

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
ECOSYSTEM-BASED MANAGEMENT COMMITTEE

Sheraton Atlantic Beach Oceanfront Hotel
Atlantic Beach, NC

December 8, 2009

DRAFT MINUTES

Ecosystem-Based Management Committee:

Dr. Brian Chevront, Chair
David Cupka
George Geiger
Dr. Wilson Laney
Charlie Phillips

Dr. Roy Crabtree
Mac Currin
Ben Hartig
Rita Merritt
Mark Robson

Council Members:

Robert Boyles
Tom Swatzel

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Observers/Participants:

Monica Smit-Brunello
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Jennifer Lee
Phil Steele
Dr. Jack McGovern
Anik Clemens

Additional Observers and Participants Attached

The Ecosystem-Based Management Committee of the South Atlantic Fishery Management Council convened in the Atlantic Beach Sheraton Oceanfront Hotel, Atlantic Beach, North Carolina, December 8, 2009, and was called to order at 8:33 o'clock a.m. by Chairman Brian Cheuvront.

DR. CHEUVRONT: Okay, I'd like to call to order the Ecosystem-Based Management Committee. The first item on our agenda is approval of the agenda. Do we have any additions, deletions or corrections to the agenda? Seeing none, the agenda stands approved. The second item is the approval of the September 2009 Ecosystem-Based Management Committee Minutes. Does anybody have any changes, corrections or additions to the minutes from the September 2009 meeting? Seeing none, those minutes stand approved. The next item on our agenda is a discussion of the Ecosystem-Based Amendment CE-BA 2. At this point I'm going to turn it over to Myra to help walk us through some of the issues here.

MS. BROUWER: Initially what would have happened this morning, the SSC was going to discuss the recommendations that the Coral AP submitted for fishing level recommendations for octocorals. However, the SSC did not have time to get to this item yesterday. They are deliberating on recommendations for the Comprehensive ACL Amendment, which includes fishing level recommendations for data-poor species.

When they have some recommendations for data-poor species, which will include octocorals, then we'll have a little bit more guidance as to how to proceed. Because of that, I think we do not need to discuss the recommendations from the Coral AP, which you all saw at the September meeting. What I'm going to do is walk you through the changes that were made to the document since the September 2009 version of it.

Some of the changes; under the octocoral alternatives we added Option 6. This is on Page 7 of your options paper. Option 6 was to establish an ACL of 39,000 colonies, which is the mean harvest for the period between 2000 and 2008 for state and federal waters combined. That was added based on discussions at the September meeting.

We added Option 4 to the accountability measures action which is on PDG Page 8; and that is that if the harvest in state waters reaches the 50,000 colony quota, then federal waters would be closed to harvest. Action to transfer management authority of the octocoral fishery to the state of Florida was added. This was also a recommendation that came out of the discussions in September. The alternatives that you see there are modeled after what was in the Spiny Lobster Amendment. Yes, Roy.

DR. CRABTREE: I have a question, I guess, for Mark. Mark, do you guys monitor this 50,000 pound quota?

MR. ROBSON: Yes, we do through our trip ticket system.

DR. CRABTREE: How timely is the monitoring, because I know a lot of times with trip tickets there are months of lag before you actually get the numbers on it?

MR. ROBSON: I don't know, Roy, what the exact lag time would be. It's probably not any better or worse than the other forms of trip ticket reporting, but I can find out.

DR. CRABTREE: Okay, because that's why we don't use trip tickets for quota monitoring has always been too much of a lag between when we get it.

MR. ROBSON: Well, I'll check on that. This is a pretty small fishery and that might help, but let me check.

MR. CURRIN: Myra, on Option 4 that you guys added under accountability measures; is the intent there that when the total harvest reaches 50,000 colonies both in federal or state waters, that it close or is it just when the state harvest reaches 50,000 colonies that everything closes? There is a difference. Do you see what I'm getting at?

MS. BROUWER: Yes, and I believe the intent was to make it so that if harvest in state waters reached the 50,000 colony quota, then the federal waters would be closed.

MR. CURRIN: Okay, so it's okay if let's say one year the harvest in federal waters is 20,000 colonies and it's still open, but then state waters reaches 50,000 –

MS. BROUWER: Then everything would close.

MR. CURRIN: – then that's the total harvest of 70,000 and that's okay?

DR. CHEUVRONT: According to the way this is written, that would be okay.

MR. CURRIN: And that's my question; is that the intent? Are we trying to constrain the total harvest to 50,000 colonies in both state and federal waters or are we just trying to constrain the harvest then – it appears that the intent is to constrain harvest in both of those areas. That's my point; that there could be harvest in federal waters that is less than 50,000 pounds. If we're not going to close it until state waters reaches 50,000, then the federal harvest is going to be on top of that and that seems more harvest than at least some would like to see.

MS. BROUWER: The thing about the fishery is the majority of the harvest is in state waters, so the situation that you present is very, very unlikely to ever happen.

DR. CHEUVRONT: Do we want to have some discussion now on the idea of transferring management to the state of Florida? Do we have any comments about that? Yes, Charlie.

MR. PHILLIPS: Well, back to the federal/state, if they were trying to go over, say, the 50,000 colonies, is it practical for those guys to try to pull a lot of stuff out of federal waters so they don't run over their state limit; is that the way you're going to do it? Is it even practical for them to do that?

MS. BROUWER: I believe because the harvest is so species specific they have to basically – there is only one species that is in the top ten harvested species that is in federal waters. I guess

it depends on the demand. They wouldn't have the choice in every situation to do what you suggest.

MR. HARRIS: I was just asking Mark if there is an import issue here where federal control along with the state of Florida would be important.

MR. ROBSON: And I don't have the answer to that. I believe there is already in place some restrictions on import. I know this issue of recordia, for example, had come up where there is a harvest in Haiti, but it has been prohibited I believe from import. I need to follow up on that; I can't answer the question.

DR. CRABTREE: I think we need to work on the alternatives in the language. We have one that says withdraw the FMP, and it says the South Atlantic Coral FMP and delegate management to the state of Florida. Well, you can only delegate management to the state of Florida if the FMP is in place because that's the Management Act; so if you withdraw the FMP, then we just don't manage anymore and leaves Florida to decide what they're going to do with it.

Then it's not clear to me under Option 3, withdraw the federal Coral FMP. This FMP was split years ago, right, so there is a South Atlantic FMP, so there isn't any federal Coral FMP, is there? There is a Gulf FMP and a South Atlantic FMP.

MS. BROUWER: Yes, there are two FMPs, but the quota is a joint quota with the Gulf, but the FMPs are separate.

DR. CRABTREE: So in this case this would make – this then becomes a joint amendment with the Gulf. If that alternative stays in here this would have to be a joint amendment with the Gulf of Mexico FMP, too.

MS. BROUWER: Like I said, these alternatives were modeled straight out of the Spiny Lobster Draft Amendment.

DR. CRABTREE: Right, but that is a joint FMP.

MS. BROUWER: Right.

DR. CRABTREE: So I don't think you can do that.

MS. BROUWER: Okay, I see what you're saying

DR. CRABTREE: So to me you really have I guess three alternatives. One is no action; two is delegate management to Florida; three is withdraw the FMP. Otherwise, if you want to have a joint amendment with the Gulf amending their plan, too, then you could have one to withdraw both, but I would think that would be better, if we're going to do it, to just do it separately. I think that needs a little work.

DR. CHEUVRONT: We might want to go ahead, since we're going to change these options, if we want to have a motion to give direction to the staff or something, to go ahead and do that. Roy, would you like to turn your comment into a motion?

DR. CRABTREE: Okay, I would move that we eliminate Option 3; that Option 2 state "delegate management of the octocoral fishery to the state of Florida. Now there are two Option 2s so that's messing me up on making my motion. I'll call that the other Option 2, which would now be Option 3 would simply state "withdraw the South Atlantic Coral FMP". If you guys can help tweak those option numbers because it's confusing now because we've got two Option 2s there.

DR. CHEUVRONT: Do we have a second to the motion?

MR. ROBSON: Second.

DR. CHEUVRONT: Seconded by Mark Robson. Any discussion on the motion? Any opposition to the motion? The motion carries.

DR. CRABTREE: And then just to point out under Option 2, which is the delegation of management, you're going to have to go through specifically what aspects of the plan are you delegating to Florida and what are the bounds; you know, kind of like all the things we talked about with Spiny Lobster.

MR. HARRIS: I know we're just looking at options now, but if we were to withdraw the South Atlantic Coral FMP, all the work that we did on Deepwater Coral HAPCs would revert to the state of Florida for management; is that what that would mean? I can tell you I wouldn't be in favor of that. Harvest control perhaps, but I wouldn't be in favor of withdrawing the Coral FMP.

DR. CHEUVRONT: Yes, I think that's probably an issue, and that goes along with what Roy was saying, that we'd have to decide exactly what would we be delegating to them.

DR. CRABTREE: That's right and given all the work we've just put into the Coral FMP, I don't personally consider withdrawing the plan a reasonable or viable alternative. I think you ought to have some discussion about whether you want to just take that one out.

DR. LANEY: That was the point I was going to make as well, and I guess also just to clarify my perception. Essential fish habitat would go away under current Option 3 as well, I believe. It would stay under Options 1 and 2, but it would disappear if you withdrew the plan, so that's an additional undesirable feature from my perspective.

DR. CHEUVRONT: Okay, right now I think we're bring up some really good points here, but we're just at options to be developed, but I think these options are coming with some pretty strong caveats that we're going to need to consider when we are figuring out exactly what we're going to do. Is there anymore discussion on this before we move on? Roger.

MR. PUGLIESE: Just a quick point on options that are already included; one of the things that this whole issue of octocorals has brought up was the fact that we did have that split quota or the combined quota between the South Atlantic, which we did not resolve when we split the plan, and one of the options does allow that ability to specify what a South Atlantic octocoral harvest level in federal waters would be, and I think that's going to be one that is a significant one to look at because that is where a lot of this had been kind tied into the original options.

MR. CURRIN: I understand we're just at the options stage, Brian, but I think all the options that we include and consider should be reasonable ones, and I think from the discussion, and it's my opinion as well, that Option 3 is not a reasonable option. If we need three options, let's think of another one. Let's not start trying to analyze that. That will be the most complicated one to analyze; and the longer we leave it in there, then the staff is going to have to deal with to. **I would move that we eliminate Option 3.**

DR. CHEUVRONT: That was a motion, Mac.?

MR. CURRIN: Yes, it was. I'm not even sure it's been considered. We just put it on the table today. Is the appropriate way to eliminate it; that would be my motion. I just say remove it.

DR. CHEUVRONT: Do we want to put something in its place?

MS. SMIT-BRUNELLO: It's not that you always need three alternatives. You need a reasonable range, really, so delegate or not delegate seems pretty straightforward to me, so I think that you're just fine on focusing those two and you don't need to come up with another one unless you can think that there is another reasonable one there.

DR. CRABTREE: I think what you'll find if you go down this path is under delegate management authority, there may be several options as to what exactly you're going to delegate or how you're going to do it. I suspect that gets relatively complicated, but to me the decision right now is either you're going to delegate or you're not going to delegate. Plus, I'd be curious as to whether Florida has any interest in having authority delegated to them; because if they don't, the whole action may be not worth pursuing.

MR. ROBSON: I can't address that last question yet on the delegation part. I'm okay with withdrawing Option 3. I was just wondering if it would be helpful at least to have somewhere documented that in looking at the withdrawal what the rationale would be for not going down that path so we've shown that we've looked at it and considered the pros and cons. If we just take it out now and don't even discuss it, somewhere in the document it would be good to have a discussion about why we didn't even go down that path of withdrawing the FMP.

DR. CHEUVRONT: I think that's a good idea. We've got the motion on the table. Have we even gotten a second for it yet? Okay, Wilson wants to second it. David.

MR. CUPKA: That's why I had my hand up. I was going to ask if you want a second before you discuss it any further.

DR. CRABTREE: Well, to me the rationale is I think there is a clear need for federal management here. These are very large extensive areas. They're located in many cases parts of them at least are very far offshore and in very deep water. There is no assurance that the activities going on out there would necessarily be by vessels registered to the state of Florida, which if we withdrew the plan Florida could manage it, but they could only restrict vessels registered to the state of Florida. I think there is a clear need for federal management in this particular case and that would be the rationale for why we don't want to withdraw the FMP, it seems to me.

DR. CHEUVRONT: Okay, anybody else, any other comments? Okay, the motion that is before us now is to eliminate Option 3, which is the one to withdraw the South Atlantic Coral FMP. Is there any opposition to the motion? Seeing none, the motion carries. Okay, Myra, do you want to move on to the next one.

MS. BROUWER: Okay, moving on with the changes to the document, we added information on Florida's course of action regarding possible harvest of orange cup coral. That is in Pages 22 and 23 of your options paper. In discussing with the state of Florida whether this action was palatable to the state, they suggested that according to the Marine Life Rule, orange cup coral is an exotic and it is a stony coral, so therefore harvest is prohibited in state waters.

The marine life harvesters had already approached the state of Florida to request permission to harvest orange cup coral. The state had a series of discussions and they basically decided that it would entail having to make a change to the Marine Life Rule to make an exception for exotics; that it would present problems with enforcement because law enforcement officers would have to be trained in how to identify the species and differentiate it from other stony corals and other allowable harvest of octocorals.

They recommended not to allow harvest of orange cup coral in the state of Florida. I wanted to bring that to the table to see if the committee would want to consider moving on with this action or in light of Florida's recommendation, if they would prefer to not consider that action in this amendment.

DR. LANEY: I guess the question I have – I certainly am sensitive to Florida's concerns here with regard to their marine life regulations. From a biological standpoint, how invasive is the orange cup coral. If we do nothing, are we running the risk of having it overgrow existing corals; do we know that much about the biology of it? I question is, is it a threat to the ecosystem and how much of a threat; and if we can't address it through some allowable harvest, what other measures are available to the council to try and address the threat?

MS. BROUWER: Right now there is no indication that it's a species that is competing with other native corals. It tends to grow on artificial structures and basically just confined to that. The state has not received any reports that it has become a nuisance. I have heard anecdotal evidence that it has to be removed from artificial structures and it is kind of a pain, but it is not something that is widespread.

MR. CUPKA: But I think I read somewhere that right now it's pretty restricted to artificial structures, but in other areas where it occurs it is on natural structures and they anticipate that in time it will colonize natural areas. At least the people who have looked at it seemed to feel like there is some possibility it could spread beyond just artificial structures. I was curious, too, part of the reason that Florida had a problem with this is because the officers have to be trained to recognize it; isn't this a fairly easy one to recognize, though, given the color of it? I wasn't sure about that aspect.

MR. ROBSON: I couldn't answer that question if there is any similar looking species or not. The staff did talk to some of our coral folks at the Institute and working on these responses, and so I would have to defer to their view on that. For a lot of these marine life species, some of the rules that we have are written in a more general way because of the identification problems. If you start trying to sort out this one is legal and this one is not, then it definitely becomes an issue for the enforcement guys.

DR. CHEUVRONT: So do we want to handle this as a committee; do we want endorse Florida's desire not to allow harvest? Mac.

MR. CURRIN: Yes, under the circumstances, Brian, that seems to be the most logical to me. It's going to be their baby. If we enact something that allows harvest and if they've got problems with how they can enforce it, then I believe that it may cause other problems. **I would move that we remove this action from the CE-BA 2.**

DR. CHEUVRONT: Okay, we have a motion on the table to remove the action. Seconded by David Cupka. Anymore discussion?

DR. LANEY: Well, the only other thing I would add is there is a Gulf/South Atlantic Regional Aquatic Nuisance Panel, and we might want to consult that panel with regard to how much of a threat it is and whether or not that panel might want to work with the state of Florida to take some action to solicit federal funding to undertake some sort of control measure at this state of the game.

If it is highly localized, I know there have efforts in other parts of the country, specifically in California with some particular algal species – I can't remember which one at the moment, but they caught it early. They got a whole bunch of volunteer divers out there. They went out there and they eradicated the infestation. Now whether this one is amenable to that kind of approach I don't know, but perhaps that's something we could at least discuss with the Regional A&S Panel and/or the state after we get some more information about how much of a threat it might be.

DR. CHEUVRONT: That sounds like a good recommendation? Is that something that we can direct staff to make contacts with the Gulf and South Atlantic's Nuisance Panel to see if they would like to comment on this? Does anybody else have some other comment regarding that first? Okay, Ron, would you like to comment on that?

MR. RON LUKENS: Yes, Mr. Chairman, thank you. I happen to be Chairman-Elect of that particular panel so consider it already communicated, and I'll pass that word along.

DR. CHEUVRONT: Okay, just for the record, that was Ron Lukens. All right, thank you, Ron.

MR. CURRIN: Just perhaps an observation or a thought, anyway, a few minutes ago in fact thinking about this and the harvest of these things, I don't know whether it's conceivable that the actual harvest of something like this might facilitate the spread in removing them from artificial structures and disturbing and some floating off or falling off and landing on adjacent natural – I don't know whether that's possible or not or probable, but you'd certainly think the possible. We may, by allowing harvest, create a bigger problem than we have; I don't know.

DR. CHEUVRONT: Well, let summarize what I think is where we are with this because we still have a motion on the table here that we need to vote on. It sounds like what we want to do with this motion at this point is to potentially support Florida in allowing the harvest, but we're requesting some additional study and advice with the opportunity possibly to bring this up later again, if necessary. Does that seem to be the intent of where we're headed right now?

DR. CRABTREE: Well, I'll bring up something that causes some concern. Here we're talking about prohibiting harvest of an invasive species, and the whole premise of the Magnuson Act is that we manage species because they require conservation and management; and so we seem to be saying that this invasive species requires conservation and management when I think what we would all prefer is to eradicate it if we could figure out how to do it because it doesn't belong out there.

I think that is somewhat in conflict with the whole premises of the Magnuson Act, and I'm not sure what the solution to that is at this point. Maybe Monica can help if we could somehow connect that we have to prohibit harvest of this because it's necessary to conserve and manage other species and we're afraid that allowing take of this will have impacts on other species that we do believe conservation and management is necessary. Maybe that works. I wish there was some other way to handle that under the Magnuson Act, but I think we need to be cognizant of that when we write this up; that this is an awkward situation.

DR. CHEUVRONT: And as a matter of fact the Coral AP, when they met in early September, asked the council to come up with some kind of a policy statement on how to deal with invasive species, because they discussed this issue as well. We also have a similar situation with lionfish. If we're going to go down the route of we want to harvest these things to get them out of the ecosystem; aren't we then stuck with doing things like ABCs, OFLs and all that stuff for them?

DR. CRABTREE: This is really why I've thought about this some is in the context more of lionfish than anything else. My view is we should not have Lionfish FMP under the Magnuson Act because it's not what the Magnuson Act was intended for. If we want to eradicate lionfish, we need to develop a program to eradicate lionfish and go do it, but an FMP is not the way to do it.

Now, in this case if the goal is to eradicate this invasive coral, I would advise you to remove it from your FMP and go eradicate it somehow, and that would require the states or the Fisheries Service or someone to put together the funding and go do it. But, if we believe we need to

protect these invasive ones because the consequences of allowing harvest are going to be negative on other corals – and I don't know if that's the case or not.

I get some sense from Florida, at least, that was part of it. That may be a different situation but I would say in general the Magnuson Act is not the appropriate vehicle for managing exotics or trying to remove exotics from the system. It ought to be done under another authority.

DR. LANEY: And I think that authority may be that Aquatic Nuisance Species Act that established these regional panels – and I'll defer to Mr. Lukens on that, but I did talk to our aquatic nuisance species coordinator in Arlington last Friday specifically about lionfish because that had come up not only in this arena but also at the ASMFC, and she did indicate to me that a number of the regional panels at least have lionfish on their radar screen, but I think it stops short of proposing any particular formal eradication plan yet. Ron, do you know if that's the case? You're right, I forgot James was sitting over there. Can you shed any light on that, Dr. Morris?

DR. MORRIS: Certainly, there has not been any discussion at the task force level that I'm aware of that involves any type of management action. Really, I think that certainly in the marine environment that would be a new thing for the task force to consider. Beyond green crab, I don't think we've had any significant management discussion in the task force in terms of that. As with octocorals, we're on virgin ground here.

DR. LANEY: Well, under the existing ANS regulations, once there is a state plan, the states are empowered, then, to seek funding for particular projects; is that my understanding?

DR. MORRIS: Yes, that is my understanding as well, but that funding is limited in terms of enacting management plans. Largely, the task force has provided some minimal amount of funding to help the states develop state management plans, but in terms of support for managing those invasive species in those states, there is very little support provided.

MS. SMIT-BRUNELLO: Well, I would agree with what Roy said, and I think that if you get into the management of lionfish in the sense that you would want to manage it under an FMP, you'd be required to have MSY, OY, all the sorts of things that you're familiar with for managed species. If you did not put it under an FMP and it's your policy that it should be eradicated, then I think that you would not want to put it under an FMP unless you want to establish all those parameters.

DR. CHEUVRONT: Okay, we've still got a motion on the table here, and this is the one to remove the action to possibly allow harvest of orange cup coral. We have sort of segued from the orange cup corals into lionfish because there were some similarities there, but let's go back and vote on this motion that we have here. Roy.

DR. CRABTREE: I've got a couple of questions for Myra or Roger. In the FMP it specifies that this genus is in the management unit, correct, but it doesn't specify any particular species, correct?

MS. BROUWER: It's actually at a higher level. All stony coral harvest is prohibited. It's not just the genus, but it's the stony coral.

DR. CRABTREE: All right, so when the council put that management unit together; was this invasive species – did it even exist in this area? My guess is the council's intent, when they constructed this management unit, was not to include any invasive species, so I'm not even sure that this invasive species belongs in this management unit at all.

It doesn't seem to me, one, that it is appropriate under the Magnuson Act to do that; and, number two, it doesn't seem to me that the council ever intended an invasive species to be part of the management unit. I guess I'd have to ask Monica to think about whether this is, but it seems to me that the better read of this would be that this species is not included in the management unit at this point, but I don't know.

MS. SMIT-BRUNELLO: This is a very interesting question, and I'm not sure that I could give you an exact answer right now, but I'll look into it even further. You have something that's new to the area that has come in that probably falls – it's part of the genus so we have to decide whether you except it out specifically, and then are you going to have to do that, maybe so, everytime some new kind of invasive species or coral I guess that falls under this genus comes in. I'll discuss it with Mike McLemore back in my office and hopefully by full council I can give you better advice.

DR. CHEUVRONT: Yes, it does sound like what Monica is suggesting would be really helpful. Mark, I have a question and maybe you can answer it or Myra; does this orange cup coral appear mostly in state waters or federal waters, because if we exempt it from the management unit, then it's up to Florida to – if it's in state waters, isn't that correct, that it's up to Florida to decide what to do about it? To that point, Roy?

DR. CRABTREE: Yes, that's correct. I'm assuming this is entirely an issue off of Florida, correct, so far; so that's right, so the most logical thing here, it seems to me, that we never intended to manage this under the management unit and we ought to just except it out because it's invasive and it's not in the management unit and then Florida deals with it.

MR. ROBSON: The only information I have in response to your question was that the staff wasn't exactly sure the level of occurrence in state versus federal waters, and it likely occurs in both. It just depends geographically where you are on the shelf. The only thing I was going to say about the motion just to maybe give everybody some comfort is I think we're all kind of working without as much information as we possibly can get on how to deal with an invasive species like this.

I like the idea of getting together with the Gulf and Atlantic team. We've got coral folks at our Institute. There are industry folks involved in this that have been involved, so I think we continue to prohibit harvest but then really sit down and look at whether or not there is an approach that we can take to managing this as an invasive species and then deal with that with a little bit more information. I like the approach of working through that group.

DR. CHEUVRONT: And it does sound like Roy has maybe offered us a possible solution of pulling it out of the management unit and then letting the state of Florida deal with it. David.

MR. CUPKA: To two of Roy's points, I can tell you that I was chairman of the committee when we dealt with Coral FMP and that this issue didn't come up. There was no discussion. This species wasn't even on the horizon when we put that plan together, and there was no discussion at all about invasive species or anything being included or this being the way to deal with it.

This was something that came up after that plan was put into place. I can tell you from my own personal experience orange cup never came up and it was never the intent to try to deal with an invasive species by including it in the fisheries management unit.

DR. LANEY: Well, it seems to me, Mr. Chairman, there is a larger question here, clearly, and that's what do we do when we have invasive species that constitute threats to the habitat, whether it be orange cup coral or lionfish, which is also a threat to the habitat from a lot of respects. I know the Act gives authority to the councils and NMFS to address other sorts of threats to EFH, but is there any particular provision at all for addressing an invasive species that poses a threat to EFH? It seems to me that's an important question.

DR. CRABTREE: Well, if the species is not covered under the management plan, then it has no particular protection, which means that I don't see anything that would prevent state or federal government agencies from going out there and trying to remove it. It says "remove an action". Myra, I can't find the action; is there an actual action number in here?

I find the discussion of orange cup coral, but I don't find an actual management action; and I'm wondering if rather than this motion if we ought not have a substitute motion which is to further explore this issue of whether these exotic species ought to be in the FMP or not, and that really is the action that we ought to be dealing with right now; whether we make clear that these invasive are not covered in the management unit. Is there an actual management action? Where is it; I can't find it?

MS. BROUWER: Yes, there is a list of proposed actions at the beginning of the options paper on Page 3, so it is actually an action at the moment.

DR. CRABTREE: Well, if I could, Mr. Chairman, I would like to make a substitute motion that the action become to consider whether these exotic species are part of the management or not and the ramifications of clarifying that they're not. That would be my motion. If I have a second, I'll give a little more explanation.

DR. CHEUVRONT: Okay, seconded by Wilson.

DR. CRABTREE: And the reason for that is if we say we're going to remove the action to allow harvest, that implies we're going to prohibit harvest, which means we're trying to conserve and manage these corals, which I don't think is what we're doing. I think we need to deal more with Monica and folks and figure out – it sounds like, based on what folks have said, it was never our

intent for these particular species to be in the management unit or not, and that is really what we need to clarify.

MR. CUPKA: I think this gets back to the point that you made, Brian, and when the Coral Committee met they did ask the council or suggested that the council ought to develop some kind of policy. They were talking about orange cup, but I'm sure that they meant broader than that or it should be broader than that. This I think would fit in with that recommendation. I think at some point we do need to sit down and discuss this whole issue and come up with a policy on how we're going to deal with this or not, because it's probably going to come up in other areas in the future. We've already seen it in two areas.

DR. CHEUVRONT: I would like to suggest a couple of things here. I think that's a good suggestion, David, and maybe for the next time this committee meets, if we could have something together where we could have a discussion on invasive species policies. I'm not sure we're ready to do that today.

I think we need to get a little background work done before, and that should be including some kind of liaison or discussions with the Gulf and South Atlantic Nuisance Panel and see if they have some kind of recommendations; you know, things that we can consider and maybe look around to see what other councils or management units have done to deal with these issues, and we could have that as a discussion at our next committee meeting. We have got the substitute motion on the table, but Roger was next on my list to speak and I wanted to make sure that he had a chance before we took a vote if his comments had any bearing on this.

MR. PUGLIESE: Yes, just to kind of bringing it back to the discussion about the inclusion of the species in the original plan and just the habitat implications, one of the points I guess that had come up with this being laid on the table, orange cup and something else like that, is one that I think in that review ought to be looked at is enforcement issues.

One of the concerns was would this provide a loophole and would this provide an opportunity to harvest, if you were going in to harvest that, damage of other habitats or removal of other – you know, being in and removing other types of things, so that was just one of the – if it has become part of the system – I mean, right now we're still in that phase of not knowing exactly if it is a threat or what it is doing.

If it has become part of the overall system, then it's part of the newer evolved system in our area. If allowing harvest would allow damage to the overall system by being able to go out there and harvest that as well as other things or substrates associated with it, that's a consideration that just needs to be in the thought and discussion as you go down the road about how to deal with orange cup.

DR. CHEUVRONT: Exactly; I think that's the kind of comments we're thinking about or the discussion we would have when we were to discuss how to deal with invasive species.

DR. LANEY: To our earlier discussion about whether or not it's in the EEZ, Dr. Sedberry just confirmed that it is present in the EEZ and at Gray's Reef; again, only on artificial substrate, right, George?

DR. CHEUVRONT: Okay, thank you. We've got the substitute motion on the table. If there is no more discussion, I would like to go ahead and take the vote. &&Is there any opposition to the motion? Seeing none, the motion carries, so the substitute motion now becomes the main motion, is that correct?

MR. CUPKA: That is correct.

DR. CHEUVRONT: Okay, so now we have to vote on this as the actual motion. Is there any opposition to this motion? Seeing none, the motion carries. Okay, do we have more things on this to go through, still, Myra?

MR. BROUWER: Yes, what is left to discuss is we added an action without any alternatives at the moment to require that all harvest with the use of all non-prohibited fishing gear in SMZs in South Carolina be limited to the recreational bag limit. This is something that was brought up at the last meeting; a request that we received from South Carolina, and so that action is now part of the options. We did not have any discussion about this at the last meeting so perhaps this is the time to do that and maybe hash out some alternatives, if that's appropriate.

MR. CUPKA: This committee didn't discuss it the last time, but there was a lot of discussion I think in the Snapper Grouper Committee, because that's where it originally surfaced. We had commercial people coming in and were harvesting off these reefs, and our recreational fishermen were getting a little upset.

As I explained back then, we tried to deal with this originally by saying that there couldn't be any commercial harvest on these special management zones because they were established for recreational fishing and we were told that we couldn't do that because we taking an action against a group.

The way we tried to get around it was instead of prohibiting a certain class of fishermen was to prohibit certain gear types, but spearfishing was a popular recreational method of harvest on these reefs. What has happened in the meantime now is we've got commercial harvest on these reefs using spearguns.

What we're trying to do is limit the harvest to just the recreational bag limits so that we won't have people coming in and fishing on these reefs commercially and harvesting commercially. I think at the time we wanted to move ahead on this, but there was so much going on in so many other areas we weren't sure where to stick it, and it got kind of stuck into this options paper since we were moving ahead on it; not that it really fits in here.

It probably fits in better some other places, but we wanted to move ahead. I guess staff decided to add to this particular options paper so we could try and deal with it at this time or at least get some input from the public on whether or not we should move ahead in this direction.

DR. CHEUVRONT: So, I guess what our plan is at this point is we can either continue to consider it as a proposed action under CE-BA 2 and come up with some options or consideration and analysis or we can refer it back somewhere else. We can strike it. What would this committee like to do? Roy.

DR. CRABTREE: Well, what are the FMPs that we're talking about this applying to? I assume snapper grouper; is it also cobia, so coastal migratory pelagic.

MR. CUPKA: Well, it came up in our snapper grouper but it could be – yes, there are cobia that occur on these things as well, so it could have been put in there. I think the only reason it was put in here is just because of the timing and everything else that was going on with snapper grouper that the decision was made to put it in this particular area. It could be put in any of those, I guess.

DR. CRABTREE: It does seem an awkward fit to me in this amendment; and, plus, if we're talking cobia and the coastal migratory pelagics, then it becomes a joint action with the Gulf. My other question is, David, how long – I mean, these artificial reefs were put out there, I assume some of them many years ago, and how long has this been going on and are we going to have commercial fishermen come in and say, "I've been fishing on this reef for 15 or 20 years, and so I have historical level of participation there"; or are these things that have been put out very recently?

MR. CUPKA: Well, the first reef was put off South Carolina in 1968, but there wasn't much to begin with, and then the state took over the reef program and we started building them and using the saltwater fishing license money to build these things, but development is a fairly recent one. It's probably only been within the last couple years that they've figured out that they could do this. I don't think historically they could claim that this is something they've been doing for a long time.

MR. BOYLES: Mr. Chairman, I'm not on your committee. One of the things I'd just like the committee to be aware of is as a matter of policy, the state of South Carolina is the exclusive purveyor of artificial reefs in South Carolina. In other words, unlike other jurisdictions, there are no privately constructed reefs at least that are authorized.

I think the constituent concerns that were brought to our attention this summer raised from the state's perspective a very relevant policy question in that, as David alluded to, we are spending – almost exclusively the recreational community is supporting the development and the maintenance of these reefs, so I think from the state's perspective we are very interested in a policy of recreational utilization of those reefs.

Roy, you asked the question are there commercial folks who can document historic use. There may very well be, but these guys typically, whenever we have had commercial boats sighted on these reefs, we get a lot of complaints about them. I think this past summer some of the boats were Florida boats. Those guys are very well aware of the concerns of our constituents as well as the state's interest in ensuring that there are only recreational quantities taken off this and not commercial quantities taken off.

DR. CRABTREE: Well, a couple of things; first off, the fact that they're Florida boats is irrelevant. Secondly, would we have any commercial fishermen come forward – and when I say commercial fishermen, I include, for example, shrimpers, but is anyone going to come forward and say, “Well, I used to fish in this area and then you came in and put artificial reefs out there.”

I know that has been a conflict with shrimpers in the Gulf in some areas. My concern is, okay, we come in and we build an artificial reef somewhere and then we say no commercial fishing, so we're effectively taking bottom away from the commercial fishery. Secondly, I have concerns can we actually document that there is an issue or a problem?

Can we actually document how many vessels are fishing on these reefs commercially; how often it's happening; and what they're actually removing or is this just based on we're hearing complaints from recreational fishermen? I just caution you I hear complaints from fishermen all the time; and if you start taking action against one group because another group complained, I don't think there would be anybody left fishing.

I have fishermen; commercial, recreational and everybody loves to point the finger at some other sector and say they're creating a problem, and so I have some concerns; one, that we'd be able to document that this is actually happening; and then one that we're very careful about, looking at historical fishing practices in these areas. We just need to be very careful about this.

MR. HARRIS: To Roy's point, Roy, the state of Georgia requested that the council designate our artificial reefs as SMZs a long, long time ago. The primary rationale for that, we did have a little bit of commercial fishing taking place, black sea bass potting, on those reefs, but those reefs were all built with DJ and Wallop-Breaux money and more recent years money from fishing tournaments and then from requiring that all fishermen in Georgia have a fishing license, including saltwater anglers.

That's the source of the funds that was used to build those artificial reefs, so they were built for recreational fishermen with recreational fishing dollars, and that was the rationale way back 20 years ago for requesting the SMZs for Georgia's reefs. How we word it I'm not sure, but I think the situation is very similar in South Carolina, and I would certainly support South Carolina's request to establish their artificial reefs as SMZs.

We don't have, to my knowledge, any commercial fishing on our artificial reefs in Georgia at this time. Also, we do have what we refer to as nearshore reefs; reefs about three miles off the beach, and we had to work very closely with our shrimping community to find areas where we could build those reefs that would not adversely impact commercial shrimping. When you site these reefs and when you get those permits, that is the normal process that we go through to get those permits to site those reefs.

MR. CUPKA: When we first starting building reefs off of South Carolina, the first two that were built before I came to work there were actually put out by fishing clubs. One of the first things that I did was convince the people I worked for that we need to try and take these reefs over and let the state manage them so it wouldn't get out of hand.

I went to those two clubs and they agreed to turn the permits over to DNR, and so they were happy with that and the Corps was happy with that because the Corps wasn't sure that some of these groups that were establishing these reefs were going to be around to where they knew a state agency was going to be around so they could work with them.

They were glad for us to take them over and the fishing clubs were glad because they started to be becoming concerned about liability. We did take those over. Another reason why we did that is because we wanted to make sure that we did work with the commercial fishermen, and we were very sensitive to where we located these things.

Before we would go out and try and get a permit for a new area, we would work very closely with the commercial fishermen, particularly the shrimpers, and a lot of times we didn't build a reef in a certain area because it would have impacted them. Where we have built these things, they have pretty much signed off on, and so we've tried to be very sensitive of that, Roy, not to establish these in areas that historically were used particularly for shrimping. I don't think anybody is going to be able to say, well, that happened because we worked very hard to make sure that didn't occur.

MS. MERRITT: A couple of things; as far as a commercial history of fishing in an area that perhaps we would prohibit in the future, if I'm not mistaken, aren't some of the MPA sites of artificial reefs? Do you know, Myra?

MS. BROUWER: No, I don't believe the MPAs are artificial reefs.

MS. MERRITT: You say you don't know or you –

MS. BROUWER: No, there are no artificial reefs currently in any of our MPAs.

MS. MERRITT: What about the snowy wreck and then –

DR. CRABTREE: That is a wreck.

MS. MERRITT: Wasn't that declared an artificial reef? I'm not sure of this. I know that there are some wrecks that have been declared artificial reefs that then become state maintained. I'm not sure of that. Isn't there another one up this way; up off of Beaufort that was supposed to be – it has wrecks but it is considered an artificial reef that was put into an MPA.

MR. CURRIN: Rita, my best recollection is – well, I'm positive that the one off of Beaufort was considered but was not enacted as an MPA. I believe we did enact or establish an MPA off of South Carolina was designated for future artificial development, but to my knowledge there are no MPAs were established around known artificial reefs, manmade constructed.

This whole discussion I think brought back a question that I asked Monica I believe at the last meeting, and I was going to ask her whether she had determined anything regarding – Monica, I'm talking about the question I believe I asked you at the last meeting or perhaps the meeting

before about a mechanism for the council to cede authority for SMZ management to the states. Have you been able to look into that?

MS. SMIT-BRUNELLO: We're talking about it in our office in various ways it could be done, but I don't have a definitive answer for you right now. It's a difficult thing, but maybe I can get you an answer by council. I've know I've kind of turned up the Bunsen Burner, so to speak, on trying to get an answer a little more quickly than what I've been able to.

MR. CURRIN: All right, thank you. That would be a mechanism for handling this sort of request from either South Carolina or any other state that wanted to change their – or alter their management regulations on SMZs that they've in many cases established, in this case, with recreational funds.

MR. BOYLES: Just to reiterate a couple of things from the state's perspective – and, Roy, I understand and appreciate the Service's concern about in essence allocation. The question that is left for us in the state level is if we are the exclusive purveyors of these artificial reefs, we've heard through public comment the great desire to encourage the development of more reefs.

I can tell you my constituents in South Carolina are going to have a hard time supporting through DJ funds, Wallop-Breaux funds or the even the license funds the construction of more reefs to help recruit or aggregate or just to help populations of snapper grouper species with using recreational funding sources if they're going to be commercially exploited.

The state did seek not a complete prohibition on the commercial use of these areas but simply restricting the possession limit to the recreational bag limit, which we believe is consistent with certainly what we would like to see but also meets the letter of what Magnuson requires. We're very interested in moving forward. With respect to whether it belongs in CE-BA 2 or in Snapper Grouper Amendment 18 or 20, I defer to the council's judgment on that. We would like to move quickly on this. Thank you.

DR. CHEUVRONT: And one thing you need to be careful of, Robert, if you're using Wallop-Breaux funding exclusively to build those reefs, that might actually be a violation of funding if there is commercial fishing going on it, because it should be cost-shared.

MR. PHILLIPS: And to Roy's point earlier, when you start segmenting stuff, this is mine, this is yours, what is going to happen when a commercial group decides that they want to build a reef and they want it strictly commercial? I very well could see this happening. Are we are going to have a recreational reef here, a commercial reef here? I mean, we have to be careful how we go down this road. I'm thinking fair is fair. I don't want to really want to muddy the water, but I want food for thought if we're going to start segmenting stuff.

DR. CHEUVRONT: Okay, good point. Myra.

MS. BROUWER: I just wanted to bring to the discussion the fact that the 15B implementation also throws another caveat to this discussion, and that's because the sale of recreational bag limit

has now been prohibited, so perhaps this is already a deterrent for any commercial fishing to go on in the SMZs.

DR. CRABTREE: You know, really, what we're talking about here – and Charlie's statements made me think – this is marine spatial planning, and this is a big NOAA thing right now that they're looking at, but that's what we're talking about doing. The other thing to be careful about – and I'd have to look back at the wording, but I know in Amendment 15B we prohibited sale of fish caught under the recreational bag limit; and if we restrict these SMZs to the recreational bag limit, I'm not sure that those fish could be sold, but I'd have to look at the language as to whether if you have a snapper grouper permit you get around that or not.

That's a complication we're going need to worry about, but you are starting to get into the realm of zoning the ocean here. I think Charlie raises a good point; what are you going to do when a commercial group comes in and builds an artificial reef? This is a tricky issue and I just caution you to be careful with it. I have been through this before

We had this exact same issue for years off of Alabama, and Alabama has probably got more artificial reefs out there than anyone, and we've had a conflict between commercial fishermen and recreational fishermen there for a long time. There have been various proposals come before the Gulf Council to do exactly this and put limitations on them, but they've never really gotten very far because they turn into a big – it's similar to a big allocation, and I just think if we move forward on this, you need to bear in mind you've got to be fair and equitable to everybody and make sure that you have a solid basis for the decisions you're making.

MR. HARRIS: I don't have any problem with a commercial fishing community building an artificial reef. I'm not sure they would get a permit to build one from the Savannah District Corps of Engineers because that district has basically said that only the state agency can be the applicant for artificial reefs in federal waters off of the state of Georgia. It's not a problem; it's just the financial wherewithal to build an artificial reef. The recreational fishing community doesn't have that financial wherewithal, and I doubt the commercial fishing community does without some source of other funding, because all the funding that's generated by tournaments comes to the state.

It's money that comes to the state to enhance state efforts to build artificial reefs, and nobody is actually building artificial reefs other than the state of Georgia off the coast of Georgia. I'm not sure that's a concern, but I had no problem with the commercial fishermen building an artificial reef if they've got the wherewithal to do it and they can get the permit.

MR. PUGLIESE: A lot of these discussions are very familiar to me. I have heard these over many years. I was involved in the last round where we did SMZ development, and one of the things we used was there is an SMZ Review Group that basically I sat with a representative of the Southeast Regional Office and the Southeast Fisheries Center and looked at the criteria that developed in the FMPs for SMZ development and created a small document that basically looked at the distribution, looked at the designation of that was in the creation of new areas, but it did provide at least kind of a consolidated view of what the criteria, what the request is and how it connects.

One of the biggest things is that, and as I remember the evaluation, is you're looking at what the intent of the initial developer is. If the intent was the funding was for that and it ties very much back to that criteria and that is in the context of the request that could be made, so it was one of those major points that had to be addressed in the individual request back to the council.

But as I mentioned, it was really used when we looked at new areas. This is a modification of the regulation, but it may be something that you wanted that kind of created summary document that then kind goes over those criteria, it discusses those and at least kind of sets this in context. The last time I think we – you also can do it in the context of the amendment separately or a regulatory amendment, but this was in a consolidated document to at least kind of bring the whole point together and then fold it into an amendment.

DR. CHEUVRONT: Okay, I'm going to let Mac speak here in just a second but we need to get it back to this action that's here on our list of whether we're going to consider this under CE-BA 2 – I think is our first issue – and then if we decide that we are going to do that, can we come up with some options for consideration. I'm going to let Mac have the last word and then we're going to come back to discuss whether we think the fish occur under CE-BA 2.

MR. CURRIN: And I'll comment on that after I make the point that I wanted to make in discussion with Roy. Roy, I think I heard Duane say earlier that the state of Georgia came to the council many years regarding their SMZs and requested a regulation exactly like this, and it was approved by the council with the same sort of potential problems that we have with the request that Robert has made.

Personally I don't see that it's a big deal, and I think we ought to move along with it. Now as to whether it ought to be CE-BA 2 or 18; I thought it was going into 18 earlier; and then I think perhaps because some of the staff thought, perhaps Gregg thought that in moving towards this one amendment a year sort of thing or Comprehensive Ecosystem-Based Amendment might be moving toward – and I know you don't like that either, but that's probably the rationale for placing it here, and somebody correct me if I'm wrong. I really don't have a preference where it goes, but I think that the action that has been requested by South Carolina should be – we should develop some alternatives and should place it wherever we can agree upon to place it. I don't care, but Robert's request that this be moved along as quickly as possible and I would support him in that.

DR. CHEUVRONT: If I understood correctly, the point that Roy was making earlier, I think he was saying that if this was strictly affecting the snapper grouper, then perhaps it might be better to go under a snapper grouper amendment; but if it also affected coastal migratory pelagics, then maybe putting it under CE-BA might be better. But even if is just snapper grouper, is it wrong to have it here? I'm not sure. Mac.

MR. CURRIN: To that point, Brian, I mean it may go beyond coastal pelagics. I suspect if these things are far enough offshore, there is probably some dolphin caught off of these things or around them as well, so that's three different plans that might potentially be affected. I'm fine with it right where it is in the CE-BA 2.

DR. CHEUVRONT: Yes, I just want to make sure that we're comfortable with it being here.

MS. BROUWER: I just wanted to make sure you consider, though, that because we're going to have to wait for the SSC to give us recommendations for fishing levels for octocorals, and that may take a while, that this amendment is not looking like it's going to be moving ahead too quickly. If that's a consideration or South Carolina is willing to wait a little longer, then it can remain.

MR. HARRIS: Brian, I think we had a discussion at our last meeting to put it where we thought it would be moved forward in the most timely fashion. I don't remember what the decision was, but that was what we discussed. We wanted to move this forward as quickly as we can to help out South Carolina. I don't know whether we decided specifically to put it in this amendment or to put it in some other amendment. Robert, do you remember that?

MR. BOYLES: I, like Mac, left the September meeting assuming it was going to be in Snapper Grouper 18 or 20 – 18, I guess it was. Again, the state remains interested in moving this along. Again, I understand the questions of allocation and I respect the deliberations that we've got to have. The state's perspective is we're exclusively investing recreational resources in the maintenance and construction of these areas.

We think it's a reasonable policy position for the use of these to be restricted to the recreational bag limit and not telling commercial fishermen they cannot use these reefs, but simply that the personal bag limit is going to be the governing management measure out there. We've already got black sea bass traps, nets, trawls, those kinds of things prohibited in these special management zones. We remain interested in that. Primarily we were concerned about snapper grouper, but the Coastal Migratory Pelagic Plan and dolphin probably would be appropriate to deal with those things as well, those issues in those fisheries as well.

MS. BROUWER: To answer Duane's question, the reason that this action was not included in Amendment 18 is because the council was interested in taking that amendment out to public hearings, and there was not enough time to include this action. That's why it has ended up in CE-BA 2.

MR. CUPKA: I agree with what Duane said. I know the discussion on this came up in the Snapper Grouper Committee, but I know there was also a concern about how quickly we'd be able to move it and trying to keep adding stuff in when we were trying to keep it to a minimum to get it through to meet the deadline, so I don't think we really decided where to put it, and I just assumed staff put it here because they knew we wanted to expedite it. I don't have a problem with it being in CE-BA 2.

MR. PHILLIPS: I understand where you're coming from and I don't have a problem with that. I would be inclined to just keep it simply snapper grouper and not worry about the cobia and not worry about the dolphin. Those guys dolphin fishing commercially or longlining, that stuff drifts around. I don't think they want to be trying to avoid an edge of a box somewhere. I'd keep it clean and simple, which is your main problem, anyway, I think

DR. CRABTREE: Well, I have just a little bit of an issue with the wording of the motion. I think what you're doing now is asking staff to develop alternatives to consider requiring, but the way the motion is written it sounds like you're making your decision about a preferred alternative now, which I would caution you not to do.

DR. CHEUVRONT: I don't think we actually even have a motion yet, so I think this is perhaps some suggested wording that was taken out of the document and added to the motions. At this point this might be a good time for somebody to go ahead and make a motion, if they would like to do so. David.

MR. CUPKA: I'm just wondering why we need a motion; it's already in the document. If we approve this document, then we move ahead and develop the options and then it will be included.

DR. CHEUVRONT: So you want to just include as direction to staff to go ahead and develop some options? Okay, is everybody happy with that? Robert.

MR. BOYLES: Mr. Chairman, I'm not on your committee. Did I understand one of the options might be to cede management authority to the adjacent states, to investigate that?

DR. CHEUVRONT: Does anybody else have any suggestions for additional options that they would like to see staff work on developing? I mean that doesn't limit the staff to just the options that we consider, but we might want to give them some ideas. Okay, I don't see any other right now. Mac.

MR. CURRIN: And I don't have another one; I think those are three reasonable ones to delegate. One action would be the status quo and the third option would be to honor South Carolina's request to prohibit possession of anything other than bag limit.

DR. CHEUVRONT: Okay, Myra, do you have enough direction, do you think, to work with this? Okay, Myra has said yes. Is there anything else that we need to discuss on these potential action items? I think we're done with the document; aren't we, Myra? Oh, the encrusting corals, okay.

MS. BROUWER: I wanted a little bit more guidance from the committee on what to do about the request from the marine life harvesters to allow harvest of two species of encrusting corals. The issue there is these are two species that have a morphotype that is not encrusting. One of them does that is easily removed from the substrate. The other one, the encrusting morphotype is very easily removed from the substrate, so the marine life harvesters claim that it would not be difficult to harvest these species without the substrate on which they're growing, which was initially the reason the council did not want to allow harvest of encrusting species because it would entail potentially harvesting the substrate.

I think according to the state, the feedback that I received was that at least corky seafingers, which is one of the two species, may be allowed under the rule, but there is a statement in the rule that will need to be considered depending on what direction the council wants to follow; and that is that for allowable octocoral, if a state has a catch, landing or gear regulations that is more

restrictive, then a catch, landing or gear regulation in the federal waters, then a person landing in that state will have to comply with the more restrictive regulation.

In the case of allowable octocorals, even if the council were to allow harvest of additional species, they may not be allowed to be landed in the state of Florida because of this regulation, so that throws another bit of complication to that request.

DR. CHEUVRONT: Myra is just looking for some guidance on how to proceed with this, so what is the pleasure of the committee here? Do we have guidance for Myra?

MS. BROUWER: The Coral AP did discuss this in September and they came up with some alternatives, including a size limit for harvesting one of the species that they felt would be appropriate and would limit harvest of the substrate. They're interested in seeing this go forward. My concern is whether there is going to be conflict with Florida's regulations.

DR. LANEY: It seems to me, from having read Florida's memo back to the council, that conflict exists. The only way to get rid of the conflict would be for Florida to amend their regulations. It looks to me like since the state's regulations are more restrictive, we're kind of stuck with that at the moment unless Florida was willing to – I guess the option here is for the marine life harvesters to go to Florida and ask for some amendment of the regulations after which the council could then make its regulations consistent with the state's regulations.

MR. ROBSON: Just so everybody is aware how we go through our process, and it's pointed out in the memo that we work closely with the Florida Keys National Marine Sanctuary in terms of rulemaking, and they would have to be brought into this process if we were going to make any change that would allow these two species to be harvested. It's an additional complication.

DR. CHEUVRONT: So does it sound like, then, that it might be premature for the council to be dealing with this? It seems like we don't have much direction at this point on what to do because we need to wait for – it sounds like what the harvesters need to do is just go to the state.

MR. ROBSON: I think that's probably what needs to happen, and we need to maybe have some discussions at the state level with the marine life group and talk to them more about their request for these two species.

DR. CHEUVRONT: So it sounds like maybe what we want to do is remove this action from here and maybe put it in the appendix or something and just state something about that they need to go to the state first before the council can consider doing anything? Mac, did you want to add something?

MR. CURRIN: Not really, just support that, Brian, and also remind us that on the previous action regarding orange cup, we're very much interested in Florida's opinion and they had problems with it, and we are holding that action off for some period of time and it makes perfect sense to do the same thing here. I don't want to do anything that the state of Florida is not comfortable with regarding a resource that occurs solely off that state.

DR. CHEUVRONT: Yes, and just to be clear, Myra has asked if we could come up with a motion to that effect.

MR. CURRIN: If it is appropriate, then a motion to remove the action or move the action to the appendix for possible consideration in the future. Is that adequate for staff and everyone else?

DR. CHEUVRONT: Okay, just so that we can make sure that we get it read into the record.

MR. CURRIN: The motion would be to remove the action to possibly allow harvest of encrusting gorgonians, place that in the considered but rejected appendix.

DR. CHEUVRONT: Do we have a second for the motion? Wilson seconds. Anymore discussion of the motion? Any objection to the motion? Seeing none, the motion is approved. Before we got on this, Duane, did you have a concern about this document?

MR. HARRIS: I just would like to discuss with staff, not in this meeting context, but the essential fish habitat recommendations below in the document, I think there are some areas where we need to look at those and everybody on the council and committee needs to look at those and see if they feel like they are correctly worded and appropriate. I don't know where they came from. .

I just think there are some errors like the mouth of the Altamaha River for snapper grouper and coastal migratory pelagics. If you're going to do the mouth of the Altamaha River, it ought to be shrimp as well, and those kinds of things, but I'm not sure that snapper grouper really fit into that. Dr. Sedberry may take issue with that because of the freshwater coming from the Altamaha River and the impact on Gray's Reed; I don't know. Just some issues that I think we need to look into, and I would just ask everybody on the council to look at those and get with staff and make the recommendations back to staff. That's all I have. Thank you.

DR. LANEY: Well, Mr. Chairman, back on the exotic species thing for a minute, we passed a motion asking staff to look into whether they are part of the management unit or not, and we had some discussion about the threats that they could pose or they do pose to essential fish habitat. Mr. Lukens has offered to take the orange cup coral issue to the Regional A&S Panel, but we didn't really talk about trying to do something proactive to address the whole issue of how do the councils or this council, in particular, address an aquatic invasive species that does pose a threat either to one of the species in the management unit or to the habitat itself.

I guess the question to you as the chairman and to the members of the committee is would it be productive for us to have some sort of a dialogue with the Regional A&S Panel about what sort of mechanisms exist should a situation arise in the future, like the algae thing in California, maybe, where we've got a species that we all know is a very serious threat and it's confined to a very small area.

I guess probably the state would be a more appropriate entity for trying to undertake any sort of eradication program when something is confined to a small area like that, but I guess I would just

like to have some discussion at some point about what do we do when this situation arises, because we've got two of them out there right now with orange cup and lionfish.

We heard James' presentation the other day. We know lionfish poses a fairly substantive threat, and the longer we do nothing about it the more egregious it becomes. So, where to go, I don't know other than having some sort of a formal dialogue with the A&S Panel, and maybe James has got some ideas he would like to share with us. It would be nice to know what are the options that we have and how can we address these threats or are there none and we just have to live them.

DR. CHEUVRONT: Thank you, Wilson. I think that is part of where we're kind of headed towards with some of our discussion that we want to have at our meeting in March when we've given some direction to Myra to help get some information together. We have James here, and this is probably a pretty good segue into some discussion on lionfish that we had decided that we wanted to have.

MR. CUPKA: My understanding was that we were going to move toward this policy thing, but we didn't want to get into it until we got some background information. We had asked staff to get some background information, including discussions with these nuisance panels and whatever and that we would start working on this in March. I think we have decided how we're going to move ahead on this. That was my understanding, anyway, unless I'm mistaken, Mr. Chairman.

DR. CHEUVRONT: No, David, I think was on the same sheet of music as you were on this. I kind of thought we had started to put that into motion that we were going to head down this path. Are we finished with this document, Myra? Okay, I think we're through the document. Before we get into any of the discussion of lionfish, let's take a five-minute break.

DR. CHEUVRONT: Okay, we're going to start back up with the Ecosystem-Based Management Committee meeting. Okay, where we left off, we were going to get into some discussion of lionfish. Most of us I think were in the room yesterday when James made the presentation to the SSC.

I think at this point we might want to get James to give us some highlights at least of what he talked about yesterday. This kind of fits into our discussion of what we were having earlier about how we're going to deal with some invasive species and things. James, if I could get you, to maybe help you focus a little bit is to – I think you were in the room when we discussing of how we were going to deal with invasive species, so anything that you could contribute to that would be greatly appreciated. Thank you.

DR. MORRIS: Thank you so much for the time to be able to talk about this on this committee. I think that is certainly a new phase of thinking about management of invasive species in the context of how they make threaten resources that the council is charged with stewardship of.

What we find in the lionfish and in the case of octocorals is that we have a particular interest or there is an interest in harvesting those species for economic gain. That places us in an awkward

position in terms of management; where clearly from an invasive species contest we want to remove those species because they seem to be bad for the environment and bad for the system in terms of competing with natives and potentially impacting biodiversity and all of the negative impacts of invasive species.

So how do we create an environment where we encourage harvesting and removal of that invader and in the same context we avoid providing protection when an economic engine is started up? I think that is the challenge. Ron Lukens is here; he chairs now the Gulf and South Atlantic Panel on Aquatic Invasive Species. I actually co-chair or vice-chair of the panel.

He and I have talked a lot about this. We're very willing to go back to the steering committee and put together a perspective document, if you will, in terms of management, some examples that we have where there has been incentives created for the harvest of invasive species. I can tell you they're all going to be examples that exist within a state management plan or a state A&S plan perspective.

We really do not have any good examples from a federal widespread invasive species problem like we see with lionfish. We've just released a lionfish integrated assessment, which I've provided on the table in the SSC room. I brought some extra copies with me if you weren't there and don't have a copy of that.

In that document we do provide some guidance in terms of management of lionfish and the different objectives and the different scenarios for managing lionfish. One of the problems, as I see it, is that we need some type of statement about non-native species and the management of non-native species in some future revision of Magnuson-Stevens that essentially will exempt them from future protection or stock protection at the onset, because that's an issue that is not addressed right now.

It is my understanding that unless a fishery management plan were developed for lionfish, that if that plan is created, that they would have protection, that they would have stock protection from a federal sense. But if there is no fishery management plan developed, then that protection does not exist. I'm not sure about that, and I think that probably could be challenged in the future, say, if a lionfish fishery were created and we set a precedent like with octocoral, for example, of creating a management plan for octocoral, then certainly we would be prone to, say, ten years from fishermen standing up and saying, "Well, you created a fishery management plan for this non-native species; we want one also for lionfish."

We say, well, it wasn't the intent to ever protect lionfish, and so we have to be careful about the precedent that we set with other species that we don't think are going to spread or become an issue outside of, say, Florida because it may come back to bite us in future. The other option that I see and that we discussed some in the integrated assessment is that while lionfish exists out in the EEZ, largely – we've had 50 lionfish sighted and collected this year in the Florida Keys National Marine Sanctuary. We expect that number to be much higher in the next year, and then probably within three to four years we expect completely widespread establishment in the Sanctuary.

In Florida we're obviously going to be state and federal waters, but north of Florida we're talking largely federal waters. There is the option of delegating authority, of course, for managing lionfish to the states with a capital "S", and that way we not have Magnuson-Stevens apply and that protection availability wouldn't be there in the future, but that we would then work with the states and, of course, under the offices of the commission we'll work with the states to develop management plans, which hopefully would be cognizant of any harvesting strategies that may have impacts on existing resources and things like that.

So, there are some options. I think we're at the point of we need to develop some subcommittee type discussions where we thoroughly vet and think through options for management and what the pros and cons of each scenario are. Certainly, the panel is very willing to participate in that dialogue, but I think the larger question – you know, we just released a field guide for non-native marine fishes of Florida, and there are over 30 species of non-native species that we have found in South Florida just like lionfish.

Their abundance in the distribution resembles exactly that of lionfish, and so I can't tell for surety if any of those other species like panther grouper or bamboo shark, whatever it may be that is in that list is going to become established like lionfish. There is no real predictor of invasiveness other than on the course scale, which is some of the data that I provided to you yesterday.

But, I think the larger question is what type of framework do we want and what type of precedent do we want to set for non-native species in general that appear in the EEZ. The last thing I wanted to point out is that if this were a problem in state waters or in terrestrial and aquatic systems, the obvious answer would be we develop an A&S plan, an invasive species control plan.

In this case where we're dealing with such a wide geographic range, a targeted plan isn't really an option, and so the tools in the toolbox are much larger in terms of creating focused harvest strategies. Anyway, I'll leave it at that. I'd be happy to answer any questions in terms of the status of lionfish invasion or any of the research updates that we have ongoing, but I think that in this committee, in this context it would be good provide some background in terms of the management scenarios that we have considered in the past.

DR. CHEUVRONT: Thank you, James. Anybody have any questions for James at this point?

MR. PUGLIESE: Thank you, James. One thing that I will remember the council members is we do have a fairly extensive section on the lionfish on our FTP, which is when we had the first workshop and brought all the experts that have been continually working since that point together in a workshop in Charleston a number of years ago.

My question really was of the biggest things where there was a lot of concern was early on about the possibility of consumption of snapper grouper juveniles and that. From what I see at least from some of the information so far, it is still more of a competition issue. I know there has been discussion about species switching or potential prey switching, but before it was the issue potentially of competition with snapper grouper species. My question really is, is that still one of

the biggest things that seem to be on the table with the more recent information on prey and predator?

DR. MORRIS: Thanks, Roger. Yes, that is correct, you can find the minutes of that 2005 workshop that was held. I think there has been an enormous amount of progress made since 2005. One of the studies that we've just completed and it was just published I think last month or the month before last was a feeding ecology study of invasive lionfish in coral environments in the Bahamas.

We worked closely with the Bahamians because lionfish became established there much earlier than they have and they are becoming established in the Florida Keys, and so we wanted look there so that we could help understand what their impacts are going to be in the Keys. The results of that study indicate that lionfish fish primarily upon the most abundant forage fishes that are available there on the reef, but they do feed some on economically important species.

Bear in mind that those economically important species, juveniles that would be vulnerable to lionfish predation, are fairly low in abundance. We have no information on how that small amount of predation may impact the abundance of economically important species. For example, a small increase in predation mortality for Nassau grouper, for example, could have large ramifications for the stock; I don't know.

While those economically important species are low in abundance in the lionfish diet, the relative impacts of that increasing predation is questionable. Then you have the competition standpoint in terms of dietary resources. We have data now that suggests through bioenergetics modeling of lionfish consumption, as well as you gastric evaluation rates and things like that, that lionfish have already exceeded carrying capacity or have exceeded the dietary resources of reefs at their density.

We're already in an unsustainable scenario at some of these higher densities where we've seen 500 lionfish per hectare. There are not enough forage fishes on the reef – there is not enough biomass on the reef there at those highest densities to sustain even the lionfish population that is there. We are seeing what we see typically with invasive species invasion is that they will exceed the carrying capacity of systems in some locations and you have those environmental impacts and the alteration in the community structure and biodiversity as a result of that.

Then you typically go down and then you level off at some new place in terms of the community structure. You can see many different aspects of this invasion, the impacts of this invasion depending on where you look. The reefs off of North Carolina are much different than the Bahamas, and the reefs off the Bahamas are much different than the Lesser Antilles. Where we're looking for lionfish impacts is going to largely dictate the scale and the level of impacts that observe. That speaks to the diet question.

MR. CURRIN: My question is for Roy or Jack or Phil. What is going on at the national level regarding taking care of these problems with invasive species in the Magnuson Act? Is there movement to change the Act so that the councils don't have to develop FMPs for invasive species and developing some sort of policy on the nation level to deal with these things? One

more observation I guess I made is that the South Atlantic Council has got one species that is not in the management unit yet there is a full-blown commercial fishery that occurs to that, and that is Royal Red Shrimp, I think.

I don't know whether there is any sort of approach along those lines that would allow harvest without the development or inclusion of the species in a management plan. Is that analogous or not; am I missing something?

DR. CRABTREE: Well, I don't thin Royal Red Shrimp is because that's not an invasive species. It is a fishery that exists and apparently this council has never decided that it requires federal management. If you believe it does, then you ought to look at including it in the Shrimp FMP. There have been some internal discussions in the agency with respect to lionfish and how to handle this.

My personal view of it, and it seems to me is that Magnuson is not the place to do that and the Magnuson Fishery Management Plan is not to do that because that's not consistent with the goals of Magnuson. It seems to me that for a species like lionfish, a state or an agency could – or the federal agencies could develop a plan to try and deal with removing lionfish or controlling their populations or whatever.

I don't know enough about the various authorities, the invasive species acts and all those types of things to really be able to comment on that, but it doesn't seem like to me that Magnuson is really the place to do that. I think the councils could be involved in that sort of thing. That's my take on it at least to this point. I am not aware of any discussions, for example, of amending the Magnuson Act to provide for this. That doesn't mean there haven't been some, but I'm just not aware of anything.

MR. CURRIN: As a followup, Roy, I believe that in the absence of a federal plan for a species, states are allowed to develop plans for harvest.

DR. CRABTREE: That's correct.

MR. CURRIN: So I guess that would be a mechanism. How would development of a state plan, for example, in North Carolina or any other state that basically had unlimited harvest and mechanisms for encouragement of harvest for a particular species, lionfish, for example; how would that be viewed by the Fisheries Service and other federal entities?

DR. CRABTREE: The only problem I might foresee with something like that would have to do with the types of gears that are being used. If, for example, the state wanted to go out and use gill nets or longlines or something like that, then we might have concerns about bycatch, turtles and other species of fish. There might be habitat concerns that would be had. If you come up with a gear an adequately address those kinds of concern, I don't think we would have a problem with it. I would think we would support that.

DR. LANEY: Well, the issue already came up at the last – or actually two state/federal fishery board meetings ago. Louis Daniel brought up the possibility of ASMFC considering preparation

of a management plan for lionfish. We had some limited discussion of it. Robert, we didn't discuss it at the last meeting of that board, but I guess it's still sort of on the table should someone decide they want to pursue it further, so that option is there.

DR. CHEUVRONT: Thank you. Any other questions for James? Well, thank you, James, we really appreciated that. Okay, I think that ends our discussion on CE-BA 2. I think we got through all the issues on there. What we have left now are some updates and Myra has a couple of workshops and talk about the Coral HAPC Cruise and Coral Reef Conservation Program.

MS. BROUWER: Yesterday I presented to the Law Enforcement Committee an update on my attendance at the SERMA Workshop. That stands for Surveillance and Enforcement of Remote Maritime Areas. I think a lot of you were there for that presentation, so I'm not going to do again. Basically, it was a workshop that was put together mainly by the Marine Conservation Biology Institute in conjunction with NOAA and the United Nations Environment Program.

The objective is to look at possible surveillance technologies that can be applicable for remote MPAs and the main threat that is perceived for these areas is commercial fishing activities. The discussions focused mainly on technologies for surveillance. There is to be another workshop in which we are going to discuss enforcement issues. Does anybody have any questions or anything that was not addressed by my update yesterday?

Okay, well, if there are no questions on that, I'll just move on to update you the proposal that was included in the South Atlantic Council's to Coral Reef Conservation Program. That is a proposal to take what is being put together for the SERMA and apply it to South Atlantic Region. MCBI has proposed to evaluate current enforcement and surveillance technologies in our region and propose new ones that could be used to enforce protected areas.

This could potentially include any closure area for snapper grouper, the Coral HAPCs and the Deepwater MPAs. Funding for this project will begin October 2010. Like I said, it will build on what has already done by MCBI and the other agencies, so it will be a continuation of that. Does anybody have any questions on that proposal?

MR. CURRIN: Myra, if I remember correctly, I think you said it was designed a priority project. What you just said indicated that – let me ask the question, then, has it been approved for funding yet?

MS. BROUWER: No, this has not been approved. It was submitted to CRCP and we expect to hear back probably early spring.

MR. CURRIN: Okay, is there anything that the council could do or should do to encourage funding of that project, a letter to the funding agency?

MS. BROUWER: At this point I think I wouldn't suggest that anything be done. It has to go through a review process and we should hear soon. Okay, some more updates on Deepwater Coral Activities. There was a teacher workshop that was put together here in North Carolina. It took place in Raleigh at the North Carolina Museum of Natural Sciences in November.

It was very well attended and the council participated. I gave a talk on conservation and management of deepwater coral ecosystems. There were 33 teachers that attended this workshop, everything from pre-K through community college. The workshop was very well put together. Liz Barrett of the museum facilitated it. There were materials that were provided to the teachers, including many of the materials that council have put together on deepwater corals.

I also wanted to mention something that we neglected to update you back in September was the outreach efforts that went into one of the August Deepwater Coral Cruises where Kim and I participated and coordinated a media day. Reporters and council members took a one-day trip to the research vessel that was sampling off of Cape Canaveral. We got a lot of media coverage from that.

Another thing that is going on currently is there is a research cruise being conducted offshore off here in one of the proposed Coral HAPCs. It is one of four research cruises that have taken place in the South Atlantic Region this fall. The South Atlantic, as you know, was chosen to be a priority area for the NOAA Deepwater Coral Science and Technology Program, so they chose to begin implementation of that in our region. These coral cruises are part of that.

Right now there are two benthic landers that are being deployed offshore in the Coral HAPC. These are landers that belong to the Netherlands, so this is being done in partnership with the Dutch. I think they're coming in probably today or tomorrow. I have not been in touch with the scientists, so I don't know how the cruise has been going, but it's taking place right now. I think that's all I had. Does anybody have any questions?

DR. CHEUVRONT: Great, thank you, Myra. The last thing on our updates for the agenda is Ecosystem Coordination Activities. Roger.

MR. PUGLIESE: I wanted to just touch on a number of things that have either gone on or really going to be ramping up in the beginning of 2010 relative to ecosystem activities and the council's coordination and collaboration on these. The first thing I wanted to touch on was a Marine Spatial Planning Workshop that was mainly hosted by TNC but in cooperation with basically a lot of the South Atlantic efforts that have been going toward and moving toward marine spatial planning in the area.

September 30th in Charleston the effort was conducted. It builds on some of the preliminary efforts that were worked on by the Nature Conservancy on development of the Carolinian Eco-Regional Model as well as the Floridian Eco-Regional Model. This was kind of looking at the next step of how to look into this big picture – as Roy indicated – the big push toward marine spatial planning and the opportunities and really looking at the potential tools, what has been done in the past, where things are going and looking at avenues to provide guidance, looking at the opportunity for collaboration and then the opportunity to begin compiling information to understand what this means in context.

It was a well-attended and involved everyone from energy organization to state organizations to all the federal partners as well as conservational organizations and Myra also attended this and worked on workshops and to compile guidance platforms and hopefully there will be a document

that will be prepared and that we can distribute that kind of sets the first discussion for the Southeast Region in that context. Some of the tools that were identified were some work that was done in the northeast from the last round where the Nature Conservancy looked at larger regional planning.

They provided some of the guidance information that has been developed on a spatial scale in that area. One of the things that is immediately obvious is that, of course, they have some very extensive fishery-related and area-related information that they were able to integrate into a broader scope of looking at guidance information.

Now it does have significant limitations because of the types of gears used and different things used, but it did set the stage for looking at a broader scope of what types of guidance tools and things that could be developed. That is something that is essentially just a springboard from which, again, I hope we will see that next iteration and then follow up from where it's actually going to go in terms that TNC is going to initiate a full-blown coordination that could provide something on a broader scale, as well as how that fits into a lot of other activities.

It ties directly into the next area I wanted to touch on was the Governors' South Atlantic Alliance. On October 19th of this year the formal announcement of the Alliance was kicked off in Charleston, identifying the long-term collaboration between the governors and looking toward a broader scope of conservation in our region.

What it has kicked off is the now formalization of the next steps. The individual state workshops have been held to support the Alliance scope and view. The Executive Planning Team will be meeting in January of next year and what is going to follow that is what is called the Sweet Sixteen. Basically the four designees from each of the states will be brought together to review all these guidance workshops that have been held in all the states.

They will review some consolidated form which the planning team will compile of what that is going to do to provide a longer-term plan documents and the next stages of also designated and creating the specific technical support supports that are going to be necessary for the Alliance to continue and to expand and to refine their direction. That is going to really ramp up in literally in the next couple of months. The good thing is that it is formal, it is off and running, and hopefully we'll see a lot of progress in the continued efforts.

The next area I was going to touch on was the activities of the Southeast Coastal Ocean Observing Regional Association. Presently the public policy committee of the South Atlantic Board that I serve on is in Washington right now meeting with a lot of the legislators to look at the next iteration of funding for this effort.

What is being proposed is a kicking up to about \$33 million for the entire nation of ocean-observing capabilities. One of the good things in our region is that there is a significant focus on how this information can provide support into fisheries as being a very high priority. One of the examples in some of the support documents they were identifying is the connection of the different systems with a species like gag, utilizing x-ray in offshore areas and the water

information and the modeling capabilities that may useful for long-term ecosystem based or expanded fishery assessment information.

That is going on right now and there will be followup from to refine the longer-term plan that if those dollars come down the line this year to, again, refine how fisheries will be folded directly into these broader scoping goals of the regional association, as well as the core area of the establishment of the entire structure of the observing capabilities, platform expansion and where that can go and how that could potentially expand our information for fisheries information.

One other area that is continually moving forward is the Southeast Resource Partnership under the National Habitat Plan is moving forward with development of more refined information on review of projects and policy activities. This is tying directly to what is going on at the national level. There is going to be a broader assessment of all habitats in the entire country.

Preliminary information is coming out now, literally right now in the fall, with the intent that link directly into fisheries and fish information, so it's everything from human to the marine systems and there is a real opportunity to use that information in other context and that we can dovetail into our activities under essential habitat, under evaluation of our future activities and funding of conservation efforts through those programs.

The last area I was going to touch on, which is the most recent activity, is the Landscape Conservation Cooperative. The U.S. Fish and Wildlife in cooperation with USGS and really ultimately with all other federal partners, agencies, states, NGOs, et cetera, are underway in kicking off a very broad effort to look at the creation of landscape conservation cooperatives throughout the country.

The South Atlantic is being initiated and one of the first steps was the creation of a scoping – and I think Wilson will get into more detail – I just wanted to touch on the fact that has been initiated. It is a real opportunity for collaboration across all these partners is there and it dovetails very well into the move toward ecosystem-based management, our concerns over EFH, our building of the Internet Mac Server and really some of the more future Arc services I think will fold directly into this effort and can really collaborate and coordinate very effectively.

I just wanted to at least to kind of weave that into this next iteration. I was hoping to have a little more detail and we're really just kicking off kind of the first stage of getting the group formalized and finalized and moving forward. With that, those were some of the broader scope. There are a lot of small components of an ecosystem, but a lot of those really are ramping up and have a lot of implications for fisheries, for what the council is going to be doing in the future and to opportunity to expand our technical capabilities, our broader scope of ecosystem conservation in the region. Any questions?

DR. LANEY: Just a word of elaboration on Roger's last update there on the South Atlantic LCC; in particular the Service originally came up with this concept of landscape conservation cooperatives mostly to address climate change, but we ultimately combined it with our Strategic Habitat Conservation Initiative to look at things on a landscape scale.

Most of you remember that our former regional director, Sam Hamilton, is now the director. Sam sold the concept to Secretary Salazar and the Secretary has decided to adopt it as a departmental initiative now as opposed to just the Fish and Wildlife Service Initiative. The Service is getting \$2 million in the southeast region to set up a single LCC, and the first one to be set up is the South Atlantic in part because a lot of the synergism that existed there with council activities and ongoing work of one of the original ecosystem teams in the northern part of the South Atlantic, which is based in North Carolina, pretty much in the Roanoke/Tar/Cape Fear Watersheds up there.

We're really excited about it. We issued an invitation to the council to participate on the interagency scoping team. We also issued the same invitation to ASMFC and to both of the National Fish Habitat Partnerships that overlap the South Atlantic; those being the Atlantic Coastal Fish Habitat Partnership and the Southeast Aquatic Resources Partnership.

We're currently preparing a plan that has to go into D.C. by December 11th, so by this Friday. We have had limited ability to coordinate inasmuch as we would like, but it's very much going to be just an initial plan, and there will be a much more comprehensive effort down the road to involve all of the partners in setting this thing up.

We do have funding to hire positions, and there are currently discussions ongoing as to where those should be located and how they will be supervised and so forth. As I have more details, I will bring those to the council. I don't think at this point in time I'm going to be here on Friday, so what I'll do is I've got some handouts that I can provide to the council that goes into much greater detail about the LCCs and what they're envisioned to do and how they'll be set up, and I can provide those to Mike for distribution for everybody.

MR. CURRIN: Roger, do you have a good feel at this point for the overall thrust of the South Atlantic Alliance regarding fisheries? Where are they headed in a general sense?

MR. PUGLIESE: Well, I think the good thing is that they're connected in, and the idea is fisheries falls under one of the broader scopes of healthy ecosystems. The intent is to make that connection between fisheries, habitat, water, a lot of these other connecting issues I think where the states may have more influence than – do have more influence than the council in terms of state resources, state waters and state habitat.

I think there is that synergy. Some of it is to be developed. The good thing is that we're at the table. Many of our partners are at the table. Part of the answer to that is I think we can refine and expand and connect that very closely to council efforts and data, for instance, so I think it's in that development stage where I think we can make it be as effective as the partners want it to be.

DR. CHEUVRONT: Any other questions for Roger? Okay, that concludes our business that we had on the agenda. Under other business, I would like to take a moment to recognize my boss and former council member and council chair and director of North Carolina Marine Fisheries, Dr. Louis Daniel. Most of you know who he is. Does anybody have any other business to come before this committee? Wilson.

DR. LANEY: No other business, Mr. Chairman, but just a question to Myra. Did I did miss something or were there no recommendations on actions and alternatives from the SSC on CE-BA 2? That was on the agenda but I don't remember us discussing it.

MR. BROUWER: Right, there were no recommendations on any of the fishing levels from the SSC.

DR. CHEUVRONT: Okay, do we need a timing and task motion, Myra. I think we're pretty squared away. This concludes the Ecosystem-Based Management Committee.

(Whereupon, the meeting was adjourned at 10:59 o'clock a.m., December 8, 2009.)

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2009 – 2010 Committees

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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

ECOSYSTEM-BASED MANAGEMENT COMMITTEE Atlantic Beach, NC Tuesday, December 8, 2009

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