

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **PROTECTED RESOURCES COMMITTEE**

**Westin Jekyll Island  
Jekyll Island, GA**

**March 7, 2016**

### **SUMMARY MINUTES**

#### **Protected Resources Committee:**

Dr. Wilson Laney, Vice-Chair  
Mark Brown  
Jack Cox  
LTJG Tara Pray

Jessica McCawley, Vice-Chair  
Zack Bowen  
Dr. Michelle Duval

#### **Council Members:**

Charlie Phillips  
Chester Brewer  
Dr. Roy Crabtree  
Doug Haymans

Anna Beckwith  
Chris Conklin  
Ben Hartig

#### **Council Staff:**

Gregg Waugh  
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Dr. Kari MacLauchlin  
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Dr. Brian Chevront  
Amber Von Harten  
Dr. Mike Errigo

#### **Observers/Participants:**

Monica Smit-Brunello  
Dr. Bonnie Ponwith  
Dewey Hemilright  
Dr. George Sedberry

Erika Burgess  
Dr. Jack McGovern  
Leann Bosarge  
Jennifer Lee

Additional Observers Attached

The Protected Resources Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, Monday afternoon, March 7, 2016, and was called to order by Chairman Wilson Laney.

DR. LANEY: The first order of business is the Approval of the Agenda. Does anyone have any changes to the agenda, any other business or anything? Seeing none, does anyone have any objections to approving the agenda as published? Seeing none, the agenda is approved. The second item is Approval of the December 2015 Minutes. Does anyone have any changes to the minutes? Seeing none, does anyone have any objection to approving the minutes? Seeing none, the minutes stand approved.

The third item on our agenda is the Protected Resources Update from the National Marine Fisheries Service Southeast Regional Office, and I think Jenny Lee is on the line to give us that update. Jenny, are you there?

MS. LEE: Yes, I am. Thank you very much. I will just run through the briefing document with SERO Protected Resources Activities. There is not a lot to report this time around. The petition to list Nassau grouper under the ESA, I don't have any update on that. The timing there is we expect to publish a final determination in early 2016, and so maybe a little more like mid-2016, but there's nothing really new to report.

The same goes with Atlantic sturgeon critical habitat, and so I will skip through that. North Atlantic right whale critical habitat, on January 27, 2016, we published a final rule to replace critical habitat for right whales in the North Atlantic, with two new areas. There, I have provided a link to the final rule. Later in our agenda, as you know, I'm going to do a real brief presentation on the final rule, and so I will just leave it at that for now.

No change on the green sea turtle DPS rule. We're still working away at that. I do have a late item that's not in your briefing documents, which is that on February 26, SERO transmitted to NMFS Office of Protected Resources a Notice of Intent to Prepare an Environmental Impact Statement for sea turtle consideration and recovery actions in relation to the Southeastern United States shrimp fishery and to conduct public scoping meetings, and so that is in our headquarters going through clearance now.

The Draft EIS, which, again, this is just an NOI, but we'll talk about how the Draft EIS will evaluate a range of reasonable alternatives in light of concerns regarding the effectiveness of existing turtle excluder devices and potential new TED requirements that could apply to vessels fishing in state and federal waters.

I'm sure you remember a couple of years ago now that we withdrew a rule where we were going to require TEDs in skimmer trawls, but then we withdrew that because of new information related to small sea turtles. Basically, we've been continuing to work on that issue, and this is sort of the next step.

SERO will send out a Fishery Bulletin once we have a publication date in the FR, and the FR notice, associated scoping document, and FAQs will be posted on the SERO Protected Resources website. We're going to have five public scoping meetings. They will be held April 13<sup>th</sup> through 21<sup>st</sup>, and, just to give you a heads-up, the one in your region will be in Morehead City, and that is

actually on April 13. Again, SERO transmitted it and it's not out yet, but, since it will come out shortly, I just wanted to give you a heads-up to keep an eye out for it.

Moving back to the briefing document that you do have, we have one formal fishery consultation in the works, as you know, the South Atlantic snapper grouper fishery, our ESA Section 7 consultation. On February 11, 2016, SERO Sustainable Fisheries did make a formal request for that consultation. We, of course, don't have the electronic copy of the final Regulatory Amendment 16 yet, but that will be forwarded to PR once it's available, but SF has already provided PRD with an updated description of the fishery as it currently is conducted, to help with that part of the consultation. I guess that's all I will say on that for now.

The next item up is the Southeastern shrimp fishery's biological opinion, but really the draft TED compliance policy stemming from that biological opinion and the recent compliance analyses. When we met last, we had a draft of that compliance policy. We now have an updated draft that was just posted online, I think yesterday or Friday. Of course, you have that document.

I know the Law Enforcement Advisory Panel is going to be talking about that, the policy, and so if that's a topic that's of interest to you, you might want to sit in on that conversation, because I think they'll be getting into a little bit more on sort of what the changes are so far, but SERO is currently distributing the policy to state councils and commissions, and then I just wanted to also let you know that our sea turtle capture rates and TED effectiveness in the Southeast shrimp otter trawl fleet are posted online, and so things have been going pretty well. If you want to just take a look and see what we have for sea turtle capture rate information, that's posted.

National ESA rulemaking and policy, I am not going to go through the details of the next three items, but all I wanted to let you know is basically they did go final, and so if you have an interest and want to look into them, I have the links to those documents on all of them.

Then the last item is we didn't have a lot to report for marine mammal protection actions this time. The Pelagic Longline Take Reduction Team did meet December 1 through 3. They reached consensus on five measures, some of them regulatory, and so NMFS is going to be developing a proposed rule to amend the Pelagic Longline Take Reduction Plan, and the rule will be prepared via an IPT, which will be comprised of SERO and HMS staff, NOAA GC, and the Science Center marine mammal analysts. Again, that's not directly affecting your council, but since we have been giving you updates on that, I thought I would share that as well, and that is it for updates.

DR. LANEY: Thank you very much, Jenny. Does anyone have any questions for Jenny Lee? I see none, Jenny, and so let's move on to the next item, which is the Right Whale Critical Habitat Final Rule.

MS. LEE: Great, and I see you received the presentation, and so if you want to just flip to it. I just wanted to share that, one, this presentation is focusing just on the critical habitat in the Southeast Region, and so Unit 2, and particularly the changes from the proposed rule. I'm not going into all the background and basis, because you had a great presentation back in March of 2015 that reviewed all the background and the proposed rule in detail, and so this is more of just an update presentation.

Just a real quick refresher, critical habitat is defined in the ESA as the specific areas within the geographic area occupied by the species at the time it was listed on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection and specific areas outside out of the geographical area occupied by the species at the time of listing that are essential for the conservation of the species.

The physical features of right whale critical habitat essential to the conservation of the North Atlantic right whale -- Again, for the calving habitat essential features, these are calm sea surface conditions, water temperatures of 7 to 17 degrees Celsius, and water that is six to twenty-eight-meters deep, where these features simultaneously co-occur over a contiguous area of 231-kilometers-squared of ocean waters during the months of November through April.

There, just for comparison, you can see what has happened from proposed to final critical habitat of Unit 2. The size difference between the proposed and final is just 341-nautical-miles-squared, and then the old critical habitat, for perspective, was 1,611-square-nautical-miles, and so it's quite different.

The difference that I reported, as far as between the proposed and final, is basically this southern tail was added. We received a number of comments about including the southern portion into the critical habitat, and we considered and agreed, mainly because mother/calf pairs within the area are predictable and consistent. We had presence of all essential features. It was predicted to occur at least part of the calving season, when mother/calf pairs are present in the area, and then the features in the area may require special management, similar to elsewhere in the calving area critical habitat. That's just so you can see sort of the difference between what used to be, what was proposed, and now what's final.

Lastly, or close to last, I wanted to just remind you that the primary impacts of the habitat designation result from ESA Section 7(a)(2) requirements that federal agencies ensure their actions are not likely to result in the destruction or adverse modification of critical habitat and that they consult with us in fulfilling this requirement.

Based on historical consultations, we identified five categories of federal activities that may affect critical habitat. I have them listed here. Of these, we identified two categories of activities that may require modifications to avoid adverse modification of essential features, and that was water quality, NPDES, and oil spill response. I just wanted to point out, in terms of federal fisheries, that the final rule didn't include any new restrictive management measures specific to commercial fishing operations. We will, of course, look at the Section 7 with respect to federal fisheries, but we don't anticipate any of those being formal at this time. That's just sort of a heads-up on what I think will happen.

Again, these are just some new categories that we're anticipating that may affect critical habitat, and so that's sort of the big picture in terms of what's going to happen now that we have this final rule, and that's all I'm presenting to you on that.

DR. LANEY: Thank you, Jenny. Any questions for Jenny? I wanted to ask one clarifying question. If I heard you correctly, you don't anticipate any formal Section 7 consultations on federal fisheries relative to the final rule?

MS. LEE: I guess I would say that is not the official agency answer, but that is me as the person who does a lot of those and will be looking at reinitiating where needed, but I don't anticipate that you would have any formal consultations. Again, it has to do with the actual physical features that are identified as essential for conservation with respect to this rule, as opposed to our usual -- Obviously we have our typical consultations in which we're looking at effects on the species.

DR. LANEY: Thank you. Does anyone have any further questions for Jenny? Seeing none, we will move on to Item 5. Chip is going to walk us through the latest iteration of the ESA/MSA Integration Agreement.

MR. COLLIER: We've been working with General Counsel as well as with Jenny Lee, council staff has, on developing this draft policy, and hopefully it can go towards final potentially at this meeting. That's what our hope is, and there's a few questions that are in the document. If you're looking at page 3 of the document, it's basically in the first line.

The council staff was requesting that we get this notification from the Sustainable Fisheries Division, and then PR was suggesting they could either do it through PR or Sustainable Fisheries. We would leave that up to the council which way they would want that, and so will leave that open for some discussion.

DR. LANEY: All right, council members and committee members, what is your pleasure on that? The committee members, just so everyone knows who they are, are myself, Jessica McCawley, Mark Brown, Zack Bowen, Jack Cox, Michelle Duval, Robert Beal, and Lieutenant JG Tara Pray, who I believe is next door at the Law Enforcement Advisory Panel Meeting, and Bob is not with us, but everyone else is here. Chip, do you want to repeat the question again, for the benefit of everyone?

MR. COLLIER: When we get notification of certain items from PR, such as a biological opinion or a formal consultation, do we want it coming from Sustainable Fisheries, who is truly our partner in this, and they get notified by PR, and so which direction would you guys want this done? Do you want it coming directly from Protected Resources or do you want it coming from the Sustainable Fisheries Division?

DR. LANEY: Does anybody have a preference on that?

DR. DUVAL: I mean it seems like I would expect that we would get that notification through Sustainable Fisheries, because the Regional Administrator and his designees are the ones sitting around the table. I mean I understand, just from the note, that SERO is sufficient for tasking. It seems that the council's concern is just that we be notified in a timely manner of anything coming up, and so, from my recollection, that was why we wanted it to come from Sustainable Fisheries, and not that Protected Resources is not capable of notifying the council of that, but I think it's really more that these are the folks that we sit with around the council table most frequently. I don't know if anyone from the Regional Office would like to weigh in on this or not.

DR. LANEY: Monica or Jack, do you all want to speak to that point?

DR. MCGOVERN: I don't think it really matters. I think it would be fine for Jenny Lee to tell you or if you prefer for SF to let you know about it, but I don't think we have a strong preference.

DR. LANEY: I think Michelle made the point. The point is just timely notification. That's the concern, and so as long as the council gets notified in a timely manner, it doesn't really make any difference, I guess, if it comes from PRD or Sustainable Fisheries, but, generally speaking though, I think you all would know about things that the council needs to know about, hopefully. Does that give you sufficient guidance, Chip, on that point? Okay.

MR. COLLIER: The next question came in about information that the council could provide to SERO in regards to a consultation, and some of this information is looking at how fisheries operate. It could be background information that's already been collected by the council in regards to another fishery management plan. It cannot be information gathered directly to deal with a consultation, because then we would be kind of surveying the fishery. We have a little bit more leeway if we're doing it just for a fishery management plan.

Then there's other fishing practices that you guys are well aware of and different changes that might occur by different areas, and so you guys are much more regionally engaged than potentially the Southeast Fisheries Science Center. You guys come from all over the area, and so you can provide some -- In my eyes, you can provide some really good information on how fisheries operate on a regional scale.

DR. LANEY: I believe we're on Comment 2 here from Jenny.

MR. COLLIER: Yes, and we're still on page 3.

DR. LANEY: Does anyone have any thoughts or comments on that particular point? Dr. Duval.

DR. DUVAL: Thank you, Mr. Chairman. I understand Jenny's comment about maybe the phrasing, and I think if we can -- I do think the point is that, in certain situations, the council may want to provide information to Protected Resources exactly on perhaps sub-regional differences in fishery operation, et cetera, that may not -- That the Regional Office staff simply may not be aware of, and so we want the opportunity to do that. However, this needs to be rephrased to reflect that, and I would encourage that that be done.

DR. LANEY: Okay, and so, looking at the language there, does that capture, Michelle -- Do you have a recommendation for a change in the text there, or do you think it captures it pretty much the way it is?

DR. DUVAL: I think what Jenny's point was is that Protected Resources may do that regardless and that they would likely go to the Regional Office. Is there something above and beyond that the council would want to communicate? It seems less that SERO PR may request information from the council, but also that the council may want to provide information to PR that perhaps is not available, and I would just defer to both staffs for the appropriate way to phrase that to make sure that those pieces of information can be communicated.

DR. LANEY: Would it capture it if we just basically take the last sentence from Jenny's second comment there and just add a sentence to that bullet that says "In certain situations the council may wish to provide specific information to NMFS"?

DR. DUVAL: I'm fine with that.

DR. LANEY: It's in the box there, Chip. If Jenny and council members think that captures it, we could just add a sentence to that bullet that says: "In certain situations, the council may wish to provide specific information to NMFS." I think Jenny is still online, but I think we turned her mic off here. Can I just turn that back on again? Jenny, are you there?

MS. LEE: Yes, that is fine the way you're going with that. My point was, as Michelle said, was just that, whether you put that language in this document or not, PR may request information, and really do that at any time and any involvement. I was just trying to draw out what the meaning behind this was that needs to be in this document, and it sounds like you've got that there, where it's really that the council may wish to provide information in certain cases. That's fine.

DR. LANEY: Right, and so you're comfortable with us just basically -- We're basically just inserting the language from your question into the text there, just to make it clear, I think.

MS. LEE: That's fine, and you could actually take out the language as far as SERO may request information if you want. You can leave it in if you want too, because I'm just saying we would do that, if we needed to, under any involvement level, but yes, I think the way you have it phrased that "In certain situations the council may wish to provide", that's fine.

DR. LANEY: I think it's clearer just to leave it all in there, unless anybody has an objection. Jessica is saying to leave it in. I think it makes it clear as crystal if we leave it in there.

MS. LEE: That sounds fine.

DR. LANEY: All right, Chip, then moving on.

MS. MCCAWLEY: Mr. Chairman, can I ask another question about something else?

DR. LANEY: Sure, Jessica. Go ahead.

MS. MCCAWLEY: On the top of the page, that first paragraph, where it says "as soon as the need for a formal consultation is (re)initiated", I believe that that "(re)initiated" word was formerly "identified". Why is it changed to "(re)initiated"? Is there a difference in the timing of when the council would obtain the items, or is it just a formality that we need to call it initiated or reinitiated?

MR. COLLIER: That's probably more either a Jenny or a Monica question. I believe Monica actually changed that wording there to "(re)initiated" or "initiated".

DR. LANEY: The way that's parenthetical, I presume that means it could be either reinitiated or initiated, either one. Is that right, Monica?

MS. SMIT-BRUNELLO: I am looking for the exact paragraph that Jessica was talking about.

DR. LANEY: It's at the top of page 3, under A. Agreement of the Procedure.

MS. SMIT-BRUNELLO: Yes, I would say that would be either initiated or reinitiated, and I think it was just to cover both situations.

MS. MCCAWLEY: So the word was formerly “identified”. Why was it changed from “identified”?

MS. SMIT-BRUNELLO: The statute talks about initiated or reinitiated, and I think it was just to track some statutory language.

MS. MCCAWLEY: I was just checking. I just was trying to see if that was going to affect the timing of when the council was going to receive the information. If it’s not going to affect the timing by changing that word, I’m fine with it, but I just wanted to just check, just ask some questions.

MS. SMIT-BRUNELLO: I mean that’s a good question. I will let Jenny jump in, and it sounds like she is going to, but, before I do, I believe the whole spirit of this is to get you in the loop as soon as possible. There is though a formal process of starting or initiating a consultation on a certain day, and so I will let Jenny speak, but if it’s your choice to have it be “identified”, I think we could live with that too, and it would still be in the spirit of the agreement.

MS. LEE: I agree that just the wording in that phrase is a little awkward. It was probably revised at some point just to reflect that it could be an initiation or a reinitiation, but it does seem like you would want to say as soon as a need for initiation or reinitiation of formal consultation is identified -- To me, that is an easier-to-understand phrase, but I guess I’m comfortable either way. I guess I was not responsible for taking out the word “identified”.

The only thing I could see as an issue was, based on the beginning of this, it sounds to me like we would be sharing with the council when we think there is a need for formal consultation, as opposed to when we have all of the information we need to officially start the clock on a consultation, and maybe that’s what Jessica was questioning there, was just sort of identifying a need versus actually saying yes, we have started the clock and we have everything we need and we’re reinitiating.

MS. MCCAWLEY: I like the language that she suggested. I wish we could reword the sentence that way, but I see that Monica has her hand up, too.

MS. SMIT-BRUNELLO: My memory came back to me, and I changed it because this is based on -- This whole agreement is based on a policy directive that came out of the Fisheries Service in Silver Spring, and so I was tracking their language that they used, and that’s why I changed it from “identified” to “initiated” or “(re)initiated”.

DR. LANEY: Where does that leave us? Jessica, are you comfortable with the sentence as presently worded, with the “(re)initiated”?

MS. MCCAWLEY: I am comfortable with it, although I preferred the one that Jenny suggested, but I’m okay either way.

DR. LANEY: I suppose one option would be to include both terms in there. We could say “as soon as a need for a formal consultation is identified and/or (re)initiated”. Would that be too awkward, Monica, to throw that word in there, if that gives some people a higher level of comfort

with regard to the clock beginning to tick on the formal process, or does it make you uncomfortable from a legal perspective?

MS. SMIT-BRUNELLO: I guess I would prefer that we track the language of the policy directive. It makes it more clear, and there is a date certain too with initiated or reinitiated, and I think that's probably -- My advice would be that's a better way to go here.

DR. LANEY: Okay, and I see heads nodding, and so I think folks are comfortable with that explanation and tracking that language. Any other comments?

MS. LEE: I would certainly support Monica.

DR. LANEY: All right. Then we can move on to the next one, Chip.

MR. COLLIER: On page 4, under the Section B, Part (3), there is a question if Draft RPAs or RPMs undergo multiple revisions, and what I was referring to with that is if the council is getting Draft RPAs and they actually have some comments on those and they might want them modified and they provide that information to PR, it could potentially come back, after it's been modified, and they can look at it again, to make sure it is meeting what they want the RPAs and RPMs to address or their concerns.

DR. LANEY: Is that clear, Monica? I believe that's your question there, I think.

MS. SMIT-BRUNELLO: I guess my question is does this language -- Chip, I'm looking at the version on the website, and are we talking about my Comment 3?

DR. LANEY: Yes.

MS. LEE: I think the greater issue is probably Monica's comment within my comment.

MS. SMIT-BRUNELLO: Which is the next one. I am fine with that, my Comment 3. I am fine in what Chip just explained, and so then maybe that leads into the next one, and so go ahead, Chip, and then we can talk about that.

MR. COLLIER: Moving on to the last comment there on page 4, the council or council staff may also request that the council staff be provided Draft RPAs for internal review outside of council meetings. The concern with that potentially happening is that could potentially be happening on the IPT and it might not need to be formalized in this agreement. Does the council want it formalized in this agreement or kind of held outside of it?

DR. DUVAL: I guess the question is really if council staff is provided Draft RPAs or RPMs, does that violate some public process requirement? That's Jenny's concern, is that the sharing of this information or drafts of those -- That means it's being shared with all of the public, but it sounds like that wasn't necessarily the intent, that any Draft RPAs or RPMs would be shared back and forth between council staff and Protected Resources staff, and it sounds like during that IPT process, and so perhaps we just need to modify that sentence to clarify that it would be through that IPT process. I don't know.

MS. SMIT-BRUNELLO: That was some of my concern too, obviously, when I commented on Jenny's comment. You all do business in a very public way, and you're supposed to, and you do a very good job of it. I had a little bit of concern about council staff being directed to review Draft RPAs and RPMs for their review outside of a council meeting.

I wasn't so sure that that necessarily fit inside this policy directive. I will be glad to look at the directive again if you want to keep that in here. It seems like there would be an exchange of ideas during the IPT process, which is the -- You know what the IPT process is. I am not sure that there's anything to be gained by leaving it in here.

MR. COLLIER: I think as council staff, and potentially for the council, some of the RPAs and RPMs that do make it in seem to be very difficult to be achieved, and it could potentially leave National Marine Fisheries up for lawsuits, and just having another eye on it before it goes out is always a good idea, but that's -- I understand the legal issue of trying to keep it in an open context, and I'm just trying to wrestle with the difference between this and landings data, which if we're dealing with confidential data, we do keep that confidential and that doesn't go out. Does it need to have certain language in there that this is a piece of information that would be kept amongst council staff and cannot be disseminated?

MS. SMIT-BRUNELLO: For landings data, I mean there's a specific exception under the Magnuson Act that allows council staff, if they're working on a fishery management plan or amendment, to be able to see that confidential information, and you know you have to sign agreements and all kinds of things saying you won't divulge it or your head will be cut off or whatever those agreements say, but, in this context, we don't have the same kind of legal mechanism that provides you that kind of cover.

DR. LANEY: So it doesn't provide any sort of cover that -- Could these be considered pre-decisional?

MS. SMIT-BRUNELLO: In what way?

DR. LANEY: By virtue of the fact that they're draft and they aren't -- There is no final agency decision that's been made on them.

MS. SMIT-BRUNELLO: You have this process set up so that the council is able to see these Draft RPAs and RPMs and comment ahead of time, at which time I think the staff would see them, too. I am just a little uncomfortable with setting up some other kind of process that's outside of this policy directive that could be interpreted to perhaps not quite be in the confines of the law.

DR. LANEY: Does anyone else have comments on this one? I am not sure where this leaves us. It sounds like, Monica, you're uncomfortable with having this process incorporated within the text of the agreement.

MS. SMIT-BRUNELLO: That's a fair statement, yes.

DR. LANEY: So can we take that out, but still have the -- I mean we still have an understanding that the exchange is going to occur during the IPT process, right?

DR. DUVAL: I think I might want that stated in there, just that there may be a review and exchange of Draft RPAs and RPMs during the IPT process.

DR. LANEY: How does that grab you, Counselor?

MS. SMIT-BRUNELLO: If you see my comment, it says I could possibly see this kind of exchange of information maybe during the IPT process. If you want to leave it, why don't you leave it, and I will think further about it at this meeting and tell you at full council. I could see exchange of ideas. However, they may not be such ideas that would be specified exactly in the language of an RPA or an RPM. Let me just think about it a little bit. If you want to leave it, and I sense that's what you want, let me look at the law and look at the directive again, and then you can decide at full council whether you want to keep it in or not.

DR. LANEY: Is that okay with everyone, if we proceed on that basis then?

DR. DUVAL: I think, Monica, the idea is just that -- I think trying to ensure that whatever RPMs or RPAs that come forward, even if they are only seen by the council at subsequent meetings as they are developed -- The material that's put together for the council briefing book is obviously public for everybody, but that there may be some opportunity to refine those RPAs and RPMs to ensure the greatest level of success by having some input from council staff, who may be able to provide some additional information about sub-regional fishery operations that would assist in providing for that greater success. I think that's all we're trying to get to here, and so whatever -- Ponder, and I guess whatever way we might be able to get to that. I understand your discomfort with the language from a legal perspective and the public process.

DR. LANEY: Any other comments on that particular concern? Seeing none, let's move on then. Chip, I believe the next comment is also from Monica, MS5, which is on PDF page 5.

MR. COLLIER: Monica has some good wording choices down there for you. The memorandum will be provided at a subsequent council meeting. However, if workload precludes the development of the memorandum, SERO will respond orally to the council, recommending recommendations at the meeting, or, if workload precludes development and presentation of a memorandum at the subsequent meeting, SERO will respond to the council recommendation at the next council meeting.

DR. LANEY: Okay, folks. Do you have a preference for Option a versus Option b there? They're in the pink box.

MS. SMIT-BRUNELLO: You can come up with Option c, and that's fine. I was just trying to get something on the record, as opposed to a conference call, unless it got noticed in the Federal Register and you had listening stations and all those sorts of things.

DR. LANEY: Okay. Comments on those from council members or committee members?

MR. COX: I think either one of them looks fine.

DR. LANEY: Anybody else have a preference? The first one is shorter. Okay. Either one is fine is the feedback we got from our committee.

MR. COLLIER: Then I will go with the shorter one.

DR. LANEY: I would go with the shorter one, just to save some space. The next one is on PDF page 6, a comment from Jenny, JL6.

MR. COLLIER: This is looking at SERO staff involvement on IPTs. The question is regarding the SERO staff on the IPTs should be prepared to comment on potential FMP alternatives in relation to their effect on listed species when the ESA alternatives are reviewed by the IPT. There is just some language change in there, and I think we can address that. They don't want to be pre-judging. I am going to rewrite this to make it less formal.

DR. LANEY: Does anybody have any specific guidance for Chip there on the rewrite for that one? Seeing none, we will just let him address that and deal with that at full council also. Then we have one -- I think this is the last one, isn't it?

MR. COLLIER: Yes, Jenny recommended taking this last bullet out, which I think is a good idea, because they don't -- As an IPT member, they don't need to be providing this to the council. We're going to be working as a group, as two staffs, and so removing that is a good idea, and the memorandum is actually earlier in the document as well.

DR. LANEY: Okay, and so we have seen this document go through multiple iterations here, and so where I see we are is Chip has a change to make there relative to JL6, and Monica is going to give some more consideration to MS3 and JL4 and get back to us on that language, and so we'll take that up at full council then. Anything else on the ESA/MSA Integration Agreement? I don't see anything else and so we're done with that.

That moves us to Item 6, which is Update from ASMFC/USFWS Service on Protected Resources Issues. I will go through Atlantic sturgeon first, and thanks to Max Appelman from the ASMFC staff, who is our Atlantic Sturgeon FMP coordinator there, for this update. On the last stock assessment subcommittee conference call, the members of that subcommittee were assigned specific assessment tasks. In other words, index standardization, bycatch estimation, growth analysis, trend analysis, and so forth. They are responsible with the oversight of that task throughout the assessment process. Max provides us with a summary of that call, and if you're interested in the details, it should be posted to the ASMFC website by the end of the week.

A tentative date for the stock assessment workshop is mid to late July, somewhere near Raleigh, North Carolina. The tentative date also serves as a target deadline for members to complete tasks and/or generate preliminary results, as these will be the foundation for discussion at the workshop.

Then, in addition to that general update, here are some specifics. Max is still working to acquire the last of the telemetry datasets, and, parenthetically, nineteen of twenty-two of the datasets that we're aware of, the data providers have submitted their data or confirmed that they will be submitting by the end of March, which leaves three researcher datasets currently not having been provided. Hopefully those will be provided. If you recall, we extended the timeframe for the sturgeon stock assessment specifically so we could deal with these acoustic datasets, which we feel will give us a whole lot more information than the conventional tag return data that we have.

Bycatch estimates for North Carolina, South Carolina, and the federal observer datasets are nearly complete, and DPS level estimates are being explored. Recall that there are five DPSs, the northernmost one being the Gulf of Maine, which is listed as threatened, and the other four southerly ones are listed as endangered.

Criteria for selecting usable indices have been developed. A genetics-based stock comparison analysis is being explored to look at changes in stock mixture in different regions through time. A draft report outline has been developed. Technical committee members and some stock assessment subcommittee members have begun writing parts of the draft assessment report. Primarily, at this stage of the game, it's data descriptions and non-assessment type sections. In other words, management history, fishery history, and habitat information.

The assessment appears to be on schedule for review in early to mid-2017. That's the update from ASMFC on the Atlantic sturgeon stock assessment. Any questions that I can convey back to anybody? I don't see any.

The last thing, I think, before Other Business is a red knot update, and I don't have one at present. I am trying to find out if we have any better idea of when the critical habitat proposal will be coming out in the Federal Register. If I find that out, I will send that around to everyone via email, but, as far as I know, that's still being worked on. That brings us to Item Number 7, which is Other Business. Does anyone have any other business with regard to Protected Resources? I see none, and so I believe we can entertain a motion for adjournment. Does anybody object to adjourning? I don't see any objection.

(Whereupon, the meeting was adjourned on March 7, 2016.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Amanda Thomas  
March 29, 2016

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**South Atlantic Fishery Management Council –  
March 2016 Council Meeting  
Jekyll Island, GA**

**Date:** Monday, March 7, 2016

**Committee:** Protected Resources

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