



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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George Geiger, Chairman
Duane Harris, Vice Chairman

Robert K. Mahood, Executive Director
Gregg T. Waugh, Deputy Executive Director

AGENDA

Joint Habitat/Ecosystem-Based Management Committee Meeting

Jekyll Island Club Hotel
371 Riverview Drive
Jekyll Island, Georgia

Wednesday, March 5, 2008 — 1:30 P.M. to 5:30 P.M.

1. Approval of Agenda – Duane Harris
2. Approval of December 2007 Committee Minutes – Duane Harris
3. Presentation of Specific Results of Rock Shrimp and Royal Red Shrimp Vessel Fishing Areas based on VMS Data – NMFS SEFSC
4. Recommendations from Habitat/Coral Advisory Panel Meeting (**Attachment 1a-1d and Overview**)
 - A. Overview of Recommendations – Roger Pugliese and Doug Rader
 - B. Committee Discussion and Action as Necessary – Duane Harris
5. Recommendations from Golden Crab/Deepwater Shrimp Advisory Panel Meeting (**Attachments 2 & 3 and Overview**)
 - A. Overview of Recommendations – Myra Brouwer and Golden Crab/Deepwater Shrimp AP Representatives
 - B. Committee Discussion and Action as Necessary – Duane Harris
6. Fishery Ecosystem Plan (**Separate CD & Attachment 4**)
 - A. Overview of Volumes 1 & 5 – Roger Pugliese
 - B. Overview of Volumes 2, 3, & 4 – Myra Brouwer
 - C. Committee Discussion and Revision as Necessary – Duane Harris
 - D. Committee Recommend Approval for Public Hearings – Duane Harris

7. Fishery Ecosystem Plan Comprehensive Amendment (**Attachment 5**)
 - A. Overview – Gregg Waugh
 - B. Committee Discussion and Action as Necessary – Duane Harris
 - C. Committee Recommend Approval for Public Hearings – Duane Harris

8. Report on Deepwater Coral Research – NMFS SEFSC/NOS (**Attachments 6 & 7**)
 - A. Presentation – TBD
 - B. Committee Discussion and Action as Necessary – Duane Harris

9. Critical Habitat for Threatened Elkhorn and Staghorn Corals (**Attachments 8a-8e**)
 - A. Overview of Recommendations – Myra Brouwer
 - B. Committee Discussion and Action as Necessary – Duane Harris

10. Other Business – Duane Harris
 - A. Energy Policy (**Attachment 9**) – Roger Pugliese
 - B. Presentation on the Effect of Lobster Traps on Coral Communities in the Florida Keys – Tom Matthews FWC
 - C. Committee Discussion and Action as Necessary – Duane Harris

11. Adjourn – Duane Harris

- Attachment 1a. 2007 Recommendations from the Habitat/Coral Advisory Panels**
- Attachment 1b. DWCHAPC including Blake Ridge Diapir**
- Attachment 1c. 2006 Recommendations from the Habitat/Coral Advisory Panels**
- Attachment 1d. 2004 Recommendations from the Habitat/Coral Advisory Panels**
- Attachment 2. Golden Crab AP Minutes (second briefing book; mailed 2/25/08)**
- Attachment 3a. Deepwater Shrimp AP Proposal 1**
- Attachment 3b. Deepwater Shrimp AP Proposal 2**
- Attachment 3c. Deepwater Shrimp AP Proposal 3**
- Attachment 3d. Deepwater Shrimp AP Combined Proposals**
- Attachment 3e. Deepwater Shrimp AP Minutes (second briefing book; mailed 2/25/08)**
- Attachment 4. Fishery Ecosystem Plan - Annotated Structure Vol.1-5**
- Attachment 5. Fishery Ecosystem Plan Comprehensive Amendment (second briefing book; mailed 2/25/08)**

- Attachment 6. Presentation on Deepwater Coral Research**
- Attachment 7. SAFMC Deepwater Coral Research Plan**
- Attachment 8a. Staghorn & Elkhorn News Release**
- Attachment 8b. Staghorn & Elkhorn Frequently Asked Questions (FAQs)**
- Attachment 8c. Staghorn & Elkhorn Proposed Rule**
- Attachment 8d. Staghorn & Elkhorn Impact Report**
- Attachment 8e. Staghorn & Elkhorn References**
- Attachment 9. Preliminary Redraft of Energy Policy (second briefing book; mailed 2/25/08)**

DATE:	<u>2/25/2008</u>
FISHERY:	<u>FEP & FEP CA</u>
SUBJECT:	<u>Briefing Materials</u>
STAFF	<u>Waugh/Pugliese/ Brouwer</u>
SOURCE:	<u>SAFMC/NMFS</u>

Ecosystem-Based Management Committee Members:

Duane Harris, Chair	Wilson Laney
Roy Crabtree	David Cupka
Mac Currin	Brian Chevront
George Geiger	Tony Iarocci
Rita Merritt	Mark Robson
Susan Shipman	

Habitat & Environmental Protection Committee Members:

Duane Harris, Chair	Robert Boyles
Wilson Laney	George Geiger
Vince O'Shea	John Wallace

OVERVIEW

Joint Habitat/Ecosystem-Based Management Committee Meeting

March 5, 2008
Jekyll Island Club Hotel
371 Riverview Drive
Jekyll Island, Georgia

The Joint Habitat/Ecosystem-Based Management Committee needs to: (A) review recommendations from the Joint Habitat/Coral Advisory Panel and discuss/take action as necessary; (B) review recommendations from the Golden Crab and Deepwater Shrimp Advisory Panels and discuss/take action as necessary; (C) review the FEP, discuss/modify and approve for public hearings; (D) review the FEP Comprehensive Amendment, discuss/modify and approve for public hearings; (E) receive a report on Deepwater Coral research, discuss and take actions as necessary; (F) review and develop comments on proposed critical habitat for elkhorn & staghorn corals; and (G) review, modify, and approve SAFMC's energy policy.

A. Recommendations from Habitat/Coral AP Meeting (Attachments 1a-1d and Overview)

The Joint Habitat/Coral AP meeting took place November 7-9, 2007 in Charleston, SC. Advisory Panel recommendations are included in Attachment 1. These APs also met in June 2006 and their recommendations are included below.

JOINT CORAL AND HABITAT AP RECOMMENDATIONS – JUNE 2006

Proposed Deepwater Coral HAPCs:

- The proposed deepwater coral HAPCs should be expanded based on new research and data compiled for the Council and presented to the Advisory Panels by John Reed and Steve Ross. Specifically, the large central area should be expanded to connect Stetson Reefs, enlarge somewhat to the north to include newly documented sites and enlarged west to include the 400 meter isobath.
- The large central area should be connected with the Miami Terrace C-HAPC, also using the 400 meter isobath as the western boundary.
- The Miami Terrace C-HAPC should be expanded to the edge of the EEZ to the east (to include mound and pinnacle structures that extend toward and into the Bahamian EEZ). The western boundary should be extended to include the 300 meter isobath to include newly documented deep coral habitat.
- Expand the Pourtales Terrace C-HAPC to cover newly documented deepwater coral habitat.

- Recognizing that deepwater ecosystems are not closed, and do have connections internationally, the Panels request the Council interact with the Bahamian government and Department of State, to work with them to find ways to collaborate on research as well as protection measures. The Council could communicate with the Bahamian government directly or through the U.S. Departments of Commerce and Department of State.

Regulations in proposed deepwater Coral HAPCs:

The original recommendations by the Advisory Panels are restated as follows: Recommended management measures in all the deepwater coral HAPC sites include the following: (1) prohibit all bottom-disturbing activities, prohibit harvest of corals, and compile a list of threats. The intent would be to prevent any allowable harvest presently permitted under the coral plan, in any deepwater coral HAPC; (2) prohibit the collection of gorgonians in coral HAPCs - clarify the prohibition would not apply to biomedical or taxonomic collections; (3) prohibit any type of anchoring; (4) identify the potential damage associated with other bottom gears (e.g., a future research priority - if damage occurs with the use of planers and cannonball weights).

The Panels reaffirmed their recommendation that damaging gear be precluded. In addition, the Panels requests the Council consider establishing allowable gear to identify appropriate, non-damaging gears. Non-fishing impacts would be fully covered in the Fishery Ecosystem Plan and in future habitat policy statements.

JOINT CORAL AND HABITAT AP RECOMMENDATIONS – NOVEMBER 2007

Proposed Deepwater Coral HAPCs:

- The Panel strongly supports the designation of the entire C-HAPC as proposed (see Figure 1 in Attachment 1a) as supported by the best available science, and does not support designating portions of the whole.
- The proposed deepwater coral HAPCs (C-HAPCs) should be adopted and implemented as soon as possible. Growing pressure for new and more intensive uses of the EEZ, including potential energy development, mariculture, and emerging deepwater fisheries, requires rapid designation. The Panels recommend shifting other measures that may delay C-HAPC implementation into FEP Comprehensive Amendment 2.
- New information compiled for the Council and presented to the Panels by John Reed and Steve Ross and others constitutes the best available science, and continues to strengthen the case for protection of this world-class deepwater coral ecosystem. Additional important coral features and related habitats continue to be found within the areas previously identified, including low relief features, ridges, sinkholes, pinnacles and escarpments up to 500’ tall (see Figure 2 in Attachment 1a).

- Research suggests potential for additional deepwater coral habitats in the following areas (see Figure 3 in Attachment 1a):
 - 1) Some distance north of the current boundary of the Stetson/Savannah/Miami Complex,
 - 2) Between the Miami Terrace and the Pourtales Terrace, and
 - 3) The area southwest of the Pourtales Terrace.

The Panel recommends additional characterization work on these sites, to be factored into future habitat protection amendments.

- Only one chemosynthetic (“methane seep”) live-bottom community has so far been documented in the US South Atlantic EEZ, northeast of the boundary of the Stetson/Savannah/Miami Complex, on the Blake Ridge Diapir. It should be protected as a separate C-HAPC.
- The Panels reiterate the previous request to the Council to interact with the US and Bahamian governments to find ways to collaborate on research as well as protection measures for shared deepwater coral ecosystems. The Council could communicate with the Bahamian government directly through the U.S. Departments of Commerce and Department of State.

The Panels recommend the C-HAPCs as previously configured (see Figure 1 in Attachment 1a) and establishing a C-HAPC (2 square mile) surrounding the Blake Ridge Diapir methane seep live-bottom area.

Regulations in the Proposed Deepwater Coral HAPCs:

The Panels recommend that the following management actions be taken inside the C-HAPCs:

- Recommended management measures in all the deepwater coral HAPC sites include the following: 1) compile, characterize and track threats to deepwater coral ecosystems in the region; 2) as far as possible, limit damage from both fishing and non-fishing threats, using all available administrative tools; 3) prohibit all bottom-disturbing fishing gears; 4) prohibit harvest of coral, coral reefs and live/hard bottom organisms (all taxa, including gorgonians and other soft corals) except as allowed through appropriately protective research protocols and procedures; 5) prohibit anchoring, grapples and chain; and 6) fully implement the Council’s deepwater coral research and evaluation plans.

The intent of these recommendations is to eliminate any commercial harvest that might be presently permitted under the coral plan in any deepwater coral HAPC, but to allow controlled collection for research purposes consistent with the Council’s Deepwater Coral Research Plan (i.e., as allowed by the Secretary). In addition, more work is needed to characterize potential damage associated with other bottom-impinging gears (e.g., damage that might occur with the use of weighted longlines, planers and cannonball weights). The Council should clarify the types of allowable fishing activities, including

transit through the C-HAPCs. Non-fishing impacts would be fully covered in the Fishery Ecosystem Plan and in future habitat policy statements.

REQUIRED COMMITTEE ACTION: Discuss the recommendations and take action as necessary. The Habitat/Coral AP recommendations affect the Fishery Ecosystem Plan Comprehensive Amendment. Their major recommendations are:

B. Recommendations from Golden Crab/Deepwater Shrimp AP Meetings (Attachments 2, 3, and Overview)

The **Golden Crab Advisory Panel (AP)** meeting took place January 27-28, 2008 in Port Canaveral, Florida. A preliminary outline of AP recommendations and a description of the process by which the AP will formulate their recommendations is included as Attachment 2. An overview is as follows:

Alternatives resulting from the Golden Crab AP meeting that are to be developed for the March Council meeting:

1. No golden crab fishing within all the Coral HAPC areas. This alternative would prohibit any fishing for golden crab within the proposed Coral HAPC areas. The Golden Crab AP has indicated that this alternative would eliminate the golden crab industry.
- Establish a network of deepwater coral Habitat Areas of Particular Concern (C-HAPC). In the deepwater coral HAPCs, no person may:
 - a) Use a bottom longline, trawls (mid-water and bottom), dredge, pot or trap;
 - b) If aboard a fishing vessel, anchor, use of an anchor and chain, or use a grapple and chain;
 - c) Possess any species regulated by the coral FMP; and
 - d) Fish for golden crab in designated areas without an approved VMS.
2. Create some allowable areas for golden crab fishing within the HAPCs with required use of VMS. This alternative would establish the proposed C-HAPCs but would create a number of areas within these areas where golden crab fishing would be allowed. All golden crab vessels would be required to use VMS on all trips. The remaining fishermen that have not provided fishing location information will provide this data to Myra Brouwer, SAFMC Staff. Council staff will plot all the fishing location information on the charts showing detail bathymetric data, all habitat/coral data, all dive locations, etc. Council staff will provide this information on a CD to golden crab fishermen prior to meeting with them to assist in identifying allowable golden crab areas. This information is to be completed in time to provide to the Council by their March 3-7, 2008 meeting.

VMS would be required and enforcement actions could be taken if the vessel is fishing outside of the allowable areas.

3. All HAPC areas open with required use of VMS. This alternative would allow golden crab fishing within all the proposed C-HAPC areas. VMS would be required on all trips and enforcement actions could be taken if the vessel is fishing without the VMS being operational.

Final Golden Crab AP recommendations will be provided to the committee/Council during the March Council meeting.

REQUIRED COMMITTEE ACTION: Discuss the recommendations and take action as necessary.

The **Deepwater Shrimp Advisory Panel** (AP) met January 28-29, 2008 in Port Canaveral, Florida. The Deepwater Shrimp Advisory Panel approved the following recommendations regarding the proposed Coral-HAPCs:

1. Move the west boundary of the proposed C-HAPC 6 nautical miles to the east between the following points: (a) 30 degrees 16 minutes 35.354 seconds N and (b) 26 degrees 12 minutes 56.273 seconds N. Moving the line eastward will exclude the fishing grounds from the C-HAPC based on VMS data analyzed and presented by the NMFS SEFSC. The AP pointed out that once the western boundary is corrected to track the 400 meter contour, the actual distance will be less than the 6 nautical miles. Note: Council staff reviewed the western boundary and it is correct. Therefore, no alteration in the Coral/Habitat Advisory Panel's recommended boundary is necessary.
2. Move the west boundary of the proposed C-HAPC eastward to exclude all VMS points from the C-HAPC. The location is based on a polygon drawn by Carlos Rivero of the NMFS SEFSC.
3. Move the west boundary of the proposed C-HAPC eastward 5 nautical miles from the eastern boundary of the polygon from Alternative 2.
4. Move the west boundary of the proposed C-HAPC eastward 6 nautical miles from the eastern boundary of the polygon from Alternative 2.
5. No Action.

The Deepwater Shrimp Advisory Panel made the following requests:

1. The AP requested that Council staff distribute the information being presented to the Council for the March Council meeting to the AP as soon as possible.

2. The AP requested that Council staff request information from NMFS Law Enforcement on the number of cases made based on VMS data. This is to include the ultimate determination of the case (e.g., guilty of fishing in area, innocent due to drifting into the area, etc.).
3. The AP requested that Council staff explore expanding the VMS system to include sensors for the trawl winch, engine RPMs, and emergency notification.
4. Captain Woody Moore sold one of his vessels and did not do anything with the permit. He recently contacted the NMFS Permit Office and was told they have no record of there ever being a permit. Council staff was requested to investigate this situation.
5. The deepwater shrimp AP wants to discuss future Council action to open areas of the Oculina HAPC to their fishery. Evidence now exists that some portions of the HAPC are soft bottom areas that do not support coral habitat and could potentially be suitable for rock shrimp fishing.

REQUIRED COMMITTEE ACTION: Discuss the recommendations and take action as necessary.

C. Fishery Ecosystem Plan (Separate CD and Attachment 4)

Roger Pugliese and Myra Brouwer will present various sections of the Fishery Ecosystem Plan. The proposed timing is as follows:

December 2007	Review document
March 2008	Review & Approve for Public Hearings
June 2008	Review comments & finalize FEP
September 2008	Final approval of FEP
October 2008	Send FEP to Secretary of Commerce

Note: The FEP will accompany the FEP Comprehensive Amendment through the review and implementation process serving as a “source document” for the Comprehensive Amendment which will contain the actual regulatory actions. This follows the process used successfully with the Habitat Plan and Comprehensive Habitat Amendment.

REQUIRED COMMITTEE ACTION: Provide staff guidance on any necessary modifications and recommend approval for public hearings.

D. Fishery Ecosystem Plan Comprehensive Amendment (Attachment 5; second briefing book mailed 2/25/08)

The Amendment, as currently drafted by the Council, will do the following:

- Amend the Coral FMP to establish deepwater coral Habitat Areas of Particular Concern; areas being considered are: 1) Cape Lookout Lophelia Banks HAPC; 2) Cape Fear Lophelia Banks HAPC; 3) Blake Ridge Diapir; 4) the Stetson Reefs, Savannah and East Florida Lithoherms, and Miami Terrace HAPC; and 5) Pourtales Terrace HAPC.
- Amend FMPs to comply with the EFH final rule (presentation of existing EFH and EFH-HAPC in GIS).

Gregg Waugh will present a status and overview of the Fishery Ecosystem Plan Comprehensive Amendment. The NMFS SERO does not have sufficient resources (people and time) to assist in the development of the FEP Comprehensive Amendment. The current document has been developed by Council staff. The timing is as follows:

December 2007	Review document
March 2008	Review & Approve for Public Hearings
April 2008	NMFS determines complete for DEIS review
May 2008	Public hearings & informal review
June 2008	Review comments & finalize FEP Comprehensive Amendment
September 2008	Final approval of FEP Comprehensive Amendment
October 2008	Send FEP to Secretary of Commerce

REQUIRED COMMITTEE ACTION: Provide staff guidance on necessary modifications and recommend approval for public hearings.

E. Report on Deepwater Coral Research (Attachments 6 & 7)

Someone from NMFS or NOS will present a status report. The South Atlantic Council's Deepwater Coral Research Plan is included as Attachment 7 for reference.

REQUIRED COMMITTEE ACTION: Discuss the status of deepwater coral research and take action as necessary.

F. Designation of Critical Habitat for Elkhorn and Staghorn Corals (Attachments 8a-8e)

Myra Brouwer will present NOAA's proposal for designating critical habitat for elkhorn and staghorn corals. Areas designated as critical habitat contain features that are not directly protected under existing laws but are essential to the conservation of the species.

For these threatened corals that includes natural hardbottom and dead coral skeletons in water depths less than 30 meters. Protecting these features will maximize the potential for successful recruitment and population growth.

The areas proposed for designation include shallow, nearshore areas in:

1. South Florida, from Palm Beach County through the Dry Tortugas, covering approximately 3,301 square miles;
2. Puerto Rico, covering approximately 1,383 square miles;
3. St. John/St. Thomas, covering approximately 121 square miles; and
4. St. Croix, covering approximately 126 square miles.

While the designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area, it does require that federal agencies that undertake, fund, or permit activities that may affect critical habitat to consult with the NOAA Fisheries Service to ensure actions do not adversely modify or destroy critical habitat.

Additionally, areas supporting military operations, training, and readiness, associated with Naval Air Station Key West in the Florida Keys are proposed for exclusion due to national security impacts. Further, man-made structures such as boat ramps, docks, and pilings and maintained channels or marinas are not included in the proposed critical habitat.

NOAA is seeking input from the public on this proposed designation through **May 6, 2008**.

REQUIRED COMMITTEE ACTION: Discuss the designation and draft comments for Council approval.

G. SAFMC Energy Policy (Attachment 9)

Roger Pugliese will present the revised energy policy for committee and Council approval. The document will be available in the second briefing book (mailed on 2/25/08).

REQUIRED COMMITTEE ACTION: Discuss and modify the proposed policy statement and recommend approval.