SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

HABITAT & ENVIRONMENTAL PROTECTION COMMITTEE

Charleston Marriott Hotel
Charleston, South Carolina

September 18, 2014

SUMMARY MINUTES

Habitat & Environmental Protection Committee

Wilson Laney, Chair
Chris Conklin
Doug Haymans
Charlie Phillips
Anna Beckwith
Lt. Morgan Fowler
Chester Brewer

Council Members:

Ben Hartig
Zack Bowen
Dr. Roy Crabtree
Dr. Michelle Duval
Mel Bell
Jack Cox
Mark Brown
Jessica McCawley

Council Staff:

Bob Mahood
Roger Pugliese
Julia Byrd
Dr. Mike Errigo
Myra Brouwer
Julie O'Dell
Dr. Brian Cheuvront
Gregg Waugh
Mike Collins
Dr. Kari MacLauchlin
Amber Von Harten
John Carmichael
Chip Collier

Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Pres Pate
Jeff Radonski
Pace Wilber
Kevin Anson
Phil Steele
Scott Sandorf
Mike Merrifield

Additional Attendees Attached

The Habitat and Environmental Protection Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, September 18, 2014, and was called to order at 1:00 o'clock p.m. by Chairman Wilson Laney.

DR. LANEY: Let's go ahead and get started here. I would note since our minutes are joint between the Habitat Committee and the Ecosystem-Based Management Committee, then Chris and Michelle and Jessica should pay attention during the minutes' part as well since you are on the committee, too.

With regard to the agenda, I know we have a couple of extra items. Roger has requested that we add in an item on the request to the Southeast Fisheries Science Center with regard to Northern Oculina Section Information. I think Chip is going to address that; so if you would put that in between Items 3 and 4. Then I have one tiny information item under other business with regard to the Milburnie Dam potential removal on the Neuse River in North Carolina. Is there anything else that anyone wishes to the agenda? Chester.

MR. BREWER: I noticed that already on the agenda you've got the widening "improvement" project down at Miami. There is sort of a similar problem that is occurring at the Port of Palm Beach; and with your indulgence maybe I can touch on that and bring it to committee's attention.

DR. LANEY: Okay, Chester; we'll add the Port of Palm Beach under other business. Okay, are there any other additions to the agenda? Seeing none; I presume we will approve the agenda as amended. The second item is the approval of the June 9, 2014, minutes of the Joint Habitat and Environmental Protection and Ecosystem-Based Management Committees.

Does anybody have any changes, comments, et cetera on the transcript of that meeting? Seeing none; is there any objection to approval of the minutes? Seeing none; the minutes will stand approved. That moves us to Item 3, status of Coral Amendment 8; and, Phil, are you going to do that?

MR. STEELE: The actions in Coral Amendment 8 include the expansion of the northern and western boundaries of the Oculina Bank HAPC; expansion of the Stetson-Miami Terrace and Cape Lookout Coral HAPC; and establishment of a transit provision through the Oculina HAPC for vessels with rock shrimp aboard.

The council approved the amendment for secretarial review during their September 2013 meeting. The Notice of Availability for the amendment published in the Federal Register on May 20th. We typically have a 60-day comment period on these; so the comment period ended July 21st. The proposal rule published in the Federal Register on June 3rd with the comment period ending July 3rd. Right now the final rule is currently under review in GC Southeast. That completes my report, sir.

DR. LANEY: Are there any questions for Phil on that report? Monica.

MS. STEELE: Just one quick thing; and the amendment was approved. I'm not asking; I'm saying. I know that sounded like a question. The amendment was approved on August 20th or something like that. You were sent a letter.

DR. LANEY: Yes, ma'am, I think we have that in our package. That is the letter dated August 20, 2014, from Dr. Crabtree to Mr. Hartig. Okay, any other questions or comments on that? All right, moving on, then, to the item that we inserted here, Roger, I'll let you and Chip take that one away.

MR. PUGLIESE: Yes, just quickly in response to the council discussion at the last meeting, there was a request to request the Southeast Fisheries Center provide information associated with the Oculina Bank Northern Area specifically. We've received the response from the Center and Chip is going to get into I think the economics and observer information; and I will touch on some of the VMS, too.

MR. COLLIER: As far as the economic data; that wasn't updated. The most recent stuff just went through 2011. They sent us reports from 2009, 2010 and 2011 on the economic. The observer work; unfortunately, the rock shrimp trips have very few observers that have been placed on the vessels.

From 2008 to 2013 there were ten trips. There were I believe six trips between 2008 and 2010 and then four trips in 2013. It is very spotty data. There were over 200 tows that were observed; so they did observe quite a few tows. In the area that is proposed to be closed, there was only one data point that ended up within the closed area; and that was listed in Amendment 8; and that was a tenth of a kilometer in there.

There were some questions about the algae that is in the southern part of the area for rock shrimp. Right now NMFS has no information on that. That was suggested in the Oculina Evaluation Team as a potential area of research; so that could potentially be looked at in that or through some of those research plans.

The detailed mapping to the northern extension; basically they had that information from June 2011 from the Pisces. That was presented to the South Atlantic Council in 2013. If needed, that can be re-summarized and given back to the council if they would like to have that. I think that's all I have, Roger.

MR. PUGLIESE: Yes; and just as one of the other follow-ups, I worked directly with Carlos Rivera at the Southeast Fisheries Science Center. We've worked in the past on all our activities relative to vessel monitoring system. They did provide a Maurice and Shape File on over two million points of the entire activities in the area with vessels with the rock shrimp permits and really in the first opportunity to begin looking at some of that data.

It looks as if at least most of the activity again still is not within the existing HAPC, which was just approved in the northern area; so there still is the significance in the large lion's share of the entire fishery is operating outside the bounds of what is now the extended and overall HAPC.

We haven't had a chance to get into the real kind of nuts and bolts of that stuff, but that's where we stand.

DR. LANEY: Okay, I will just say briefly that I did follow up on the potential water quality issue that the fishermen had brought to our attention. I did contact my contacts in EPA in the Southeast Regional Office in Atlanta and got the appropriate contact person's name and provided that information to Mike Merrifield and indicated that hopefully EPA and the fishermen will get together.

Mike did tell me just a short while ago that there is supposed to be some additional work and some transects are supposed to be run out there; and he will get in touch with the folks that were going to do that work and see if it has been done and hopefully provide that information back to us. Charlie.

MR. PHILLIPS: Mr. Chairman, just a couple of questions. I guess part of the reason we were looking at the area in that northern zone is because those rock shrimp guys are telling us how important it was to drag in there; but so far we haven't been able to get a better handle on the value from you have. I know Mike showed me kind of breakdown; but their trips are longer. I was hoping some of those observer trips were in the edge of the area, but could you tell me a little bit more about just what the observer trips, even the stuff out of the area, saw?

MR. COLLIER: As far as bycatch; I think rock shrimp accounted for between 30 and 40 percent of the catch. Some of the species that were identified on there are very similar to what you see in the penaeid shrimp fishery. I was very surprised by that, but it was pretty similar. In the report we got there was also seven red snapper that were caught. There were two loggerheads and one sawfish that pop out as things of importance.

MR. PHILLIPS: Was there any difference between, say, the inshore tracks and the offshore tracks, the deeper water tracks, because I think some of the rock shrimp people tell me there is a difference in what they catch inshore and offshore. I'll let you characterize it if you can.

MR. COLLIER: It hasn't been characterized in that kind of detail. If you guys would like something like that completed, we can definitely ask for it to be completed. Just let us know what kind of detail you want; but once again we're talking about ten trips. There could be some correlation between trips and samples and different things like that. It is always good to have more observer coverage; but these guys are going out for a long time and so you're taking a lot of observes from the shrimp – I believe they get lumped in with the overall shrimp observer program.

MR. PHILLIPS: And I'm trying to figure out how to run the rabbit and not drop the ball here, because I don't think we've really finished a good analysis on what we may – and, of course, that's because nobody knows where the rock shrimp are going to be or much less anything else year to year.

I don't want to drop the ball and I want to get an analysis as much as we can of maybe you can go back and take some trip tickets and match them with some VMS data to see – and work with

Mike and found out what kind of value that we're really getting from that area. I would like to see that analysis or whatever you could do of it in December so we really can get a handle on do we want to go through the effort to try to open this little piece of bottom up or not. Can we get that kind of analysis or something close to it that we can get a better handle on, Roger?

MR. PUGLIESE: I raised it when we had this raised the last time that we had requested very specifically that type of information formally from the chairman and two or three times in the process of looking at this fine resolution; and we were given a very specific response that they could not provide catch-by-trip information associated with the areas that are concerned.

I'm not sure where else we can pull some of this; because depending on if you look at some of the trip ticket information, depending on if it was reported through the dealer or if it was reported for a trip where they may have been fishing both inshore and offshore, I'm not sure how far you go. We've never had any of that kind of detailed any catch associated with individual trips provided in the past.

MR. PHILLIPS: Well, let's say industry will give you their trip tickets,; you should be able to match it up with the dates on the VMS. I wouldn't think that would be that hard. They've got some values. If industry is willing to step forward and give you enough information where we can get some kind of characterization of what is going on in that area; could we run some kind of analysis then?

MR. PUGLIESE: I would assume if we actually get it – and like I said; I tried to get some of that detail. I think part of the problem is the fact of how fine a resolution talking about some of these. Industry has not provided it to date yet; but we can look and see if there are other ways to look at the type area – I think what you're going to probably predominantly find is that while you may have production in that area pop out as fairly significant, it is going to be pretty hard to look at – we're talking about a fairly small swath there.

As part of that, I think discussion that we also had about what the implications of some those edge habitats are as significant; that might be a counterpart that really needs to be part of that discussion. It has been built in the past; it is in the record, but those are kind of two pieces of the puzzle that if we had more information we could get there. We will do what we can with whatever we're provided.

MR. PHILLIPS: And I'm going to wind up with this; all this being said and done, I would like to make a motion that we try to get an analysis of whatever data that we can put together by December so we can look and see if we need to proceed with this or stop. Let's see what we can get by December, work with industry; if there is anything else we can get from the science center, get it; and let's look at in December and then we can decide whether it is worth going forward with or we need to stop. I would make a motion that we get an analysis.

DR. LANEY: Well, do we need a motion on that or could that just be direction to staff?

MR. PUGLIESE: That is clear to me.

DR. LANEY: I think that's pretty crystal clear; so I don't know that we need a motion on it unless somebody else things we do. Chris.

MR. CONKLIN: I was just curious. I remember looking through my notes from the June meeting there was a comment period for the industry to bring stuff forward and I think it ended on July 3rd. Some of the industry people in the crowd were saying that they had some more observer data that may not have been brought to the table. I'm just interested to see if they brought any new information forward or any new information has been able to get added to the bycatch reports and stuff like that.

DR. LANEY: Okay, if it is appropriate I would ask, Mike, do you want to respond to that question from Chris?

MR. MERRIFIELD: I do recall and I have talked to captains that have said they've had observers in particular in some of that area. Just talking with Chip before the meeting, he said that there was just a small amount that really accounted for that area that will be closed with Coral Amendment 8. I don't know how much there was for that particular area as a whole.

I think when you're looking at that area and you talk about what is in and what is out of the new boundaries that are going to go into place; there is some impact. Just talking with the fishermen from the last time when they were talking about if you – basically, it is kind of somewhat like herding; and if you herd those shrimp out and pushes them to an area where they can be harvested, that is kind of what they'll do. The area as a whole becomes important. However, where that boundary lies certainly has an impact on the productivity of the area.

MR. CONKLIN: I just remember some of the concerns that were brought forward involving the bycatch of some of the deeper water snapper and grouper species on the other side of that area there; and there was a woman – and I didn't get her name; but she specifically – and other people saying, you know, we've never caught that; and we have people that have been there and they have seen it and we're going to bring it forward. I just want to know if any of that has been documented.

MR. MERRIFIELD: And I agree; I would love to see that specific data because everything that I've been told is that – and I have not fished that area, so everything that I've been told is that the offshore side has less bycatch than – obviously, the more offshore you go, the less bycatch there is going to be. The biomass diffuses over the depth.

DR. LANEY: Well, it seems to me the point we're at here, the ball is kind of in the court of the fishermen; so Mike can take that message back to the Deepwater AP folks that if they have additional information, Charlie has asked that it be put on the table and staff can then work to analyze that information and bring us something back at the December meeting. Does that sound good to everyone? Okay, Mike, one last comment.

MR. MERRIFIELD: One last comment; and I was asked prior to I believe it was the last meeting or maybe it was the one before that to provide data and I collected all the trip ticket information and put that data together and put numbers that I thought were best representative of

catch landings that were made in that area during a specific point in time. I gave that information to staff so they should have that. It probably needs to be further refined; but when I was given that request, I produce that data for staff.

MR. CONKLIN: I was speaking more specifically to the University of Georgia Observer Program I believe we had talked about.

DR. LANEY: Yes, you're right, I remember that we did talk about that.

MR. CONKLIN: I was just wondering if anything ever came of that.

DR. LANEY: Not to my knowledge. Roger, did we know who those folks were and have we gotten in touch with the folks at the University of Georgia; or, Doug, do you know anything about that? It sounds like we still need to follow up on that, Chris. You don't have a name that you can give us for a contact person there?

MR. CONKLIN: I don't.

DR. LANEY: Okay, we'll try and follow up on that. All right, I think that completes that item and we'll move on to Item Number 5, Essential Fish Habitat, and Roger.

MR. PUGLIESE: Yes, I wanted to open up with the issue that had been raised about Miami Harbor deepening in response to just our overall mandates on making sure that we're following EFH and EFH-HAPC impacts in our collaboration with the Southeast Center and the Southeast Region meeting the mandates and how they're proceeding with the activities.

This was raised as an issue to at least maybe get the council up to speed on where things may be moving and it really had to do with kind of the initial impetus is some of the potential impacts that may have occurred as part of an ongoing activity with new dredging proposed. That set the stage for at least a consideration of what the implications are for council-managed species; and with that I followed up with Pace to provide a general summary about what the conditions is to get the council at least up to speed on what the issues may be in this situation. Pace Wilber is here with the Habitat Conservation Division to provide that.

DR. WILBER: Okay, as Roger noted, the Habitat and Environmental Protection Committee asked for a short briefing on the status of the Miami Harbor Dredging Project so that the committee could make a recommendation to the council as to whether the council should pursue under its EFH authorities making some recommendations to the Army Corps of Engineers on how to proceed with the project.

Just to quickly get you oriented; this is an image from Google Earth. It was dated January of 2014 on Google Earth. It shows the location of the dredging. With respect to the opening of Miami Harbor or Government Cut; it is about one mile from the center of Government Cut out to the dredge itself.

This is Dredge Texas and it operates by cutter head and removing material that then gets pumped to what is called the spider barge; and hopper barges rotate in and out of the spider barges area. They are filled up with dredge material and then a tug then takes the hopper dredge out to the ocean disposal site for disposal. Then the empty hopper dredge returns back to the spider barge and takes the next load of material out.

You can roughly see the federal navigation channel by the changes in the color of the water and that this area right here is basically a little elbow or dogleg in the channel; and then it goes off to the northeast. While the turbidity monitoring for the project has generally shown it to be meeting state water quality standards; soon after the dredging began, various groups started noting sedimentation of corals in and around the dredge work area.

Some of those reports made it into the newspaper; some made it directly to NOAA Fisheries; some to the Army Corps of Engineers; some to Florida DEP; and others. Right now these observations are continuing; and we're in the process of sort of digesting and mapping them all out and really and truly trying to understand what happened and what observations out there truly can be connected to the dredging operations.

This slide here basically gives a quick overview. This is the dredging area. This is that sort dogleg or elbow in the middle of the channel that we saw in the previous image. These various locations around here show pictures that correspond to what is shown on the map. They basically show, as in this picture here, a coral that has been covered with a fair amount of sediment and probably was completely buried at one point and now maybe had some of the top sediments winnowed off.

Over here some boulders that were dredged up from the channel that were used to create an artificial reef were kind of dropped in an area where there already was corals and probably are the cause of some of the monastery or fragments that were observed in this particular area. Now, as I mentioned, much of these observations were collected by recreational divers and NGOs that were interested in monitoring this particular project.

As you may have read in the newspaper, this has kind of escalated to the point where the Biscayne Bay Water Keeper as the lead representing a sort of consortium of NGOs has filed a notice that it may sue the U.S. Army Corps of Engineers for violations under the Endangered Species Act and under the Florida DEP's permit.

These are sort of a summary of the observations that have been collected to date. Large areas seem to be covered with dredge material at a depth of one to fourteen centimeters. Folks that have used various published stress indices of coral health, as well as their own indices of coral health, have done observations and have been recording those and are generally reporting high values of stress to the corals that are seen.

The actual area that is impacted is still something that is under investigation. Trying to map a large area out in the ocean when you don't really know exactly how large and exactly where it is turns the mapping into an iterative task; so of the initial survey results are talking about impacts

on the order of 30 acres of coral and hard-bottom habitat, but those numbers need to be looked at more carefully. There are surveys underway to get more careful measurements of that.

Some of the measurement observations that have been reported is that think veneers of fine sediments seem to be correlated with observed cyanobacterial blooms out in this area and also cyanobacterial blooms on top of sea fans. Sponges appear to be detached because of heavy sediment cover at the base where they adhere to each of hard bottom; and the survival of scleractinian corals and octocorals, especially the smaller ones, seems to be pretty low.

There is still hopeful observations that some of the larger corals and octocorals may survive some of this coverage; but this is all going to have to be discovered through an ongoing and somewhat long-term monitoring program. I don't have a slide on what is going on under the Endangered Species Act since that really isn't the focus of this particular committee; but I will note that the Army Corps of Engineers is working diligently with the Florida Department of Environmental Protection, the Southeast Fisheries Science Center, the NOAA Restoration Center and the Southeast Region of NOAA Fisheries to come up with efficient protocols for relocating corals that may still be out there but salvageable; relocating corals that may be under stress from future dredging events; and also to begin to fully scope and quantify the impacts that are out there so that appropriate mitigation can be done for those species.

On the EFH side, the major question before us is whether or not the Corps of Engineers is to going reinitiate essential fish habitat consultation. The EFH consultation for this project was completed in 2004 with an idea that the total impact acreage was somewhere around four acres of coral and hard bottom.

As better information became available, particularly as you entered into the Florida DEP permitting process, that number rose to something around seven acres of impact; and now in some of the numbers that we've seen in these initial surveys we're maybe talking about thirty acres of impact.

Clearly, the new information is consistent with what you would expect the Corps to reinitiate EFH consultation on. Right now the Corps is very busy under the Endangered Species Act trying to protect what is still out there, salvage what is still out there so that we don't really know yet if they're going to reinitiate consultation with us.

However, if they opt not to initiate consultation; under the EFH regulations we can unilaterally start EFH consultation and issue them new conservation recommendations. The second bullet is another quote from the regulations that says the council essentially has the same kind of option available to it. That's really what Roger wanted is to sort of kick off the discussion within this committee and potentially make a recommendation to the council to make. That's the end of my presentation.

DR. LANEY: So just one additional tag on there is I did talk to Pace earlier about this and asked him if any of the newly listed corals occur in the area affected by the project and the answer was in the affirmative. I guess we don't have any quantification of that yet. I guess I would ask at this point, Roger, if you have advice from staff to the committee for us to consider.

MR. PUGLIESE: Yes, at this stage I think, especially with the consideration that they may have to be addressing new additional ESA issues; it is probably going to be smart to try to figure out exactly where this is going to fall.

They seem to be pretty much on top of trying to address the initial and this is going to add some additional very close review of that; and it already sounds like NOAA Fisheries is closely coordinating with the Corps and with FDEP to ensure that the maximum can be done.

At this stage I think as long as we're continuing close coordination and review, hopefully that is going to provide what needs to be done. I guess the real issue is we don't know where the ESA discussions are going to end up; so it may be premature to comment and get too far ahead of the process at this stage; but if there are any other thoughts that either Pace of Jessica may have in terms of the state's position on something like this.

MR. HARTIG: Pace, did this project have any mitigation measures already involved?

DR. WILBER: Yes, it did. It had both avoidance and minimization measures and best management practices as one side of the mitigation coin; and it also had compensatory mitigation to replace habitat that at the time appeared to be unavoidably headed for destruction.

DR. LANEY: And it sounds like, Ben, that some of the mitigative measures included the placement of those boulders which inadvertently got dropped on top of the existing coral, I guess. Doug.

MR. HAYMANS: Just following up; was there any indication that they were violating any of those BMPs?

DR. WILBER: Most of those BMPs were under the state of Florida permit; so someone from the state of Florida really should answer that question. I can tell you I've looked at much of the turbidity reporting; and there were no violations in the turbidity data that I saw.

MR. BELL: Mr. Chairman, I'm not on your committee but just a question. From a technological standpoint, how do you avoid that? We talked about best management practices and if they're following best management practices; is there something better? How do you avoid that or is there any way to avoid it?

DR. LANEY: Well, I'll let Pace respond; but turbidity curtains I know have been used in other areas. I don't know whether those would be effective or not. Pace.

DR. WILBER: This is my personal speculation; but one problem the Corps has in almost any dredging project is that it has a finite number of samples it uses to characterize the sediment to be dredged. The cumulative area of these samples is a micro percent of the actual area to be dredged. I mean just imagine a whole bunch of six-inch kind of cores; but you're dredging hundreds and hundreds of acres.

Sometimes those cores just are not great predictors of what the sediment is going to be. I mean we have seen that here in Folly Beach, if you're familiar with that; so the sediment itself is siltier than anticipated. Then the other issue, too, is the currents in the vicinity of the dredge at the time of the dredging.

Generalizations about net current transport goes from north to south in this area; but it doesn't mean everyday it is north to south. There are days when it is south to north; and in fact many of the additional impacts that had been reported are north of the channel where on a super generalization level you would not expect to see any impact because the net transport is not in that direction; so better current measurements and at a finer scale.

MR. BELL: Just as we kind of deal with the dredging around here, you know, related to when we know turtles are here and when turtles aren't there; so like with currents, could you establish – it is almost like watching the wind; can you deal with the currents on a real-time basis and then – and it is an operational constraint, but is that practical? Can you like not today or not right now; is that even practical?

DR. WILBER: I think the standard answer to that would be, no, it is not practical because you can't shut down the equipment and mobilize it and demobilize it at that speed without significantly impacting project cost. I will say that there are exceptions to every generalization; and you can see large dredging projects that on a seasonal basis or a monthly basis can move the equipment to do the inshore part of the work and offshore when the offshore climate is better for that kind of work. Now, whether that would work for Miami or any project in Southeast Florida would take some additional scrutiny.

DR. DUVAL: Pace, thanks for the presentation. I apologize if I missed this earlier; but what is the length of the project in terms of a length of time? This is a pretty big deepening project.

DR. WILBER: My recollection is the project is broken up into phases and contracted separately and that the offshore phase is an 18-month phase; and they're actually kind of coming close to the close of that.

DR. LANEY: Okay, other questions for Dr. Wilber or for Roger? Okay, Chester.

MR. BREWER: Would this be an appropriate time for me to talk about what is going on with the Palm Beach Inlet or just wait until it would be other business?

DR. LANEY: Well, since we're on the topic and unless there is an objection from somebody on the committee – and I don't see any – yes, go ahead and jump in there since it is also another potential dredging project and it is certainly related, I guess.

MR. BREWER: First of all, I won't be able to use a lot of scientific terms because I don't know them. This will be an off-the-top-of-my-head layman's presentation. The Army Corps has another dredging project that has not started yet. It is at the Palm Beach Inlet, Port of Palm Beach. For those of you who do not know, this inlet is the closest inlet to the Gulf Stream along the east coast of the United States.

The water that flows into this inlet is crystal clear. The inlet is in my estimation, because I snook fish, is essential fish habitat. One of the largest spawning aggregations for snook takes place in that inlet. You can sit on a boat and you can look in the water and see the snook piled up like cordwood during spawning season.

The Port of Palm Beach itself is a relatively small port. It does not have a big land-side footprint. The Port Authority would – and we don't know whether the panamax things are involved in this at all; but the Port Authority is of the opinion essentially that if we build it, they will come.

There are no planned additional tenants for the port. In fact, the largest tenant at the port is Florida Crystals, a sugar company. They've already said we don't need to have this expansion or this additional widening of the inlet done. What is planned would be to dynamite the bottom of the inlet to deepen it I think it is eight feet, but I could be wrong on that – to widen the turning basin. The turning basin right now is relatively small.

They would be cutting into sea grasses. The sea grasses there now are very important to the lagoon because much of the lagoon, because of the runoff from Lake Okeechobee that everybody knows so much about has turned – the turbidity in most of the lagoon is not good. The area where the sea grasses are growing right now, however, are close to the inside of the inlet. Because they get a tremendous flushing action there with the really nice, clear water from the Gulf, the turbidity is not there and the sea grass can grow.

There has been "planned" mitigation for the Corps for the taking of these sea grass areas; and we're talking acres and acres. Really, it can't work because in the rest of the lagoon you're not getting enough light down to the bottom for the sea grass to grow. The area that is planned for expansion also is very important to the manatee during the winter months.

There is a Florida Power and Light Plant there that has got warm water outflows. The area immediately to the north is bounded by what is known as the Blue Heron Bridge, which has become a destination – this is the craziest thing you can imagine, but it has become a destination diving spot for tropical fish; and people come from around the country to dive on the pilings of this bridge because of the somewhat unique fish that are found there.

It has been a matter of great concern. As I said, the project has not started yet. There has been an awful lot of local resistance. The town of Palm Beach has officially weighed in. The West Palm Beach Fishing Club has officially weighed in and a number of NGOs have officially weighed in on it.

It is highly controversial. In my personal opinion it is not needed. If they blow the bottom of that inlet up, you're going to be taking away the habitat that right now is used for a very important aggregation of snook. I would not presume to ask this council to react or do something based upon what I'm talking today.

I'm a layman; but I would suggest that we might want to invite someone to come talk to us that knows a lot more about it than me. Maybe after that, the council could decide or we could

decide that we would like to take some action. Like I said, this hasn't started yet; this is not like the Miami Project. This is something that has not started yet; but it poses great potential for harm. Thank you.

DR. LANEY: Thank you, Chester; a very interesting presentation there. Let's deal with the Miami one first. What I heard in terms of staff advice on the Miami Project is we wait and see how the ESA analysis turns out on that. I know that Dr. Wilber will keep staff well informed; and if at such point in the future it would be appropriate and/or advisable for the council to send a letter to the Corps of Engineers, that is an action that we certainly could take if staff so advises,

I think. Does that sound like a way to proceed on the Miami Issue? Okay, I see heads nodding in assent. What is your pleasure with regard to the Port of Palm Beach? Do we want to gather additional information on that and then solicit a recommendation from staff about how to proceed? Dr. Duval.

DR. DUVAL: Just a quick question for Chester; so, Chester, do you know when the project will start? I know you said it hasn't started yet and I apologize if I missed a start date.

MR. BREWER: My understanding is they're still in the permitting stages right now. If I had known that I was going to do this, I would have been a lot more prepared to answer questions. All I can tell you is it has not started yet. It has met with resistance particularly from the town of Palm Beach.

Where I live if there is somebody that you don't want to mess with; it is the town of Palm Beach, because you have got an awful lot of very wealthy people there who make an awful lot of political contributions, Republican and Democrat. They are fighting it tooth and nail. I know that we are concerned with essential fish habitat. Like I said, if you're a snook fisherman, this is essential fish habitat. I would only suggest that maybe at the next meeting somebody could be prepared that would be more knowledgeable than I to make a presentation.

DR. DUVAL: Just to follow-up, so I guess my next question would be for Roger since I don't remember all the EFH designations we have off the top of our head if there is one that applies in this geographic area.

MR. PUGLIESE: We have ones that cover inlets and virtually every one of the sea grass and other associated habitats in the area. I think what is probably the best thing to do is take advantage of the expertise we do have and request our Florida Subpanel provide an overview. We're going to be meeting – that is the last point I was going to make is our AP meeting is coming up in November.

We're going to looking at policy statements, one of which is beach renourishment and large-scale dredging; so that could a request for at least the summarization of the condition. We have representatives from Florida and from the agency as well as others; so hopefully we can get something that then can be brought to the council for clarification. Pace may follow up further on NMFS activities.

DR. WILBER: Because snook isn't managed by the council, it doesn't have EFH; but snook is identified under the Clean Water Act as an aquatic resource of national importance, or an ARNI, which has significance on the federal permitting process.

DR. LANEY: And it is likely I think, Chester, that the area will be EFH in all probability for other council-managed species even though snook is not of those. Mel.

MR. BELL: Just a strange thought here; so, Chester, related to if West Palm doesn't want it – or if it is not wanted, whoever has jurisdiction over zoning down there; it is an interesting tactic but could properties be rezoned or something so it is not desirable for that particular type of – you know, what is going to come in. It is a different strategy, I suppose.

MR. BREWER: The Port of Palm Beach is a separate governmental entity and completely separate from the town of Palm Beach and separate from Palm Beach County. The money for this has already been apparently authorized; and the Port of Palm Beach is saying – the commissioners on there are saying, "Hey, this money is already in place; let's do this thing; and maybe when we do it, we'll get some other ships to come in." That is what the situation is. I don't think they're going to have "zoning" problems. They've got their piece of land, which is all they're ever going to have, but they control their piece of land.

DR. LANEY; And I will just say we've discussed at the Habitat and Environmental Protection Advisory Panel many times in the past the fact that we would love to see the Corps of Engineers, who is responsible for navigational maintenance and port maintenance in general, to do some sort of a generic EIS for harbor deepening for the whole east coast because it is highly unlikely that every single panamax vessel that comes along is going to use every single port on the east coast. There are economic advantages and disadvantages perhaps to different ports; and so it doesn't make a whale of a lot of sense, it seems to me, just strictly from an economic perspective to try and deepen every single harbor on the whole east coast, but that is just one person's opinion. Okay, so we'll follow up on that with our Florida Subpanel of our Habitat and Environmental Protection Advisory Panel. I think that completes that discussion. Roger, did you have anything else?

MR. PUGLIESE: Just a real quick follow-up of the last point I made about our Habitat Advisory Panel will be meeting in November 18th and 19th; and again with the opportunity to actually meet at FWRI to advantage of the technology available. We appreciate the state helping with that. It is an important meeting.

We're going to actually have representatives from BOEM both addressing alternative energy and I think geology and geophysical components, basically oil and gas exploration activities. They're planning for the five-year activities. The real core of the meeting is to address the remaining existing and new policy statements.

Beach Renourishment Policy is almost completed; so the fine tweaks will be made of that policy at this meeting. The Energy Policy – and that is why we wanted to have those representatives at that meeting. This group will be further refining the Energy Exploration, Development and Transportation Policy we already have to integrate more fully alternative energy as well as

looking into the future about what some of the implications may be relative to essential fish habitat and council-managed species.

The Artificial Reef Policy is in the process of getting the group together to coordinate the development and refinement of the Artificial Reef Section of the FEP. We also have the opportunity to create a policy statement and expand – the other part of that is expand the presence on both digital dashboard and our geographic information system with the Atlas, highlighting everything from imagery to videography to finer resolution of what is in there and the research associated with that. I think all that is part of the process.

The other two pieces that are going to happen at that panel is a working session on threats; to refine our Threat Section of the FEP as well as a working session on research and monitoring. Actually Marcel Reichert is going to be there and a number of other key players to help refine that section and highlight what we have and where we need to go, which will I'm sure engage refinement of our SEAMAP five-year plan discussion.

That highlights the entire fishery-independent survey activity in the southeast right now; and that is also going to be reviewed about a year following this. The timing on all this is going to be really good; so that is going to accomplish a lot to further along the activities of the panel and how that feeds into the FEP process as well as policy development and beyond. That's the only thing I wanted to note in our deliberations; and we will add this other additional component on Palm Beach to that discussion.

DR. LANEY: Okay, thank you, Roger. Based on my notes, there is only one more thing under other business; and that was just to briefly let you know that the Milburnie Dam, which is now the Gateway Dam on the Neuse River in North Carolina has been proposed for removal for a good while. That discussion is still ongoing. The reason that I think would be of interest to the council is that if that dam is removed, that frees up about another 14 miles plus of spawning habitat for American Shad, which are present in the river; and that is an important prey species for council species such as king mackerel offshore.

That species is also my understanding under council jurisdiction when it is offshore. It also would provide access to 14 miles plus of historic Atlantic sturgeon spawning habitat. We have not documented spawning sturgeon in the Neuse River; but we do have Atlantic sturgeon in the Lower Neuse River.

I thought that might be of interest to the council; and at some point it might be appropriate for the council to weigh in with a letter of endorsement for that project to the Wilmington District Corps of Engineers. We'll just consider that a heads-up for the future. Is there any other business to come before the Habitat and Environmental Protection Committee? Roger.

MR. PUGLIESE: Just a real quick footnote. One other thing that just recently has occurred as part of the CCC process; there has been a request that an informal habitat group be formed to have some facilitated discussion between our counterparts throughout the country; so habitat discussions relative to essential fish habitat in all regions.

We had our first conference call recently; and the idea is to look at sharing information, processes and actions; a lot of which were very specifically on how we did things in the southeast for coral conservation and for a lot of other activities, policy development, et cetera, so I think right now at least there may be a lot of benefit from the other side being able to see how the South Atlantic has progressed as far as we have in our region.

But we also can benefit on how they have been potentially successful in engaging further detailed habitat analysis, ecosystem modeling and other activities that maybe we can try to transport and facilitate and support into our region. That is something that was directed by the CCC. Right now the Mid-Atlantic is helping move that forward and we're going to rotate annually in terms of kind of helping facilitate and coordinate in the future.

DR. LANEY: Anything else? Seeing none; Mr. Chairman, then I yield back like three minutes back to you.

(Whereupon, the meeting was adjourned at 1:57 o'clock p.m., September 18, 2014.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
October 14, 2014

South Atlantic Fishery Management Council
2014 Council Membership

COUNCIL CHAIRMAN:

Ben Hartig
9277 Sharon Street
Hobe Sound, FL 33455
772/546-1541 (ph)
mackattackben@att.net

VICE-CHAIRMAN

Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell St.
(PO Box 769)
Morehead City, NC 28557
252/808-8011 (ph); 252/726-0254 (f)
michelle.duval@ncdenr.gov

Robert E. Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
rbeal@asmfc.org

Mel Bell
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9007 (ph)
843/953-9159 (fax)
bellm@dnr.sc.gov

Anna Beckwith
1907 Paulette Road
Morehead City, NC 28557
252/671-3474 (ph)
AnnaBarriosBeckwith@gmail.com

Zack Bowen
P.O. Box 30825
Savannah, GA 31410
912/398-3733 (ph)
fishzack@comcast.net

W. Chester Brewer
250 Australian Ave. South
Suite 1400
West Palm Beach, FL 33408
561/655-4777 (ph)
WCBLAW@aol.com

Mark Brown
3642 Pandora Drive
Mt. Pleasant, SC 29466
843/881-9735 (ph); 843/881-4446 (f)
capt.markbrown@comcast.net

Chris Conklin
P.O. Box 972
Murrells Inlet, SC 29576
843/543-3833
conklincc@gmail.com

Jack Cox
2010 Bridges Street
Morehead City, NC 28557
252/728-9548
Dayboat1965@gmail.com

Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

LT Morgan Fowler
U.S. Coast Guard
510 SW 11th Court
Fort Lauderdale FL 33315
morgan.m.fowler@uscg.mil

Doug Haymans
Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
doughaymans@gmail.com

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

Dr. Wilson Laney
U.S. Fish and Wildlife Service
South Atlantic Fisheries Coordinator
P.O. Box 33683
Raleigh, NC 27695-7617
(110 Brooks Ave
237 David Clark Laboratories,
NCSU Campus
Raleigh, NC 27695-7617)
919/515-5019 (ph)
919/515-4415 (f)
Wilson_Laney@fws.gov

Jessica McCawley
Florida Fish and Wildlife
Conservation Commission
2590 Executive Center Circle E.,
Suite 201
Tallahassee, FL 32301
850/487-0554 (ph); 850/487-4847(f)
jessica.mccawley@myfwc.com

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-4423 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Monica Smit-Brunello
Bonnie Ponwith
Phil Steele
Kevin Anson
Pres Pate
Scott Sandorf
Jeff Radonski
Mike Merrifield
Pace Wilber

South Atlantic Fishery Management Council
2014 Committees

ADVISORY PANEL SELECTION
Doug Haymans, Chair
Chester Brewer
Chris Conklin
Jack Cox
Ben Hartig
Staff contact: Kim Iverson

CATCH SHARES
Ben Hartig, Chair
Zack Bowen
Chris Conklin
Jack Cox
Doug Haymans
Robert Beal, ASMFC Representative
Staff contact:
Kari MacLauchlin / Brian Cheuvront

DATA COLLECTION
Mel Bell, Chair
Jack Cox
Roy Crabtree
Michelle Duval
Wilson Laney
Jessica McCawley
Staff contact: Gregg Waugh

DOLPHIN WAHOO
Anna Beckwith, Chair
Zack Bowen
Chester Brewer
Mark Brown
Doug Haymans
Mid-Atlantic Liaison, Pres Pate
Staff contact: Brian Cheuvront

ECOSYSTEM-BASED MANAGEMENT
Doug Haymans, Chair
Anna Beckwith
Chris Conklin
Michelle Duval
Wilson Laney
Jessica McCawley
Charlie Phillips
Robert Beal, ASMFC Representative
Staff contact: Roger Pugliese- FEP
Gregg Waugh - CEBA

EXECUTIVE/FINANCE
Ben Hartig, Chair
Michelle Duval, Vice Chair
Jessica McCawley
Charlie Phillips
Staff contact: Bob Mahood

GOLDEN CRAB
Ben Hartig, Vice-Chair
Chester Brewer
Mark Brown
Roy Crabtree
Jessica McCawley
Staff contact: Brian Cheuvront

HABITAT & ENVIRONMENTAL PROTECTION
✓Wilson Laney, Chair
✓Anna Beckwith
✓Chester Brewer
✓Chris Conklin
✓LT Morgan Fowler
✓Doug Haymans
✓Charlie Phillips
Robert Beal, ASMFC Representative
Staff contact: Roger Pugliese
Gregg Waugh - Coral

HIGHLY MIGRATORY SPECIES
Anna Beckwith, Acting Chair
Zack Bowen
Chester Brewer
Mark Brown
Staff contact: Brian Cheuvront

INFORMATION & EDUCATION
Anna Beckwith, Chair
Mel Bell
Zack Bowen
Chester Brewer
Chris Conklin
LT Morgan Fowler
Staff contact: Amber Von Harten

KING & SPANISH MACKEREL
Ben Hartig, Chair
Anna Beckwith
Mel Bell
Zack Bowen
Mark Brown
Jack Cox
Roy Crabtree
Michelle Duval
Doug Haymans
Jessica McCawley
Charlie Phillips
Robert Beal, ASMFC Representative
Mid-Atlantic Liaison, Pres Pate
Staff contact: Kari MacLauchlin

LAW ENFORCEMENT
Mel Bell, Chair
Chris Conklin
Jack Cox
LT Morgan Fowler
Ben Hartig
Staff contact: Myra Brouwer

PERSONNEL
Jessica McCawley, Chair
Michelle Duval – Vice Chair
Mel Bell
Mark Brown
Ben Hartig
Charlie Phillips
Staff contact: Bob Mahood

PROTECTED RESOURCES
Wilson Laney, Vice Chair
Anna Beckwith
Mark Brown
Michelle Duval
LT Morgan Fowler
Staff contact: Kari MacLauchlin

SCI. & STAT. SELECTION
Michelle Duval, Chair
Mel Bell
Chester Brewer
Roy Crabtree
Doug Haymans
Wilson Laney
Staff contact: John Carmichael

SEDAR
Ben Hartig, Chair
Zack Bowen
Jack Cox
Michelle Duval
Charlie Phillips
Robert Beal, ASMFC Representative
Staff contact: John Carmichael

SHRIMP
Charlie Phillips, Chair
Mel Bell
Roy Crabtree
Wilson Laney
Jessica McCawley
Staff contact: Gregg Waugh

(Continued)

South Atlantic Fishery Management Council
Staff

Executive Director
Robert K. Mahood
robert.mahood@safmc.net

Deputy Executive Director
Gregg T. Waugh
gregg.waugh@safmc.net

Public Information Officer
Kim Iverson
kim.iverson@safmc.net

Fishery Outreach Specialist
Amber Von Harten
amber.vonharten@safmc.net

Senior Fishery Biologist
Roger Pugliese
roger.pugliese@safmc.net

Fishery Scientist
Myra Brouwer
myra.brouwer@safmc.net

Fishery Biologist
Dr. Mike Errigo
mike.errigo@safmc.net

Fisheries Social Scientist
Dr. Kari MacLauchlin
kari.maclauchlin@safmc.net

Fishery Scientist
Chip Collier
Chip.Collier@safmc.net

Staff Economist
Dr. Brian Cheuvront
brian.cheuvront@safmc.net

Science and Statistics Program Manager
John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators
Dr. Julie Neer - julie.neer@safmc.net
Julia Byrd – julia.byrd@safmc.net

Administrative Officer
Mike Collins
mike.collins@safmc.net

Financial Secretary
Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator
Cindy Chaya
cindy.chaya@safmc.net

Purchasing & Grants
Julie O'Dell
julie.odell@safmc.net

PLEASE SIGN IN

In order to have a record of your attendance at each meeting and your name included in the minutes, we ask that you sign this sheet for the meeting shown below.

South Atlantic Fishery Management Council Meeting

Habitat Committee Meeting:

Thursday, September 18, 2014

NAME & SECTOR/ORGANIZATION:	AREA CODE & PHONE NUMBER:	EMAIL ADDRESS:	MAILING ADDRESS:
Rusty Hudson 257/ECFS	386-239-0948	257 2009@aol.com	32120-9351
Jack Ballenger SCDNR			
Wally Bubley SCDNR			
Emily Helmick Pew		pewtrusts.org	
Mike Merrifield CCSC			
Lora Clarke Pew			
Pace Wilber NMFS		pace.wilber@noaa.gov	
DICK BRAME CCA			
Trip Aukeman CCA			
Jessica Stephen SERO			

PLEASE SIGN IN

In order to have a record of your attendance at each meeting and your name included in the minutes, we ask that you sign this sheet for the meeting shown below.

South Atlantic Fishery Management Council Meeting

Habitat Committee Meeting:

Thursday, September 18, 2014

NAME & SECTOR/ORGANIZATION:	AREA CODE & PHONE NUMBER:	EMAIL ADDRESS:	MAILING ADDRESS:
Steven H Shelley	843 235 3474		136 Lake Tr Pawleys Island 29585 SC

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10