

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
ECOSYSTEM-BASED MANAGEMENT COMMITTEE

Hilton New Bern Riverfront Hotel
New Bern, NC

December 7, 2010

SUMMARY MINUTES

Ecosystem-Based Management Committee:

Duane Harris, Chair	Dr. Roy Crabtree
David Cupka	Mac Currin
George Geiger	Ben Hartig
Dr. Wilson Laney	Tom Burgess
Charlie Phillips	Mark Robson
Doug Haymans	Robert Boyles
Dr. Brian Chevront	

Council Members:

David Cupka	LTJG Matthew Lam
Vince O'Shea	Tom Swatzel

Council Staff:

Bob Mahood	Gregg Waugh
Mike Collins	Roger Pugliese
Myra Brouwer	Kari MacLauchlin
John Carmichael	Anna Martin
Kari Fenske	Julie O'Dell

Observers/Participants:

Monica Smit-Brunello	Dr. Jack McGovern
Dr. Bonnie Ponwith	Rick DeVictor
Dr. Carolyn Belcher	Phil Steele
Bob Gill	Otha Easley
Mark Millikin	Andy Strelchek
Bill Kelly	Dick Brame
Scott Sandorf	

Additional Observers and Participants Attached

The Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council convened in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, December 7, 2010, and was called to order at 3:04 o'clock p.m. by Chairman Duane Harris.

MR. HARRIS: I'm going to call to order the Ecosystem-Based Management Committee. The members of that committee, just for your information, are Robert Boyles, Tom Burgess, Brian Chevront, Roy Crabtree, Dave Cupka, Mac Currin, George Geiger, Ben Hartig, Doug Haymans, Wilson Laney, Charlie Phillips, Mark Robson, Tom Swatzel. Is there anybody that I missed?

The first thing we're going to do – it's not really on the agenda – we're going to have the SSC Committee Report. We're going to do that before we get into the ecosystem stuff. Carolyn, are you ready? Before Carolina starts, let me just go ahead and ask approval of the agenda with the option for me to change some things around as I've already done. Is there any objection to approving the agenda? Seeing none, the agenda is approved.

And then the approval of the September 14, 2010, Ecosystem-Based Committee Meeting Minutes; are there any additions or corrections to those minutes? Seeing none, those minutes are approved. Okay, back to Carolyn. What I suggest is that maybe we ought to do the overview to begin with, and then we'll come back and do the SSC Committee Report. This is the overview of CE-BA 2 actions and alternatives, and they are Attachment 1 in your folder. Anna Martin and Roger are going to do those for us. Anna, it's all yours.

MS. MARTIN: I would like to walk you through some of the actions and alternatives in CE-BA 2; and as Duane mentioned, this is Attachment 1 in your briefing book. Just to remind you, during the September meeting the council voted to remove Actions 1-5, and those were specifying MSY, OFL, ABC, ACL and AMs. Those have been placed within the context of the document in the form of a discussion.

They've also been removed to the considered but rejected appendix list. I provided a handout for you for a review of a few of the alternatives associated with Action 5, and that is the sea turtle release gear modification action. We received a new alternative from Protected Resources staff after the briefing deadline, so I've provided those for you in the handout.

Okay, we don't yet have preferred alternatives for any of the actions and alternatives in CE-BA 2, and the intent is to approve the document for public hearings, so it would be helpful to take preferred alternatives out to the public if possible. Action 1 can be found on PDF Page 31. Now this action was restructured from what is previously Action 7 in the document; transfer management authority of the octocoral fishery to the state of Florida.

Action 1 now states remove octocorals from the management unit under the Coral Plan. Alternative 2 would afford no protection for octocorals in the South Atlantic. The commercial quota, commercial permits and reporting requirements and a recreational bag limit in federal waters would be removed.

They would remain under management in Florida state waters under their Marine Life Fishery Program. Florida has expressed an interest, if octocoral are removed from our FMU, that they will extend their state regulations into federal waters for Florida-registered vessels and any vessel landing octocorals in the state of Florida.

Now, Alternative 3 would carry with it requirements under the Magnuson Act, and Florida has expressed an interest in not being bound by these requirements. This alternative would eliminate the possibility of federal management of octocorals off of any other state in the South Atlantic if the need arises.

DR. CRABTREE: I don't really understand Alternative 3, because the delegation and management process in the Magnuson Act, in order for that to apply, corals would have to be in the fishery management unit and in the FMP. I'm confused about Alternative 3.

MR. HARRIS: I think the wording should be –

DR. CRABTREE: – just delegate.

MR. HARRIS: – simply delegate management of the octocoral fishery to the state of Florida and just remove the first part of that sentence. Is there any objection to doing that with Alternative 3?

DR. CRABTREE: So move.

MR. HARRIS: Thank you; second. Wait a second; we've got a question by our legal counsel.

MS. SMIT-BRUNELLO: I do, and I think maybe you could structure it even a little bit differently because when the Magnuson Act discussed delegation, they talk about it in terms of a fishery, so maybe what you would want to say is designate octocoral as a fishery within the FMP and delegate management of the octocoral fishery to the state of Florida.

MR. HARRIS: Say that one more time.

MS. SMIT-BRUNELLO: Well, I will maybe come up with better wording, but the Magnuson Act discusses delegation of a fishery to a state.

MR. HARRIS: And that's what this says; it says "delegate management of the octocoral fishery".

MS. SMIT-BRUNELLO: I don't though we have established the octocoral as a fishery in the FMP. Maybe we could do that in the discussion, and I'll work with staff on that part.

MR. HARRIS: Okay.

MS. SMIT-BRUNELLO: But I agree that the current wording should be changed to at least to delegate and then I'll work with staff and we'll out whether it's appropriate just to have the

conversation in the discussion about this is a separate fishery within the FMP, because the word “fishery” gets thrown around all over the place and it can mean many different things.

MR. HARRIS: Okay, with a license to modify the wording as necessary; is that okay with the maker of the motion and the seconder of the motion? Would the maker of the motion restate the motion, please?

DR. CRABTREE: I think that was me, and I think the motion should say just delegate management of the octocoral fishery to the state of Florida.

MR. HARRIS: That is what the motion was and that’s okay with the seconder. Is there any objection to that motion? Seeing none, that motion approved. We need to perhaps get a preferred if it’s the desire of the committee to do so. Wilson.

DR. LANEY: Mr. Chairman, I’d like to ask Monica a question. Monica, with that change in wording there; does that take care of the issue that we’ve discussed at several previous meetings, which is I presume if that one were to be implemented, that would mean that the council still could regulate octocorals north of the Florida line, but Florida then would have management within Florida waters as well as the EEZ waters off of Florida? The big concern that comes from the AP as well as some of us on the council here is that we didn’t want to see regulation lost north of Florida where harvest is currently precluded.

MS. SMIT-BRUNELLO: I’m not sure, Wilson. When they talk about delegation, they’re speaking in terms of delegation of a fishery, and the fishery is the octocoral fishery. If that’s what you want, let’s write it up that way, and I’ll just have to do some further research to make sure that is the way we can do it. And if we can’t, then I’ll come back and tell you, and maybe I’ll be able to tell by full council, frankly.

DR. CRABTREE: I don’t think we could delegate the fishery in waters off of other states to Florida, and in fact the fishery is closed off all of those other states, so there is no fishery anywhere except Florida. The entire fishery would be delegated to Florida. We would simply be preventing any fishery in the other states. It’s hard for me to see how the statute could have envisioned delegating a fishery off of one state to another state, although I don’t know that it really says anything about that.

MS. SMIT-BRUNELLO: Well, I agree with some of that; although I think you can make the argument that when you delegate, you delegate, and then the operation of the – for example, in this case Florida would then make the rules for octocoral, but what you’re wanting to do is only let them make the rules for octocoral in part of your jurisdiction, and then you would retain jurisdiction in the – and, you know, maybe it can be done. I’ll try to get back to you for full council.

DR. LANEY: Well, just a followup to that, what Roy just said makes sense to me. Couldn’t you just define the fishery as existing in Florida waters and/or the EEZ adjacent to Florida only? If you did that, then it seems to me – and he’s right, we essentially have no fishery north of the Florida border now. I don’t know how the Coral FMP presently defines it, but if we’re going to

have to define an octocoral fishery, anyway, it seems to me if we defined it as being only in that part of the South Atlantic geography that addressed where the fishery is presently occurring, then we would be good if we could legally do that.

DR. CRABTREE: Well, I'm sure Monica will sort that out, but the bigger problem I think right now as far as I understand it Florida hasn't shown any interest in having us delegate management to them; have they, Mark?

DR. LANEY: But to that point, then, again, Roy, if we defined it very specifically, then couldn't we transfer that?

DR. CRABTREE: Well, not unless Florida is willing to take it, which I don't know that they are.

MR. ROBSON: No, we've expressed no desire to manage the fishery on behalf of the federal management entities particularly in regards to ACLs and AMs and other Magnuson-Stevens requirements.

DR. CRABTREE: So, if I could, Mr. Chairman, given that; I mean if Florida is not willing to accept delegation, I don't know that this has any point in pursuing all of this. It doesn't seem a reasonable alternative necessarily.

MR. HARRIS: Is there anybody that thinks it's a reasonable alternative given what has just been said? Brian.

DR. CHEUVRONT: It sounds to me like then that we just need to take the whole action and put it in the considered but rejected appendix or do we just want to just select Alternative 1 as our preferred? I mean either way it sounds like the action no longer should be considered if Florida is not willing to take it.

DR. CRABTREE: No, I think your choices, though, are limited to leave octocorals in the FMU, which is Alternative 1; or, two, remove octocorals from the FMU, but I don't see that 3 is a reasonable alternative now if Florida doesn't want to take it, so I think it just leaves you the two alternatives.

MR. HARRIS: Anybody want to make a motion to remove Alternative 3 from this action.

DR. CHEUVRONT: The motion is to take Alternative 3 from Action 1 and move it to the considered but rejected appendix.

MR. HARRIS: Second by Chairman Cupka. Discussion of the motion? Is there any objection to that motion? Seeing none, that motion is approved. Would you care to do a preferred action of one of these two alternatives? It would be best to take out to public hearing. Yes, Roger.

MR. PUGLIESE: Just quickly, we didn't walk through the recommendations that were provided by the Habitat Advisory Panel, and there is one specific one for one of the actions relative to the SSC, so that's your prerogative. Do you want those to be highlighted as we move forward?

MR. HARRIS: Yes, it doesn't make any sense to go through these and then go back and revisit them after we receive the recommendations of the Habitat AP. With respect to this issue, do you want tell us what the Habitat AP recommended?

MR. PUGLIESE: Yes, to that effect, under this action the Habitat Advisory Panel acknowledged the concern over octocoral – removal of octocoral especially north of Florida and recommended no action, Alternative 1 as the preferred.

MR. BOYLES: Mr. Chairman, I would recommend that we make Alternative 1 our preferred.

MR. HARRIS: Is there a second to the motion; Wilson second to the motion. Discussion of the motion? Is there objection to that motion? Seeing none, Alternative 1 will be our preferred. Okay, Anna, what's the next action.

MS. MARTIN: All right, that moves us down to PDF Page 33, and this is Action 2; extend the management unit for octocorals into the Gulf Council's area of jurisdiction. I will point out that the Gulf Council selected a preferred alternative for the management of octocorals, and this is included within their generic ACL Amendment, and it's currently an options paper.

They made a motion to remove octocorals from their management unit, and this was as a result of Florida expressing an interest in extending their state regulations into federal waters for vessels registered in Florida or returning to a port in Florida. Under Alternative 2, the 50,000 colony quota would still apply to harvest in the Gulf and South Atlantic EEZ. We may need some legal guidance here if we can have an octocoral quota that includes Gulf federal waters if they remove octocorals from their FMP.

MS. SMIT-BRUNELLO: Well, I think if you extend your fishery management unit and fishery management plan to cover octocorals in the Gulf area, then you could retain the 50,000. I'm not quite sure how – I guess it used be a joint plan and then octocorals were in the joint plan, and I guess, Gregg, that's where that is that 50,000 – or that's when the 50,000 colonies were established; and then when the two plans split, it never divided up that 50,000 and so it somehow it just covers both. It's accounted for; I mean they keep track of it, but I'm not sure how we would divide it up.

DR. CRABTREE: A question for Mr. Gill; Bob, do you think the Gulf Council would be agreeable, since their preferred is to remove this from the FMP, to having the South Atlantic extend their management jurisdiction?

MR. GILL: Yes, Roy, I think so. We would be if they passed the baton to the South Atlantic, so I don't think the council would object to extending the management range.

DR. CRABTREE: I would move, Mr. Chairman, that Alternative 2 in Action 2 be our preferred.

MR. HARRIS: Second by David Cupka. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion carries. Anna.

MS. MARTIN: All right, moving along, PDF Page 34; and this is Action 3, modify the ACL for octocorals in the South Atlantic. The IPT does recommend changing the language of the alternatives to reflect Alternative 1, no action, do not modify the existing ACL for octocorals in the South Atlantic. ACL equals the current 50,000 colony quota for South Atlantic and Gulf of Mexico EEZ.

Alternative 2, the IPT recommends changing the language to reflect – Alternative 2, modify the existing ACL in the South Atlantic and Gulf of Mexico. The ACL equals the current 50,000 colony quota for South Atlantic and Gulf of Mexico EEZ to include state waters. Now, during the November meeting the SSC clarified that it was their intent originally, when they provided the ABC recommendation, to include South Atlantic and Gulf federal and state waters in their 50,000 colony quota.

DR. CRABTREE: Mr. Chairman, I move that we accept the IPT recommendations for wording and establish Alternative 2 as the preferred.

MR. HARRIS: Motion by Dr. Crabtree; second by Chairman Cupka. Roger, did the Habitat AP have any recommendation with respect to this issue?

MR. PUGLIESE: Yes, they supported Alternative 2.

MR. HARRIS: Discussion of the motion? Is there objection to the motion? Seeing none, that motion carries. Monica.

MS. SMIT-BRUNELLO: Could the document reflect somewhere in the discussion whether and what the harvest colonies are that Florida allows; like does Florida have a specific amount of octocoral harvest they allow?

MR. ROBSON: No, the controls are based on the 50,000 colony in federal waters being met, but I think in the discussions we have been having about this with staff; that depending on how this ends up, we would certainly be willing to go in and modify our state rules to match it up in any way that needs to be so that it's clear that is our quota as well, if you will. I believe that's how we discussed it.

MR. HARRIS: Okay, are we ready for Action 4?

MS. MARTIN: Okay, Action 4 can be found on PDF Page 36, and this is to modify management of South Carolina's SMZs. We have the no action alternative. Alternative 2 would limit harvest and possession of snapper grouper species with the use of all non-prohibited fishing gear in South Carolina's SMZs to the recreational bag limit.

Now, we do have an IPT recommendation to move Alternative 4, which is to prohibit the use of hand spear and spearguns in South Carolina SMZs, to Subalternatives 2A and 3A. However, the council may wish to keep that its own preferred alternative as desired. Alternative 3 would limit harvest and possession of coastal migratory pelagics with the use of all non-prohibited fishing gear in South Carolina's SMZs to the recreational bag limit; and again Subalternative 3A prohibits the hand spear and spearguns in South Carolina's SMZs. So Alternatives 2 and 3 would address commercial fishing in the SMZs by limiting each fisherman to the recreational bag limit, and Subalternatives 2A and 3A would eliminate all commercial and recreational spearfishing in the SMZs for both snapper grouper species and coastal migratory pelagic species.

MR. BOYLES: Mr. Chairman, I'd like to hear a little bit more about why the IPT recommends the subalternatives. I recall the discussion about the development of Alternative 4, but recall the state's interest in really just ensuring that what is taken from these areas are those species under a recreational bag limit. I'm not sure that the subalternatives don't change the intent of our interest.

MR. HARRIS: I agree with you, Robert. I thought the same thing when Anna and I first discussed this. I think that needs to be a stand-alone alternative, and I would recommend we go back to the wording that was in there previously. I will also call your attention to the fact that under the comparison of alternatives, 2.4.1, that last sentence says that Subalternatives 2A and 3A would eliminate all commercial and recreational diving in the SMZs, both snapper grouper and coastal migratory pelagic species; so not only is the sentence misworded, it mischaracterizes what this action does. I just wanted to make sure that is corrected. Robert.

MR. BOYLES: Mr. Chairman, if you're looking for a motion, I would recommend that we not accept the IPT recommendation and keep Alternative 4 separately; and at the risk of making this motion too complicated, select Alternative 2 and Alternative 3 as our preferred.

MR. HARRIS: You have heard the motion; is there a second to the motion? Second by Brian. Discussion of the motion? Roy.

DR. CRABTREE: My concern would be about the rationale for it. When you read what is here, all there appears to be is recreational constituents voice concerns about commercial vessels fishing, and they claim the practice has placed reef fish populations there is at risk. Maybe it's somewhere else, but I don't see any other rationale other than some people complained and made a claim, and I don't think that's an adequate basis for us to make a regulatory change. I think we need something a lot stronger than just that.

MR. BOYLES: Roy, thanks for that reminder. From the state's perspective, these SMZs were created with the support of both federal aid funds as well as – a small percentage of federal aid funds, but the vast majority of which came from saltwater recreational fishing license funds through the support of our artificial reef program.

Our interest here is not to prohibit the commercial use of these areas but simply to hold everyone to the same standard that a recreational bag limit is all that would be taken from these areas. I

think the rationale is based on the investment that the state has made, the intention by which these reefs around which these SMZs were established and ensuring fair and equitable access to the resource.

DR. CRABTREE: Well, can we go back to the plan amendment where these SMZs were created and look at what the objectives and the rationales were and see if some of what Robert is raising is in there, and then I think you could argue that you need this to meet the original purposes of the SMZs. These were done before I came on the council and I've never looked to see what exactly is in the amendment. What amendment were these created in, Gregg?

MR. HARRIS: David can shed some light on that for us.

MR. CUPKA: I don't remember what amendment they were in, but I'm sure if Gregg goes back and checks that, that he'll find that there because I wrote the letter back when they were created to establish it for those reasons. It was accepted so I'm sure they can find that. I'm sure it's in there. It would just be a matter of extracting that.

MR. WAUGH: Yes, in some of the regulatory amendments – and if you look in one of the snapper grouper documents under the history of management, it should list those regulatory amendments. We can look at those and pull some of the original purpose and need out and bring that into this document.

DR. CRABTREE: Yes, and I think that's critical that we have something because just based on somebody complained is not an adequate basis for a regulation.

MR. HARRIS: Yes, and all the discussion we have had to date has suggested that there is a lot more than just somebody complaining because Georgia has that for their SMZs. I think it's something that we probably want to do, but we need to build the rationale so that it can be approved. Further discussion of the motion? Is there objection to the motion? Roy.

DR. CRABTREE: I'm going to object to it because I don't think we have the rationale in the document to support selecting a preferred at this time; so I'll object to the motion at this point, but I may change my mind when we get some more information here on it.

MR. HARRIS: Well, I haven't read the motion yet. The motion is not to accept the IPT recommendation and keep Alternative 4 as a separate alternative and choose Alternatives 2 and 3 as our preferred alternatives. Okay, further discussion? Is there objection to the motion? With two objections, that motion carries. Okay, Action 5; this is modify sea turtle release gear requirements for the snapper grouper fishery, and Anna is going to give us some background on the rationale for revisiting this issue.

MS. MARTIN: All right, this can be found on PDF Page 37. This action was placed into CE-BA 2 during the September meeting, and it does modify the requirement set forth in Snapper Grouper 15B. There have been some questions about the current size requirements for the dehookers, the bolt cutters and the line cutters.

Those size requirements have been called into question by a number of fishermen. These tools were intended for use with pelagic longline tackle. This action is attempting to modify some of these gear requirements. Now, I did provide a handout for you, and it goes over the new Alternative 7 that the IPT recommends adding.

This was developed by Protected Resources staff after the briefing deadline, and it is a more specific option than what is currently included in Alternatives 2 and 3. It does modify the size requirements for line cutters, bolt cutters and dehookers. Currently Alternative 1 is the no action alternative. That's currently in place now requiring all the different gear types.

Alternative 2 would modify the specifications for line cutters, bolt cutters and dehookers, but it is very general and doesn't indicate how the gear would be modified and leaves it up to the fishermen. Alternative 3 is similar to Alternative 2, but it applies to all gear currently required and simply requires the gear of appropriate size and strength. Alternative 4 would require only a tool for removing a hook and a tool for cutting a fishing line for vessels carrying hook-and-line gear with no longline gear on board.

Now this alternative maintains gear specifications for vessels using bottom longline gear, and the fishermen would be required to follow the approved sea turtle handling and release guidelines document. These are the regulations similarly in place in the Western Pacific, and I've also provided an overview of the Western Pacific regulations in the handout.

To summarize, their regulations require all fishermen regardless of gear types to carry on board a line clipper, a dipnet and a dehookers. Now, owners of longline vessels with freeboards 3 feet or less are not required to carry the dipnets. They must also carry the NOAA Fisheries Document Sea Turtle Handling and Release Guideline. This is a document that specifies what to do when a turtle is landed and how to appropriately cut the line, pull out the hook, and so forth.

Alternative 5 would require the sea turtle gear listed under the no action alternative for those vessels using longline gear and it would require some sort of specific sea turtle release gear for those individuals fishing with hook-and-line gear. As with the previous alternative, this would maintain the specifications for vessels using bottom longline gear.

Alternative 6 has the same regulations as currently required in the Gulf. I've also included those on the handout for you. Those are dependent upon freeboard height. The gears required in the Gulf do reference the highly migratory species regulations. The difference from the current South Atlantic regulations with the Gulf, they only require one NMFS-approved short-handled dehooker.

We also have Subalternative 6A would modify the gear specifications for the problem gears, the line cutters, dehookers and bolt cutters for vessels with a freeboard height of 4 feet or less; and Subalternative 6B to modify the gear specifications for line cutters, dehookers and bolt cutters for all federally permitted snapper grouper vessels.

Now, the new alternative, Alternative 7, could replace Alternatives 2 and 3, which are vague, and it does modify the requirements for line cutters, bolt cutters and dehookers. The devices would

be required of a size appropriate to secure the range of hook sizes and styles in the applicable fishery. This alternative keep in mind would still require all of the other sea turtle release gears as currently required in the no action alternative, just making certain modifications to some of the gears. Any questions?

MR. HARRIS: So what you said was that the proposed Alternative 7 would replace Alternatives 2 and 3. I studied this a good bit recently, and I've read the Western Pacific Guidelines. There is another provision in the Western Pacific Guidelines that I'm not sure Anna stated, and it's a question about who is exempt from carrying and using this equipment.

Under the Western Pacific Guidelines, fishermen on handline, troll, pole and line and other non-longline vessels that use hooks to target Pacific PMUS are not required to carry mitigation gear. It seems to me that Alternative 4 is an alternative that I would prefer given the fact I have an 18-foot boat and I rarely target snapper grouper species, but I do have a snapper grouper for-hire permit. I don't want to have to carry tires and all those kinds of things on my 18-foot boat. My freeboard is about five inches; so if I catch a turtle I can pull one up and either cut the line, depending on where it's hooked, or get the hook out with a pair of pliers. I just wonder if we've gone overboard so far with respect to this issue. Mac.

MR. CURRIN: Yes, Duane, I tend to agree with you. I've heard a lot of complaints from primarily folks who troll up our way, too, and they rarely, if ever, encounter sea turtles and are a little miffed that they've got to carry this gear.

My only question about Alternative 4 is with the requirement that fishermen would be required to comply with all current sea turtle release guidelines; that's all well and good unless the guidelines state that you have to use some of these other pieces of equipment that aren't identified in this alternative which minimizes the equipment, which is what I'd like to see as well.

MR. HARRIS: That's a good point, Mac, and I don't know the answer to that. I've read it but I can't speak to the answer to it. Tom, did you have your hand up?

MR. SWATZEL: Yes, just following up on Mac's comments, it would seem as though Alternative 4 would be the best one for us and perhaps we could simply delete the sentence in that, and maybe that would make it work.

MR. HARRIS: Well, it may but it seems to me that release guidelines are if you put the turtle on board the vessel, then you have to take certain care with it. It's not with respect to what kind of gear you have to require, but if you put it on PFDs rather than having a tire on board and those kinds of things, and so it didn't seem to me, the first time I read it, to be that onerous to comply with the release guidelines. But if somebody knows more about it than I do, please speak up. Matt, do you know anymore about the sea turtle release guidelines that would shed any light on this issue as to what we might have to have on board?

LTJG LAM: No, Mr. Chairman, I don't know the specifics of that, but I would urge the council to choose an alternative that is more explicit in a regulation that you could look up and not I

think as she stated, leave it up to the fishermen, so maybe it's more clearly delineated than Alternative 2 or 3.

MR. HARRIS: Right, I don't think we want to go with Alternatives 2 or 3, but that was the reason for proposing an Alternative 7 to replace those. Is there other discussion on this issue; other questions? Yes, Roy.

DR. CRABTREE: Did we get a recommendation out of the IPT on this? My concern would be to make sure that we remain in compliance with the biological opinion that covers the fishery, and I don't recall exactly what that wording is.

MS. MARTIN: We haven't gotten that guidance from the IPT on this particular action.

MR. HARRIS: Does anybody care to make a motion for a preferred alternative, hearing what you've heard? Tom.

MR. SWATZEL: Well, is it possible to refer in Alternative 4 to following the guidelines excluding the gear requirements within those guidelines and simply modify Alternative 4 to say that?

MR. HARRIS: What I think I hear you saying is that you wouldn't be required to have anything capable of cutting a fishing line and a tool capable of removing a hook; is that what you were saying?

MR. SWATZEL: No, I'm saying the concern would be the requirements in the guideline for any gear beyond that. I understand, certainly, that you need to have the tool capable of cutting the fishing line and a tool capable of removing a hook from a sea turtle. I thought I understood that the concerns were that the guidelines and the protocols would have other requirements, if you had to follow them for other gears; is that the concern?

MR. HARRIS: I don't know; it simply discusses the compliance with the current sea turtle release guidelines. Mac.

MR. CURRIN: I'm going to let Wilson go ahead, Duane, because he has pulled up those safe-handling release guidelines. Tom is exactly right, my concern was that we didn't get – we're trying to reduce the equipment burden on these folks that don't see these animals very often; and my concern was that by referencing the safe-handling release guidelines, that we were in fact adding back in all of these equipment requirements that we were trying to minimize.

DR. LANEY: Mr. Chairman, I'll qualify this by saying what I'm looking at appears to be a flyer version of the guidelines, so I'm not sure this has all the details in it, but the only thing it refers to here is just dehooking tools to secure unattached hooks and clippers to cut the line. That is for turtles – that is under guidelines for turtles not boated as well as guidelines for boated turtles.

Now, for boated turtles it says bring turtle on board using a suitable dipnet or other approved lifting device, so I presume that means you have to have some sort of lifting device. And then

the only other thing it refers to is – okay, never mind, Page 2 has a list of required items, and those include a long-handled line cutter, long-handled dehooker, a long-handled device to pull an inverted “V”, a dipnet, standard automobile tire, short-handled dehooker, so there is a longer list that’s on Page 2.

MR. HARRIS: So what you’re suggesting is that there are more tools required under the current sea turtle release guidelines than what are specified earlier in this alternative?

DR. LANEY: Yes, sir, Mr. Chairman, it appears that’s correct, because at the top of that page it says “Sea Turtle Release Gear Required for all Vessels with Commercial and/or For-Hire Snapper Grouper Permits”. Now, that sounds like it’s just for those specific categories of vessels – well, yes, for snapper grouper permits. I guess that would cover most anything; wouldn’t it?

MR. STEELE: Mr. Chairman, in February 2007 Sustainable Fisheries in Headquarters came out with this availability of a revised list for improved equipment models for careful release of sea turtles caught in hook-and-line fishery. I have that memo and I would be happy to forward it to you or to somebody.

MR. HARRIS: Please do. What is the desire of the committee; do you want to defer action on this issue until we get that and take it up at full council? Roy.

DR. CRABTREE: Yes, I think so and I’d like to see if we can get a recommendation from our Protected Resources Group in the regional office and see if they have any problems with any of these and have the IPT look at the biological opinion and make sure we don’t get ourselves in trouble on it.

MR. HARRIS: Okay, Phil is going to forward that to Mike and then Mike will forward it to the council; and if Phil does it right away, we may have it before this committee meeting ends today and we may be able to take it up again although we won’t have the review by the IPT and the other folks. So maybe we just plan on taking this up again at full council; does that work, Gregg?

MR. WAUGH: Just one question; can we follow up on the recommendation to have that new Alternative 7 replace Alternatives 2 and 3 that don’t really say anything?

MR. HARRIS: The chair would entertain such a motion. It has been moved that Alternative 7 that you have been handed out would replace Alternatives 2 and 3. There is a second by Mac. Dr. Crabtree moved the motion; seconded by Mac Currin. Discussion of the motion? Is there objection to the motion?

The motion is to replace Alternatives 2 and 3 with the new Alternative 7 that was handed out earlier today to the committee. Discussion of the motion? Is there objection to the motion? Seeing none that motion carries. We’ll replace Alternatives 2 and 3 with Alternative 7 and then come back and revisit these alternatives probably at full council. I knew this was going to be controversial. The next item, Anna.

MS. MARTIN: Okay, I'll pass it over to Roger and he can walk through the remaining EFH actions in the document.

MR. PUGLIESE: Okay, if you move to Page 39 on the PDF, what we have is the continued review by staff and the Habitat Conservation Division of the existing EFH designations; and as it is turning out, we have eliminated a couple more of the original proposals that were sent forward as they already essentially fall under one of the present designations.

We're working closely to develop a document that is going to really provide some refined clarification of the existing EFH-HAPCs in our region. What has happened is Action 6 that was originally an amendment for the Shrimp Plan with two subalternatives has been – the Habitat Conservation and the council staff is recommending removal of these alternatives because they already exist as EFH-HAPCs under the plans. Mr. Chairman, I think what we need to do is have the committee acknowledge that.

MR. HARRIS: Say that again; you want to remove Action 6 as –

MR. PUGLIESE: Yes, the recommendation from the Habitat Conservation and council staff is to remove what you see as a strike through Action 6 that had an amendment for the Shrimp Plan and some subalternatives for EFH-HAPCs.

MR. HARRIS: Is there a motion from the committee? Mac.

MR. CURRIN: So moved.

MR. HARRIS: Is there a second; David. **The motion is to remove Action 6 under 2.5.2, the entire action from the plan and put it in the considered but rejected alternatives. Discussion of the motion? Is there objection to the motion? See none, that motion carries.**

MR. PUGLIESE: Okay, that moves us forward to the new Action 6 would be to amend the Snapper Grouper Fishery Management Plan to designate new EFH-HAPCs. What we have is the alternative that is proposing designation of HAPCs for golden tilefish, Subalternative 2A; and the designation, Subalternative 2B, for blueline tilefish; and Alternative 3, the snapper grouper complex included the deepwater marine protected areas as EFH-HAPCs.

Alternative 2 was recommended to be split into golden tile and blueline tile. The IPT recommendation was to make those split, so what you're seeing is a splitting of those into two separate EFH designations, HAPC designations with a third being the MPAs under snapper grouper. The Habitat Advisory Panel recommended Subalternatives 2A, B and Alternative 3.

MR. HARRIS: The chair would entertain a motion to make Subalternatives 2A and 2B and 3 our preferred. Yes, Roy.

DR. CRABTREE: Roger, where are these?

MR. HARRIS: PDF Page 39 and 40.

DR. CRABTREE: But I mean where in the ocean are these; I don't see any boundaries or any location or a map or anything. I don't know what we're designating,

MR. PUGLIESE: Well, I'll read the wording directly and then go to the map that is included under Section 4. What we're doing is walking through Section 2 at this time. The map is included under Section 4. But for Subalternative 2A, golden fish, it includes irregular bottom comprised of troughs and terraces intermingled with sand, mud, shell hash bottom, mud-clay bottoms in depths between 150 and 225 meters. Golden tilefish are generally found between 80 and 540 but commonly found in 200-meter depths.

Subalternative 2B is in relationship to blueline tilefish to include irregular bottom habitats along the shelf edge in 45 to 65 meters depth, the shelf break or upper slope along the hundred fathom contour between 150 and 225 meters, hard bottom habitats characterized as rock overhangs, rock outcrops, manganese-phosphorous rock slab formations or rocky reefs in the South Atlantic Bight and the Georgetown Hole, Charleston Lumps off Georgetown, South Carolina. PDF Page 89 has the preliminary maps of proposed golden tilefish – really both tilefish distributions for essential fish habitat.

MR. WAUGH: Projected, also.

MR. PUGLIESE: And just for some additional background on this, in the original habitat plan it acknowledged most of what has been identified here in the descriptions of these habitats, and it actually did lead to identifying these as qualifying for HAPC. This is one of the ones, working with the Habitat Conservation staff, that we realized it didn't – the wording actually didn't get put into the list of all the different snapper grouper and has been a hole in that designation, so this is trying to fill that hole in the designation as an HAPC specifically for tilefish.

And it has come up under issues relative to LNG and some of the other activities that are bumping into some of these habitats of concern to the council. We actually did have – the original maps in the habitat plan showed an area between 100 and 300 meters as being the significant distribution of tilefish habitat in the South Atlantic Region.

MS. SMIT-BRUNELLO: Roger, do you recollect if there is any specific restrictions on the kind of fishing you can do in Snapper Grouper FMP areas that are designated as EFH-HAPCs; apart from the oculina and all that. Is there anything else?

MR. PUGLIESE: We have not put any regulatory measures under any of the EFH-HAPCs. There are really tied – while they support actions like MPAs and the deepwater coral and all these other different spatial actions, we have used this more to focus on some of the non-fishing activities. I think there is an avenue to do that, but the South Atlantic has never actually put regulatory measures under the EFH-HAPCs versus Coral HAPCs.

DR. CRABTREE: I don't think we have enough here at this point in terms of rationale why we need to do this, why these areas, et cetera, et cetera, to really make a decision. All we really have here are a couple of sentences about what kind of bottom, so I don't really think we're at a point to choose a preferred for this one.

MR. HARRIS: Any other discussion on this issue? Then we will not choose –

MR. WAUGH: You have a motion on the floor, Mr. Chairman.

MR. HARRIS: Is there a motion? Was there a motion made or did I just ask for somebody to make a motion? I think I just asked if anybody would care to make that motion. I don't know if there was actually a motion, Gregg? Does anybody making the motion? Roy.

DR. CRABTREE: No, I didn't make it.

MR. HARRIS: I'm sorry; I don't remember. I don't think there was a motion; I think I simply requested – is there any objection on the committee to withdraw that motion if there was a motion? Seeing none, if there was a motion it is withdrawn. Charlie.

MR. PHILLIPS: Just so I'm clear, this new designation is not going to have anything to do with fish regulations, but it might have something to do with some drilling or something that may take place in this area. It has got nothing to do really with the fish.

MR. PUGLIESE: It has to do with fish, but the designation to a great degree is used in permit and policy activities. And to that, that is what I was going to acknowledge that some of this recommendation was – and the specific wording designations were worked between Habitat Conservation staff, George Sedberry, a lot of individuals that know this habitat, and the intent is to look at – and some of it came up because of some of the interactions on potential impacts for LNG and some non-fishing related activities that could potentially have significant impacts on tilefish grounds.

MR. PHILLIPS: And just as a followup, then considering the amount of bottom that the golden tile are fished in, for instance – I don't know; I'm thinking it might be on a case-by-case basis that we would need to – as permits for that, should they be applied for, we would deal with them on case-by-case basis instead of doing this now. I don't know; I may be a little preemptive.

DR. LANEY: Mr. Chairman, just a question for Roger; the map that you referred deals only with golden tilefish and I don't see any reference to blueline; is there going to be a separate map for blueline or is that covered under the deepwater protected areas?

MR. PUGLIESE: Actually both of those are within the bounds of the golden tile. There may be slight modification, but the habitat areas are fairly close to each other. This is the initial maps and we'll refine as the –

DR. LANEY: So we need to just change the title in it and say golden and blueline tilefish.

MR. CURRIN: Duane, unless Roy objects I think there is enough background and support at this point – and perhaps it's been here for a while – to at least select Alternative 3, which designates the Deepwater MPA areas as snapper grouper EFH-HAPC, and I would make that motion to select that a preferred.

MR. HARRIS: Motion to select Alternative 3 as a preferred; second by George Geiger. Discussion of the motion? Roy.

DR. CRABTREE: Well, I understand what you're saying, Mac, but there is not one sentence of rationale in the document. There is just the Alternative 3 to do it. There is nothing and we're supposed to be making decisions based upon an analysis that's in the document, and there is no analysis and there is no rationale at all.

MR. HARRIS: Further discussion? Is there objection to the motion? Two objections; the motion carries. Moving on to the next one, Action 7.

MR. PUGLIESE: Action 7 is to amend the Coral, Coral Reefs, Live/Hard Bottom FMP. We have a no action alternative and Alternative 2 is to designate the Deepwater Coral HAPCs as EFH-HAPCs. The Habitat Advisory Panel recommended Alternative 2 under the Coral Action 7.

MR. HARRIS: David raises a good question. We have an old Action 7 and we probably need a motion to delete that first Action 7, PDF Page 40, Item 2.6.2. Is there a motion to delete the original Action 7? Motion by Ben; second by Wilson. Discussion of the motion? Is there objection to the motion? Seeing none, the original Action 7 is removed.

Okay, now going on to the new Action 7, Item 2.7, on PDF Page 41. Roger explained the no action and then the Alternative 2 is to amend the Coral FMP to designate the Deepwater Coral HAPCs as EFH-HAPCs. Is there a desire for a preferred? Roy.

DR. CRABTREE: Again, Mr. Chairman, there is absolutely no analysis whatsoever. We have procedures and processes we're supposed to follow where we develop analyses, they're analyzed and then we make our decisions based upon the analysis. I just think it's completely inappropriate to go through and selected preferred alternatives in the absence of any analysis whatsoever. I just think this is premature and that we shouldn't be selecting preferreds at this point.

MR. HARRIS: Given that, unless there is objection, we'll move on and not select a preferred for this action item at this time. Is there objection? Seeing none, Roger, Action 8. Roy, you going to have the same comment?

MR. PUGLIESE: Well, Roy, are you looking at the body of the document, Section 4.2?

DR. CRABTREE: I'm looking at the PDF Page we referred to.

MR. PUGLIESE: And, see, we're looking at Section 2 and we're going through using the consolidated area under Section 2 without the discussions under Section 3 and Section 4.

DR. CRABTREE: All right, Roger, but the document needs to have a discussion and comparison in this section of the document and it's not there yet.

MR. HARRIS: Well, let ask a question, Roy; isn't this the way we normally do it, we have the action items in the beginning and go through those, but the support material is behind those in the body of the document. Roger is saying that support information is there. Monica.

MS. SMIT-BRUNELLO: Well, I think though Roy is right at least in Section 2 for NEPA. What kind of NEPA document is this supposed to be again; an EA? You're still supposed to compare and contrast alternatives, and I don't believe that has been done yet.

DR. CRABTREE: Well, if I could, Mr. Chairman, there are tables here in a section called "Comparison of Alternatives", but the table is blank and there is no comparison of alternatives.

MR. PUGLIESE: For EFH there are.

DR. CRABTREE: In this section of the document there is not; I mean I'm looking at it.

MR. HARRIS: Hang with us a minute while we try to find this section and refer you to it.

MR. WAUGH: Action 6 is on PDF Page 88, when we were talking about the Snapper Grouper FMP. It begins on PDF Page 88. You've got the charts. Table 4-4 on PDF 91 is a summary evaluation of the existing and proposed EFH-HAPCs as it relates to the criteria. The bottom of PDF Page 91 begins the biological effects analysis, the economic and social and the administrative; ending on PDF Page 92.

MR. HARRIS: That was for Action 6?

MR. WAUGH: Correct.

MR. PUGLIESE: Okay, Action 7 is on PDF 93 and it does essentially the same. It identifies the descriptions of the areas. It evaluates the criteria and relative to the Deepwater Marine Protected Area and provides a spatial footprint of the Deepwater Coral HAPCs, reviews the economic analysis, biological and social effects, administrative, and ends on PDF 98.

That moves us to Action 8, which is to amend the Fishery Management Plan for pelagic sargassum habitat, to designate new EFH. I'm just going to go directly to Section 4 on this. Alternative 1 is no action. Alternative 2 is to amend the Sargassum FMP to designate the top ten meters of the water column in the South Atlantic EEZ as EFH for pelagic sargassum. Alternative 3 is to amend the Sargassum FMP to designate the top ten meters of the water column bounded by the Gulf Stream as EFH for pelagic sargassum.

MR. HARRIS: So it seems to me the rationale as in the document perhaps is not in the right place in the comment for us to be considering at this time without having this information in front of us. Now that we have it in front of us, is there any desire to go back now? Roy, does this satisfy your concerns?

DR. CRABTREE: Well, have everyone on the council read this thoroughly and evaluated all of it and are going to make a reasoned decision based on this? No, Mr. Chairman, it doesn't satisfy

my concerns. There is supposed to be comparison and contrasting alternatives in the section we were looking at. That section is just not there yet, so I've voiced my concerns.

MR. CURRIN: Well, just to that point, Roy, in reality when you think about it – and I understand your point about the comparison of the alternatives under NEPA, but if you look at what is being done here, it's not like there is a suite and range of alternatives. It's either do this or don't, so the impacts and the comparison of the alternatives, the descriptions that we have under Section 3 or 4, of whatever it is that we referred to later in the document, and the comparison is don't do it.

I mean it's not any in-depth analysis that anybody is going to go into and reason and pick one over the other except based on whether this is a good idea to identify some habitats, which in the case of the motion I just made before, these are already MPAs that we spent months, years designating as important to set aside for snapper grouper. It's not much of a leap of faith for me to say, yes, that makes sense and we probably should designate these as EFH-HAPCs. I don't know.

MS. SMIT-BRUNELLO: This jumps a little bit ahead to timing and task, which Gregg or Roger of somebody will get to at the end, but am I to understand then before this goes out to public hearing, Section 2 will be populated with the information needed to compare, contrast and all that rather than have the reader hunt it up in Section 3 and then go hunt it up in Section 4, and you're going to tie it together?

MR. PUGLIESE: Yes, and we're going to finish filling the rest of all these. I did want highlight that the tables that did at least show positive or negative comparison for all the actions for the EFH are populated on Pages 40, 41 and 42 for Action 6 through 9, so some of those are done, and the rest of it will be – working with the IPT will be refined and completed for it. The biggest task was to get the body of the justification and the actions and most of Section 4 refined even with the maps, et cetera.

MS. SMIT-BRUNELLO: So you'll go back on the tables that have those pluses or minuses and describe why they're pluses and minuses and all that?

MR. PUGLIESE: Yes.

MR. HARRIS: Okay, we're back to Action 8 now on PDF Page 98 or was it earlier? We're going to the body, okay, PDF Page 98.

MR. PUGLIESE: And I stated the action as essentially the designation of essential fish habitat for the Pelagic Sargassum Plan and the alternatives being no action; the action for the ten meters of the water column; and then the ten meters bounded by the Gulf Stream. The Habitat Advisory Panel recommended the designation – Alternative 2, the designation of the top ten meters of the water column, highlighting the fact that the subsequent EFH-HAPCs would be a subset of that area that we'll get into under Action 9.

MR. HARRIS: Is there any desire to designate Alternative 2 as our preferred? Roy.

DR. CRABTREE: No, I have a question, though. Wouldn't we effectively then, Roger, be designating everywhere it occurs in the entire South Atlantic as EFH?

MR. PUGLIESE: No, because there was discussion about doing it with bounded by the Gulf Stream, but the idea of looking at the limitation to the top ten meters of the water column was as EFH the recommendation – actually, we were talking back and forth with Habitat Conservation about this and that would give a better bound on the outside from then to get these two smaller areas as really EFH-HAPCs.

DR. CRABTREE: But how would Alternative 2 – it's the top ten meters of the water column in the entire South Atlantic EEZ, correct?

MR. PUGLIESE: Correct.

DR. CRABTREE: Where else in the South Atlantic EEZ does sargassum occur other than in the top ten meters of the water column throughout the entire EEZ?

MR. PUGLIESE: Well, in the original Sargassum Plan we had intended to look at its occurrence everywhere because one of the things that had been raised early on in some of the research was the movement of sargassum at different times because of wind currents as well as the ability of sargassum to provide nutrients and resources to deeper water area. A lot of the unknowns were there and the council originally proposed the entire water column as a potential area.

DR. CRABTREE: I'm aware of that and it was disapproved, and so now we're proposing the same thing except limit to the top ten meters, but it still seems we're essentially designating everywhere. I assume sargassum doesn't survive or live below ten meters; is that correct?

MR. PUGLIESE: Generally, no. Once it breaks down at a certain depth, it will move.

DR. CRABTREE: All right, so we're designating everywhere that it could possibly live as EFH and that causes me some concerns. It seems hard for me to – and maybe somewhere there is a good explanation for it, but I guess I have problems with designating everywhere an animal or a plant occurs as EFH. It seems to me when you do that, you're diluting what EFH means because it seems to me the idea of EFH was to go into the range of where the animal is or plant and designate particularly important – which of the areas that are really essential, and so it causes me some concern to designate everywhere.

MS. SMIT-BRUNELLO: Well, I think Roger covered some of it because I think he was thinking about the water column as a whole as opposed to the whole surface of the water, but I think – Roger, remind me, and maybe the document should state this, too, have a discussion about what the council proposed before for EFH that then got disapproved by the Fishery Service. I guess I have a couple of question. The first one you said you've talked to the Fishery Service's Habitat Conservation Division about the top ten meters?

MR. PUGLIESE: Yes, and we actually had participation in the Habitat Advisory Panel meeting with this, and there was a lot of discussion about the top ten meters versus just the Gulf Stream

area, because those were the two that were on the table at that time to look at this. There was actually a desire to look at the broader because EFH designation in and of itself doesn't promulgate anything.

It's just acknowledging the current movements are important to wherever the species is, but then the HAPC areas would be the ones that would initiate detailed action. Habitat was actually the ones that reinforced the recommendation to use this broader scope because it was limited. The ten meters comes from some of the original recommendations that were in the final FEIS that was provided by the National Marine Fisheries Service in response to finalization of the Sargassum Plan. That is where the ten meter option came from.

MS. SMIT-BRUNELLO: Okay, and I'll dig out that supplemental DEIS. I think that's what it was called way back when. I'd rather not relive that time period, but I'll go look at that document again. The other question I have is – I'll look it up in the regulations but if you know it, that would be great.

It's either for essential fish habitat-habitat areas of particular concern in addition to EFH, specifically designating EFH; which one of those or do both of them require specific geographic coordinates? I know that EFH-HAPCs require specific geographic coordinates. Does the EFH also require specific geographic coordinates?

MR. PUGLIESE: If you read it, it is really looking for coordinates where you can actually create those relative to the information available. I think the HAPCs are the most easily defined in terms of at least directions, and I think that's where you're getting most of your spatial.

Now, we have done it for virtually all of our EFH designations at this time and are refining that with some of the work that looked at existing versus some of these proposed, so that's continually being refined. I think there is some latitude based on available information.

MR. HARRIS: I'm going to try to move us along. I don't see any desire to select any of these alternatives under Action 8 as a preferred. If I'm wrong, speak up; otherwise, we're going to move on to the next action item.

MR. PUGLIESE: And that moves us to PDF 101, which is action 9 for the Fishery Management Plan for Pelagic Sargassum. This would be to designate EFH-HAPCs. The two areas that have been identified as significant areas under what was proposed as EFH would be the Charleston Bump Complex and The Point off North Carolina.

This is EFH for sargassum – HAPC for sargassum, so the oceanographic characteristics of these two areas that already do have footprints relative to the Dolphin and Wahoo Complex designated as EFH-HAPCs under that plan would be acknowledged as important for the maintenance and survival of the sargassum species. You have two alternatives identified as EFH-HAPCs in the spatial footprints essentially are the same as previously designated.

MR. HARRIS: Was here a recommendation by the Habitat AP.

MR. PUGLIESE: Yes, the Habitat AP recommended Subalternatives 2A and 2B.

MR. HARRIS: Is there a desire to choose a preferred on this action item? Seeing none, moving forward, Roger, the next item. That's it?

MR. PUGLIESE: Those are all the actions.

MR. HARRIS: Okay, so what is next? Mark.

MR. ROBSON: I'd like to just a question; do we need a Sargassum FMP?

MR. HARRIS: Anybody want to tackle it? Wilson.

DR. LANEY: What is it, fools walk where angels fear to tread? I think the rationale behind it, Mark, was at the time that it was drafted and passed there was a sargassum fishery off of North Carolina, so that's the reason it was put in place largely as a means of protecting that habitat and ensuring that such a fishery didn't develop. I think it was a proactive effort to try and protect what everyone agreed was a pretty important habitat out there. That's the short version.

MS. SMIT-BRUNELLO: Mark, way back when I believe this council did not particularly want to do a Sargassum FMP. They wanted to designate sargassum as EFH and then prohibit the harvest of EFH. That was about the time I was coming in to advise the council. I believe the guidance they were given both from our office and the Fishery Service was that if you wanted to restrict the harvest of sargassum in the way the council wanted to do it, you should do a fishery management plan for it.

I'm not sure whether that would be the same advice you would get today, and I've been kind of exploring that issue as to whether you – since it has designated sargassum as EFH for dolphin and wahoo, could you then restrict the harvest of it much as you restrict it right now in the FMP, and I don't have a complete answer to that yet.

MR. CUPKA: Yes, another part of that was at the time that we did that there was a lot of concern that this thing was really going to take off and develop because the person who was harvesting small amounts was I guess indicating to people that there might be some medicinal purposes, cancer cure, AIDS, stuff like that, and there was concern that this thing was going to take off, and we didn't want it being harvested, and at the time the only way we could protect it was to establish an FMP and put some restrictions on the harvest so that it wouldn't develop.

But we've always wanted it to be EFH, but we were kind of forced into doing a plan because, number one, there wasn't any other way to protect it; and, number two, there was a lot of concern that the fishery might really take off and people would start harvesting this in large quantities.

MR. ROBSON: I'm just raising the question, but the fishery never developed and is that because we implemented the plan and prevented harvest or is it because the fishery just never developed; and would anything change if there was on plan as far as the fishery?

DR. CRABTREE: Well, the plan allowed for the fishery to occur and take place. There were constraints and all on it, but it's my understanding Mr. Campbell, I believe was his name, who was the one interested in it simply never pursued any of it, so I think it just didn't develop.

MR. BOYLES: Mr. Chairman, I make a motion to recommend the council withdraw the Sargassum FMP.

MR. HARRIS: There is a motion the floor; is there a second?

MR. ROBSON: I'll second it.

MR. HARRIS: Second by Mark. Discussion of the motion? Wilson.

DR. LANEY: So what are the implications then for essential fish habitat if we withdraw the FMP?

DR. CRABTREE: Well, you wouldn't have essential fish habitat for sargassum if you did that, but the argument has been that the sargassum is the essential fish habitat so it's all kind of convoluted. **I would move that we table this motion until we get some more clarification from the NOAA Office of General Counsel as to whether we could prohibit – if we made sargassum essential fish habitat under one of our FMPs, if we could then prohibit its harvest.**

MS. SMIT-BRUNELLO: And I'll be glad to look at that. When you asked earlier about whether the fishery never took off or whether the FMP prevented the fishery from taking off, I agree that Mr. Campbell seemed to – and who was the sole harvester that we knew of – seemed to kind of disappear from the fishery, sort of, but also the council placed pretty severe restrictions on how it can be harvested. It's like you can harvest 5,000 pounds in the dead of winter 100 miles off the coast of North Carolina. I actually think those were the requirements so it's not like you could have a large fishery develop with those kinds of restrictions on it.

MR. HARRIS: Bob, before we vote on the motion to table; did you want to say something?

MR. MAHOOD: Yes, I don't know how many X council members just said something hit them in the back, but sargassum was a very emotional and difficult fishery management plan. Monica, hit part of it. To protect sargassum, which under Magnuson Act is a fish, we had to have a Sargassum FMP. I'm not going to go into the history; it's too long, but it's very complex. There was a lot going on around the west coast that affected what we did with sargassum because the Act had just been amended and there were people afraid of what it meant by essential fish habitat. But I will say there was a lot of effort.

Even though it only affected one person, it was the most hard-wrenching decision a lot of council members made relative to this plan. Now, whether or not it's needed again, I think we need to go back and look at it and make a decision. But it's not really simple; it's very complex. And there was another factor. The Japanese were talking about looking at a large-scale harvest, possibly getting some joint ventures going with American fishermen and going out there and

sopping it all up with the baby fishes that use it. That was one of the other reasons and not just Mr. Campbell.

MR. HARRIS: That's enough discussion on the motion to table; and the motion to table was on the original motion that was appropriately made and seconded. It was seconded by Mark Robson. I don't think I said that. **There is a motion to table; is there objection to the motion to table? Seeing none, that motion is approved.**

MR. BOYLES: Would it be easier if I withdraw the motion?

MS. SMIT-BRUNELLO: Gregg, is that an action in the Comprehensive ACL Amendment, to withdraw the Sargassum FMP?

MR. WAUGH: I believe what you will hear when we get to the Comprehensive ACL, there were several actions that the committee and council directed the IPT to look at and the IPT is coming back with a number of recommendations to defer certain actions. I think one of them is having to do with sargassum; because in trying to look at how you would address those various alternatives, it is very complex, very time-consuming, and in the opinion of the IPT that could not be done and stay on track with getting the ACLs completed in time. There is that and some framework alternatives that I think the IPT is recommending be deferred to a future amendment.

MR. HARRIS: Robert has offered to withdraw his motion; but in order to that, we would have to withdraw the motion to table. Roy, will you withdraw your motion to table if Robert withdraws his original motion?

DR. CRABTREE: Yes.

MR. HARRIS: Okay, Roy has offered to withdraw the motion to table. Is there any objection to that? Seeing none, Robert.

MR. BOYLES: With the permission of the group, I'd withdraw the motion.

MR. HARRIS: Is that okay with the seconder, Mark?

MR. ROBSON: Yes.

MR. HARRIS: Okay, discussion on that?

MR. CURRIN: Yes, I was in the middle of the Comprehensive ACL Amendment looking for that because I knew we had dealt with sargassum. We had asked our SSC to look at it, and their recommendation, as best I recall, was to consider designating sargassum as an ecosystem species, and then the plan could be withdrawn and all of that. It's going to happen sometime.

MR. HARRIS: It will happen sometime. Okay, moving right along, what's the next item, Anna? We're going to have the SSC Report now? Okay, Carolyn, and in her report will include

the recommendations the SSC had with respect to CE-BA Amendment 2. I assume Roger is finished with all of the habitat recommendations, Roger?

MR. PUGLIESE: Relative to CE-BA 2, the habitat recommendations have been made. Dr. Carolyn Belcher, SSC Chair.

DR. BELCHER: The synopsis from the meeting that we had in November, basically the four main charges that we were given as a group was to review SEDAR 24, which was the South Atlantic Red Snapper Assessment. We were also taking that into account to provide fishing level recommendations for red snapper.

Also, we were asked to review rebuilding projections and alternatives for red grouper and also to review and provide comments for several amendments that are under development. I'll go through specifically starting with SEDAR 24 and then walk you through the regulatory amendments for snapper grouper and finishing up with the one discussion point we had on CE-BA.

MR. HARRIS: And this report is in your folder under the Ecosystem-Based Management committee, Attachment 2.

DR. BELCHER: Okay, relative to SEDAR 24, the assessment recommendations, overall the SSC felt the assessment was very well done. It was very comprehensive given the data limitations and was judged sound for management purposes. The main points that the committee wanted to point out was that some of the major uncertainties will continue to affect this assessment unless we make investments in a fishery-independent survey, at-sea observing and discard sampling.

The general conclusions that the group made were conclusions about stock status, primarily, obviously, the overfishing and overfished status. They're very robust given the set of sensitivities that were run. We didn't see obviously – actually there are no deviations with the final outcome. Everything indicated the same thing in terms of overfishing and overfished.

The management advice is also robust and that we still need to see a substantial reduction in F. The assessment indicated that previous management actions were effective for delaying fishery selectivity; and specifically where the group pointed this out was the 12-inch size limit decrease age one selectivity for the for-hire fleet and a 20-inch size limit was successful at decreasing age two selectivity by commercial line and recreational fleets.

Management has not been effective for limiting fully recruited fishing mortality; and the way that we looked at this trend was looking at fully recruited Fs for the apical F and noticed that there was very little response to the management actions in the assessment series from 1955-2009. We did, again, recommend this assessment for use in management. As far as the fishing level recommendations, we discussed three potential approaches.

One is one we've classically used which is long-term stochastic projections that allow for rebuilding. In this particular assessment, when they were in the review there was some

discussion with one of the reviewers about looking at different patterns of weighting. That's the indices that were going into the model.

They noticed a very strong retrospective pattern within the reweighting and model sensitivities, so this approach is not recommended. Another potential approach that we could look at is looking at reductions in incidental bycatch; so based on the current management, we could look at how to reduce incidental catch based on estimates of the discards that come out of the current management measures.

The third approach, which is actually what the group recommended, was short-term deterministic projections from a range of viable assessment configurations. This specifically comes about because of the reweighting issue, and I'll talk about that more in detail as we go down the list. The reason we recommended this approach was more or less because there was plausible realities that could come out of the assessment relative to different weighting structures.

The weights associated with headboat landings in the past have been – we've had high weightings relative to the headboat because of the fact that the bulk of the landings come out of this fishery. But because of this issue of retrospective bias pattern that was associated with an iterative reweighting approach – normally when weights are applied with these indices it has a little bit of subjective feel to it and goodness of fit evaluation to see how well the data fits the actual observed numbers – the reviewer suggested an iterative reweighting approach which basically lets the computer pick the best weightings on those to optimize our – minimize the amount of noise in the residual patterns at the final outcome.

And because it's done by the computer, the computer doesn't really have a feel for what the fishery is. It's all mathematically driven so some of the information that you know about the fishery is lost in that outcome. So when they went through and did the iterative reweighting approach and that got the results back and looked at the retrospective bias issues, they found a very strong biased pattern that came up.

This wasn't known at the end of the review, so the suggestion was to look at some additional weightings. At the November meeting Dr. Kyle Shertzer and subgroup of the SSC looked at the model diagnostics that were actually part of the sensitivity runs for the headboat weighting sensitivities, and we looked at three alternative weights.

You see the lower weight is a 0.2; higher weight being a 0.3. This shows the – there are actually five approaches there. The first line shows you the base headboat run where the weighting for the headboat was actually was 0.11. There was another approach done where equal weights were given across all of the indices that went into the model, and then the three other weighting factors were the headboat had 0.2, 0.25 and 0.3.

So when we looked down the list of basically our ratio estimates that we look at for biomass and for fishing level, you can see the general outcome is pretty much the same in that they're all looking at about three to four times the Fmsy value and that the ratio – the spawning stock biomass ratio was in the range of 10 to 14 percent. So they're all pretty close to one another, but

as you notice as the weighting goes up, you see the changes in their estimates that come through, but they're all about the same points and values of 0.2 again for Fmsy.

And these were all run based on the fishing mortality associated with the current rebuilding plan from 17A, which is at 98 percent of F of 30 percent of SPR. So with that, that's basically in a nutshell what we found. The other thing that we asked to be run is that when we were looking at the projections, because of Fmsy being so close to the value of the 98 percent of F 30 percent SPR, we asked that those projections also take that into account.

So I'm going to, at this point, let folks ask specific questions on the red snapper. The bottom line that I took away from our meeting in November – the one thing, too, is that I caveat that the SSC has received the results of the projections. They were not available to us at the SSC meeting, but we received them last Friday, but we haven't had any time to comment on what those projections are. However, we felt that gives the council a range of values that are there to see what these deterministic runs will give you.

MR. HARRIS: Questions for Carolyn on SEDAR 24?

DR. BELCHER: The bottom line was the moratorium was still not getting the final value that you needed for your reductions in F. When we looked through the data, the bottom line is the status hasn't changed and we still need reductions in F although it's not as large as it had been in the previous assessment.

DR. CRABTREE: Carolyn, one of the changes in this assessment from the previous one was in the selectivities that were used. In SEDAR 15 there were flattop selectivities assumed for all of the fisheries except for the trap fishery, I guess, and I believe this fishery assumes dome-shaped selectivities in the recreational hook-and-line fishery.

When I look through the SEDAR Report, I don't find a whole lot of rationale for why that change was made. I know over the course of the past couple of years this has come up repeatedly and there have been a number of documents – at least two or three documents produced by the Beaufort Lab arguing that flattop selectivities were appropriate, so I'm concerned about having sufficient records supporting the shift. Can you give us some background of why that change was made?

DR. BELCHER: My understanding was it had to do with how you perceived the difference in the absence of older fish between dome-shaped and flattop. In a flattop selectivity pattern you assume that when you're not seeing older fish it's because the fish are conspicuously not there. With a dome-shaped, it basically implies that those larger sizes have a lower probability of being caught because they're either shifted into a different habitat and not easily is selected for because the fishery doesn't target them specifically.

So I know that there has been a lot discussion about that and it had come up through the fishermen, but as far as why that wasn't documented better in the assessment report I'm not really sure. I mean I think folks were comfortable with that discussion. And in the past it really hadn't made too much of a – when we did look at it from SEDAR 15, it hadn't made too much of

an impact, but I think in the concession of understanding that there could be this potential for those adults to be – or those larger older fish to be absent because they're just not targeted, that was why it was built into the assessment that way.

DR. CRABTREE: Okay, and in the projections and the work that was done looking at the impacts of the moratorium, I think there was an assumption made that because it's a multispecies fishery, that the moratorium would only reduce effort by 10 percent; is that correct?

DR. BELCHER: I've heard that but I can't speak specifically to that.

DR. CRABTREE: Okay, and my last comment and not really a question for Carolyn but maybe for John and Bonnie; so my impression with SEDAR 24 – if you go on the SEDAR Website now and pull up SEDAR 24 you find the base case run, and that's all you're going to have as far as I know, John, unless something has been added.

But that's really not the end of the story because that's not the run we're basing management on, and the runs we're using to base management on in fact were completed after SEDAR 24 was finished. So my concern is as people go to pull up the SEDAR Assessment 24 and start looking for things, they're not going to pull up what we based management on.

I think somehow the center and I guess the SEDAR staff here needs to figure out how to deal with that. I mentioned it to John and maybe he has thought about that. But there needs to be a way, when you go in pull this assessment up, that you find the runs that management was based on and why they were chosen and some of these other things. Otherwise, I think we're going to have a lot of people either criticizing us or praising us, whatever, but doing it based on the wrong run of the assessment, and I think we need to figure that because this has gotten a lot of attention and I suspect it's going to continue to get a lot of attention.

MR. HARRIS: Well, John has arrived at the microphone, so, John, I'll let you address that.

MR. CARMICHAEL: Yes, I'm aware of that, and part of that is really by design. SEDAR was set up as a separate entity from the councils and when the review panel is concluded, the SEDAR is concluded, and then that means that the work of the SEDAR staff and the SEDAR process is concluded.

The steps that then come after that such as SSCs requesting additional projections, councils pursuing management evaluations and maybe looking at some additional uncertainties has always been part of the council process and documented through part of the council's record. And SEDAR, when I'm wearing my SEDAR hat, we maintain a SEDAR administrative record and it's separate and distinct from any of the other council administrative records.

It has to be since SEDAR serves three councils. Now, we have talked some at the steering committee about perhaps changing how we manage the website and how the website structured, and that may bring in an opportunity to bring some of this information that occurs through the council's post-SEDAR and put it in there with the SEDAR information.

Then, of course, it would be incumbent upon each of the councils to provide the SEDAR staff back that type of information. The South Atlantic is in a bit of a special situation because I work with both the South Atlantic and with SEDAR, but in most instances you don't necessarily have a SEDAR coordinator that is as embedded within the system as I am within the South Atlantic so you don't always know a lot of the changes that happen to the assessments after the fact, and that's certainly been the case in some of these Gulf assessments and the updates lately to gag and things of that nature.

So I think it is a problem; Roy is right, people could go to SEDAR expecting to get the full information, and we're well aware in a lot of cases they're not. So maybe by part of a website redesign that allows us to mix the councils with SEDAR a bit more will help solve this, but up until this point the intention has always been very clear – I think Bob will nod his head to this – of maintaining this very strong and very clear distinction between SEDAR and the councils, and that creates a bit of a problem in these situations, for sure.

DR. CRABTREE: And I understand that, John, but nonetheless there has to be something, when you go to the SEDAR Website, either a link or something that cautions you that additional changes were made after the completion of SEDAR and the runs that the management is based on are not those in this report and then links you and sends you somewhere to get it.

I would urge you and Bonnie to talk about how to do that. Maybe it would link to somewhere else in the science center website, I don't know where, but otherwise I think we're going to have a whole lot of problems. Right now this is fresh in our mind, but six years from now it's not going to be so fresh in people's mind and people are going to looking at red snapper management, and, yes, let's get the assessment and look and see what happened, and they're going to go to the SEDAR Website and pull it up.

People are going to send them there and they're going to pull up the wrong thing. The other thing is we've got the assessment now that has all of the figures, diagnostics, all the information and background on the base case run and some other ones, but we don't have that information available to anybody for the runs we're actually basing management on. It seems like we probably ought to have that, and I suspect people are going to ask for that along the way.

MR. CARMICHAEL: I think perhaps merging this in with the website and becoming kind of a combined record is a good idea. It might be the cleanest way. The posterity thing is a problem because quite a long time ago we did an assessment of yellowtail snapper, and the review panel put forth two runs, and the South Atlantic SSC chose the average of those two runs, but that is not clearly documented anywhere within SEDAR, also, and that has created some problems.

And it's only from my knowledge of being involved in that at the time that we were able to sort all that out and figure out what the recommendations are. I think a website redesign might make all this clear and maybe we can bring some of this type of council content in there and mix it in with the SEDAR stuff and maybe have a section that says what the councils ultimately did, SSC recommendations, what the councils did and a place to be able to store various memos and such and additional projections that come in from the science center.

You know, red snapper from the previous assessment we had about 15 different runs and projections and those are buried in various places within the council, but it would be useful to have all of them at one place, I agree.

DR. CRABTREE: But at least we ought to be able to get to the model run that was the conclusion that management was based on, and there ought to be documentation in there so that someone can come in 30 years from now and could go there and figure out what happened.

MR. HARRIS: Good discussion and I'm going to ask the chairman if they will take that up at the SEDAR Committee when you meet immediately following this meeting or tomorrow morning, whatever is the case.

MR. CUPKA: It's on the agenda.

MR. HARRIS: Okay, Carolyn, moving right along, other questions on SEDAR 24 before we move along? Okay, Carolyn.

DR. BELCHER: Okay, moving on to the Comprehensive ACL Amendment, the actions we were asked to take for this particular amendment was to review species groupings alternatives; comment on the adequacy and appropriateness of suggested groupings and provide guidance for further work if necessary.

General comments that the group had – and in the report you'll find more specific – these kind of just pretty much overshadow a lot of the collating of the specific comments, but generally there is a need for consistent wording of alternatives across actions we were finding. Things kind of varied. The main goal of each of those actions; it seemed like if they were trying to do the core thing, the wording should be very similar and there was a lot of changing.

We recommended that you do not set ABCs equal to some percent of OFL when OFL cannot be defined; specifically for an example, our unassessed species tiers of three and four. Folks within the group felt ACTs may better serve the council to help avoiding the triggering of certain AMs. Values proposed by the council should be considered interim until the final control rule is approved.

As we've kind of worked through that Draft Control Rule, we feel that some of those values could easily be substituted in for what – if the current draft is accepted, that those values could be changed to be reflective of those values instead of these placeholders that are there now. Cautioned about the use of overly prescriptive AMs, which could lead to limited management options in the future and rule out more appropriate approaches, and this was specifically talking about setting bag limits or only allowing adjustments to bag limits.

There was concern that might be a lock-in and then it would take more to change it and possibly much of it could be handled via regulatory amendments or frameworks. And, again, specific point are outlines within the report as to how – like if you're not really sure of what some of these are getting at, there are more pointed specific comments for individual action items.

Again, specific actions we outlined in the report. The species groupings discussion; Dr. Nick Farmer presented his cluster analysis for the snapper grouper complex. There was concern about understanding the uncertainty in the use of species groupings. There is not really an uncertainty analysis that goes with this, so we really need to understand that uncertainty because you don't know what the tradeoff is in trying to do the species aggregation versus individual species analyses.

The group kind of was curious to see how the use of groupings compares with the current SSC Draft Control Rule for unassessed stocks, as far as how the landings will come out if you look at total landings for, say, five species. If you did the current draft control rule applied for that, what those average landings or those catch limits would be relative to these overall aggregate catch limits.

It's probable that the unassessed stock rule will allow for ease of regulation and allow fishers to continue to fish for other species. It just might make it a little bit more straightforward than currently outlined in that. The critical weakness that the group felt existed within this approach was it's unknown if the groupings defined by the method will contain species that respond similarly to management.

So if you species that one actually benefits but one actually suffers detriment, how do you reconcile how that is going to work in the future, you know, and take chances on one that now you're staying away from overfishing, but the other one is actually having a higher impact; how do work with that.

The general cons of the approach that the group pointed out were it's difficult to achieve optimum yield while preventing overfishing. Fishermen will likely have to forego catch in some species and likely overfish others, so again this is where you have groups that are in conflict with one another.

Additional uncertainty will have to be built in at both the scientific and implementation buffers because you really don't know how things are going to react. The uncertainty of the groupings is unknown and how do we detect when groupings should be changed? It could complicate our understanding of the socio-economic impacts of management actions.

As far as that dynamic shift that happens within a species complex, if you've got a target species or a species that's a particular concern, how does that balance out when you have that one kind of phasing out and shutting the fishery down and how is that impacting some of their ability to target other species and move within that group. There were also concerns with issues of temporal correlation and seasonal impacts.

The general pros that we found with this is it provides a better understanding of how catches are correlated across species, so we do get those aggregations. Similar to how we had groupings with deepwater species and shallow water species, those are done more on that whole proximal depth and the fisheries that are catching those particular species, but this will actually allow for some of those better situations of looking at, when you're out in a particular area and you see signature species, what are the co-occurring species.

And it may also help understand how management of one can affect the catch of the other. And results are easily comprehended by lay people. It's pretty straightforward how people can interpret those results. Our overall comments were we recommended against using this method for defining the ACLs as well as recommending against the use of complexes in general unless it helps to aid with species identification issues.

Where we have confusion in species with fisheries, you may have to manage in an aggregate because you don't really know what those proportions have been over time and how changed out; so putting them as a combined landing stream may be a better way of looking at that. And we recommended a single-species approach; specifically the approach that we have outlined in the Draft ABC Control Rule. With that, I will let you ask questions specific to the Comprehensive –

DR. CRABTREE: Well, I guess the first thing I'll ask about is the species groupings – I mean did you have any discussion about just the practical difficulties in trying to have so many ACLs? We probably have, what, 70-some species in the snapper grouper plan; and then if you figure we have 15 or 20 other species, so maybe we've got 80 to 90 species, a lot of them are broken into recreational and commercial ACLs, so we end up well over a hundred ACLs that we're tracking.

I don't think that the center is capable of tracking that many quotas and that many ACLs, and it's also difficult for me to conceive of putting out a closure notice that we're closing the cottonwick or the knobbed porgy fishery down, so somewhere in this there has to be some element of making it work. I know no one likes species groupings.

We've been talking about species groupings – I think I made a presentation to the SSC about 15 years about species groupings, and they didn't like it then. No one likes it but I don't know that there is an alternative to using species groupings because I don't know how we're going to be able to manage well over a hundred individual ACLs. Yes, it has got downsides and problems with it, but having the whole system just fall apart because it's completely unworkable seems to me to be an even greater consideration. I wonder if you all had any discussions about the reality of making this work.

DR. BELCHER: I think the group just pretty much – well, my interpretation of what we did was it was just pretty much looking at the scientific merit of the approach and then the generalized feelings of the pros and cons of the approach. I don't think – I think people recognized the utility of the groupings and I don't think that was necessarily that it wasn't the best approach.

It's just reconciling a lot of those gives and takes. They talked about the issues of the biology of animals. If you have a lower tiered or food chain species or lower in the food chain issue, what happens if you have releases in particular fisheries, increase in predators, decrease in prey, or vice versa, how does that reconcile within the group?

I'm trying to remember specifics of other points that the group brought out relative to it. Like I said, they did see the merit in the fact that we do have species that have been misidentified over the time series, so that would help in those situations. But the hope, too, with I think ecosystem

component species coming out of the list would help some of this in reducing the number of species you would have to do this for.

Nick did give us the presentation and say that there were species that have already been suggested for removal from the fishery management plan, but his analysis did include them for the sake of making the groupings.

DR. CRABTREE: But it would seem to me that putting something as an ecosystem component species or removing it from the plan doesn't get around any of the issues you have raised. Their management and their status and all of those concerns would seem to me to be just as great or greater if we removed them from the plans.

DR. BELCHER: And, yes, that's true; if there is any chance that they can increase in terms of a targeted fishery, that would be true, so that's where I think those decisions have to be made as to how – if you honestly consider all 73 species as important, then there has to be some reconciliation of what if – you know, again, concerns over indicator species maybe and indicator species isn't the best way to go either because you're hoping that is going to capture and be the one that best shuts down and protects everything from overfishing, but there isn't any guarantee with that either. So there was a lot of discussion about it and whether or not it did have merit, but a lot of the group felt that the single-species approach was probably going to get the answers.

DR. PONWITH: So from a science standpoint, I absolutely concur that a single-species approach is the most scientifically defensible way to do this because you don't have some of the confounding problems that you've already described, but the harsh reality is setting ACLs for 70 species, if that's the magic number, and then monitoring those ACLs and then monitoring the effectiveness of AMs, if you bust those ACLs, for 70 species it logistically at this point right now, the way we're set up, isn't technically feasible.

And so I think what it does is it forces us to take a second look at species groupings with all of the concerns. I think you hit the nail on the head; one of the biggest problems is not only who fits in a bin together; but once you put them there, how you decide what the trigger is going to be in terms of is it an indicator species or is there some other metric that you use to decide whether the entire complex is above the line or below the line. I agree with you completely; that's very difficult to do, but frankly I think it's going to be necessary.

DR. BELCHER: Well, the other difficulty, too – and just in the short history I've had within our group, there have been other papers that have come out looking at species groupings, which have come up with distinctly different groupings. Kyle Shertzer and Erik Williams have a paper out that looked at it from a different approach than what Nick looked at it.

It's almost like the caveats that are built into determining how those clusters are going to built has to really be discussed within the group that I think can provide, well, how do we best look at it, do you look at socio-economic, do you look at the structure within the fishery, do you look at the biology of the animals, how do you best determine these groupings?

I mean in the past we've had deepwater/shallow water. Coastal sharks is another example that comes to mind. You've got pelagic, large coastal, small coastal, and they're clustered based on fishery characteristics. They're not clustered based on the biology of the animals, which is going to drive your fishery more. So, those are kind of all those questions get built into the uncertainty and how to best describe and best build these clusters, I think.

DR. PONWITH: If I had to choose something today, the thing that I would do is track their catch-per-unit effort adjusted for management measures that might confound the CPUE and find all the species – regardless of the magnitude, find all the species with catch-per-unit effort that track parallel with one another, so that up is an up year for all of them and a down is down year for all of them and link those all together and then find a way to choose a indicator species or some other trigger as opposed to using the more traditional biological gilled; they all eat the same thing and therefore they've got that similarity or something like that. Frankly, that's what we're looking for is to able to put a selection of species in a bin together and make inferences about the status of all of them based on the status of one or a small subset of them.

MR. HARRIS: Other questions of Carolyn? Snapper Grouper 18A; okay, Carolyn.

DR. BELCHER: Okay, Snapper Grouper Amendment 18A, we just had some general comments. Specifically to tilefish, there was expressed concern within the group about setting the trip limits for those without endorsements and the chance that those limits may not be low enough to prevent targeted fishing, looking at that 300 pound limit relative to longline.

Pretty much the group was sure that would already be taken into consideration, but they did want to emphasize that. Expressed concern about the latent effort causing future management problems and the potential of a negative impact on the market or trading of endorsements. Few amounts of latent effort could drive higher prices and a large amount of latent effort, and that was just one of those things to consider.

And the SSC supported the socio-economic subcommittee being involved in the design of the endorsement trading program. There was a large expressed interest from our socio-economic folks to be actively involved in how that would be developed over time. Some general comments on bycatch in the black sea bass pots; both Dr. Sedberry and Dr. Reichert had pointed out that MARMAP – and actually also Dr. Buckel from UNC pointed out that MARMAP and UNC have pot studies that could provide information on specific bycatch associated with these pots and did indicate that currently there is no data for ghost pot impacts.

Dr. Cadrin from the New England area asked about obviously escapement panels because that's obviously used in the north when they deal with lost pots and curious if we had that, and we had discussions that involved that as well and explained that we do have that in the southeast as well. So, specific questions or things that you would have liked to have heard from us on 18A.

MR. HARRIS: Questions on 18A?

DR. BELCHER: It was a pretty straightforward review for us. Snapper Grouper Amendment 20 – oops, I got that one wrong – red grouper rebuilding. Well, that is 24; I'm thinking SEDAR. Potential problems with the projections; basically we looked at it and felt that the projections

were based on best available science. That I can caveat; I probably should have put that up front instead of at the bottom of the list.

But, they did point that some of the potential problems that are there. One is the assumption that the current fishery sectors will continue to fish in the same proportions of total effort and under the same selectivity patterns. It's likely that the proposed area closure will impact red grouper projections through both direct and indirect means.

The closed area obviously will lower some of the catches that would have been in there for red grouper; and then indirectly there is probably the shift in effort to other areas, and that should be evaluated. These were just a couple of points to bring out relative to that particular assumption. And then with the use of F current being for 2006-2008, for projection years 2009 and 2010, the SSC felt the four-month closure might cause a large reduction in landings. And if so, then using the F current could be overly pessimistic because you're saying that the actual F rate is going to be much higher than it is. In the future the actual landings and projected landings should be compared as a means to quantify the effects of the regulations. Right now that's probably the easiest way to look at that. Any comments on the red grouper?

Okay, Snapper Regulatory Amendment 20, recommended updating the values used in the area closure model to reflect the estimates generated from SEDAR 24, and those estimates specifically include the bycatch mortality and percent reduction in F generated for each projection recommended, so that is that potential three projections that we threw out for the consideration based on headboat weights. Any questions on that?

And then finishing up with the Comprehensive Ecosystem-Based Amendment 2, the main comments that we had for that was just dealing with the proposed alternative to modify the existing octocorals ACL in the Gulf of Mexico and South Atlantic to 50,000 colonies for state and EEZ waters was considered consistent with our recommendations for octocorals. So with that, that's the summary of our meeting.

MR. CUPKA: Thank you, Carolyn. I think you went over Regulatory Amendment 9, and I didn't know if there was anything you wanted to bring out in regard to that.

DR. BELCHER: Regulatory Amendment 9, we didn't have a chance to look at spreadsheets or any analysis from the science center, so we weren't able to provide any comments on that, but it was agreed that the socio-economic subpanel would meet before the next SSC meeting in April and review the work, including implications for the makeup of the fleet. They would probably meet in February or March of 2011. We didn't have any in-depth discussion because there wasn't anything for us to look at specifically.

MR. HARRIS: Thank you, Carolyn, good report. Are there any other questions for Carolyn?

DR. CHEUVRONT: Carolyn, are you going to be here through the snapper grouper meeting?

DR. BELCHER: I am here until – my flight leaves at 5:45, so I'm here until 3:45 tomorrow.

DR. CHEUVRONT: All right, because there was a lot of stuff that was put out and there might be some things that we might need to follow up with on some of the discussion from the SSC.

MR. HARRIS: She will be available by cell phone until 5:45. Thank you, Carolyn. Okay, Anna, we're back to further committee discussion and approval of CE-BA 2 for public hearings; is that correct?

MS. MARTIN: That's correct. I believe we just need guidance from this committee based upon the discussions whether or not you would like to approve CE-BA 2 for public hearing.

MR. BOYLES: Mr. Chairman, I make a motion that we recommend approval of CE-BA 2 for public hearings.

MR. HARRIS: Motion and second by Brian to approve CE-BA 2 for public hearings. Discussion on the motion? Mac.

MR. CURRIN: I just presume that the earlier discussion we had regarding filling out I think it was Section 2 for the benefit of the public, fleshing out some of that analysis will be done as best we can before it goes out.

MR. HARRIS: And I would agree. I think to the extent that we can make this document more user friendly we should do so, and I think that's certainly one of the ways to do that, and we will rely on guidance from our legal counsel if we need further guidance from Monica to make that happen. Further discussion on the motion? **Is there objection to the motion? Seeing none, CE-BA 2 is approved for public hearings.** Okay, Roger.

MR. PUGLIESE: I will be fairly quick with both of these. Two things; one additional followup on our Habitat Advisory Panel as well as coordination efforts under ecosystem activities – and the Habitat Advisory Panel spent – we basically had the three sessions involved very similar to what we had done last year.

The first really dealt with most of what we've already discussed on recommendations relative to CE-BA 2, but it was also tied directly to the EFH, refinement of EFH. Pace Wilber presented an entire overview of where we have come from and where we're going and that clarification refinement of information, and ultimately we're working together on a document that is going to be able to be used in a lot of other forums on specifying more clearly what the existing HAPC designations are, and then hopefully linking those all to some of the spatial areas that we have.

So, a lot of that discussion, some additional briefings on other activities, priority permit activities that the region was in review and we may be seeing that and maybe requested to weigh in a little more heavily on some of the EFH recommendations relative to those. A lot of the other discussion, we had a number of presentations on fishery-independent research, on additional coordination efforts and more of the comments focused around some of the efforts under the South Atlantic Governors' Alliance.

There had been some very specific comments about the Alliance moving forward with a more tangible effort trying to look at a – focusing some of the – instead of just doing a broad brush type of an approach, picking some very specific points such as the impact of sea level rise on inner-tidal habitats, inner-tidal marshes or enhancement of, say, even the Atlantic Intercoastal Waterways, things that could be embraced by multi-state efforts, even including issues relative to oyster distribution and comprehensive mapping, as well as potentially evaluating the issue of shellfish aquaculture throughout the entire regional area.

The panel did select – we've been kind of working on the outside a little bit without Doug Radar as the chair, and we finally refined and abated our chair positions. Pace Wilber with NOAA Fisheries Habitat Conservation – I guess Miles Croom is actually the member – was elected as the new Habitat Advisory Panel Chair. That is good; he is in Charleston so we will be able to work very closely on continued followup on all these different activities.

But North Carolina's Subpanel Chair was elected as – Anne Deaton with the Division of Marine Fisheries; Priscilla Wendt for South Carolina with the South Carolina Department of Natural Resources; Pat Geer with Georgia, Department of Natural Resources; and tentatively David Palandro, depending on how much – he is stretched everywhere right now with a lot resources, but we will work with the panel to make sure that we have collaboration.

What we did there was to try at least tie into our state fixed positions so that we can move policies, we can move a lot of things forward, and he may be able to get a co-chair or something, but we'll work further. So that really was the report I wanted to make. We're looking at trying to have some – in addition to the annual meeting potentially some joint subpanel meetings earlier next year to try to address some of the broader scope activities under the coordination efforts and under finalizing the EFH document as well as some of the tools that we are in the process of developing for ARC Services.

That moves me on into the habitat and ecosystem coordination efforts. I would just like to touch on some of the priority activities under some of these areas, because they're a lot of real significant movements and efforts going on. Under the SECOORA, our regional Ocean Observing Regional Association, they were one of the cosponsors of a recent Ocean Energy Conference, really focusing on some of the ocean energy activities and a lot of efforts on what is going off of Florida in terms of some of the ocean turbines and some of the different technologies that are being used or being applied and tested for possible use in the South Atlantic Region.

One of the big efforts of the SECOORA was to develop a five-year budget and about a \$20 million overall proposal for the next five years of which the fisheries oceanography does play a specific role in this, so we are finally going to be able to get some direct connection between hopefully the oceanographers and the physical scientists on some tangible products.

In addition, refinement of a lot of the other tools and capabilities and characterizations of the oceanographic features are going to be huge, to be able to then link into some of these other efforts. So, between all of those, I think it's going to be a real positive thing for the South Atlantic in ocean observing.

I'll touch another thing is a lot of these organizations are starting to cross between each other, and they are playing a major role in some of the additional efforts moving forward on the Governors' Alliance. I'll move right directly into the South Atlantic Governors' Alliance. One of the documents I did provide you all, and I provided earlier but I thought I would go ahead and at least have another in hand, was the draft action plan. That actually has been finalized now.

Again, that plan was really almost a more common denominator plan to try to look at these big picture areas to move this forward, which is really what we're into now, the next stage, which is going to be development of implementation plans. To help with some of this, very timely, NOAA had an RFP out for regional ocean partnerships, and what this did was put a significant amount of money on the table to support regional partnership structure, which is like a Governor's Alliance, GOMA, or the South Atlantic Alliance, but then provide resources to do actual on-ground coordination to support the longer-term planning.

So what the Alliance did was to – many of the partners, pull them together and say that – put together their own call for proposals and actually developed a unified proposal for the South Atlantic Region, which has a number of different partners, including SECOORA, including the states, including the council as partners to really move some of efforts under spatial planning and regional efforts forward.

So that is literally being finalized over the next couple of days for submission to NOAA and movement to completion. One of the other efforts underway is the continued development of the South Atlantic Landscape Conservation Cooperative. This, as I mentioned in earlier presentations, is an effort that initially started with a significant amount of funds coming through the U.S. Fish and Wildlife Service as well as USGS and has taken it to the next stage where they're looking at a draft charter and actually there will be a formal transition from the interim steering committee on which I sit right now into an actual steering committee February of next year to try to take this further into implementation.

I had mentioned in a previous council meeting that one of the first things was immediate funding that was available through this and some very positive things came out of that, support of efforts to – one of the projects tied directly to another partnership, our Southeast Aquatic Resource Partnership. They are going to be building information on in-stream flow for all the different South Atlantic river systems in the South Atlantic as part of funding that came through this collaboration, so a number of different avenues accomplishing tasks and high-priority needs in our region.

One other effort that is ongoing and kicking off and is again tied to all these other ones is South Carolina just held an Ocean Planning Workshop in the state, Living Marine Resources and Habitat Workshop; coordinated directly through South Carolina Department of Health and Environmental Control in collaboration directly with the South Carolina Department of Natural Resources.

Many of the players from DNR, on fisheries, on habitat and their state ocean planning group, working group initiated this, and I participated to look at the broader scope of our ecosystem plan and ecosystem coordination and information systems and how these are converging in the

region. That effort is ongoing and with some of these resources that have been identified for the Alliance is probably to kick up even further.

And the final area I wanted to touch on was our continued development of spatial tools. The Habitat and Ecosystem Internet Map Server continues to be refined. We are still developing ARC services with our partner, FWRI, ARC services for the regulations, for EFH and the Fisheries Service, which is going to be that permission site.

One additional thing that has happened that we are able to expand some of that collaboration is one of the modules that we had wanted to develop earlier on was an Eco-species Module that was beginning to build very detailed information on individual species based on a lot of work that the state of Florida had already built in the past under their program.

The Office of Habitat Conservation just recently announced that we were afforded a project we had put together, an EFH project, and it is going to support that effort now and we're going to see that come to fruition, so that's going to be able to give us detailed information, build a data system to be able to look at detailed information in about 90 species that already the information exists for, but then build some very detailed characterizations for a couple of key species like gag, black sea bass and golden tilefish right in the beginning and initiate some of that very detailed review of information in connection to the spatial forum.

So, that's a real positive move forward in that whole effort for the continued tool development for our region. These are hopefully being connected directly into some of our other partners, with the Alliance, with SECOORA and with the states as they move forward with especially some of the marine spatial planning efforts.

The last thing I did was just going to touch on the continued with our fisheries-independent work under SEAMAP. We have a five-year plan that is being revised right now, integration as much as we can of recommendations from the workshop that was held earlier on fishery independent, but also provide any guidance to move that entire process further, because now SEAMAP is very closed tied to MARMAP efforts and species characterization, habitat and essentially is supplementing and adding on to where in the past MARMAP has had areas inshore that were not covered, some early life history like ingress surveys, different things like that, that it really is being able to work together.

This is an effort to provide at least the foundation from which those programs that can move forward and be documented on an effective way and resources to be used in the future. But with that, those are all the ecosystem coordination efforts I wanted to touch on. Are there any questions?

MR. HARRIS: Thank you, Roger. Are there questions for Roger? Seeing none, is there any other business to come before the Ecosystem Committee? Wilson.

DR. LANEY: Mr. Chairman, Roger didn't mention it, but I'll mention that the Mid-Atlantic Council is having Habitat and Ecosystem Workshop the first two days of their next meeting, which is next week, and they have asked the South Atlantic Council and the ASMFC to provide

some presentations covering their habitat and ecosystem programs, and Roger and Patrick Campfield at ASMFC and I have collaborated and have put those together, and we will be giving those next week to the Mid-Atlantic Council.

MR. HARRIS: Thank you, Wilson. Are there questions or comments for the Ecosystem Committee? I don't think we have any timing and task motions other than get this Amendment 2 ready for public hearings. If there are no other questions or concerns, thank you, Anna; thank you, Roger; thank you, Carolyn. This committee stands adjourned.

(Whereupon, the meeting was adjourned at 5:28 o'clock p.m., December 7, 2010.)

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