

MEETING HELD DURNING FULL COUNCIL SESSION –
March 2, 2006

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

PROTECTED RESOURCES COMMITTEE

JEKYLL ISLAND, GA

March 2, 2006

Summary Minutes

Committee Members:

Susan Shipman, Chair
Columbus Brown
Mark Robson

Robert Boyles
John V. O'Shea
Lt. Chad Brick (for Lt. Cmdr. Scott Rogers)

Council Members:

Dr. Louis Daniel
Dr. Roy Crabtree
Benjamin Mac Currin
Charles Duane Harris
Rita Merritt

George Geiger
David Cupka
Frank Gibson, III
Anthony Iarocci
John Wallace

Staff Members:

Bob Mahood
Rick DeVictor
Kerry O'Malley

Gregg Waugh
Kim Iverson
Julie O'Dell

Observers/Participants:

Ginny Fay
Dr. Joe Kimmel
Dave Medici
Heather Blough
Columbus Brown
Mike McLemore
Stephen Holiman
Barrett Colf

Monica Smit-Brunello
Dr. John Merriner
Tracy Dunn
Wilson Laney
Kay Williams-Bergmann
Julie Weeder
David Dale
Jennifer Lee

**Protect Resource Committee met during the Full Council Session at
Jekyll Island, GA, March 2, 2006.**

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL

JEKYLL ISLAND, GA

March 1 & 2, 2006

DRAFT MINUTES

Council Members:

Dr. Louis Daniel, Chairman
Robert H. Boyles, Jr.
Dr. Roy Crabtree
Benjamin Mac Currin
Charles Duane Harris
Rita Merritt
Lt. Chad Brick (liaison for Lt. Cmdr. Scott Rogers)
Henry Ansley (liaison for Susan Shipman)

George Geiger, Vice Chairman
Columbus Brown
David Cupka
Frank Gibson, III
Anthony Iarocci
John V. O'Shea
Mark Robson
John Wallace

Staff Members:

Bob Mahood
Rick DeVictor
Kerry O'Malley

Gregg Waugh
Kim Iverson
Julie O'Dell

Observers/Participants:

Monica Smit-Brunello
Dr. John Merriner
Dr. Joe Kimmel
Bill Daughdrill
Elizabeth Featherston
Dr. Jack McGovern
Dr. Jim Berkson
Dave Allison
Kevin Saunders
Mark Dodd
George Martin
Tracy Dunn
Dr. Nancy Thompson
Alien Smith

Ginny Fay
Jennifer Lee
Dr. Theo Brainerd
Andy Herndon
Caroline Keicher
Margot Stiles
David Medici
Bill Bulpitt
LTDCMDR Bob Hendrickson
Mary Hallisey Hunt
Barb Zoodsma
Hal Robbins
Cpt. Kelly Barager
David Noble

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The Full Council Session of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club, Jekyll Island, Georgia, Wednesday afternoon, March 1, 2006, and was called to order at 2:30 o'clock p.m. by Chairman Louis Daniel.

Dr. Daniel: Good afternoon and welcome to this meeting of the South Atlantic Fishery Management Council. I would like to call us to order. We have an agenda. We've got to first do a roll call. Let's start with Tony.

Mr. Iarocci: Tony Iarocci, Florida, member of the South Atlantic Council.

Mr. Daughdrill: Bill Daughdrill, Gulf of Mexico Council.

Lt. Brick: Lieutenant Chad Brick, District VII, Coast Guard.

Mr. Brown: Columbus Brown, Fish and Wildlife.

Mr. Wallace: John Wallace, council member, Georgia.

Ms. Merritt: Rita Merritt, council member, North Carolina.

Mr. Ansley: Henry Ansley and I'm here for Susan Shipman from the Georgia Department of Natural Resources.

Mr. Robson: Mark Robson, Florida Fish and Wildlife Conservation Commission.

Mr. Waugh: Gregg Waugh, council staff.

Mr. Harris: Duane Harris, council member, Georgia.

Mr. Geiger: George Geiger, council member, Florida.

Mr. Mahood: Bob Mahood, council staff.

Dr. Daniel: Louis Daniel, North Carolina.

Mr. Currin: Mac Currin, North Carolina.

Ms. Fay: Ginny Fay, NOAA Fisheries, Southeast Region.

Dr. Crabtree: Roy Crabtree, NOAA Fisheries.

Ms. Smit-Brunello: Monica Smit-Brunello, NOAA General Counsel.

Mr. Gibson: Frank Gibson, council, South Carolina.

Mr. Cupka: David Cupka, South Carolina.

Mr. Boyles: Robert Boyles, South Carolina Department of Natural Resources.

Mr. Robbins: Hal Robbins, Office of Law Enforcement, St. Petersburg, Florida.

Mr. Dunn: Tracy Dunn, NOAA Fisheries Office of Law Enforcement, St. Petersburg.

Dr. Daniel: Thank you, everybody. Welcome, Henry. We're glad to see you. Bill, we appreciate you coming from the Gulf. We've got an agenda and if you would, please give me the latitude to move all over the place, but we'll get through the agenda. If there's not any significant additions to the agenda -- Tony, do you want to go ahead and add your agenda item, your other business?

Mr. Iarocci: I would love to. Goliath grouper.

Dr. Daniel: We'll have an Other Business goliath grouper discussion. Is there anything else? If not, without objection -- Sorry, Ginny Fay.

Ms. Fay: We would like to have a general discussion of an EFP application we received under Other Business.

Dr. Daniel: So ordered. Anything else?

Mr. Iarocci: Maybe at this time, Mr. Chairman, but I was hoping to do this when Nancy came to talk about the modules, the educational, the scientific and management modules that myself and Ben went up to and the update with Jim and what Nancy and David and I are talking about for the future, but I would like to wait when Nancy is here, if I could.

Dr. Daniel: Certainly. There's a lot of stuff I would like to wait on, because of the participation of several key players in various other committee minutes and various other things. Anything else? Then without objection, the agenda is approved. Minutes, has everybody had a chance to -

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Mr. Brown: Mr. Chairman, on page 25, the spelling of Dell Hall and it should be changed to Dale and that's in two places.

Dr. Daniel: Any other comments on the minutes? Any objection? With those corrections, the minutes stand approved. What I would like to do now is we're going to move into one of the presentations and then, if you will allow me, we'll kind of move around. Susan will be here tomorrow for her Protected Resources Committee and that will be a committee meeting of the whole and I would also like for Susan to be here for the Ecosystem-Based Management Committee report, as well as the Snapper Grouper Committee report.

She's been very involved in all those and always has good input on those. What I'll probably do is just slip over those and go into Executive/Finance, SSC, AP Selection until we get to 5:00 and we will plan on going until 5:00. Lieutenant Commander Robert Hendrickson is here to give a presentation on the automatic identification system and we saw this presentation at the council

chair and executive directors meeting and felt it would be a good thing for the whole council to see. Welcome, Lieutenant Commander. The stage is yours.

LTDCMDR Hendrickson: Thank you very much. First, I would like to thank Bob Mahood and Dr. Daniel for allowing me to come and speak to you all on such short notice. My name is Bob Hendrickson and I am the Coast Guard liaison officer of NOAA Fisheries Office for Law Enforcement. I've been there since August.

Some of you may recognize me. I used to be the Deputy Chief of Fisheries Enforcement before I spent a couple of years at sea and so if I look familiar, that may be where you know me from. Otherwise, it might be from a poster at the post office. Anyway, what I wanted to talk to you about a little bit this afternoon is the automatic identification system.

There's been a lot of scuttlebutt kicking around the various fishery management council meetings and a number of fishermen lately and I want to try to put some of the rumors and some of the scuttlebutt and some of the ill-conceived notions to bed and give you straight from the horse's mouth what the deal is with AIS, where we're going with AIS, and how AIS compares to VMS.

AIS, although it has three letters and ends in s, is not the same as VMS. AIS is part of an IMO initiative, an International Maritime Organization initiative, called GNDSS, which is for big ships, 300 gross tons or greater, and it's international. It is for safety of life at sea, it is for vessel traffic services, and it is for maritime domain awareness, knowing what's out there in your seas.

Again, the primary benefit of it is safety of life at sea. The secondary benefit is maritime domain awareness. Unlike VMS, which communicates once an every hour or once every thirty minutes, however often it gets polled, AIS transmits. It doesn't have to be polled, but it can be and it transmits every two, four, six, eight, ten seconds or if you're anchored or your speed, as detected by AIS, is less than three knots, it transmits every three minutes, but more about that later.

As I said, AIS was originally part of the IMO's GNDSS system. The Congress expanded that 300 gross tons carriage requirement to include all commercial vessels sixty-five-feet or greater as part of the Maritime Transportation Security Act of 2002. I said all commercial vessels sixty-five-feet or greater, but right now that's not including fishing vessels. That doesn't include fishing vessels right now.

This is what AIS looks like. There are nineteen different type approved AIS units. They range in price from about \$2,500 up to \$7,000. The typical AIS type unit that you would see on a fishing vessel will run you about \$2,500 to \$3,000, depending on how many bells and whistles you get on it.

The basic unit to be type approved by the Coast Guard requires that it's able to monitor the seven closest contacts to you at a time. It can also send 156 character email messages. It can receive weather information, tide information from the NOAA Ports Program, and there are a number of different things that AIS can do that we'll get into in a minute.

What does AIS tell you? Well, it tells you -- Not you, but it tells vessels around you where you are, who you are, what your course and speed are, what your navigation status is, if you're anchored or you're fishing, if you're not under command, restricted in ability to maneuver, and for some vessels, the larger ships that have the system integrated into their gyrosystem, it will give you the rate of turn if you're turning. That's the \$7,000 model, by the way. I don't figure most fishing boats are going to have that option.

This is what it looks like. It can be integrated into a number of different systems on board the ship. It can be integrated into your radar system, it can be integrated into an electronic chart display system, it can be integrated into a number of different display modules. You can customize the display, how it looks. In this particular case -- This was for the Newport News area and it gives you the name of the vessel, you can pull up his course over ground, speed over ground, et cetera.

This is what we try to avoid by implementing AIS. We try to avoid, particularly in the fishing vessel arena, we're trying to avoid fishing vessels being run over by big boats. There are documented cases where fishing vessels have been run over by big boats.

I know when you're working a fishing vessel you're back on the stern and you're not in the pilot house and you don't have your head glued to the radar. You can hook your AIS up to an external alarm and not that's going to help you every time, but it certainly is something that lets you know that SL there is getting a little bit close to you. It's, again, for safety of life at sea and collision avoidance, predominantly collision avoidance, and we also use it for maritime domain awareness.

Maritime security, the Coast Guard has been responsible and has been charged by Congress to be in charge of maritime security for the United States. This is one of our tools that we're going to use to know who is out there in our maritime domain area.

This seems to be the \$64,000 question. If it transmits who I am, what my course is, what my speed is, where I'm at, why not just use VMS, right? Well, this is why. They're apples and oranges, folks. They are apples and oranges. If you look at Tab 8, Attachment I if you've got a - - In your handout, there is a handout that sort of breaks down AIS versus VMS for you. I've got it up here on the board so you can take a look at it.

Essentially, as you know, VMS is for fisheries management and law enforcement purposes and that's what it's for. It's not for safety of life at sea. In fact, to use VMS data for anything other than fisheries law enforcement is a violation of the Magnuson Act. Now, I know that we, the Coast Guard, have used VMS data on occasion for search and rescue purposes. I don't think anyone is going to sue us for that, but we don't use it for anything else.

We have very strict caveats on any utilization of VMS data. We don't own that data. NOAA Fisheries owns that data and we're one of their primary customers. Understand that as we look to reauthorize the Magnuson Act, there is language in the Act to broaden the utilization of VMS, but it still remains a closed communications protocol. It's proprietary information and we respect that and it's not in the public domain.

AIS, on the other hand, is an open communications protocol. It's just like getting on your VHF FM radio every two to ten seconds and telling everyone around you who you are, where you are, what your course and speed is. Again, VMS, the Coast Guard supports VMS. We think that it is one of the best tools, one of the best force multipliers that we have, for fisheries law enforcement purposes.

We don't look for VMS to be replaced by AIS. AIS, safety of life at sea, vessel traffic service -- Are you all familiar with the requirements of vessel traffic services? If you're in a VTS, and there are thirteen of them around the United States, you're required to provide your course, speed, and identification at particular intervals in the VTS and this automates it for you so you don't have to actually pick up your radio and make the broadcast.

Safety of life at sea, VTS, and maritime domain awareness. If we were to take a look at using VMS for maritime domain awareness, it would cost the operator, either NOAA Fisheries, the Coast Guard, or the person who owns the unit over \$100,000 a year to make the same number of broadcasts as what we're getting for free. There is no communications charge for AIS.

Am I an AIS salesman? No, not really. What I am trying to do is just trying to explain to you -- According to the NCSA 2002, all commercial vessels sixty-five feet or larger are required to have AIS on board and be using it. Now, when we had the public hearings for AIS implementation, we had a number of comments from the fishing industry and from certain small entities. Certain small entities are like passenger vessels with more than fifty passengers for hire, twenty-six-foot and greater towing vessels, et cetera.

Those kind of fall into the same category as commercial fishing in that we heard what they had to say and we took their comments and we spent the last eighteen months to two years reviewing those comments and reported out to Congress. We found nothing in there that really compelled us to waive the requirements of NCSA. Congress concurred and we've saluted smartly and we're carrying forward.

When is it going to happen? I don't know. I'm going to be very honest with you. I don't know when the clock is going to strike midnight and all of a sudden everyone is going to be required to have AIS on board. I can tell you this, the rule making is in the pipe. I can also tell you that we've gotten some congressional inquiries about why we're doing this, the same people who passed the legislation. Go figure.

At any rate, we have gotten congressional inquiries about this and why are we doing this. We're implementing Congress's laws and where that's going to go, I honestly don't know. I have been making the rounds on capital hill and briefing congressional staffs. I was just in Senator Collins's office just recently briefing her staff and Congressman Frank was the one who was so interested in why we're doing this, et cetera.

I don't know when exactly this rule is going to come out the end of the pipe and I can't even tell you what it's going to look like. I'm not here today telling you to go out and buy AIS. What I am telling you is it's in the pipe and when it comes out the other end there's a good possibility that fishing vessels sixty-five feet or larger -- I should clarify that. Commercial fishing vessels,

not recreational, sixty-five feet or larger are going to be required to have AIS on board. How long is the Coast Guard going to give to implement that? A reasonable amount of time.

Now, ask your legal staff what reasonable is. I don't know and she doesn't know. Under the current rule making, we allow fourteen months for complete implementation. Our job is not -- Our job is to go out and write tickets, but our preference is to go out and educate people about why AIS, what it can do for them, why it's important, why they have to have it before we start writing tickets.

The cost, again, between \$2,500 and \$7,000. Again, \$7,000 it will do your laundry for you. \$2,500 is pretty much the bare-bones system. It will monitor the closest seven contacts and it will give you information on them, 156 characters of text messaging available and a few other bells and whistles. If you want more information on this, jot down that website, www.navcen.uscg.gov. That website has the type approved units on it and it also has information about the bells and whistles, everything you could possibly want to know about AIS and then some.

If you have specific questions, I will be more than happy to answer them here today. Otherwise, you can always reach me at that website or that address up there, robert.hendrickson@noaa.gov. The Coast Guard person who is responsible for the rule making is Mr. Jorge Arroyo and he is jarroyo@comvt.uscg.mil. While I've got that up, if you have any questions while I'm here, I will be more than happy to answer any questions you might have.

Dr. Daniel: Thank you very much. Are there questions?

Ms. Smit-Brunello: Will you remind me what the requirement is for the size of a vessel to get documented by the Coast Guard? Is that sixty-five feet or is it tonnage?

LTCMDR Hendrickson: No, it's five gross tons.

Dr. Daniel: I have a question. Why only commercial vessels if it's for domain?

LTCMDR Hendrickson: That's a very good question. To be honest with you, it's baby steps. We have to start somewhere and I think the primary reason is that we have to start somewhere and we have commercial enterprises that are on the water more often than recreational and so let's start big and work our way down. That's me talking and that's not the official position and I'm certainly not tipping my hand toward any pending legislation that I'm aware of, but in my personal opinion, I can see us eventually getting to some point like that, very similar to air traffic control.

Mr. Iarocci: I was up in New England not too long ago, but after some talk of VMS on the scallop fisheries and possibilities of other boats, this came up big time and one of the scallopers who I guess had just left Barney Frank's office and had talked to him and they're right now up there adamantly opposed to both. They're saying since they have VMS, as far as they know -- This was last week. They said tell your guys not to worry about it and that we're going to try to make sure industry doesn't have it if they've got VMS. From what you told me, that's not the case.

LTCMDR Hendrickson: That's a good point. As I said, I just saw this morning the congressional inquiry from Congressman Frank's office. I have not seen the official department-cleared response to that, but what I can tell you is that the information that Congressman Frank had or that he conveyed in his congressional inquiry to the Coast Guard was misguided.

The information that he had was that AIS is the same as VMS and quite frankly, I'm here to tell you it's not the same. Again, if someone wants to pay \$100,000 a year to cover the communication costs of their single unit, yes, the information would be similar. Then again, we totally circumvent one of the primary purposes of it, which is safety of life at sea and collision avoidance. Yes, a lot of the information is the same. A lot of the information is captured by VMS, but it's not the same in that it's not out there for the public domain and public use.

Mr. Iarocci: A follow-up to that point. In your opinion, with the added costs and expense and maintaining the two units and all that, do you see overkill by having the two units on the same boat, whether it be a sixty-five-foot commercial inshore shrimp boat?

LTCMDR Hendrickson: In my personal opinion see overkill? Absolutely not. I taught the National Search and Rescue School for four years. I looked at every single search and rescue case that the Coast Guard did and I looked at it under a microscope to see what we could have done differently and in cases where there was a collision between vessels, one of the things that really popped out at me --

GMDSS was coming online as of 1990 and so that's been in the pipe for a long time and one of our running comments at the school was if they had had this GMDSS system on board this boat, they would have had another tool in their bag to have avoided that collision. Again, VMS is for fisheries law enforcement. AIS is for safety of life at sea, VTS, and maritime domain awareness. It's apples and oranges.

Ms. Merritt: Has any thought been given to exemptions or any kind of replacement recognition for those vessels that are basically duplicating some of these things that AIS does? Such as for safety and for your being able to rescue at sea, you have your EPIRB. That size, you're going to have a SOLAS life raft, you're going to have emersion suits. For your awareness, you're going to have radar and more than likely you'll have VMS. It just seems like there's a lot of duplication that covers all of those bases and I'm just curious as to where that comes into play.

LTCMDR Hendrickson: Whether or not there would be any sort of reciprocity for --

Ms. Merritt: That's a good way to put it.

LTCMDR Hendrickson: Not that I'm aware of. I remember when EPIRB first became a requirement and that went over like dancing in church. It just didn't fly and they're requirements and people are required to have them on board. They serve a specific function and they save lives.

Hopefully we're going to get to a point where AIS is seen the same way, in that it is a safety of life at sea tool and it can help save my life. It's a tool in the box. It's not the be all and end all.

It doesn't replace my radar, but it enhances it and it makes it better and it makes me safer. To answer your question in the short, I don't see it happening.

Mr. Wallace: That was part of my question, was do you foresee this replacing the EPIRB requirement, since it's going to be doing basically the same job? What happens with EPIRB is the batteries go down and you've got to have the release mechanism and all of that stuff is going on all the time and do you see that -- It would at least give these boys a little bit of relief that they're paying the \$2,500, but they'll never have to buy another EPIRB again and that's one question and I would like to keep going with another one.

LTCMDR Hendrickson: I will say this. It doesn't do the same thing as an EPIRB. An EPIRB transmits an emergency radio beacon to a satellite, which sends it straight to NOAA, who relays it straight to the Coast Guard. Our position on EPIRBs is we launch and then we do some follow up and that's our policy.

This, it transmits VHF FM. If you hit a panic button -- Some of these are equipped with panic buttons. If you hit the panic button, it's going to send a message to everyone within thirty to sixty nautical miles around you, but it's not going to send a message necessarily to the Coast Guard unless we have a receiver or a vessel or an aircraft that's equipped with AIS within thirty to sixty miles of you. Again, it's apples and oranges.

Mr. Wallace: To that, I'll ask the other capabilities. Can it be updated to do that to where it has that same thing and if you turn over or if it goes off the screen then it automatically alerts the Coast Guard? Can those capabilities be adapted into this? It's just to get another tip. It seems like we've thought through everything now.

LTCMDR Hendrickson: That's a good question and as we make advances in electronics and in technology, that might not be too far off in the future. I'm not a technical type. I had to have somebody set this up for me here. I can't even hit those right buttons, but the thing to remember is AIS transmits in the VHF FM band. The long-range goal of the Coast Guard is to implement what we call Rescue 21, which is an overlapping system of VHF FM receivers up and down the 95,000 miles of coastline in the United States, but there are still going to be dead spots.

That system is still not up online and until that system comes online and until we find a way to get around these dead spots and until everyone who has -- I will point out that 80 percent of our search and rescue cases happen within twenty miles of the coast, but until we find a way to amp up the output of this to where it reaches beyond that thirty to sixty mile window, EPIRB and this are not the same and perhaps down the road there will be a way to alert the Coast Guard, like *CG on your cell phone or something like that, some shortcut mechanism, but nothing right now. It's certainly something for us to look into.

Mr. Wallace: To that, I wanted to ask the same thing and can you get the VMS capabilities that is required by the council integrated into this system? We're running out of dash space here along with a lot of cash. Each one of these things costs \$2,500 to \$3,000 each and along with the stuff that we typically use for navigation and radar -- Like you was talking about, our radar has got alarms on them that will alert us if something is coming and so that is not a big issue to us.

LTCMDR Hendrickson: That's not a selling point for you.

Mr. Wallace: Yes, that's not a selling point to us, but it is typically something that -- Like in the shrimp industry, it is an inshore fishery, within the twenty-mile range like you're talking about, and that would be more doubtful, but I guess that's -- Who do we have to contact to try to get some of these software additions and see if they've got that capability and the technology may be there to combine two or three pieces of equipment into one without kicking it up to that \$7,000 range again?

LTCMDR Hendrickson: You didn't hear this from me, you heard this from Chad Brick, but we've started to talk about that. Up until this point, and this point being at the executive directors and chairmen meeting, what we got from the AIS manufacturers and from the VMS manufacturers, we asked that question. NOAA Fisheries has asked that question for the last three or four years.

The Coast Guard has been asking that question for the last year and can we combine these black box technologies and the answer that we have gotten consistently up to this point is no, they're apples and oranges. However, part of that equation was the market. How many vessels have VMS right now? About 3,000.

Does that really warrant the research and development dollars to build an integrated system and what kind of market is there going to be? Well, the news to the industry was we're looking at expanding VMS and the Coast Guard supports expanding VMS and your market need is going to be growing and growing and growing and there may be a way to integrate the two technologies and we're looking into that. Now, is it going to happen next week or is it going to happen before this comes down the pipe? Probably not, but I can tell you that we are looking into it, diligently.

Mr. Wallace: The other selling point to the industry is -- I've talked to these boys and they've got VMS charges of \$150 a month and at least with this you're looking at something that's not going to cost you a monthly fee and accomplish the same goal.

LTCMDR Hendrickson: If we integrate into one-box technology, I'm not saying that those communications charges for the VMS side of it would go away, because that's the closed protocol. The closed communications protocol is the satellite phone transmissions to VMS, but I am saying that we might be able to put these two black boxes together and maybe there will be a change, I don't know. Again, I'm technophobic, technologically challenged.

Ms. Merritt: Along with the costs, when you're talking about the \$2,500 to \$7,000, does that also include installation and are there additional inspections and recertification going to be required, such as with the life rafts or perhaps with VMS and other equipment that you've got on board?

LTCMDR Hendrickson: That's a good question. The \$2,500 is for the base unit. It depends on how many bulkheads you want to go through in order to accomplish the installation. If you do the installation yourself, it's \$2,500. You have to buy a type-approved AIS model. Short of that, no, there's no other costs and there's no ongoing inspection, as long as it keeps working.

If you look at the Federal Register from November of 2003, what it says -- If you look at the website, there's a quote from there and so you can pull it up from the website, but it talks about ongoing maintenance costs of about \$800, training costs, et cetera. These units are very simple to use and they estimated very high. In fact, if you look at what's quoted as the cost of the unit, it's \$9,400. The cost of the units have come down significantly in the two years that we've been looking at these comments. I don't see the cost of the unit coming down much further.

One thing that I do know that has happened in the industry is that fishing associations have gotten together and they have bought their AIS units as a group and they've gotten group discounts and so that \$2,500 is not even a rock-solid figure. It's mushy on either side, depending on how many bulkheads you need to go through when you do your installation and depending on what kind of a discount you're able to get from the manufacturer. That's the manufacturer's issue though, not mine.

Mr. Iarocci: Gregg had brought up an interesting question. When you said commercial, and I have something to follow up, but when you said commercial, does that also encompass for-hire boats, headboats and charterboats, or is commercial being commercial as you had on there passenger ferries and freight boats.

LTCMDR Hendrickson: I think that would depend on how it's documented, if it's documented as passengers for hire or if it's documented as commercial fishing. I honestly don't know the right answer to that. If you would shoot me that in an email, I would be more than happy to research that for you and find out.

Mr. Iarocci: A follow-up. We had been talking earlier and in April at the Fish Expo there's going to be a lot of emphasis on search and rescue, VMS, IMS, and all that stuff and you are going to be there and able to or you're going to bring Chad along so he can encompass what we're going on here and get the right information out to the public, because from what I'm hearing from industry in New England and from what I'm hearing from like John and Rita here along the coast and I'm hearing the same thing through the Gulf and the west coast and it's a big issue right now with the whole nine yards, everything we're talking about, and especially with safety at sea issues.

I think it's very important, especially at a forum like Fish Expo, that you do get current information out of Barney Frank's office and what you guys are putting forth and what it's going to entail to put a unit like this on a boat.

LTCMDR Hendrickson: That's a great idea.

Mr. Gibson: Two questions or maybe one question and maybe a request. With the VMS, there was some talk about the power sources being different and not working with them and what type of power source would be required with this unit?

LTCMDR Hendrickson: The power source?

Mr. Gibson: The voltage power source. The VMS they said had some problems with some of the older boats with their electronics and all.

LTCMDR Hendrickson: I wasn't aware of that, but as far as this, it would just be a standard twenty-four-volt system or your boat's electrical system. It's the same system as what your VHF FM radio plugs into.

Mr. Gibson: The second thing is hopefully in the Bulletin that slide will appear and the answer to that question that Tony asked will be published. I think that would be a very valuable slide and the answer to that question.

LTCMDR Hendrickson: That's a great question and I fully intend to look into that.

Mr. Gibson: If it could be published in our bulletin, we would appreciate it.

LTCMDR Hendrickson: I don't know if I can get it to you in a week, but I'll certainly dig into it tomorrow when I get back to Washington.

Mr. Dunn: I was just going to offer some explanation on the system that we have is sensitive to power spikes and things like that and so it can't vary too far off line. In other words, if the generator kicks on and it's on the same circuit as the VMS unit, that causes problems.

Dr. Daniel: Anything else?

Mr. Wallace: These certain entities that you were talking about, does that mean that it could get smaller than the sixty-five-foot requirement and if it's a fishing vessel of a particular type, is that what you foresee as a certain entity? That's one of those real vague loopholes that you can get into.

LTCMDR Hendrickson: In the write-up on AIS, they refer to certain small entities and that's defined as commercial fishing vessels, vessels over sixty-five feet carrying more than fifty passengers for hire, vessels twenty-six feet or greater with more 600 horsepower engineering plants, and vessels carrying certain cargos. Those are all the small entities that we quantified when we were looking at the rulemaking and so that's what they're talking about.

To get to your other question though, your underlying question about can it wind up being smaller than sixty-five feet, I see that as within the realm of possibility. I'm not a rule maker or a legislator, but I definitely see that as within the realm of possibility. Is it going to be a \$2,500 interactive unit? I couldn't tell you. If you look at small aircraft, they've got a transponder on board and it might be similar to that and I spent a career trying to stay away from aviation and so I don't know how much that even costs, but I can see it as a definite possibility.

Mr. Wallace: You made the thing of 600 horsepower and there's king mackerel boats out there that would qualify for that.

LTCMDR Hendrickson: Really? Are they towing? That's the thing, it's a towing vessel sixty-five feet or greater with 600 horsepower. If somebody is twenty-six feet and has 600 horsepower, he is literally flying.

Dr. Daniel: Anything else? Thank you very much.

LTCMDR Hendrickson: I'll be around and if anyone wants to grab me offline, I'll be more than happy to talk to you and if you need information, I'm available.

Dr. Daniel: Thank you for your presentation. We'll get back on our -- I'm going to move us down to -- I guess I'll go to Executive/Finance. Executive/Finance met a few minutes ago and reviewed the 2006 budget and has had discussion on our total administrative funding, our SEDAR funding, and coral funding for a total of about \$2.35 million, which is pretty good. We got some additional funds from NMFS, with Roy's help, and we certainly do appreciate that.

Another issue that we discussed was our FMP planning and amendment development and basically what we've got on the agenda now for this year is Amendment 14 and Amendment 15 to our Snapper Grouper FMP and then the Comprehensive FEP and comprehensive amendment that we'll discuss later.

We don't see any activity coming on any of our other amendments right now. We all agreed, and this is a good opportunity here to speak up again, that it would be our intent in 2007 to begin working on what I guess would be Amendment 16, unless the ecosystem plan is 16 and then we're talking Snapper Grouper 17, which would be an ITQ program for snapper grouper.

The general consensus of the Executive Committee was that was the direction that we want to take. We did not make a formal motion to that effect, but certainly if that is not your intent, this would be a good time to speak up. Otherwise, that's the direction we'll be moving.

We had a discussion about the regional operating agreement with National Marine Fisheries Service that Ginny has been working on. We'll have a final version of that ready for approval in June. If you have not had a chance to look over that document, take a look at it and submit any comments that you may have to Ginny.

We also discussed the participation by council members at SEDAR and we're going to be sending out a list of all the upcoming SEDARs to all the council members so that folks will have an opportunity to attend at least the data workshop or maybe the review. We had some discussion if you want to go to an assessment review, that's good too, but we have funding for one council member to go and take care of their travel and everything for every SEDAR and so if there's one you would like to attend, let me know. We also had a discussion and Roy brought up a good -- Was there a question on that?

Mr. Wallace: Is it only one per -- Is it funding for just one per? We can't combine two or three council members and get it all covered in one time? It's going to be the same cost one way or another, but what does it matter?

Mr. Mahood: John, what we've budgeted is for each SEDAR we have budgeted one council member from the Gulf and one from the South Atlantic if both were involved or either were involved and a council member from the Caribbean for the Caribbean SEDAR. I guess you could have five people go to one meeting and then nobody go to the next five, but I think what's going to happen -- Like I say, I'll send out a copy of when the various schedules are. I assume

people will get back in touch with me of when they would like to attend and then we'll try to set it up to accommodate everybody.

Dr. Daniel: Also to that point, I think it's good to have a council member at each one of these. I hate to have a SEDAR go through with no council representation there, because I think it's important and it's nice to be able to get reports that snapper grouper or whatever we're dealing with from David or Mac or myself or whomever has gone so that we can keep a pulse on that certain topic and I think that's an important component of this. I would hate to send five people to one and then not have any representation at one for a while.

Mr. Geiger: I think it's important to have a council member at every SEDAR.

Dr. Daniel: Is there anything else on that issue? Also, Roy brought up a good point, based on some of the historical meetings and the desire for the public to have an opportunity to comment at our meetings. Because our meeting schedules can get kind of strange and start times and moving things around -- Right now, we're not really supposed to be doing this for another day and so it's hard for us to set a specific time in the agenda and be able to meet that.

We had a lot of discussion about having an opportunity for the public to comment and what we're going to do is starting with the next meeting -- Our recommendation and again, there's no motion, but our recommendation is to set aside a time, Tuesday at five o'clock, and have all the council members at the table and give the public an opportunity to comment on really any issues on the agenda or any issues of concern to the public. Does that cover, Roy, your issues satisfactorily?

Mr. Mahood: I think Roy did one other thing, that if we have a public hearing scheduled or a particular public comment period scheduled for a specific topic, that it wouldn't be an opportunity to rehash that again and I think that's good, because we could end up with a lot of repetition at one meeting if we do that.

Dr. Daniel: The committee thought it was a very good suggestion and I think everybody supported it in one form or another of giving folks an opportunity to comment. Anything else on that? Is everybody in agreement to that? The only other thing, and we'll probably get into this -- I didn't realize I was scooping Jenny Lee's story, but I just brought up the issue of the kingfish fishery that's occurring off of Florida right now.

I know it occurs in other places as well and the issues with protected resources and management authority on that fishery and that kind of mess and we'll have more of a discussion of that tomorrow during Susan's Habitat Committee meeting.

Mr. Iarocci: To that point, I'm so glad you said kingfish fishery and it's not our southern kingfish. There's two different and we did pull it up and it's pulled up on the computer there and from the different people I talked to today and we went to look at this fish and I would love it if we could have a picture of that to circulate so people know the species we're talking about, because there's lots of names, lots of nicknames and confusion, about this fishery and where it's done and all that. If we could get that straightened out before the meeting, I think that would be real important.

Dr. Daniel: That's a good suggestion, Tony. It does create a problem, particularly in Florida, where you call king mackerel kingfish. Certainly it's not a king mackerel. It's a sciaenid and there are three species, the Gulf, southern, and northern. It's a menticirrhus species and they look kind of like a flat croaker with a little chin burble right there. They're cute as they can be and good. Anything else or any other questions or comments on the Executive Committee? If not, that concludes my report. Next, if we could, we'll move into SSC.

Dr. Crabtree: The SSC Selection Committee met this morning. We heard a presentation by Jim Berkson, the Chairman of our SSC, which focused on a number of recommendations by the SSC, some of which would require council action and so the committee made several motions that I'll go through.

The first motion is that contingent on funding we should schedule two SSC meetings per year during the June and December council meetings. This was approved by the committee and I so move. Is there any discussion? Is there any objection to the motion? Seeing none, the motion carries.

It was also the sense of the committee that if funding permits, we would like to increase the number, the length of the two meetings, and add some additional days. The SSC feels like they don't have enough time to deal with the workload we're placing on it and the feeling of the committee was that rather than having an additional meeting that we would lengthen the two meetings that we already had. **The second motion is to create an SSC Coordinating Committee consisting of the SSC chair and vice chair, Biological Subcommittee chair and vice chair, and Socioeconomic Subcommittee chair and vice chair and I so move. Is there any objection to the motion or discussion? Seeing none, the motion carries.**

The next motion is to approve the SSC chair and vice chair serving for two years and I so move. Is there any discussion of the motion? Are there any objections to the motion? Seeing none, the motion carries.

Finally, we reviewed one application for our SSC and I move that we appoint Dr. Seth Macinko to the SSC. Let me just -- Dr. Macinko is with the University of Rhode Island and he's done a lot of work with IFQs and you may recall he made a presentation on IFQs I believe at the last council meeting. Is there any discussion of this motion? **Is there any objection to the motion? Seeing none, the motion carries.** That concludes our motions and my report, Mr. Chairman.

Dr. Daniel: You're a good man, Charlie Brown. Hi, Dr. Merriner. It's good to see you and we're glad you're here. With Roy's current workload, and I really don't see that it's really tough of a workload with only three councils and I don't know why you're having a problem, but he has asked for me to keep him on these committees but to remove him as the chair and I have done that and I have appointed myself to replace him as the SSC Selection Committee chair and I've asked Rita to be the Controlled Access Committee chair. Thank you for the work you've done, Roy, and especially with the Controlled Access stuff and I'm sure we'll be seeing a lot of you. Duane, are you prepared for AP?

Mr. Harris: Certainly. I have my computer in split screen mode, Mr. Chairman. Mr. Geiger is jealous and we've been spending the last hour trying to figure out how to get his in split screen and, Gregg, we need your help. The Habitat Panel Selection Committee met a few minutes ago it seems like and took a number of actions to either reappoint or appoint members to a number of our advisory panels, including the Habitat Advisory Panel and that's the one I'll start with.

There was a motion to reappoint Doug Rader and Terry Pratt to the Habitat AP and on behalf of the committee, I so move. Is there any discussion on the motion? **Is there any objection to the motion? That motion carries.** We also just have some directions to staff to re-advertise the North Carolina recreational seat on the Habitat AP.

With respect to king and Spanish mackerel, there was a motion to reappoint Bill Wickers and Bob Pelosi to the Mackerel AP and on behalf of the committee, I so move. Is there discussion of the motion? **Is there any objection to the motion? That motion carries without objection.**

We also had a motion to reappoint Ed Holder and Tom Mogul to the Mackerel AP and on behalf of the committee, I so move. Is there discussion? **Is there objection? That motion carries without objection.**

We had a motion to reappoint Andy High to the Mackerel AP and on behalf of the committee, I so move. Is there discussion? **Is there objection? Without objection, that motion is approved.** We are going to advertise an open Georgia recreational seat on the King and Spanish Mackerel AP.

On the Shrimp Advisory Panel, a motion to reappoint Fred Dockery to the Shrimp AP and on behalf of the committee, I so move. Is there discussion on the motion? **Is there objection to the motion?**

Mr. Boyles: I believe that Mr. Dockery is an original appointment and not a reappointment.

Mr. Harris: Kim says yes. Did I say reappointment? I didn't mean to. **The motion is to appoint Fred Dockery to the Shrimp AP. On behalf of the committee, I so move. Is there discussion on the motion or objection to the motion? Without objection, that motion is approved.**

There was also a motion to appoint Megan Westmeyer to the NGO seat on the Shrimp AP. On behalf of the committee, I so move. Is there discussion? **Is there objection? That motion carries without objection.** We will advertise an open Georgia commercial seat on the Shrimp Advisory Panel.

On the Law Enforcement Advisory Panel, there was a motion to reappoint Kim Connolly to the Law Enforcement AP and on behalf of the committee, I so move. Is there discussion on the motion? **Is there objection to the motion? That motion carries without objection.**

We had a motion to appoint Michael Kennedy to the Law Enforcement AP. On behalf of the committee, I so move. Is there discussion on the motion? Is there objection to the motion? That motion is approved without objection.

Moving on to the Snapper Grouper Advisory Panel, we had a motion to reappoint Danny Hooks to the Snapper Grouper AP and on behalf of the committee, I so move. Is there discussion on the motion? Objection? That motion is approved without objection.

We had a motion to reappoint Micah LaRoche to the Snapper Grouper AP and on behalf of the committee, I so move. Is there discussion? Is there objection? That motion is approved without objection.

We had a motion to reappoint Robert Cardin, Don DeMaria, Bill Kelly, and Captain Dan Kipnis to the Snapper Grouper AP and on behalf of the committee, I so move. Is there discussion on the motion? Is there objection to the motion? That motion is approved without objection.

On behalf of the committee, I move the appointment of Jim Gray to the Snapper Grouper AP. Is there discussion on the motion? Is there objection to the motion? Then that motion is approved without objection. We will advertise the open seat on the Wreckfish Sub-Panel. Mr. Chairman, I think that completes my report.

Mr. Iarocci: Also we wanted to re-advertise the seat of the resignation that we got from Steve Grubish from North Central Florida and so that seat is going to be re-advertised also until we can fill it properly.

Mr. Harris: Did we not have that down on this? Thank you. Now, Mr. Chairman, I think that completes my report.

Dr. Daniel: Thank you, Mr. Harris. I did want to go back to one issue in the SSC issue. As a lot of you know, and maybe you don't all know, Joe Grist -- We lost our stock assessment guy now to ASMFC. We lost our first one to the South Atlantic and now we've lost our second one to ASMFC. We're getting another one trained and so if anyone needs a population dynamics person, we'll have one ready in about two years.

Vince though has very graciously is allowing Joe to continue to serve on our SSC, which I think is a huge help for us, and he brings some good expertise to the table, but he will no longer be representing North Carolina. He will be representing the Atlantic States and so I just wanted to make sure everybody was aware of that and also to thank Vince and the ASMFC for that commitment to us and we certainly do appreciate that.

Mr. O'Shea: I mentioned this to you, but I would certainly mention it to the full council. As you well know, you don't see me very often at your council meetings and I'm aware of that and somewhat concerned about it, but we are committed to supporting our southern states that are in the commission and having Joe participate in the SSC I hope is providing value to the states of Florida, Georgia, South Carolina, and North Carolina. That's the least that we can be doing and you shouldn't be punished because you don't have controversial problems.

Dr. Daniel: Thank you. We definitely can use him and certainly appreciate that. The next item on the agenda is our Council Chairs and Executive Directors Meeting that George and Bob and I attended January 25th through 26th at the Hotel Washington. There is an agenda attached on the council tab.

A lot of the stuff was informational. Roy was there as well. The majority of the discussion was really centered around the budget and the available funds that NMFS was making available to the councils and how that was going to be distributed and that's always an entertaining exercise, particularly when you're dealing with the Pacific Council, and I think they ended up getting the lion's share of the money to try and maintain some of their programs.

I think they lost the most last time, but we did, as Bob indicated in our Executive/Finance Committee meeting, we did come out about a quarter of a million dollars ahead of the game, which will help us tremendously, and much of that was due to the fact that our RA went around to his councils and found out what we needed and so we pretty much got what we needed. Our part in that discussion was really sort of minimal.

There was a lot of discussion on the upcoming budgets and also the Magnuson reauthorization stuff and looking at various bills and issues and concerns related to that. One of the issues that came up from I believe it was the Mid-Atlantic Council was they asked for some time on the agenda to discuss the NMFS/council relations and that was really driven by the issues and concerns dealing with the Highly Migratory Species section and not necessarily with the regional offices. That was my take-home message from the concerns and issues.

We had a pretty good discussion about that. Bill Hogarth was there for that discussion and we were able to express some of our concerns and I specifically brought up the issues that this council has had and the concerns that we've had over not receiving feedback back from the Highly Migratory Species section and the fact that issues of concern to us don't seem to be getting much action at the HMS level.

I specifically brought up the drift gillnet fishery off of Georgia that we've been trying to get taken care for at least as long as I've been on the council and we just don't seem to get any bang from that crowd. My hope is that that process will get better and that they recognize that we are indeed consulting partners in these things and should not be just treated like the general public. We'll see as we move through this consolidated FMP and the letter we sent out yesterday what kind of response that we get.

The other stuff, MPA update, we had the VMS and AIS presentations that you just saw that we thought were important, an overview of the observer programs from Lisa Desfosse, who used to be with the commission, and a really good discussion on the report card to Congress and the way it's always been handled in the past is that we get this report card and we're asked to comment in a week or two and then we send it back in and maybe our comments are received and maybe they're not.

I don't know exactly how it's been, but it's been done not very well, in our opinion, but what Galen Trumble has done, I think it's Galen, has come up with this approach where he's going to

be updating the report to Congress quarterly and while it will only go to the Congress once, it gives us an opportunity to update it and keep it current and comment on it and make suggestions and arguments for changes in stock status and that kind of thing through the year.

That way, we'll have, I think, a better report to Congress and more reflective of what we actually feel is going on here in the South Atlantic. We're under some constraints on how we can change stock status and they're real strict about that and so it's got to be cut and dried before you can move anything around in there, but at least once we get the report that we're not overfished or not overfishing on a particular species, we can get that right into the report and it will be ready for the next report to Congress.

Overall, it was a very good meeting, I thought, and I would certainly ask George and Bob to add anything to that if they have anything. Are there any questions about any of that? While we're talking about the NMFS and council relations and highly migratory species, Rita and I just got back from the Highly Migratory Species Advisory Panel meeting.

It was last week in D.C. and they're moving forward with the consolidated FMP and we discussed the one issue really pertinent to this council, which was the fishing year change. That letter has been signed and sent and so that's a done deal and today is the deadline for comments. There are a lot of other issues though, and Henry was there as well, and the states were made very much aware of some new issues that came up regarding allowable gears and various other issues and concerns.

It does appear that they are going to move forward and how they -- There were some very, very strong comments made about green sticks, about identification of pelagic longlines and bottom longlines, discussions about more restrictive federal regulations applying in state waters, which raised a lot of eyebrows and concerns, which we did not have any discussion on in our previous comments.

Everybody needs to kind of keep an eye on these things and I'll be real curious to see how NMFS reacts to those comments, because it really, more so this time than ever before, at least in my opinion, they seem to be more receptive to the comments and I think there may be some changes on the horizon, but we'll soon see. Rita, did you have anything to add to those discussions about the Highly Migratory Species meeting? Rita did a very good representing our council. Bill, you were there too and so you might have something to add as well.

Mr. Daughdrill: Not to add, but I just have a question. How do you all feel about buoy gear? That was an issue that concerned our council and I didn't hear you mention that just now.

Dr. Daniel: We haven't ever discussed that at this council. Right now, you're allowed to go out and set basically what amounts to a polyball and put a gangion clip on it and float it out there in the ocean and catch swordfish or tunas or really anything you want and it's an unregulated gear type. It's an unlimited gear type and it can be used by recreational fishermen, commercial fishermen, by anybody. I think that caught a lot of people by surprise, that that even occurred, and some of the issues and concerns raised by folks in the Gulf was these things getting hung up in those towers, those oil platforms and things like that.

I've never heard of that happening in our area, but one of the issues that was brought up off the coast of Florida was fishing for swordfish in there and what NMFS proposes in the consolidated FMP would be to limit folks to thirty-five buoys, but even that, thirty-five buoys and trying to keep up with thirty-five buoys floating around out in the middle of the ocean, especially if a swordfish or two gets on them and you're chasing them around, I'm not exactly sure what our -- Bill, our council has never discussed that. This is the first many have probably have ever even heard about it.

Mr. Iarocci: I'm trying to think how far back. Fifteen years ago probably, we had a fleet of buoy gear boats in the Keys. I've used them inshore when it was legal for mutton snapper and I'm used them all the way down to the bottom, depending on the weight and the drift, with live bait and out offshore for pelagics, for dolphin, kingfish, and also we used them -- The biggest fleet was when we used them for snowy grouper and tilefish.

We used the big circle hooks for grouper down to the smaller hooks or all the way up, depending on how many hooks, preference to a guy. To date, there isn't a guy that I know of in the Keys using the buoy gear, but at one time there was a lot of boats using this gear. Now, to go back to a while ago when it first came out when the smaller Vietnamese boats and the smaller tuna in the Gulf and it was done for a while and a lot of the rubble boys didn't know about it and they were using buoy gear for tuna fish.

The longline boats were setting their longlines, but these guys were out catching them because they were setting these buoys with live bait. They have the big live tanks on the boat. That's where that whole thing came out and now the live baiting for the fish and the buoy gear and it surfaced. It went away for awhile and now it's surfacing again and guys are going back and using that gear and that's where it's coming from.

It's something we've got to keep track of. Louis, to your comments, we had a discussion Monday when we were talking about the identification of a green stick and it was a longline or if it was what and also to categorize and label a pelagic longline because of the numbers of buoys and we've definitely got to keep track of this identification and what comes out of this, because there's a lot of confusion in this labeling and naming of the gear.

Dr. Crabtree: I just want to say I've heard a lot about buoy gear since the consolidated amendment went out and what I've found is there's a widespread misconception about what's going on. Louis described it fairly accurately, but there's a perception among many people that this is a new gear that's being allowed that previously was prohibited and that's not correct.

It's a gear that's been allowed and basically unregulated and it's now being reigned in and restricted. There are many who feel it's not be restricted enough, but I think all of us who talk to people about buoy gear, the first thing you need to do is make sure they really understand what's happening, because there's just been an awful lot of misunderstanding about that.

Dr. Daniel: That was apparent at the meeting, Roy, that people didn't understand and Mike Leach with IGFA was very concerned about it. I think a lot of the comments centered around not allowing it for recreational purposes and only allowing it for commercial vessels, but we'll see how that comes out.

Mr. Gibson: Could you expand on the green stick just a little, the commercial green stick and/or there's some use in the recreational field for green sticks.

Dr. Daniel: For whatever -- I guess NMFS HMS folks that deal with bluefin tuna discovered that this gear was happening and that there were more than two hooks on an individual line and so they couldn't figure out how to distinguish between that and a longline and so they worked to try to first identify a green stick, which in that process they discovered two types, and most of us know that, but that was what was presented.

There's a green stick that has a BRD that goes back and then there are release clips along that and then the individuals lines connected to rod and reels come off of that green stick line and when a fish hits, it releases that clip and you fight the individual fish on an individual fishing pole. That's not considered a longline, because you fish an individual fish with an individual fishing pole.

There is a commercial green stick that when the fish get on you hit a button and the whole line comes up on a drum and the fish are released. Now because HMS can't distinguish between that and a longline, a high speed trolling configuration like that and a longline, they're saying that you can't use that for bluefin tunas. You can use it for bays tunas, bigeye, albacore, yellowfin, skipjack, but you can't use it for a bluefin. You can't fish for bluefin with one on the boat.

A lot of our boats have greensticks onboard and whether they use them or not, it depends -- You can't have it on the boat if you're bluefinning and so that's going to cause a real problem for a lot of our guys that have these big poles. They're about that big around at the base and mounted semi-permanently on the boats and having to get those things off of there to go bluefin fishing.

When the issue came up about the pelagic longline bottom longline and using floats to distinguish between those two gear types, the logical question to me was how many floats are on a greenstick, because they don't have any floats on a greenstick.

It would just seem to me that there would be a way that we could get around that, because the nice thing about a green stick, particularly a commercial green stick, is that it gets the fish to the boat real quick and the quality of the fish, number one, is much higher, but also if it's an undersized fish you can release him and you haven't been fighting him for forty-five minutes or however long. There's a lot of benefit to using the green stick to catch bluefin tuna.

The other thing is that we're 500 tons under the quota and so it's not like it gives anybody more advantage or we might catch the quota too soon. We're struggling trying to catch the quota and so that's the green stick issue as I understand it.

Mr. Daughdrill: Another question about the green stick. Is it like an outrigger?

Dr. Daniel: Yes, I think you could say it's like an outrigger when it's used in the recreational mode. Instead of two outriggers off to the side, it's one sticking straight up out of the cabin of the boat that goes straight back and what it goes back to is a big BRD that makes a bunch of commotion in the water and the baits are set to just above the surface so that it really is just kind

of slapping the surface and that's the way that fishery operates. Any other questions on the Highly Migratory Species committee meeting?

Ms. Merritt: Just to add to what you said, Louis, we did have a presentation there that was really interesting regarding the different types of hooks, j-hook and circle hook and some modification of the j-hook, which I think they called an offset, and that kind of locked into people's minds the advantages of recommending to both sports and commercial fishermen the use of the circle hook providing a better quality fish and increasing mortality.

They did an interesting part of that study that dealt with the amount of time and it had to do with how far from the boat it was and they called it drop back time and they did it at different intervals and circle hooks always seemed to come out as the winner for less mortality in a release situation and we found that to be a real interesting part of the meeting.

Dr. Daniel: The other take-home message to that was that some hooks that are marketed as circle hooks don't perform like circle hooks and can actually cause more damage than they do good if they're not circular shanks and all those various things. The only other thing I had on HMS is just informational.

The quota specs -- Margo Schulze-Haugen, who is running HMS now after Chris Rogers, she and Alan Risenhoover have made a real concerted effort to try to get the specs out early and they've done a very good job doing that. In fact, the quota specs for this year are already out for the June 1 start date and they're available for comment.

The surprising thing is there's about 1,200 or 1,100 metric tons general category available this year and I won't rehash the issue of the start date of the fishing year and how that's going to be a problem. We've had that discussion. Also, and I don't remember if this happened -- I think this happened after our December council meeting, but the state of North Carolina did get a letter I believe it was from Bill rejecting our shark petition and so that was rejected and noticed in the Federal Register. We just are preparing to move in a different direction to try to satisfy that problem. Anything else on HMS, questions or comments? If not, Roy, are you ready to move into your NMFS Status Report?

Dr. Crabtree: Yes, it will be very brief. I believe in your briefing book you have a memo from me to Bob that goes through all the status of the various quotas. There's only really a couple of things of interest. We are basically at the end of the quota year for king mackerel. The Atlantic group king mackerel, based on what I have and it could go up a little bit, but 58 percent of the quota was caught this year and Atlantic group Spanish mackerel, 68 percent of the quota was caught.

I know we've had concerns about king mackerel and effort shifting, but at this point there is a considerable buffer there before we're going to start running into that quota. Of the other quotas, historically we don't really hit any of them, I don't think.

I want to talk about shrimp permits for a moment. There are a number of applications in the room, and I think Kim has a stack of them back there. As you know, this rule was later than we had hoped finally coming out, because it was under review by OMB for some time, and I

apologize to the shrimpers that these permits are going to be required on April 11 and I would have liked to have a longer period for them to apply, but that's not the way it worked out.

I ask all of your help to get these applications out to all of the shrimpers out there and then our permits office is ready to work overtime, if necessary, to get the permits out when people apply and so those, as I said, are back in the back of the room. I also would just touch for a moment on the efforts that are going on with our new Permits Information Management System.

I had a briefing of that last week and we have hired several programmers now in the regional office who are committed towards working to finish implementation of the new permits system and two others that are working on the red snapper IFQ software in the Gulf and I think they're making good progress on it and that we will be beta testing the new permits system fairly soon now. That's going well.

Just briefly, since we're talking IFQs, the red snapper software is coming along well and the way that is heading is that when fishermen come in, they will at the dealers go online and they'll have a password and a pin number and they'll be able to go online at the dealer and enter their catch of red snapper in and be able to do transfers of quota and all those types of things online.

I think that's coming along well and providing that we stay in a -- If the region can stay within a fairly general framework as to how these IFQs are going to work and be handled, I think it will work out that this software they're developing can be applied to different fisheries and unless there are any questions, that's mostly what I have to report.

Mr. Wallace: I think I told you yesterday, but we've sent all of our association members copies of the permit in order to try to get them with the deadline in there, but one question that I have been asked and I think I know the answer, but I just want to make sure, but according to the application it's asked do you want a Gulf permit and a South Atlantic permit and we're not able to get the Gulf permit now, is that right, from the South Atlantic if we don't already have one?

Dr. Crabtree: I'm not sure -- You can get a Gulf permit right now. It's still under open access, but I'm not sure what you mean. You have to have a Gulf permit to get a South Atlantic permit?

Mr. Wallace: No, we have people wanting to get the Gulf permit, but I was under the understanding that you had a certain time period that was over a year or so ago that you had to get it or you could not get it.

Dr. Crabtree: There is a control date and the Amendment Shrimp 13 in the Gulf of Mexico establishes a moratorium on permits and in order to qualify for a moratorium permit, you had to be in by that control date. That amendment has been approved by NMFS. It was approved about one week ago.

However, the proposed rule has not published yet and the final rule certainly hasn't published and so it is not implemented yet. If you call my office, you can get a Gulf shrimp permit, but once the moratorium final rule publishes, assuming that the rule is approved by the Secretary, unless you qualify you'll lose your permit at that point. Until the final rule publishes and changes the regulations, it is an open access fishery.

Mr. Wallace: To that, I guess maybe I'm asking what is the qualifiers? Is it landings or is it --

Dr. Crabtree: You just had to have a permit by the control date, which was December of 2003, I think, John, but I'm not sure on that. There was no landings involved. All you had to have was a permit and if you bought a vessel that qualified based on that control date, the vessel then would qualify under the permit moratorium, too.

Mr. Wallace: I'm pretty much assuming that if we did not have one we're going to get rejected and I guess they may give us a permit and then -- I know some that said I'm going to send the \$70 and try to get it and is this going to disqualify their permit application I guess is my question for the South Atlantic permit or will they just reject it and send the \$20 back?

Dr. Crabtree: No, I think they'll go ahead and process the South Atlantic permit and they'll go ahead and give them a Gulf permit right now, because, as I said, the Gulf permit is still open access. Once the moratorium is implemented, then we will send notices out to the people who qualify and everybody will have to apply and those open access permits that are out there that don't qualify will be revoked.

If they don't qualify, they're going to spend their money and we're going to take it and they're going to get a Gulf permit, but down the road in a few months it may well be revoked and so they'll have to decide whether that's worth it to them or not.

Mr. Wallace: I guess that's the key thing, may well be. Is it still an option or is that pretty much set in stone? I would like to tell them don't waste your money.

Dr. Crabtree: The amendment has been approved by the Secretary. There's going to be a proposed rule and they'll be a comment period on the proposed rule and then the Secretary will make a decision on the final rule and until the final rule publishes, I can't tell you with absolute certainty that it's going to happen, but I think the fact that the amendment has been approved is pretty strong evidence of where it's likely to wind up.

Dr. Daniel: Anything else for Roy? I certainly do encourage all the states to get press releases out and that type of thing. We've been trying to do that and get it on our website and I've had a lot of interest from the press on these and so we're trying to get that information out so that people don't find themselves in a bad scrape. Anything else for Roy? If not, thank you, Roy.

Mr. Iarocci: There was some talk earlier on, and maybe now is not the appropriate time, but I think Roy had mentioned maybe they were going to send out a notice when we started talking about people -- We're phasing into IFQs and ITQs and limited entry and all that stuff and people selling permits and is now the time maybe to talk about getting -- Roy, maybe I'm remembering differently from what I heard, but didn't you say you were going to try to get a notice out to that effect?

Dr. Crabtree: I think given principally some of the things going on in the Gulf right now, but since we're starting to talk IFQs or we also talked latent permits and I think what I want to do is send out a fishery bulletin to all commercial fishermen in the South Atlantic and in the Gulf

advising them that the councils are considering IFQs and other types of programs in which their ability to qualify will depend on the landings associated with the permit.

If you buy a permit from somebody, you need to find out what landings are associated with that permit and explain to them that after you buy the permit you won't be able to find out the landings associated with it, because landings data are confidential under the Magnuson-Stevens Act and then you'll have to go get a waiver. The gist of what I want to tell people is when you buy a permit don't expect to be able to get the landings and find out before you buy it.

There was one other thing, Louis, too. I think Tony brought up goliath grouper and are we going to talk about that at a separate time? I want to make you aware that I some months ago, probably six or seven months ago, initiated a status review of goliath grouper. I guess you're aware that I think for about a decade now goliath grouper has been on what used to be the candidates list and now has become the species of special concern.

This is a list associated with the Endangered Species Act and basically it indicated that there was some concern that a decade or more ago goliath grouper had been fished down to the point where they could become threatened under the Endangered Species Act. Since we've had such a resurgence of the goliath grouper population, I asked my staff to do a status review of that. They pulled together a team of people and went through all the available information that they had and the report concluded that continuing goliath grouper on the species of special concern list was not warranted and so I made a determination that it should come off and headquarters has concurred and goliath grouper is no longer on the species of special concern list.

Now, that doesn't say anything whatsoever about whether goliath grouper is still overfished or not overfished and it doesn't say anything about the regulations or the protection of it. It just means that we believe we've made a lot of progress and we no longer have any concerns that goliath grouper could become threatened or endangered under the ESA in the foreseeable future. It remains up to you and the Gulf Council in terms of what sorts of management for goliath grouper are appropriate in the future.

There have been a lot of calls, some on the Gulf Council and also some with the state of Florida, in interest in reopening this fishery at some point and so I thought at the very least we ought to get it off of any endangered species sort of things and I believe that my office has a press release that either has gone out or is going out and, Kim, did it go out? It went out. Okay, so you've seen that.

Dr. Daniel: I'm sure there's some discussion on that one.

Mr. Iarocci: Would you like me to get into it now?

Dr. Daniel: The door is open.

Mr. Iarocci: Atlantic States Marine Fisheries have striped bass as their poster child and they've opened it up and -- I'm joking, Vince. It is a success story, Roy. We can talk striped bass and how they're eating everything up in the ocean up there and we can talk dogfish. There are so many dogfish and they're eating everything.

Karl Lessard, who used to sit on the Gulf Council, and Eddie Cordova, who is one of the highline fishermen in the middle Keys, and I can go on and on from charterboat fishermen on both sides, the South Atlantic and the Gulf. One example, Carl two weeks ago came down and he said today he counted over sixty jewfish in his crab traps. When he pulled his crawfish traps a month before, in one day he caught forty and they're bigger in the crawfish traps. They're forty to sixty pounds and sometimes you have to bust the doors out and I don't know how they get in the lobster funnels.

The charterboats and the recreational fishermen that are fishing out in the Gulf and on top of the reef right now, a lot of times they can't get a legal size or sub-legal fish to the boat because of the jewfish and so I would like to open them up to bang sticks only as soon as possible.

We can move forward with that and get that out to the press as soon as possible, but I am not approaching the council to open up the fishery. It's a can of worms, but I did tell everybody that had contacted me that I would get it up and when this document came out -- It hasn't surfaced with the powers to be in my area, but they're going to see this and they're going to take this as momentum to do something and I'm just giving food for thought right now. People are going to be approaching the councils or the state or whatever to open up some sort of a bag limit fishery for jewfish.

Dr. Crabtree: One thing that I believe is that the Gulf Council has had some email contact with Nancy Thompson regarding whether there would be enough information to try once again to update the goliath grouper assessment that was done a few years ago.

I don't think that has been scheduled yet, because we have not had a SEDAR Steering Committee to formally do that, but George Geiger is looking like I might be wrong on that. At any rate, there was interest in trying to do something with goliath grouper in 2007 and that really would be, in my mind, what needs to happen.

We need some sort of assessment to give us some guidance, because the problem is if you just open this fishery back up with a one fish bag limit, you're going to be right back where you started and we can't do that. The other thing people have to understand is that there is always going to be jewfish or goliath grouper on these reefs and these wrecks when they're fishing, because the only way to get rid of all those is to deplete the stock again and we don't want to do that.

Their problems with having some of their fish eaten, I'm not sure how to necessarily address that, but I think the first step is to -- We can talk to Nancy, who I think will be here tomorrow, but I believe John Carmichael is trying to set up a conference call with the SEDAR Steering Committee and this may come up at that one, but if we could get some sort of assessment to give us some guidance on how many goliath grouper could be appropriately taken -- It's mostly going to be taken off the west coast of Florida, because that's where most of them are.

If we know how many could be taken, then we could start talking about how to design a program to limit that take, but it's going to have to be a more restrictive fishery than simply having a one fish bag limit or something like that.

It may have to be a lottery or something, but we're going to have to be able to carefully control this, because I would sure hate to see us having gone through twelve, thirteen, fourteen years of a closure on a species that really is a poster child for the environmental community and a lot of other people and we need to be awfully careful that whatever we do doesn't just set us back and we're back into another decade closure, because I think that would just be a huge mistake. I think it's something we can look at, but it will take a little bit of time to do that.

Mr. Iarocci: To that point for the record, I want to be perfectly clear that I was joking around earlier and I don't want anybody to leave this room and say that I am requesting bang stick fishery. All I was passing on was input from my constituents in Florida, period. I am in no way requesting opening up goliath grouper.

Mr. Geiger: I had a couple of points, too. Roy, I agree entirely with what you say and there's a tremendous learning curve that I think has to occur, especially within the recreational community, because when you say it fast, opening some form of take up for goliath grouper, they think the problem is going to be solved. When you stop and you talk to people and all of a sudden they realize that when you remove one animal another one is going to move in and you take that one and another one is going to move in and how are you ever going to get to a point where you're going to not have a large specimen taking recreationally caught fish off of this wreck now and so it's an educational problem.

Once you talk to people and you quiz them about it, they scratch their head and they say they really don't have an answer and they don't know what the best way of doing it is, but right now it's become a crisis and as you know, all you have to do is have somebody pick up and enter something like this, a campaign on a website, and whoever thinks it's a good idea jumps on board and gives it no thought and it begins to have a life of its own almost.

Dr. Crabtree: Yes, I'm real familiar with website campaigns.

Mr. Geiger: The other thing I wanted to ask was the difference -- I was under the impression, unfortunately -- I talked with Degraaf Adams from the Gulf Council and he had told me that -- I didn't check, unfortunately, but he said that there was a SEDAR scheduled for goliath grouper.

Dr. Crabtree: I might be wrong, George, and there might be. I thought that we hadn't had a SEDAR Steering Committee meeting and I don't recall seeing an official schedule that had it on it and so I think we need to have the call to formally schedule it and in fact, I thought of sending John Carmichael an email a minute ago to find out, but I don't think it is formally scheduled.

If Nancy feels like they have enough information to do one, then I don't have a problem with trying to squeeze one in 2007, but I don't know how that's going to affect all the other things we want to have done.

Mr. Geiger: I have one more question. Roy, in that letter that you sent out, the cover letter to the status report, and I believe it was in the last paragraph, I think you couched your removal of goliath grouper from the list based on the continuing management measures that are currently in place being continued by the states.

Dr. Crabtree: I don't recall specifically what I said in the letter, but I can tell you it was not my intent in this to tie the councils' hands or anything like that. I think, one, we're going to have to either have enough scientific basis to say that goliath grouper is rebuilt or, two, we're going to have to come up with a rebuilding plan and we're going to have to show how whatever harvest level we allow is consistent with it continuing to recover and we're going to have to decide when it's going to recover by.

Mr. Daughdrill: To your point, George, about the SEDAR meeting, I do think there is a meeting with SEDAR on goliath. I can't find my notes on it right now, but I know I've seen that.

Mr. Waugh: Right now with the current SEDAR schedule, there is an update scheduled for late 2006 and that's on the schedule now, but I know that's an issue that John has for you all to discuss on the conference call. The other point I wanted to make is to just remind people that the two councils took a different rationale for the current prohibition on harvest.

The Gulf was due to stock status and ours was due to stock status, but our conclusion was not to close it until it's rebuilt, our conclusions in the amendment that certainly the council could change, but our conclusion was the greatest benefit of those jewfish was a non-consumptive use and for them to be viewed on the reef and that was the highest value use of that resource and so it's a different rationale that the two councils had.

Mr. Mahood: One of the things we'll have to clarify in the SEDAR conference call is I think the goliath grouper is going to be just for the Gulf and if we need to -- If the council wishes that we pursue that in the Atlantic also, we need to look at that, but right now, my last discussions with John and what we based our budget on was just the Gulf.

Dr. Crabtree: That's mainly, I think, because that's the only place we have any information. There's no catch data and a lot of what went into that assessment were visual observations and those types of things and a little bit of tagging data that was done in the Gulf. They constructed a time series of counts that some divers had and those types of things.

The real unknown in that last assessment was how effective has the moratorium been. Clearly there is some release mortality and some level of poaching that's going on out there and depending on what you assumed about how effective the moratorium is, you came up with very different answers in terms of stock status.

Now, I don't think we have any better data about how effective the moratorium is, but we probably have several more years of visual census data, which may help us. The model will have to fit that data and that may help us to narrow down what the reasonable range of alternatives on the effectiveness of the moratorium is.

If the council is comfortable with where you are, that you're going to keep this fishery closed, then I don't know that an assessment is necessary. I also believe that the magnitude of the goliath grouper population on the east coast is extremely small in comparison to the west coast and you're going to have a lot more risk over here in terms of overfishing and all and managing the TAC, because there are just not nearly as many fish.

I think the real center of abundance for goliath grouper has always been southwest Florida and that's really where they are, but I think it's unavoidable that the assessment will principally reflect what's going on in southwest Florida, because that's where most of the fish and that's where all the data is.

Mr. Geiger: Roy, I think that's where most of the complaints and the concerns from the fishing public is coming from, is southwest Florida and the Gulf.

Dr. Daniel: Anything else?

Ms. Merritt: Before we started talking about the goliath grouper, Roy brought up his bulletin to all the fishermen advising them about the permitting issue of potential communication problem with the fishermen where they may have permits transferred without landings or not be aware of it or whatever and the thought came to mind that a reinforcement of that might be to have the actual permit, the transfer portion that's on the back of it, to indicate whether or not it does come with landings, with or without landings, and you could also perhaps include that permission that you wouldn't have to get after the fact from the current owner to allow you to have access to his landings.

Dr. Crabtree: We could look into that. I don't know if you could put a confidentiality waiver on the back of the permit or not, but I would have to talk to Monica about whether that would work or not. We can't as an agency require someone to waive their confidentiality in order to sell or transfer their permit, because there's nothing in the regulations about that, and I don't think you can require someone to waive confidentiality, because they have a right to it. Certainly when two individuals are working out the details of a permit transfer, that's up to them how they do that, but that might be something you could look at.

Ms. Smit-Brunello: I think we would look at it in terms of making it optional if they wanted to do that or not. It's an interesting idea that you brought up about waiving that on the back, which would save a lot of fishermen a lot of time and stress. Another thing though, I think the bulletin ought to mention that the council may or may not use -- If a new entrant into the fishery buys a permit with landings history, that doesn't necessarily make it so that the council will decide to use that type of history for any kind of controlled access they're going to do.

In other words, Gregg brought up the other day that how you structure the snapper grouper controlled access system, if that's the way you go and if that's the way the fishermen want to go, maybe you wouldn't allow new entrants into it, even if they bought a permit with landings history. I think it ought to be real clear that nothing is guaranteed, but you certainly ought to be aware of a landings history that's attached to that permit at the time you buy it. There's a lot of issues to be dealt with.

Ms. Merritt: I think just making it optional is just one more reinforcement of that potential problem with communication.

Dr. Daniel: That's a good point. It brings up though visions of Amendment 8 to me and should we not be clear about that before we set a control date? Here's my concern that just popped into

my head. That is that you've got a control date of December of 2005 and we're going to send out a letter so that anybody that bought a permit after that control date and didn't buy landings history with it or whatever could be -- There's a three or four-month window there and I don't know how many permits that is and it may not be any, but they didn't have the benefit of this warning from the council, number one.

It seems like to me that one option would be to come out with our criteria now and set the control date for today and reset a control date and then say this is what's going to happen and this is how it's going to go. I am off base or are we going to run into problems of fairness and those types of things if we do it the way we're doing it right now?

Ms. Smit-Brunello: I don't think we're going to run into those problems, but you know you just set one and that control date says this notifies any new entrant into the fishery after this date that you're not guaranteed of staying in the fishery. However, it completely qualifies it and says the council may or may not use this date and so it's just kind of a notice that's put out there that you get in at your own peril really, or your own risk, so to speak, after this date.

I think you're fine. It depends how you want to use the information and how you want to use that date. You've already given notice. I don't think you need to do it again and it's new notice as far as I'm concerned. October, I guess. Yes, October of 2005, October 14th.

Dr. Crabtree: It's been my view on these things and experience with them that the default is if you buy the permits then it's your permit and whatever was caught on it is now associated with your permit and the limited entry programs that I've been experienced with, including the IFQ program, were based on the permit you had and the catch history on it.

That doesn't mean it has to be that way, but I think that's just basically -- Unless there's something that changes that, that's how it goes, because normally it's permits and vessels that qualify under these limited entry programs and not people, necessarily. Now you could change that and do it differently, but I think that's kind of the default expectation and certainly that is how we did the red snapper IFQ and that's how we determined landings on the grouper buyback vote weighting that we just went through and those types of things.

Dr. Daniel: If you've got -- Right now, these permits, to get one is about \$20,000 now, because you've got to buy two. I guess the thing that concerns me is that as we go through this if you've got somebody that's bought a permit let's say in the last year or so and he may or may not have thought to get the catch history associated with that permit, I don't know, but there's going to be a lot of people that are going to be very, very nervous and not going to find out for possibly a couple of years as to whether or not they qualify to continue to fish.

Dr. Crabtree: I think that's unavoidable, because what we've told them with the control date is they may not, but they're not going to know for sure until the final rule publishes and the action is implemented and I don't think you can do much about that. Like I said, I think in general when they bought the permit, the permit is theirs and the catch that's associated with that permit, even though we can't tell them what it is, it's associated with that permit and unless you're going to come in and do something that's pretty different than what I've normally seen done, that's likely how it's going to go, but there's just going to be that sort of uncertainty. That's the

problem with having control dates hang out there for all that long and I think it speaks to the need that if we're going to do something we ought to try and get it done.

Mr. Currin: I have two things. One, just to keep in mind, and maybe it's not a big issue, but I think the point Louis raises is a real one when we think about the number of latent permits that we've got out there and, of course, it's something we want to take care of, but I think we need to be sensitive and careful about how we take care of it and those latent permits are just the ones that aren't going to have any landings associated with them, yet someone who bought it in good faith with the idea to use it is at risk there. I do think we need to be careful. The fact that we're going to some extremes now by issuing a fisheries bulletin to kind of make sure everybody is on the same page and knows about this I think acknowledges that we know there's some risk associated with it.

The other just comment was that if you have trouble being able to put a waiver or an optional waiver on the back of the actual permit, while issuing the bulletin you might also make it clear how somebody can develop their own acceptable legal waiver so that they could do it on a separate piece of paper and give them some verbiage or something like that.

Mr. Mahood: The council will have a lot of latitude. As you recall, on the wreckfish ITQ, the council ended up with 50 percent of the quota shares went to everybody that had a permit, whether they had landings or whatever, and I think we might have even come off the control date, but I can't remember that part for sure.

The other 50 percent went to individuals based on landings and so there's all kinds of mixes and matches you can do and you certainly can consider -- If we go on too long, you can consider somebody that came in after the control date and they may get some ownership or some part of the percentage of the overall harvest, but I don't think the council is restricted in any way of how they set up the program, as long as it's fair and equitable to those involved.

Mr. Cupka: I don't know how you get around this situation of uncertainty either, because even if you bought a permit with catch history, there's no guarantee, because it could be for a period that's outside whatever we decide to use as a qualification period and so until we actually set the parameters, I don't know how you're going to know for sure.

Dr. Daniel: I have just one thought after what Mac said and this is just something to consider when we get down this road, but for people that bought two for one, I just don't see how -- Whether they've got catch history or not, I don't see how you can take that permit away. The people that have had the permits that have been qualified for it to pay their \$50 a year that they haven't used it, that's one thing, but for somebody who did buy it with the anticipation that when they retired they were going to use it or whatever, boy, that's going to create a stink. Anyway, that's just one thought really.

Dr. Crabtree: The two-for-one throws a real complicating factor in here, because are you going to give them both catch histories? If you do, then the guy who did the two-for-one is going to come out way ahead from a guy who owned the one permit or do you let him choose which permit's catch history he wants to use or do you average the two of them? There's all sorts of ways to go.

Dr. Daniel: I still think the bottom line part of this discussion is getting that notice out to get people aware that this is what we're thinking about and I don't think we want to get into too much specifics, but I just think that there are a lot of factors complicating this thing and I think we're all committed to doing it and we can figure it out, but it's going to take some brain power.

Mr. Iarocci: As always dealing with industry, the simpler the better. There's a lot of uncertainty in the future of permit status. That's bottom line. There's a lot of stuff going on in permit sales in my area right now. On both sides there's a lot of interest because of what's going on with buyouts and ITQs and so I think the simpler the better.

Dr. Daniel: Thank you for that discussion. Ginny, what's your EFP? Is that a quickie?

Ms. Fay: Yes, that's a quickie. We can distribute it out to folks if you would like.

Dr. Daniel: Let's take care of this and then we'll break. Robert, that's right. I reviewed the agenda ten times and didn't notice that we had left off I&E. We did and we apologize and we will get to that as well. If we can do it today, we'll do it today.

Mr. Gibson: Just to kill a little time, two or three months ago the permits were going on the open market for about \$15,000 and now one in Beaufort just sold for \$10,000 and they think it might be going down to \$6,000, just what I've seen.

Dr. Daniel: Ginny, do you want to --

Ms. Fay: We received a request from the Georgia Aquarium, that big aquarium in Atlanta, we received a request for an additional EFP to collect additional fish for the aquarium. We gave them an EFP a couple of years ago for the initial collection of species, but that has expired and so they would like to go out and collect more fish for that wonderful aquarium and so what this package is just a draft letter that we may send to them if in fact the EFP is approved.

That's the top two sheets and the application is towards the back and it's mainly an email as well as the species that they would like to identify. We've sent letters to each of the states and other than North Carolina, all the states, from South Carolina over to Texas, they plan to sample off those states and so we've asked the states to comment on whether or not the application has all the necessary information for this EFP to be considered further.

Basically, at this point in time I'm asking the council to take a look at this and get back to us on whether or not the council believes this has all the necessary information and then at the June meeting is when we would like to have this officially on the agenda so that the council can take final action to recommend yes or no on this EFP.

Dr. Daniel: I would just say too that this has always been an issue that the council has accepted these requests from these aquariums because of the educational value of these collections and their display purposes and so I don't know that we've ever rejected an EFP for an aquarium, but anyway.

Mr. Geiger: I know there's a request in here for collection of a couple of goliath grouper. When they get big enough and they start eating the fish in the aquarium, how are they going to get permission to get rid of them?

Mr. Harris: The only problems they've had at the Georgia Aquarium thus far have been a couple of the hammerhead sharks that have gotten larger than perhaps they anticipated in the short period of time and they've eaten a couple of other things in the aquarium, but the goliaths that they have not. They feed them very, very well and they've not attacked anything else yet, but they're thinking seriously about whether they want to have hammerhead sharks above a certain size in there right now.

Ms. Fay: I think it would be viewed as an educational experience for the visitors.

Dr. Daniel: To see a hammerhead and a goliath go at it? That would be cool.

Mr. Currin: I'm all in favor of this and will be prepared to offer a motion if we need one to approve it, but it does give me concern that there are no lionfish on there and I think it should be routine on the part of NMFS to require the collection of some X number of lionfish off the southeast coast, but I'll so move to approve the EFP.

Ms. Fay: We can always ask the aquarium if they would like to amend their EFP request to include lionfish off of North Carolina.

Mr. Cupka: I notice they talk in one section here about collecting two goliath grouper, but then on the list they've only got one in the total allowed take. They were going to catch one each year for the two-year period, for a total of two, but the list where they have the species listed covers that whole two-year period and so that's a little inconsistent there.

Dr. Daniel: I think that's just a typo. I think it just needs to be a "2" instead of a "1."

Mr. Robson: I'm not sure if it's a typo if this list is -- It says total permitted take per twelve-month period, which means they could take this list each year. That would be one goliath per year.

Dr. Daniel: You're right. They just don't combine them.

Ms. Fay: Just for clarification, one of their email exchanges with my staff asked that the period be beginning in April and they were incorrect that when their current EFP would expire and so the draft letter in fact does contain the correct dates that they're requesting the EFP be effective, this July.

Dr. Daniel: You don't want a motion now though?

Ms. Fay: We can't take final action at this meeting.

Dr. Daniel: Okay.

Mr. Robson: Ginny, did you say you've already sent this out to the states?

Ms. Fay: Yes, we have. I believe it was the end of January asking for a mid-February input from the states.

Dr. Daniel: Anything else on the EFP? If not, Robert, are you prepared?

Mr. Boyles: The Information and Education Committee did meet earlier today. Many of you were here and I'll go over highlights from the meeting. We discussed an upgraded website for the council and are looking to go live with this updated website April 1st and so members of the committee and members of the council are asked to take a look at the draft website and get comments back to staff by March 17th.

We also discussed the South Atlantic Update newsletter and reviewed the status of distribution. It looks like we've got 3,800 addresses to which we send hard copies of the update and staff pointed out that we only have about 500 email addresses if we wanted to move towards electronic distribution of the update and so what we would like to do is ask staff to do a mail-out to collect additional email contacts and also ask folks to check off if they would like to receive a copy of the update electronically.

We're also looking at moving to a four-color production. The marginal cost of this four-color production will be \$6.00. I would like that noted in the record. I don't know that we can ever improve things for just \$6.00 any more, but staff are going to be looking at that and in order to make the change over, we are looking at communicating the results of this meeting with a news release rather than a full publication of the update and so we would be ready to go with the new four-color update after the June meeting. Mr. Chairman, there's nothing from the committee that requires council formal action and that concludes my report.

Dr. Daniel: Thank you very much, Robert. I just want to say I think that Kim has done a remarkable job getting this thing done and I made a couple of suggestions to her after the meeting. John Merriner, do you want to do the Science Center report? You wouldn't be constrained by any political things and I would love to hear it. You all, let's quit.

Mr. O'Shea: I'm sorry to bring this up just as you're quitting, but I'm not going to be here tomorrow and I did want to formally thank the council for their hospitality and I certainly enjoyed being down here. I'll be here tonight, but I keep saying I'll try to come down here more often, but I appreciate very much your hospitality and interacting with council members. Thank you.

Dr. Daniel: Those of us that deal with the ASMFC certainly understand that any time you can get down here is good and so we appreciate it and any time you can make it, you know you're always welcome. We'll see you tonight. The bus will leave at 5:45. Let's start at 8:30 tomorrow. We're in recess.

(Whereupon, the meeting recessed at 4:45 o'clock p.m., March 1, 2006.)

March 2, 2006

THURSDAY MORNING SESSION

The South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club, Jekyll Island, Georgia, Thursday morning, March 2, 2006, and was called to order at 8:30 o'clock a.m. by Chairman Louis Daniel.

Dr. Daniel: If everybody will take their seats, we'll reconvene. Good morning. That was a nice to-do last night, Georgia. We really appreciate that.

Ms. Shipman: Thank you for the thank you, but I really had very little to do with that. I made a phone call to the Jekyll Island Authority and they deserve the credit. They're a state agency, kind of like a state park authority, and they're joined at the hip with us, with DNR, and in fact, we provide their IT system and their budget goes through our budget, but Bill Donahue and his staff, they do a phenomenal job and so I'm just pleased to hear that they treated you all as well as they always do anytime we ask them to do something and so I will pass along the thanks to them, because they deserve it, and Duane and Carol for their chowder. They're the ones who did the cooking as well.

Dr. Daniel: It was very nice and it was good seeing everybody. I have a couple of things this morning. Margaret is leaving us and I think this is her last meeting with the council and if you would come up for just a minute, we did get you a little something. I tried to find one of those bumper stickers that said sea turtles taste better with potatoes and onions, but I couldn't. Thank you for everything you've done for us and it's been nice having you with us and we wish you the best of luck in everything. We're going to miss you.

Ms. Shipman: I just wanted to add that I think Margaret has certainly raised our protected species awareness within the council and our involvement in the fisheries that we manage to a new level. She has really left her mark on the work that we do here and I, as Chairman of the Protected Species Committee, want to commend her and thank her for all of her efforts and what she has done to help us better manage protected resources and fishery interactions. Thank you, Margaret.

Dr. Daniel: You do have to open it though and show everybody what it is. That's part of the rules. Also, you know we asked John Merriner to come join us at this meeting so that we could give a proper farewell to him. I've known John since I was in graduate school in Charleston and he's been a stalwart in the scientific community, editor of Fishery Bulletin, and has just made such outstanding contributions to the South Atlantic and not only to NMFS and to the council, but the scientific community.

It really is a remarkable career, John, and we wanted -- If you would come up for just a minute, we would like to give you a little token of our appreciation for everything that you've done for us and give you an opportunity to say some parting comments to us.

This says: The South Atlantic Fishery Management Council proudly shows its appreciation to Dr. John Merriner for his dedication to the council process and outstanding contributions in the conservation and management of our nation's marine fisheries resources, March 2006. Thank you, buddy.

Dr. Merriner: I just have about three hours worth of comments here. Sincerely, I want to thank everybody for the appreciation and for the hospitality shown me over twenty-plus years in associations. The personnel have changed a lot in that time, as tenure on council service has rotated. It has been pleasurable and I hope that I've been able to instill a little bit of my perspective in terms of the science side of things if you had a question. If you didn't have a question, I'm sorry, but you should have asked and I would have tried to answer it in fairly succinct terms that are understandable.

I hope I wasn't wrong if I gave you some feedback sometimes, but I've enjoyed it and thank you all. It's important work that you're doing and I think you're making good progress now and there's still a lot more work left to do, folks, and so more power to you. Thank you very much and I appreciate it.

Dr. Daniel: If you look up and down the coast, we're losing a lot of talented folks and it's just going to continue to escalate over the next two or three years. I look at my agency and it's really kind of spooky the talent that's going to be leaving and with the replacements unknown and so we sure will miss John Merriner. Mac, can you do your Snapper Grouper report and we'll knock that out?

Mr. Currin: I can try with the wonderful notes that Rick and everyone has prepared for me. In looking at this, we met for a relatively short period of time the first day, but we have a lot to bring to the council and so bear with me. We received some reports and presentations during our meeting.

George Geiger gave us a report from the Law Enforcement Committee meeting. Theo Brainerd from NMFS Southeast Fisheries Science Center gave us a couple of presentations, one on a study of electronic logbook use, I think seven fishermen, and then another analysis that was done comparing the electronic logbooks to the trip ticket programs and there's a lot of promise there. There's not a strict timetable on if and when those might be implemented in the fishery, but certainly it was encouraging.

We also received a report on the gag data workshop, the first step in the SEDAR process for the gag grouper assessment, and reports were that that went very well and so we're looking forward to that continuing over the next few months.

Most of our time was spent discussing Amendment 14 and Amendment 15. We reviewed 14 and asked the staff to address some of the following issues: investigation of the use of bottom tending gear that's used in the vicinity of the proposed MPAs and ways to deal with prohibiting gears that don't harvest snapper grouper, which is under our authority, but there was some concern expressed about the use of other gears there and we would like to investigate the most efficient way to approach HMS about the potential prohibition of use of longline gear, shark longline gear, in those areas.

We just had a little discussion about anchoring and whether there might be a need to prohibit anchoring in here to further eliminate the potential for habitat destruction and so we've asked the staff to look into that.

We talked about requiring VMS in the snapper grouper fishery. There was some discussion on requiring it for all the snapper grouper permitted fishermen and then a little further discussion on perhaps requiring it just for the longline participants in the snapper grouper fishery and we've asked the staff to investigate the overlap between the HMS shark longline fishery, which is required to have VMS now, and try to see how many of those people also have snapper grouper permits and so we'll get a report on that in the future as well.

The North Florida group of MPAs had three alternatives, two of which had been in there for a while and one of which was proposed through consensus at a public hearing in that area. There was a some discussion about the location of those with respect to the shelf break and the committee felt that perhaps it would be good to shift some of those so that they incorporated in some cases less of the shelf and in some cases more of the shelf edge or break.

We've added three additional alternatives to that particular area to make those adjustments, leaving all the alternatives that existed there already, and so we've got six alternatives now for that North Florida MPA area.

In addition, we discussed the monitoring and evaluation plan and the need for that for these MPAs, should they go forward, much along the same lines as Oculina Bank. As we heard in many of the public meetings and hearings, if we're going to do something like that, we need to be able to evaluate it and estimate what kind of impact, positive or negative, that we're getting from that and so some of the discussion occurred along those lines.

It was suggested that we need baseline data and in fact, for some of those areas we do have some baseline data from the MARMAP survey and so we're going to look into what that's going to entail as well and to improve the public' and reviewer's understanding of the council's long history with MPAs, we felt like it would be useful to include a section on the history of this whole process.

It's been going on a long time in the council, for over ten years, well over ten years, and still some of those questions come up even within the committee at times, because everybody doesn't have that history, and so we felt like including something like that in the document would be helpful to the public.

There was some discussion about the need to bring forth some more detail and further discussion in the document about the council's choice to reject one of the alternatives on Type 1 MPAs. That's currently in the appendix, but it's apparently not fleshed out and clear in the document as to how that particular alternative ended up in the appendix and so we're going to try to make that more clear in the document as well and bring forward some of that analysis.

There's a desire, I think, to put some names on some of these blocks out in the ocean there that we're considering to make it clear. Even on the maps, it's South Carolina C, A, B, Alternative 1,

2, and 3. Some of these areas are known to fishermen by some regional name or some local name and so we're going to try to make an effort to put a tag on these things so that when we refer to them that people will hopefully know what area we're talking about.

The committee looked and reviewed the purpose and need section. Staff made some changes there and we had a good discussion of that in fact and the committee approved that purpose and need and goals and objectives within those and those are listed in your report and also in the materials you received before the meeting here.

There were a number of motions regarding Amendment 14. **The first one was to add a monitoring plan to the Research Needs Section of Amendment 14. That was approved by the committee and on behalf of the committee, I so move.** Is there any discussion of that motion? **Is there any objection to the motion? Seeing none, that motion will stand approved.**

In addition, there was a motion to remove VMS alternatives as an option within Amendment 14. These were the alternatives I mentioned earlier about requiring VMS in various parts of the fishery or the entire fishery. **That motion was to remove the VMS alternatives from Amendment 14. It was approved by the committee and on behalf of the committee, I so move.** Is there any discussion of that?

Dr. Crabtree: There was some discussion and I don't know if it was at the committee or afterwards about some of the concerns. One of the reasons for taking this out was that they're small vessels that would never fish out in these areas and we would be requiring them to use VMS.

There was some discussion about requiring snapper grouper vessels with longline gear on board to have VMS and some of the rationale for that was that, one, they're subject to the fifty-fathom depth gear boundary, which we've always had difficulties enforcing, and this would help us with that. Also, I think one of the major fisheries that would take place in these areas anymore would be tilefish, which is principally a longline fishery.

I asked Jack McGovern to take a look at the logbook data and see how many vessels are there that have snapper grouper landings with longline gear and then to identify those vessels and see how many of them also have HMS permits so that they would already be required to have VMS on board and I would like to ask Jack, if he could, to just give us a quick summary of what he found with that.

Mr. Currin: That would be fine. Jack, come on up.

Dr. McGovern: I just looked in the logbook database at vessels that landed snapper grouper species in the South Atlantic that use longline gear and there are eleven vessels that apply to that, that have VMS. Eleven vessels have VMS.

Dr. Crabtree: Jack, how many vessels, approximately, had landings with longline gear, do you recall?

Dr. McGovern: I looked at landings from 1999 to 2004 and there are about sixty-some vessels in there. I didn't count them all up and they vary from year to year, but over sixty and so about eleven out of sixty for a five-year period.

Dr. Crabtree: The other thing that we have not looked at, but we ought to take into account, is the Gulf Council has submitted an amendment to us to require VMS on all vessels with reef fish permits and it may be that some of these same vessels also have Gulf reef fish permits and I don't know about that.

We would be looking at a universe of about sixty vessels and I looked at the landings that Jack showed me and some of those vessels only had 5,000 or 6,000 pounds of landings and so really aren't involved in this fishery and of those sixty vessels, eleven or so of them already have VMS requirements and so if we went down that path, we would be requiring about fifty vessels to put VMS on board, at most. I think it's something that would be worthy of some discussion.

Mr. Currin: I think everybody should keep in mind these are vessels that are large enough, because of where they fish offshore, to not have some of the open access problems that the smaller boats would have, the ones we had a concern about.

Mr. Wallace: It's not really pertaining to the motion, but since we've got all the AIS and VMS and all the other Ss, can we get some kind of study in with the electronic logbook incorporated into some of these devices to where -- Like I said, we're running out of dash space. They're all basically working under the same principle of collecting data under either GPS formats or satellite versions and is it feasible to do this with the logbook that's coming down off that?

Dr. Crabtree: I'm certain it's technologically feasible to build a VMS unit that has electronic logbook capabilities in it. Right now, any VMS that we would require would have to be a certified VMS by NOAA Fisheries Law Enforcement Division. None of those have that type of capability and I don't believe there is anybody manufacturing a VMS device that has that type of capability, but if we could determine the specifications and what we want in an electronic logbook, then we could look and see if there's anybody out there who would be willing to manufacture it.

I don't know if the answer to that would be yes or no and if it was a very limited number of them, it could be more costly to try to go that route than to have separate units, but there's nothing from a technology point of view that I'm aware of that would prevent us from doing that and that might be, John, really where we are going on all of this, is one device that does all of these things.

Mr. Wallace: You can just see the way the road is headed is everyone is going to need the logbook and everyone is going to need each of these pieces of equipment and it would be nice if we could find one that would incorporate all of it or let's just say investigate the possibility more than anything.

Mr. Geiger: Certainly VMS has been identified, I think, by our law enforcement arm as being an extremely effective law enforcement tool which facilitates their ability to enforce regulations. I certainly wasn't on the council when we imposed the fifty-fathom longline rule and I'm not sure

whether we even had VMS or VMS was probably in the dream stage at the time or the development stage and here's an example of putting a regulation in place without enabling ease of enforcement by the law enforcement community and I think this is an opportunity to close that loophole, now that VMS has been developed, to facilitate enforcement of that fifty-fathom line and I think it would be worthy of consideration and continuing pursuit.

LTCMDR Rogers: I was just briefed that there is a possibility that there is a beta test of some of that combined gear out on the west coast and our NOAA liaison is going to check into that and see if he can find any more information about that for us and if he gets to me, I'll forward it back to you folks.

Mr. Currin: We had a discussion yesterday about implementing a policy to allow public comment and since that won't take effect until the next meeting, Margot, I will allow you to address the council.

Ms. Styles: I'm Margot Stiles from Oceana and thank you, Mac. I don't have a comment that's directly on VMS. It's more general on Amendment 14 and is now a good time to make that comment?

Mr. Currin: I would rather, if you would, allow us to continue our discussion on this motion that we have on the floor and if you don't have anything particularly related to that, then perhaps we'll have another opportunity to allow you to speak. Is there further discussion?

Ms. Shipman: VMS certainly is a very, very useful tool, I think. Although I think we've seen with it's implementation in HMS, there are some gaps and there are clearly some problems and we discovered that when we started looking into this sink gillnet fishery off of northeast Florida. We found vessels that had started out targeting whiting and ended up targeting sharks and didn't have those permits and they didn't have the VMS and so there's still a lot of gaps in the system in terms of when you truly are required to have VMS and when you're not.

I support VMS and I agree with George and in fact, when we did the fifty-fathom thing I think it was 1992 and we weren't even talking about it. It wasn't even a discussion at that point, but it's certainly a valuable tool, I think, and I just wonder if we should take it out at this point or really consider this further in June when we're looking, presumably, at the document for public hearing.

Dr. Daniel: I think George made a good point, that if we had done the fifty-fathom contour line today that we would have attached VMS to it, no question about that, and certainly we know the capacity of longlines near shore and if you do come inside that that can create a real problem. I certainly support VMS.

I guess the big question in my mind, from a process standpoint, is do we want to cloud 14 with this and we've got the FEP that's got the alternative in there for all VMS and we can come in and modify that somewhat and perhaps select various things in the FEP instead of in 14. I would like to see us have a little bit of discussion and my preference right now would be to do it all in the FEP, but if there's a real strong feeling around the table to do it in 14, we can.

Mr. Currin: I think what Roy is suggesting is maybe take a baby step and do part of it in 14 and then it may ease our ability to do it in 15, perhaps. Don't let me put words in your mouth.

Ms. Shipman: I don't disagree with that. It may be we just want to leave reference to it, that it is our intent that we implement it through the FEP and that we're looking at a broader scale. I guess I would not want to see the whole discussion removed from the document. I think it needs to be in there in some form or fashion and I agree totally with Dr. Daniel, that we need to do it in the FEP certainly broad scale, and I think the question is how do you incorporate that by reference into 14, because I think it needs to be acknowledged in 14, that it is a key to enforcement.

Dr. Crabtree: I think I agree with Susan and it is key to this. Realistically, if we're going to go to these spatially-based management tools, we're going to have to address VMS. I don't right now feel we are in a position to really move forward with a requirement of VMS on all snapper grouper vessels, because I have concerns about infrastructure and the ability to monitor it.

I think that VMS is something we've got to move forward with piece by piece and build the infrastructure. We can put VMS on all kinds of vessels, but somebody has got to be sitting there watching where they are or it's not going to work and so that's why I think holding off on this across the entire fishery makes some sense to it.

At the same time, I'm a little reluctant to take all of this out of the document, because I think we have to recognize that our ability to enforce this is going to be compromised and that's why I thought this looking at the longline vessels might be a way we could address really two problems, which is the closed areas that we're discussing, but the gear boundary has been a big issue in the Gulf and the South Atlantic.

I think leaving this in there and maybe adding that alternative and let staff look at it. When I look at the vessels that have tilefish landings, it really looks to me like there are maybe ten vessels that really are in this fishery and have substantial amounts of tilefish landings, because what Jack looked at were their total landings across all five years. Some of these guys have 30,000 or 40,000 pounds and that's a total over five years and to me, they're not really so much in this fishery.

When I just looked quickly, the highliners in here appear to be some of the same vessels that have the HMS permits and so I have a feeling that with a little more look at this we'll realize that the guys who are really seriously in the tilefish fishery, a lot of them do have the HMS and other permits and so we really wouldn't be requiring that many vessels to do this. I tend to agree with Susan.

I don't want to move forward at this point and I don't think we can require it across the whole fishery, but I still think we need to have some VMS in here and give it another look if there's not something we can do to get us some better tools to enforce this and the gear boundary a little more effectively.

Mr. Geiger: I agree completely with Dr. Crabtree and Susan. This is an opportunity to kill two birds with one stone. As Dr. Daniel said, if it were available when we did it, we would have

done it and I don't think there would be anybody who would disagree with that statement and I think this is an opportunity.

This is the first opportunity we've had to correct and add something that has come along technologically since we put a regulation in place which would help monitor that fifty-fathom line and then, again, the second benefit we get from it, it would help us to spatially enforce the marine protected areas. I would argue to leave this portion of it in the document and this is the first real opportunity we've had a chance to discuss it and the region has already done some investigation and I think they could probably develop some additional material by the next meeting, which would help us make that decision.

Mr. Waugh: At the last AP meeting, we had a discussion about the number of vessels that are currently fishing longline gear and I believe it's less than ten, because it's important to look at the more recent years rather than the earlier years when you would have had a lot more vessels participating.

The way the regulations are written now, those vessels that have operable longline gear on board can only possess deepwater species and so we've got some mechanism for dockside enforcement. When we say remove this from the amendment, it would go into that appendix of alternatives eliminated from detailed consideration. We could flesh that out more at the June meeting and you could decide if you wanted to pull it back in as an action item. It doesn't disappear from the document.

Mr. Robson: I was just going to concur with everybody's comments heretofore. I think as we move forward on MPAs and other kinds of closed areas, we've really got to address the enforcement issues and the enforceability of these areas and I think this is a case where that's an opportunity to do that and I like the idea of approaching it -- I think we need to address it and we have a two birds kind of situation and I think we ought to take advantage of that.

Mr. Cupka: I agree with Roy too and back at our Joint Law Enforcement AP and Committee meeting, the very point that Roy touched on was brought up and that was the concern about adding VMS too quickly and doing everything at once, because the system just will not handle it. They're going to have to ramp it up and this will give us an opportunity to move in that direction and add some additional vessels without overloading the system. I think it's important that we keep that in mind and it's going to be important to keep it in mind when we start working on the FEP too, to keep that requirement for being able to have the infrastructure to support VMS and not overload the system.

Mr. Currin: From the conversation around the table, I'm sensing a desire to not totally remove VMS from the document at this point. There is a motion to remove it and so perhaps the easiest way for us to do that is to vote this motion down, if that's your desire, and then offer another one or just offer another one. It's currently in the document. **Unless there's any further discussion, is there objection to the motion? I count nine. Who is in favor of the motion to remove VMS? Seeing none, the motion is defeated and it will remain in the document.**

Mr. Waugh: I believe what's in the document now is a full range that would require them on all snapper grouper vessels. My understanding of the council's intent would be to narrow that down

so that we would have no action and requiring them on the longline vessels. That would certainly simplify the analytical load.

Dr. Crabtree: Do we want to go ahead and narrow it down to just status quo and requiring longline vessels or do we want to leave an alternative for all snapper grouper vessels in there at this point? I don't know. I was going to make a motion to add an alternative to it to look at -- I'll make this motion and then you guys can decide if you want to take the other out. **I'll move that we add an alternative to look at requiring VMS on board any vessel with a snapper grouper permit and longline gear on board.**

Mr. Currin: Motion by Dr. Crabtree and seconded by George Geiger to add an alternative looking at requiring VMS on board vessels with snapper grouper permits and longline gear.

Dr. Daniel: I see some benefit to this, because as we go out to public hearing it will give us a sense for when we go out to public hearing on the FEP, a larger public requirement. I don't know for staff what it would be, but it probably would behoove us to make that our preferred, Roy, your motion, the longlines, unless you want to --

Dr. Crabtree: I honestly don't feel like we have enough analysis to make a preferred yet. I think we need to come back -- I want to see it really analyzed how many vessels are there, how many really have permits, how much landings do they have, all those kinds of things. I wouldn't want to select a preferred yet at this point.

I think the issue, Louis, is do you want to take out of the document the alternative to require it across the entire snapper grouper fishery, and I don't really have strong feelings about that one way or another.

Mr. Harris: I just wonder if we're being too narrow in our focus and we've heard a presentation on AIS versus VMS and I don't know whether the council has any authority to recommend AIS be required or not, but I like what I heard about AIS certainly over VMS, but I know with VMS it only can be applied as a fisheries management requirement, is that correct, and it can't be used for other things? Do we even have the authority to suggest AIS as opposed to VMS? No, Monica?

Ms. Smit-Brunello: I was just thinking about it. Under the Magnuson-Stevens Act there's data confidentiality provisions and that's why when we discussed VMS it's confidential data and it's not data that can be put out for everyone where this AIS system, as I understand it, is more of data that's accessible by whomever tunes into that frequency or I don't know. I'm misspeaking here, but it's just a different issue.

Since you called on me, I want to go back to leaving the number of alternatives in. I just had a quick conversation with Rick and since you don't have any analysis before you, why don't you leave it in for requiring it for all vessels, then for longline vessels, and then you have no action and then when staff brings back some analysis, of whatever nature, and maybe they're going to tell you they can't you that by June, I don't know, but at least you'll have more information before you in June than you do now.

Mr. Currin: Duane, I was impressed with AIS as well and I kind of looked into it and I may have misinterpreted it, but I think in order for the AIS to function as the VMS does now, it's going to cost more than just the \$2,500 to \$7,000, because there's not an antenna or a something that sends the signal back to shore where it can actually be monitored, if I interpreted your comments correctly.

It can be monitored by vessels within a certain distance and get that output, but that output or information doesn't necessarily get to the shore or an I off base, Lieutenant Commander Hendrickson?

LTCMDR Hendrickson: Thank you for your question, Mr. Chairman. That's a good question. Currently, in its current form, AIS only transmits on VHF FM and it's an open protocol. In other words, open communications. Anyone who has a receiver can receive any information that is transmitted via the AIS system.

What we're looking into is an interface with AIS where we can interface it to an inmarsat, where it could utilize a closed communications protocol in order to transmit proprietary sort of information, such as logbook information or any of the other sort of information that you're looking for. That technology does not currently exist. We're looking into, with the various manufacturers, the ability to bring that sort of technology into being.

Mr. Currin: I guess the bottom line, Duane, is that the capability is not there, even despite the confidentiality problems that it would raise as well, but it certainly was intriguing to me from the cost perspective and the no monthly fee.

Mr. Harris: Just to that point, is there a way that we should reword this to where we don't have to come back sometime in the future and if AIS does come about to provide what it is we need, what VMS presently does as well as the additional benefits of AIS, and if it's cost effective to the fishermen, I would like to see us at least have that in the document so we could do that in the future.

Dr. Crabtree: I don't think there is, honestly, because the technology is going to change so rapidly it's going to be hard for us to envision what's coming and when we go out with a proposed rule, it's going to be that you can have these specific units that you can use that have been certified by law enforcement and that's all they're going to be able to use.

Now if new technology -- I think five years from now we may not be using any of this technology and the whole thing could be completely differently and I just don't know how to anticipate this. If in the scheme of the short term of the next few years if you want to put something on these vessels, it's going to be VMS and it's going to be among the certified units that we have now.

Ms. O'Malley: This is actually to that point. I'm going to need some clarification from you all. Currently, what we have in the document are four alternatives. The first one is requiring VMS on all vessels, private, recreational, commercial, and for-hire. I would need to know what you want to do with that one.

Then you have require VMS on commercial and for-hire vessels and then one with just commercial vessels. I understand that your intent is to add this one to the current list, but how do you see the current list and secondly, we will need some guidance if we're going to analyze this as to who the council envisions paying for this, because that will factor into the analysis of the impacts.

Dr. Crabtree: **I'll make a motion that the alternatives that included recreational vessels be removed to the Considered but Rejected.** I don't see that as viable. We don't permit recreational vessels and I don't know of any way that -- That would be such a huge number of vessels that it would completely overwhelm the system.

Mr. Currin: We have a motion to add, as Kerry indicated to us, to the current four to add an alternative to look at requiring VMS on board any vessel with a snapper grouper permit and longline gear. Is there any further discussion of that motion? **Is there any objection to that motion? Seeing none, that motion is approved.** Now we have five alternatives and Kerry's question is whether we wanted to remove some of those.

Dr. Crabtree: Kerry, which number alternative is it that has the recreational vessels? It's Number 1? **I would move that Alternative Number 1, which requires it in recreational vessels, be moved to the Considered but Rejected section of the document.** If I have a second, I'll give my rationale.

Mr. Currin: Motion by Dr. Crabtree and second by Robert Boyles to remove Alternative 1, which includes all vessels.

Dr. Crabtree: My rationale is that, one, we don't permit these recreational vessels and so we would have no ability to say you don't have VMS and we're going to take your permit or something like that. Secondly, I think just the sheer numbers of vessels that would entail would totally overwhelm the system and it's simply not a workable way to go, given the technology that's available today. I think for-hire vessels is something that we might reasonably consider to do, although I'm not saying we need to do that or not, but certainly the private vessels is not realistic.

Mr. Currin: Further discussion on that point? **Any objection to that motion? Seeing none, the motion is approved.** Does that take care of VMS issues?

Ms. O'Malley: I still need you all to give me some direction on how we would analyze the cost of VMS. Who do you want to pay for it?

Mr. Iarocci: To that point, Mr. Chairman, that's what I've been waiting to comment on. I think, and correct me if I'm wrong, but I've heard over the last couple of days that there is funding available to fund VMS programs and we all know that the Gulf of Mexico right now is looking to put VMS on all their reef fish permitted boats and shrimp boats and so if we are going to move forward, I would like to move forward with a funding mechanism also, if we could.

Dr. Crabtree: I would like to ask Hal or Tracy to comment on that. You're right, Tony, there is funding in this year's budget for things. I don't believe that Amendment 14, while the council

may take final action on it within this fiscal year, which would end come October, but it wouldn't be implemented within this fiscal year and so I don't know that the funds we have now could be available for this program, but maybe Hal could comment on how that program works and if I'm right or not.

Mr. Robbins: That's correct, the money is for this fiscal year and only programs that would be implemented within the fiscal year and so I don't believe any funding would be available and I would caution you about any thought that there may be a carryover. We have found out within our joint enforcement agreement program with our state partners that what we thought was going to happen this year, what has happened in the past with carryover, did not occur and we have a significant shortfall in the funds that we're having to deal with now with our state partners.

Mr. Currin: I'll just remind you all to think about the councils when things come up like this, because I think at least we have that capability to carry over and so if that had been administered through the Gulf Council or somewhere else, then you might have retained that capability, perhaps. I'm not telling you your business, because I don't know it.

Ms. Smit-Brunello: I don't see why at this point you have to decide how you're going to fund it. Why don't we do the analysis and see what the cost would be and then you'll be able to see what the cost to each fisherman would be and then when you come back in June you can decide on a funding mechanism, if appropriate.

Mr. Currin: Kerry, is that --

Ms. O'Malley: That works for me.

Mr. Currin: We've handled the VMS issue then. **The last motion regarding Amendment 14 was to approve the purpose and need statement and on behalf of the committee, I so move. Any discussion of that motion? Any objection to that motion? Seeing none, that motion is approved.**

On to Amendment 15, the committee reviewed and approved the team's purpose and need language for Amendment 15 and reviewed the team's comments and suggested alternatives. Changes were made in the document where appropriate and then there were a number of motions that were submitted by the committee to the council for approval.

Regarding the purpose and need, we approved the purpose and need for Amendment 15 by consensus and I assume that's adequate at this point for the council. There was a request that we ask our SSC to discuss how the data would be collected to do an assessment update for species like snowy grouper, which under 13C will have low trip limits, closures, no directed trips, and it's basically going to be a bycatch fishery. That was also approved by consensus.

Under snowy grouper, we approved a rebuilding schedule with 2006 as year one and that was approved by consensus. **We discussed the rebuilding strategy and offered a motion to adopt Alternative 4 with five-year adjustments as the preferred and on behalf of the committee, I so move.** Just as a note, Alternative 4 would define the modified F during 2006 to 2008, followed by a constant F rebuilding strategy for snowy grouper. Any discussion of that motion?

Is there any objection to the motion? Seeing none, that motion is approved.

We also suggested adding an Alternative 5 to the rebuilding strategy alternatives and that alternative not only occurred here, but under a couple of other species, but that was just an alternative to establish the F, or fishing mortality, as equal to zero, to kind of develop that range of alternatives a little bit better.

Mr. Geiger: If I may ask a question here, I've heard it bandied about that F equals zero is actually not a realistic number. Would it be better or more beneficial for analysis to possibly use an F equals 0.1, for example?

Mr. Currin: I guess what you're getting at is that there are going to be discards, mortality, under F equals zero, because of discards and interactions with other fisheries, and so actually it's not actually zero, but I don't know that we could do a better job of estimating it by picking some value above zero. Jack or Roy may have a comment to that.

Dr. Crabtree: Jack, correct me if I'm wrong, but from my perspective, I think you're better off to do the projection assuming the F equals zero and then you qualitatively know you're going to be somewhere above that, because I don't think we have any basis to know what exactly it would be. Jack, do you have any different perspective on that? Jack agrees.

Mr. DeVactor: Also, FMSY is 0.05 and so if we set one at 0.1, it would be over MSY and so I'm not sure if that makes -- It would be twice of it.

Mr. Currin: I think we'll just have to accept it as kind of a quirk and something that we know is not entirely accurate, but for clarity to the public and ease of analysis, it's probably the best way to go about it.

Dr. Crabtree: I think really it's central to the discussion we had with snowy grouper, that we recognize that there's a floor to how low we can bring the Fs down, because of the incidental catch and bycatch issues, and so we can look from a theoretical perspective this is what would happen at F equals zero, but I think, based on our discussion, we really didn't feel like that management could reduce the Fs much below the preferred alternative anyway, unless we did something that essentially required everybody get off the water and go home and don't go fishing. I think it's really central to the whole thought process that's led us to our preferred alternative on snowy grouper and the defense of that preferred alternative.

Mr. Currin: Further discussion on that issue? Okay. We discussed the golden tile fishing year. Ben Hartig at our last meeting and AP meeting as well, I think, brought forward a suggested alternative regarding the golden tile fishing year and that changing that might streamline and make things a little simpler.

The committee discussed that and there were a number of alternatives and we selected Alternative 2 as our preferred alternative and just for your information, before I offer that motion, I'll read it to you and that's to change the start date of the fishing year to September 1, retain the annual quota of 295,000 pounds gutted weight, and a commercial trip limit of 4,000 pounds gutted weight, do not reduce the trip limit to 300 pounds gutted

weight when 75 percent of the quota is captured. After the commercial quota is met, all purchase and sale is prohibited and harvest and/or possession is limited to the bag limit. On behalf of the committee, I so move. Is there any discussion of this motion? Is there any objection? Seeing none, that motion is approved.

We discussed the black sea bass rebuilding schedule with 2006 as year one and that was approved by consensus of the committee. **We discussed the rebuilding strategy for black sea bass and the committee offered a motion to adopt Alternative 5 as the preferred. Alternative 5 would define a modified F scenario where F is decreased during 2007 to 2009, followed by the maximum constant landings, F is less than or equal to FMSY, that allow rebuilding to BMSY in ten years. On behalf of the committee, I so move. Any discussion of that motion? Any objection to the motion? Seeing none, that motion is approved.**

In addition, for the same rationale as we did under snowy grouper, we added an Alternative 6 to the rebuilding strategy alternatives, with F equals zero, and that was approved by consensus of the committee.

There was a motion offered on queen snapper and in addition, we discovered that silk snapper, another deepwater species, also had a size limit on it and we decided that that would be appropriate to include in that section on silk snapper and so there was a motion to include silk snapper in the series of alternatives and to select Alternative 2 as the preferred. That Alternative 2 is to remove existing commercial and recreational twelve-inch minimum total length size limits for queen snapper.

Dr. Crabtree: Rick, staff has gone through to make sure there aren't any other size limits in there that we don't know about and that it's just these two?

Mr. DeVictor: Yes.

Mr. Currin: We think we've captured them all now. **On behalf of the committee, I so move. Any discussion of that motion? Any objection to the motion? Seeing none, that motion is approved.**

Ms. Smit-Brunello: I have a question. Alternative 2 would also include silk snapper?

Mr. Currin: Yes, the motion was to include silk snapper into Alternative 2 and I guess the Alternative 2 I read up there was the original Alternative 2. Is that right, Rick and Gregg? Does that make sense?

Ms. Smit-Brunello: It does.

Mr. Currin: The next issue we discussed was the sale of recreationally caught fish. **There was a motion from the committee to adopt Alternative 2 as the preferred. Alternative 2 is to require a federal commercial snapper grouper permit to sell snapper grouper species in or from the South Atlantic EEZ. A charterboat operator with a commercial permit cannot sell fish caught on that charter under recreational bag limits. On behalf of the committee, I so move. Is there any discussion of that motion? Is there any objection to that motion?**

Seeing none, that motion is approved.

We also further discussed the permit renewal period and the committee offered Alternative 3 as its preferred. Alternative 3 is to extend the renewal period on commercial snapper grouper permits to one year after the permit expires. On behalf of the committee, I so move. Any discussion of that motion? **Any objection to that motion? Seeing none, that motion is approved.**

We also discussed permit transferability and there was a **motion to not specify a preferred alternative regarding permit transferability.** It's a very, very complex set of alternatives there and we felt like we needed some more time to give the staff some more time and the team to develop some methods of displaying those alternatives so that they were more clear to the public and to the committee members. We're going to let staff do some work and the team do some work. **That motion was approved by the committee and on behalf of the committee, I so move.** Any discussion? **Any objection? Seeing none, that motion is approved.**

We had some discussions on data collection. There were some concerns expressed that the MRFSS data are not collected by the council boundary or with regards to the council boundary. In Monroe County, as you know, that's been an issue in a number of plans. In conducting recent stock assessments, for example snowy and gag, the scientists have been forced to estimate the catch location in the waters off of Monroe County in southern Florida.

The committee is also concerned that the landings programs still allow reporting of unclassified species, in particular unclassified grouper, and so we're asking the states to take a look at that and see if we can get a little more detail and eliminate as many of those unclassified species as possible.

Regarding the data issues, there was a request that the MRFSS in Monroe County issue an unclassified species in the trip ticket data be addressed during the March NMFS and state directors meeting and that was approved by the consensus of the committee. We discussed briefly the Oculina Evaluation Team. **I think we had a resignation from there and there was a motion to approve Ben Hartig to the Oculina Evaluation Team and on behalf of the committee, I so move.** Any discussion of that motion? **Is there any objection to that motion? Seeing none, that motion is approved.** Mr. Chairman, unless there's further discussions of issues from snapper grouper -- I see a hand go up.

Dr. Crabtree: I think we need to be more explicit in the document in terms of how we are going to deal with overages of the ABCs that we're setting up. My recommendation would be that we specify in the document, because we're putting in triggers and after so many years the quotas will increase, and I think we need to be clear in the document that if we have substantial overage of the ABC that we will delay the increase in the TAC until we have an assessment to indicate what the proper course of action is.

Obviously if we have a stepped rebuilding plan and the TAC increases at three-year intervals and we get to the end of the first three years and we've been over our ABC substantially, I don't see how we'll be able to allow the TAC to go up at that time. Our ability to increase these TACs is

contingent on how successful we are at constraining the catches and keeping at or below those ABCs.

I'm not particularly worried about very small fluctuations around that, but if we have a TAC of say four million pounds and we run over by two million pounds, then that compromises our ability to increase the TAC at the end of those three years.

This became a huge issue in the Gulf of Mexico, but that's what happened with the red grouper. We got to three years and we had been over TAC substantially and the council concluded we're not going to increase the TAC and we're going to wait until after the stock assessment to do something. I would like for us to have some discussion and some record in the document that indicates that is what we're going to do, because it becomes a pretty controversial decision that you're faced with.

In terms of our legal requirements to maintain a 50 percent probability of achieving our goal, clearly if we're unsuccessful in constraining the catches and they go over these ABCs, then we no longer have a 50 percent probability to get there and any increase in TAC at that time really wouldn't be justifiable.

Ms. Smit-Brunello: To that point, Roy, then would you want to have the rules set up so that that wouldn't automatically happen and you would want the council to do a regulatory amendment to increase TAC? I think TAC right now, changes to it, are in the framework.

Dr. Crabtree: My preference on this would be that -- I think with sea bass we have the TAC changes -- It steps down and then we hold it constant. With snowy though, I think it goes up at five-year intervals. Is that correct? My preference is with snowy that we're going to have to do a regulatory amendment that then increases that TAC and that we not just write it into the rule.

I think in sea bass where it steps down and a couple of these other quotas that step down, we probably will have to put those step-downs into the rule, because otherwise we're going to be doing too many regulatory amendments too quickly, but I think as we get down the road in these rebuilding plans, I'm more comfortable with coming in and doing a regulatory amendment to increase the TAC and that is how we've done it, I think, in most instances.

Dr. Thompson: My question, Roy, is how do you define substantial?

Dr. Crabtree: I was going to ask the Center to provide us some guidance on what that might be. I can't tell you, but I know it when I see it.

Mr. Currin: I don't see any reason we should have to define substantial, because it's not defined anywhere else in the Federal Register.

Dr. Crabtree: We could come in and say if we go over by more than 10 percent then that -- I think, Nancy, what we need to know from you is how much is our ability to recover compromised by things.

Dr. Thompson: Exactly and that's what I was thinking as well. It's in the context of a rebuilding plan and so obviously I'm pushing the point here in terms of what is substantial, but we can certainly take a look at that.

Mr. Currin: We must also consider our ability to estimate as well in all of this.

Dr. Thompson: The other question I have is relative to a new assessment and what you're talking about is the current SEDAR schedule that we have, right, and not doing something that would be additional to that?

Dr. Crabtree: I think we would have to look at the current SEDAR schedule and I think when we lay out these rebuilding plans, it would be advisable to us, at least for snowy grouper, to have something happen five years down the road. Now I don't know if we have something scheduled like that or not and so once we really settle in on where we're going on this, we might want to take a look at that.

Dr. Thompson: I think those are all really good points and I think those are things that we probably need to talk about within the context of the SEDAR Steering Committee in terms of where maybe we're going with SEDAR and the advice that we're providing to the council. This is something that's new, in my view, that's been offered, but we can certainly take a look, first of all in terms of what is substantial and, again, that would be in the context of where we are relative to recovery and rebuilding and then what kind of advice we need to provide through the SEDAR process in addition to the usual biological reference points and some other issues.

Dr. Crabtree: Just one other thing to that point. We talked a little bit in committee about setting TACs below the ABCs and I know that might be difficult right now, but right now the way the status of stocks is going, when you set up these ABCs if you go over, you're overfishing and you're going to show up as overfishing on the status of stocks report and if you're over by -- I don't know how much, but I'm guessing -- Right now, they're saying if you're over by ten pounds you're going to pop up as overfishing.

Now we might can have more discussions of that point and how it's going to work and so the only way to really get around that problem is to set your TACs below the ABCs, because you know your catch is going to be over TAC probably 50 percent of the time, because the recreational fishery is going to fluctuate around that TAC and even with the quotas we have, we can't be assured that we're going to close the fishery down exactly right, because we have to project some to do it.

If you set your ABCs and your TACs at exactly the same level, you're going to find that we're going to be over a lot of the time and that's going to trigger problems for us. I think as we move down the road in these rebuilding plans and we start getting to the points where the ABCs increase, that we need to come in and set the TACs below the ABCs to make sure that within the reasonable amount of variability we expect to see we're not going to go over our ABCs.

Remember, these ABCs are levels that the catch is not to exceed. They're not targets, they're maximums and historically, I think we've all fallen into a problem of treating them more as

targets and that creates issues for us and so I think that's something over the next few years we need to be mindful of and be careful to address.

Dr. Thompson: Are you asking the Center then to evaluate or try to quantify those criteria then for what would be substantial?

Mr. Currin: Not at this point. We're just initiating discussion on this whole topic right now. This is something that the committee has not discussed.

Dr. Daniel: I just want to make sure that I'm on record as being scared to death by this conversation and feel that it's incumbent upon the agency to monitor these TACs. While I recognize what happened in the Gulf did happen and created a problem, when you look at the black sea bass fishery and when you look at the snowy fishery, we're going to be shutting that fishery down before we meet the TACs.

Then if they go over, take it off the following year, but to say that any of these rebuilding plans are going to be constrained by the need to go through a SEDAR assessment is not fair, just patently not fair, and the SEDAR process is right now stretched to its limits. We've got a six or seven year horizon right now on our assessments and to have to start throwing in these assessments and having any of these rebuilding plans that go over by a substantial amount need to be reassessed before we can do what we've told the fishermen in the rebuilding plans we're going to do, I think we need to come up with another strategy.

I think we could talk about this until tomorrow and we do have some folks here that need to get their presentations done and so I just think we need to have a lot more discussion about this issue.

Dr. Crabtree: Bear in mind, Louis, in the case of black sea bass, this isn't a quota monitoring issue. We have a quota in the commercial sector and we can monitor it and I'm confident we'll hold the commercial sector fairly close to it, but what happened in the Gulf wasn't the commercial sector, it was the recreational sector.

That's not a monitoring situation. It's simply if a whole lot of people go fishing, they're going to catch a lot of fish and the problem you come into is that's going to trigger overfishing, because you're above your ABC. We'll have to come in and take steps to address that and bring it back down and the problem is you've been overfishing and you haven't complied with the terms of your rebuilding plan and how do you then justify going ahead and increasing the ABCs anyway? I don't think you can do that. That's the question we have to have.

Now, the issue brought up of if there's an overage take it off the next year, that's fine. We ought to have some discussion of that, but right now there's no provision in Amendment 13C that you've submitted that gives us any authority to take any overages off the next year. If you want to do that, we can put that in 15, but it's simply -- I have no authority as the Regional Administrator to take overages off the next year unless the council puts that in the plan and it goes into the regulations. That is a reasonable way to potentially address this problem.

Mr. Currin: Yes, to deal with the commercial fishery anyway.

Dr. Daniel: Again, we've got to move on, but if you've got a problem with the recreational fishery, deal with the recreational fishery. Cut their bag limits in half or whatever, but don't say that if you've got a group of fishermen that are reporting on a daily basis and they've complied with all the rules and regulations that we've put in and they've come in under their quota that because the recreational fishery went over they're going to have to wait until a new assessment is done until they can realize the fruits of their sacrifice. That's just not fair and so I just think there's something that -- We just need more discussion on this thing, but there's a lot of issues that we could go around and around.

Dr. Crabtree: There certainly are fairness issues there, Louis, and I fully recognize them. The scenario you laid out though is precisely what happened in the Gulf of Mexico. The recreational fishery went over, the TAC didn't go up, the commercial fishery ended up losing the additional fish they would have had. That's up to you as a council though.

If you want to put something else in the plan to deal with that, that's something you have to do, but from my perspective, my responsibility is to make sure that these stocks recover and I can't allow the TACs to go up if we've been out of compliance with the rebuilding plan. That's why I raised this issue now, because we're way better off to deal with this issue before it happens.

Once it happens, it becomes a big controversy and it becomes very difficult to deal with and so I think we've got to give this a lot of thought and we're going to need to spend quite a bit of time talking about it, because we'll be much better off to have dealt with it up front and laid out what we're going to do in the plan and have had the public have an opportunity to look at it and comment on it so that when we have to come in and do it it's all laid out there and we all agreed to it.

Mr. Currin: It's clear we're not going to settle this one today, but Roy is right and everybody needs to give it some thought.

Mr. Geiger: My comments don't have anything to do with that. I just wanted to report to the council that I had the honor of representing the council and providing a council briefing to the Central Florida Offshore Anglers Group, which is a large group primarily of bottom fishermen in Florida.

They wanted me to bring back to the council and convey to the council their gratitude and thanks for previous reef fish regulations and they wanted to express and acknowledge the benefits that they've seen and are currently experiencing from those previous regulations. In particular two fifty-year veteran red snapper fishermen have said -- They went on record and said that the red snapper fishery off of Florida today is better than they've experienced in the fifty years that they've ever fished it and that there are more large, over twenty-five-pound red snapper, in as close as fifty feet. This is on the Atlantic side.

They recognize the benefits of the regulations that were put in place. Although they were opposed to them when they did it, they see the benefit and are reaping the benefit and encourage the council to continue to do the good work that they've done and thank you, not old council

member Susan, but let's say long-term council members, the long-term and seasoned council members, for those early regulations. The benefits are well appreciated.

Mr. Currin: "Veteran" would have been a good word there. Before I conclude my report, I want to thank Theo for the information he provided to our committee and also thank Rick and the rest of the team and Kerry for all the hard work that they've done on 14 and 15.

Ms. Smit-Brunello: I'm confused. Do you want staff to look at some alternatives or ways to deal with this to come back to you all in June or do you not? We talked about it and we said it's got to have a lot more discussion later, but it's not clear to me if you want the Science Center to look into this and for the record, if we could get some idea.

Dr. Crabtree: I think we have to, because I think if we don't we're going to get back here in June and we're going to want to go out to public hearing and we're going to be right where we're sitting right now and then we're not going to have alternatives. I think we need to ask Nancy and the Center to provide us some advice on this and I think we need staff to provide some alternatives in the document as to how we're going to deal with overages so that when we come in we have something that's fleshed out.

What I'm looking for from the Center is some idea of what the acceptable levels of variability, because of MRFSS and those kinds of things, are, but what sorts of levels we ought to be concerned with. I think there ought to be -- Louis, if you want to look at taking overage off the next year or however you want to look at that, but we need to flesh it out.

I'm afraid if we don't then we're going to get into a big long discussion at the June meeting and we could end up not ready to go out to public hearing with it, because this is going to be a big deal, part of this amendment, because it's kind of a shift in how we're doing business. The stocks aren't going to recover unless we make sure the things we put in place are policed and that the catches stay below these ABCs and so it's critical to us succeeding to get out of the problems we have.

Mr. Currin: I haven't heard from the rest of the committee about your sense on this issue. Any quick comments on this? Roy is suggesting that we ask the staff to develop some alternatives to deal with the overages.

Ms. Shipman: This is like summer flounder revisited, déjà vu. They've dealt with this in the Mid-Atlantic over and over and over again and so take a look at how they've handled that as well and benchmark on those alternatives.

Mr. Currin: I'm getting a sense and Louis is shaking his head that's fine.

Mr. Geiger: Just as a consideration, and I know Dr. Thompson's schedule is very tight, but I think it's necessary for her to be at the council meeting when we have that discussion so we can benefit from her technical wisdom.

Mr. Currin: If we can ask the staff then to develop a range of alternatives to deal with overages and some of those have been mentioned today and there's likely to be some others.

Dr. Thompson: Just quickly, in terms of Louis's concern, I'm empathetic and I think we ought to probably discuss that at the SEDAR Steering Committee.

Mr. Currin: If there's nothing else, Mr. Chairman, thanks for your indulgence and allowing me the large amount of time that was required for my report and that ends it.

Dr. Daniel: Thank you, Mac. That was a good job, as usual. Also, I want to just thank -- I had some discussions yesterday with Oceana about getting out the good word on the delisting of the goliath grouper and I just wanted to formally thank them for their efforts that are forthcoming on that issue as well.

Ms. Shipman: I think we have Protected Species Committee is next and I believe that's behind Tab 5 and it's on your CD and we'll be functioning as a committee of the whole and the first thing we need to is approve the agenda and so if everybody would look at that and see if you have any objections to approval of the agenda. Seeing none, we'll move forward as ordered.

Approval of the Minutes, you have your June 2005 minutes. This is from Cape Canaveral. Does anyone see any corrections or additions needed to those minutes? Seeing none, we'll approve those by consensus.

The next thing we want to do, we are very fortunate to have with us today guests from that little technical school up in Atlanta, the Georgia Institute of Technology, better known as Georgia Tech here in Georgia, as well as throughout the country, and we also have folks from the Southern Company and they are doing a partnership on wind energy and they're going to present to us today.

From Georgia Tech, we have Mary Hunt and Bill Bulpitt and I'm not sure -- Bill, are you doing the presentation? Okay. Then George Martin is the Senior Environmental Specialist for Environmental Affairs with Georgia Power, which is an affiliate, as most of you may know, of the Southern Company. They're going to present to us today the proposed project that's in the development stage for a pilot wind project off of Georgia and we're extremely pleased to have them.

While they're getting set up, I do want to say they began sort of making the circuit well over a year ago and really starting out early on in the formative stages of this project talking with the resource agencies and really anyone that would have any interest as a stakeholder in this project and I want to commend them for that.

They've really gotten in on the ground floor and we have been wanting to get them here to present to you all so that you could see this project. It's very interesting and very exciting. I'm going to turn it over to George or Bill. Bill is going to be sort of the team leader of this presentation.

Mr. Bulpitt: Thank you, Susan. We appreciate the opportunity to be here today and we're glad to be able to address so many folks that have an interest in things offshore. Basically, as was stated, I am the project manager for the Georgia Tech group and our project manager from the

Southern Company could not be here, and that's Liz Philpot, but George is here from Georgia Power and as was stated, he's been involved with the Environmental Department of Georgia Power for some little time. George, you may want to say a few things. Also, Mary Hunt is here with me and she and I have been working closely on this project since its inception. Actually, she has a longer term with it than I do.

Mr. Martin: As Bill mentioned, my name is George Martin and I'm here to thank you for allowing the Southern Company and Georgia Tech this precious time to share some interesting information about the potential for developing wind power off the coast of Georgia. We met in January with staff and I want to thank Margaret and Gregg and Rick and others for that opportunity and especially the Protected Resources Committee for allowing us to come and talk with you today. Thanks a lot.

Ms. Hunt: Thanks for letting us come down here and share the information with you and hopefully we'll be able to partner with all of you all to help make this kind of thing happen in the future.

Mr. Bulpitt: I have a little slide show here and I'll run through it fairly quickly. Basically, just to reiterate how this came about, Mary and I work for Dr. Sam Shelton at Georgia Tech and some time ago, a couple of years ago, the beginning of the essence of this project came together when we became aware that there was a wealth of offshore data on the wind resource that had been collected by the Skidaway Island Oceanographic Institute on the so-called top-gun platforms off of the coast.

That's where the initial interest came about and then as things started moving and Georgia Tech folks started looking at this data, the project began to take on a life and we contacted the Southern Company about a year-and-a-half ago and came together with this research program that we're in the middle of right now. I'll go through some of the issues here and I'll be glad to take some questions later on when we're done.

Those of you familiar with the old grist mills and the old-time water pumping and grist mill windmills that were certainly prevalent in Holland years ago, there has been a great evolution in this technology, up to what we see on the right-hand side here, which is a current state-of-the-art wind turbine, that has been developed over the last twenty-five years by various entities around the world.

These machines have grown dramatically in size and this slide here shows, for example, really in the United States back in the early 1980s you began to start seeing these machines sprout up in California, in the Altamont Pass area and out at Tehachapi, and at that time they only had a kilowatt rating of about twenty-five and they were rather high-speed machines, but this sprung up as a result of the California Energy Commission policy on trying to promote renewable energy.

Over the ensuing twenty years, we're up to the larger size ranges here. This one shows one-and-a-half megawatt size and actually they're up to three-and-a-half megawatts now and plans are in place for five megawatts. For those of you who don't really understand what this means, a 1,500-megawatt machine would probably take care of over 1,000 households and so while the

scale of the huge electric power plants that we're used to seeing, these can have a significant impact on energy supply.

Offshore, why are we looking at offshore wind? In the southeast, as you might imagine, there is a project underway right now to really characterize what the state of Georgia's overall wind resource is and it's being done by AWS Truewind out of Albany, New York. It should be completed before too long for the entire state, but basically the traditional wisdom has been that there is no wind energy in the southeast, other than the ridge lines up in the upper reaches of the Appalachian Mountains and so forth.

The Tennessee Valley Authority has built a wind farm north of Knoxville. To be quite honest, it has not been as successful in terms of total output as they originally thought, but as you might imagine, you get involved with some of these real scenic areas up in the mountains and there's a lot of people that object to that.

What we're finding is that there is a resource in the southeast, but it's offshore and I'll talk a little bit more about that resource in a minute, but obviously there's a reduced turbulence issue with the wind blowing over the open water and we find the majority of the electric loads really near the shorelines and if necessary, the turbines can actually be placed out of sight of land.

The cost of wind energy has come down over the years, to the point where what we're seeing here is, in the most optimistic case with some economies of scale and also with the tax credits, it can be down in the five to seven-cent range in terms of the cost of electricity and that obviously has a greater impact in certain areas of the country, like up in the northeast where it's not unusual for homeowners to spend fourteen to fifteen cents per kilowatt hour for their electricity. This is certainly cheaper than that electricity up there.

Transmission cable options is one of the things we're looking at if we go offshore. We're talking about bringing in the cable and having it similar to what's going on in Europe, being installed under sea with a special trenching device that will actually dig a hole and cover it back over with the sand to protect it from dragging anchors and dragging fishing boats and so forth.

The South Atlantic Bight is the area we are concerned about, from the Carolina border down to Florida, and that's what we've been looking at with this study. The current study, there was a lack of previously published wind data and so, as I said, it inaccurately showed what the wind resource in the southeast is, but we have looked at six years of highly creditable wind data, showing there's a good potential for the South Atlantic Bight region.

The southeastern continental shelf is up to ninety-five miles wide and less than fifty meters deep in the water and this is important. The current technology, there's plenty of R&D activity going on for deeper placement of turbines, but the cost goes up dramatically. You can use conventional foundation technology for this type of thing, pile driven foundations like they're using in Europe.

There's plenty of shallow water over the horizon. What we're looking at right now is trying to figure out how far offshore these machines would have to be. Here's a slide showing the data that we've used to analyze the basic -- We've got an analite tower up here that was run over by a

container ship some years ago and then we've got the instrumentation off the R2 platform that Skidaway Island -- This is the top gun platform off the coast and then we looked at the Gray's Reef data as well.

This is the Skidaway Platform that has been instrumented offshore. It's about forty miles offshore and fifty meters above the ocean, the water level, and it's in twenty-seven meters deep water. We've worked closely with Skidaway and looking at the data that they've accumulated at this site.

Six-year data averages, I won't go into the detail of this, but basically what this shows is an average wind speed of 7.36 meters per second, which is a so-called Class 4 wind. Now, that's not the best. You really want slightly higher than that. Class 6 wind is really where you would love to be, but this wind data is equivalent to some of the offshore wind farms that have been built in Europe and so that has really gotten our attention.

We've done some analysis of several different turbine designs and how they would operate within the Georgia resource. Here are a couple of them here that we've just looked at, a 3.6 megawatt machine and a 2 megawatt machine, and the power curves here show what the output of these machines are under the different wind conditions.

Basically there is a cut-in wind speed at a very low wind speed and then it starts to generate and then there's a cut-out wind speed when the wind speed gets too high and the machines actually feather their blades and quit generating.

Anyway, with the sample turbines, here's a little bit of analysis of a 3.6 megawatt machine and a 2 megawatt machine and the capacity factor is shown below, 28.6 percent and 38.2 percent, for these machines and what that shows you is obviously if you could generate power from the wind at the maximum output of these machines at all times, your capacity factor would be 100 percent and that would be wonderful, but the wind just doesn't work that way. You take the wind when you can get it and you use it to displace generation of electricity that would be available from other sources and that's the way we look at it.

Just to talk about the European situation at the moment, which is something that we've studied and followed quite a bit and taken a lot of cues from, the three of us and some other people from Southern had the pleasure of going to Europe last fall and seeing some of these major offshore wind farms, which were very instructive to us, and the interesting thing is that they are now considered in the European Union pretty much an accepted technology.

The state of the art is improving all the time, but it's considered fully commercially. In this country, as some of you may know, at this point in time there are no offshore wind farms operating. Several have been -- There have been permits applied for by several. I'll show you some slides of those in a minute, but the permitting process is very much in a state of flux in the U.S. right now.

The Army Corps of Engineers had been the lead agency. They've been supplanted by the Minerals Management Service, who are, of course, in control of offshore oil drilling and that

kind of thing, and so we're waiting to see what the final rulemaking is from MMS as to what the future permitting process will be.

Just to give you some idea what these wind farms look like in Europe, I've got a couple of examples here. The Arklow project, the first one that we saw in Ireland, has seven 3.6 megawatt General Electric turbines. These are among the largest in the world operating right now. The depth of the pile is thirty-five to forty-five meters and these other specifications here, but basically a 38 kilovolt output voltage is brought onshore in a single cable from the seven machines that are in place.

This is sited on a sand bank that's twenty-four miles long which is in the Irish Sea between Ireland and Wales. Here's the location. It's sixty kilometers south of Dublin and seven to twelve kilometers from the coast. This is what they look like from the shore.

This was the first view we had of them when we were driving down the coast and I consider them majestic, but it's in the eye of the beholder. They rotate at fifteen RPM. It's not like -- There have been a lot of bad press involved with the early wind farms, in particular in California, these small machines that were put in the early 1980s, and they would rotate at fairly high speeds, I'm talking about fifty to a hundred RPM, and birds did have a little trouble getting through this.

Ms. Hunt: To put this into perspective, from blade tip to blade tip is as large as a football field and so you're looking at this and it's really hard to get how big these things really are.

Mr. Bulpitt: Some of the other pictures will show you a little better. When we went on our offshore excursion, our excellent adventure, this separated the crew into two groups and I would have been in the second group if we had been out there another ten minutes, I think, but it was so funny because we were waiting to go on this trip out on this catamaran, this fifty-foot catamaran that they use as their service vessel, and as we were sitting getting the lecture by General Electric about the machinery, the wind just got higher and higher and higher and there was a certain fear and loathing going on. Mary says the seas were ten feet. I think they might have been a little less, but we'll see.

Anyway, these machines are the ones that General Electric has installed. It's a joint venture between General Electric and Airtricity, which is an Irish independent power developer, and these are seven machines more or less in a row. You can see they're staggered a little bit because of the characteristics of the sand bank that they're on, but obviously the wind was blowing pretty well that day and they were generating full output.

These machines are about sixteen -- The pedestal is about sixteen feet in diameter and the depth of the water varies here, but it's fairly shallow with the sand bank, probably on the order of fifteen to twenty feet at this location.

Again, these are 104 meter diameter blades and so that's something on the order of 300-plus feet is the size of this thing. It's a little hard from these photographs to really figure out how big they are, but they're huge and they're only rotating, like I said, about fifteen to eighteen RPM. You can see a little bit of the motion here.

The construction takes place -- There's a fairly conventional jack-up barge kind of technology, of which there are many vendors of this construction technique in Europe. It's not so much here in terms of experience with this particular situation, but I think that there's an industry that would spring up to meet the demand.

This is one of the installation barges from the Netherlands and you can see -- Off to the right, you can see one of the pedestals that has been installed and this is in preparation then for the machine being brought out in pieces and erected. The size of the blades is pretty impressive and those of you that came to our little workshop last year in Savannah, we had Martin McAdam from Airtricity giving this presentation, or a similar presentation, and he was very humorous.

He said here we are with a bunch of Irish cars in front and, of course, it would only be about four American cars and it was all the comparison of what we do and what they do over there, but anyway, it's pretty impressive blade size here and this has become an issue onshore in this country. If you install machines up in the mountains, how do you get the blades up there when you've got a snaking road? There's a limitation. The laying of the sea cable is done with a specialized ship.

The second one we went to visit, Scroby Sands Wind Farm on the northeast of England -- Great Yarmouth, which is just north of the Thames estuary, and this is a seaside town which I kind of characterize as a small Atlantic City, let's say. There's a boardwalk and side shows and this kind of thing and some of our people were saying this thing is kind of in your face and I'm not sure we could permit this in America and it's true, it is in your face. This was the view from our window at the hotel and these things are only about a mile-and-a-half offshore, but it kind of goes along with the seaside resort, to me. It's just kind of part of the sideshow. They're all out there going about fifteen RPM.

Obviously, the thing that we have to be very cognizant of, or anybody trying to permit a plant in this country, is how people react to the views and this has been an issue in the northeast and I'll talk a little more about that. Here's a shot and I was lucky enough to catch this on the airplane when we were on our way to Denmark and that is the wind farm as it is laid out off the shore of Great Yarmouth in England. It was too shallow and they couldn't actually get the machine or they couldn't get the barge into that spot and it was too shallow and they were running aground and so they just rearranged.

Horns Reef is one of the two biggest, largest offshore wind farms in the world and if you ever see anything related to the Scandinavian wind industry, you're going to see pictures of this. Now, it's some twelve to fifteen miles offshore and the only way we could get to it and know that we were going to get a good look at it was to fly over it, because the North Sea conditions can change very quickly and we didn't really want to risk whether or not we were going to be able to go out that day in a boat.

As it turned out, it was a pretty calm day, but this is what it looks like. There are eighty machines and these are two megawatt Vestas machines, made in Denmark. This shot here, you can see back in the center of the photograph there's the platform where the transformer is. All

the machines are wired into the single transformer and then the electricity is boosted up in voltage and sent to the shore.

This thing was installed in 2002 and it's been operating for a while. There's a fairly close look at it. These machines are not quite as big as the ones in Ireland, but they're big enough and here's a service vessel going out to work on one of them and it gives you a perspective. That's probably a fifty-foot vessel. Helicopters can land on the top if you have to put a service man on there in an emergency, but it's not a job I would want, I don't think.

I want to talk just briefly about the two projects that are in the permitting process in the U.S. right now. The Cape Wind Project, you may have seen some of. This is up in the Nantucket Sound area. The plan is 130 turbines with an output of about 470 megawatts. The distance from the various locations from the mainland, it's about five miles, from the island of Nantucket it's fourteen miles, and from the island of Martha's Vineyard, it's nine miles.

We've gotten to know Jim Gordon quite well, the guy that's the driving force behind this project, and he may have picked a more difficult spot to try and permit this and that would be Pebble Beach, I think. This has really been a lightning rod for the people of New England and it has pitted neighbor-versus-neighbor in a lot of ways and obviously -- I'll show you some pictures here.

Here's the location and it shows the mileages from Nantucket and so forth and it's really right off Hyannisport in Cape Cod. Now, here's an artist's rendition of the 6.8 miles away what it would look like under certain conditions and this has probably been one of the more controversial photographs that they've made, simulations rather, but --

The other one that has been permitted or not permitted, but the application has been made, is the Long Island Power Authority and this is a more modest project. It's forty machines with a total capacity of 140 megawatts. This is being put together by Florida Power and Light and it's off the shore of Jones Beach in Long Island, about four miles offshore.

They've had a different approach here. They have taken a slower process and probably got more buy-in from the local people about it, but that's not to say that there aren't opponents. They are in the midst of their permitting process with the Corps of Engineers. Minerals Management Service is going through their process to figure out what they're going to require in addition for both of these projects.

There I hope you can see -- The way they did this simulation is kind of tried to show what these machines would look like at various distances. Obviously the thing that a place like Long Island has going for it is the cost of electricity to the homeowner up there has been astronomical for a long, long time and even a blind squirrel could generate electricity from wind in Long Island much cheaper than the prevailing rate.

The way, of course, it's being couched by the developers is this can only lower the price of electricity for the state of New York and they've got a strong case there. Obviously in the southeast our prevailing electricity rates are not near as high and so in order to justify it

economically, it's a harder sell. That's the end of my slide show and I would be glad to take some comments or questions.

Mr. Harris: Bill, contrast for me one of these wind farms, perhaps one of the ones off the U.S. that's under consideration for its permit now, with the typical coal generating plant with respect to how much energy is produced by both.

Mr. Bulpitt: The biggest wind farm that's being proposed in the U.S. is the one at Cape Wind and that's 450 megawatts. Plant Scherer, one of Georgia Power's largest, up near Macon, is 3,200 megawatts and so it's seven times or eight times. That single coal plant could generate eight times the largest wind farm that's even being contemplated. The thing about it is you have to keep it all in perspective. Renewables do not generate the orders of magnitude of electricity that conventional fossil plants do.

Mr. Wallace: Is it more feasible to go in and maybe generate for like a paper mill than to store it and divide it out among the masses or can a particular industry benefit from this better than the entire population?

Mr. Bulpitt: Here's the way we're looking at this, and certainly George may have some additional comments, but we feel like you have to look at this as a displacement of fossil fuels. Now, the calmest months of the wind are going to be in July offshore. The most robust will be January and February. Now that's not coincident with the peak of the Georgia grid, but it will displace fossil fuels for that generation, when it occurs. That's the way we want to look at it. You can't depend on this to meet a load on any given day, because you don't know what the weather is going to be.

Mr. Wallace: I knew you would have to have back-up power systems in there, but I just was thinking it would eliminate some of the peak demand hours or something at these industries.

Mr. Bulpitt: It would only be good luck when that happens.

Mr. Wallace: From a shrimper point of view, I hope you're planning on going outside of these two and three mile areas that we're seeing on here.

Mr. Bulpitt: It will be.

Mr. Geiger: Have you guys -- In reducing the dependence on fossil fuels, have you done any calculations as to the reduction in methyl mercury that would be generated along with those reductions in fossil fuel? That would be of prime interest with the problems associated with mercury poisoning in our fisheries right now.

Mr. Bulpitt: I can't answer that off the top of my head, but it's a fairly straightforward calculation. If you took that chart of how many kilowatt hours a farm would generate and you can go back and there are factors in terms of mercury production from coal plants and you could look at it that way.

Ms. Hunt: There are studies that you can find on the American Wind Energy Association website and also the University of Delaware has a program and they've got some folks that are actually looking into that specifically and so I believe that in general they're looking at the displacement and how it would do that.

Mr. Martin: I just wanted to add an analogy point there. When re-license our hydro facilities, which is another renewable, low-polluting generation technology, within the licensing process at the Federal Energy Regulatory Commission we do have to calculate the emissions that are offset through hydropower generation as opposed to coal and would expect the same in this regulatory scheme. That would be part of your alternatives analysis, is to provide the offsets that these technologies provide, and so I would expect it to be in the licensing package.

Ms. Murphy: I was just wondering. When they put these wind farms in Europe, do they automatically put in research and monitoring programs to keep track of how they're impacting benthic communities, as well as birds and turtles and whales and whatever else they may come across? Not so much turtles out there, but --

Ms. Hunt: Yes and especially in Denmark, there are some really good websites that have the studies published right now looking at avian species and looking at when they were actually under construction and how it affected marine life and fisheries and now they're doing after studies. They've done pre-studies and then during construction and now during maintenance and operation. I don't have those right on the top of my head right now, but I can send you links to those if you would like to look at them.

Mr. Boyles: I have a question with respect to the regulatory regime. Minerals Management Service has been given the new responsibility for these projects and I know they are really grappling with how to do this and can you all comment what that has done with respect to the project timeline here? Has it slowed things down a little bit?

I think those folks at MMS that I know rather well are really, really struggling with how do you incorporate all the diverse interests here and can you comment a little bit about the permitting authority transferred from the Corps to MMS?

Mr. Bulpitt: This is my opinion, by the way, and George may have a different one, but I'm rather dismayed at the fact that the industry has probably been set back at least one and possibly three years by this transition. The Corps of Engineers I think had this thing pretty well in hand in terms of what needed to be done by permitting and now what we have is a totally new agency and they've just gone out with a notice of public review, which both Georgia Tech and the Southern Company commented on and a myriad of other agencies and groups have commented on.

Just for them to wade through all those comments, which went in on Tuesday, is going to take a while. I think my position, or my opinion, is if we're going to -- Just to be blunt about it, when we were in Europe, the Europeans are laughing at us. They say what's the problem. This is a totally clean resource and we have found that we can coexist with it in myriad countries over here and you people can't even keep a tax credit in place for more than three years.

The vendors of the machinery, who are mostly European, don't want to build a factory in this country because they don't know if the tax credit is going to be in place two years from now and their business may go to nothing overnight and so that's a problem we're hearing.

If we wanted to install ten machines off the coast of Georgia two years from now, we couldn't get the equipment, because there's such a backlog. That's number one and number two, the countries of Europe have been promoting this as members of the European Union and they've all had -- The processes for each country are different, but basically they've been promoting it and saying we're the government of England and we want to have offshore wind and we want to have renewables and we're bound to it, because we've ratified the Kyoto protocol. We're bound to meet our goals and this is a good way to do it and we think that these are good areas and they have pushed developers to do it and that's not what we're seeing at this point.

Mr. Martin: Robert, I kind of want to go back to the essence of your question and I believe you were talking about this project in particular and I do want to point out that the effort that Georgia Tech and the Southern Company are engaged in at this point in time is we're looking at the feasibility and the conceptual engineering and environmental design of a project, if it were to come about.

The decision has not been made by Southern Company to go forward with such a project, but, as you do point out, the Department of Interior Minerals Management Service has just closed a comment period and with feedback from recent meetings at Interior, we see the rulemaking process going out through 2007, to be conservative, and their discretion that they are exercising is to prohibit any non-oil and gas activities on the outer continental shelf until the rulemaking is done.

The legality of that is still under question, whether they can advance such a prohibition against renewable energy development. The Energy Policy Act of 2005 certainly calls for immediate action with regard to renewable energy, but the bottom line is this project is still conceptual.

Ms. Hunt: One of the things that they did ask in the ANOPR, and we have different perspectives on this and there have been conversations going on with DOE and the Department of Interior for a couple of years in planning for the energy bill that got signed last August and they're looking at this should they just do a general set of guidelines for all of the coastal waters around the U.S. or should they have a regional approach.

Those are particularly interesting, because they've talked about the fact that if they continue this moratorium and if they really need to look at this closely, they may actually allow very, very small research and demonstration projects in the Great Lakes, the Gulf of Mexico, the Northeast, the Atlantic, the Pacific if they can't come to a consensus about the regulatory process.

Mr. Brown: In your presentation, you indicated cost based upon economic incentives being applied. What would the cost structure be like in the absence of any economic incentives or tax breaks?

Mr. Bulpitt: The tax credit is 1.9 cents per kilowatt hour right now and it all depends on -- For example, the best cases, and I think one of the curves showed it, the best case for an onshore

wind farm at this point is somewhere between four and seven cents per kilowatt hour and that's including the tax credit.

The offshore is going to be a higher price. There is a premium for the construction offshore and I would say it's probably going to be -- The price of construction is going to be 30 to 40 percent more in terms of an all-in cost on dollars per kilowatt of installed capacity. Like I'm saying, we're hoping that the numbers come out somewhere in the seven to nine cent range, maybe a little better than that, depending on the size of the wind farm.

Mr. Brown: Does that mean it would be economically feasible with or without the tax credit?

Mr. Bulpitt: It all depends on who the off taker is and what the negotiations are for that and that will depend on a local power company or a local co-op or whatever who wants to take the power and obviously there's a lot of people that want to market green power. I can't make a blanket statement about that.

Mr. Gibson: Are any of the Carolina or Florida utilities looking at such scenarios?

Mr. Bulpitt: I know that Jacksonville Electric Authority, for example, being a municipal down there is interested in wind as a green energy source, because they have a fairly ambitious goal of what their percentage of generation by the year 2015 or whatever -- They're trying to get a fairly substantial percentage in renewables. Florida Power and Light is the most successful developer of wind farms in North America, but I'm not sure that they have any planned for off the coast of Florida and I don't know about the Carolinas specifically.

I think there has been some talk and I know there's some research being done by some of the universities up there in terms of what the offshore wind potential is. I'm not sure if there's anything concrete in place.

Ms. Shipman: Interestingly, the Skidaway instrumentation that led to sort of this discovery of there really is wind out there is part of -- Earlier, I think in the Ecosystem Committee reports the other day, we heard about the various SEACOOS programs and the various instrumentation and ocean observing programs and the platforms and this is just a good example of how you've got potential commercial applications that are spring boarding off of scientific instrumentation that is out there.

Ms. Hunt: Actually, even the wave data that is being collected is also important to the development, because of the installation of the turbines, and also, I think there's current and tidal energy generation is something else that might be looked at in the future as well.

Ms. Shipman: Any other questions?

Mr. Iarocci: I have two things. One, a question about laying the cable underground. A lot of places, whether they're communications cables or electrical cables, the fishing industry has areas where they do traditionally trawl and we have what we call cable patrol, where the commercial boats are contracted to patrol the areas to keep the boats off ground or they have the cable charts and stuff. This cable would be how deep and how would it be overlaid? If it's a soft bottom if

there was dredging or would it be a no fishing zone or a no trawl zone or something like that? How is that dealt with?

Mr. Bulpitt: What we've seen, and we're basing a lot of it on the European experience, is they use a jet plow to plow up a soft bottom and drop this down about as much as six feet under the sand. Now, that's not to say that this is fool proof and it's not to say there haven't been problems. For example, at Arklow in Ireland last year, somebody's anchor got a hold of the main cable and stripped one kilometer of it and basically rendered it useless and so what were they down, six weeks, to replace that? It was something like that.

In other words, they were out of business for six weeks on that. Well, it's an early commercial demonstration and they expected these kinds of things, but in terms of patrol of cables and so forth, I really don't have an answer for that. Obviously it's of great concern and there would have to be notice to mariners about the locations and all that kind of stuff, I'm sure.

Ms. Hunt: Various European countries -- Denmark is different than Ireland is, for instance, because they don't allow fishing vessels within a certain distance of their wind turbines, whereas in Ireland they do and so this is another thing that would have to be considered in the policies that are developed in the U.S. as well.

One of the reasons -- One of the guys from the wind turbine company that took us out on the plane said to me was they don't allow them that closely in part to make sure that there isn't damage to the turbines or cables or things like that.

Mr. Iarocci: Also, my next point was about Cape Cod right now. There's a proposal in Massachusetts to do a similar project off the coast of Massachusetts, along Cape Cod Bay, and a lot of the people there are either fighting it or grasping it and saying with the price of fuel and everything right now you've got both sides and there's a couple of commercial fishing organizations right now that are keeping an open mind and looking at it and see what the research is going to come out and how it's going to take.

In small scale, and it's not on the water, but it was on land, St. George Islands and the Privalovs, which is out in the Bering Sea, and Block Island, which is off the coast of Rhode Island, and they both have small-scale, back-up, wind-driven programs that could be looked at and seen what it is to where you could use that as a research thing, but like I said, it's not on the water, it is on both islands.

Ms. Shipman: How far offshore is your maximum distance you can go in order to get your generation back to shore? Pushing power, I know that gets a little dicey as you get way away from where you're pushing it to and so how far off can you get?

Mr. Bulpitt: Theoretically, there's no limit to the distance. It's just the cable is at least a million dollars a mile and so you've got to have a tradeoff and you've got to have an optimization and in other words, if the permitting process under no circumstance would allow it to be visible from shore, it would be at least fourteen miles away and could you justify the numbers?

Maybe or may not. It depends on so many things, economy of scale, what is the bid for the machinery, and so forth. We haven't made any decisions exactly. We're looking at a number of different locations off the shore of Georgia, but we haven't made any final decisions on where it would be, if it ever got built.

Ms. Shipman: Have you narrowed down how far out though it would be to be cost effective even at the research stage? Do you have a maximum outer distance that you've just said we wouldn't even look beyond that?

Mr. Bulpitt: We're still working on that. I'm still waiting for some numbers from the cabling and I think it's too early to really comment.

Ms. Shipman: Other questions from the council? We really appreciate you all coming down. It's a fascinating project and we very, very much appreciate you coming and we apologize for the delay and appreciate your patience in letting us get a little bit more business done this morning.

Mr. Bulpitt: We're happy to be here and we work forward to working with everybody in the group as time goes on.

Ms. Shipman: We'll look forward to periodic updates.

Ms. Hunt: Any information that your particular agencies can provide us in regard to major concerns is helpful and we would definitely value it in terms of putting our reports together.

Ms. Shipman: I think what we wanted to do was take a break.

Mr. Geiger: Madam Chairman, that's certainly within your purview to take a break and set the time parameters.

Ms. Shipman: Let's try to be back or let's be back at ten after eleven. That gives you twenty-two minutes.

(Whereupon, a brief recess was taken.)

Ms. Shipman: I think we have everybody back and so we're going to resume the Protected Species Committee and council committee of the whole and the next item on the agenda was to get an update from the Southeast Region Office from Jennifer Lee with regard to protected species and we're going to turn this over to Jennifer and let her give us that update.

Ms. Lee: We've been pretty busy. We have a few actions here that I thought I would just really briefly go through and then focus a little bit more on the right whale temporary rule that I know you're all interested in. Actually, Roy yesterday covered the goliath grouper status determination and that we took it off the species of concern list and so I won't really go into anything there.

We have our Marine Mammal Protection Act and ESA Bottlenose Dolphin and Sea Turtle Gillnet Rule. Margaret has provided information on the specifics before and I just wanted to let you know that that is still in clearance. We did have over 4,100 comments received on the proposed rule and SERO recommended several revisions to the proposed rule, including the removal of the beach gear and gear marking provisions and removal of the seasonal closures in North Carolina and Virginia waters with respect to the sea turtle part.

We anticipate final within the next couple of months. We do have an outreach plan that's ready to go and as part of this plan, there will be eleven educational workshops planned for May and we'll get you the information as soon as that is ready.

Our Atlantic sturgeon status review, we initiated this and it's a follow-up action to a petition about seven years ago. NERO is actually the lead on this, but we do have Stephania Bolden in our division in the Southeast as our contact. The goal is they're going to have a status review hopefully completed by August of 2006 and then because the review team is comprised entirely of federal employees, we will then be making a listing recommendation.

The acropora proposed listing, you had a presentation back in June on this and I just wanted to give you a heads up that our public comment period had ended back in August. We're summarizing and drafting our agency responses to the final rule. We had a little over 1,300 comments on that and we anticipate our final listing decision around May 9th of this year.

Consultation is going on and we are still actually consulting on your coastal migratory pelagic resource fishery as well as we are also working on a consultation on the snapper grouper fishery and so those are underway and then, of course, we have our right whale temporary rule and that's the one I know folks are particularly interested in and so I thought I would provide some more information.

What I would like to do is just explain to you a little about the authority and how we were able to do this action and just a little background on the Atlantic Large Whale Take Reduction Plan and then our mortality event and how we came about reaching our conclusions and kind of where we're headed.

I know you all can read, but I'm going to read this to you anyway, just because it's real important that you understand how this came about. Our Atlantic Large Whale Take Reduction Plan regulations include that if serious injury or mortality of a right whale occurs in the Southeast U.S. restricted area from November 15th through March 31st as a result of an entanglement by gillnet gear allowed to be used in that area and time, the AA shall close that area to that gear type for the rest of that time period and for that same time period in each subsequent year unless the AA revises the restricted period or implements other measures.

The Atlantic Large Whale Take Reduction Plan, most of you are familiar, but the goal is to reduce the risk to endangered North Atlantic large whales from pot, trap, and gillnet gear. In the Southeast, we really don't have as much pot/trap interaction issues and so the focus is on reducing the risk of right whales and gillnet interactions and that's just where you can find the full regulations.

Here you can see the red shaded area is the Southeast U.S. restricted area and then the red line shows the smaller critical habitat within that. On January 22nd, a dead calf was reported about sixteen nautical miles off Jackson Beach, Florida. We determined the mortality was the result of entanglement in gillnet gear within the Southeast U.S. restricted area and obviously during that time period.

Our basis for this determination, it was based on the condition of the animal, necropsy findings. We have sighting history for the mother and the calf and evidence of commercial gillnet activities in the area.

Here you can see the sighting information that we have for the mother and calf and you'll notice that they're all within the restricted area. The restricted area is a little hard to see on this map, but the red line is actually the critical habitat, but they're all within that. It's a much larger area. Mother/calf pairs typically remain on the calving grounds and an interesting one to point out, for some reason illustrated with the DDs, that is the sighting of the mother and she was very agitated when sighted there without her calf.

On the basis of that information, and we can always talk about more details if you would like, we did indeed close the Southeast U.S. restricted area to all gillnet fisheries effective February 15th and it's through March 31, 2006. Right now, we're reviewing fishery data, recent gillnet activity. We're planning a Atlantic Large Whale Reduction Team Southeast Subgroup meeting in early April. We don't have the exact date yet, but our goal is to get a final rule in place by November 15th, 2006. As I noted in the beginning, if we don't take additional action that closure will remain and so we're going to be seeking recommendations for additional protected measures with the team and anyone else.

Then I threw this slide in because there's been some discussion at this meeting, but as I mentioned, we're reviewing various gillnet activity that we know is going on. Something that has been brought to our attention recently is the -- As you can see, there's a variety of names for this species, but menticirrhus, we're finding that there's some gillnet activity for this species within the right whale critical habitat area and you can see on this map some of our sightings data as well as gillnet activity.

This was just opportunistic and this isn't observer data, but you can see that we are still having gillnets being set in an area where we have a lot of -- It's in our critical habitat area and this is a concern to us that we would like to bring to the council's attention and that's all I did for the formal presentation, but I'm sure you'll have questions.

Ms. Shipman: I'm sure we do. Thank you very much, Jennifer, and particularly, thank you for the details on the right whale entanglement. I know we have several questions and also, Barb Zoodsma is here from NOAA and she coordinates the Southeast Regional Right Whale Recovery Program, those activities.

Mr. Geiger: Jennifer, thanks for the presentation again. The gillnet closure applies to this blossoming whiting fishery? I'll use the term whiting because it's the one that I'm most familiar with that's beginning to blossom and flourish now?

Ms. Lee: Yes, all gillnet activity is closed under this rule.

Mr. Geiger: You're going to take the information that's been presented anecdotally here as this fishery is developing and you're going to begin some investigation into the methodology and the frequency and begin to develop some data?

Ms. Lee: Yes, that's correct. We're concerned because there -- You're probably all familiar with our rules where you have to have 100 percent observer coverage for the shark fishery and it's a five-inch stretch mesh or greater, but there's various ways that you can fish without being illegal and we're concerned that there are some loopholes that are causing new fisheries or I don't know about new, but perhaps increased effort.

For example, we do have increased effort in whiting. When we were working on the EA for this temporary rule, we looked into the trip ticket landings and found that there actually has been an increase in whiting landings or menticirrhus.

Ms. Shipman: From what I understood, some of these boats have been displaced out of other fisheries and have come down here and at some point in time, the information we had was there may have been some shark fishing going on and they don't have shark permits and how that was going on, I don't know.

Dr. Crabtree: I'm not sure if we know if none of those boats may have had an incidental shark permit or something like that, do we, Jenny?

Ms. Lee: No, we don't.

Ms. Shipman: We know they don't have VMS. That we know and I think we know they didn't have directed shark permits and I don't know where you cease being an indirect fishery and you become a direct fishery if that's what you're truly targeting. I'm not familiar with those rules and I think there's a real issue here and we've also got a fishery out there -- I don't know where it falls within the overall NOAA/National Marine Fisheries Service gear rule for what is allowed, you know those big mega rules, and Monica may know that, where whiting even falls into that.

Ms. Smit-Brunello: I was looking at this and it falls under the allowable gear rule, which the regulations are found at 50 CFR 600.725, and they break it down, the various regions by council. This falls under this council's geographic authority under something they call commercial fishery non-FMP and in that commercial fishery non-FMP, you're allowed to use trawl, gillnet, longline, hand line, hook and line, rod and reel, bandit gear, castnet, pot, trap, lampara net, and spear.

Ms. Shipman: For what?

Ms. Smit-Brunello: For non-FMP species.

Ms. Shipman: For any non-FMP species?

Ms. Smit-Brunello: Now, the gear rule is specific in that it says nothing in this rule takes the place of more specific measures, for example in any of your FMPs, but since you don't have this species in your fishery management plans, it would fall under the other non-FMP species and gillnets would be allowed unless you prohibit them in some manner.

Mr. Wallace: When you go back to that slide of the observations, I think that's -- You had that many observations in less than twenty days? I didn't think -- Everybody I've talked to, this is a very small group of individuals doing this. All these dots represent observations? Oh, right whales, I'm sorry. I didn't follow the path, I'm sorry.

Ms. Shipman: I think this is a real issue, a huge issue.

Dr. Daniel: We've got a lot of these issues in the South Atlantic and that's one of the reasons why we've been talking about Atlantic bonita and blackfin tuna. We've got an issue with diplodis, spottail pinfish, and blackbelly rosefish, at least in the snapper grouper complex, and now this issue has arisen.

This fishery operates small mesh webbing, two-and-three-quarter to two-and-seven-eighths inch mesh size. The weakfish rules had some impact on that so that they could have the bycatch of legal weakfish. A lot of them are fishing two-and-seven-eighths, but nobody fishes greater than three for kingfish, that I'm aware of. What these guys do is they come into this area and they fish looking for kingfish and if they find them, great. If not, they usually have some shots of bluefish webbing, which is five to six-inch webbing, that they'll go further offshore and go after small coastal sharks.

The small coastal sharks are managed under HMS. There's a permit requirement and a trip limit and many of these vessels weren't licensed HMS folks and so I'm not real sure how -- I don't know what they landed and I don't know if we have the trip ticket information from Florida as to what exactly they were fishing for and I don't know what the size of the meshes were on the whale. They don't think they measured what it was. I they just noted that there were diamond-shaped markings, but we don't know what size webbing it was.

We don't know if it was a kingfish net or a shark net, because they would be totally separate mesh sizes. What we talked about yesterday, Susan, and I was hoping we would get into this discussion with you today, but this is a valuable fishery and it's not just southerners. It's saxatilis and lateralis and I don't know how much you see northerners down here, but Gulf, you certainly see a lot of Gulf kingfish in here.

It's prosecuted mainly in state waters, but there is a large component in federal waters and whether or not we want to pursue something jointly with the ASMFC or how we may want to pursue it, but it's certainly a topic for discussion and this certainly brings it to the floor.

Mr. Iarocci: I agree, Louis. This is a very hot topic, so to say, and I think we should prioritize this. I want to thank Jennifer. Since we started talking about this, she was able to get me a bunch of information and I would like to get on the record that -- She can probably add to this. When we had talked about the mesh size of a diamond and it had taken her a while, but she did get -- She gave it to me in millimeters, but we rounded it off to between five and six-inch mesh,

which is probably right on with the bluefish small coastal mesh size that these guys are using for bycatch.

I was wondering how the size of that and that would -- When you're looking at two-and-three-quarter and three-inch is the biggest to catch these whiting, but the nets are on the boats and so I was wondering and I had even thought maybe it was bigger and maybe it was the monkfish net, but there's no monk fishing going where they had found this until I had found out the whole area.

I wanted to get that on the record and, Jennifer, I wanted to thank you for the information and any way we can work with industry to find out what's going on to clarify this, especially with the state of Florida, some of the fishing organizations or some of the fish houses down there, I think Mark can get some data. I think he's researching that right now. Also, I see on this it says February 14th and is there any current update or any more information on this calf that's being done on it, any more data?

Ms. Lee: The necropsy report hasn't been finalized yet and I wanted to clarify as far as the measurements go -- What they did actually is it's just we don't have -- The animal was found without the gear, of course. What they did is they took an opposite corner to opposite corner of the diamond shape and measured that, which was thirteen by nine centimeters, twelve by ten centimeters, and twelve by ten centimeters.

The approximate five to six-inch stretch mesh, that's not a measurement. That's just looking at taking the exact measurements and trying to figure what we think that could be and so that's not something that's in stone. I guess I could add too as far as you were asking -- I have that, as far as the landings go, for 2005 there were a total of 461,858 pounds of whiting landed, which corresponded to 589 trips and a value of -- Well, the value doesn't really matter here.

Ms. Shipman: Is that broken out by gear though?

Ms. Lee: No. In fact, this is gillnet, but the way it works is -- We can't tell how many participants that are fishing for demersal finfish using only sink gillnet gear, since the catches from all gillnet gear are combined in the trip data. You can't break it out that narrowly.

Dr. Crabtree: Isn't that number for the whole east coast of Florida, Jennifer, and not just the calving area?

Ms. Lee: Yes, that's correct.

Mr. Wallace: My question is more to Louis. My understanding of this was these are small boats going and making day trips and bringing their webbing back with them that's right off the Jacksonville area and is that typical of what you all see in North Carolina in the whiting fishery and the other question is there a possible break, tensile strength mesh, that where you could protect the whale that if he got in it he could break the mesh and get away very easily? Like I say, you're dealing with a small, weak fish, basically, that's not going to require a very strong mesh in order to keep him corralled in that net.

I've never seen it. I've never seen the mesh, but I'm just hearing reports on it and maybe you've seen it up in the North Carolina area and you would have a little more information that you could tell me about.

Dr. Daniel: It's a sink net and so it goes to the bottom, but it's generally fished in shallow water for kingfish, fifteen feet of water. It's usually fished in the sloughs between the breakers and so it's usually a real near shore fishery and so I'm not real clear on a kingfish fishery in state -- Obviously you can't fish gillnets in state waters in Florida and so that deepwater EEZ fishery for kingfish is -- I'm not real familiar with that, but I can tell you this.

If those mesh size measurements off that whale are right, that's not kingfish webbing. That's going to be shark webbing, probably shark webbing. I don't know that the kingfish information is as important to us as the coastal shark information, but then I would also ask if we're looking at the kingfish landings if the state of Florida distinguishes between the species, and I'm sure they do. You would need to look at the combination of the Gulf and the southern and the northern landings to get an idea, because they're coincident in the fishery.

Ms. Lee: Actually, just back with Roy's question, I just wanted to be sure that I was clear and looking at this again, as far as the trip ticket database, we looked at the counties within the Southeast U.S. restricted area and so I'm not quite as sure, as far as that 2005 number, if that's just for those counties.

Mr. Harris: Let me tell you my sense of this. I don't see any way we can have gillnets in the critical habitat than the right whale calving season off this area. This may be the first occasion, because it's a relatively, perhaps, new gear for this time of year in this area, because I don't ever remember hearing about it before, but I just don't see gillnets and right whale calving season area being compatible together.

Ms. Shipman: I wholeheartedly agree with that and I think the question is where does NMFS go from here to make sure this is a permanent situation in terms of eliminating any gillnets in that critical habitat.

Dr. Crabtree: The regulations require that we come in with some changes for next year and we're going to look at this very carefully and put forward actions that we believe are necessary to protect right whales in this area for next year. Exactly what those are going to be, I'm not prepared to say at this time, because I don't know.

Ms. Shipman: I guess my question would be back to that universal gear rule. Is there anything this council needs to do to initiate rulemaking relative to the seasonality of that gear allowance? Is there a way we can help that process? I can't imagine that regulations through the council process is any faster than going through ESA, but is there a mechanism that we can help move this along?

Ms. Smit-Brunello: If you want to create an FMP for this fishery or if you want to put this fishery in a management unit, then that's obviously the most direct way for the council to regulate. Otherwise, I guess I would stay tuned and comment on anything that you see comes out in terms of a rule from the Fisheries Service.

I'm not sure what else to tell you, because I looked at this quite a bit when this came up and I think this came up a little bit last year and not that there were any mortalities or any takings of any nature, but it was like this fishery was sited in the EEZ and what was the South Atlantic's control over it, if any, and so I started looking into what's in our FMPs and what's in the allowable gear rule and all that and I'm not sure where you can go, other than trying to manage the fishery.

Dr. Crabtree: Let me say, Susan, though that I certainly would welcome the comments of this council and the state of Georgia and Florida in particular and any other state that's affected by this as we move forward on developing rule changes for next year, but from my perspective, we'll need to have something in place by mid-November of next year. We have a little bit of time, but not a lot, to figure out what to do.

Ms. Shipman: That's why I didn't know if in the allowable gear rule if there is a way the council can come in and say that's allowable gear only during this period of time, absent an FMP. I am not by any means suggesting we go in and do an FMP. That will take us two years and we've got other priorities ahead of it.

Ms. Smit-Brunello: I'll look into that, because the allowable gear rule came out of a specific requirement when the Magnuson-Stevens Act was amended that all the fisheries had to be listed and specific gear and so that gear came out of the Fisheries Service and so obviously the Fisheries Service could amend that.

Usually when you look at that rule, they're talking about amending it because someone has come in and given ninety days notice that they intend to use a gear that's not in the allowable gear rule and then if the council doesn't act, then they can use that gear. However, this would be a little bit of reverse in that you would want the gillnet taken out of that and so I would be glad to investigate that.

Dr. Crabtree: Susan, we can certainly come in under the ESA or the MMPA and prohibit gillnets out there during the right whale calving season if we believe that's what has to be done to protect these animals.

Ms. Shipman: Absolutely. I'm just exploring what is the fastest avenue to get that done.

Mr. Geiger: Florida has rules in place and there's not a complementary rule in the federal process and is there any way that we can adopt as a complementary methodology the current Florida regulations applying to a non-regulated fishery and extended into the EEZ?

Ms. Shipman: The state of Georgia has been trying that for about fourteen years and I would absolutely salute the state of Florida if you all can get that done with the National Marine Fisheries Service. We've been asking for complementary regulations to our gillnet ban for fourteen years. Anyway, I don't want to answer for National Marine Fisheries Service, but that's been our experience.

Mr. Geiger: I guess my question with a question and is it possible to do that? Is it legal?

Dr. Crabtree: If what you're asking is if could Florida ask NMFS to ban gillnets in the EEZ, yes, it's legal. NMFS has the authority to regulate them. Now whether they would or not is a different issue. That depends upon the justification and the record. So far, NMFS HMS has not eliminated the drift gillnet fishery that's taking place. They have restricted in a number of ways, but they haven't eliminated it.

This is a different situation and this is a different rulemaking and my guess is that whatever rule we put in place will not be done through HMS Magnuson rules. It will be a rulemaking under the Marine Mammal Protection Act or the Endangered Species Act or both, which will take this - - This is a different circumstance than we've had in the past and really, the drift gillnets that have been the concern of a lot of the petition and HMS issues in here, they're not allowed in there anyway during this time of the year and they really, as far as we know, weren't part of this issue. With ESA, we can regulate any of these gillnet fisheries out there.

Ms. Shipman: Is there an avenue through Section 306 of the Magnuson-Stevens Act where the council can defer to a state to regulate in federal waters? Is that a possibility?

Ms. Smit-Brunello: I'll look into that, but you don't manage it right now. The states right now could manage their own vessels in federal waters, but it would be their own state vessels. If you wanted something other than that, then yes, you would kick in 306 and I'll be glad to report at the next council meeting what it would require, if you're interested in changing the allowable gear rule to get this gear removed. I can give that to you in June or sooner, if I have it.

Dr. Daniel: It only pertains to your state-flagged vessels and so the fact that a lot of these vessels, if not all of these vessels, are from Wanchese, I don't know. One interesting caveat to that though, Susan, is -- I'm sure Henry briefed you on the issue where HMS is saying that the more restrictive state regulations apply in the federal waters for HMS angling category permit holders and so it's a total reversal on the position that we've dealt with in the past on it.

The other interesting issue about this whole thing, and after talking to some of the protected resources folks at NMFS, is the reasonable opportunities clauses and the longline ban off of North Carolina and some of these are displaced guys that have now resorted to gillnetting. It kind of goes back to the presentations that I've made and what they do when one fishery closes and what happens in the fishery and what happened was a right whale got killed off of Florida because of that closure, in some degree.

What Protected Resources has indicated is that they would trade -- They would take fifty bottom longlines for one gillnet when it comes to protected resources issues and so that's perhaps new information that we'll be able to use in our petition, but that's an important component of this thing, is that shift in effort. Because of that longline closure off of North Carolina, it has impacted these situations.

Mr. Robson: We addressed the drift gillnet with our commission and, of course, we have concerns about that particular issue. This is different and I guess what we need to figure out is exactly what size gillnet gears are out there being used and if in fact we want to extend prohibitions in the restricted area to smaller size net mesh or if we're just going to do it for all

gillnets. That's something we really need to look at pretty carefully before we pull the trigger on something, but I agree that we need to be very concerned about what impacts these changing fisheries may be having on the whale area out there.

Ms. Merritt: Jennifer, I guess I don't know enough about the history of these losses with the right whales. Is there some history that says that gillnets have been a majority problem there?

Ms. Lee: Yes, there's two primary threats to right whales at this point and they're both human related. One is ship strikes and two is entanglements and as far as the entanglements go, it's gillnet and then trap/pot issues.

Ms. Merritt: As a follow-up, I guess -- Because what I'm reading is there were two incidences in that area since the beginning of the year and one might be the gillnet. It doesn't say it's for sure. It just says it's suspected and that gillnet may or may not have been on a boat. It could have been abandoned or lost or whatever, but the other one definitely says it was a ship strike and so are we doing the temporary prohibition on the gillnet just because we can versus saying no ships in the area?

Ms. Lee: The incident that we're talking about here is very clear that it's a gillnet. We have the diamond-shaped impressions and the necropsy team -- This one, there's no doubt that this entanglement did occur and we have got the sightings information I was showing you in this case and the mother and calf had been spotted not long ago as they came in the area and then we had the case where then we saw the mother without the calf and then the calf shortly after and so we have a pretty good amount of information here in terms of we know that this entanglement -- We're confident that this occurred in this area and there's a relatively short time frame, because of the sighting history when it occurred.

As far as the ship strike issue, it's not that -- That is a big issue. There is an Atlantic Ship Strike Strategy and so that's not being ignored. It's just the Atlantic Large Whale Take Reduction Plan is to deal with commercial fisheries and so they're kind of two separate actions or categories of threats that we're dealing with.

Ms. Merritt: Just a follow-up on that, I do want to say that that was probably the most predominant topic in my office that entire time. Everybody was on the internet watching it and that whole network of people and the tools that you use to do the tracking was just fascinating and you're right, I mean apparently that gear was part of it. I guess my concern there was can it be actually tied to a boat and was it somebody who was fishing who created the problem or was it something just due to somebody's negligence or a loss perhaps, an accidental kind of thing, but my compliments to the entire tracking that went on there.

Dr. Crabtree: Rita, it kind of gets down to what's the burden of proof. Had the whale had gillnet wrapped all around it when it was on the beach, it certainly would have been easier, but when you're dealing with something like right whales, in my mind you have to take kind of a cautious stance on this.

There are so few of them left and their existence is so precarious right now that I felt like you can't say it's got to be beyond a shadow of a doubt. You've got to say this is the most likely

scenario and what we think happened and go and take action based on that and that's kind of what I did in this case.

I was convinced that the preponderance of the evidence indicates that entanglement gear was a part of this and ultimately, it either injured the animal in a way that led to its death and we may never know exactly what happened to it at the very end, but it was clear to me that it did become entangled and it did constitute a serious injury that played into the death of the animal. The way the regulations are laid out right now, that's the burden of proof to get there.

Ms. Shipman: We commend you for it, I think the council does and certainly the state of Georgia does and Mark Dodd is here today if anybody wants to talk to him afterwards. We've had a lot of people out there working on right whale aerial over flights and observations. We saw the gear out there and we saw the whales out there and they were all in the same area.

While you can't tie it to a particular boat, there was a lot of potential for that interaction to go on, certainly. What's the council's pleasure in terms of any direction to NMFS? I certainly hear a sense of the council, if this is general consensus, that we want to urge Dr. Crabtree and National Marine Fisheries Service to move forward in terms of looking at permanent rule to implement this prohibition, although I know Mark Robson has some concerns, the state of Florida does, with regard to what is the mesh size and is there any way to distinguish the types of gillnets.

One thing is there are no observer data and no observers going out on this fishery and if nothing else, if there is any way at all through ESA or MMPA resources to get some observer data, I think it's going to be imperative to do that.

Mr. Iarocci: We do have observer data on the mesh size we're talking about here. This looks like to me it was an illegal net or a multispecies fished boat, because Louis had given you a lot of information on the whiting or the kingfish net. That twine size -- Gillnets are hung in from a 104 diameter up to a Number 9 or a Number 12, which to give you an easy example, would be like a six-pound-test monofilament line up to say a 200-pound-test monofilament line, depending on if it's mono, nylon, or a new multifilament that they're using right now.

The nets that Louis is talking about are a shallow so many mesh and hung tight and not loose with a bag with a very small cork line and a small, light lead line and there's no way -- Even a calf that would get caught in that, it would drag it up and drag it around until he would lose it or whatever.

Now a shark net, whether it be a shark strike net or a shark drift net, depending on both are fished differently, that's hung in really heavy with big corks, a heavy lead line, and heavy, heavy twine. That's what, I believe, and I don't know for sure, this calf was probably entangled in. That's the kind of gear we've got to look at and we do have observer data on that and you know if this guy was in there with that type of gear on the boat fishing, something should have been documented, unless it was an illegal net.

I have a problem with attacking a fishery -- I'm not saying -- This is the right thing to do. We need to do this right now and we need to come to the bottom of this and we need to stop this, but we need to make sure we attack the right people and blame the right people for this.

Ms. Shipman: All I'm saying, Tony, is to my knowledge I don't think there's been any observer data on the sink net fishery. To my knowledge, there is none on that and maybe Nancy has something different.

Dr. Thompson: No, you're absolutely right and in the discussions that I had with our people in Panama City who run that program, I suggested to them that we had better hurry up and get people out there, ASAP. The last time I talked to John Carlson about this in Panama City, that was our intention, was to get somebody out there, because of the concern relative to the sink nets, which do not require observer coverage, and the restricted area -- Again, there's things that happen outside the restricted area as well. We are in the process and I know we've got people out there ready to go and we're going to expand our observer coverage.

Mr. Iarocci: One thing too which is pretty easy to do, there's X amount of these boats and they're unloading some place. It's pretty easy to go dockside right now and go to those places and check their gear. That can be done pretty easily.

Ms. Shipman: All I can say is after this came up, the boats disappeared. They were no longer out there. They vanished. They absolutely vanished, because we have planes in the air --

Dr. Crabtree: Do you mean after the whale washed up or after the rule went in?

Ms. Shipman: I would have to ask. I think it was before the rule, actually, and I believe either Mark or Clay George of our staff and I can find out more about that, but I know I got an email from him and the boats had gone. Barb may know. Anyway, they were no longer fishing and whether they're back out there or not, but they shouldn't be.

Dr. Daniel: Back to Tony's point. The size of the meshes that you were looking at was measured on a diamond and not on a stretch and so the actual stretch measure is going to be quite a bit larger than the numbers that Jenny gave us. Definitely you should be able to tell by the marks on the whale, the twine size, and get some estimate of the stretch mesh.

The problem, I think, though is more of an enforcement issue, because if those guys are fishing small coastals, which is the only thing they could be fishing for with that size mesh out there, as far as I know, then they should have had VMS on the boats, HMS permits with VMS. That's what they should have had and that's what I don't understand, is how those boats would be out there catching sharks without all those permits and the VMS.

Ms. Shipman: It won't be the first time they've been out there doing what they're not supposed to be doing.

Ms. Lee: I just wanted to say and just as you talk about specifics and who did what and I guess the reason why I was looking back at that authority is to remind that in this case it's just -- Our regulations, as things stand right now, we had a mortality with our current regulations and that means that we need to do something more will gillnet.

Ms. Shipman: Any other comments?

Mr. Harris: I understand what Tony is saying and I do think we need to do more research to try to get to the bottom of this, but I still remain concerned about any and all gillnet types in the critical habitat for right whales during the calving season. It doesn't matter whether it's a two-and-three-quarter or two-and-seven-eighths-inch monofilament gillnet or not. We've had, in my experience setting gillnets in the early 1970s, we've had twelve and fourteen-foot hammerhead sharks get entangled those things.

All they do is they hit them and they wrap up and the same thing is going to happen to a right whale calf and they certainly are not as powerful as a big, adult hammerhead shark and I just think that gear, no matter what it's being fished for, at that time of the year is incompatible.

Ms. Shipman: Other comments? Does the council want to wait until we get something back from National Marine Fisheries Service to comment on? We can certainly take that tack, given the hour.

Ms. Lee: The last thing I'll point out is that Margaret Murphy has been your representative at the Atlantic Large Whale Take Reduction Team meetings and so you will be having, I presume, a new representative for that upcoming April meeting.

Mr. Geiger: I would also request and think under the JEA that Florida FWC Enforcement would be the appropriate enforcement arm to go out and after this prohibition is raised, after the 31st of March, assuming these guys go back to fishing, to begin monitoring and see what's actually taking place and get a report on that at the next session.

Mr. Iarocci: Duane, I totally agree with you. I just want to make sure that we're clear on what we're talking about when we discuss mesh sizes and gillnets and, Jennifer, once again, I definitely appreciate all the information and anyway myself or I can put you in touch with any of the fish houses or fishermen -- I know you have a team right now that Margaret was a member of and I know you've got a meeting coming up shortly where you're going to be discussing this issue and anyway industry can come to the table --

I think right now this looks like it is an industry issue and industry needs to step to the table and get the right information and help so this does not happen again and so hopefully we'll all be working a lot closer together on this issue and any way I can help in the future, please let me know.

Ms. Shipman: Thanks very much. Any other comments on this issue? If not, we'll wait to get an announcement from National Marine Fisheries Service of request for comments and we'll comment at that time. Mr. Chairman, do you want us to keep pushing forward? We just have one other agenda item, the Protected Resources Summary. I'm going to call on Margaret to give that to us.

Ms. Murphy: I was asked to give an overview of the activities and accomplishments of the Protected Resources Committee and staff to date and over the past four years, under the ESA Section 7, consultations were reinitiated for several fishery management plans, including shrimp, snapper grouper, and mackerel.

We also had a formal consultation conducted on the dolphin wahoo FMP. As a result of these consultations, we have updated the description of the protected species environment and the fishery effort for these fisheries, which has allowed us to identify risk factors for most gear types utilized within the South Atlantic Council's fisheries, including pot and trap, gillnet, shrimp trawl, hook and line, and bottom longline gears.

We've also been able to identify our current level of monitoring and where possible, levels of protected species interaction within a fishery and also to identify research and monitoring needs. We have also been able to strengthen several cooperative working relationships through our close working relationship with SERO's Division of Protected Resources. We have been able to have input into regulations, non-discretionary measures, and recommendations issued in biological opinions.

Through participation on the Bottlenose and the Atlantic Large Whale Take Reduction Teams, we've contributed to the development of their take reduction plans. We've developed networks with state and federal researchers and NGOs and those types of associations have been strengthened through participation on the ASMFC's Protected Species Committee and the take reduction teams, again, and also NMFS's interagency Sea Bird Working Group.

We also have established a protected species writing and review team for the fishery ecosystem plan development, which includes personnel from the Southeast Fishery Science Center and the U.S. Fish and Wildlife Service, as well as state coordinators from North Carolina, South Carolina, and Florida, who have worked on the comprehensive wildlife conservation strategies and we're still working on Georgia.

We also have been able to help bridge the gap between the council and stakeholders and other stakeholders by conducting presentations and providing educational materials to council members, advisory panels, and fishermen to help raise awareness on protected species related mandates and also protected species and fishery issues and we also provided outreach and informational materials to conservation groups, researchers, and others on the council's activities as well.

On the radar, as Jenny has mentioned earlier, is the revisions to the Atlantic Large Whale Take Reduction Plan and also the Bottlenose Dolphin Take Reduction Plan are due out and also there is a revised Atlantic Loggerhead Recovery Plan coming out and a revised Kemps Ridley Recovery Plan coming out and NMFS and the U.S. Fish and Wildlife Service are also working on updating their five-year status on sea turtles.

Ms. Shipman: Any questions for Margaret? That's quite a bit that we've gotten done and initiated over the past four years and I think that's a real credit to Margaret and the work she's done here through her tenure at the council and I want to salute her and thank her again.

Ms. Lee: I want to do the same. It's been really nice to have someone to work with on these issues.

Mr. Robson: I'll pile on to that. I think it's good to have someone like Margaret who has been able to keep us focused on issues that we don't always have at the forefront when we're discussing all these marine fisheries issues and when I came on here as a former wildlifer, I felt kind of a kindred spirit and so she'll be missed as well.

Ms. Shipman: Thank you, again, Margaret, for that report and for all your work and we certainly hope our paths are going to continue to cross. Any other comments?

Mr. Cupka: I just wanted to thank her also. We started this committee back during my tenure as chair and I've had the opportunity to serve with Margaret on both the Atlantic Large Whale and the Bottlenose Dolphin Take Reduction Team when I was a state agency representative and so I've had the opportunity to work with her.

I know how well she has represented this council and brought our viewpoints to the attention of the appropriate people and I particularly appreciate all her hard work and we're really going to miss her. I don't know how we're going to pick up, but it's something we're going to have to continue and obviously these protected resource issues are not going to go away any time soon. Thanks for all you've done, Margaret. It's been a pleasure.

Mr. Iarocci: I have to add to that also, because this is -- When you do put industry and protected resources to the table, it is a hot, so to say, topic and I deal with a lot of people with this up and down the coast and when Margaret's name always came up, she was spoken of highly and easy to work with and I just want to compliment her on that.

Ms. Shipman: That concludes all of the specific items on our agenda. Does anybody have other business we need to take up under this committee? Seeing none, Mr. Chairman, I'll turn it back to you.

Dr. Daniel: Thank you, Susan. I guess we have a choice. We've got three things left. We've got Nancy's report, Duane's Ecosystem report, and the Navy presentation on the sonar range off of North Carolina. Do you want to push through or do you want to break for lunch? We'll push through. Nancy, thank you for being here.

Dr. Thompson: My pleasure. I'm assuming that the list of things that you have down here is an agenda for me or sort of a placeholder. It's usually what you put down. I guess what I would like to do is talk about the things that we are actually doing in response to the discussion that we had at the last council meeting, which I think was a really good discussion.

We talked about data quality, data quantity, et cetera, et cetera. Let me give you an update about the follow through that we're doing at the Center relative to that discussion. The first thing that I want to mention and I'm sure everybody is aware of this and maybe this has even come up during the course of the meeting, but we're placing a port agent in North Carolina.

Obviously that's going to deal with fishery dependent questions and fishery dependent issues relative to the data gaps that we've discussed here over the last several months. We have one port agent that's going to be placed in North Carolina and we're working with the state to figure out where the best place is for that person.

Now if we have funding, and this is obviously during the course of the year we'll have to make this determination, but if we have additional funding we're talking about adding a second port agent in North Carolina. We haven't had any discussions with South Carolina or Georgia, and I'm not sure we really need to have those discussions, but just to let you know, we are adding port agent capability in North Carolina and we have one definitely and possibly two.

On the fishery independent side, which is the other thing that we've talked about as well, obviously one of the concerns has always been MARMAP. MARMAP is obviously going to continue and South Carolina is going to be administering that program. One of the issues that always comes up about MARMAP, of course, is the level of funding and we do have concerns about that and I think South Carolina probably has concerns about that as well.

We have been successful in getting an augmentation in 2007 relative to SEAMAP, but the SEAMAP sampling is largely in the Gulf of Mexico and even though I've been told that the focus of the SEAMAP will continue to be the Gulf of Mexico, I've also been told that it's possible that we might be able to take some of that SEAMAP funding and put it in the southeast on the east coast.

Given that, what I've gone ahead and done as well -- I think you're aware that we have the two big vessels that we keep in Pascagoula and the schedule for our surveys is set well advance, in terms of several years. We have several out years that we've actually developed the schedule for those surveys.

What I've gone ahead and done though -- The earliest that I could add a survey for the South Atlantic was in 2009 and so what I've gone ahead and included in 2009 a fishery independent survey or cruise with one of our big vessels, probably the Gordon Gunter, and I think everybody is also aware that we're going to be getting another vessel that will probably be coming online about that time that we are to share with the Northeast Center, but will be physically located in Pascagoula.

What I've gone ahead and done, assuming that by 2009 we will have two-and-a-half vessel capabilities, I've gone ahead and added fishery independent cruises using one of our big vessels for the Atlantic. Obviously that's going to depend on funding, to a certain extent, but we're going to go ahead and count on adding that fishery independent capability within our existing and future cruise capability and so we're going to do that.

The other thing I mentioned before, I think at a previous meeting, was that John Carmichael and John Merriner, who is now retired, and John Poffenberger, who is also retired, put together a document which takes all the SEDAR activities, all the data workshop and assessment workshop reports, and they evaluated those for the South Atlantic Council, the Gulf Council, the Caribbean Council relative to the recommendations that came out of SEDAR for identifying data gaps, data quality issues, and putting a report together.

I have that report. The one thing that I've asked, and it's only John Carmichael, but Steve Turner has replaced John Poffenberger, them to take a look at one step further and that is looking at the data quality control processes and protocols that we have in place. I have a document and

I've been waiting to distribute that document until I've had the opportunity to vet that through the SEDAR Steering Committee and we have not had a chance to meet.

We're having a conference call in April, but rather than wait at this point, I'm eager to get input on that document and my preference is to go ahead and distribute that obviously within our own agency, but to the councils as well, so that their SSCs can look at that and get feedback back to me, because I think we need to hurry up and get going on that as well.

Those are things that we're actively doing in the Southeast Center in response to shoring up the data gaps and the data questions that we've had relative to quality and quantity. There's one more thing I want to mention in terms of what we are doing.

I've had some discussion of late with Ben Hartig, and I know everybody knows Ben obviously, but Ben and I think Tony attended a training session that the Northeast Center provides for fishermen, AP members, council members, et cetera, et cetera. As a result of that training session, Ben called me and said that it was really great, he learned a lot, and can we do something like that in the Southeast.

I said I think it's a great idea and I had actually had discussions with Northeast people about this previous to Tony and Ben attending this. As a result of Ben's conversation, what I have done is I have asked Jim Berkson, who is your SSC chair and who is my employee and runs our cooperative unit at Virginia Tech, and that cooperative unit at Virginia Tech is a training unit and that is their focus.

I have asked him to basically take the lead for this activity for us in the Southeast. I saw Jim about a week-and-a-half ago and we sat down and basically did a quick and dirty outline in terms of what we wanted to accomplish and when Ben Hartig called me and said he had learned so much, obviously that had a tremendous impact on me, because he has obviously been very much engaged in this process for a long, long, long time and it obviously also raised a flag because I thought if he had questions about this, then obviously we're not doing a very good job explaining what it is that we do.

The emphasis on this program is explaining science, I think, in terms of the benchmarks, the biological reference points that we use, and how do we determine overfishing status, how do we determine the overfished status. That's the kind of thing that we're looking at.

Jim has now contacted the Northeast Center and he's going to get a hold of the curriculum and he's going to talk to them how they actually do this. Obviously, we would want to do this in multiple sites within the Southeast, because we have the Gulf Council, we have the South Atlantic Council, and the Caribbean Council and hopefully the Caribbean Council can come to the states so we don't have to go there, but we are actually looking at following through on that.

It's obviously clear that I think on our end we have not been very good in terms of communicating some pretty hard scientific concepts to people who aren't trained as scientists and so that's really the emphasis for that and so we are going to follow through on that.

The big concern, of course, I have is we have to come up with a way to pay for that and we haven't solved that problem yet, but we do have some pots of money, co-op money, maybe SAIP money, that we might be able to tap into in order to provide that training, but it's pretty clear we need to do that and so that's just a quick run-down in terms of the things that we are doing in response to the questions that you've asked me in trying to address some of these gaps that we've had in terms of data quality and data quantity and in addition, this additional training.

Dr. Daniel: I didn't get you anything. That's impressive, I'm serious. Nancy has been great working with us committing the port agents and maybe even a second one and we've got it lined up for them to come into Wilmington and so the combination of all this stuff, coupled with Roy's support through the MARFIN grant and everything, we might be data rich in five or six years. It is exciting though to see all this happening and much of it is attributed to Nancy's hard work on this and I just want to thank you for everything you've done.

Mr. Iarocci: Thank you very much, Nancy, for that, because after talking to Ben and after being up there and experiencing that -- I do have, for the record, I've got both modules, the agendas, the books, the participants, how it's structured. One is a management module on the council and NMFS process and how we move through from AP selection all the way through the whole council process and how NMFS goes through the process and then there's the science module.

I attended management and Ben attended science and I'm hoping the next one that we're able to send our new to-be chairman, George Geiger, to the science to give him a better understanding, and not that he doesn't have a good understanding now, but a better understanding. To see the enthusiasm and I talked to Ben every day, primarily to tease him about the weather, because it was supposed to snow all week, but it didn't snow, it rained.

To see his enthusiasm and for him to come out of that and say how much he had learned and for me to go up and see the enthusiasm in a room full of forty or fifty fishermen, scientists, and NMFS staffers and council staffers that were all learning from one another and working together toward the common goal of protecting our resources and to see people like John Boreman and Pat Kirkel totally behind this and everybody helping and fund it and industry organizations.

David Medici is here representing the Gulf and South Atlantic and we had talked and we talked with Jim Berkson also and they would love to be a part of this. There's ways to work together, but, as you say, Nancy, funding is the key issue and we've got issues down here in the Caribbean that are totally different from the Gulf and the South Atlantic, but all these issues need to come into play.

There's people down there that Roy knows who some of the fishermen are, and we all do, and they need to be a part of this and be better educated. Any way we can help with the industry organizations, the council rep -- John Carmichael, we spent a day and Gregg at the office and we had all talked about this and Kim. I think it's a great idea and any way we can move forward with this, let's do it, because it's a win-win situation for everybody.

Dr. Daniel: I heard the same reports from that conference and I know Ben was very excited about it when he got home.

Mr. Mahood: Ben when he got back called me and I contacted John Williams and they were very willing to send their folks down to a council meeting and make a presentation to the council about the program and when I contacted Tony at first, he hadn't been to the course and we kind of decided let's wait until Tony had been and maybe it would be more appropriate at maybe the June council meeting to have them come down.

When I talked to John, he said he had talked to Nancy about finances and this type of thing and so we have been involved with these folks and they are certainly willing to come to a council meeting and talk about the type of program and that might be appropriate, to have them come speak to the council as well as conduct the workshops.

Mr. Geiger: Nancy, I too would like to thank you for your continued efforts. This is not something new and I know you've been working hard and we at the council -- At least from my perspective, I've been loud and clear complaining, and that's all I can do, but you certainly have done the work and I appreciate your efforts in regard to working towards improving the data collection.

The second issue, if I may, please, is during our ecosystem-based management discussions, we had a discussion concerning mackerel and the mixing issue that was not resolved at the last SEDAR and we had a discussion about that and we had a discussion this morning off the record and I would like for you to provide us some of your guidance and what you think we should and do and how we should proceed, because we have a pressing issue, primarily with the TAC.

Recognizing that we have not reached close to achieving that TAC, but at the last AP and committee meeting, the AP recommended or discussed the fact that that TAC that we have currently set is not a realistic biological TAC and we want to do something about adjusting that and before we can do that, I think we've got to get this mixing issue resolved and perhaps you can provide us guidance as to how to proceed.

Dr. Thompson: This has obviously come up at the Gulf Council as well and I can basically tell you what I told them, because they brought this up as well and I know you guys are trying to meet, at least have your SSCs meet, to try to resolve this.

What I told the Gulf Council is if they took an action relative to mackerel that required some estimate of mixing, some mixing rate, and it came to me for certification and I did not believe that that was the best available information, obviously I would not be able to certify it. Now if it came to me and it was based on what I thought was the best available information, I could certify it. Now what represents the best available information?

I go through this and I went through this with them as well. Is there mixing? Yes, there's mixing. I think that's pretty clear. What's the mixing rate? Well, we went through a SEDAR process and they bounded it by 25/75. I think that's what I was. I think I say something else, but I was corrected and I think it is 25/75.

Then our advice relative to that 75/25, meaning the Southeast Center's advice, was okay, so it's 25/75 and so I think a good starting point is 50/50. That's what I'm saying is representative to me of the best available information and so that's as far as you can go, I think, with the science.

Now if you're asking me to just say this is the way it is, if I'm forced to make a decision, I told them this as well, if something comes to me and I am forced to make a decision and I have to certify something, I will make that decision and that decision will be based on what's presented to me as the best available information and the advice that I will get from my scientists and those who participated in the assessment and in the review for that SEDAR.

That, to me, represents the best available information. If that's the way you want to leave it, which is what I also told the Gulf Council, and it comes to me, I will make a decision and clearly there are going to be consequences to that decision and so it's up to you how you want to proceed. I guess my advice is if you do have to do something relative to an ABC and a TAC, you probably should go ahead and proceed with that.

It will end up coming to me, obviously, because my assumption is that it will probably include some mixing rate and I will make the appropriate evaluation, but I would still, quite frankly, would advise, but, again, it's up to you and it's just my advice, I really think this is not so much a science question.

I think the science it's done and it's out there. It's dynamic. Is there mixing? Yes. What is it today? I don't know. It's somewhere between 25 and 75 percent, what can I tell you? I think your SSCs, or some portion of them, as you wanted to do, really is the right thing to do to resolve this over the longer term. If you want to go and proceed, go ahead and it will come to me and I'll deal with it, but it's kind of up to you, I think, how you want to do it, but that's my advice.

Mr. Daughdrill: Can you explain to me again why are our SSCs having problems meeting?

Mr. Mahood: I don't know, Bill. I don't know what the thinking is from the Gulf's side, but we've thrown out a number of dates and they've not been acceptable to the Gulf, for a number of reasons, and now I think Rick Leard has come back with some other dates that are looking like either some time in April or June and we're going to query our SSC to see if we can get them together during that period to meet with the Gulf, but I can't speak for what's happening on the Gulf side. I can speculate, but I'm not going to do that again at this meeting.

Dr. Crabtree: We continue to move forward to try and have a joint SSC meeting, as we've agreed to do previously, and hopefully it will occur sometime in April or if not, in June sometime. We don't meet again until June and we're not going to finalize anything on mackerel for a while, but I agree it would be good to have it done sooner rather than later and we can -- Bill, when we get back to Gulf Council in March, maybe we can raise this in the liaison report and see where we are on that.

I agree with Nancy. I do think we still need to get the two SSCs together to come to some agreement in terms of scientific advice and then there's going to need to be some coordination in how the two councils move forward, because I don't want to get in the situation where one council is operating on one mixing assumption and the other council is operating on a different assumption and so we need to work that out.

Dr. Daniel: I guess what I'm hearing though, from our perspective, because we've been wanting to move forward with several mackerel issues to try to get management measures in place for

some species that have nothing and adjust our TACs and those types of things and what I heard, basically, was that Nancy would have a real hard time rejecting a 50/50 mixing rate as being based on the best available science and based on the advice that you've gotten from your scientists.

You might be able to get squirrely between 25 and 75, but 50 seems to be the starting point. We can move forward with that. If we can't meet in April though, since we've already authorized extended SSC meetings, et cetera, and our SSC is going to be meeting in June, I think it would be a real interesting discussion if we could, being in Florida, get the SSC to meet with our SSC at our June meeting. That's one alternative and that would, I think, be a good time for all.

Dr. Crabtree: I have a question. We have a mackerel update scheduled on SEDAR for now and is that 2007? We took it off and we're waiting on resolution for this? We need to discuss this, I guess, at the SEDAR Steering Committee when it comes back up and see what we can do.

Dr. Daniel: What we did was we all agreed in St. Petersburg that we would get a resolution to this issue one way the other, either through the SSCs meeting or Nancy making the call. What we said was if that's the case, what is the need to do an update.

Dr. Thompson: What I recall at the steering committee meeting is that we agreed that this was the key issue for mackerel and there was no point in updating an assessment, because it was not going to resolve the question about what mixing rates do we use, because it's going to always be 25 percent to 75 percent.

I think we also took it off the schedule because we agreed this was really not an issue for SEDAR, but was something that the two councils needed to come to some conclusion on and so that's why I am still giving the advice -- That was where we went with SEDAR with this and that's why my advice is still consistent with what we concluded from that SEDAR Steering Committee. That's why I think the two SSCs need to get together to resolve this over the long term. Over the short term, if there is a need, get something to me, if that's what happens and like I said, I will make a decision.

Dr. Daniel: Fair enough.

Mr. Geiger: Based on the strength of Nancy's comments, I would suggest that we give staff direction to begin looking at issues that can be developed and resolved via a framework issue and have that prepared for discussion at the next council meeting and perhaps it would be appropriate to also schedule a Mackerel Committee meeting, Joint AP and Committee meeting.

Dr. Daniel: Budget Bob.

Mr. Mahood: We'll be developing a more finalized budget before now and the June meeting and we'll certainly factor that in.

Dr. Daniel: Staff time, Gregg?

Mr. Waugh: If we're directed to pull together items that we currently have on that list that were going to be included in the fishery ecosystem plan comprehensive amendment and pull out what items fall under the authority of our framework action and have that for you to discuss at June, that's something we can do, certainly.

Dr. Daniel: I know we've lost -- Kathi was our mackerel person. Are there any other questions for Nancy? Nancy, do you have any other business or comments to make? I think if there's a general sense around the table that we want to start a mackerel framework and is there that general sense and if so, I think we need to give staff pretty clear direction on what we want in that framework action.

Mr. Waugh: What we've got is a shopping list of items that are currently on our FEP comprehensive amendment list. The first step would be to compare from that list what can be done under framework and that would whittle the list down and what we could do is flesh that out for you to look at the June meeting.

Dr. Daniel: Does that suit the council, to proceed in that manner? Seeing no objection, then we'll move forward with that, Gregg. Thank you, Nancy. Mr. Harris.

Mr. Harris: The Ecosystem-Based Management Committee met on Tuesday and I have to thank Vice Chairman Cupka for taking over when I had to leave early and so I appreciate that, David. We received several presentations. First of all, we received a status report on FEP development from Roger and Myra and we received the GIS presentation of the ACCSP data by David Nelson and Eric Finnen with NOAA NOS.

We received an ocean observing systems and fisheries oceanography report from Dr. Cisco Werner with the University of North Carolina and a report on the NOAA Ocean Exploration Program from Andy Shepherd at UNC-W National Undersea Research Center and then we had a habitat ecosystem webpage and internet mapping system report from Tina Udouj with FWRI.

Mr. Robson: She's with the Fish and Wildlife Research Institute of the Fish and Wildlife Commission.

Mr. Harris: Then there was an interactive tools demonstration on the South Atlantic ecosystem and council members, I think, had an opportunity to see how that worked. There was a brief attempt to get into the item that was scheduled for the next day, and that was a review of the draft list of potential management measures for the fishery ecosystem plan comprehensive amendment.

I know that there was some discussion about that and I know that there's some desire to have some further discussion, perhaps five or ten minutes, about that this morning. Gregg, do you have that available to project or do we need to project it? It's Attachment 1 under the ecosystem plan tab in your briefing document or on your disk.

The Ecosystem Principles Advisory Panel recommended eight actions that the regional councils should undertake in order to move towards ecosystem-based fisheries management and some of these -- Gregg has them projected now. Item 5 was calculate and characterize total removals. I

don't know how you all want to do this. Either we can go through these item-by-item or we can have a general discussion. Gregg, what would be most helpful to the staff, to go through these item-by-item?

Mr. Waugh: It depends on the council's interest at this stage. Right now, this is a compilation of items that have surfaced through the scoping meetings that we've had and some of them have come from our advisory panels and some have come from council members and some are staff suggestions.

These all have gone through committee discussion. There's a couple of new ones. I think the one on golden crab and adding vessels is something that was suggested by Tony. The step we had envisioned next was fleshing these out some for you to consider in June, to include a description of the process and how we got here, outline which suggestions have come from scoping meetings, and just refresh everybody's memory on where we are in terms of how much this has been scoped, the alternatives here, and then have you discuss how we proceed at the June meeting. It's up to however the council wants to deal with it here in terms of giving us any further guidance.

Mr. Harris: I appreciate that update. I think it's very difficult. We're working on a very difficult subject, this ecosystem plan, and we will pass a meeting without even having discussed it, because we're trying to get snapper grouper done, and so it's hard to maintain the continuity and I think it certainly is for me and I'm sure it is for the rest of you all as well and so I'll simply open the floor for comments or suggestions on these issues or other ones that you want the staff to prepare for comprehensive discussion in June.

Dr. Crabtree: I guess I raised some concerns at the committee meeting and I do have some concerns about where we are. Now when I say that, I'm not in any way trying to be critical of the amendment as it has been put together or what staff has done or of the approach. I think all of us are in agreement that ecosystem management is where things are heading and it's the way we need to think about things, but I think that we need to have some real discussion as a council about how we're going to do this. That's really my concern.

There are things on this list, for example licensing private recreational anglers, that I don't really think have any future, but I don't know that it's important today that we go through that and I kind of agree with Gregg if staff wants to flesh some of these things out and we come in June and have a discussion of them.

We've had a lot of Ecosystem Management Committee meetings like we had this week where we had a lot of technical presentations about an awful lot of things, but not that much time to really have a council or committee discussion about how we're going to do this and where it's going and we had some discussions that I don't recall hearing before about doing one amendment a year of the ecosystem plan and everything goes into that and I think that's something we really need to give a lot of thought about.

It might be a great idea and it might make things work much better, but I don't know that that's the case and I think we just need to do that. Duane, I'm comfortable, rather than going through this now, because I know it's late and we're trying to get moving, but I think in June that we do

need to set aside a good amount of time and really talk through where we're going on this as a group and give a lot of thought to this. That's my take on this. Again, I don't want anyone to interpret my questions as being critical of staff or critical of the approach, because I certainly didn't intend it that way.

Dr. Daniel: I agree with Roy and I think that we can, after some discussions after the meeting, some of the logic behind inclusion of some of these items was made more apparent, to me at least, in understanding how some of these things fit into an ecosystems approach. I think giving the staff the ability to go back, understanding the issues and concerns that we discussed and knowing the types of information we would like to see and what type of discussions we would like to have at the next meeting, I think that's a good approach.

Maybe we could focus next meeting's energies just on that issue and not have a series of presentations, et cetera, so that we can do exactly what Roy suggested and I think that would be a good approach.

Ms. Shipman: I will apologize in advance if you all had this discussion after I had to leave the other day, but has there been discussion of how HMS is going to dovetail into this? I think that's something we really need to discuss in June and we touched upon it this morning, this displacement of fishermen. It's a huge issue and I don't think we can develop an effective ecosystem plan or FEP without figuring out the nexus with HMS. I just don't think it can be done.

Dr. Daniel: I agree with Susan 100 percent and I would just request that we ask one of the HMS staff people to come to our next Ecosystems meeting, Margot preferably, so that we can discuss not only this issue, but the previous issue from our Protected Resources Committee, and just express those concerns and maybe they'll have some insight into good ways to address the problem with the right whales. That was a good suggestion, Susan.

Dr. Crabtree: We'll carry that message back to Margot and see if we can't get someone to be here at the next council meeting. We'll just need Bob to let us know what day.

Mr. Currin: Just a question for Roy. Roy, to me, having one amendment that we work on that may contain a diverse number of items related to a number of current FMPs is somewhat appealing, just from an efficiency point of view. Is the problem, or one of the problems that you're having, with that whole concept the fact that it's not been done before and we're unsure how that might weave its way through the approval process and then how it gets sorted out at the end, maybe back into standing and effective FMPs?

Dr. Crabtree: That's part of it. I raised issues, I think, about how that fits in with our committee structures. I think, depending on what the items are, the timing could work out very differently and are we going to hold one thing up? I don't know and it might be a gain in efficiency, but I just need to understand more about how it's going to work.

Mr. Harris: Going back to my own perspective, it's a difficult transition for me personally to move from single species management to multispecies management to ecosystem-based management. It's a hard thing to wrap our arms around and I'm supposed to be presenting at this

ecosystem conference in Wilmington what the future is going to look like under ecosystem-based management. If any of you all have any ideas you would like to share with me, I would very much appreciate those.

It is a difficult thing, but we've got to all start thinking in those terms and thinking what we think it is, because until we can start thinking in terms of ecosystem management and starting to wrap our arms around it -- I know it's going to be one small step at a time.

We're not going to evolve from this system that we have in place now to an ecosystem-based management system overnight, but please begin to think about that and come prepared at the next council meeting to have a serious discussion about it, because I do want to spend a lot of time, even if it's a brainstorming mode, trying to talk about this in a little bit more depth than we've been able to do so in the past. I know that's not anybody's fault. Snapper grouper has taken an awful lot of time and we had to do that, but we've got to move forward in this process.

Dr. Crabtree: I have just one more comment in terms of my vision and where we need to get to that kind of comes back to Mac and this is not just South Atlantic, but Gulf as well. We do too many plan amendments, in my view. We need to get the basics of how we want to manage these fisheries laid out and get into where we're just coming in through a framework action and making adjustments to things based on the new assessments we get.

We've gotten in a mode where we're doing plan amendments all the time and we really aren't doing very many frameworks anymore and even the Gulf has gotten in that. We've done a couple of framework actions this year on grouper, but most things are turning out to be plan amendments and that's bogging us down and both councils are bogged down right now with more actions.

We've got IFQs hanging out there that I think our fishermen are going to be really demanding we look at pretty quick, because I've seen what happens when you have some closures, and it's the same situation over in the Gulf Council. Everyone is getting frustrated because things aren't happening quickly enough.

We really need to fundamentally figure out how we're going to manage these fisheries and get it in place and then try to get more in a mode of framework adjustments every three years or so, based on SEDAR assessments.

Mr. Harris: I share that vision. That is one of the things that I do believe we need to move towards, is where we've got a system in place that's in place for a while, because that's not only going to protect the species that we're charged with managing, but it's going to protect the commercial fishery and the recreational fishery and there's going to be some certainty there, hopefully, with what people can expect of this system in the future and that's where we've got to get to. Other comments or concerns? Mr. Chairman, I think that completes our report.

Dr. Daniel: Thank you, Duane. Just briefly, for those of you that don't know, if you recall -- The conference was supposed to be held last November or something on the ecosystem stuff out of the UNC-Wilmington thing and we were successful in getting that postponed and I'm going to be giving a keynote address to that group in a couple of weeks.

Myra did a beautiful job putting together a presentation for us, I think with Roger's help as well, and then what we did was Ron Hodson, who many of you know from North Carolina Sea Grant, he was asked to be the panel chair for a fish, fisheries, and protected resources panel and David Bernhardt, Gregg for South Carolina, Duane from Georgia, Tony from Florida, and myself from North Carolina to give that broad perspective are all going to be sitting on that panel at that meeting.

It's been my hope that we'll be able to show the progress that we've made I think is far above and beyond everybody else and it will be real interesting to see the other panelists and the other panels and what their perspectives are about this.

Certainly if you could make that conference, I think it would be good for folks if they can attend it and just see what the other part of the equation, water quality and Coastal Area Management Act and all those folks, are thinking in terms of ecosystems. I don't have a clue as to what to expect, really. Certainly our staff has done an outstanding job helping us put together our presentations and I think we'll be well received.

One piece of business, I need to reconvene Executive/Finance for two seconds to ask if there were any objections to our minutes. If not, they are approved. Thank you, Monica. Also, I just want to draw your attention -- I wasn't going to go through -- I talked to most of you and I wasn't going to go through Agency Liaison Reports at this meeting and we do have one nice published report from Law Enforcement that you can read at your leisure. I expect the Navy will be here in the next five to ten minutes, at least that's what I've been expecting, and so why don't we --

Mr. Geiger: In regard to this nice report that everybody should read at their leisure, having complained, Tony and I the loudest, in the past about the support, I would like to commend the guys who are out there actually on the ground doing the work and commend the case that was made over that lost gillnet a couple of years ago and the resolution of that and certainly the work in the Oculina Bank. You guys and the Coast Guard, the law enforcement people, are out there doing the job and I recognize that and I appreciate it.

Mr. Iarocci: I also have to applaud your efforts, especially down in the Caribbean and specifically in Central America, with some of the Lacey Act violations in spiny lobster. My last trip down there, everywhere I went when we were working on compatible regulations within the South Atlantic compared to theirs, there's a lot less of the poaching going on.

None of the big producers are even touching the copias, which are the buy stations at all the outer Keys and outer boat locations where they buy their stuff. They're scared to death to touch short lobsters now. There is minimal short lobster marketing in the different villages and stuff like that, but on the whole, everybody has cut way, way back on it and it's been through your efforts and Paul Raymond and the meetings we've had down there with the powers to be. Thank you.

Dr. Daniel: Bob, do you want to go through the other meetings and stuff?

Mr. Mahood: If you go to the full council tab and look under upcoming meetings, you'll see there is a calendar in there for the months in the year 2007. One of the questions I have is relative to our meeting weeks. As you see, with February being a funky month, our meeting has shifted out of the first week of March primarily and this year we had three days in the month of March.

Next year it will shift to two and then I think leap year comes in and it will actually almost all go back to February if we keep migrating that way. The question I guess for 2007 is do we want to stay with February 26, 27, and 28 and March 1 and 2 or do we want to try to shift to the first full week in March? Does anybody have any preference in what we have and is the direction we're going okay or should we look at going from March 5th through March 9th?

Dr. Daniel: Let's have our March meeting in March.

Ms. Shipman: Our legislature is in and so it isn't going to matter. It's going to be bad the last week in February or the first week in March and so it really isn't going to matter to us.

Mr. Harris: She's not going to be here is what she is trying to tell you.

Ms. Shipman: Who knows? We never know and so obviously I will certainly try to. I would ask Duane and John. This was a rare that we kept the shrimp season open to the end of February and I don't know if that impacted John or not. Shifting into March may be better.

Mr. Wallace: No, most of the trawlers quit about Christmas anyway and so there was very little impact that way. The only impact that I see is you've got worse weather in February than you do March and so the nicer weather, we like to get out and do our work and so it doesn't matter to me if it gets into February. Like I say, now, days like this, these are days that I can be getting stuff done outside.

Mr. Harris: We've had such bad weather this week that we really feel for you all being inside.

Mr. Currin: Just a personal preference, I would rather see it moved back into March than late February.

Ms. Merritt: I ditto that.

Dr. Daniel: Okay, March 5th through the 9th. Do we have a location for our South Carolina September meeting yet or is that still TBA?

Mr. Mahood: We're working on it and it really brings up my second question, if I might get into that. One of the things that is happening in the conference business is some of the hotels are very rapidly switching over to wireless internet available in the conference rooms and some are not and what we've been trying to do is book hotels that have it.

One of the questions that has come up relative to the South Carolina meeting, we tried to get it in Beaufort and we thought we had a nice place that Frank had recommended and it turned out the

meeting room was relatively small to what we're used to. Cindy is now looking on Hilton Head and she's running into this non-availability of wireless hookups.

How important to the council is that, to have wireless internet? Should we make that a priority criteria when we look at hotels? Everybody is shaking their heads yes. That's a George Geiger legacy, all these computers now. We never worried about that, but hearing that -- One of the things and I'm not sure and Vince is not here, but as we look at using the format that the ASMFC uses, I believe, at least when I've opened it, you actually go on Netscape and so it's tied to the internet. If you don't have the internet, you're kind of hurting for an electronic briefing book there. To the staff, it's important, because of communicating and getting information and this type of thing, but we'll try to do the best we can.

Ms. Shipman: That September meeting is always in the middle of hurricane season and I would suggest that everybody needs their internet then, certainly for that meeting if none other. Seriously, somebody is always having to leave.

Mr. Mahood: Everybody is tuned into NOAA Weather. We're working on that and we're looking at Hilton Head and if we can't make it work there, we're going to have to drop back and punt and look somewhere else.

Dr. Crabtree: What's the possibility of trying to move away from having a September meeting, because we seem like we end up canceling it and delaying it on a regular basis. Would that disrupt us, to try to find a less hurricane-prone month?

Dr. Daniel: We could shift it all around. We've talked about that in the past and September tends to be the worst month. You could back them all up a month, but the thing we have to be cognizant of the fact that everywhere we go is off season, generally, and so it might throw us into another time frame. I don't know, but Bob probably has something.

Mr. Mahood: The other thing is you kind of carve out your week in the scheme of things over the years and if you go changing around, you start stepping into somebody else's meeting time period, either a state commission or a state board of natural resources or something like that, and we've had that problem in the past and that's kind of how we've settled on the weeks we have. We don't have those conflicts. That's another consideration that you've got to look at.

Mr. Robson: I was just thinking about it and I kind of like the idea of getting away from September. I don't know what kind of problems it presents, but it would certainly make it easier for me with our commission schedule and then if you're thinking of like October, it does take you out of that peak month and yet, I don't think it would get us too far out of whack. You've got people coming off of summer breaks and so it might have some merit. Also, I would be in favor of March over February as well, for the same reasons, as far as my schedule.

Dr. Daniel: I know for my commission they make their schedule after they get the Mid-Atlantic, ASMFC, and South Atlantic meeting schedules. At least from my perspective and the things that I deal with, it doesn't really step on to move around as long as we don't -- I think if we moved around every year, it would be a pain.

Mr. Iarocci: I agree with both Roy and Mark and, Bob, I know how hard it is to move stuff around, but I remember back to the September council meeting when you guys called me and what I was going through this September in Florida and it's a lot easier and Mark is right, and Roy, if you do move it into October. That's always peak. Once you get into October, you've got a little bit of northeast wind coming and it's a little easier for that one month.

Mr. Mahood: If you move it into October, you then don't have much time between the October and the December meeting and we've generally met the first week of December to stay away from Christmas and so you need some time for staff to react to the things you do at the council meeting before you go to the next council meeting and you'll see they're pretty evenly spaced right now.

If we move one significantly -- Unless you're only talking about the first week of October and I guess we could meet, but I don't know. You would have a pretty quick turnaround time on anything when you're looking at from October to the first week in December.

Mr. Brown: I was going to say the first week of October is always sort of an iffy question with the federal establishment, because it all depends on whether we have a budget or not have a budget and it gets a little crazy.

Dr. Daniel: I don't know what to do. The Navy is here, but the Captain is not and he's landing in Jacksonville about now, but they said we could move it forward, but they also said we invited a Naval captain to a meeting and we can go ahead and take a break and then -- I would say let's take a break and come back and let them give their presentation, but that's my opinion. Does anybody have -- Let's take a fifteen-minute break.

(Whereupon, a brief recess was taken.)

Dr. Daniel: If I could get everybody to the table, we'll get this last ball rolling. I would like to reconvene the South Atlantic Fishery Management Council for our last item of business. I apologize for the confusion and to both the council and Eileen and the captain, but I think we've got everything worked out. Aileen Smith, Natural Resource Manager with the Navy, and take it away.

Ms. Smith: Again, I'm Aileen Smith and I'm the Natural Resources Manager for the U.S. Navy Fleet Forces Command. I have some colleagues who are joining shortly. Captain Kelly Barager, who is our Deputy Director for Fleet Training, will be here and Mr. David Noble, who some of you know, and he runs our Natural Resources Division down at the Naval facility's Engineering Command.

I was not the designated presenter today, but I'm happy to fill in and you may get some switch hitters here in a few minutes. What we want to talk about today is why we're doing this environmental impact statement. I think most of you obviously know, from what working on fishery management plans, what EISs are for, but basically the purpose and need for the action that the Navy has identified, I'm going to skip through those slides so that when the captain gets here he can present that from the operational perspective. If he gets delayed, I can run through that and he'll be here for questions and answers on why the Navy needs this range, why we need

to use active sonar while we're training, and the critical need for anti-submarine warfare training and so I'll leave those slides to him and we'll go a little bit out of order.

What the proposed action is, as described in our environmental impact statement, what alternatives we looked at in terms of alternatives to the training, and then alternative sighting analyses, how we went about our environmental analyses, and then what mitigation and monitoring is currently proposed in the draft and today, we want to talk about public comment.

We heard a lot of excellent comments from the public during the hearings and since then and so what we're trying to do is keep engagement and talking to people like this council and I want to thank you all for accommodating us and putting us on your agenda today so we can keep that dialogue going and learn more input. Although the public comment period is closed, we're not closed to receiving good, quality input on how to improve our environmental impact statement as we move through the final.

These are the slides, again, the captain will address when he gets here and so let me just move through them. What I want to talk about is what is the undersea warfare training range and what are we talking about. Again, the Navy has a need to do antisubmarine warfare training. One of the things an instrumented range provides, and the critical thing, is feedback.

You get real-time feedback from the range instrumentation, which are primarily passive sensor nodes and they're bottom mounted and connected by basically fiber optic cable, essentially. That whole range is 500 square nautical miles in size. It's a twenty-by-twenty-five nautical mile box, essentially. There's some flexibility there. That didn't come through adequately in the EIS and so we want to talk to you about some of the flexibility for moving a little bit basically up shelf and down shelf.

The water depth that we need is something that's related to the changing operational environment in which the Navy finds itself and I'm sure you're all familiar with world affairs. We find ourselves operating a lot more frequently now in shallow waters, littoral areas, near coastal zones and so it's no longer that deepwater, Russian submarine kind of cold war Navy. It's very different and we have to be a lot more reactive in that near-shore environment.

As you all know, the nearer to shore, the more complex, the noisier, the more shipping traffic, and so detecting enemy submarines is a lot harder. What we want to build is a range that helps the men and women of the Navy learn how to do that in a safe environment near the U.S. shore so that when they deploy overseas obviously they're prepared and ready to detect potential enemy submarines, not just in times of war, but to protect other maritime traffic and not just Navy traffic.

One of the statistics the Captain will probably talk about is that about 90 percent of the troops and equipment still move on the surface of the water and that's how we get overseas. It's not cargo planes. It's the Navy bringing all that stuff overseas and so it's important to keep those ships safe while they're doing that.

The whole range is connected to a cable termination facility on shore and so there's a trunk cable that runs from this five-hundred square nautical miles about fifty nautical miles to shore and

connects at a cable termination facility, which needs to be located on a secure piece of federal property. That's obviously highly classified information flowing through there and it's collected and then projected via microwave to the fleet area control and surveillance facility up at Naval Air Station Oceana.

That's basically what the undersea warfare training range is and what it's for is to give feedback to the Navy vessels, aircraft, and submarines as they're training on this range so they know that they know how to detect, localize, and engage in enemy sub.

The construction schedule, real quickly, it's basically -- The range would not be operational until 2009. As soon as we get through our record of decision process, which there's a lot of steps between now and then, but when we get there we would start detailed design and engineering and we would then begin the landside portion of the construction and then the in-water phases in three phases.

Once the first in-water phase, two hundred square nautical miles, is built we have initial operational capability and we could do some training and so between 2009 and 2015 is when we would then have full operational capability, in 2015, and so we feel that there's time to really work through some of the issues that have arisen in the public forum.

Again, the proposed action is basically anti-submarine warfare training. The training targets that we work with are either real submarines, and sometimes they're from foreign countries that actually have diesel electric, or quiet, submarines. The U.S. Navy doesn't, but typically it's a submarine surrogate. It's a small mechanical target that acts like a submarine underwater. We use both active and passive sonar when we train, but when the captain is here, and he is here, of why we use active sonar.

What I want to talk about now is the alternatives and how do we go about the site selection process? Basically, the Atlantic fleet is headquartered up and down the Atlantic coast and Gulf of Mexico. What we did to start was basically look at the entire area, the Gulf of Mexico and the East Coast, and where can we train and what do we need? What we needed was five-hundred-square-nautical miles with the water depth ranging between 120 and 900 feet. It had to encompass that depth.

As you know, there's multiple areas throughout the coast, but it's not that easy to find a range of that size with that shallow water depth up and down the east coast of the U.S. From that initial sighting study then, we ruled out Gulf of Mexico, because it's simply too far to sail all the way around and so it didn't meet our proximity needs to some of the fleet homeports, which you can see here starred on the lower graphic.

From those, we then ran them through a set of operational requirements screening criteria and those were basically is there proximity to a federal airfield? We need that because when we recover a torpedo there's the chance that they may need to fly that via helo to a secure federal airfield. The helo needs to be able to get out to the site, operate on the site, and get home within a certain amount of time and so eighty nautical mile distance from the range to a secure federal airfield is an operational requirement for the Navy.

A second thing is we need suitable weather and climatologic conditions that allow us to train year-round. The fleet training cycle is changing quite a bit and we need to be out there all the time to make sure we're ready to deploy when we need to deploy overseas or for a search capacity and the third thing was that secure federal piece of property for the cable termination facility, which I discussed earlier.

Based on those three parameters, we came up with three alternatives that met all of those needs and they're simply Site A, which is offshore of North Carolina, and that's the preferred alternative, basically based on it best mimics the potential threat environment in which we would like to train.

Site B is offshore of Virginia, basically off of Chincoteague, and then Site C is down off of Jacksonville, Florida. Those are the three alternatives that we then ran through a very thorough environmental analysis. One of the things, again, that the Captain, when we go back to this -- A key thing for the United States Navy is that we train in an environmentally responsible manner.

We've been working on this range for a long time and through that process have discovered and done research on what the potential effects of sonar in the water are and we've really been some of the leading edge research on that. As we continue to build this EIS, we've started to incorporate those protective measures throughout fleet training. This range will be sort of the pinnacle of making sure that we're using the best environmental methods for mitigation and for long-term monitoring, but we're incorporating those throughout the fleet as we move through them.

Some of the things we're going to do, and we've worked with NMFS on some of these, are basically training all of our lookouts in what we call marine species awareness training. They're not behavioral biologists. We don't need them out there identifying two species, but we want them to know how to sight a marine mammal in the water and what they need to do in terms of either reducing the sonar decibels, getting those messages throughout the ship so that we take the right protective measures if a mammal is sighted within a certain vicinity.

One of the key things is that we have the Fleet Antisubmarine Warfare Director doing some of these presentations at the public hearings and what they're working on in that command is making sure that we use active sonar when we need it for training. It's not frivolous. We know that there's an environmental impact associated with it and we want to hone and make sure that we use sonar when we need it and that we're focused on the training requirement.

The potential environmental issues that we ran through in the environmental impact statement were a variety of things. I'm not going to talk through all of these today, but I'm happy to go back and answer questions or talk in more detail about any of them that are of key interest, but the physical environment, the hard bottom and soft bottom substrata, and what's the impact of installing and constructing the range on that physical environment, what ecological resources are present and so not just marine mammals and not just fish, but what other resources do we need to think about as we're training, with particular emphasis on the acoustical environment.

One of the key focuses, obviously, that we started with was the potential for active sonar to affect marine mammals. We've done a lot of research on that area. The Navy funds about \$10

million a year worth of research through universities on acoustic effects on marine mammals and we're starting now to do some research on fish.

We've done that for the low frequency active sonar that you may have heard of. This range is mid-frequency active and we're starting research in that area specifically to address the types of sound the U.S. Navy produces, which are unique. Most other sound sources are broadband. We've got a very narrow band, one to ten kilohertz frequency, and that's our mid-frequency sonar range.

Cultural resources, shipwrecks, we studied the landside environment, which we don't have any detail in this presentation on. Coastal zone management, we've talked to all three states about their coastal zone management programs and we will and have submitted coastal consistency determinations in draft form to make sure those coastal resources are protected and then, obviously, cumulative effects, which is part of every environmental impact statement out there.

I don't want to spend too much time on landside and near-shore impact analyses, unless there's questions on this. We have briefed the coastal resources commissions in the states and have received comments from most of them and so we've got some homework to do on our coastal consistency determinations and we're working through that with the three states that were proposed.

There might be some minor wetlands impacts associated with directional drilling for the landside piece. Again, I'm not going to focus too much today on that. A key thing we wanted to talk to you about is how we went about evaluating the effects to commercial and recreational fisheries.

Some of the things on evaluating effects to the commercial and recreational fisheries, this is really a slide we added since the public hearings and what did we learn from the public hearings and the public comment? A couple of things. First, we talk about essential fish habitat in the EIS, but it became clear that in particular North Carolina was very interested in the hard bottom habitat, how we were going to work to avoid that, and there is a lot of flexibility in shifting the individual sensor nodes so that we can avoid, to the maximum extent practicable, hard bottom habitats.

We do want to now enter into a consultation with the National Marine Fisheries Service on our essential fish habitat analyses at all three sites to make sure that they've given us their input and that we've worked closely with the states on that. We also have, and I think Keith may have them with him, some fishing charts of where some of the hot spots are.

One of the things that we would like to get from the council and not necessarily at this meeting, but in whatever form is comfortable, is some additional input on how we've looked at fishing hot spots and what else might be sensitive areas out there that you would like us to focus on. The key thing, again, is that we do have a couple of nautical mile flexibility to move this range and if that's helpful for avoiding particular areas of concern, we probably can accommodate that.

It's going to take a lot of discussions with the Mid-Atlantic and the South Atlantic Council to get some of those ideas vetted and continue that discussion with you and we certainly want to do that. Another thing that we learned is that a notice to mariners is not sufficient. People really

want us to stand up and arrange a community relations board and we're ready to do that and so that's something that our fleet area control and surveillance facility folks will work on, the range-op center, on how to either have a website or a different way of getting out to the community to ensure that recreational and commercial fishermen know when we're heading out there and know when we're going to be on the range so that we can have that shared use of the ocean space.

Another thing we focused on was ground fishing and bottom fishing and how could we actually construct the physical instrumentation of the range so that they could be trawl-resistant nodes or very shallow profile. They're very heavy and so these are not going to be simply trawled up. I think they're 8,000 pounds a node. We can look that up.

How can the physical design of the nodes accommodate continued fishing activities? One of the key things we received questions on really was access and that's one thing I wanted to talk to you about. The range is not closed. The U.S. Navy doesn't own the water space thirty, forty, fifty nautical miles offshore. It's obviously shared space in the EEZ and so when we have a training exercise, we typically do not need to have a clear area of the range.

In fact, remember, we're trying to train in a noisy environment, because that's what we're going to experience when we're overseas, and so one of the things that we want to emphasize is only certain exercises require us to have a safety clear zone on the range and that's typically when we're firing an exercise torpedo, which would be a non-explosive torpedo. We want to make sure that there's a clear zone and that might be as large as a fourth or a fifth of the range at any one time, just to accommodate if something goes wrong. They're non-explosive, so that's helpful.

The torpedoes do run deep and so we're not talking about surface shots and so it is basically an overly protective safety measure that we put in there, but that's only certain times of the year. There's only I think thirty-three running torpedoes that are going to be used on the range and then forty-eight heavyweights and so a very limited number of the exercise torpedoes actually are runners, as we call them, and require us to have a clear safety zone.

Hopefully that decreases some of the concern folks had that we were going to wall off five-hundred-square-nautical miles of the ocean. That's not at all the intent or the way in which the range will be used. Dave, do you want to jump or do you want me to keep going? You want me to keep going? Okay. If you guys get bored with me, Mr. Noble will be happy to come on up here and talk to this.

The acoustic effects overview I think is the major concern we heard. We were very well prepared to deal with the marine mammal acoustic effects. We did a lot of research on that and addressed the acoustic effects to fish, but it became very clear through the public comments that people wanted to know more about that, how we went about the analyses on acoustic effects to fish.

It's a very simplistic overview, but fish do not typically hear in this range of sound. We're basically above the two-and-a-half to three kilohertz. That's the starting point. We went to ten kilohertz as the mid-frequency range.

Fish typically are hearing at lower frequency sounds and so we did not anticipate as much concern in that arena, because there hasn't been a demonstrated negative effect, but what we're doing now is a couple of things, a very thorough literature review to make sure we've looked at all the literature on different types of sounds and different types of fish to make sure, in particular, that we're looking at the commercial species that are, I think, of key concern economically for the states and obviously for the council, looking at the federally-managed fisheries, and ensuring that we've presented that thorough literature review so that it's not just trust the Navy and that people can look at the research themselves as we work through that analysis.

Most of the detailed acoustic analysis in the EIS does focus on whales and dolphins, essentially, because they can hear in that mid-frequency range and it's very important that we run through that analysis and in fact, we developed some very detailed mechanisms that are cutting edge. This is the first time really that anyone has tried to look at behavioral effects, not just the physiological effects, but the potential behavioral effect on marine mammals.

With the effects on fish -- I understand there are some folks who are interested for the marine mammals that may be here. For this presentation to this group, we're focusing on what we did with fishing. Again, we can talk to the marine mammals in all the detail that's of interest to this group. This is a long, busy slide, because it's a room full of scientists, and so we figure you guys can handle this.

In general, what you find with acoustic effects on fish is that man-made sounds can temporarily interfere with orientation, communication, in some fisheries. As I discussed earlier, most of the studies have focused on the primary hearing range of fish. They're going to focus on those low-frequency sounds, below one kilohertz, where fish can hear and then broadband sounds, explosive sounds.

One of the things, for folks who haven't worked on sound in the water, is the fundamental difference between an impulsive noise like an explosive, which has that pressure rise time, and then a tonal sound like a sonar, which does not have any of that similar sound effect and so it's quite different from an explosion in the water in that it's not a shock wave going out.

The basic finding presented in the EIS is that there really isn't evidence that exposure to intermittent loud or mid-frequency sounds leads to long-term behavioral disruptions, but, again, that's the science we need to bring forward in more detail than what is currently in the draft and we certainly will do that in our final environmental impact statement.

Again, I talked about mid-frequency sounds, basically the lower range of mid-frequency sonar, down below three kilohertz, is within the hearing range of some fish species, basically the hearing specialists in particular. The majority of the sound sources on the range are greater than three kilohertz and that's a distinction we haven't described well and so we will go back and present the frequency ranges of the different sonar that are used on the range and I think that will help clarify a lot of this as we move through the EIS.

Some of the studies that are out there that have looked at mid-frequency sound are from the

gillnet fisheries and either Keith or Dave might be able to address these in more detail, but basically the research here is finding that the fish didn't hear the sounds or weren't disturbed by the sound or in some cases, habituated to it. Mid-frequency sound in fish has not been a major problem, a major issue, within fisheries or certainly with mid-frequency sonar, but we do owe people to taking a closer look at that.

Some of the comments that we've received to date on fish and fishing I went through earlier. We talked about range access and that we will explain better how we're going to do community coordination and make sure there is a range community board so that we're planning around major tournaments, which was a big concern with some of the tournaments in particular off of North Carolina, and we recognize that we need to do a better scheduling job now and if and when we build the proposed range.

Even with our current training, we'll expand the current acoustic discussion of fish and a lot more detail, I think, on the live and hard bottom, which will, again, through that essential fish habitat consultation and so that it will be the Navy in concert with the Marine Fisheries Service and with the state agencies and looking at those effects.

The compatibility of instrumentation, in particular in the site off of Virginia, there may be some scallop fisheries there and there are concerns with scallop dredge and some of the range instrumentation and so we're taking a closer look at that and we got some great comments from a VMRC, the Virginia Marine Resources Commission, and if there's any more information, and obviously some of the experts are in the room, we certainly want to receive that information from you on types of fisheries that you're in particular concerned about with respect to the range instrumentation.

We're taking a look and we received some comments regarding giant squid and some other invertebrate species. We really worked through those fairly quickly in the draft environmental impact statement and we'll take a closer look at those studies that have been provided.

The phase we're in now, as I described earlier, is basically collecting the available data and looking at the environmental impact statement analysis now based on all the public comments we've received and you've probably seen recent comments in the press regarding the National Marine Fisheries Service comments. If there's questions on those, we're happy to address them, because I think the press has overblown the concern there.

We're in a consultative process with National Marine Fisheries and that's where we should be and it's actually we're a close cooperating agency and they are cooperating with us on the preparation of the environmental impact statement and so we're happy to address any questions on that.

Laws and regulations related to fish and marine mammals, there's obviously a lot of laws and regulations what we need to accommodate, but some of the things that we are definitely doing, we talked about Magnuson-Stevens and EFH consultation and we also are proceeding with seeking a letter of authorization under the Marine Mammal Protection Act for incidental harassment of marine mammals and so that is something that's been submitted to NMFS headquarters since about October.

We've been meeting with NMFS for a few years actually on how to prepare that MMPA authorization request. It's the first of its kind. It's the first time we've come in and asked for an authorization for our mid-frequency tactical sonar and so it's important to both agencies to get it right and we've done, as I said, a lot of research in that arena so that we could closely evaluate those effects and actually proposed some new thresholds, the behavioral effects thresholds, something below the level that causes a temporary threshold shift.

I think we've got a very good, robust authorization request in and we'll keep working with NMFS on that and we've initiated a formal consultation under the Endangered Species Act. You've probably seen a lot of questions in the paper on right whale and right whale presence and right whales are indeed included in our ESA consultation, not only consideration of whether or not they occur on the range that far out to sea, but also our transit and just moving back and forth to the range. We want to ensure that we've protective of those species.

I understand there were some questions on this, but in terms of evaluating the acoustic effects to marine mammals, there's a couple of things that have to go into that and it's really similar for fish. The things you have to think about are what sources are you using, what are the characteristics of those sound sources, what area of the ocean are you using those sound sources in, and that's where the three sites are slightly different from each other, obviously not just because the species densities differ, but the characteristics of the ocean environment itself are slightly different.

The key thing, the hardest thing, is what level of sound received by a marine mammal can result in an effect on that mammal and that's where we've been working so closely with NMFS. There's an injury level, what can cause a permanent threshold shift in a mammal, and then a temporary threshold shift, which we consider potential for a behavioral disruption, and then below that, what we're calling sub-TTS, or onset behavioral effects, and what level of sound might cause a mammal to start to react in a way that could over time lead to a disruption of its normal behavior patterns. Those are the way we've broken down the received levels and the potential effect on marine mammals.

Developing the thresholds and criteria took years. There's obviously a little bit more that we need to do on the sub-TTS, or the onset behavioral effects, but the rest of them are pretty much set. We've got good indication from the acoustic experts at NMFS that they're very comfortable with the way we've approached permanent threshold shift and temporary threshold shift. In fact, the science that we're using for the sub-TTS effects, it's just how conservative within that level and we need to finalize those discussions with NMFS.

The key issue is reading the Marine Mammal Protection Act and deciding what constitutes harassment as defined in that act and you may know that the definition for harassment for military writing is slightly different and we think a little a lot clearer than the older definition under MMPA.

I think we've already talked about the effort that we're making to comply with the other laws and not just NEPA, obviously, that drives us to do the environmental impact statement, but incorporating all these other laws into our NEPA analyses.

One of the things we brought out in the public hearings, just to be clear, is that our release of the DEIS is the first step. When NMFS is comfortable with our letter of authorization request, the next thing you'll probably see in the public record is their notice of receipt of our application and then a draft rulemaking. Those are all public processes.

Every five years, we have to reinitiate that LOA process and so as we see it, there's a continuing public involvement. As more is learned about the science of sound, it can continue to be accommodated into best practices on the undersea warfare training range and, again, throughout Navy training. What we learn here is great and it can feed back to all the training that we do up and down the east coast, west coast, and off of Hawaii, our major operating areas.

For mitigation, what we're looking at, we have lookout training. All of our air crews, our submarine crews when they're surfaced, are our surface ships are equipped with lookouts or air crews obviously have spotters to make sure they've got eyes on the water. When we see marine mammals, they need to be trained in what next steps they take and how they get to the officer of the deck and make sure that we're doing the next steps, like dropping the sonar source level, so that mammals that are sighted are not receiving levels that exceed that behavioral effects threshold I talked about earlier.

The other thing that we're doing is passive detection with some of our submarines. It's a little difficult for us to do passive detection with the range equipment for mitigation, but we are looking at that for research in our monitoring program. It's not a perfect science yet. You probably all are aware of that, but there is a lot that we can do under the research arena before we roll it out into daily use.

On the landside construction, we can do seasonal restrictions on when we actually build the range to avoid sea turtle nesting season and so we have a pretty good suite of mitigation measures. We've received a lot of comments from the public on other mitigation and are actually running that back through all the operators in the Navy to see if there's any of those suggested mitigations that also could be considered without impacting the training fidelity and that's really important.

Again, we have train -- Realistically, we have to train as we're going to fight and so the mitigation measures are a fine point where we want to keep training fidelity, but ensure that we're being protective of marine species as we're out there.

We've got a really great long-term monitoring program proposed and we're working on that with Duke, with UNC-Wilmington, St. Andrews out of Scotland, and actually with the National Marine Fisheries Service Northeast Office, Debbie Palka up there. It's not just Navy coming up with how we're going to do long-term population monitoring for potential effects from this range. We're actually trying to work with experts in the field to ensure we've got a really robust look at one piece of sea space to see what are the potential long-term effects of sonar and have we got the levels right.

We think that we do. We think we've got very overly conservative levels for potential impact on marine mammals, but the monitoring program will ensure that there's a very open and

transparent process ongoing so that we are indeed protective over the long term as the range is operational.

The schedule, right now we're still going through in detail how to respond and work through some of the public comments and so this schedule may shift, but right now the draft environmental impact statement was released last October, we held our public meetings in November, we extended the comment period so there's a full three months available for public comment. We had a lot of requests for that and so we did extend it an extra forty-five days.

The comment period ended and we're right now projecting basically by the fall to have a final environmental impact statement and a record of decision in the fall of 2006 and so that record of decision would need to be accompanied by the letter of authorization from National Marine Fisheries Service and so there's two agency decisions that need to come together at that point.

As we continue to go through the public comments and talk to groups like this, if the schedule shifts I think we'll keep that pretty open so that people know where this stands. There's been a lot of interest and we want to make sure we are accommodating that. The only thing I skipped, Captain, there's three operational slides at the beginning on really why we need to use active sonar and I would like to turn those over to somebody that works in that arena, if that's okay.

Cpt. Barager: She is brilliant. She's put years and years of work into this and probably is as smart as anybody. Being flexible in the military and the Navy, she could handle the whole process and so I applaud your efforts, Aileen, thank you. My name is Captain Kelly Barager. I work for Admiral Nathman, who is the four-star Navy admiral in charge of the Atlantic fleet at the Fleet Forces Command. I'm in his training directorate and work directly for him.

I've had command of an F-14 squadron and my last job, I was an air boss on the Enterprise and spent my whole time flying. For those of you that are interested, the last two F-14 squadrons are on deployment right now, coming back the mid part of March, and my airplane goes away. They're retiring my airplane and so it's been a great airplane. It really has and it's been a fabulous service to the nation. I guess that means I'm getting old.

I just say that you entrust your sons and daughters to us and that's what we do. That's why we stay in the military as long as we do, to make sure that they're prepared and ready to defend our interests at home and abroad and this is a part of that and from that perspective, we work for you, the taxpayers, and I think everything we do hopefully you'll find that we do it in the most direct and honest and upfront approach. That's our intent.

We've got a couple other experts in here and we'll get to them in a minute. One of the parts of public hearings, and I've done a couple of these, is the intent of it is not to change anybody's opinion. When you do public hearings, you're going to form your own opinion. The real value of it is we give you the facts and we give you the necessary information so that you can make a factual-based opinion. You're going to make your own opinion there.

Really, what we do more than anything else is dispel rumors, because a lot of the stuff that you read in the media, a lot of the things that are presented by a lot of the non-governmental organizations, and I'm sure you have similar issues as representatives of the legislation branch,

that you don't always get your 100 percent fair and accurate reporting and that's okay. That's just part of the process.

As I tell my children, the truth is a really powerful thing and one of the groups that we really desire to target are the leaders, the folks that will carry the day. Those are our folks at NOAA and NMFS. They are our cooperating agency. Those are our congressional leadership and their representative staffs and then the other part we do, also try to have an effect on, is the legislative piece and make sure that everything we're doing is in compliance with all the laws and regulations and that what we do is geared for that. That's really our target audience and you're a part of that, a huge part of that, and we're very happy to be here today.

The biggest part of this is control of the sea. That's absolutely critical to our national defense. It's absolutely critical to our U.S. economy, it's critical to our global economy, and it's really critical to us to be able to project power, to be able to get to any theater any place in the world to be able to establish our folks, our troops, there and then be able to handle, hopefully expeditiously, any issues that present themselves.

One of the easiest ways to target someone like the United States is through asymmetric fashion and the submarine is probably one of the best asymmetric ways of attacking an organization like the United States Navy, or the military for that factor, and try to be effective. What you're seeing is submarines are still a huge threat today. They have been for a hundred years.

As you can see, most of the stuff that we flow into theater goes by your oceans, by your seas. There is some really critical choke points in that. If you were to close down the Straits of Hormuz in the Persian Gulf, the impact to the global economy would just be devastating. It would be absolutely devastating and that's one example of a choke point. The Malaccan Straits off Singapore is a huge choke point and there's many like that and we've been very successful as a U.S. Navy to be able to support that.

It's not really just a Navy problem. It is an American and a global problem and that's why the sonar is so critical to us. The threat really has changed significantly, because they recognize the impact that sonar can have. The sonar technology has gotten much more sophisticated. The submarines are significantly quieter, in particular the diesel submarines.

The Chinese are investing like crazy in their diesel submarines to try to potentially impact some of those flows of goods in transit areas and so what else has changed too is that we're no longer really this blue water deepwater ocean prepared to defend against the Soviets. We're projecting our power, when needed, right up along the shores and that means operating closer to the land.

As you can see, like Aileen has shown you here, with the undersea warfare training range, that's a very difficult -- That's the hardest environment we have to operate in, in those rather shallow depths. We don't have a range right now to do that. We do train. What the range allows us to do is to do the instrumentation to be able to more effectively and properly train our forces so that they're fully ready to go when they deploy.

We do use passive sonar, we have for years. Submarines have gotten quieter and quieter. The next slide is going to kind of really show you and hit home the significance of that, but we can't

detect these quiet submarines just using passive measures. We need to use the active sonar and that's the mid-frequency, is where our airplanes and submarines operate in the sonar region.

Active sonar, it doesn't matter how quiet you are. It doesn't make any difference at all. It's pretty simple technology. The sonar goes out and it hits the vessel out there and it comes back and you detect it. The intent is to detect it and to be able to either push it away, move it as a threat, or if we have to, to go attack it and take it out as a threat and we would like to be able to do that before they can come in and target us with a weapon, so that our ships are protected and that our sailors and marines are protected.

What you see here in the center is a U.S. Navy ship. The green area there in the middle shows you -- We've taken the ranges off this so it's not a classified slide for you, but it shows you the significance of the active sonar. The green area there is where you would detect a submarine if you used passive means alone. The pink or magenta area there shows the significant range that you would detect that same submarine using active sonar, mid-frequency sonar, and the critical piece of this is that little white line that's running along there.

That shows you where the submarine has been running against the ship and that submarine on passive measures can basically sink the ship, take the ship out of commission, before we'll even detect it with some of their threat weapons and capabilities. We really have to be able to train and employ and effectively use our active sonar in order to accomplish our job.

We have a very strong purpose and need and we're working our way through the process that it takes to have NEPA compliance and through the environmental impact process in order to build and construct these ranges and it's taken us about eight or nine years to actually get all the science and everything else aligned, to get our leadership aligned, to get our policies in place, so that we can go out and now engage those three critical groups that I talked about at the beginning.

Our cooperating agencies did allow us compliance and permitting, NOAA, NMFS, Congress. We've done briefs with just about every piece, portion, and part of Congress as we brought this out, as well as set ourselves up from the judicial area. With that, are there questions? I'm happy to take any questions you have at all.

Dr. Daniel: Thank you very much, Captain and Aileen. Are there questions for the Captain?

Mr. Geiger: Captain and Aileen, thank you for the presentation. Recognizing the need for this and certainly supporting training as you fight and having done that for twenty-one years, I support it, but I would also like to congratulate you on your selection of placing this off of North Carolina versus Florida.

Cpt. Barager: We are, as part of the process, allowed to select a preferred alternative. All three of the sites meet the purpose and need and all three of them are certainly executable. The site off of North Carolina, as Aileen mentioned, has the best environment, from an ocean environment, as well as it's conveniently located between our major areas and so we are allowed to say that that's our preferred alternative. I can't add much more to it than that.

Dr. Daniel: Let me ask the Captain one question. We had a presentation earlier in the week and there's a big push along the east coast to put out temperature and salinity sensors up and down the coast to try to get a handle on the current flows and various hydrographic features of the coast and one of the things that came up was the possibility of a mitigating factor cooperating with the Navy to try to be able to put some of these arrays complementary with what you're going to be coming out with and so that was one -- I think that's a good opportunity.

Cpt. Barager: That's a great idea and we've done that with some of our -- I'll use this as an example. We have what are called TACTS towers and they're the tactical air combat training systems and they're towers that sit off the coast that we use for instrumentation of airplanes and we have several joint ventures with universities and other institutions that do research on those vessels, because it's perfect location and it has the power and the communication and the microwave and everything else they need to do that. Anything else you want to add to that?

Ms. Smith: We did discuss that a little during lunch and taking that back to look into whether some of the oceanographic observing systems if there's a way of contributing or making that match up with the range and we thought we would bring that back to some of the oceanographers.

Dr. Daniel: The National Undersea Research Program is involved in that and we certainly would be able to provide you with the contact information on that. The other, if you could go back to the slide of the location, the chart itself, the Site A chart. Certainly from our perspective, that scallop bed is an important area and if there is any room that it could come down to try to avoid that sight, or at least not set those 8,000-pound things on top of them -- I can't even remember what you called them.

Ms. Smith: Nodes.

Dr. Daniel: That would be a great help to that area.

Mr. Gibson: The minimum depth you said would be 120 feet and the maximum would be what and how far offshore?

Ms. Smith: The site requirements were encompassing 120 to 900 feet depth. The preferred site is 131 to 1,319. What you're looking at there, those are the approximate depths. It's kind of maximizing that 120 to 900. For the preferred alternative, it's forty-seven nautical miles offshore to the western boundary of the range from the shore. The site off of Virginia is thirty-four nautical miles and the proposed site off of Florida I think is fifty nautical miles to that western range boundary. The depths vary a little bit. I can't recall the other two, but they fall within that.

Mr. Gibson: A follow-up to that, I'm sure you've heard of a fishing tournament called the Big Rock. About two years ago, there were over 200 vessels out there amongst the -- I guess you all had a submarine warfare going on and the ocean got a little crowded and so I hope you all will be checking that Big Rock schedule.

Ms. Smith: That's one of the things with the range scheduling that we need to work on. The complicating thing that was happening during Big Rock was we were actually doing a GPS jamming exercise, which is not popular during a fishing tournament. There was a notice to mariners out, but that's where we got the comment that that is not sufficient and so we've actually already been in touch with -- I think Keith has talked to the Big Rock and whether or not and where this range goes, we'll certainly be looking in particular at that tournament for all Navy training. We know the date of that one, as well as the million-dollar purse winners I think at this point.

Cpt. Barager: Our intent is we're out there training anyway and we're out there today training and you'll probably never even know we're there. The GPS was a big deal. We have one of the only GPS jammers and it goes fairly high to get permission to be able to use that, because that impacts the airline flights and all different kinds of things and during a fishing tournament, we're all now hooked on technology.

Mr. Geiger: Aileen, during your presentation, it seemed like the tenor was kind of focused on bottom species and you asked for other species that we may consider to be interactive or be looked at in regard to interaction with this and certainly pelagics and highly migratory species would certainly occur in that 120 feet on out and beyond and I hope that's included in your research.

Ms. Smith: Yes, they are and that's where we want to come back -- We speak just broadly about the pelagic species and what we want to do in the next phases of the EIS is break that down by the key migratory areas and the commercial fisheries in particular that are most important and so much more detail on where those fisheries are and the seasonality of that. I don't know if you have anything you want to add to that, but we do need to break it further down. The pelagics are in there, but not in the detail that I think helps the fishing community understand the way in which we're going to accommodate and consider the acoustic effects on fish.

Mr. Currin: This is the third time that I've heard you all make this presentation and I don't say this to give you a hard time, but to congratulate you, because at the two previous ones anyway there were comments made and it's obvious from your presentation that you've taken those comments seriously and have delved in them and have updated the presentation and so I think you should be commended for that.

The only other point I would make, and it bears on the one Louis made regarding the ocean observation system that's being developed up and down our coast, particularly in the southeast, and I encourage you to work diligently with the folks involved in that and see if you can cooperate with them, because the area that you've selected as your preferred for this range is right in the middle of an area where they have minimal to no coverage and so it would be a big boost to that system.

I have just one more comment on that. That one particular system that is going in is gathering information that is very critical to many of the things that we do in fisheries management and so that would be a big help to us, one way you could help.

Cpt. Barager: I would like to make one comment on that. This is a great process. It's painful, but it's a great process and let me give you an example. We just had a personal-for message sent from our four-star commander in Hawaii to the CNO and one of the items that they are focused on is to advance the science of sonar. That's huge, that they recognize the significance and the improvements they can make there and I know when we talk to NOAA and we talk to NMFS, they're very excited about having an area where they can do focused research. They see that in a real work environment giving them the opportunity to advance the science even further.

I was the member that had to brief the marine fishing committee on the stranding for the North Carolina issue and it's not an exact science why marine mammals strand and anything we can do to advance and improve that and any way we can help it, I think we all want to be good stewards of that. As the captain who does this brief says, in the Navy we've been connected with the ocean environment for centuries and we intend to continue that and be at the leading forefront of that.

Mr. Wallace: One is are the Sites A, B, and C in order of preference?

Ms. Smith: No, they used to have different names and that's just the way that they flowed through. We decided to make Site A Site A because it was preferred, but the other two, there's not a prioritization.

Mr. Wallace: The other thing is kind of what Louis touched on. The way I understand that charts, the entire range is going to be above ground cable system, right?

Ms. Smith: I didn't talk to this and I should have. In areas where there is significant ground fishing, the shallower portions of the range, we can and would bury the interconnect cable. It's probably not necessary in the deeper portions of the range, but that is an option that is out there and we would do it where there is ground fishing activity occurring, where there's any potential for interaction to occur. That's a decision that can be made in the future and it will be made if that's something that definitely is helpful in reducing potential gear interaction and then we would want to go ahead and do that.

Mr. Wallace: At that point then, how do you designate where the nodes are? How are they going to be able to dodge those?

Ms. Smith: The nodes wouldn't be buried. Just the interconnect cable between them would be. Can you restate your question?

Mr. Wallace: The nodes themselves are going to be above ground no matter what?

Ms. Smith: Yes.

Mr. Wallace: Is there a way to designate them to keep these guys from catching them if they're going to be trawling in that area? Just looking at the chart, you're going to have them spaced out throughout the range and how would they know what areas to stay away from, where the node is?

Ms. Smith: I don't know. We'll have to take that one back. I don't know that there's a way to put on a chart the individual nodes. This is Keith Jenkins from the Naval Facilities Engineering Command.

Mr. Jenkins: I believe there's still some flexibility in the node design itself and the nodes, we're going to try to make them trawl resistant and we realize that won't go for things like dredging, like with a scallop dredge, but for gear with normal rock hopper or normal kind of bottom gear, we're thinking that most of the gear will actually bounce over the nodes. They're kind of smooth and the design is kind of very aerodynamic, smooth-looking shape.

Cpt. Barager: They look like a giant upside-top and that's the way they've been designed for years.

Mr. Iarocci: The non-explosive, did you say they are 8,000 pounds in the size of those?

Ms. Smith: You already have quoted me on it, but we'll check the --

Mr. Iarocci: The torpedoes?

Ms. Smith: I don't know the weight of the torpedoes. The torpedoes are all recovered. I don't know if that helps with your concern any, but we do not leave torpedoes in place. They're all recovered and they're expensive and we want to reuse them. The point I was trying to make is that they're not live weapons. They may run, but they're not loaded with ordnance.

Mr. Iarocci: That was my point. We're looking for artificial reef material and we wanted to recycle.

Ms. Smith: We can accommodate reefs. We were talking about reefs earlier.

Cpt. Barager: There's two training torpedoes we use. One is a smaller version and one is a little bit bigger. They're roughly a thousand pounds and they're very expensive. They're a couple of million dollars apiece and every one of them are recovered. If you lose one, it's a really big deal and then they're refitted and we use them over and over again and they're called inert training weapons.

Ms. Shipman: Concrete is a lot cheaper, Tony, for reef material. The site off of Jacksonville, could you tell me again how far offshore that was? Did you say fifty miles?

Ms. Smith: Yes, fifty nautical miles offshore to the western boundary of the range and it's the same approximate size box, a twenty-by-twenty-five nautical mile box.

Mr. Jenkins: We have a chart in the back of the room with the Jacksonville site on it if you would like to see that and the North Carolina site.

Ms. Smith: That was, if I may repeat that, Brock Durg indicating that currently the range boundaries are not shown on that chart, but by the time we get through this presentation I believe they can be, because Keith is sitting there with the lat/long.

Cpt. Barager: For the Chincoteague site. We brought the other two sites with us charted.

Dr. Daniel: Anything else?

Mr. Wallace: When it comes into effect, they'll be put into the chart system to where everyone will know that it is going through that area or if it is a fishing ground of some sorts, they'll be able to see it on the charts or what kind of notification will be there?

Ms. Smith: I believe that we do that with instrumented ranges, but if it's okay, I would like to go back and double check and ensure that we give you the accurate answer so we could feed that back to the chairman or to the staff.

Ms. Shipman: I have just one other question. The consistency determinations have gone through the coastal zone through the states and do you all have their concurrences back?

Ms. Smith: What we did was provided to the states -- In the EIS, there's an appendix that has our draft consistency determination and then we contacted each of the state clearing houses to let them know that we would like them to look at the CCD in draft format. We would then proceed with submitting it after we get their comments on the DEIS.

We've received detailed comments from North Carolina and from Virginia on coastal consistency. We've actually had inquiries from Maryland and Delaware. We don't currently intend to proceed with coastal consistency determinations for states that do not have a cable determination facility.

Florida has indicated that they find the information presented in the draft environmental impact statement to be consistent with the state program and so we're currently deciding whether we need to submit formally the CCD. I expect that's what we will do or whether that concurrence holds as we work out the issues with the other two states, but we will proceed with ensuring we have concurrence for the three alternative sites.

Ms. Shipman: Just one question along those lines. There's the new proposal out for the OCS projected boundaries that's really more Mineral Management Service oil and gas related, but for coastal zone consistency purposes, are you using the new lines that protect us, because Virginia's -- I know they've got some real issues with the way their lines run and the other states to the north of them, that may be why Maryland is interested in that.

Ms. Smith: Are we using the OCS --

Ms. Shipman: There are new OCS boundaries that are out on review right now. Are you all using those or the old ones?

Ms. Smith: We wouldn't use the OCS boundaries, because that's a different portion of the Coastal Zone Management Act, as I understand it. The OCS component has a different, more robust consistency. It's the whole second half of the Coastal Zone Management Act and so we would proceed with the projected state lines.

Our nexus to the coastal zone is that trunk cable coming ashore and then the construction is actually on federal land, which is outside the state coastal zone, but the fact that we're coming through the coastal zone with the trunk cable is where we see the connection to the requirement for a coastal consistency determination. I don't know if that clarifies your question.

Mr. Wallace: Did you all -- I see where you've got them labeled as fishing activities occurring there and did you all do that on you all's observation or did you all just collect data from just different fisheries? My concern is if you were to go to the Jacksonville area, the royal red fishery that would be down in that area, because they're going to be in the outer part of those depths and I was just wondering if you had some long-term observation of fishing activities.

Ms. Smith: No, we really only used the charts to come up with the fishing hot spots and we did that based on our own data. That's actually why we're here. I think we need to get more input from the fishery management councils on the species and the focal areas where you would like to see some focus on the pelagic species and the ground fishing and fishing hot spots, to the extent you can get those from some of the fishing community out there.

That's where we would like to have -- I don't know the process for pursuing ongoing engagement with the council to receive information like that, but I think we would like more input on the fishery resources of particular concern in the vicinity of the three proposed alternatives and I don't know the process for working with the council over a long-term basis, but we would pursue that with staff and determine how to gather information from you.

Dr. Daniel: Absolutely and we have that information, in many different forms, and can give you the information in terms of the fisheries that occur in those areas, the species of concern. Not just the species under our management authority, but there are other species as well and I recall from the presentation in North Carolina that you need to be on the break, but it just does look -- I would just ask you to take this into consideration.

It does look like you could move that thing, jog that thing, just a little bit and miss some of those real critical areas and still get the shelf, but avoid a lot of those fish havens and scallop beds and I don't know if that's even possible, but certainly that would be a big help for our interests.

Ms. Smith: We currently have the design engineers looking at the extent of flexibility that might be out there, but still meet the operational parameters, and I think we might need to bring that back. They're not done with that analysis and I don't know if it can move in the direction that you're seeking, but that's something we would like to bring back to the council and, again, get the proper format for working with the council on ongoing interaction.

Dr. Daniel: Anything else?

Cpt. Barager: I have one person I have to have stand up. Jim Brantley in the back there, he's our public affairs officer and if anyone from this group would like to come to one of our ships and see what they do and how important it is, Jim is our focal point to coordinate that and so I would offer that to you. We do bring folks out to sea and that's our best public outreach, is to see your

sons and daughters out there doing it for real and hear from them, from the deck plates, the significance of the action that we're asking.

Dr. Daniel: That's a kind offer. Anything else? I certainly appreciate you all coming up and joining us and I'm sorry for the mess. The man responsible will be in the brig and we will -- Is there any other business to come in front of the council? If not, we are adjourned. Thank you all very much for a productive meeting and we'll see you in June.

(Whereupon, the meeting adjourned at 3:30 o'clock p.m., March 2, 2006.)

Tape of proceedings on file (2)

Certified By: _____ Louis Daniel _____ Date: ____6/15/06____

Transcribed By:
Graham Transcriptions, Inc.
March 24, 2006

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL

JEKYLL ISLAND, GA

March 1 & 2, 2006

Summary Council Motions

Snapper Grouper

Amendment 14

Motion #1: The Council voted to add a Monitoring Plan to the Research Needs Section Of Amendment 14.

Motion #2: The Council approved adding an alternative to look at requiring VMS onboard any vessel with a Snapper Grouper Permit and longline gear onboard.

Motion #3: The Council voted to move VMS Alternative 1 to the Appendix under Considered but Rejected Alternatives (Alternative 1 would have required VMS on all commercial, for-hire and private recreational vessels.)

Motion #4: The Council approved the purpose and need statement as modified from the wording in the Briefing Book.

Oculina Evaluation Team

Motion #5: Ben Hartig was appointed to the Oculina Evaluation Team.

Amendment 15

The Council approved a number of items by consensus as follows:

- >> The purpose and need section presented for Amendment 15
- >> To request the SSC discuss how data would be collected in order to do an assessment Update for species like snowy grouper (low trip limit, incidental catches, no directed trips, etc.).
- >> That in the rebuilding schedule for snowy grouper, year 1 is 2006.
- >> To add Alternative 5 to the rebuilding strategy alternatives for snowy grouper with F=0.
- >> For black sea bass, year 1 of the rebuilding schedule will be 2006.
- >> To Add an Alternative 6 to the rebuilding strategy alternatives for black sea bass with F=0.

>> To request the MRFSS/Monroe County issue and unclassified species in the trip ticket data be addressed during the March NMFS/State Directors Meeting

Motion #6: For The Snowy Grouper rebuilding strategy, The Council adopted Alternative 4 with a 5 year adjustment as the preferred alternative. (Alternative 4 would define the modified fishing mortality (F) during 2006-2008 followed by a constant F rebuilding strategy for snowy grouper).

Motion #7: For the golden tilefish fishing year, the Council Adopted Alternative 2 as the preferred alternative. (Alternative 2 would change the start date for the fishing year to September 1; retain the annual quota of 295,000 Lbs. gutted weight (331,000 Lbs whole weight) and a commercial trip limit of 4,000 Lbs gutted weight (4,480 Lbs whole weight), however, the trip limit would not be reduced to 300 pounds gutted weight when 75% of the quota is captured. After the commercial quota is met, all purchase and sale would be prohibited and harvest and/or possession would be limited to the bag limit).

Motion #8: For the black sea bass rebuilding strategy, the Council adopted Alternative 5 as the preferred alternative. (Alternative 5 would define a modified F scenario where F is decreased during 2007-2009, followed by the maximum constant landings ($F \leq F_{msy}$) that allows rebuilding to B_{msy} in 10 years).

Motion #9: For queen and silk snapper, the Council voted to include silk snapper in the series of alternatives and selected alternative 2 as the preferred alternative. (Alternative 2 would remove the existing commercial and recreational 12" TL minimum size limit for queen snapper and silk snapper).

Motion #10: Relative to sale of recreationally caught fish, the Council adopted Alternative 2 as the preferred alternative. (Alternative 2 would require a Federal Commercial Snapper Grouper Permit To sell snapper grouper species in or from the South Atlantic EEZ. A Charterboat Operator with a Commercial Permit would not be able to sell fish caught on that charter under the Recreational Bag Limit.)

Motion #11: Under the permit renewal period alternatives, the Council adopted Alternative 3 as the preferred. (Alternative 3 would extend the renewal period on Commercial Snapper Grouper Permits to one year after the permit expires).

Motion #12: Relative to permit transferability, the Council voted not to specify a preferred alternative at this time.

SSC Selection

Motion #1: Contingent on funding, the Council voted to schedule two SSC meetings per year during the June and December Council meetings.

Motion #2: The Council voted to create a SSC Coordinating Committee consisting of the SSC Chairman and Vice-Chairman, the Biological Subcommittee Chairman and Vice-Chairman, and the Socio-Economic Subcommittee Chairman and Vice-Chairman.

Motion #3: The Council approved changing the SSC policy to specify the terms of the Chairman and Vice-Chairman will be 2 years.

Motion #4: The Council Appointed Dr. Seth Macinko to the SSC.

Advisory Panel Selection

Through a series of motions the Council took the following actions:

Habitat AP

Reappointed Doug Rader and Terry Pratt to the Habitat AP.

King And Spanish Mackerel AP

Reappointed Bill Wickers, Bob Pelosi, Ed Holder, Andy High and Tom Ogle to the Mackerel AP.

Shrimp AP

Appointed Fred Dockery and Megan Westmeyer to the Shrimp AP.

Law Enforcement AP

Reappointed Kim Connolly and appointed Michael Kennedy to the Law Enforcement AP

Snapper Grouper AP

Reappointed Danny Hooks, Micah Laroche, Robert Cardin, Don Demaria, Bill Kelly, and Dan Kipnis and Appointed Jim Gray to the Snapper Grouper AP.

INDEX OF MOTIONS

PAGE 16: Motion that contingent on funding to schedule two SSC meetings per year during the June and December council meetings. The motion carried on page 16.

PAGE 16: Motion to create an SSC Coordinating Committee consisting of the SSC chair and vice chair, Biological Subcommittee chair and vice chair, and Socioeconomic Subcommittee chair and vice chair. The motion carried on page 16.

PAGE 16: Motion that the SSC chair and vice chair serve two year terms. The motion carried on page 16.

PAGE 16: Motion to appoint Dr. Seth Macinko to the SSC. The motion carried on page 16.

PAGE 17: Motion to reappoint Doug Rader and Terry Pratt to the Habitat AP. The motion carried on page 17.

PAGE 17: Motion to reappoint Bill Wickers and Bob Pelosi to the Mackerel AP. The motion carried on page 17.

PAGE 17: Motion to reappoint Ed Holder and Tom Ogle to the Mackerel AP. The motion carried on page 17.

PAGE 17: Motion to reappoint Andy High to the Mackerel AP. The motion carried on page 17.

PAGE 17: Motion to appoint Fred Dockery to the Shrimp AP. The motion carried on page 17.

PAGE 17: Motion to appoint Megan Westmeyer to the NGO seat on the Shrimp AP. The motion carried on page 17.

PAGE 17: Motion to reappoint Kim Connolly to the Law Enforcement AP. The motion carried on page 17.

PAGE 18: Motion to appoint Michael Kennedy to the Law Enforcement AP. The motion carried on page 18.

PAGE 18: Motion to reappoint Danny Hooks to the Snapper Grouper AP. The motion carried on page 18.

PAGE 18: Motion to reappoint Micah LaRoche to the Snapper Grouper AP. The motion carried on page 18.

PAGE 18: Motion to reappoint Robert Cardin, Don DeMaria, Bill Kelly, and Captain Dan Kipnis to the Snapper Grouper AP. The motion carried on page 18.

PAGE 18: Motion to appoint Jim Gray to the Snapper Grouper AP. The motion carried on page 18.

PAGE 39: Motion to add a monitoring plan to the Research Needs Section of Amendment 14. The motion carried on page 39.

PAGE 39: Motion to remove the VMS alternatives from Amendment 14. The motion failed on page 43.

PAGE 44: Motion to add an alternative to look at requiring VMS on board any vessel with a snapper grouper permit and longline gear on board. The motion carried on page 46.

PAGE 46: Motion that Alternative Number 1, which requires VMS in recreational vessels, be moved to the Considered but Rejected section of the document. The motion carried on page 46.

PAGE 47: Motion to approve the purpose and need statement for Amendment 14. The motion carried on page 47.

PAGE 47: Motion to adopt Alternative 4 with five-year adjustments as the preferred. The motion carried on page 48.

PAGE 48: Motion to make Alternative 2 the preferred alternative: change the start date of the fishing year to September 1; retain the annual quota of 295,000 pounds gutted weight, and a commercial trip limit of 4,000 pounds gutted weight; do not reduce the trip limit to 300 pounds gutted weight when 75 percent of the quota is captured. After the commercial quota is met, all purchase and sale is prohibited and harvest and/or possession is limited to the bag limit. The motion carried on page 49.

PAGE 49: Motion to adopt Alternative 5 as the preferred alternative for the rebuilding strategy for black sea bass. Alternative 5 would define a modified F scenario where F is decreased during 2007 to 2009, followed by the maximum constant landings, F is less than or equal to FMSY, that allow rebuilding to BMSY in ten years. The motion carried on page 49.

PAGE 49: Motion to include silk snapper in the series of alternatives and to select Alternative 2 as the preferred. That Alternative 2 is to remove existing commercial and recreational twelve-inch minimum total length size limits for queen snapper. The motion carried on page 49.

PAGE 49: Motion to adopt Alternative 2 as the preferred. Alternative 2 is to require a federal commercial snapper grouper permit to sell snapper grouper species in or from the South Atlantic EEZ. A charterboat operator with a commercial permit cannot sell fish caught on that charter under recreational bag limits. The motion carried on page 50.

PAGE 50: Motion that Alternative 3 be the preferred alternative. Alternative 3 is to extend the renewal period on commercial snapper grouper permits to one year after the permit expires. The motion carried on page 50.

PAGE 50: Motion to not specify a preferred alternative regarding permit transferability. The motion carried on page 50.

PAGE 50: Motion to approve Ben Hartig to the Oculina Evaluation Team. The motion carried on page 50.