

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**MARINE PROTECTED AREAS COMMITTEE**

**Jekyll Island, Georgia**

**March 6, 2001**

**MINUTES**

**Marine Protected Areas Committee**

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Dr. Louis Daniel  
Tony Iarocci  
Ebbie LeMaster

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Lt. Cmdr. Dave Cinalli  
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Ronald Smith  
Becky Shortland  
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Dr. Jim Weaver  
Columbus Brown  
Michelle Duval  
Terry Gay  
Janie Thomas  
Fred Kinard Jr.  
Tracy Dunn  
Steven Wilson

The Marine Reserves Committee of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, March 6, 2001, and was called to order at 1:30 o'clock p.m. by Chairman John Dean.

Dr. Dean: I'd like to call the meeting of the Marine Reserves, hope to be Marine Protected Areas, Committee to order and ask that you review the agenda. One change is that the report on marine protected areas from Roger Griffis will not be this afternoon but at the Full Council meeting. Having said that, do I hear a motion to approve the agenda?

**Mr. Cole: So moved.**

Mr. Love: Second.

Dr. Dean: I have a motion and second. Is there any objection? Hearing none, so ordered.

The minutes of the meeting of the Committee on February 6 through 8 were distributed. Are there any substantive changes to be made in the minutes at this time? Any typos, et cetera, can be given to Joe directly. Do I hear approval of the minutes as distributed?

Mr. Love: Mr. Chairman, it's not on the agenda but Louis Daniel is also a member of this Committee now.

Dr. Dean: Yes, I'm sorry. The Chairman has appointed Louis Daniel as a member of this Committee and we welcome Louis to this august body, and the quality has probably significantly improved at this time. All right, so I'm still seeking approval of the minutes.

Dr. Daniel: So move.

Mr. Love: Second.

Dr. Dean: Any opposition to approval of the minutes as distributed? All those in favor, say aye; opposed. Hearing none, so ordered.

And, Monica is on the phone, so we're going to pass on that and we'll bring that when she's available, Item 4, and we want an update on that. Item 5 is comments on what we refer to as the NMFS white paper. Jim, are you prepared to make some comments for us?

Dr. Weaver: Yes, thank you, Mr. Chairman. As the Committee will recall, when Bill Hogarth was our Regional Administrator, he asked that the Southeast Region develop a white paper on marine protected areas. And his reasoning for this was twofold.

He felt that there was a lot of potential out there in the public eye, particularly, to not understand the various terminology associated with marine protected areas. For instance, what's a marine reserve; what's a refuge; what's an SMZ?

And he asked us to go out and find the common usage for those various terms and put it in the white paper. His second concern was that there wasn't a universal public appreciation of what authorities existed within the various federal or state or local structures to define marine protected areas.

And, we've had a number of occasions to review the white paper with the Committee and we've received and appreciated the information that the Committee has passed to us as we drafted this white paper.

Right now the white paper continues to be in headquarters under Agency review. I think at this point it's my conclusion that the white paper has served its initial function, that these questions will likely now be referred to the newly established MPA Task Force as they come to grips with terminologies and authorities, et cetera.

So, in essence, there was a period of time when I thought our NMFS white paper would in fact be put out as a separate Agency document, but I think it served its purpose very well by stimulating discussion within the Agency and particularly with our sister agency, the Marine Sanctuary Program, also with our three councils in the Southeast.

But at this point in time I think it's served its purpose; and unless I hear differently in the future I think, again, it will feed into that MPA Task Force that was recently formed. So I'd be happy to answer any questions, but that's an update on our white paper for the Southeast Region.

Dr. Dean: Any questions for Jim on that? Jim, you distributed this paper from NCAS, is that -- we did?

Ms. O'Malley: Yes.

Dr. Dean: The staff did, all right. And you'd commented to me earlier you thought that this probably emphasized that issue of how this has emerged. Would you share that with us?

Dr. Weaver: Correct, Mr. Chairman. I believe, as we peruse this scientific consensus statement on marine reserves and marine protected areas which was released recently from the AAAS meeting in California, I think, referring to page 2, basically confirms why we attempted to develop the white paper in the Southeast Region to start with.

And the question on the top of page 2 is, "What are marine reserves?" And, they speak to their definition of marine reserves as being a subset of marine protected areas. I think that, indeed, in looking at the Council's activity through the Marine Reserves Committee,

that that group, indeed, has looked at this particular terminology and has come up with some very workable solutions to defining what's involved in a marine protected area.

Dr. Dean: We'll accept this as information, then, for Committee deliberations, and I appreciate your comments, Jim. Excuse me, Monica, could you give us an update on the MOU, please.

Ms. Smit-Brunello: Yes, that's not moved out of my office because Mike McLemore and I discussed it, and we had a couple of legal questions that I've been unable to resolve. They're not major ones; they're small ones.

I told the Gray's Reef people that I would take full responsibility for still having it, because they've been doing everything they could do to move it along. And I expect that this month I'll have those issues resolved with the Sanctuary attorneys and it will move on its way, so I expect that you'll see it soon.

Dr. Dean: We'll look forward to having that completed. Well, the next item on our agenda is to come back and remind everybody that we did have a meeting in early February. I would like to say that as a result of that -- and you can see it in the minutes.

We have very comprehensive minutes from that Committee. The Committee worked very hard. It was, I thought, a very productive meeting. The Committee carefully considered the extensive documentation that has been developed with the AP.

At that meeting the chairman and vice-chairman of the AP sat as members of the Committee. And we also had participation by experts in the area that were in attendance at the meeting.

Really, for those of you who don't want to or have the time to go through that tremendous body of discussion, which we think developed a very full and comprehensive documentation of the issues, the last 20 or 30 pages or so really contain the essence of what we came down to.

So with that, I met with Gregg and Kerry yesterday and they have prepared a draft for us to consider and want to emphasize that this was done as an attempt to give us a little jump start and speed in terms of getting the scoping process out and try to gain, essentially, on a meeting is what we're trying to do here.

But they emphasize that this is a draft document for the Council. The Committee has the responsibility of making sure that this is consistent with the Committee's actions as we take, then, the outcome of this to the Full Council. And with that, I'd call on you, Gregg, to introduce this and help us move forward.

Mr. Waugh: Thank you. As you indicated, this is an attempt to respond to some outside stimuli. Generally your staff is smart enough not to get out in front of the Committee and Council, and we are very nervous because we are very far out in front of you all.

We want to make that very clear. What we have done here is take the Committee's discussions and deliberations and the Committee's motion and general direction -- and while Kerry was in the process of putting a draft scoping document together, we received the Ocean Law Foundation letter.

We discussed this and we felt that it would be imperative to try to bring forward a document that you all could look at at this meeting; and if it met with your approval, that would then allow you to approve a document to go out to scoping after this meeting.

What it necessitated us doing is making a number of assumptions in here and projections on what you all wanted to do. And what I'd like to do is go through and point out the areas that are the Committee's wording in here and where we are suggesting a course of action.

Generally what we do, when we prepare a document like this, is layout several options for the Committee to look at. And I felt, given the Ocean Law Foundation and the increased scrutiny that we are coming under, that that might send a wrong message to the environmental community that we were perhaps still looking at a full range of options.

So I requested Kerry to structure this along these lines. Again, this is not meant in any way to limit the Committee and Council. You all can modify this. You can change the approach fully from this. But this is what we feel is a reasonable course of action given this new outside stimuli.

Let me also mention to you that you'll notice in a couple of places we're missing apostrophes. One of our printers in the machine has not been trained to place apostrophes in time so we will take care of that editing.

If we start on page 1, what we tried to do -- the Committee left off with that section that says what are marine reserves. The second and third paragraphs in that section are the Committee's motions.

Towards the end of that meeting, we were discussing whether or not we should stay with using "marine reserves" as our term regionally or whether we should go to "marine protected areas."

And what we tried to structure here is a flow, recognizing that there's federal discussions similar to what we discussed this morning with the AFS article where you have a group of scientists using a particular terminology -- endangered and threatened -- that doesn't mean the same thing under ESA.

We've got the same sort of activity going on nationally at the federal level and nationally at the academic and scientific level, and the article that was just referenced shows that. That's a terminology that is being proposed at a certain level.

The question that you all have to resolve today is whether or not you want to continue using marine reserves regionally, recognizing that we have to ultimately plug into this marine protected area discussion.

So the bolded wording at the bottom is from our public information document, and it's bolded to call your attention to it, that you need to decide whether that stays in or whether we go forward with just talking about marine protected areas.

The concern that we want to raise is that during scoping and informal meetings, we have consistently used the terminology "marine reserves." The public in our area knows what that means when we're talking about it. We're concerned that if we switch to another terminology, it may confuse them.

If you turn over to page 2, those four types, that is directly from the Committee motion. What we are suggesting that you consider for this next round of scoping is focusing on type 2, marine reserve. We point out -- and this is our wording and you all feel free to modify it -- it is the Council's intent to review areas suggested by the public using maps of offshore areas to protected deep water snapper grouper species; for example, speckled hind and warsaw, and taking into consideration criteria the Council has identified.

Now we've still got some Committee work that needs to be resolved on some of these criteria. In addition, later on Kerry will cover the maps. We've got some examples of maps that the Committee requested that we have put together.

At this time it is the Council's intent to prohibit fishing for and/or harvesting or possessing species in the snapper grouper management unit, and we list those. It is not the Council's intent to prohibit fishing for and/or the harvesting, possession of pelagic species.

However, the law enforcement concerns in Appendix D need to be addressed. The public is invited to comment on all aspects of this approach.

So what this is suggesting is that we go out and request the public offer areas that they think would work as permanent closures to protect snapper grouper species. And we're suggesting that we not try to address the issue of pelagics at this time.

You allow pelagics, there just wouldn't be any possession of the snapper grouper species. The rest of this material comes from the public information document. We know the Committee had requested that the scoping document be expanded.

But if you turn to page 11, we lay out a potential change in timing. Originally we had planned to have the Committee work on the scoping document at this meeting, have the Advisory Panel review it in May, and then at our June Council meeting have the Committee and Council finalize the scoping document.

We're concerned about how this would be perceived by the environmental community, so what we're suggesting is we move that process up and approve a document at this meeting to go out to scoping.

And so we've simplified the scoping document because at this stage the primary goal would be to get the public to suggest areas that would be suitable for protecting our deep water, primarily grouper, but snapper grouper species.

Then we would review -- the AP would meet in May. They would also use that scoping document and develop suggested areas. Also, the national marine protected area activity wants to come into the South Atlantic and do some outreach with our constituents.

What we are going to suggest is they come in and do that with our Advisory Panel. The Advisory Panel is a good representation of interests within the southeast.

Then at our June meeting the Committee and Council would review the scoping comments and select some options to go out to public hearing. At that stage the document would be a draft amendment to the Snapper Grouper FMP, because we're focusing in on snapper grouper species.

At that stage we would put in all the justification for marine reserves, examples, more detail on the species and so forth. And then we would go out to public hearings after the June meeting and then come back at the September meeting and review public hearing input.

Then it would be up to the Committee and Council to finalize that at the September meeting, if you're able to, or go to the November/December timeframe and finalize it.

This, in our mind, allows us to respond to the concerns raised in the Ocean Law letter. It would move us along more quickly. And that was the reasoning for restructuring this document. I'd be glad to answer any questions.

Mr. Cupka: Just a point for clarification. On page 11, the final paragraph that says, "if the Committee and Council", it should read something like at the June meeting the Committee and Council will review scoping and AP input?

Mr. Waugh: That's correct.

Dr. Dean: The floor is open for discussion.

Mr. Mahood: And one of the things we did consider, also, Mr. Chairman, is that if the Council decides this is moving too fast, we're still where we were. I mean, we still have the opportunity at this meeting to get into more detail and then approve the scoping document at the June meeting.

So, we didn't feel like we were -- you know, we certainly weren't setting anything back or taking away any options from the Council. This just gives the Council an option to move quicker if they choose to do so.

Dr. Daniel: A question on the Type 3, actually Type 3 and 4, in terms of the minimum time period being one year, does that eliminate the possibility of spawning reserves?

Dr. Dean: Louis, let me suggest something. I anticipate that we're going to go back and revisit some of the details, and I think it's important at this stage that the Committee consider the scope of the document in toto and get consensus at least on timing. Is that all right? We're going to go though details.

Dr. Daniel: Sure.

Dr. Dean: Any discussion?

Lt. Cmdr. Cinalli: Yes, I like this time table. I think it expedites things. I think we can move along. We might have a couple snags along the way. And I think, like Bob said, if that's the case, we can drop back and punt.

But, I think that's a pretty aggressive schedule. I know it's going to keep staff and the Committee busy, and I think it's something we should shoot for and move forward with.

Mr. Cole: Thank you, Mr. Chairman. There is a concern that I have, and we had it at the Committee meeting and I think we still have it today. And there's two things that I don't want to do, I know that.

One is that I don't want to get into a debate of definitions, which other people smarter than I am and the rest of us, I think, are still trying to resolve. And whether we call these things marine reserves or marine protected areas or marine this or marine that, the point is that they can, for our purposes right now, be called both things because no one has, in reality, clarified any fine difference.

But I think what is important here is that the last paragraph on the second page, we need to go back out to scoping. We need to begin to get the public's, our constituency, input on where some of these areas might be.

We have, I think, already discussed at the Committee level, and I think is properly appropriate to move forward in a specific request in this round of scoping to look at

essentially a Type 2 action, which would be a permanent closure with some take allowed, and that last paragraph defines that.

I do have some suggestions, editorial ones, reasonably minor, that I think we could probably work with staff on and get another draft that would, if you would, dodge the proverbial debate, if you will, of having to call these things anything in particular right now.

I am inclined to call the first sentence on the second page where we say, "The Council is currently considering the following types of area closures"; rather than calling them "area closures", I think these are actions that we're asking for comments on.

I think we can call them "actions." Until we have some firm definitions, I think we're going to have to do some word substitutions here to not confuse the public. I don't think we can stand up and tell the public that marine protected areas and marine reserves are synonymous.

The paper that was just handed out from NCEAS kind of destroys that notion because it says that one is a subset of the other. We still don't have the white paper that's being reviewed by the Agency.

So I think that we can salvage this document. It would be my intent to do so this week, and I think that's where we should go. We have debated long enough that this is a good thing and we need to do it.

I don't think that's our question before us anymore. I think what we need to do is to figure out how do we begin to do it. And that's what the staff's document attempts to do. I'm sure that they were rushed to put it together as we have been rushed this week to review it.

I don't mean that critically. I think that a little extra effort later this afternoon or even this evening, and we can fix this animal and put it back out for the Full Council action this week. And that would be my hope, that further discussion here today and your direction to several others, if you would, would put us in that mode to accomplish just that.

Lt. Cmdr. Cinalli: I know we weren't going to talk about the time line, but if I could just do a follow on with Bill. We spent a lot of time talking about definitions at our last Committee meeting, and I know we had a specific motion that we were going to call these MPAs versus marine reserves.

And the way I'm reading this document, MPA covers a much broader variety of options or basically what I would say a full seabag full of tools. I thought we discussed that that would maximize what we could do in the big picture with lots of options.

So I'm just wondering -- and, again, I don't want to get stuck on wordsmithing because I want to see this move ahead because this is really going to help the program in all aspects, but I'm just wondering -- and it's more of a question -- do we move ahead by calling these marine reserves or are we actually hurting ourselves by calling this marine reserves and not marine protected areas?

And the reason I bring this up is we discussed at length at our last Committee meeting -- and this took a lot of time and I want to make sure that we're not taking a step backwards and that we're going forward with it -- so it's more a question than anything.

Dr. Daniel: Yes, I understand the staff's concern about change in midstream and wondering what the perception is going to be amongst the fishing community if we change the name midstream, and whether they're going to think we're trying to pull something over on them or whether we've -- I'm not quite sure what the reaction will be but it could be significant.

I agree with the term "marine protected areas" over the term "marine reserves." I think it gives us a better blanket to wrap this stuff up in and be able to sort of parse out different types of marine protected areas.

I do think the reserve language connotes complete closure, no take and that that may create a problem, Type 1 action. So, you know, I'm not sure what road to take on that. I personally think that -- I mean, based on the Committee's discussions at the last meeting, I think it was pretty clear what they wanted.

But I would like to hear more from staff or from the Committee as to what they think the ramifications may be of going back to public hearing with a different -- people may not even know what we're talking about if we go back out with an marine protected area scoping meeting.

They may not -- the people that have been involved in marine reserves -- or at least some of them -- may not even know what we're doing. It's a possible problem.

Mr. Love: I was just sitting here thinking if we go with marine protected areas and then come right behind that in parenthesis, marine reserves, you're changing the name but yet you're still identifying it with what people are familiar with.

And when they get more familiar with it and with the definitions, it could disappear. That way it gives them a feeling that we're still talking about the same thing that we've been talking about for two years.

Mr. Iarocci: Thank you, Mr. Chairman. I think staff has put together a really good starting point here for us. I think if we go ahead and really address the issues with this -- and, Louis, I have the same thoughts on this, too, but if we address this with the proper definitions, and this is if we define these things properly on paper when we go out to the

public with this, anybody that can read and understand the meaning of what we're saying here -- I know there's been a lot of confusion but as of late all you're hearing about is marine protected areas.

And, granted, people do now, when they hear marine reserve, they look at that as a no-take zone. And that can come under. We start with marine protected area. We've talked about this last night. We've talked about it this morning. We've talked about it for years now.

We've talked about it through the whole process. And I think it's time to go ahead and put it down, put the definitions down, come to a decision on it and get it out to the public. but make sure when we do get it out to the public, we're in complete agreement on it here, and it goes that way.

So there is no confusion any more once it goes out to the public scoping, we don't have to redefine anything. It's on this paper and we can do it. And, like Bill Cole stated earlier, we can do this now, and by Full Council meeting we can address all these issues and have this to go to Full Council.

Mr. LeMaster: Thank you, Mr. Chairman. In the original Executive Order that was signed, didn't the President refer to this as "marine protected areas"? Why would we even consider changing that? That's the order he signed, marine protected areas. I would think that would be the end of that debate.

Dr. Dean: Well, if you'll look in the minutes, why we do use and specifically cite also in the scoping document, which came out of that Committee report, that we're right in line; that is, marine protected areas as defined in the Executive Order.

Yes, the Committee bought into that as the precursor for where we go, but the Committee thought it was terribly important that we get a little more specific as we go forward with the scoping document. I think that's what Tony is suggesting in his comments.

Mr. Iarocci: Yes, if you could look on page 2; I mean, the definitions that we've come up with here, they're short, they're sweet, they're easy to follow. And I think, too, one thing we have to do is we have to allow for the public buy-in.

The fear factor and the editorial comments that are coming out of the sportfishing community and the people that are hearing that these are complete no takes; in the sentence I'd like to see "not" underlined, the second to the last sentence, "It is not the Council's intent to prohibit fishing for and/or the harvesting or possession of pelagics" et cetera.

The "not" right there is something that -- and that's the thing that they keep throwing out, and it's the pelagics. They want to be able to go in and troll for the sailfish, troll for the

kingfish, the migratory fish. We're addressing snapper grouper here; and it's what the Council, that's what we're looking at.

We will be looking at the fully protected, the permanent no take, also, but that right there and these definitions should clear up the misconceptions. I wish we could get Carl Wickstrom to print this in his magazine.

Mr. LeMaster: The only question, Tony, I've got about that is I wonder if there's any question in the minds of the people that did this in the first place. Maybe they intend for a marine protected area to be a no-take zone.

Maybe that's what they intended in the first place, regardless of what Senator Breaux and Carl Wickstrom think. If that was their intent, that it be a totally protected area, I think they ought to make that clear to us, but we may be beating a dead dog here.

Dr. Dean: Ebbie, I would just say that we're the ones that are saying what it is now. This is our ball game, and this is our opportunity to in fact lay out and frame the agenda item. And what the Committee worked very hard at was that we recognize that there are different categories of management areas that we're dealing with and that we -- I thought the Committee said we as a Committee and, therefore, acting hopefully for the Council in this regard that what we think is we need a number of options; that we, the Council, think that there are different ranges of activities and actions that can meet our management needs.

And so that's what led to the genesis; that's what led to the four types that we've categorized to date, and only one of those is a permanent no take.

I think it's entirely conceivable that when we go out with this, that we could find nobody buying into that. I would be disappointed. I would be seriously disappointed if we couldn't get some support to designate some areas as a Type 1. I think it's very important.

But by the same token, to meet the needs of the snapper grouper complex, the Committee argued very strongly -- and it's well documented -- that the Type 2 is an action that would speak very directly to the needs of the snapper grouper complex.

And then if we have that, then we go then to the Snapper Grouper Committee, then, for implementation of that. So that's where we are. We're the ones that are now scoping this. I think the concern that I hear is how do we shape it for the public perception? How do we shape it so the public understands what we want to see accomplished? And we don't need to have obstructions formed unnecessarily.

Mr. Mahood: Yes, first just to answer Ebbie's question of why we were using marine reserves when the Executive Order talked about marine protected areas, if you look back at the history of this Council in dealing with this issue, starting back about 1990, the

intent then or what we discussed then were marine reserves and they were no take. That was it.

I mean, that was the intent of the scientists that got together and put out the documents and so on and so forth. That was when we got kind of handed our head on a platter after our scoping and went home and sulked for about five or six years.

We then came back, and I think the initial thrust, even when we came back, was to look at marine reserves as no-take zones. And I think what we're trying to get across here is if we're going to make the change from marine reserves to marine protected areas, this is the document, but we've got to spell it out.

There's going to have to be a PR effort to explain to people, you know, we've been talking marine reserves all this time but now we're going to change the terminology and talk about marine protected areas. Number 1, we've got to spell that out.

If the Council chooses, the Full Council and the Committee chooses -- the Committee has already taken some actions but the Full Council hasn't taken any actions to get us off of where we were before.

But if that is the direction they want to go, all you've got to do on page 1 is drop that bolded, and then the paragraph above that gives you what the Council's definition of a marine protected area is.

And then up in the first part under "what is a marine reserve", you're going to have to say something like why are we changing from marine reserves to marine protected areas or something like that and then give some explanation of what we're doing.

And that will probably cure a lot of the things I think that -- and, again, if that's the will of the Full Council to go that direction. The one thing that we wanted to point out as a staff is that since '90 we've talked marine reserves and primarily talking about no-take zones.

And I think in this last year with the evolving efforts through the Executive Order and NOAA getting involved in it -- it's unfortunate that Roger couldn't be here today, Roger Griffis, because he's the main staff driver behind the marine protected area program.

Tony will be working with him. He's involved with the Coral Reef Task Force. But we will get to hear from him and I think that he has a real good presentation. I think he's here on Thursday for the Full Council report.

But the way this is structured, there's nothing here that doesn't allow you to make those changes very simply and move ahead, but we're really going to have to do a PR job.

The other concern that I have is when the Department of the Interior goes in and creates these closed areas, they're not talking marine protected areas; they're talking refuges.

I mean, the discussion I heard up in Washington with the Coral Reef Task Force was their authority to go in and create marine refuges. It's like they would create a refuge on the land. There's some very strong feelings that they have that authority.

Again, so that's another term that -- and that's what happened out in the Northwest Hawaiian Islands. Then you have the national monuments, which they can go in and create those. And the same thing, they can control the amount of activity, both fishing and everything else that occurs there. So I'm not sure.

I think my concern is that at some point we do have to probably have a national term that we all use when we move forward in this direction.

I don't think we're quite there yet and I think what's happening is we're struggling here in our area where we've talked marine reserves for so long with maybe trying to tie in to what's happened with the Executive Order. And that's kind of the history as I see it. But this document is very easy to change; I mean, at the will of the Council.

Mr. Cole: I thank Bob for his comments. You know, I think he's exactly right. But, you know, as he muddied the water by some of the things that my Agency calls things, it causes me to be even more convinced today that it's not what we call it, it's the action we take.

And we've got four types of actions that we've outlined. We're asking the public to comment on the second, on a Type 2 action, which Louis says that he needs to debate that openly here in a minute.

But let's, for the sake of argument, say that we follow the staff's recommendation and that we go to scoping and ask for the public's comments on Type 2 action. Now whether we call this thing this, that or something else, I think is really inconsequential.

But if we do as Bob points out, we outline that we historically have called these things -- and I've already made that editorial change -- we historically at this Council have called these things "marine reserves."

However, since then we have an Executive Order and we have this and we have that. We don't know what we're going to -- if the public were to ask me today, "What are you going to call it?"; I don't know. But it's not what we call it, it's the action. And I think that's what we need to focus on.

Dr. Dean: So, Bill, do I understand, you're suggesting that we in fact try to walk away from some of the terminology, only explain it in its broadest context to say that we are in the national arena on this and why we are in the situation we are in.

But when we get to our specifics, why, we're talking about the Type 2 that we have designated. Now understand, you and I disagree a little bit on the importance of the vocabulary on this because of what's out there and, in fact, what's happened even within this Council is starting out that marine reserves in this Council were no take. That was the original discussion.

Those were the original scoping documents. Now we are saying in this Council that we are broadening that, that to this Council marine reserve meant, well, some take under the current designation, that that's what we're asking for.

So that's why the term "reserve" becomes very, in fact, inflammatory, and that's why I think we have to be very careful about that on how we operate under it.

I just want to note that, taking Bob's point, I think that when we cite the Executive Order, there is a NOAA web site that says, "marine protected areas" and then they cite and then they say, "Marine protected areas encompass a range of coastal and ocean areas managed according to specific regulations."

"Typically MPAs emphasize conservation, preservation, and research of natural systems and resources. At the national level MPAs include national marine sanctuaries, national estuarine research reserves, national parks and seashores and national wildlife refuges."

So what I think the Committee came to in February was that MPAs have a fairly broad sweep. Under that we're looking to take a very specific kind of action that meets the needs of the snapper grouper complex, and that action we defined in this sense was a Type 2.

Dr. Daniel: Well, it seems like there's an agreement that there's obviously a difference between the term "reserves" and the term "protected areas." Marine is consistent between both definitions. But, it seems like -- again, I agree with what staff is saying in terms of the confusion that it may end up with.

And we've got a difference between the opinions in terms of using marine reserves or marine protected areas. Why couldn't you use both at least in this next round of scoping? Why couldn't you go out with marine reserves and protected areas to incorporate both schools of thought?

That way you've got good, clear definitions in your document, but then you're able to sort of rely on the history of the South Atlantic Council but then also incorporate some of the new Executive Order information so that we don't have to be stuck with one specific.

Then if we start moving along and the public sort of embraces the MPA definition along with everybody else in the country, then we may be able to drop the reserves down the

road. But it may be that saying "marine reserves and protected areas" may not be redundant and may help.

Dr. Dean: In fact, just to answer those, I don't see them as redundant. I see them as very, very different. And so I think your suggestion, I would just kind of flip it since we -- the discussion of the Committee was that MPA is an umbrella term.

So if you say "marine protected areas and reserves" and then that says that reserves are a subset of protected areas, I think that might accomplish that.

Mr. Iarocci: Louis, a followup on that. Everybody that I've dealt with and everything we're saying today is true on marine reserves. They are categorized no take. In this document here, marine reserves are areas of the sea completely protected from all extractive activities.

MPAs vary considerably. It's something that -- and at the last Committee meeting we had talked about that picture of the umbrella, MPAs, marine reserves, ecological reserves, everything was encompassed under that.

And I think it's time that we are clear with our Council concept of this and to define what we are doing. We are looking at both. Granted, we are looking at a lot of things, but we're looking at it at a national level through the Council as marine protected areas.

And I was all for keeping -- and from talking with different people and looking at what's going on and how the terminology and definitions are coming forth right now, I think I'm more tending toward putting MPAs, changing it, but going along with where we have definitions of the two.

But marine protected areas are what we're going to be dealing with and marine reserves are under those. And marine reserves - and we have it listed, one, two three, whatever -- they will have ratings of extraction.

Mr. Brown: Yes, I think you hit the nail on the head. I think one thing that really is going to help with the public is to really make sure that we articulate what is our intention, what is our intention of having a marine protected area, and how that tool is used, be it through a national wildlife refuge or marine sanctuary in terms of going back to the Council's objective.

The Council's objective is to make sure that we continue to have fishing, and we need to make sure that we express that. Even if you make an area a "marine reserve" and there's no take, it still goes back to the intention of the Council to have fishing continue, maybe not in that area, but overall that fishing continues. We need to make sure that we articulate that as part of our public campaign.

Mr. Iarocci: Thank you for that. Followup on that is the buy-in of fully protected or a no-take marine reserve, if we do it right, is going to benefit the fish, not only the fish, the fishermen, because that thing is going to -- I mean, if these things work the way they're supposed to do and we do our job right, we should be proud of these marine reserves, if they're done right.

It's going to help the resource and it's going to help the fishermen and it's going to help the Council because we're going to look good doing it, if we do it right.

Dr. Dean: Tony, do I hear you arguing that we're actually going to ask for input on Type 1 and Type 2?

Mr. Iarocci: I think you should ask the environmental community about that.

Dr. Dean: Certainly, they'll have that opportunity. So as an action, are you suggesting we ask for an action that we get all four types considered or do we only consider one or two types?

Mr. Iarocci: I think we should have more discussion from the whole Committee on this, but I'd like to see it all go out. I'd like to see what everybody has to say about it.

Ms. Shipman: I'm not on the Committee, but I would be inclined to perhaps take out all the types, but our preferred type for management, our preferred action for management for snapper grouper is the Type 2, but at least throw the others out there; because, as we move on to other species and once, hopefully, we have some ecosystem models in front of us, we may want to go to a Type 1.

Dr. Dean: That really was the thrust of the discussion of the Committee, too, Susan.

Dr. Daniel: I'm going to go back to my earlier comments and that is on spawning reserves, spawning area closures, spawning reserves, and that doesn't appear to be included in the different types. I think that should be the primary, number one, first type of reserve that we set up in the South Atlantic.

I don't know how you logically argue against a spawning area season closure on some of these severely overfished species. And we have those areas, those documented areas of spawning, some we know.

And I think that is our A number 1, no-fail way or jump starting this program and getting support for it. And I refer you back to my memo that I submitted to the Committee in that I think the idea of the Type 1 and the Type 2 reserves are jumping the gun before we have some information through an experimental phase to look at how these things are enforced, to look at what the benefits are, to be able to quantify some of those benefits rather than just to make the statement that they're going to be the end-all, the greatest thing ever for snapper grouper management.

Our Enforcement Committee has said that above all else, don't allow any fishing in these areas, and yet the very first thing we're potentially going out with as our preferred option is a permanent reserve with some take allowed, which is directly contradictory to our recommendations from our enforcement folks.

So, I very strongly believe and will continue to very strongly argue for the first phase being those of spawning area closures of documented spawning aggregations, and no take in those areas of anything.

I think that's where we have an opportunity to really succeed and succeed quickly on this issue and satisfy some of the environmental group's concerns that we're not moving quick enough on some of these species. And I think we've got that information in front of us to do that.

Mr. Mahood: Yes, this may be an additional question of what we're going to do with some of the authorities we already have. Under snapper grouper we can already go in and close areas for the spawning closure or spawning season.

Are we somehow going to incorporate that step that we already have into this? Because, that's really what you're talking about is a closed area for a limited duration of the spawning period. We already do that.

And I think we hadn't addressed that, of folding that into what we're doing with the marine protected area or marine reserve. Even though that is a facet of that, maybe at some point in time we would fold that in, but we do already have that authority and we already take those actions.

Dr. Daniel: Where have we done that?

Mr. Mahood: The spawning season closures?

Dr. Daniel: No, I'm talking about area closures.

Mr. Mahood: The only place I can think of, Reiley's Hump is one that the Gulf has done. I don't know, other than the "Oculina" area which used to be a major gag spawning area is the one we have done. But we do have that authority to go in and close areas.

Dr. Daniel: But I see this whole marine reserves concept folding in coral and AP and snapper grouper and all of that. I mean, I see that as a way, though, of jump starting this process. Whether we have authority under snapper grouper or not is not really of a concern.

We've heard a lot of criticism from both the academic community and the environmental community that we have these known areas of spawning aggregations that we're not

protecting. We may have a spawning season closure, but as we discussed earlier today, we have a spawning season closure for gag, but yet we allow headboat with 30 head on it to go out and catch, you know, 60 gag grouper, which kind of confounds our spawning season protection.

And if we have these documented sites where nassau grouper are aggregating to spawn or where red porgy are aggregating to spawn and we use that as a way to jump start our marine protected areas or marine reserves process, we may ultimately end up with some areas that are permanent no-take or permanent limited-take areas.

But I think until we have gone through this experimental phase on these permanent no-take or limited-take areas and be able to clearly indicate to the public that we are doing something that is going to have a net benefit to the resource as well as be enforceable, then I think we're going to have a hard sell, as opposed to going out to the public with the notion of some spawning area closures as a first step.

How do you argue with that as not being a good first step to get people sort of getting used to these ideas of having these areas where you're not supposed to be, you're not supposed to fish, you're not supposed to take?

Mr. Mahood: I think it would solve your problem then, Louis, if under Type 3 just remove that minimum of one year and then you certainly could go in under Type 3 and do what you're --

Mr. Lee: Just a couple of comments, one with regards to Louis. Again, I'd like to re-emphasize what Bob said and that is that during our deliberations at the Marine Reserve Committee, we talked about this whole area of spawning closures and closing areas, and that would be done under the species committee, snapper grouper and the others.

And that's their responsibility. We know these known sites. It's their responsibility to move out on that area and that would not be left to this particular committee.

With regards to what Tony said earlier on broadening the scope of when we go out on this scoping document, my view on that is that I think this first round should be just like we've got it in the document, and that is we're going to accept comments for the Type 2 closure for the snapper grouper.

I don't think we need to broaden this concept until we get our feet wet and go through this learning process, which is what we're all kind of stumbling around and worried about is that we may not have all the scientific data that we need, but we have enough information that we know we need to move forward.

We need to get our program going. And I think if we broaden it, that's going to have a tendency to slow us down. I would support what Gregg has outlined, and that is we stick with the Type 2 and go forward with this document.

And one other comment for Gregg, if I understood you, one of the concerns I had in our Committee was that we identify in the scoping document the fact where normal management has failed, and this is the next step in identifying and moving forward with the use of marine reserves.

If I understood your comments a while ago, what you're saying is we wouldn't put it in the document at this particular time, but that that would be done in the next step after this goes through the Committee; and then when we actually put the public hearing document together, we would expand on that section of our document that contains the biological and that kind of thing. Is that correct?

Mr. Waugh: That's correct. This document now, if you look on page 7, it touches on some of that. Traditional fishery management practices aren't working, but it doesn't have all the details. And what we're suggesting is that detail would be folded in in the public hearing document.

Lt. Cmdr. Cinalli: Yes, most of what I was going to say -- thank you, Wayne -- Wayne covered it. We did talk about those spawning closures. And we could formally handle it and then pass it to the snapper grouper, to the Committee, or basically just make a motion and then let them handle it, and that's the avenue we chose to do.

But we did talk about it and I think Wayne mentioned it. And I think we still get the same -- actually, we actually expedite it by doing it the second way that we decided.

Mr. Iarocci: Two things, one to address Louis. Yesterday I had met with both the headboat captains that were here and the powerheaders that are here. And both of them I think by Tuesday will be citing areas in Northeast Florida for closures for snapper grouper out in the deeper water. So that's a move forward on that.

And to address Wayne, I think that definitely, you know, I think we should definitely address the Type 2. But I think we should also have comment or at least be able to take comment on the other things because we'd be missing an opportunity to allow that to come forward, because I would like to see how many people are going to come forward with that; but definitely prioritize but allow some kind of timing where they could comment on the other areas or one other area or whatever. I just wanted to have a discussion and see what the Committee, how they were feeling about that.

Mr. Gay: Everybody has pretty much said what I was going to say in regards to what Louis said. I had the same concern at the Committee about the one-year minimum. Basically what we decided at the Committee meeting was that we could still do spawning closures, but we would do them as part of snapper grouper and they just wouldn't be considered marine reserves.

If they were closed for less than a period of a year, they wouldn't be a marine reserve. And I would note, also, that we are moving forward with that in Amendment 13, looking at the mangrove, the gray snapper area that we know of, that's come to our attention.

And, certainly, before Full Council later this week, if more areas come to us, I would think we could throw them in in this amendment and look at them.

Mr. LeMaster: The only question I had about this entire matter -- and I won't belabor it -- is I can foresee months and years of work we'll do on this thing; and if we can't define what a marine protected area is, I think it might behoove us to ask them what they think it is and let them tell us; or, is that our challenge?

Because, what I heard originally on this, when our friend Carl Wickstom got so lit up, was the first proposal I heard was that 20 percent of the waters under the jurisdiction of the United States would be turned into marine reserves, no-take zones like they've done in New Zealand.

Now, would it be wrong to ask the Secretary of Commerce and the Secretary of the Interior what their definition of a marine reserve is? And if it's a no-take zone, that's an entirely different thing.

I don't know how you'd administer one of these things unless you absolutely close it. I'm not saying I think that's the way to do it, but I don't know how you'd administer something out in the middle of the ocean, and say you can take a grouper here and you can take a king fish here. Maybe we ought to ask them what it is and go from there.

Dr. Dean: Other comments?

Dr. Daniel: I understand what Jodie is saying and I understand what others have said about doing spawning area closures on snapper grouper, but what I'm trying to say is doing it under the Marine Reserves Plan gives us an opportunity to move forward with something that people can really see.

And it doesn't have to be -- just because we can do it under snapper grouper, it doesn't mean we have to do it under snapper grouper. And if the majority of our marine reserves impetus right now is to protect snapper grouper, and we can do this under marine reserves, have a two-month area closure, three-month area closure, to get the people used to seeing these things out there, get them to buy into the process, then you can start on Amendment 1 and Amendment 2 and Amendment 3 to the Marine Reserves Plan.

Then you start adding in some of these permanent no-take areas or permanent with some take areas in there. People are starting to kind of get a good feel for it.

But I know up in my area at least, everybody is against them, you know. Nobody wants them -- not in my back yard. And that's what I've heard from everybody that I've talked

to about that. But yet when I explain it to them in that regard, they're like, "Oh, well, you know, that sounds reasonable."

But the first thing that we've got to do with this marine reserve deal is somehow impress upon the public and the people that we're dealing with on this issue that we're not back in 1991 and we're not talking about a 20 percent closure.

Everybody still thinks that's what we're talking about when we bring it up. And so that's one damage control thing that we have to do. But by coming up with that idea I still think -- on the record, mark my words, success or failure is going to depend on the first step we take; and if our first step is towards permanent no-take areas, I don't think we're going to succeed.

Dr. Dean: Louis, just a clarification. This is not a plan. Since we have to be careful about terminology, this is not a plan, that if we identify an area, then we have to, in fact, hand it off to an appropriate body that has a responsibility for managing the plan.

So it would go to the appropriate committee. Now, it could be snapper grouper. It could be habitat, because they have a plan. So we are more -- the discussion that took place in February was that we're more of a think-tank policy group than anything else at this point. We are really going to have to ask others to do the implementation phase of it, and we're trying to put it together for them.

Mr. Iarocci: Louis, I'm 100 percent behind you on the spawning sites. That is going to be -- and I consider that our number one criteria. That's the first thing we should look at, the spawning areas.

And I mean, that's the first thing I'm getting back from people that I'm talking to. But, more important than that is we have to get out to the public. And I know I've got a lot of people in my area that don't even want to talk about a marine reserve or a marine protected area.

But what I'm telling those people is you'd better come to the table because these things, they are coming. They are on the table. You have to learn to deal with this. I went through this with the Sanctuary.

They told me for years that the Sanctuary was going away. They don't tell me that anymore. Now they're telling me, oh, we're going to have to deal with a marine reserve or marine protected area. They are coming.

That's what we have to get across to the people in this number two forum with, you know -- it's not as hard core. And, Louis, I understand. We've gone through this at the last meeting and stuff like that, and I 100 percent agree.

I said the same thing you did at that same committee meeting before, that we start with this. But I think we have to go beyond that right now; I think we should. But I understand 100 percent where you're coming from with this thing because that will be a buy-in.

I'm quoting Ebbie LeMaster at the last committee meeting, too. He said even -- if I remember correctly; I hate to quote you, Ebbie, but I'm going to try to do as well as I can remember. You did state that even the Carl Wickstrom people would buy into the spawning closures on amberjacks and snapper and grouper.

Dr. Dean: I feel like we're going over a lot of the same ground, and the cat is more than flat. We can't even peel it up. I think to help in terms of clarification for the staff to do a little editing here, I think it would be helpful if each member of the Committee told us -- because we do have this definite issue of MPA and what is a marine reserve in your operational definition.

And I think I'm just going to ask each of you just very briefly tell us what are MPAs and what's a marine reserve. And that will help, at least me, see about what we can do about moving forward. So, Wayne, what's an MPA to you and what's a marine reserve?

Mr. Lee: That's what's called "putting you on the spot," Mr. Chairman. I really thought we did an excellent job in the Committee of defining and accepting the executive language on what an MPA is, and that's in our document here.

I mean, that's laid out that a marine protected area is defined in the Executive Order and precisely what that means. And as we define that, that covers the broad scope of everything that can take place from no closed all the way down to a spawning area or whatever.

So that, to me, is what a marine protected area is. Not only that, it puts us in concert with everything I'm reading in the national press that's coming out where they're using the term "marine protected area." And I think, to me, that's what a marine protected area is, is that broad umbrella.

Dr. Dean: How do you interpret marine reserve?

Mr. Lee: Well, marine reserves is primarily, at least in my mind, has been kind of defined as a no-take area. And it seems to be -- I guess when I read stuff, that seems to be the old definition.

I think we, in terms of trying to handle that and cope with that definition, that's how we came up with our four types of marine reserves so that we could expand that beyond a no take so that you would have other options in there, and that's why we came up with the Type 1, Type 2, Type 3 scenario.

Mr. LeMaster: Mr. Chairman, I have no idea what a marine reserve is, but we've got a new President and a new Secretary of the Commerce, new Secretary of the Interior, so I have no idea what they think either.

But, as a layman, I think a marine protected area is just what it says, it's protected; it's a no-take zone, and I think that's the way they intended it. And that's the reason I say that it might behoove us to ask these gentlemen that are now in Washington what it is before we go through years of labor on this thing trying to figure it out ourselves. That's my definition.

Dr. Daniel: I think the third paragraph in "what are marine reserves" if you added a backslash-or, "The Council defines marine protected areas within its jurisdiction as a network of specific areas of marine environments reserved and/or managed for primary purpose of aiding in the recovery."

So I see it as a blanket definition that encompasses many different aspects of areas that are protected, be it by no take or another; whereas, reserves I see as more of a no take.

Mr. Cole: I'm doing what I don't want to do. Mr. Chairman, a marine reserve is the Type 1 action. Marine protected areas can be all four types.

Lt. Cmdr. Cinalli: Okay, I've got to reiterate what Bill said and I also reiterate what Wayne said. And in simple terms, marine reserve is no take, long-term no take. A marine protected area is, again, a full seabag of tools, many options, a marine reserve being one of those options.

Marine protected area, there's many things that you can do: spawning closures; no take and a variety of things, such as Gray's Reef. So I think by calling it "marine protected area", you're broadening your options in how you can manage many areas, which maybe one area does not fit into a total no take but would do very well with a different type of management.

And I think if you call it marine reserve, you're either in or you're out, and it doesn't give you a lot of wiggle room or a lot of leeway. So I think by using marine protected areas, it's a broad umbrella amongst which all of these management types would fall under.

Mr. Iarocci: Joe, just go ahead and reprint what David said and make it a lot easier on you. No, I totally agree with Bill, also, marine protected area, full umbrella; no-take marine reserve, period, cut and dried. We don't need to hear what I have to -- it's the basic same thing.

Mr. Gay: Mr. Chairman, I'm somewhat upset with my fellow Committee members here. As a soldier of the South Atlantic Council and the Marine Reserves Committee, a marine protected area can be nothing but what we define it as at our Committee meeting.

Marine reserve can be nothing but what we defined it as at our Marine Reserves Committee meeting. However, if you're asking me as Jodie rather than a Council member and a member of this Committee, the marine reserves means I don't go in there; I stay the hell out; I don't take anything out of there and neither does anybody else.

Marine protected area would be an area that's closed to spawning or to certain gear types or to certain activities but other activities are allowed.

Mr. Love: I think Type 1 is a marine reserve. I think Type 1 through Type 4 is marine protected areas. Marine reserve is a no take, but yet it's still a protected area so you'd have to include it in the protected area definition.

Mr. Mahood: Okay, Mr. Chairman, it sounds like if you heard the same consensus I did, then we would drop the last bolded paragraph on the first page.

We have a definition that was approved by the Committee at the last meeting there, the second two paragraphs, and then we would go in with the first paragraph and explain why we're changing from the terminology "marine reserve" to "marine protected area."

We'll do a search throughout the document and strike "marine reserves." I think if we're going to make that change here, we probably just want to do away with the term "marine reserves" to keep from confusing people in the future.

As I recall and I think in the presentation that Mr. Griffis is going to make, that when they speak to what the councils are doing relative to these closed areas -- I know in the Gulf he didn't say they created a marine reserves, he said they created no-take areas.

And to me it's going to be cleaner if we have marine protected areas, and then there's four types of those, as somebody stated earlier. So if we're going to make the change, explain why we're making the change at this point, and then maybe strike "marine reserves," you know, and just not use that term in the future.

Dr. Dean: I see a number of nodding of heads in the affirmative, Bob. What I'm really seeking here is enough input that we can do a redrafting on this document.

Mr. Mahood: I mean, we can get this redrafted, this front page. I didn't hear other than -- I'm still up in the air on the Type 3 relative to what Louis' question was, striking the "minimum of one year".

Dr. Dean: Well, that's in the minutes, and the idea there was that anything less than one year clearly would fall within some existing committee's responsibility. It's the long-term basis and the one-year.

Louis, without your trudging through that, we talked about the possibility of putting in that could come out of final of, say, this would be reviewed at five years and ten years; that is, those areas are not in perpetuity. That was the substance of that discussion.

Mr. Mahood: And this brings me back to the question, should our authority we already have to do that be folded in there? Should there then, maybe, be a Type 3B that we could just point out, have the same verbiage, but not have a minimum of one year, to point out that we already have that authority, and that we'll be looking at one type of marine protected area that we're going to look at. I mean, it needs to be in here somehow and explain --

Dr. Dean: I think that it could be very helpful to show in those types where we have authority and can show actions. So how does the Committee feel about that? Include that? Yes. Yes. Yes. Yes. Okay, we should try to include that as appropriate to help clarify.

Mr. Gay: Mr. Chairman, if we're trying to get brownie points or whatever for having marine protected areas or marine reserves, then I think we should strike the minimum of one year, and that way any spawning closures that we would do we would be accumulating those points.

I mean, that's the only significance I see in having it -- we're going to do it whether they're marine reserves or not, I believe. And, it's just a matter of whether you want them to fit as being credited toward the marine reserves process or not.

Dr. Daniel: And, John, it does officially fall under the definition of a marine protected area, regardless of the authority which it falls under. And if we can add that into this document, what we've done thus far, what's possible under spawning area closures, and what may be the potential in the future for using those as marine protected areas, I think it's just going to help us.

Mr. Mahood: And another thing it's going to do, Louis, is when you go out to scoping, you're going to have people come forward and say, well, this is a known spawning area. If you're going to get us, at least, you know, close a spawning area here for whatever the duration is. So it does definitely need to be in the document somewhere.

Dr. Dean: Would you accept Bill's recommendation that we start that with the following types, the heading of the types, consider the following types of actions? Can we put that in the document? Okay.

Okay, is there any further discussion necessary at this point on the scoping document? Do you need anything more, Gregg? Okay.

Ms. O'Malley: I mentioned it, John, but what we need to do is decide whether or not you all are comfortable with the new timeframe we've laid out.

Dr. Dean: I'm sorry, I thought that was clear from the earlier discussion.

Ms. O'Malley: I just wanted to articulate it.

Dr. Dean: Yes, we do want to proceed on this track.

Ms. O'Malley: Yes, I wanted to draw to your attention the maps that are behind me, which I know everyone has come up and looked at. The Committee had requested at its meeting that staff kind of throw together or get some maps.

There were two suggestions. There were maps that just had hard bottom on it, and there was also a suggestion to have maps with hard bottom in existing managed areas. So with the help of the NOAA Coastal Services Center, who have been extremely helpful, really easy to work with, they worked real hard to get these done in time for our meeting.

So I just wanted to thank them publicly. But they gave me these two maps. The one on the left is the one with existing managed areas and known hard bottom, which is from the SEAMAP data. The one on the right is just the known hard bottom.

And the Georgia one is just an example of if you wanted to have a bigger scale and just look at state-by-state, because it's kind of hard to get into detail on the maps, and in no way does it mean we're looking at Georgia more than any other place.

I see Glenn looking at me down there. It's just the one they had printed up. So, that's an example of what it would look like if we just did it on a state-by-state basis.

So we would need some recommendations from the Committee and then the Council as to which type of chart you would like us to bring out to scoping to use as tools for the public to site areas. And the Coastal Services Center said they will help us. And, like I said, they have been extremely helpful. And we really do appreciate that.

Dr. Dean: Kerry, I'd like to suggest that we put these up, let us mull over them and talk, and then we can take action on that at our final.

Ms. O'Malley: Sure, and I also want to mention that hopefully very soon we're going to be able to do a lot of these in house with Roger's capabilities of being the expert he is in GIS and everything. And so eventually we'll be able to do a lot of this in house. Right now we're just not set up for that, but we will be.

Mr. Cupka: I haven't had an opportunity to look at them, but it looks to me like it's more than just hard bottom. They've put all MPAs up there, which include things like nears. It looks like the Ace Basin is up there, for example.

And obviously, those are areas that this Council is not going to deal with so we might want to consider removing some of those. But it looks like it's a lot more encompassing than just hard bottom area.

Ms. O'Malley: Yes, the one on the left is. That was a specific direction from the Committee, you know, to decide whether or not we wanted existing areas on there so that the public had an opportunity to see where any areas they would choose would fit into the grand scheme of things.

And, of course, from my understanding there's been quite a bit of comment made by this Council on that in the past marine reserves process, and so that's why I'm asking for direction now.

Mr. Gay: Mr. Chairman, I think what Kerry asking very clearly is which type chart we would like to see go out to scoping. I think the overall, the big picture, is good.

But, if I look at this particular red dot of hard bottom here on this regional map, I can tell that it's off Wolf Island or Sapelo Island. If I look at it over there, it's in Southern Georgia.

So I think that if you're going to actually start asking people to site specific areas, you need to bring it down to the regional area here. I think it's, you know, a lot better detail.

Ms. O'Malley: I have a question. Would you, then, as we went out state by state, only put up the map of the state you're scoping in at the time or have one of each state no matter where you were?

Mr. Gay: Certainly the most important one will be the state that you're in. And I think if you have the one of just the local state, and then you have the big map to go with it, I think you'll be fine.

Dr. Dean: Well, let me respond. Remember when we had that discussion, though, Mark commented that he essentially fishes all three areas, and he would want the ability to comment on those other areas as well.

Mr. Gay: Yes, he's a rare animal, but at the same time, I mean, he's got a good point. It won't hurt to have them all up, but certainly the local map from where you're at is going to be the one that you'll get the most comments on.

Ms. Shipman: For instance, I think when you went to the hearing in Georgia, you might want to have Northeast Florida and Georgia. I mean, we've heard so much of that through the powerheading issue. I mean, the catches are lumped together. The people are fishing.

You know, even the Georgia-South Carolina maps could all be put up, too. Now, South Florida, there's no need to put that up, you know, when you go to Georgia.

Dr. Daniel: I agree, but I think it would also -- I mean, I think the finer scale we can put these into for the local folks, I think the better off we'll be. I mean, if you go to Morehead City and you've got Cape Lookout down to Bogue Inlet or something, which is the primary fishing grounds that most of the people that are going to be there are going to be interested in looking at, and you can have as detailed a map of that small area, you know, within 50 miles, say, of that area, then have the whole state, then have the whole deal.

But the more we can pare it down -- because when we get there and we have individual headboat captains and commercial fishermen and recreational fishermen that fish just in that local area, you know, if they can come up and point to specific locations that they know and recognize on a finer detailed chart, you may get --

Dr. Dean: Louis, I don't know where we're going to be at this time technically. This is something that Kerry and Roger might be able to do, but this can all be in the computer and somebody could go pull an individual site. You can just dial it up. Are we going to be at that state when we go to this?

Ms. O'Malley: Well, I'll tell you where they're drawing these maps from is the OPIS database. I know the Committee got a presentation on that, but for any Council members who don't know about it, it's OPIS from the Coastal Services Center.

And everything except for the SMZs, which are on these charts but are not yet uploaded onto the web site, everything is coming from that database. And they do have the ability to zoom in even further.

So that is something we can do. We can certainly work with them. Now I don't know what their workload is, and I can't say that, you know, they can easily make 50 maps for us, but --

Dr. Dean: But, in fact on that, you can go in and you can specify the boundaries and it will put up that boundary right now.

Ms. O'Malley: Yes, I could have the computer project it and people could ask me to zoom in closer, and we could look at an area closely.

The one thing that was requested that we cannot get on there, and we're not sure if we're going to be able to, are the lines of position, LOPs, which are the old Loran sea numbers, which is what a majority of at least commercial fishermen use to know their sites.

CSC doesn't know of a way to get them digitally and overlay them on this, and I don't know how to resolve that. We brought the NOAA charts with us this time just in case

someone had a question, and we may, unfortunately, have to keep cross referencing the two for now until they figure out that technology.

The other thing, just to clarify again, if this Committee can forward some recommendation, and then further the Council, about whether or not you want the managed areas that exist on the maps that you are talking about, or do you just want the hard-bottom data?

Mr. Cupka: The only point I was making earlier is there's obviously some areas on there that we could take off and wouldn't lose anything as far as what this Council has to consider, areas like near areas, for example, refuge areas or something, it wouldn't be quite as cluttered. And we can't do anything with those areas, anyway. So, we'll take a look at it, but I'm sure there's some types that we can eliminate.

Dr. Dean: But, David, the point there was that there was comment that we think that the public needs to know the other areas that are MPAs in the whole region, that it develops a total picture. You may want to take that off, but recognize that's why it's on the one we asked for now.

Mr. Gay: Mr. Chairman, I would suggest that you would want to have the areas that offer some type of protection -- marine protected areas -- listed on there. Because if you don't, if I'm a fishermen going in opposed to marine reserves, the first thing I'm going to do is say you're not even giving me damned credit for what you've already done, you know, and you're wanting more.

So I think you at least take that ammunition away if you do have it up there and have it on the maps.

Mr. Lee: Louis kind of said what I was going to say about having in the regional, when you get to the regional area, we have that detail. But I also think it's very important that we have maps for each one of the states, everywhere that you go because some of the first questions that are going to come out is, well, what are they doing in South Carolina or what are they doing in Georgia? And I think that you need to be able to reflect that and answer those questions on the front end.

Ms. Shipman: And I agree with you, Wayne, particularly because of the mackerel tournament series. I mean, those guys are fishing this whole coast, and they know where the hard ground is that they're tournament fishing. And I think it is important for them to see the areas coastwide.

The one question I would have for the Committee -- and I'm just looking at the Georgia one -- I mean, a lot of that is not MPA, that's terrestrial. Are y'all suggesting you would leave the terrestrial protected areas up there as well, the wildlife refuges? I mean, some of that has nothing to do with MPA. It's really a terrestrial.

Dr. Dean: What's terrestrial, Susan, that you've got on there?

Ms. Shipman: All those islands.

Mr. Cupka: And that's the point I was trying to make. I mean, clearly, there are areas there, including wildlife refuges and land, that really doesn't have any impact.

Dr. Dean: But the discussion was that when we deal with such things as habitat, those are critical habitats for a lot of the species we manage. So that was the idea of including it, to show that there are relationships, that's all.

Ms. Shipman: Yes, some parts of the Savannah Wildlife Refuge I would certainly agree; I think the marsh areas, that type of thing. But there is an awful lot of high ground there that has nothing to do with MPA. That's my only point.

Mr. Waugh: The reason we're sort of pushing for this guidance is we have been instructed in the past, even when we distribute copies of that plan development team report, that we not send out the pages that have the maps with the sample areas.

The clarification we're asking is when you go down into these areas off of a coast, and even if you go to a more regional approach and you've got some sort of other area currently under management and that's shown on a map, in people's minds that's sort of already saying you're going to close an area off of there.

That's the concern that has been presented in the past, and that's why the Council has instructed us not to put out anything with maps of areas on it. And that's why it's critical that if Committee is going to make the recommendation that that change, that's why we're looking for this specific guidance.

Mr. LeMaster: This is a question I guess Dave can answer. The red line, is that the EEZ off of -- and where it comes in close around the Cape, would that only be about 10 miles out?

Dr. Dean: The EEZ is truncated in those areas as we have negotiated agreements with the Bahamas, Cuba and so forth. That's why it isn't consistent all the way.

Dr. Daniel: I'm wondering, with North Carolina, did we put in any of the primary-secondary nursery areas and those types of -- I don't believe they're in there. I mean, I think it's sort of a double-edged sword when you start adding these things in here.

You know, you look at the one off of Georgia there and you say if that big red box is a managed area, you might say, well, why does Georgia need to do any more than they've already done if that area is protected or whatever that red shaded area is.

But it may be nice to have, perhaps, too, one showing state waters and one showing the EEZ to kind of get a handle for what's been done in state territorial waters and in inland waters and then what we're trying to accomplish offshore.

And I'm not trying to complicate things. But I'm thinking fishermen at public hearings and what they're going to be looking at when they see these maps, and try to get the best input we can from them as to the areas that they would most recommend be protected.

But it is a little bit overwhelming to see that Georgia map and try to look at all the keys and determine what each of the things means. So I do think if there's any way we can eliminate some of those shore-based marks, it might be helpful, that don't have direct relationship to marine protected areas or habitat requirement.

Dr. Dean: Well, I think if we take Gregg's comment and if you all are willing to say that because we're talking about MPA types in the EEZ, and we understand that there's a linkage to the nearshore areas, but that's not what we're primarily concerned with right now, then we would take that off. Is that what you're suggesting?

Dr. Daniel: I guess what I was suggesting may be that if you were to give an idea of how the states have protected certain areas along with the Fish and Wildlife Service, and whomever, through refuges, through primary nursery area programs, through any various and sundry programs that protect both inland waters and within three miles that are directed related to habitat areas of particular concern, essential fish habitat, et cetera, then show how that has not been done in the EEZ, and that we don't have those areas or they're minimal in the EEZ, and then focus our efforts, because I don't think we're going to be constructing or recommending MPAs anywhere other than 3 to 200 miles offshore; that's the primary focus that we need to make.

Mr. Brown: I agree with most of what Louis had to say. I think the construct of MPAs goes beyond the EEZ and includes areas that are within the territorial limits as evidenced by some of the actions that have occurred in the Keys and many of our national wildlife refuges.

I think from a Council standpoint it would be beneficial to show any of the protected areas that coincide with essential fish habitat or contribute towards the essential fish habitat that would be in a territorial sea. You'd have a direct parallel there.

Dr. Dean: I do not see a clear direction at this moment on what to include relative to shore-based sites.

Mr. Cole: We're talking about maps to take out to this next level of scoping?

Dr. Dean: Yes.

Mr. Cole: We're taking out Type 2; is that right? All right, we're taking out all four types?

Mr. Waugh: The whole document, all types are open for comment but we would indicate that the Council is focusing on Type 2.

Mr. Cole: Well, I think that one set of maps should focus on those resource areas, habitat areas, that could be included in a Type 2. What I am concerned about here is the public looking at the Georgia map and say, "Lord, have mercy, they have already done a good job; we don't need none of this." I see Susan shaking her head over there and I think that's what we're going to get.

Ms. Shipman: I agree, that is absolutely going to be the reaction you're going to get. I don't think they need to focus in the state area. I really think they need to focus in the EEZ. And that's one reason while I appreciate what everybody has said about the importance of EFH in the inshore waters and all of that, I really think that's going to detract the attention and the focus from where it needs to be.

Mr. Love: I think the fish that we are trying to rebuild are mostly a deeper water species of fish. I think that the areas that we should concentrate on is where we're trying to build these protected areas or artificial reefs that you have no take on and the areas where these fish are endangered.

And I think that's the areas we ought to be looking at, not in the sounds or within three miles of a beach or even eight or ten miles of a beach. And I'm speaking mostly of Georgia because you can wade five miles out and don't get your ankles wet, hardly.

Mr. Cupka: Yes, it's a little misleading, too. If you look at the Georgia map or this overall map where you're showing hard bottoms because, you know, what you're saying is those are protected or restricted areas. Well, a lot of them aren't.

And it looks like a lot of areas that are protected really aren't. They're just areas that we know where hard bottom occurs or think it has, so that's why you get something like that thing off Georgia and you look at that and the first impression you get is, "My God, look at all those protected areas."

Well, they aren't all protected, believe me. So it's a little misleading the way the map is labeled and what is shown on there because that's not true.

Dr. Dean: We're really talking about managed areas in some degree or another is what we're looking at, I think. But I'm still searching for this, because we've gone all the way from listing everything down to listing only those areas that one might identify as potential for Type 2 is what Bill's suggesting; right, if we could do that. But we haven't got a map yet or a chart. What's your pleasure?

Dr. Daniel: I agree with Susan's point and I think the only option I know to take would be to just show the areas in the EEZ, but somehow limit it. Susan, help me out.

Ms. Shipman: I agree. And the point that David made about the title I think is a good one. I think if you just stripped that title off and said here are hard-bottom areas, they're known to be important to reef fish, tell us where do you think there are spawning aggregations and so on and so forth. Go ahead and put up the features but don't give them any kind of categorization or something like that.

Mr. Lee: I tend to agree with, I think, what everyone is saying about having so much information on that chart that it just overwhelms you, and that's not the intent of what we're trying to do.

I realize the states have done a lot and we've got some protected areas in state waters and primary nursery areas are protected. But at this point in our process, I don't really think we need to show that on the maps.

I think the maps ought to be dealing with the EEZ and the available bottom, as Bill said, that we're targeting for this Type 2 for this action. So I'd say let's clean them up and present only that kind of information.

Mr. Iarocci: I'm going to go back to the Florida Keys National Marine Sanctuary, again. This goes way back to the beginning when we even started talking about closed areas. And I'm looking at the Florida map, specifically.

And what we started with and we came up with is -- the commercial fishing people -- we came up with a map of the area, but it showed state waters, the end of state waters, three miles out, and it encompassed the area we were talking about and then went out to the EEZ when we were looking at this.

And eliminating all the other stuff, that gives you the realm and it shows the whole bottom. And it's a pretty simplified chart that you can deal with, but I'm just throwing that up. That's very simple. That's bottom line. That's as simplified as you can get.

Ms. O'Malley: This is what I'm hearing -- and tell me if this is different -- to show the habitat, change the title completely to features, like Susan said, or managed areas, and leave the known hard-bottom data on there.

What I'm not sure -- I think I heard it quietly from you over there, but what about in the EEZ, SMZs and Gray's Reef and oculina and those areas? That's what we need to know. Do you want those areas on there?

Dr. Dean: I'm just trying to clarify, areas that we have some responsibility for through our past actions.

Ms. O'Malley: Well, Gray's Reef may not qualify under that. I don't know what the answer is. What is y'all's pleasure?

Dr. Daniel: I would say, yes, that whatever we have jurisdiction over, such as SMZs and Gray's Reef, that you would want to include that in there. And if it's not a direct -- if the actions that are being taken in that area, say, in that hatched area off of Georgia, are not directly related to marine protected areas and are not protecting fisheries in some way, shape or form, that you need to pull it out would be my suggestion.

You know, where I see you're going to have a problem, though, again, is going out, again as I heard earlier, that we're going out as Type 2s and asking people to pinpoint the locations where they catch their fish, to have the area permanently shut down.

It ain't going to work. I can't imagine any fishermen telling us. I certainly hope he wouldn't tell areas for them to be shut down. And so, again, I'm going to go back and say I like the idea of the spawning areas. Do we have specific areas, known spawning?

I mean, Jack McGovern has got some ideas that he's got some red porgy spawning aggregation areas that we can put on this map and say these are the locations, but going forward -- again, the Committee's determination, but going forward with Type 2s being the primary goal I think is a mistake.

Dr. Dean: Louis, we haven't settled that yet.

Dr. Daniel: It was just said that that was what we were going forward with, and I'm just making that comment.

Dr. Dean: All right. And you just concur, Tony, is that what you're --

Mr. Iarocci: Yes, I definitely agree with what Louis just said.

Dr. Dean: We have now, what I hear is we're going to have the overall chart. We're only going to be dealing with the EEZ. And we do the appropriate habitat type, the hard-bottom identification and special designations like Gray's Reef, but very limited in that regard.

Ms. O'Malley: There's one area that I would have a question about that is not on that map, but they wanted to put on, was the right whale critical habitat area. Do you all consider that something that's --

Ms. Shipman: I think it goes from Charleston to Cape Canaveral. Help me out here, NMFS. I mean, yes, Ken, we're all real familiar with it down there. I mean, that's a broad slice. I wouldn't put it on there. That's something we're going to have to deal with through Section 7 consultations and gear, and I don't think we need to put it on there.

Mr. Iarocci: That doesn't deal with what we're dealing with with the snapper grouper complex. I don't think it needs to be on there. It's going to confuse the issue.

Dr. Dean: Okay, I think we've flattened another cat. And now the next item on the agenda is --

Dr. Haddad: Mr. Chair, can I make a point? It's been our experience, if you don't put the final scale map like that on a nautical chart, you're going to have a real public problem as far as discussing specific areas.

Dr. Dean: Yes, we had that very clearly pointed out to us at our Committee meeting and we're just trying to figure out the technology right now.

Dr. Haddad: Well, that's easy to do.

Dr. Dean: Okay, we'll call on you.

Mr. Waugh: Mr. Chairman, before we leave that, it's not the technology. As I understand it, the government has given a sole contract to one company to digitally produce those charts. That's the problem.

Legally NOS can't overlay that information on here because the government has given the rights to that company. Now we may be able to contract with that company to do it or something, but it's not a technology issue, it's a legal issue where that one company has sole distribution rights to that material.

Dr. Dean: Okay, well, let's sort that out. We'll sort that out.

Mr. LeMaster: John, could I just ask a technical question? When we get to the point where we're going to establish these marine reserves or marine protected areas, can you do it in state waters? You can't do that? It's got to be in the EEZ, then? And how about the Sanctuary in the Keys?

Mr. Iarocci: Ebbie, we went through the process and they involved -- I'll make it short and sweet. The state was asked to be brought in through the Sanctuary, so was the Gulf Council, as Kay knows, and that's how that was done.

Mr. Mahood: John, before we leave that, could I get one clarification. I've talked with a couple of people. Back on the four types, to take care of what Louis was interested in, were we going to drop the minimum of one year from number 3, or were we going to have a 3A that talked about less than a year? I don't know that we ever really resolved that. I hate to bring it up again.

Dr. Dean: Yes, well, I'll go back. The Committee, when we discussed it and went with the types, if it was less than the year, we saw that falling within the existing plan mechanism. If you want to put it in that way underneath that, I think --

Mr. Mahood: Okay, so just put language that spawning area closure would still be a Type 3 but be less than one year?

Dr. Dean: How does the Committee feel, subcategory?

Mr. Mahood: Could we call it a 3A so people can separate it out?

Dr. Dean: That's fine. Well, in fact, in a previous part of that, we had As and Bs, so --

Mr. Mahood: Then one kind of mundane question, I assume it's now going to be the Marine Protected Area Committee?

Dr. Dean: I was going to take formal action on that in a few minutes.

Mr. Love: Bob, I'm a little bit confused about Type 3 no-take spawning area. I can understand no take for the species that you're trying to protect, but say that's snapper grouper and then you want to troll for mackerel in that area; does that mean that if that spawning area is closed, you can't fish for mackerel or anything in there?

Dr. Dean: That's covered as a Type 4, Fulton.

Mr. Love: Okay, well, I just heard Type 3 was --

Dr. Dean: Yes, but if you want a -- that was the description. You look at the function as the important thing. We had a discussion on options for funding artificial refugia, artificial reefs, and, Bob, you're going to address that.

Mr. Mahood: Yes, okay, and then I have one question. If you all will turn -- this kind of jumps ahead of the Executive/Finance Committee, but it will explain what we've looked at -- turn to Attachment 3 and the second sheet of paper in the front of it.

It says, "South Atlantic Council requests for funding under Coral Initiative." As you all may be aware, there was \$10 million made available to work with coral in this last budget that was approved for the Department of Commerce, NOAA/NMFS.

The councils were told at the Chairmen's meeting that we might have a shot at some of that money to look at preparing just kind of a bullet of how much money we'd like to see and what we'd like to use it for.

And we were asked to -- we thought we'd have time to run it by the Council, but as it turned out we got a call one day and we had to have it to them that day. And Rollie Schmitten called and asked that I get that to him.

He was going to go up and talk to the Appropriations Committee because evidently the Appropriations Committee is going to tell NMFS how they can spend the money. So what we've prepared, if you'll look down, relative to closed areas and artificial refugia, is number 3 on that sheet.

And we talked about a closed area off of one or two South Atlantic states to explore the use of artificial refugia to offset impacts from closing coral reef areas as marine reserves, now marine protected areas.

This would be accomplished through a contract, and we asked for \$80,000, which we thought was reasonable to start doing some work in this area.

Since this I ran into Rollie up in Washington last week and the indications were that the likelihood of us getting money was not that great, because it had been determined since the Western Pacific got the money put in there, that most of the money, if not all the money, was going to go out west and none was going to come to the Gulf or the South Atlantic.

The implication was that NMFS was still working on that and still trying to make a pitch for this area, but it wasn't looking real bright at this point in time. And so, I think we're going to need to work on that a little bit at home if we hope to get some of that money.

This is what we kind of counted on to get the Council launch that direction. But evidently the region got kind of the same response to it, that there wouldn't be any money available for this program. I think Joe and I talked about this a little bit. Is that pretty much what you all heard, Joe?

Dr. Powers: I wouldn't say no money, but we were sort of told to change our expectations drastically.

Mr. Mahood: We asked for a total of \$165,000, which we thought was rather minute out of \$10 million, but we'll see. And there may still be a possibility -- I think people are still working on it -- to try to get that funding.

Dr. Dean: Thank you. The next item is, Monica, you have a report on the Gulf closed area lawsuit.

Ms. Smit-Brunello: My report is really no report because the case is in the same posture it was as last time I discussed it with you. There's been a complaint and an answer and a record filed, administrative record, and I think that's where it is right now.

Dr. Dean: Okay, we'll keep putting you on the agenda.

Dr. Powers: Just to point out, remember that this closure actually is a gag closure and the objective was recovery of the gag population. So it wasn't an MPA, no-take zone, SMZ or whatever in the way it was developed.

But I would note that the way it has been developed, under the classification that you've given it, it would be classified as a Type 4, a limited duration and some take because there is now, still, HMS take allowed.

Dr. Dean: Okay, most of you know that this Committee nominated Tony for membership on the MPA Task Force and he was selected for that Task Force.

And as I read through that list, he might be unique in the sense of a fully functioning regional fishery management council member. Can somebody point out anybody else that's in that category on the list?

But, anyway, we're delighted that he is there, and so we congratulate him and look forward to his giving us feedback from all that takes place there. (Applause)

The other action that came out of the Committee meeting last time, that we didn't take formal action on, is that this Committee should in the future be called the Marine Protected Areas Committee, and we need to take action on that.

**Mr. Iarocci: I think we should definitely take formal action on that. I'd like to make a motion that we change the Marine Reserves Committee to Marine Protected Areas Committee.**

Dr. Dean: Do I have a second? Seconded by Fulton. Any further discussion. Is there any opposition to the motion? Hearing none, so ordered.

Mr. Mahood: Well, I was going to bring this up under Executive/ Finance and let me just tell you what I was going to do. It was relative to Tony serving on the Marine Protected Area Advisory Panel.

And I was going to get formal approval from the Council for the Council staff to lend Tony support if he needs such on that. He's busy and we want to make sure he's prepared. So I think it would be helpful if we provided him that support.

Dr. Dean: Let's do it under the Finance Committee action.

Mr. Love: When these maps go out, are we still looking to pick two different kind of sites; one for artificial, no-take zones and the other one for hard live-bottom sites?

Ms. O'Malley: That wasn't my interpretation, but if that's the wish of the Council. My interpretation is these maps were for the purpose of identifying sites on existing hard bottom, but I might have missed that.

Mr. Love: I thought that's what we discussed at the meeting in Charleston.

Dr. Dean: We said that that was a possibility. I don't know that we had firm direction that we were going to accomplish that. Actually, by having the scoping document with all four types, that gives us a lot of flexibility, I think.

Mr. Mahood: I don't think you're going to have to worry about it. I think most of the input you get will be to put them in areas with no hard bottom. The little bit of input we did get in 1990 to draw lines, what they said is these are the lines around the Loran bearings where I fish; don't put it there.

So, I think we're going to get a lot of that anyway and we'll get a pretty good idea where people don't fish, maybe more than where they do fish.

Dr. Dean: Any further action. If not, we stand adjourned.

The meeting was adjourned at 3:40 o'clock, p.m., March 6, 2001.

[Tape of Proceedings on File \(3\)](#)

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Marine Reserves Committee  
Jekyll Island, Georgia  
March 6, 2001

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**MARINE PROTECTED AREAS COMMITTEE**

**Jekyll Island, Georgia**

**March 6, 2001**

**DRAFT MOTIONS**

Motion: Change the name of the Marine Reserves Committee to the marine Protected Areas Committee.

Approved by the Committee.