in fact an annual crop, then that will make our path to meeting the requirements of Magnuson a little easier as far as setting ACLs and AMs and the like.

DR. CHEUVRONT: Thanks, Mac, for clarifying that. I've got David.

MR. CUPKA: I was just going to say I think there is some indication in the scientific literature that there is a lot of annual turnover in sargassum, and it may well be that it could be considered an annual crop. That's a possibility, Mac.

MR. PUGLIESE: To that, actually on Page 270 of the ACL Amendment there is a discussion about sargassum potentially being classified – this was brought forward by the IPT as an option for consideration. In looking at some information not off the South Atlantic but in other waters – I think it is Malaysian waters – they actually looked at like a 15-month period as the occurrence of sargassum so it may fall under that. If it does, then it potentially eliminates the – similar to shrimp, it eliminates the need for the ACL or AM requirements.

MS. SMIT-BRUNELLO: I asked that question, Mac, a while back at the office, and I was told – although I cannot tell you who told me because I don't remember – that it did not fall within the exception, but I would be thrilled if it did. Yes, I think we should investigate it.

DR. CHEUVRONT: Okay, let's keep that in our back pocket as a possible course of action, but we've got this motion. If there is no more discussion on the motion, we'd like to read the motion

and then vote on it. Wilson, I believe you are the maker of the motion so if you would like to read it, please.

DR. LANEY: The motion is that we request that the IPT investigate additional actions, including the possibility of designating sargassum as an ecosystem component under another FMP – and maybe we want to put parentheses “dolphin and wahoo with a question mark after it – and/or withdrawing the Sargassum FMP. That’s the motion.

DR. CHEUVRONT: Thank you. Let’s go ahead and call the question. **Is there any objection to the motion? Seeing none, the motion carries.** Is there anything else that we need to do under the Comprehensive ACL Amendment or are we good for that? All right, let’s go on to invasive species, Myra.

MS. BROUWER: Mr. Chairman, this shouldn’t take very long. If you recall back in June, you directed staff to split the Draft Invasive Species Policy into two components. I went ahead and did a draft for an Estuarine Policy and then a Marine Policy. This was circulated through the Habitat AP and the Coral AP and they offered many suggestions. These are Attachments 4 and 5 in the briefing book.

I’m just going to point out some of the things that changed since the previous draft. Attachment 4 is the Estuarine Policy. There was a lot of information that was added to it; a lot of estuarine invasive species that needed to be included. Under the threats, the APs felt that it was important to state that the non-native organisms have the potential to cause cascading trophic impacts on economically important species, so that was added.

Then there was a whole list of different species that were added, the Asian Oyster; two plants, Hydrilla and Phragmites; also Eurasian water milfoil; two species of mangroves, the Eastern Pacific Barnacle and Isopod; the Green Porcelain Crab; the Spiny Hands Crab; the Asian Green Muscle; and the Churrua Muscle.

Under the policies’ portion of the draft, there was an item that was added, and I am going to read for the record, “Regarding compensatory mitigation projects or restoration activities that have a planting component, a requirement that plant materials be obtained through local nurseries within a certain radius of the estuary should be considered.”

And then it cites that studies have shown different patterns of *Spartina* reared from nurseries located on the east coast of Florida versus the west coast of Florida. This was added by the Habitat Conservation Division. Then another point that was added was to state the council supports the availability of grant funding to promote educational and outreach efforts that target invasive species. Are there any questions on the draft for Estuarine Policy.

DR. LANEY: Myra, there is one correction that needs to be made in both of the policies – I got it in an e-mail from our Regional Aquatic Nuisance Species Coordinator – and that is that the reference to the – well, let me tell you exactly where it is. On Page 4 and 5 on Attachment 4, it reads “Gulf and South Atlantic Regional Panel on Aquatic Invasive Species”, and it should read “Gulf and South Atlantic Regional Panel of the National Aquatic Nuisance Species Task Force”.

That change needs to be made in both documents, and I'll just send you the e-mail so you'll have that.

Mr. Chairman, if I can go ahead and address the other issue as well; one thing that – Jeff Herod is our Regional ANS Coordinator. Jeff and I both noticed that there is no mention in either one of the policies with regard to ballast water as a source of introductions of ANS. And while we know the council doesn't have, I don't think – unless Monica says otherwise – any authority to address ballast water, other council partners do, such as the U.S. Coast Guard.

So what we suggest is that we might want to add a provision to both policies that reads something along the lines of "The council supports its partners in their endeavor to promulgate regulations for ballast water and their efforts towards research and development to advance treatment technology for ballast water"; just as a statement of support for efforts to control that source of additional introductions. Again, I've got that language and I can send that to you unless we need to put it up on the screen or something, Mr. Chairman.

DR. CHEUVRONT: No, I think Myra is saying the direction which you have given is fine, and you're sending her the e-mail so she will have the text. I think we should be okay with that.

DR. LANEY: Okay, thank you, and only other point of discussion was whether or not to add that ballast water language to both the estuarine and the marine policy; and per discussion with Roger, we noted that a number of our ports here in the South Atlantic are pretty far inland up estuaries so it is probably appropriate to add that language to both policies as opposed to just the marine one.

DR. CHEUVRONT: Okay, anything else on the estuarine? Mac.

MR. CURRIN: Yes, a couple of things. One, there is a statement in there in instances where invasive species belong to a group of organisms included in an FMU, the species will need to be excluded from the FMU via a plan amendment or framework. That seems to indicate that for each individual species or a group of species within a particular FMP, action would have to be taken under that FMP. My question is, is there some way we can set it up so that if it is an invasive species, it is not in the FMU in one fell swoop rather than having to act every time one comes through.

DR. CHEUVRONT: Good idea; is that possible?

MS. BROUWER: I would have to request that Monica comment on that, but I will point out that we did have that discussion I believe back at the June meeting when we were discussing orange cup coral. The problem with that was it is a stony coral and harvest of stony corals is prohibited throughout, and so there was going to be a discrepancy on how to make it clear that only invasive species, including those that are among groups that are prohibited for harvest, are excluded from the FMU. I believe we did have those discussions and there was no resolution at that point.

MR. CURRIN: And one more, Mr. Chairman, if I might; there is a recommendation in there, number ten, that the council recommends that prior to consideration of approval, a scientifically rigorous risk assessment be conducted for any non-indigenous species being proposed for use in aquaculture operations.

Personally I feel like it should go further than that, and I feel like it should be prohibited. I don't know whether the rest of the folks around the table feel that way or not; but anytime you put those things in a cage or in a tank somewhere adjacent to an estuarine or marine waters, there is some likelihood and a hell of a lot of evidence that at some point they're going to get out and cause problems.

DR. CHEUVRONT: Any further discussion on that issue that Mac just brought up? Okay, anything else for the estuarine document? Okay, seeing none, Myra, move on to the other.

MS. BROUWER: Mr. Chairman, I would suggest that since we've made many changes to the policy and it sounds like we're getting close to being where we want to be, perhaps a motion that will allow me to make some editorial changes and then go ahead and approve each these policies is what I was hoping to get from the committee this time around.

MR. GEIGER: So moved.

DR. CHEUVRONT: Thanks, George. Myra, would you like to write to George's motion for him, please.

MR. GEIGER: The motion is to approve the Estuarine Invasive Species Policy with guidance to staff to conduct the necessary edits.

DR. CHEUVRONT: Seconded by Doug. Anymore discussion on the motion? Mac.

MR. CURRIN: Just one question – and you guys I'm sure know a lot more about this than I do – but milfoil and hydrilla and Phragmites, when I think of those species I think of them as being primarily freshwater species. Now, I know they kind of edge out toward some areas that might contain recognizable amounts of salt, and certainly there are marine and estuarine species that utilize freshwater, very oligohaline areas; so, I don't know, that gave me a little bit of pause when I saw those plant species included in there because I think of those as primarily freshwater.

DR. LANEY: And the other point to make there, too, with regard to Phragmites is there is a native species of Phragmites and I presume this is referring to the invasive exotic species of Phragmites, so we may want to just make a note of that. I can help you out with that. There has been discussion about that in the literature, I think.

MR. BROUWER: To Mac's point, I believe this was included in here because the Habitat AP felt it was important due to linkages to the estuarine environment; so taking more of an ecosystem view, they felt it was important that it at least be mentioned as a potential problem.

DR. CHEUVRONT: Anymore discussion on the motion? Seeing none, any objection to the motion? The motion carries unanimously.

MS. BROUWER: So on to the Marine Policy; this one did not change very much from the previous version. There were a couple of things that changed under the policy portion of it. Under Item 1, it reads, “In instances where an invasive species belongs to a group of organisms included in the fishery management unit, such as stony corals, the species would need to be excluded from the FMU via a plan amendment or an framework”, and then we added wording following that, “before a control or eradication strategy could be implemented”. That was the change to that.

Another policy was added again to support education and outreach for invasive species. Finally, someone recommended that the council add language suggesting “inspection and thorough cleaning of surfaces prior to placement of fish-attracting devices. The potential risk of inadvertently expanding the range of a non-native species through transport or establishment of new habitats should be carefully considered”. Those are the only changes that were made to the Marine Policy.

DR. CHEUVRONT: And just for clarification, Wilson had made a comment earlier. We had a motion regarding ballast water, and that included this policy as well, didn't it? Okay, thank you. Is there anything else that anybody would like to have considered in this policy? Mac.

MR. CURRIN: Yes, just for clarification – and again the same; it's under number eleven under marine waters – is the recommendation regarding aquaculture and again I would suggest that we include in our policy that we would recommend prohibition of open-water culture of invasive species or non-indigenous species.

DR. CHEUVRONT: Do you want to make that in the form of a motion?

MR. CURRIN: Yes, since I didn't get much discussion when I brought it up under the estuarine, I would move that we modify the policy under both the estuarine and marine waters to include under the item regarding aquaculture that our policy would prohibit open-water culture of non-indigenous species.

DR. CHEUVRONT: Seconded by George. Let's get the motion up there and then we can discuss this.

MR. CURRIN: And, Mr. Chairman, for clarification, we probably don't have the authority prohibit, so strongly discourage or whatever we can get away with within our authority to make a strong comment that we don't think it is a good idea. I'll certainly give the staff the latitude to craft that language.

DR. CHEUVRONT: Okay, is there any discussion on the motion? Charlie.

MR. PHILLIPS: And it may be a nitpicking detail, but I'm guessing because you don't want something to reproduce, should there be something that has no reproductive possibility; would that also be what you're talking about?

MR. CURRIN: Well, yes, George is whispering in my ear, Charlie, at the same time, and it has been my experience as well that even with triploids that are guaranteed to be 99 percent of whatever sterile, that there is good evidence that back-crosses occur and that some form of that critter ends up in the water, so I think it's still a risky proposition even with, quote-unquote, sterilized or neutered species.

MR. PHILLIPS: Well, I'm a little familiar with triploids as far as oysters, and normally triploids over here would be virginicas, which is what is the natural – and if it reverts, it just reverts to a natural – what we've got in the water, anyway. I agree I wouldn't want an oyster from the west coast over here. I agree with you there.

MR. CURRIN: Yes, and I think it is specific to non-indigenous species; so if it is a triploid of a native species, I don't have any problem with that.

MR. BOYLES: Mr. Chairman, just for clarification – and again I'm not on your committee – we have seen Pacific white shrimp cultured in South Carolina for a number of years; and, Mac, in making the motion, were you specifically referring to open-water culture or all aquaculture.?

MR. CURRIN: Well, Robert, certainly, open-water culture is a big concern, but there are instances of farms adjacent to estuarine waters where these things are at. I mean, there have been tiger shrimp caught by the shrimp trawlers around. I don't know what the implications of that are, so I think we should certainly encourage caution everywhere.

DR. CHEUVRONT: Okay, if there is no more discussion on the motion. Roger, do you want to say something?

MR. PUGLIESE: Yes, just a comment for the record, we have actually already included a recommendation in our Aquaculture Policy, "recommend the use of genetically modified and non-native species be prohibited". It dovetails well with the existing policy statement.

DR. CHEUVRONT: Okay, let's go ahead and read the motion. Mac, would you read it please and then we'll take the vote.

MR. CURRIN: The motion is to modify both Estuarine and Marine Invasive Species Policies to strongly discourage the use of non-native species in aquaculture.

DR. CHEUVRONT: Is there any opposition to the motion? Seeing none, the motion carries. Okay, are we through with the policies now, Myra? David.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we approve the Marine Invasive Species Policy with guidance to staff to conduct the necessary edits.

DR. CHEUVRONT: Second by Wilson. Any discussion on the motion? Any opposition to the motion? Seeing none, the motion carries. Now, we're done with the policies, right? Okay, I think we have two agenda items left. One is an update on ecosystem activities and that's Roger.

MR. PUGLIESE: I'll be brief, but there are some significant activities on a number of these different actions that we're directly involved with. First of all, the existing Ocean Observing Systems, our partnership under the Southeast Regional Association, is moving forward with the 2011 proposals. Those proposals have significantly increased the amount of resources that have come down to the regional association and are going to build a fairly significant observing foundation with connections into some of the fisheries operations and potentially assessment capabilities.

There has been a significant increase in resources I think that are going to really benefit the long-term use and accessibility of ocean observing information for our activities and to hopefully provide better information into the council process in the future and hopefully into future assessments if we can make it happen.

In addition, quickly, on the South Atlantic Governors Alliance, the Executive Planning Team had a conference call and met on Monday to look at the initial action plan. The technical groups have been working in the background to build subsections for the action plan. It has come together. The draft was reviewed with some adjustments. This is going to be brought forward to a state steering committee with the intent that it ultimately be acknowledged by the EPT and then brought forward for public comment in the future.

MR. GEIGER: Could we see a copy of that at the next meeting, please?

MR. PUGLIESE: Excuse me?

MR. GEIGER: Could we see the written version of that at the next meeting, please?

MR. PUGLIESE: Yes, actually it's going to hopefully be available for public comment literally in the next couple of weeks. It has been in the background. This is the first time the planning team has even looked at that. That's the first generation and it is going to be coming out, so, yes, we can have that available, also. The timeline is pretty quick to get that out to the public.

The next real significant action is going to be really looking at building implementation plans, and that's where hopefully we can have some more significant direct interaction. That's going to be where a lot of the real translation of this into an operational alliance is to make more affect and also build on its partners' capabilities.

In addition, the South Atlantic Landscape Conservation Cooperative also just recently had the interagency team deliberate on the latest governance structure and acknowledged moving forward with the draft governance structure, so that also is under development. Hopefully a number of different areas and documents are going to be available enough that we can bring them forward to the council for review.

That is being acknowledged as moving forward and hopefully some of the documentation from the last round of workshops will be consolidated as well as the structure of the developing conservation cooperative, and hopefully that continues to move forward. Additional staffing moves forward. Also, there actually has been about \$1.2 million worth of collaborative funds between the U.S. Fish and Wildlife as well as USGS and probably about half a million were actually reviewed through the existing base structure of this developing conservation cooperative. That is not only moving forward and getting staffed up but moving forward in a very significant way.

I wanted to touch on our activities in the fishery-independent activities under SEAMAP as well as the integration of MARMAP. We are moving forward with development of a five-year plan. We have the opportunity to refine the information within that five-year plan to really capture what needs to be collected for the South Atlantic Region.

Right now SEAMAP is essentially linked very closely with MARMAP in supplementing a lot of the efforts under snapper grouper and expanding some of the life history information, early life history for snapper grouper; and really we're looking at an opportunity to refine that and lay on the table in a more comprehensive way in the five-year plan needs to be done across all these different fisheries, so there is a real opportunity to build on what was done at the recent Fishery-Independent Workshop as well as some other activities to set that in motion.

I have mentioned a number of times the information system is still being developed that will ultimately provide direct access to SEAMAP, MARMAP as well as even Pamlico Sound and then other state data systems in the future. Hopefully, that is going to continue, and it's on a fairly rapid movement, working with SCDNR as well as the Columbia office to get some of the core areas developing; working with FWRI to spatial footprints for all of those different programs.

In addition to that, the last item was just the fact that we still are refining the Internet Map System; the opportunity to look at those Arc GIS Services being the core of areas to move forward; services that will identify habitat, services for regulations. We have been discussing an energy or alternative energy service to begin to compile the information to be able to provide a comprehensive view of areas and information systems that we have as well as what is going on and to get the council into the loop on alternative energy discussions in a more formal way. Those are under development and in process. Mr. Chairman, that is in a snapshot a quick review of some of our broader coordination efforts.

DR. CHEUVRONT: Thank you, Roger, I appreciate that. The last agenda item is other business; is there any other business to come before this committee? Seeing none, this committee is adjourned.

(Whereupon, the meeting was adjourned at 11:40 o'clock a.m., September 14, 2010.)

Certified By: _____ Date: _____

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Charleston, SC
Tuesday, September 14, 2010

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