

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

HABITAT PROTECTION & ECOSYSTEM-BASED MANAGEMENT COMMITTEE

**The Beach House Hilton Head Island
Hilton Head Island, South Carolina**

September 14, 2015

SUMMARY MINUTES

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Dr. George Sedberry
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Dr. Marcel Reichert

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Dr. Bonnie Ponwith
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Erika Burgess
Sean Meehan

Other Attendees Attached

The Habitat Protection and Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council convened in the ballroom of The Beach House Hilton Head Island, Hilton Head Island, South Carolina, September 14, 2015, and was called to order at 1:15 o'clock p.m. by Chairman Doug Haymans.

MR. HAYMANS: We'll call the Habitat Protection and Ecosystem-Based Management Committee meeting to order. The first item is approval of the agenda. Does anybody have any additions or changes to the agenda? Seeing none; we'll accept it as presented. Next is the approval of the minutes from the June 2015 meeting. I know you've read them verbatim. Are there any additions or changes to the minutes? Seeing none; we'll accept those minutes as presented. With that Roger, I'll turn it over to you.

MR. PUGLIESE: We have a fairly short meeting today, but I think we're going to have an overview of a fairly extensive amount of activity that is advancing on the development of the Fishery Ecosystem Plan II; the advancements on our commitments on ecosystem modeling for the South Atlantic region, as well as EFH updates to meet the five-year review timeline, which needs to be completed by December 2016.

In order to really capture the most recent activities and also the fact that we have now also brought in Group Solutions into some facilitation roles for our Fishery Ecosystem Plan; I thought it would be good to bring in Brett Boston with Group Solutions. Brett provided you the report on where we started with the LCC on the movement toward ecosystem modeling.

He has the most recent updates on how far we have advanced and some fairly good news on where we're heading with that; as well as we'll highlight some real significant engagement and moving forward on section development of the Fishery Ecosystem Plan and the EFH components. With that, I would like to hand it over to Brett to do the presentation on the updates.

MR. BOSTON: There are going to be incredibly busy slides because there is an incredible amount of stuff going on. The first piece I guess of good news is to talk about our team and how it's growing, expanding and adding some folks to it. It is a pretty good team as we look at who is working on the ecosystem modeling project. It keeps growing.

I think we've reported out that Dr. Halpin would be joining the team as well at our last meeting. Just as a reminder, what we're looking at here on the ecosystem modeling, it is really looking at linking some of the hydrodynamic oceanographic models together that are out there; just hopefully would provide some more realistic, predictable kind of policy options and some tradeoff options for you guys, and adding some fiscal modeling into the equation as well as we presented out last time in Key West.

We talked about the models themselves; and these were the key points I tried to pull out of our last meeting; bit getting SSC involved in the needs' assessment, and they are actively involved in participating in a lot of ways and really trying to find the stuff you've been asking for around the ability to make better decisions, understand options, and really understand some levels of risks in policy tradeoffs in the design of this.

Then integrating that environmental fiscal data, if you will, into the stock management process itself; it gives you another set of tools for you guys to utilize. The piece that we talked about though is it is really about decision support for the managers and the decision-makers and all the components that go into that. It will take a while.

This is not going to be a short-term delivery mechanism and certainly not with the funding that we need and the funding that we've been able to scratch up from some interested investment partners. The good news is that we targeted at our last meeting some funding sources with some partners, and we were able to basically get a \$150,000 commitment from the South Atlantic LCC as a partner.

Their interest here is in really linking their terrestrial-based modeling, their riverine systems and estuarine systems; going right on out into the ocean here. We've got an opportunity I think to do something pretty unique, is to link to the LCC investment across their platforms. That gives us access to client science centers and all the other partners that are coming in through the LCCs.

The South Atlantic is probably of the modeling I've seen the most sophisticated of the LCCs in terms of delivering of a blueprint model with multiple indicators. We're also still working with and talking to SECOORA, perhaps about some funding that might be available; but still we did get the funding to get started. We've got a really robust plan.

We've got some initial, what I'll call, seed money for this startup. I think we've got enough there that as funding comes available, we have a product and a set of partners and a functional model that will be potentially a target for additional funding dollars that we might be able to pull together.

A real quick overview of the project itself; they are going to work on helping develop that South Atlantic Ecosystem Model; and this will be the big part of that, but essentially the focus that the South Atlantic has is they want to make that connectivity move from the riverine and estuarine systems right on out into the ocean.

They were the first of the LCCs to target, with a lot of coaxing from Roger, going on out to 200 miles and making that part of their overall ecosystem planning and ecosystem modeling. It was kind of nice that not only did they target that early on about I guess about four or five years ago, but they're also now saying, hey, we want to make some connections.

Those connections; the two are mapping from inland to marine and estuarine to coastal marine; those kinds of dynamic systems there. In our grants we have enough funding I think to get a functional pilot model together and start leveraging some of the work that had already been done in the Gulf and other places and here in the South Atlantic as well to put together some models that we hope start the process of giving you a suite of tools down the road that might be helpful.

I want to also talk about the linkages. We're talking about those riverine linkages that are part of the modeling and bringing those linkages right on out, as well as some information that we might be able to use on habitat that is going to be helpful for us, too. They have a set of LCC indicators; and if you haven't been to their website, you ought to take a peak.

The South Atlantic LCC Website is pretty cool. The blueprint is up there and you can see the data layers that they've got. They've got a significant investment in their models already. Ecopath with Ecosim, EWE; that is a big focus for the project. We've got funding for essentially this model. This is sort of your highlight model of what we'll be doing and getting started.

There are other components of the Ecopath Model that we'll eventually tap into, but right now this will get us a good starting point. Phase 1 outcome; we've got two years of approved project funding; and we're going to leverage that as much as we can. I think all of our research team really dug deep and made a real strong commitment to participate in the project with very little funding.

We're leveraging a whole lot of intellectual capital with a minimum investment, which is always – you know, you don't do more with less, you do less with less; but if you've got a really committed science team, a little bit of money can go a whole long way. I think we're going to get a really good start for the dollars that we've got on the table.

There is a great cooperation going through here. We will probably pick up some grad student assistants as well as I think USGS and some of our other partners will be throwing some talent our way and helping make this thing a success. The projects are moving forward, and I think what you'll see is a suite of tools popping out of this first model.

The first grant that I want to talk about real quick, though, is putting that Ecopath to Ecosim Model end to end together. That is a biggie; it is a two-year project. We'll start pulling those components together. That is going to be really the guts of the first big tool that we have that is going to be I think useable for you guys.

We're also going to have some data conditioning that has to be done. There is a tremendous amount of SEAMAP/MARMAP data that is sitting out there in South Carolina. Marcel basically said, "Look, if you can throw a little bit of dollars our way, we can really condition that data and get it chunked into the map," so we've got a lot of data investment already. This is about cleaning it up to get into our models.

The third grant that came out of this is looking at the review of these estuarine data models and using – Dr. Sheng is going to use some of the modeling, Jessica, down in Florida that they've done on some of their estuarine work already. This will be a test case for us to start talking about that coastal conditioning index and how that might connect terrestrial with going more oceanic.

I think that is going to be a good starting point for us. We also have a piece that is really talking about getting a little bit more physical in our work here. Ruoying He at North Carolina State University will be pulling together some pretty cool stuff for us on using modeling that is a lot more circular, looking at circulation and some of the other physical conditioning there.

MR. PUGLIESE: Yes; just adding another footnote to that – while Ruoying is being funded directly through this effort; we are just ending a five-year planning effort for SECOORA. They have a \$20 million budget that they're submitting of which a part of is expanding the capability of the work that Ruoying is doing specifically to address council needs and link into the ecosystem modeling effort we're doing. There is some long-term commitment to advance even

beyond this, not only for modeling but for other tools and capabilities that are going to be pretty critical.

MR. BOSTON: We've leveraged a lot with a little. Then a grant that we haven't done yet, but the ASIS model out of Rosenstiel, University of Miami, pretty interesting model; a lot of intellectual capital in that model now, a lot of investment in that model now; and looking for a little bit of money in our second round of investments to see if we could get Jerry some dollars to kind of apply that and give us a second or third view, if you will, of what is going on in the South Atlantic.

That is when we weren't able to raise enough money to fund, but we had it laid out. It looks like this from a funding standpoint; Year 1 we've got \$89,000 distributed like that. Then we've got a little bit of match in there; not a ton but we do have some. Most of that match, by the way, is invisible on the chart, but people are digging deep to help out on this.

We could use some money on our years. We won't be done; so I've got to put together a tin cup with pencils in it and stand out front and shake the cup and say, hey, we need a little bit more money to make this happen. As we move forward and we start proving the case, we'll hope that there is some investment dollars that follow successful modeling, because it will be a valuable project and something I think you guys are going to want; so investment needed. Okay, any questions just on modeling before I jump off that?

MR. HARTIG: I am trying to get my head around some of what I experience on the water and how these could be integrated into the model. Sargassum has changed dramatically; and so much so that I wouldn't even attempt to try and characterize the increase. It has been incredible the amount of sargassum in the last 10 years versus the 20 or 30 years before. That is an increase in habitat, predictable increase, possibly on the species associated with that habitat. You are shaking your head; so I will let you go.

MR. BOSTON: Oh, no, I'm listening.

MR. PUGLIESE: I was shaking my head up and down. Those are the types of things that I think the opportunity to work with the oceanographic models and building those connections between sargassum distribution and some of the different – both linking the oceanographic models and the satellite imagery; I think there is some work already being done in the Gulf to capture that – or maybe actually into some of the Caribbean because of some of the problems they're having in some of those areas.

I think the opportunity to do that is with the types of tools we're putting together. I think that then ultimately really trying to translate that understanding the species use, what that could mean in terms of dolphin and other species; that this is going to be a pretty significant increase of habitat for juvenile and other life stages; and snapper grouper, if you remember the red porgy and a lot of other species.

MR. HARTIG: Gray triggerfish as well. As a follow up to that, using the past to predict the future based on climate change; the dynamics of the changes in the system now are such that the past isn't going to tell you a whole lot. Are the models geared to be able to use the differences, the future dynamics?

MR. PUGLIESE: Yes; and I think that is exactly what the groups are trying to grasp. I know having this discussion in the groups that we have, the intent is to be able to go from here and beyond because that is potentially a critical issue. I think that you've got – if anybody is going to be able to do it, they're working on down-scaled models. That is the group that really is trying to capture that issue right now.

MR. BOSTON: It is probably on the terrestrial side; they are a little bit further ahead, but we don't really know. I mean, what is going to happen with loop current and what is going to happen with those things; wow, that is big stuff. On the terrestrial side you can talk about climate change, where is water vapor going to be and where is water level going to be; there is a little bit of difference in discussion on that and the retreat of the forest, et cetera. I think it is a lot more complicated as you talk about ocean current and chlorophyll.

DR. LANEY: This is kind of a follow up to Ben's question about sargassum. There is a new paper out, Ben, at least new to me, that came out in 2014; "Pelagic Sargassum Community Change Over a 40-Year Period, Temporal and Spatial Variability". I've been meaning to send that out to everybody. I will do that today.

I just ran across it, and one of the guys is from the University of Miami on it, so hopefully we'll be able to take advantage of this kind of science to integrate it into the modeling process and be able to have a higher degree of predictive capability.

MR. BOSTON: Just jumping ahead a little bit, but one of the things along with that is FWRI has a grant to look at all the literature and pull that together. We'll have a baseline of what is known dataset-wise to start that out. I think that is always a good place to start is what does the current literature look like, what is the current literature telling us across this region?

There is a lot of work there. Someone just needs to pull that together as a baseline for our modeling, and that is Step 1; what data do we have, what datasets do we have, what publications are out there that are leading us in what directions and getting that put together first is Number 1.

MR. PHILLIPS: Well, are your models going to try to, which is probably a stretch, to figure in things like ocean acidification and nutrient loading that we see inshore easier than you would offshore?

MR. PUGLIESE: I think that is the beauty of the group that we've got together. You've got everybody that is looking at all these different aspects. As a matter of fact, SECOORA is part of the ocean acidification network now, so I think the fact that we're already linked in some of the ocean circulation modeling and some of the other efforts; that is going to be one that we can literally grab a hold of and work and integrate into the discussion, because, yes, it is all of these different in combination.

MR. BOSTON: There are so many components that are coming together right now or need to be pulled together right now; and they are all just sitting there waiting for someone to kind of put a catalyst in the middle there that people can move toward. I think right timing on this project; it is right timing.

We're lucky to have a partner like the South Atlantic LCC that is willing to put some catalytic dollars in the game right now that can get things started. That was the big sale's job that I had to do. Let's go to our project. Do you want to kick this off just real quick?

MR. PUGLIESE: Yes; as I mentioned before, we're ramping up the whole activity on section development for the Fishery Ecosystem Plan. We've been evolving to this point. In order to advance it, one of the things that we had the opportunity is the National Marine Fisheries Service had some resources to provide input on five-year review and refined information on essential fish habitat for species use of habitats.

As part of that, it also included the potential for facilitation to provide some of these different foundational efforts to happen. What we've done is different aspects of those resources have been tailored to move the entire Fishery Ecosystem Plan process forward, because it does encompass the EFH updates as well as the information that was drawn on the last five-year review, and engage Group Solutions to provide both facilitation of section webinars as well as, after a little more realization, two key new sections, the food webs and connectivity and the climate variability in fisheries' writing teams.

The new sections; we're actually going to have individual in-person meetings, because it is just a lot more involved; that we're going to have pre-meeting webinars in advance of those meetings. Brett can get in touch on some of the timelines and different things. He's going to get into kind of the broader scope of where we are.

Essentially it is kind of a multi-phased effort where the habitat and some of the other subsections are being webinarred early; and then in the first part of next year we're going to be looking at council species-specific webinars and/or potentially maybe one or two individual meetings. That is the setup for where we're going, the opportunity to engage facilitation. There is another aspect he has already touched on and some additional resources for the EFH that we work with FWRI beyond what we had in the past to make this move even faster.

MR. BOSTON: My team is going to be busy on the phone. We'll be using our online meeting tools, so Web-ex and conference calls for a lot of that. We'll also use some additional online decision-support tools and probably a few other shared kind of resource tools. The main goals are obviously update FEP II, if you will, and get that in some kind of shape; so putting together a writing team that will specifically work on those updates and give some structure to that.

I'll have a team of folks that are just handling and coordinating the editing process and getting that up to speed. Great teams; I mean everybody raised their hand. We've got, golly, it looks like about 60 or 70 people right now that have all said, "Yes, I would love to be part of those section updates," which is great.

Roger has already got the invites out, notice to participate, and those things are moving ahead nice. Let me get in a little quick blow through the teams that we have. The writing teams that we have right now you can see there on the screen. We will be kicking those off probably next week. They will start to get some information and some overview of information on what that is going to involve. What we're doing is basically in the notice to the invited participants, which has already gone out, we're putting together now just a Survey Monkey, an online survey tool

that is broken down into basically what I'll call the table of contents of each of those groups work.

We'll do an initial data collection that really it is open. We could open it to anybody to really download some information as a starting point to recraft and redraft those existing sections. Out of that product and out of some of the early writing teams' work, one of our products that I want to get to you guys is an executive summary and really looking at the emerging trends and the emerging thinking of these teams as a way to give you guys a 20-pager with highlights so you don't have to go through that rather cumbersome document on the website. I think it is rather large and pretty good, I guess, but it was a bit tedious for me to read through.

MR. PUGLIESE: This is really important because I think it is addressing some of the discussion we had of the last and maybe previous committee and council meetings where we had talked about the opportunity to build a consolidated document that would provide the context of the different volumes and the FEP to be a guidance document.

I think taking the opportunity of having both the core revisions and then the ability to work with Group Solutions to create that more concise, consolidated executive summary, which I think will really lead to where the council would like to go is how you translate that into other actions into the future.

MR. BOSTON: We'll work really hard to see if we can get it even close to English for your consumption. It is a very difficult language; English. You can see the teams were kicking off pretty quickly. This will be basically a two and a half hour, boom, get-together, introduce the process, and show them some of the early results from the survey data that we'll have and get the teams organized and functioning with their own internal, who is editing, who is doing, and what are the rules of the road.

This will be done very virtually in terms of rewrite and edits; but we'll have a process and a team editor for each of those groups. There will be some facilitated pieces in there, as Roger was saying, where we'll have some face-to-face meetings. To take advantage of existing meetings that are already taking place, we're actually going to have to kind of like poach on those meetings a little bit and hopefully sneak in and maybe offer a keg or two so people come to our meeting instead of theirs, but don't tell anybody I said that. I guess I'm being recorded.

The update piece here, though, was what is important. As we work through this, it is going to be really important to get the existing pertinent literature; what is going on in life histories, et cetera? I know this will be important and we're going to grab a bunch of this so that it becomes available to you guys in a digestible form and not only in the complete rewrite. We'll be working on that.

As Roger said, the literary review is underway now; the literature review is underway right now with FWRI. These are the two meetings we certainly will take advantage of and probably take advantage of more meetings maybe beyond January, March, and those time frames. We've got a June deliverable date on this so this isn't going to be a cumbersome three-year thing. It is really freshen up what is there, add some new thinking, review the literature, talk about implications, and give you guys some stuff that you can look at and think about what are some implications that we should be factoring into our thinking at the council?

It is not going to be this rigorous deep dive. It is really going to be clean up what we've got and let's start exploring what we could have and what is emerging and trend lining out there? I've kind of covered most of the stuff; but just a little bit of the agenda that we'll be doing in the webinar. Again, we have two and a half hours so we've got to cover a lot of ground and get them organized pretty quickly, review the section that they have, talk about going on activities-wise in the South Atlantic.

Give them specific guidance for updating their section; look at and assess what are available in materials. We are going to collect as much as we can on the literature reviews, trying to use the Survey Monkey tool to get a lot of that stuff in there and just ongoing ways of e-mailing the writing leader any kinds of particular literature research that people are aware of.

MR. PUGLIESE: Yes; the end is on essentially the timeline. As I mentioned, before the EFH five-year review timeline is completion by the end of 2016. What we're shooting for is essentially moving from here to crafting the various habitat and subsections and then move to species subsections; at the same time continually expanding EFH policy statements.

The next one that will be looked at during the December council meeting will be the Energy Policy. It is in review and development and will be finalized and be looked at during the November Habitat AP meeting. We have a 17th and 18th Habitat meeting. Then we'll also be looking at advances on the Artificial Reef Policy.

That moves us through into 2016 to further look beyond the base policies into ones that may be drawn directly out of food web and connectivity as well as the climate variability in fisheries' activities. That essentially brings it all the way down through the finalization in December of 2016.

MR. HARTIG: Roger, on the Artificial Reef Policy, there is something we've been talking about. I've talked about it a number of times at the table where the council actually partners with all of the different state artificial reef groups. The partnership would be – I don't know how much money we can generate.

I don't know if that is so much of the part; but if we could generate money from NOAA somehow, it would be helpful. In some way we need to be able to move forward with setting aside some of these artificial reefs as no fishing zones in the future at least from my perspective. Seeing the attractiveness of these reefs; for amberjacks it has sucked every amberjack off the natural bottom in the area I fish onto the artificial reefs.

In retrospect that has worked in the amberjacks' favor, because actually they occur in state waters; and the state regulations it is a three-month closure for jacks, so they are closed for the entire three-month spawning time. In some instances it has worked in our favor; in others it hasn't. We see gag groups now using these artificial reef structures to spawn on.

Some way, somehow – and if I need to make a motion some time during this meeting, I'll do it – is to get this kind of a long-term situation with the states so we can set up this – and the fishermen support this 100 percent. I haven't heard anybody in the fishing community speaking in opposition, although there may be somebody who says no more artificial reefs. But in the

context of setting them aside as management zones, I don't know if that is a no or not. I'll leave it there.

MR. PUGLIESE: Yes; and I think that is the intent of the policy is to investigate I think to validate the information we have, the utility and the value of those habitats in our region. It is a little bit of a different type of a policy than some of the other ones; but also the opportunity to look at the capabilities and with what you're already working on with some of the spawning SMZs.

The input that you've already had, as you mentioned from the public, where there may be some opposition for various natural areas or whatever; there is still that strong support for the use of those types of tools. As you indicated, you've already got validation with some of the state activities that they've done in South Carolina as well as the existing ones with the Snowy Wreck and others. I think both deep and shallow water capabilities have been shown about the value of this, and that I'm sure will be part of the discussion in the way that policy gets developed.

MR. BELL: To do kind of like what Ben was talking about doing, whether it is at the state level or whatever, somebody has got to pay for that. The resistance to even doing what we've done on a small scale is that, okay, who's going to pay for it? Mark was pointing out that the Army Corps of Engineers in Charleston has got this project to deepen the channel coming in; and it is going to generate significant quantities of rock basically.

They have a concept of using some of this to save money on the disposal end of it is to put it in some piles; and this has been done before in other ports. That would be kind of the perfect project or initiative to marry that concept with is you've got material that the federal government has to pay to make go someplace; and so it is not taking out of the conventional money sources for artificial reefs like DJ money or fishing license money in our case.

It is kind of a matter of timing sometimes with things, but we've got this big project out of Charleston where if you could partner somehow with the Corps and make that kinds of thing happen; that would be a way to do it. They've got a very significant amount of material, and we're already discussing with them how to use that.

To take it to what Ben was talking about and actually have some of those areas designated as SMZs for no gear or however you want to do that; it can happen. Sometimes it is just a matter of timing and then getting the proper people to coordinate; but there is a perfect example of an awful lot of material that the federal government has to do something with.

They have the money to do it or they will have the money to do it. It is just that it hadn't been tied to that initiative. I don't know how you kind of just make people aware, hey, if this ever happens again or if we can make this happen; this is the kind of way to do that.

MR. PUGLIESE: I think that is the whole point of building it into the policy is to create those types of scenarios that if that is available; these are the types of activities that could do it. You're right; that is one of the more unique situations to be able to do that and it is not within the funding of the other type. That would be the maximum opportunity.

MR. BOSTON: On the terrestrial side, if you look at what the LCCs are doing, they are looking for that opportunistic stuff, too. If your models get good enough that you can actually pinpoint biological hotspots, a great place where you would want an aggregation or where you believe long term would be a great place to have structure.

If you already know where those spots were; that is the thing is to get ahead of the curve and kind of pre- have your models help you target areas that would make the most sense, where you are not impacting a natural area, you've got no issues on that. You can pre-permit, if you will, those areas and get all the players to agree. That is that kind of being able to see ahead and pre-plan where you want to target your things. Then you've got a chance.

MR. BELL: You basically have to have that known ahead of time, and that is why I was telling Mark is that what can come out of this modeling is you know where sort of the sweet spots are that you might want to put stuff, but you don't have something. Boom, you get something and that is where it goes.

MR. BOSTON: Well, the Corps looks ten years ahead a lot on their project, eight to ten years. Here we are in the fishery side looking at next year. They are not aligning and time thing; and if you can give them more heads-up of what you're looking for, they can build that stuff early on into their planning.

MR. PUGLIESE: That is the beauty of really linking the oceanographic modeling and temperatures, all the different things that would give you those types of guidance on what would be the opportunistic placement of these areas. I think you could adjust the model to specifically provide that type of an output parameter.

MR. HAYMANS: Mel, how long has the Charleston Deepening Plan been in process?

MR. BELL: Well, they've been talking about it for quite a while.

MR. HAYMANS: Savannah Harbor deepening is 20-plus years, just getting started. The feds still haven't put their share of the money out. The state is footing the bill to this point. Although I agree that that is probably pie in the sky, let's get this material and get it offshore; I think we have to maybe be a little more realistic in some of the opportunities that we may have. Plus, taking the stuff 55 miles offshore; I think if you drop rocks 55 miles offshore, they are just going to roll down the hill and you will never see them again.

But, anyway, these deepening projects are great. Even talking to the folks at the port, at the Georgia port, anyway, it was like everybody jumped on the bandwagon of wanting money for the ports as the project went further and further into development. I guess the councils could jump on the bandwagon, too, but I would rather find a source of funds and source of materials that is a little quicker and a little more realistic if we're going to support artificial reefs.

MR. BROWN: I agree with you, Doug; but when I saw this project and what the proposal was to do with the rock and everything, and then we're talking about the habitat and everything; it just came to my mind that this kind of fit in with it; and also they had drawn up a plan. They had given out fliers on the plan that they were proposing, which would carry the rock nine miles offshore and then place it in different areas to create habitat. But they also said that this project

was not the only one; that they actually had other projects that were going to be similar from New York all the way to Florida. It's a big project.

MR. PUGLIESE: Back to your point, though, I think that is the idea as well. That is one aspect I think here is the opportunity to evaluate everything from coordination with the transportation department or whatever, other avenues. I think the interesting fact is with this linkage with the LCC, we may be able to look at other different aspects that may be able to provide mechanisms to make those types of connections. I think this opens the door to be innovating into thinking of a suite of different types of things that can provide that.

MR. BOSTON: The LCC I think either has or is about to add Army Corps of Engineers on the LCC. Yes, so that means that they already have someone they can talk to. If we were talking in nearshore estuarine, this habitat-building stuff; that is an opportunity for us to link into. Roger sits on that council. That makes it pretty nice for him to be on that cooperative.

MR. PUGLIESE: Yes, and that was formalized there. We had the Executive Committee meet the other day and the Steering Committee just brought on board the new Corps of Engineers representative. The fact that they are involved in the modeling, were involved in the activities; I think there are opportunities to advance this.

MR. DiLERNIA: To the port-deepening projects in New York, they are dredging; all that sand and the rock and everything that they got in New York Harbor, they put offshore in a spot that was probably 80 feet deep, water-wise. I know of spots that to come up to within 35 feet of the bottom. We just built these big mountains out there, and the fish like them a lot, a whole lot. We took spots that I used to just steam over;, and now you go over it and you say, wow, look at this, look at this big old hill. Look at all the fish living around it. It was very productive and worthwhile for the fishermen in New York.

MR. PUGLIESE: Yes, Brett is finished and I think I had highlighted all the different connections and the EFH updates; and that is pretty much where we are. What I'll do is I'll make sure we get – as I mentioned earlier on, we were going to get more of this onto the web through the digital dashboard.

I think now that we kind of finalized and crafted some of these things, we want to get the information out. Also, I would encourage our state partners, if there are other technical representatives in addition to the ones you've already named or added in or have committed in the past; that may be appropriate to be involved in either the species or the habitat sections; it would be good to be able to take a look.

I'll make sure we get those in those sections as presented the teams as they stand and then see if there are other experts. We did some tweaking, because we did get recommendations, adjustments as their names were being brought forward by the different representatives and new members that people thought would be good to expand the group and perspective. More to come on how this advances. I think a lot is going to happen in a very short period of time.

Everything is moving on all aspects; from the modeling, from the FEP development and the EFH work that we're working real closely with FWRI to refine and integrate. Actually, that aspect is

going to go beyond just the species' utilization. They are going to be looking at species' vulnerabilities for climate, for temperatures, for all types of things.

As part of the evaluations, we're trying to get a lot of other pieces of information that can really expand the information; not only the FEP but the Ecospecies Online System that we're working on, that will ultimately connect into, hopefully, the pre-SEDAR process, so actually in advance of the data workshop. We were trying to do that because we have Luiz and Marcel involved in some of those discussions already, so we're trying to advance some of those; so more to come, as I mentioned.

MR. HAYMANS: You did an excellent presentation, lots of dates, meetings, and webinars. I don't think there is any additional guidance or discussion that we can give them, do you, Wilson? Maybe there is.

DR. LANEY: No, but I will mention that Roger and Brett and I met for lunch, and there are some additional things that are going on. The kind of reef construction we're talking about falls within the realm of what the Service calls conservation delivery in our Strategic Habitat Conservation Business Model.

One of the things we're talking about is that Jason Link has already contacted us and wants to come back and give us an update. Brett is very much involved in the Florida Fish and Wildlife Foundation. Guy Harvey is getting big into conservation delivery now through his foundation, and, of course, the National Fish and Wildlife Foundation has been doing this for a long time.

We were thinking it might be good to add to our session for the December meeting some updates from each of those groups about what they're doing in the realm of marine conservation. In terms of conservation delivery, kind of stuff on the ground, this benefits the council's management efforts. Stay tuned for further developments on that front.

MR. PUGLIESE: One other aspect that I did want to highlight in that same context is that I've been in contact with Phil Levine with the Lenfest activities; and the timing, yes, things have been kind of moving along but actually it is the perfect timing. He is planning on being at the December meeting to be able to update us on the activities of the Lenfest Fisheries Ecosystem, the guidance efforts that are being there for the Fishery Ecosystem Plan.

Excellent timing to have kind of all these different pieces kind of synergize. One other aspect may be some technology updates on drones, on AUVs; different things that I think would be really good for the council to see.

There are some key people working on some aspects of the applications for research and for monitoring that I think would be good to keep that; knowing that this is working in the background. There are a lot of other things going on that are connected into what we're working on.

MR. HAYMANS: Next I guess between Chip and Roy and Monica and Jack and others, we're going to have a discussion on gear storage issues with Coral 8. Chip, you lead it off.

MR. COLLIER: Coral Amendment 8 actually was published on July 17 and became effective August 17. Listed in the Federal Register there were some issues with the coordinates. Three of the coordinate points seemed to be converted incorrectly. In addition to that, there was some language that was I guess missed over in the Federal Register as well for the gear stowage. Fishermen contacted FWC, South Atlantic Fishery Management Council and National Marine Fisheries Service in order to try to get these issues rectified. I guess Monica is going to give us an update on that.

MS. SMIT-BRUNELLO: Right; In Coral Amendment 8, the language that you all approved in the amendment just specific to gear stowage – and remember this had to do with the transit across the Oculina Bank HAPC with rock shrimp on board. In that amendment you added to the Oculina HAPC some northern extensions, I believe.

The idea was that for fishermen to be able to fish on the other side of the Oculina or fish on this side of the Oculina and then fish on the other side of the Oculina with rock shrimp on board, it would be good for them to be able to transit. The language from the amendment specific to gear stowage talked about when you transit at 5 knots, you would have gear appropriately stowed.

Stowed is defined as doors and nets out of the water. What was published in the Notice of Availability of the Amendment, in the proposed rule and the final rule said, “Fishing gear appropriately stowed means doors and nets are out of the water and on board the deck or below the deck of the vessel.”

As Chip mentioned, we didn’t receive any public comment on the language for the Notice of Availability or the proposed rule; but once the final rule was published, some fishermen brought this up and we started looking into why the language changed from “stow is defined as doors and nets out of the water” to “doors and nets out of the water and on board the deck or below the deck”.

When the council approved the amendment, they sent it in to the Fisheries Service, and we were looking from an enforcement perspective just what does “doors and nets out of the water” mean? We wondered how this would be enforced, should it be nets would just be above the surface of the water; and we knew it was clear that you didn’t want to allow fishing for any rock shrimp in the Oculina.

We looked back at the administrative record and found some language in the September meeting. It was actually Mr. Haymans who talked about what that meant. What he said was it would take more time to remove the gear and put it in a stowed condition than it would take to transit the closed area.

This was a reasonable compromise to be able to put it on the deck rather than detach it, so we thought, okay, put it on the deck means at least the doors have to be on the deck. What we didn’t do is go even further in the administrative record and see more discussion on this; and Mr. Haymans at a previous meeting talked about the gear actually being in the rigging and the doors don’t have to be taken off.

Most of the discussion for this particular transit alternative was focused on VMS; will we require a higher increased signal rate to make sure that nobody is fishing when they cross it. What does

transit mean; those kinds of things. There wasn't a lot of discussion about what it meant to have gear out of the water.

However, there was a lot of discussion at the AP meeting. The fishermen were quite clear that given the location of the area – and it is pretty rough water – it wouldn't really be safe for them to stow their gear in this manner on the deck. This was a mistake that we made at the Regional Office. I will take responsibility for that; and I am sorry about that.

We think it is a misunderstanding and we're looking at correcting the rule. The idea is to put another rule out that corrects what you all meant by gear out of the water and to also correct those three coordinates that are slightly off; and I think that happened through – I can't recall how that happened, but it was just a calculation error.

But because we have some discussion in the administrative record about that it was a compromise to have the gear on the deck, but we have a lot more of the administrative record saying we really mean for the gear to just be out of the water; I thought it was appropriate since this meeting fell right after the final rule went into effect, to have you all discuss on the record briefly what it is exactly you meant.

I think I know what you meant, and I think that was just what you said, which is the gear out of the water; but if you could have some discussion on this, I think it would be helpful for us to develop the rule and hopefully get it published in the Federal Register to correct this.

MR. HAYMANS: Yes; and I will start since that was my comment, that one sentence about being on the deck. But, certainly, if you follow through that two pages or so, we mentioned several times that the intent was not to have the same definition of stowed as previously used; that the doors would remain in the rigging.

I think if we talked to most of these shrimpers, the doors are at the extent of the outriggers for balance and safety concerns. I guess they can be or have been stored on deck in the past, but remained in the rigging, but that is not what we needed to try to capture. The most important point was that they aren't stowed below deck; that they remain in the rigging as long as they are out of the water. I think sort of getting all that in got confusing. What I read in the rest of the September and previous meetings was it wasn't to be the same definition as we had previously used.

MS. SMIT-BRUNELLO: Just to make that point clear; there were three alternatives for transit with the gear stowage. One was no action, meaning they can't transit with rock shrimp on board their vessel. The second one had a very specific meaning; gear out of the water would be as it is in this other certain regulation, which means it is detached.

That was where the focus of the discussion was; should the gear be detached or not detached, which it could be on deck I guess and not be detached. Anyway, if you would just have a little bit more discussion on whether you ever meant that it was required to be on the deck; I think that would be helpful.

MR. HAYMANS: I did not mean for a requirement that it is on the deck. Does anybody else want to build on that?

DR. LANEY: Monica, does it clarify things if it said – I mean the term I always hear used and this is what we used when we were transiting from one station to another on the research vessels is doors at the block. To me that is a little more clear. I see Tony agreeing with me. If you say “doors at the block”; that means they are in the rigging.

But riggings vary from one vessel to another; so if they are at the block the gear is not, well, it is deployable but it is positioned so it is safer for the vessel to be transiting from one point to another. I guess it depends again on the rigging, Tony, as to whether the cod end is actually on the deck.

In some cases the cod end will be on the deck but everything else is still in the rigging, so to speak. But if you say “doors at the block”, to me that makes it pretty clear that the gear has been retrieved and it is set and it is not deployed, which is the whole point. We want to avoid it being deployed while they are under transit I guess; so if that clarifies things, maybe that is the language we could use.

MR. CONKLIN: I agree; I think “at the block” would be a great way to sum it up.

MR. BELL: Yes, I was just trying to define terminology so at the block, then the doors are out at the block on the outrigger”?

DR. LANEY: Yes, they are at the block and they are usually tied off so they are not swinging around like crazy. You pull the door into the block and then you have a line from the door to a cleat somewhere, so your doors are not swinging back and forth, they are tied off.

MS. SMIT-BRUNELLO: If that is what you want to do, the only caveat I have for that is that I’ll go through the administrative record that existed when the final rule was published to see whether you all discussed or the AP discussed having it at the block. If they did not discuss having it at the block, then I think it may complicate things more as opposed to just having the gear out of the water at this point.

MR. HAYMANS: Plus “at the block” may limit their options.

DR. LANEY: To follow up – and I’ll defer to Tony and those of you who are working commercial fishermen around the table – but to me if the doors are at the block; then if you want it out of the water, you may have to go one extra step and pull the cod end up on the deck to get the whole net out of the water.

I guess technically you could have the doors at the block with the net streaming, so it is still actually in the water but it is not fishing. It is a question of semantics as to whether the door is out of the block; or again it depends on the rigging as to whether doors out of the block means the whole gear is out of the water or not.

MR. PHILLIPS: I think our discussion was doors in the rigging. I shrimp fished for a lot of years. My doors were in the rigging or they were on the deck or they were in the racks or the door racks. I think we’ve already specified the webbing has to be out of the water, which generally means it is jacked up tight to the boon blocks. But we did talk about being in the

rigging, and I think it is pretty clear everybody understood in the rigging is on the end of the outriggers. You can be specific and say it is at the block, but we didn't talk about it that way; but we did use rigging and we did mean doors on the end of the outriggers in the rigging.

DR. CRABTREE: I wouldn't get too wound into trying to tweak the language now. I think the general intent is what we're after here. I've looked through this record pretty carefully, and it is clear to me that our intent was doors in the rigging, nets out of the water. They are going to have the nets hauled up high, because they are not going to transit with their gear in the water. I think that is our intent, exactly how they phrase it, I wouldn't get too wound up in it; but I am convinced that is what we meant.

There isn't much in the record, but the AP meeting I think is compelling that is what they meant. I've talked to enough shrimpers about this that you get out on that side in the Gulf Stream and weather and trying to put the doors in the racks on the deck is a safety-at-sea problem and that we need to change it. I think what would be good here is a motion just clarifying that your intent was doors out of the water and not doors on the deck. That way the record will be clear.

MR. DiLERNIA: Your shrimp nets go right to the doors, don't they? Do you have leads that come off the doors to the wings of the net? You do? From my experience, when I towed yellowtails and when I ran the research vessel, we would just put the doors in the racks when we had to move or just tie them up.

You couldn't put that stuff in the water right away. Also you're moving at 5, 6, 7 knots; you are transiting, you are not towing, you're not going at a towing speed. I think Mr. Crabtree had a suggestion, which is good. In the racks or at the blocks, it would basically be the same thing; the doors are not available for fishing.

MS. McCAWLEY: I might need some help from council staff; but for Coral Amendment 8 the wording for the gear stowage would be doors in the rigging, nets out of the water.

MR. HAYMANS: Were we looking for a motion for specific wording or simply to make sure that we knew what our intent was? That is almost specific wording there.

MS. SMIT-BRUNELLO: I think it would be helpful if you told me whether your intent was that the gear was out of the water or whether you agreed with the rule that was published that it was out of the water and on board the deck or below the deck. If I could have a motion to that effect; I think that would be great.

DR. CRABTREE: I would just recommend tweaking that to say to have the doors out of the water. If they want to put the doors on the deck and put them in the racks, that is fine, but that is not then in the rigging; but our intent was that the doors are out of the water.

MS. SMIT-BRUNELLO: And the nets.

DR. CRABTREE: And the nets are going to be out of the water, which is already in there. I think that gets us where we need to be. That way it can be in the rigging; they can put it on the deck. Either way is fine.

MS. McCAWLEY: Yes, I'm good with that.

MR. HAYMANS: A second by Wilson. Any additional discussion? Monica, does that take care of what we need?

MS. SMIT-BRUNELLO: I think it does. It wasn't just the AP meeting. Anna Martin was still here and she brought up on the record the AP discussion; but you had all those AP minutes in front of you, and that is what precipitated some of the discussion about the area not being that wide, the extension. It would be somewhat problematic for them I think to take even further action out there in pretty choppy water and all that; and also the fact that they would be going 5 knots and they have VMS on board the vessel will also show that they weren't stopping to fish.

MR. HAYMANS: All very good points, thank you. Any additional conversation on the record? **The motion is for Coral Amendment 8; the intent was to have the doors and nets out of the water. Any opposition? Seeing none; that motion carries.** Chip, anything else on Coral 8?

MS. McCAWLEY: I would like to talk about the VMS units. I think there is a person from NOAA Law Enforcement that is going to be here tomorrow for the Law Enforcement Committee that might could answer some more questions. It is my understanding that the VMS units on all of these boats are not able to ping at the required rate as was originally indicated that they could.

If I understand it correctly, NOAA Law Enforcement is still trying to get to the bottom of that; but I do have some concerns now. It seems that it might be because of the number of waypoints that the VMS can't handle that. I am not sure if we have any more information on this right now.

MR. HAYMANS: Mel, could we bring that up tomorrow when your LE guy is here during your committee?

MR. BELL: Yes, we've got a pretty light load, so, sure.

MS. McCAWLEY: What is the timing for the correction that we just made with that motion?

MS. SMIT-BRUNELLO: Well, we're going to try to get it done as quickly as possible. We also have to work with the Department of Commerce General Counsel, so we've got some things drafted that I've already reviewed and we're putting a package together. We're going to try to get that done as quickly as possible. The ideal would be to waive notice and comment and so we'll do our best to get that done. I will let you know as soon as it publishes.

MS. McCAWLEY: The reason I was asking is because I believe that the fishermen move offshore this month, so that was why I was wondering how soon it could be put through.

MR. HAYMANS: We don't have an LE representative here; do we? I would assume there would be selective enforcement of that rule during this time if they are offshore, right? There is not going to be a case brought.

DR. CRABTREE: Well, we'll deal with that when we get there. Right now the issue is whether this rule is going to have to go out for notice and comment or whether we can wave that. That

makes a big difference in how long it will take. Step one is to answer that question; then we'll go from there.

MR. HARTIG: Tying up loose ends; does this council have to do anything about the coordinates?

DR. CRABTREE: No, I don't believe so. That is clear that three of them need to be changed a little bit, so I don't think there are any issues with that.

MS. SMIT-BRUNELLO: Unless he is talking about Jessica's thing.

DR. CRABTREE: Unless you are talking about with respect to the pinging rates.

MR. HARTIG: No, it was just the coordinates that were just a hair off.

MR. HAYMANS: Chip, is there any other business?

MR. COLLIER: I don't think so.

MR. HAYMANS: Seeing none; Mr. Chairman that concludes the business of the Habitat Protection Ecosystem-Based Management Committee.

(Whereupon, the meeting was adjourned at 2:20 o'clock p.m., September 14, 2015.)

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**South Atlantic Fishery Management Council -
September 2015 Council Meeting
Hilton Head Island, SC**

Date: Monday, September 14, 2015

Committee: Habitat & Ecosystem-Based Management

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Lora clarka	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input checked="" type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other <i>Describe</i>

MONDAY SEPT 14, 2015

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