

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MARINE PROTECTED AREA COMMITTEE

Radisson Ponce de Leon Resort

St. Augustine, Florida

June 21, 2001

SUMMARY OF MINUTES

Committee Members

Anthony Iarocci, Chairman
Fulton Love
Dr. Louis Daniel
Jodie Gay
Ebbie LeMaster

Bill Cole, Vice Chairman
Lt. Cmndr. Dave Cinalli
Dr. John Dean
Wayne Lee

Council Members

David Cupka, Vice Chairman
Ken Haddad
Susan Shipman

Glenn Durden
Dr. Joe Powers

Council Staff

Robert Mahood
Dr. Kathi Kitner
Kerry O'Malley
Deb Buscher

Gregg Waugh
Dr. Vishwanie Maharaj
Kim Iverson
Julie O'Dell

Observers/Participants

Monica Smit-Brunello
Ronald Smith
Charlie Bergmann
Greg DiDomenico
Alexander Stone
Fred Kinard
Mark Gordon
Willie Howard
Allen Sprouse
Ed Kalahauskis
Lex Waters
Dalton & Michele Kennedy
Stefanie Janoski
Reed Bohne
Mark Williams

Dr. John Merriner
Becky Shortland
Dr. Jim Weaver
Kay Williams
Richard Nielsen
Karen Raine
Chris Johnson
Jeff Torode
Judy Jamison
Rob Darner
Michelle Duval
Marianne Cufone
Bill Kelly
Janie Thomas
Rudy Thompson

The Marine Protected Areas Committee of the South Atlantic Fishery Management Council convened in the Flagler Room of the Radisson Ponce De Leon Resort, St. Augustine, Florida, June 21, 2001, and was called to order at 1:00 o'clock p.m. by Chairman Tony Iarocci.

Mr. Iarocci: If I could get the Marine Protected Areas Committee of the South Atlantic Council to the table, please, we could get this meeting started. I'd like to start the Marine Protected Areas Committee Meeting today.

The first thing on the agenda is the approval of the agenda. I'd like to add to that, myself, under Other Business, discussion on informal meetings and Advisory Panel membership. If there's no other discussion on this or any changes to this, I'd like approval of --

Mr. Cole: Move approval of the agenda.

Mr. LeMaster: Second.

Mr. Iarocci: Moved by Bill Cole; second by Ebbie LeMaster. Any discussion? Any objection? The agenda is approved. Approval of the minutes, March 6, 2001.

Mr. Cole: Move for approval of the minutes.

Mr. LeMaster: Second.

Mr. Iarocci: Any discussion? Any objection to approval of the minutes? Seeing none, the minutes are approved. Next on the agenda is Status of MOU with Gray's Reef.

Mr. Love: I do this from time to time, but being Susan is probably the most knowledgeable person about the reefs off of Georgia, if there's no objection, I'm going to appoint her to this committee for this day, because I feel like her input would be greatly appreciated.

Mr. Iarocci: Okay. Monica, if you would.

Ms. Smit-Brunello: Did you ask a question about the MOU status?

Mr. Iarocci: Yes, please.

Ms. Smit-Brunello: I worked out the issues that I had, or that some of us may have thought we had with the GCOS attorney, Ted Beuttler, who has come to this council before, and it's my understanding that it is now making its way through the NOS review process.

So, what I would advise the Council is let it through that process, see if any changes result out of that, and then take a look at it after it's gone through that, and then you all can sign it

or whatever you deem fit, and I assume that's signing it. That's the same thing I'll advise the National Marine Fisheries Service or I've already advised them.

There were a few real minor changes since you've seen it the last time, but what I would do is just wait, again, until it comes out of NOS and then have the council address anything like that at that time.

Mr. Iarocci: Any discussion? Thank you, Monica. Next we'll have a presentation on results of scoping meetings and the Marine Protected Area Advisory Panel meeting by Ms. Kerry O'Malley.

Ms. O'Malley: As everyone is quite familiar with by now, we had a series of nine scoping meetings beginning in April and heading into May.

Just to remind everyone, the purpose of these scoping meetings, as opposed to the ones we did last year, the purpose of this year's scoping meetings was to request that the public provide additional and specific input on possible areas that the council should examine in their consideration of marine protected areas.

So, the intent going out to these scoping meetings was to have the public suggest areas. We felt that last year when we did the informal meetings and the scoping meetings, we had already asked the public about their opinion on whether or not the council should use them.

The council then decided to move forward with considering them, and this year we wanted to know where should we consider them. We came up with a process of how we envisioned these scoping meetings to work to best get that product.

I made a presentation, as I normally do before scoping meetings, or as we all normally do before public hearings as well, just to bring the public up to speed on where the council was in the process and what they were doing there.

We knew that we would have some questions and so we allotted some time for question and answer sessions, but what we had truly hoped was that we would be able to, in a more informal manner, break off with the public to gather -- break off into small groups or in one-on-one sessions to gather input on areas that they may want to suggest.

And the reason we did that was because we feel like it was asking a lot of someone to come up to a podium in front of all their peers and suggest an area as a marine protected area, and it may dissuade them from doing. So we felt that if we did it in a much more informal manner, then we would get some better feedback.

The way we were going to go about doing that was to have several large charts on the wall. The charts just consisted of the known and possible hard bottom areas off of the South Atlantic. We had hoped that these -- there's one of each state and then there was one chart that had all four states on the same chart.

What we hoped is that looking at some of this hard bottom, it would help the public figure out where they were and in what areas they would want to suggest. We also had small letter-sized versions of those charts, jokingly called chartlets, that we thought people could take with them, sit down and look over, also to aid them in looking at areas.

In addition, we had a questionnaire that Kathi Kitner had created, tried to get some of the social information that she needs to do some of her analysis and also on the questionnaire, there was some questions as to why people chose whatever sites they chose, were they to recommend some to the council.

With all that being said, none of that really happened. As things go, things kind of take on a life of their own. We had intentions to have it work out that way, but as we got to meetings it became evident that people were not there to suggest areas.

They had much more interest in giving the council their opinion on how they felt about marine protected areas, and so we went with the flow and we allowed -- instead of the question and answer session, that usually turned into a public comment period.

That is some of the reason for some of the minutes being the way they were. It wasn't Joe, who did a really good job of trying to handle what we gave him, but we weren't intending to have taped the whole thing because we thought there was going to be many groups going on.

So, you'll have to forgive us for that, but staff has very good notes if you have any questions about any of those meetings. The first two meetings were in North Carolina. April the 16th was Morehead City and April the 18th was Wrightsville Beach.

I've broken this down state by state with some of the major issues because I wasn't really sure the best way you all wanted to handle the information we received at the meeting. So, this is kind of the way I packaged it for you, and I'll be happy to tell you anything above and beyond what is up here.

They were well attended. The one in Wrightsville Beach was extremely well attended. The room was packed. 137 people showed up all together in North Carolina, but as you see, only 32 of those people spoke. There was a lot of listening going on and a lot of just trying to figure out what the council was doing.

I just have a breakdown of the sectors, and when you're looking at the breakdown, though, these were the people who spoke and actually identified themselves being from a sector. This is not representative of all the people who were at the meeting, just the people who spoke and said I'm so and so and I'm commercial or I'm recreational.

So, the breakdown was 50 percent identified themselves as commercial, 28 charter/headboat. 6 percent of the speakers identified themselves as conservation and 9 percent of the speakers identified themselves as recreational fishermen.

The major issues that came out in North Carolina, 69 percent of the people who did speak -- again, these are the people who spoke on the record -- stated that they were in opposition of marine protected areas.

The reasons behind that I thought was the most important thing to capture. One of the most prominent reasons was that the 59 percent just didn't trust the data the council had and that came across in many ways.

It was them saying that, you know, they're seeing more fish than the council thinks there are, that the assessments are showing, that the regulations that are in effect currently are working, is their belief.

Also, in North Carolina, certainly an issue of those 59 percent, the majority of them stated their disagreement over the red porgy issue and the numbers of red porgy they were seeing compared to what the council is seeing as a reason for not endorsing marine protected areas or not trusting the data.

41 percent did bring up enforcement as a major concern of why they would not speak in support of marine protected areas and 64 percent, again, felt there were enough regulations already and that's why they were not in support of marine protected areas.

16 percent of the speakers were in support of marine protected areas. 16 percent of total speakers indicated they would support spawning closures and 19 percent indicated they would support artificial refugia.

So that's a real general breakdown of the major points that were brought up in North Carolina. I have more information, but I wanted to hit on the major issues in each state.

Florida, we had three meetings, Atlantic Beach, Fort Pierce, and Islamorada; 146 people in the state of Florida and of those 55 spoke, as you can see. Again, the majority of the people that spoke identified themselves as being part of the commercial sector; 29 percent charter, 16 percent recreational, and 2 percent identified themselves as conservation.

The major issues in Florida, as you can see the breakout, 24 percent spoke in opposition and 4 in support. Now, a lot of times what would happen is people would get up there and -- I need to mention this. Bill, you had mentioned this at the AP meeting. You see the numbers are -- they don't add up to 100 percent or everyone that spoke, and the reason why it's that way is because it's much different than when we went out last year.

When people got up, they were automatically saying how against marine protected areas they were. This year it wasn't the same, in my opinion. I attribute a lot of that to a lot of

people who got up and felt like it was already a done deal. They had sort of given into the fact they were coming already.

We heard that a lot, but not everyone that got up spoke in support or in favor, and a lot of times it was because they were resigned to the fact that there would be marine protected areas. And, again, in Florida, 20 percent of the speakers were concerned with enforcement and 25 percent of them don't trust the data. There were a lot of other scattered issues, I just picked out the major ones.

South Carolina, we had a meeting May 9th, which was the middle night of the Advisory Panel meeting; and May 14th in Myrtle Beach, which was in the middle of Bike Week, which I will never do again. It was very annoying. I had to yell over the Harleys. That was fun.

91 people attended in South Carolina and 28 people spoke. As you see once again, 46 percent were commercial, the majority of the speakers; 14 percent conservation and 36 percent as charter/ headboat. Again, we did have Advisory Panel members present and speaking, so they're incorporated into this.

The Charleston meeting was the highest meeting in which people spoke in support of marine protected areas. I do believe everyone that spoke in support of marine protected areas were an Advisory Panel member, but that was -- the whole state of South Carolina has now looked like it's more in support of MPA's.

18 percent spoke against. Again, the 21 percent of the speakers that don't trust the data in South Carolina, the issue again was heavily because of the red porgy issue. That came out often in Myrtle Beach again, and they're just seeing more fish than they we think there are.

And 25 percent did mention they would support artificial refugia. Again, other topics came up, enforcement, but they just weren't mentioned as many times in South Carolina.

Finally, we were in Georgia, in Brunswick and Richmond Hill. 44 people attended those two meetings and 18 people spoke. The Brunswick -- and I apologize to you, those are some of the minutes that were particularly hard to follow.

We were having trouble taping that night, and I think we had a new machine and we weren't really aware of how to use it. So, I apologize if some of the issues weren't captured. I tried to go back to my notes and get them.

There was a majority of the charter boat industry there, 22 percent; 6 percent commercial; and 22 percent recreational. So, I guess it wasn't a majority, but equal. 28 percent actually came out and said they were against marine protected areas. The same number had enforcement concerns.

33 percent don't trust the data. It was for different reasons in Georgia, but, again, it was that they felt that there were more fish out there than what the assessments are showing.

There were some recommendations for spawning closures. And, one of the big issues that came out in the Brunswick meeting, mostly, were on discussing water quality and pollution issues. Those also did come out at other meetings. They came out in Fort Pierce, but more so here on the record than at the other meeting.

That wraps up the scoping meetings. I just wanted to do that because I wanted a way to kind of distribute what I had gotten out of those meetings, and, of course, all the chair people are here and they may have more to add,. Do you want to go ahead and ask questions?

Mr. Love: On the support on the artificial refugia, was that support for it if it was a no take or was that support for it if they could fish on it?

Ms. O'Malley: The support was to use artificial refugia as no-take areas as opposed to taking only natural bottom to make no-take areas, was my feeling.

Dr. Daniel: Kerry, would it be safe to say that the red porgy issue came up at South Carolina and North Carolina and not Georgia and Florida because you didn't mention it in Georgia or Florida?

Ms. O'Malley: That would be correct. In Georgia, I did have personal conversations after the meeting with some people that brought it to my attention, but on the record it came up in North Carolina and in South Carolina and no mention at all anywhere, that I can remember, in Florida.

I was going to move on into the AP meeting, unless anyone has any other questions. As I mentioned, the AP met from May 8th through 10th in North Charleston. That coincided with that scoping meeting in North Charleston. The AP met with the charge to suggest some areas to the Council as part of this scoping process.

There was a lot of discussion among the AP as to whether or not they were ready to do that and what the Council was looking for, but we had gone into it with the fact that this was going to be another part of the public scoping process.

The way they felt best to break off and get that job done was to break off into areas by state. There's a lot of discussion on the record, but then they broke off by state.

Anyone could walk around and listen to any of the states they wanted to, but the people with local knowledge were actually the ones looking at a lot of the maps in choosing sites.

It seemed like a really good AP meeting. There was a lot of interaction and cooperation between people in different sectors. It didn't matter, everyone really worked together, and

that produced the shopping list, which we are now no longer going to call the shopping list. Tony had suggested that we change it. I apologize for using that term.

We'll use the list of potential sites or suggested sites, or I'm open to any other wording you all may have. And I wanted to kind of explain to the committee where that came from, in case I haven't had a chance to talk to you yet. It is general practice, usually, to do a press release after an Advisory Panel meeting.

This we felt particularly strong about because if you recall, that week we had received a lot of, I guess, untruthful press would be the correct word. There had been some articles that were really spinning out of control out there with the wrong facts about what the council was doing that had happened prior to the Advisory Panel meeting.

We had had a meeting with the chair and vice chair of this committee and the advisory panel discussed it on the record. The overall feeling was that when these sites get out there, they really need to get out there from the council with the correct information.

Because people were already calling and reporters were already calling and fishing clubs and whoever else were already calling during the advisory panel meeting asking for the sites that were coming out of all the meetings.

And so we were getting all these calls, and we felt that the best way to handle that was to try to be in control of it and make sure it was the truth that got put out there, and that is how the list came to be.

Gregg was involved and Bill and Tony. So, if they have anything to add, but I did want to discuss that because I know there's been some questions about that list, which will no longer be called the shopping list.

So, that's that. That's what came out of the advisory panel meeting. They knew that it was going to come forward to the committee for discussion and modification or revision. During the time period, we also had a comment period for written comments. You all have seen and we've discussed the big book.

What this is, the majority of this book, is the form letter that was available on I know at the CMC website that came into our office via fax. A copy of every letter is in this scoping comments package.

There were also some letters from individuals. There were a total of 16 other letters that weren't that form letter from individuals, of which 13 of them were not in support of marine protected areas and three of them were.

All the form letters were in support of marine protected areas, by the way, in case you haven't read it yet, and there were four letters from organizations, and they are all included

in there and in support of marine protected areas, or three of them were. One of them was sort of presented in a different format.

Since that comment period has closed, we have received more written comments in the council office. I have them in a folder right here. The majority of them, again, is the form letter. We continue to receive them even though the written comment period is closed. I have kept them all.

I have them in a file if the committee or the council would like to look at them. We've received in our office a lengthy comment from a member of the Snapper Grouper Advisory Panel, who will have the ability to participate and make his views known at the AP meeting, but I'd just like to say that.

Captain Bill Kelly, who is in the audience, has distributed another comment and proposal, I believe to many of the council members and the committee. It is a proposal, so I wanted to make that known. I believe I have two or three other proposals that have come through in the mail.

So, if any committee members or council members would like to see them, they are not included, again, in the big scoping comments package because they came in after the close of the date, but I do have them here, and I'll be happy to make copies or relinquish this file for a period of time.

And one more note. We did have a request by the participants of the wreckfish fishery, which many of you know are two people who are in Charleston. They were concerned with the list that they received, the press release. They did come by the office.

Gregg, Kathi, and myself met with them, and I did feel it necessary, since they came by the office, to let you all know that we did meet with them. They have some concerns because the site that is the Charleston Bump, it's 100 percent of their fishery.

The other one, it's a vast majority of his fishing bottom. And also there was some question as to whether or not the fact that we're using marine protected areas as a management tool for snapper grouper, does that also include wreckfish, and they would like some clarification on that issue and we would need that from the committee.

And we had said that we would work closely with them and call them and make sure they're involved in the process, and they have since been included in the super duper AP meeting in August, so they'll be there. I think that wraps it up. That's a summary of all the comments we received. and I can answer any questions if you have them.

Mr. Iarocci: Thank you, Kerry, that was very informative. Before we move on, I'd like to say a few things, if I could. I'd like to clear up a few things quickly before we move on. We as a committee, we're here today to develop recommendations to the full council and to the

joint AP committees, including Habitat, Coral, Marine Protected Areas, Snapper Grouper, and Enforcement.

They will be meeting for three days in August from the 28th to the 30th in Charleston, South Carolina. The council is at a very early stage in dealing with marine protected areas, and I hope this committee can move forward with a clear message to the council and our AP's.

There will be no public comment here today, but some written comments will be read into the record. I would like to also thank people for attending today, people like Captain Bill Kelly and his wife from the Islamorada Charter Boat Association and took time out to be involved in this process. I really appreciate you coming.

Rob Darner from the Jacksonville Offshore Fishing Club who's here that we've been working very closely with; Mike Maier from Fort Pierce was here earlier; Reed Bohne and Becky Shortland from Gray's Reef, who has been great working with. I'm glad you're here.

Marianne Cufone and Stefanie Janoski here from -- I guess I can't say Center for Marine Conservation anymore. I'm supposed to say Ocean Conservancy; Ted Forsgren from the CCA; Janie Thomas, Organized Fishermen of Florida; Michele Duval, Environmental Defense Fund; Mark Williams from PHD's of Jacksonville; Greg DiDomenico, as always MCCF appreciates you being here; Allen Sprouse from the Snapper Grouper Advisory Panel; Alexander Stone, Reefkeeper. Alex, it's still called Reefkeeper, right?

And I have to acknowledge Ron Smith, our Mid-Atlantic liaison, for always being here, being involved, and getting the word out to both the Mid-Atlantic Council and the New England Council; and as always, Kay Williams, who it's very good having a close working relationship with both the South Atlantic and the Gulf, having Kay here, and I can't forget the media people that are here.

At this stage of the game, it's very important that we get the proper word out, what we're doing and how we're moving forward with this: Jim Curly from the Free Press out of Vero Beach; David Flesher with Sun Sentinel of Fort Lauderdale; Willie Howard, Palm Beach Post.

And I have to acknowledge the staff, Debbie, Julie, Belinda, the copies they've made, the work they've put into this; and last but not least, Joe Graham, for keeping me and most of us straight at the table up here and getting some accurate records out.

With that said, I'd like to move forward and turn it back over to Ms. O'Malley.

Ms. O'Malley: I just wanted to walk you through parts of the review that you and I have spoken about. Tony had asked me, when he first saw this about the first option for moving forward with the consideration of marine protected areas, and just to make sure we all remember and are on the same page as this council has laid out the process for dealing with marine protected areas.

It was in the plan that at each stage we would stop and decide whether or not we were going to continue to move forward. So, we have kept that in the options paper, and I know Tony expressed some concern.

We can continue to do that at each phase or stop doing it, but I just wanted to let you know why that was there. So that's the first option that we need you to take action on.

Mr. Cole: Kerry, I appreciate why it's there, but I think since it is there, to dispose of it. I think that this council and the APs have certainly charged us to continue to support these MPAs as a necessary and viable management tool.

I'm going to move adoption of Option 1 as a reaffirmation of this council's intention to use this as a viable and necessary management tool.

Dr. Dean: Second.

Mr. Iarocci: Second, John Dean. Discussion?

Dr. Daniel: Thank you, Mr. Chairman. I'm going to vote in favor of this motion. The reason I'm going to vote in favor of this motion is because I do believe that we should move forward with the consideration of marine protected areas; and most importantly, in an experimental way.

Mr. Iarocci: Any further discussion? I'm going to call a vote on this one. All in favor say aye; any against. Good deal, passed and approved.

Ms. O'Malley: Again, procedurally, we certainly had to go back and check and see where we were going a lot through this process, and I apologize, but I think staff needs a lot of direction on where we're going and how we're going to get there.

So that's the reason for the next item. I've laid out a time line that we've been following, with some changes as to what's happened lately, and I just need some direction from the council as to whether or not this is the time line you do indeed want to follow and the approach.

There are some changes as far as the spring of 2002. There's some discussion about public hearing methodology, I guess you would say, and there's been some talk between the Chair and the Vice Chair and staff as to maybe some better ways to approach public hearings.

There is some language in there and any discussion the committee would like to have on that, but we just need to make sure this is the approach that the committee still feels comfortable with.

Mr. Iarocci: If I could first, under Option 1, I would like to add where it goes into saying from regional workshop groups formed and a series of informal meetings where needed, because there's been a request from different people throughout our regions that are requesting these meetings. So, I'd like to have that added, if we could.

Dr. Daniel: I was going to move Option 1, but I do have a question -- I guess it would be to Gregg or Bob -- just in terms of budget concerns. I mean, if you start opening up and volunteering to go to these different places to meet, you could get bombarded with this issue the way that it's been.

I mean, who are you going to accept and who are you going to reject? It may create a real problem for you if you do that. I don't know what the rest of the committee thinks, but that would be a concern to me.

Mr. Lee: I was essentially going to bring up kind of that same issue Louis did. I'm not sure we need to put the workshop thing in this format, but work that along with our actions and do it if we can and what we can, but that does have a funding constraint to it and I think we ought to be sensitive to that.

Mr. Iarocci: I'll withdraw that.

Dr. Dean: I would just like to make certain that there's some way to document what goes on at those workshops that we have, so the information comes back to the committee and the council so we have got some documentation in these informal sessions.

Mr. Iarocci: That's a very good point.

Dr. Daniel: I'll move Option 1.

Dr. Dean: Second.

Mr. Iarocci: Wayne Lee, did you have more discussion on that? We have a second and once again, I'll call the vote. All in favor; all opposed. The motion carries.

Ms. O'Malley: The next item on the overview is to look at the list of suggested sites that came out through the 2001 scoping process.

Mr. Cole: Mr. Chairman, I think that from perhaps here on what we would then be doing is looking at the list that we have before us, as well as developing additional guidance or recommendations that we want the advisory panel to be looking at in August. Is that a correct statement?

Mr. Iarocci: Yes.

Mr. Cole: Well then, in that case, Mr. Chairman, I think it's appropriate to move, at least as far as we can see right here, Option 2. I have some changes or some additions, if you would, to the language that we would be providing to the advisory panel, so I'm going to move Option 2.

My intention in doing this would be to -- having adopted that as a format in contrast to Option 1, would then allow other council members and others here to bring to us for discussion changes that are necessary in this and we can take appropriate action.

Ms. Shipman: A question relative to Option 2 -- and I certainly support revision of the recommended sites for further consideration and evaluation.

We talk about referral to this super AP meeting that's going to take place, but at what point does the product from that meeting then get referred to other committees, and in particular I'm interested in seeing appropriate information going on to the Snapper Grouper Committee, perhaps, before it ever comes back to this committee.

Ms. O'Malley: We can do that in the September meeting, I'm being told by Gregg, with some guidance as to which committees would need to look at the list.

Ms. Shipman: To that point, if I could, Mr. Chairman, I think we need to articulate that, though, clearly to the members of the audience and to the members of the public. It's really not articulated that once we get a product back from them, where it's going.

My interest in marine protected areas is primarily in recovery of snapper grouper stocks as far as first and foremost, and that's where I want to see this headed after here.

Mr. Iarocci: Thank you, Susan. A second on Bill Cole's motion?

Mr. Waugh: To get some clarification on Susan's point, as laid out in the timing here, it was to come from that super AP meeting back to the Marine Protected Areas Committee. What you would like to see at the September meeting is for it to go to the Snapper Grouper Committee and then have it come to the MPA Committee at the December meeting.

Ms. Shipman: It can be a joint meeting of MPA/Snapper Grouper in September. It doesn't matter to me, but at some point the Snapper Grouper Committee needs to get plugged into this, and the sooner the better.

Mr. Gay: Yes, they're on the super committee.

Ms. Shipman: They're the AP. I am talking about the Steering Committee, the council members that sit on Snapper Grouper. I'm not talking about the AP. It's got to go to the AP first, but it needs to come back to the Snapper Grouper Committee.

Mr. Iarocci: Susan, I totally agree with you, and that's why I made that statement earlier about a clear message of what we're doing and where we're going from here. I think that's very, very important.

Dr. Dean: Joe, for the sake of clarity, I'll second the motion so we can have this discussion and then I have a comment. This is a critical point. And that is as we have worked on this issue, it was clearly stated that the MPA was responsible for development of the process and carrying the process forward, as we kept restating that this was our charge.

But at a point the actual implementation action would come under one of the committees that has the plan; and the focus having been on snapper grouper, that when the sites were narrowed down, would then go to the Snapper Grouper Committee for full development and possible implementation.

So, I think, from my perspective, if at the August meeting there are some consensus sites developed that specifically address snapper grouper, then they could go with that recommendation at that point.

I think that it probably would be best if we, as the MPA Committee, formally recommended action to the Snapper Grouper Committee, which we could do at the September meeting, but I think it should come back, in this sense, Susan, for clarity; come back to us to make a recommendation for action and refer it to that committee.

So, I would then state it that after the AP, it comes back to the MPA Committee and then we would then take specific action to recommend the sites going to a particular committee. And in this case, I totally agree that snapper grouper is the focus for us at this point in time.

Mr. Gay: Thank you. Since I didn't think it was the appropriate time, I was going to do while ago, but maybe it is since we're talking procedure here as much as anything. What is the intent, as far as like after this super AP meeting, releasing information to the media and things like that?

The reason I ask is we are seriously dealing with a serious credibility problem, this council is, at least in North Carolina.

The red porgy thing certainly hasn't helped us, as you can clearly see on the board when Kerry said 59 percent of the people don't trust our data anymore.

Then, Lou and I sat there and told them no lines have been drawn on a box, you know, that no lines are drawn; do you like the idea or don't you like the idea, you know. Then two weeks later these boxes are drawn on a map by the AP and it's released to the press.

Me and Lou looked like a bunch of liars, so we've lost -- it'd probably be 85 percent if you did it today. I mean, I just think we need to be very careful, because clearly in what they did, they put a lot of thought into it and there's some very productive areas there that they

considered, but some of them are simply unacceptable to the public, and it didn't do us any good credibility wise.

That's why I asked the question and I'd like for us to be real clear at what point we're going to do this. It's not necessarily trying to hide information, but if it's not beneficially acted on by the council yet, I don't see why we have to release it, or do we have to? Maybe there's something I don't know.

Mr. Iarocci: Thank you, Jodie., that's a very valid point.

Dr. Daniel: I would just ask that we not submit or release any more information on areas until after the Snapper Grouper Committee has met on those areas.

And once the MPA Committee has come up with a revised list and forwarded it on to the Snapper Grouper Committee and then it comes out of the Snapper Grouper Committee for public comment, that's when we can release that information, in my opinion, because as Jodie said, I mean, I got more angry calls over that issue than anything else.

Mr. Iarocci: I agree. I don't think you got as many as I did, Louis. I got them from everywhere. Gregg, could you address that, please.

Mr. Gregg Waugh: Yes. We're going to need some clear guidance on this because all our meetings are open to the public. If there is a reporter sitting in the back of the room during an AP meeting, they leave with what they heard the list to be.

If we get calls the day after the AP meeting ends, we need to tell people what transpired at the meeting. We can't tell them, well, they approved some sites, but we can't tell you what the sites are. We legally can't do that.

So, our approach this time, working with the Chair and Vice Chair, was to put together an official list and at least get it out of our office as being correct. Now, I know this brings a lot of concern on council members, but if you want us to handle it differently, then we're going to need some clear direction on just how to handle it.

Mr. Gay: But, Gregg, they haven't approved them officially. They have suggested them to the council for approval, and I think there's a very big difference there.

Mr. Waugh: And we were very careful to point that out in the material that goes out. Now, I know it's very easy to miss that, but the question again comes to down to how do we handle the results of the meeting when we get inquiries from the press?

Dr. Dean: Well, I agree with Gregg in this instance. These are open meetings and that's our practice and it's what we're required to do. I think that this is both a benefit and a disadvantage of being this kind of process. It is a transparent process.

The fact that we have carefully tried to articulate that these are nominations in a way, these are tentative, they are simply under consideration, there is no action, if that doesn't get picked up by the media and if organizations choose to characterize our action as a final action, we cannot control that part of the process.

But I think we have to consistently state that these are tentative, they're under consideration, and it is, as you have clearly stated, Jodie and Louis, that until they're an action by the appropriate committee, there is no final action, and these are tentative until that date and point in time. I don't think we have an alternative to that. I would like to hear deliberations if there are.

Mr. Iarocci: Thank you, John, that was well said. And, you know, it's pretty important why we do it. We have quite a bit of media presence here today, and it is very important to make sure that this message gets to them, and in no way are we trying to feed that conspiracy theory or let people think that we are trying to do something behind anybody's back. It's just that we do not want that misinformation to get out.

Ms. Shipman: Yes, it is a two-edged sword and I've faced the same credibility issues, clearly, that North Carolina faced. We had a media in Georgia, that it's a flashpoint issue there, and they took it and they twisted it, and we've got to figure out a way, a better way to maybe all review and approve the press release before it goes out so that we have some collective input of maybe how would be the best way to say things, couch things, maybe a bit more deliberative process as we do that.

It is an open process, and I don't know how we get around that, but I spent two weeks doing nothing but damage control.

Mr. Mahood: I think the problem we ran into in this instance, Tony, is that we're dealing with a new group of constituents and they don't understand the council process.

Now, most of the fishermen that deal with us understand that when the AP does something and comes up with some particular items that they're going to bring forward to the council, nothing happens to it until the council has looked at it and taken some sort of action and then it moves forward.

I think what happened here is they didn't really differentiate between the advisory panel and the council. So, consequently, even though we tried to clearly point out there's a difference, when it was picked up in the media, it was something the council was doing or at least a group of the council and without the understanding of the further procedures that have to occur for something like that to happen.

And I think the problem is, like Louis and Jodie stated, that the advisory panel members came up with some things that are on that list that would not be acceptable to any of the council members.

You know, that was not maybe translated to the public that had to look at it, and so a lot of it is not understanding the process because they haven't been involved in the process in the past.

Dr. Daniel: Yes, and the last thing I want to do is micromanage the staff. I mean, I trust you guys implicitly. It's just that this is a lightning rod issue. And like Jodie said, I mean, we went out there and told them we didn't have any sites yet, and then within two weeks it was on the front page of the Wilmington Post.

It was an article with a map on it saying areas slated to be closed to fishing, and so I just feel like if -- we go through this process a lot, and we've got an opportunity here with all the different meetings that we've scheduled here and all the different layers that this thing has got to go through, you know.

We can still be transparent, but not have a formal, official press release coming out of the council office on this one issue until we have some sites that have been agreed on by the Marine Protected Areas Committee and the Snapper Grouper Committee.

Then, get one of those planes that carry the banners around and we can fly down every beach in the South Atlantic and tell them, but at this particular point -- and I know when we saw that list and when I found out what was on that list, I was like, oh, no, you know, and it started.

So, I mean, just on this issue -- I don't think anybody intends us to micromanage you guys, it's just on this one let's kind of play it cool and let the press, man, let them run with it. They're going to run with it anyway, a lot of them, you know, and they're going to sensationalize it. Some of them will. Some of them will report it responsibly, and we see that in every state.

Mr. Cole: Louis, I hear what you're saying, but I think what you're asking the Chairman to do is, frankly, impractical and impossible to do. We have a joint advisory panel meeting coming up. It's going to involve roughly eighty people.

You're asking eighty people to not say anything for roughly six or eight weeks. You're asking them to not go home and say anything to anybody. I don't think that's going to work out too swift.

What I do think will work, rather than continue for us to beat this cat, let's agree that any news release that will follow that AP Advisory Panel meeting will be reviewed by all council members, as we have done, recent correspondence and comments will be sent to the Chairman and the Chairman will make the final decisions.

I don't know any other way to handle this, because our advisors, yours from your own states, have said what can we say when we walk out of this room because the press is waiting on me when I get home.

They need to know, so what we had to do was to say there will be -- instead of everybody going home and telling a different story from the North Charleston AP meeting -- and it's going to be even worse at the upcoming meeting.

Instead of everybody going home and telling a different story, let's have one news release that goes out from the Council.

Yes, I understand. I got calls, too. It wasn't a perfect process. and in hindsight, yes, it would have been a whole lot better if we had coordinated it amongst all the council members, but that's the only procedural process thing I know that we can do. We're not going to keep this quiet.

Mr. Gay: Mine's not directly to Bill's point. I think Lou has something that is, but I wanted to defend the media somewhat in that the Wilmington paper -- I understand some others did not, especially in the Brunswick area -- but the Wilmington paper was very factual in what they printed.

It was absolutely on the front page of the paper, but it was very factual what they did, but the public read it the way, I guess, they wanted to read it. And like as Bob said, not understanding the process, it was like it was a done deal and I couldn't get any business done for a couple of days. You can believe that.

Mr. Fulton Love: My understanding, we were still having scoping meetings when this AP met; was that right? They weren't finished? I think we could head some of this off, on an issue like this, if we would not have an AP meeting until after all the scoping meetings was done.

Then you wouldn't be driving a stake in the middle. You'd be kind of putting it at the end of the row so you could tell where you've been. And maybe the next time we do something, we might ought to plan it more in that direction.

Dr. Dean: I've already stated that I think it should be a fully open process, and it might be helpful to do some discussion with groups that acquaint them more clearly with our process and the role of the AP's and so forth.

The media does not understand the difference in the structure of the council from other organizations. I saw a news release that referred to the council as the feds, and I didn't know whether to be insulted or flattered.

If I were a fed, I'd have a better salary, I think, but I think the way to do this is, in fact, every opportunity any of us has to say this is the process. Bob articulated it, this is the process. Advisory panels are advisory only. They cannot take any action.

The title itself tells us what their function is. They are advisory only. The members of those AP's, I am constantly amazed at the quality of the panels, the quality of the information they give us, their sincerity, the commitment, the time, and effort.

It really makes it possible for us to do what we do. It would not be possible otherwise, but they cannot take action. And by the same token, a committee activity, a committee action is not final until it comes to the full council.

And we have to constantly reinforce what our process is, and everything is tentative until there's final action by the council, and even then it's tentative until it has gone through the next step of the process and has received review by the National Marine Fisheries Service and the Commerce Department.

So, until we get it back from there, it's all tentative and it's always on the table, I would say. We need that story told. And, I would suggest that if the media wanted to talk and would talk in some depth, that's a story in and of itself, and they should talk with the staff and some of the council, the council chair and so forth.

We need to understand that the strength of the regional fishery management council's process is the process. The strength that we have is in the public participation and the transparency in the process. That's one of the great advancements that has taken place in public policy administration, probably in the last 30 or 40 years. Lecture is over.

Mr. Iarocci: Thank you, John, that's very important. That brings up my point again for the importance of informal meetings and education and outreach. And you talk about feds, most of the places that I did the scoping meetings, I was called a fed.

Everybody thinks I'm a fed or we are the feds. There is so much miscommunication and misunderstanding of the council process in itself and we've got to draw that in. And like I said, I don't want to stress this anymore today, but the importance of the media getting that point across where we are in this process.

Dr. Daniel: I agree with John's comments, and I want to be as transparent as everybody else does. I'm not trying to be secretive here about this thing. And it might help us. It might help us, I mean if we feel that -- I mean, this issue, as I said, is a very big, it's a hot issue, and if we feel like it's necessary after every committee meeting or whatever to issue a press release on the results of that meeting, then I, for one, would have a much higher comfort level with that if this joint meeting was attended by the committee.

I mean, I just feel like it needs to be kind of a joint -- I mean, what we're going to have happen, all right, is we're going to come out of here today with another list of sites. Then we're going to send it to them.

We have absolutely no idea what may come out of that list. So, they may come out with another list that's just as problematic to some of us as the list we just approved, and then it gets put out there.

So then you've got another list of sites that are going to be a problem, you know. I hear some groaning about that idea, but I just don't know how to solve the problem of having this perpetuated with these AP's coming up with these different areas and us having to do damage control after every press release.

Ms. Shipman: A couple ideas here. Louis, I groaned because the thought of another committee meeting. My impression, and correct me if I'm wrong, I thought after we rework this list today to say we'd like some more information about these areas, we'd like a further examination, evaluation, some additional information, I didn't think that group of collective AP's was going to be able to start adding new stuff to the list.

I thought they were only going to deal with the list we send back to them. Am I wrong there?

Dr. Daniel: Well, I think so because one of the things that I would like to do -- and maybe I'm jumping the gun and showing my cards, but one of the things that I would like to see us do is look at some spawning sites, some spawning areas.

And if that's the case, then my interpretation of this -- and I may be wrong here -- but I thought when we sent it to this crowd, we were going to be hoping to get some spawning site areas.

You know, Reefkeepers came up with a list. MARMAP has some sites, they at least have indicated to us they did. So, I suspect that at some point we're going to get these sites, I hope, and if that's the case, then they could be adding them at this level.

Ms. Shipman: Are we not going to get some of those today, though? I mean, I thought we got some information. I know I've got the thing from Reefkeeper, where they did the analysis of some of the spawning sites in the South Atlantic. They are three. I've got that list.

I mean, I guess I sort of thought we were going to identify those sites if they weren't on this list and send those forward. But just one other point I wanted to make relative to the news release and the way to do that, and it goes back to last spring when we had to deal with the mercury issue in king mackerel.

I mean, everybody got together and we developed a strategy of how that release was going out. It was released at the same minute in every state, and if it meant that council members have to call a press conference with members of the press in the state and release it them so we can then interact with the press, I still think -- and, again, I don't want to micromanage

either, but this is not too unlike I think the Ocean Law letter that we've all looked at and had input into.

I think we need to have input into this news release as it goes out, because we all have a unique feel for how that news release is going to be received by the media in our respective jurisdictions, and those would be my suggestions.

Lt. Commander Cinalli: Thank you, Mr. Chair. With all due respect, if we did search and rescue like this, we'd have a zero percent completion, and I don't say that to slam anybody.

That's not the purpose of it, but as part of the process, this is a much different process, and it's a drawn-out process and it incorporates a lot of public testimony, public hearing, and that's just the nature of the beast that we deal with.

It takes a lot of time. And I don't mean to restate the obvious because you know this, but we need to tell the public. We need to keep them engaged and keep them informed. I know it causes a lot of extra work.

Again, that's part of the process, but if you don't send out a press release, you're basically not getting the true story of what happened out there. And, the country was founded on freedom of speech, so the reporters are going to report it.

It's going to be out there. It's the one opportunity to get the true process out there, as well as the point that Bob made, which I thought was very well, explain the process because one of your goals, Tony, is to explain the council process, and I think that ought to be incorporated in the press release. And the staff is very able, very able and capable to put that out.

I'd also maybe suggest that we have a press release, special press release out there if this situation warrants it, but, by all means, I think we need to set the record straight and then let the media take it, and the different local papers will go ahead and reflect it. So, that would be my comment and I'd like to see us go ahead and move forward.

Mr. Iarocci: Thank you, David, but to that point, I'd like to go back to the original scoping document. That document went from Point A to Point B to the definitions, what the council and the whole nine yards -- I just wish more people would read and understand that document and know where we're going with this whole thing.

Mr. LeMaster: I think part of our problem here is we've got a little bit of a credibility gap going on this thing. I can't speak to North Carolina, South Carolina, Georgia, but in Florida, if we eliminated all of these sites that we've got and put a whole new bunch in, we'd have the same objection to the new ones.

I don't know of any way that we can broadly put possible closure sites down off Florida and not have huge objection to it. Now, the reason for that is that most people that I've talked to -- and I think from hearing you all talk I've heard the same thing -- regardless of what we

call them, they think these areas are going to be no fishing areas, regardless of what we call them.

They think that's the way it's going to work out. I remember some years ago during the debate about the Tortugas area, that some limited fishing was going to be allowed there, and now, of course, it's not.

I was very surprised on the debate we had on the powerhead issue at our last meeting when we offered the Jacksonville Offshore Fishing Club the opportunity to establish special management zones, which would specifically prohibit powerheading.

And we thought they would automatically do that and they voted to not do that. The reason they voted not to do that was they were afraid if the special management zones were put in place, that the South Atlantic Council would then come back and close the whole area. That's the reason they voted not to do it.

Now, maybe we ought to back up a little bit on what we're doing here. I don't think you can ever figure out a way to call the press off once they're digging for that bone. They're going to keep on.

That's their job, but maybe if we say now here's what we're trying to do -- let's take a less painful approach to this. This is in the form of a question, too, do we have to do this? Do we have to take this licking that we're going to take on this thing or can we say this is a snapper grouper problem.

Let's go back to that and maybe establish spawning times. The scientists can figure it out and say you can't take any fish during these spawning periods.

I noticed reading the stuff about the Islamorada Hump, whoever said let's put the Islamorada Hump in as a no fishing zone, you know, must have been smoking dope.

I've spent some time down there and that really set them off, but no one down there would disagree with the idea of having an extended closure of amberjack during the spawn. Nobody would object to that, nobody I've talked to. They think that's fine, and so maybe we're putting the cart in front of the horse.

Do we have to do this? None of us will be alive when it finally gets decided, I don't think. We're going to fight and fight and fight and fight, so maybe we ought to back up a little bit and say here's what we're trying to do.

We're trying to protect snapper and grouper during the spawn, or amberjack, or whatever. I sat in, uninvited, on the North Carolina delegation yesterday when they talked about it. I know what the Florida group, how they feel about it, and you're not going to change that.

You know, we can take all these areas that we've selected and say, all right, we're not going to do those, we're going to do these, and the same thing is going to happen all over again. Now, do we have to do this MPA thing? I think that's my question, Mr. Chairman.

Mr. Iarocci: Well, Ebbie, I'm going to go back to the scoping document again and go through the definitions of MPAs. And if you go through our definitions, we do have spawning closures included in it, and that's what we're going at.

We are dealing with everything from a spawning closure all the way up to a no-take zone. I think Gregg had something he wanted to add to this conversation.

Mr. Waugh: Well, first I was going to respond to Susan's question, but to address Ebbie's question also, do we have to do this. The main reason we got into MPAs was to address the fact that for our longer-lived, slow-growing species whose genetics get altered from any minimal level of fishing, the answer is, yes, we have to do this unless someone can come up with some other tool.

We went through the scoping process. No one came up with any other tool. Your technical experts, who made up the Snapper Grouper Plan Development Team, were not able to come up with any other tool that would protect the genetic make up of these long-lived, slow-growing species.

So, if that is your objective, we know of no other tool to address it. Spawning closures are not going to solve that problem. They will not protect the longevity and maintain the genetic diversity that an MPA will provide.

Coming back to the question that Susan asked about extra sites, it was our intent to have those AP's review these, but it wasn't our intent to tell them that they couldn't come up with additional sites, because for a number of those committees, outside of the scoping process, that would be their first opportunity to suggest sites.

One way to deal with this timing issue and the desire to have the MPA Committee act on this and refer it to Snapper Grouper, would be to have the MPA Committee come in on the tail end of this super AP meeting in August.

The afternoon of the 29th and all day on the 30th, all those AP's will be meeting and discussing MPA's. It would be possible to have the MPA Committee there for that deliberation and then meet the following day, the 31st, and that way what you would have is the recommendations that come out of the AP's, and then at least then you would have the committee's recommendation.

Then that would be would be what would be publicized, again, with all the caveats and, again, letting all the council members review the press release before it goes out. That's one way of addressing that concern.

Mr. Cole: Mr. Chairman, based on the previous discussion we've had, I've given Gregg a slight modification to my motion, if he would put it in and see if it helps clarify what it is we're trying to develop this afternoon to go to this big joint AP.

Ms. Smit-Brunello: This just from a practical standpoint and based on what Dave said, council staff, I would urge you to put out a press release as soon as possible, as quickly as possible after the meeting.

And in fairness to Kim, who's going to have to deal with this, if every council member wants to look at it, which I think is fine, I would urge you to have a very short turn around time to review it and get back to her, like 24 hours or something like that, so she can get that out. Because it's going to be difficult, I think, for staff to deal with that sort of thing. So, that's all, just practical.

Mr. Lee: Thank you, Mr. Chairman. I'd like to go back to what Gregg and Louis brought up on the -- not that I want to attend more meetings, but I think that our committee should meet with that joint group that's going to meet down there.

I think that's the only way we're going to hear their input, their discussion of these things, instead of getting it second hand or third hand, and then have maybe a follow-on day or something after that. If it takes a motion from this committee to do that, I'd like to make that.

The second comment I'd like to make is on the news release thing. I think we're in a dilemma, or a situation here, where MPAs are new. Like Louis said, it's a lightning rod. I don't think there's anything we're going to really be able to do with that until it's been around a while.

It's just going to take an adjustment period; and once it's no longer big news to the newspapers, some of that's going to settle down anyway.

I think that we would be well served by including in every press release that we put out some kind of an information header as to what action is being taken and by what group and what that means and then give the context. I think that might hopefully solve some of it. It's certainly not going to solve it all.

Mr. Iarocci: Thank you, Wayne. There is a motion on the floor and I think by modification, if we did add what you said to that, I think we could move on because we do have a lot of things on the table today, I know we've thrown this round and round and I think we can finish this up with a modified motion right now and then move on. I hate to say this, but we are going to finish this tonight. Wayne, would you like to modify that?

Mr. Lee: I'd be receptive to some help from someone else if they've got some words they would put in there. I'd like to add to that the --

Mr. Iarocci: Gregg, could you add to that?

Mr. Waugh: Tony, the part about the committee meeting, we don't need a motion to do that. If that's the desire of the committee, we will add that in.

Mr. Iarocci: Okay, so that should be clear guidance then to move forward with this if everybody around the table --

Ms. Shipman: Could you add the word, along with additional potential sites? Would you add the word "potential" in that?

Mr. Cole: Perfectly acceptable.

Mr. Iarocci: Any additional discussion on this motion? I'll read the motion:

Option 2: Revise list of recommended sites. This modified list, along with additional potential sites and guidance, will go forward for further analysis by staff and the Habitat, Coral, Snapper Grouper, Law Enforcement, MPA Advisory Panels, and Wreckfish as well.

If we could, I'd like to call a vote. All in favor, please, aye; all opposed. The motion carries. Thank you, I'm glad we got that over with.

Mr. Mahood: I was just going to point out the one silver lining in that news release. It's become abundantly clear that some areas are not very popular for marine reserves or marine protected areas.

Mr. Iarocci: Definitely. What I'd like to do now, I'd like to start with the sites. I'd like to turn the gavel over to Vice Chairman Bill Cole, so I can be involved in the process here as Chairman.

I'd like to start with North Carolina, and, Bill, if we could have the North Carolina committee members give input first before the rest of the committee members and go down the line with each state, if we could do it that way.

That way, the rest of the committee and the council and the people in the public know exactly from the people what these sites are in their area. And to start with North Carolina, we have Dr. Louis Daniel, Wayne Lee, Jodie Gay, and Bill Cole.

The AP that were in attendance at this meeting, they are Dr. Doug Rader, Jim Francesconi, Pat "Pizza" Kannan. Absent were Sandy Ross, Mac Currin, and Jerry Schill. So, with that, Mr. Chairman, I give you the lead.

(Whereupon, Mr. Cole assumed the Chair.)

Mr. Cole: Thank you, I'm looking forward to this. Louis, I'll recognize you in just a minute. What I would like to do, as Tony said, let me start with North Carolina. Let me put it this way. Let's take whatever action that we need to take on the current list, then let's take up additional areas, if any, and/or other additional guidance that you would like to have the joint advisory panel to take up. So, with that process in mind, Louis, please.

Dr. Daniel: Thank you, Bill. And I'd like to do just opening comments and then I'd like for Jodie and Wayne to have an opportunity they need to discuss the sites specific.

I think the committee is aware of North Carolina's position on this issue and our need to move slowly on this and to develop some experimental sites to test our ability to quantify the results of marine protected areas, as well as to look at the issues of concern regarding enforcement and several issues.

So, that said, that sort of precipitates part of our discussion. Then, the other issue I believe is the spawning area sites, these spawning area closures. I think that that is a critical need and I think that the combination of some small experimental areas to test some of these hypotheses on the water, as well as some spawning area closures, will not only protect the resource and provide us with some information, but it will also get the public used to seeing some of these sites and get them used to seeing them.

And then if we can come back and we can very clearly show the benefits of these things, then we can move forward with some of these items on the list or create a new list or whatever.

But until I can go back to North Carolina with some very clear information as to the benefits of these things and that they can be enforced, then I'm going to be facing an up hill battle on what I believe is a very tenable proposal and a very good idea for protecting these sites.

I think Gregg put it as well as I've heard it in terms of the needs of protecting and maintaining the integrity of the genetics of some of these longer-lived species.

So with that, I will just say, before I turn it over to Jodie, that we have a site on here that is labeled as F, which is an artificial refugia site in an area off Beaufort Inlet that's about two square miles and in about 60 feet of water. That's one that we support.

Now, how we will move forward with spawning area sites, it is my understanding, based on the data report on red porgy from Jack and Pat, Jack McGovern and Pat Harris, that they have located some sites for red porgy spawning and Reefkeeper has put together a nice booklet on spawning sites.

I can't remember what those include and I don't have a copy with me, and if Alex has got a copy, I'd love to see it. But one of the things that we specifically went to the public with was indicated that one of the concerns that we had -- and I think the committee would agree,

at least some of us would agree -- that the deep water groupers was one of our primary concerns with this first tier of marine protected areas.

And so I think perhaps these snowy grouper spawning sites or something along this nature needs to be determined, and we need to work on that between now and the time this stuff goes to this super AP and discuss those sites.

We're not going to be able to give you specific areas today, but we certainly support the idea of spawning area closures, seasonal spawning area closures off of our state and we hope that the others will too.

But with that, I'll turn it over to Jodie, at least for now, if that's all right, Mr. Chairman, and give Jodie an opportunity to go through some of these specific sites.

Mr. Cole: Jodie, before you do that, Gregg, can I get some help from you, please? Louis has raised a very good question, which we have heard quite often in the last couple of weeks, and it deals with the spawning sites and spawning aggregations.

Am I correct in understanding that the AP will be looking at a document at the August meeting that is very comprehensive as it relates to spawning area sites? Can you help me?

Mr. Waugh: The Habitat AP looked at some detailed material at their meeting last July. That will be another issue asked of them again this time around, to refine that list.

Mr. Cole: So we have a more comprehensive list, if you would, of spawning sites than the Reefkeeper list, which would include their suggestions?

Mr. Waugh: It will include theirs. What they looked at before was a manuscript put together by Ken Lindeman, et al. There was some material put together by Karen DeMaria, as well as Project Reefkeeper. So, there are a number of different compilations of spawning sites.

Mr. Cole: Thank you, Gregg. Louis, with that, to follow up on what you're recommending, I think that we have set in motion a process by which our advisors could look at a comprehensive list to meet what you're talking about. I wanted to get that up front because Gregg had told me that earlier this morning. It's something I had asked for a long time ago.

Mr. Gay: I'll begin with a question of Kerry. Kerry, as I recall, when we went out with these scoping meetings, we told the public we were looking, at least in the first round, primarily at deep water sites to protect deep water groupers, and that that was our intentions of what would be first. Is that correct?

Ms. O'Malley: That's correct.

Mr. Gay: Okay, was the same thing said to the MPA Advisory Panel when they met?

Ms. O'Malley: Absolutely. If you recall, that statement actually comes from the scoping document, which was developed with coordination, primarily by the advisory panel. So, they have known and been made aware of all along that the council's primary focus has been to start with the deep water snapper grouper species.

Mr. Gay: Okay, thank you. With that, I would like to point everyone to the attention -- it's on page two of the cherry sheets, if anybody would like to follow along, but the very first site they suggested ranges in depth from 7 to 13 fathoms.

Clearly, there's no deep water groupers in that area. It is in the area of the New River bombing range, but it's still highly utilized by both the commercial charter and recreational fleet out of Sneads Ferry Area, as well as to some degree out of Swansborough Area.

I think that area, if we were looking at that type thing, may actually be acceptable if modified. As it exists, it's not acceptable from the phone calls that I've had.

At any rate, I'd like to see it taken off, the reason being it doesn't fit the criteria; and, again, we're looking at a serious credibility problem in North Carolina, and I'm sure in the other states as well, but I would like to very careful that we do what the public we were going to do and I think everyone -- I do this, with I think everyone on this council knowing how I feel about marine reserves, and a lot of people in the audience as well, or marine protected areas, I'm sorry.

Old habits are hard to stop, but I would ask that that one be removed. I'm going to do this in the form of a motion in a minute, Mr. Chairman, but I'd like to go on through the list.

The area that is described as being west of WR2 Tower, that says water depth 14 to 19 fathoms, the same thing. It's not protecting any deep water groupers, and this is the one I've probably got the most calls about.

You know, it's described as an area west of WR2 Tower, but I think it would better be described as the place that about 80 percent of the product from the Topsill, Carolina, and Wrightsville Beaches comes from.

I don't even think if modified that one's acceptable. For the time being, the one I personally have some serious problems with it, but it does at least take in what we were talking about.

The next site, Site C, looks at 128 to 148 fathoms. I think that's within the guise of what we told the public we were going to look at, so I'm not particularly worried about that one at this time. That's not endorsing it, but it's saying it meets the criteria. Let's send it to them and let them look at it.

The Frying Pan Tower, the one that's described as surrounds Frying Pan Tower -- actually, when I did pull it up on the charts, I wasn't even sure it took in the Tower. It gets real close, but I couldn't tell if it got it or not.

It's mostly the area northeast of the Tower that nearly -- I mean very close to 100 percent of the winter time king mackerel production for the commercial fleet comes from.

I realize we may not be doing it to protect king mackerel, but understand that these boats will bottom fish until the king mackerel are located, and then they pounce in there with snapper grouper species on the boat and go to mackerel fishing. And again, it's 9 to 12 fathoms. It doesn't meet the criteria.

I personally, and I say this in all honesty, believe Frying Pan Tower offers serious potential; and when we go to developing shallow water marine reserves, I think it has a great deal of potential, not this particular box as drawn, absolutely not this one, but I do believe that area has great potential.

I'll add that as a footnote, but with what we're looking at at this time and what we told the public we were going to do, I suggest we remove that one as well.

As Lou has suggested, F, I personally don't have a problem with it even though it's only in 60 feet of water. Let's beat it around. The one that is east of Cape Lookout, I would much rather Lou speak to that one than me, the reason being I'm simply not that familiar with the area.

I think it does take in some deep water, as I recall, and out of respect to Patrick Kannan, "Pizza" as I know him, I know he operates a headboat out of that area, and he was on the group that suggested this spot.

I've been doing damage control. I haven't been able to talk to him between rock shrimp hearings and damage control on this other. But I do believe that I'll let Lou speak to that one.

My motion, with that being said, would be to remove A, B, and D from the North Carolina list for consideration to go forward to that mega committee meeting. If they choose to put it back on, so be it, and I think that -- and in my comments about D and it being where almost 100 percent of the king mackerel production comes from, it draws into question do we want to get the Mackerel AP involved.

At what point do we want the King Mackerel AP involved in this because had this not been personal knowledge of mine, it could have -- other than the phone calls I got, it could have been potentially slid through the cracks and it possibly down the road being approved without -- well, I don't know that that could happen, but it does bring in the question at what point do we want to get the King Mackerel AP involved in this.

But with that, my motion is to, again as I stated, remove A, B, and D from consideration. I have serious problems with C, but I don't care if it stays on there since it does at least fit the criteria of what we suggested. I will add, too, that -- well, I'll just wait until I see if I get a second.

Mr. Cole: Do we have a second to the motion? Susan Shipman has seconded Mr. Gay's motion.

Dr. Daniel: Yes, I'd like to amend the motion to include E, which is the area east of Cape Lookout. That area is sitting on around the area around 50 to 100 fathoms, but it also sits right next to the Big Rock, and it is a very highly utilized offshore fishing area.

It also sits real near the Atlas Tanker, which is another very popular fishing spot and people tend to move all through that box during the fishing seasons. I guess it's a friendly amendment.

Mr. Gay: Yes, I would accept it as a friendly amendment.

Mr. Cole: Mr. Gay accepts Mr. Louis' as a friendly amendment and Ms. Shipman, I understand, will second that.

Dr. Daniel: I know we're dealing here primarily with the deep water groupers here. At least that's one of focuses on this first round, but I still believe, contrary to at least our original position, that I support the Type I reserve, and that will take out any pelagic trolling through those areas.

I mean, I think in order for it to be enforced properly, there's going to have to be absolutely no fishing in these reserves; and with that said, I can't support E because of the pelagic offshore fishing that occurs in that area. So, I guess, Mr. Chairman, that would pretty much cover North Carolina's areas.

Mr. Gay: Mr. Chairman, I would ask our colleague in the corner, who's liked that end of the table all week, his opinion of what we have suggested or if he would suggest changes or --

Mr. Lee: Thank you, Mr. Chairman. Thank you, Mr. Gay. I support what has been brought forth here to the committee. Fortunately, we've had opportunity to discuss this among ourselves and have kind of worked out what we think would be best for our state at this point in time.

I would like to go on record to say, just like Susan Shipman did earlier, that I'm very supportive of MPAs. Our process at this point in time is to use the MPA process to further support our normal management of the snapper grouper complex.

And I think what we've done here, and what Jodie has made very clear, is that that's our goal at this point in time in this action, and I think it's very imperative that the Snapper Grouper Committee get involved in the process. Thank you.

Mr. LeMaster: Mr. Chairman, do you plan to go down this state by state, to have each state comment on what sites they would like to have removed?

Mr. Cole: That was my intention.

Mr. LeMaster: Well, I can't speak for Tony, but I don't think the state of Florida is prepared, in any way, to analyze 20 different sites at this meeting today and say which ones we think are good and which ones we think are bad, but I'm certainly not, and I don't think that's a fair way to do it.

North Carolina has had some meetings here in the last couple days with three members of their group, four members, three members, and we haven't even talked about this. I haven't talked with Tony and we're the only two ones here that I know of. I think this is way premature to be going through these sites.

Mr. Gay: Ebbie, if you all haven't met to discuss the sites off of Florida, I think that's unfortunate. And what I would suggest to you is that if you don't, then if you have sites that you know are unacceptable, you know, remove them.

If you don't, then send them on to this mega AP Committee meeting and let them kick it around. That would be my recommendation to you, but I'm surprised to hear you all haven't discussed them.

Mr. Iarocci: Thank you, Mr. Chairman. Ebbie, throughout the week we did discuss this. We talked about the different process and we did go through what we were going to do at this meeting.

I have quite a bit of input from some of the people in Florida in some of the areas that gave grave concern to some areas, then asked to be removed, some areas to have an informal meeting where they could go through criteria and maybe come up with a spawning closure, and other things, all the way from Jacksonville all the way through the Keys.

And I am prepared to put that on the table and in no way am I pressuring you to agree to that, but, I mean, I am prepared to go forward.

Mr. LeMaster: That's fine. I didn't know you'd done that.

Mr. Cole: Louis, before I recognize you, I've been told that a statement that you made in your amending the motion for Item E may require some additional clarification, and that is as it relates to the issue of limited or no fishing in the remaining area.

Dr. Daniel: Yes, and I don't know whether we want to discuss -- Gregg brought that to my attention, too. I don't know if that's something that we want to discuss as a committee, whether that's the feeling of everyone on the committee, that we need to be going with Type 1 reserves in this situation or whether I need to handle it on a state -- or whether we need to handle it on a state-by- state basis.

Mr. Cole: The Chair's advice to you is remember what you develop today is what will be going to the advisory panel and to the staff for additional work.

Dr. Daniel: All right. Then in that case, what I would do is maybe perfect the motion to say remove A, B, D, and E from the North Carolina proposed Type 1 sites as opposed to Type 2, if that'll do it.

Mr. Cole: Ms. Shipman, you were the seconder of the motion.

Ms. Shipman: Just a question. I thought we're referring these sites over to this group of advisors and the scientists and getting information about spawning stock and this, that, and the other and whatever else is there, and I don't think we can make a decision on Type 1 or 2 until we get that information back.

I mean, I don't think the Georgia contingent, we're not prepared to say we want to keep this site on for Type 1 evaluation versus this site for Type 2. I mean, we just haven't had that discussion. And until I get some scientific information back from some of the people that have studied these fish, I can't possibly do that.

Dr. Daniel: I mean, I'm just trying to come up with the sites. It's my personal opinion, and I know we've got a long way to go, but it's my opinion that these sites, when they're adopted as marine protected areas or spawning area closures or experimental refugia, that those areas be Type 1.

Now, if what we're sending forward here is for discussion and debate by the APs on the merits of these locations, and it's really not their call as to what the management measures will be in those areas, and so I'll withdraw that Type 1 sites perfection and just let the motion stand as written for their review, simply on the sites themselves.

And so the result of the motion would be that we would -- my intent here would be that for North Carolina, the sites to be considered by this mega AP would be C, F, and spawning areas, as defined.

Now, just for one further quick clarification and then I'll shut up; F is not deep water. It does not meet the criteria for the standard MPA. That was not the intent of F in the first place.

The intent of F is to examine things, and I think that we will be able to garner a tremendous amount of information from this experimental area, be it in 60 feet or 60 fathoms and especially as it relates to enforcement issues and perhaps some of the production issues.

So, I'm not so concerned that that one's not the deep water site as I am that C is a deep water site and that's it.

Mr. Cole: Gregg, is that reasonably satisfactory?

Mr. Love: Yes, I may need Kay to help me with this, but they had a presentation at the Gulf Council on submergibles that was looking at different groups of fish off the panhandle part of Florida, and in the presentation they stated that they had never been able to find any fish that spawned on artificial reef sites.

They had one they found was aggregated and moved on to old sites, like salmon go to the same river and shad go to the same river, and in picking these sites, if this proves to be true, we might need to consider something like that.

I'm sure artificial sites have got a lot of horsepower and they do a lot of good, but if these fish do not spawn on these sites, I don't know how much we're going to get out of that. And I'll just ask Kay if what I said, does she remember whether that's -- okay, she said yes.

Mr. Cole: Ms. Williams responds yes. Before I do additional recognition, Gregg will that paper presented to the Gulf be made available for the August mega meeting?

Mr. Waugh: Yes.

Mr. LeMaster: Mr. Chairman, I want to withdraw my previous comments. Florida just met and we're ready.

Mr. Cole: I'm working to get to you, Florida, because I know there's some people in the audience who are ready, too. From North Carolina, Mr. Gay.

Mr. Gay: Thank you, Mr. Chairman. I want to make my intentions clear here. My intentions are that the AP, this mega AP, especially our snapper grouper guys, may go into this meeting, I hope will go into this meeting and add to this list, the remaining list, to come up with more sites that they would suggest.

I think it would be a much more acceptable site coming from that big of a group of people that actually the majority of them actually fish, or at least more of them do, and fish for snapper grouper.

And in the meantime, if I can find somebody that isn't still mad over this list, I may even have my own site or two that I would like for them to consider. But, I mean, I just want to be clear that that is my intent in going forward and by removing these.

Dr. Daniel: To Fulton's comments, I'm not looking for a patchwork of artificial refugia all throughout the South Atlantic region. We can't afford that, but I believe that there have been -- throughout the process there have been a lot of very substantive concerns raised, particularly on enforcement and I just think that this gives that -- my main intent there is not to start this as the North Carolina artificial refugia program.

It's to use this one in a site that I think is well situated around the Fort Macon Coast Guard Station, near the North Carolina Division of Marine Fisheries headquarters with our helicopters and some of our larger vessels, and gives us an opportunity not only to go down and evaluate the sites for productivity and maybe migration in and out of these sites and residence times for some of the things that we know are going to be there, but mostly to look at enforcement.

And are we going out there after we set this stuff out there and are we picking up two five gallon buckets full of bottom rigs and a couple of anchors and a planer and a few cannon balls every time we go out there, or are we seeing pretty good compliance and are we getting a little bit of enforcement out there. That's the intent of the artificial refugia, in my opinion, at this stage of the game.

Mr. Cole: Is there additional discussion on the motion? We have a motion before us made by Jodie Gay and Louis Daniel, seconded by Ms. Shipman, to remove sites A, B, D, and E from the North Carolina proposed sites.

Is there additional discussion on the motion? Seeing no discussion, is there any objection to the motion? Seeing no objection to the motion, the motion passes.

I have been asked by our public affairs people to take up Florida next. I'm glad that y'all have had your conference. Your timing is excellent. And the reason is, quite simply, there's some people in the audience that are here tonight to hear you and to hear this discussion and so forth, and I'm ready to take up the state of Florida and I'll recognize Tony.

Mr. Iarocci: Mr. Chairman, if you would, could we take a short recess first and then come back to the table?

Mr. Cole: We are in recess for ten minutes.

(Whereupon, short recess was taken.)

Mr. Cole: Can we get started again, we've got a long agenda to go today. The Chair had recognized Tony from Florida and I will again recognize Tony.

Mr. Iarocci: Thank you, Mr. Chairman. At the AP meeting, in attendance was myself, Dave Cinalli, and Ebbie LeMaster. I mean, they were committee members. At the AP

Meeting in attendance was Greg DiDomenico, Alex Stone, Ron Rincones, Don DeMaria, Robert Rowe, Luis Barbieri. Absent was Doug Kelly and Ben Hartig.

Now, when we brought all these things up, everything that you see underneath Florida in the paper handout, we started with the Islamorada Hump. Now, from a lot of the input that I do have from fishermen in the Islamorada area.

And, Ebbie, please, I'll go through some sites and I'll put them up for discussion and then you can go add if you want or any -- David, anything that you want to add to this.

The Islamorada Hump, and we talked with the Islamorada Charterboat Association, a lot of the fishermen there, a lot of the commercial fishermen that did in the past, commercial amberjack fish there that aren't fishing there completely anymore because it's not feasible to catch a lot of fish.

What happened with that area, and it was proposed as a no take, they would like to take time right now and to meet, the charter fishermen, the commercial fishermen, and sit down and look at that as a potential spawning closure dealing with that, and I think we are going to be able to do that.

I've checked with Gregg. We're going to put a meeting together in the Islamorada area and come back with a proposal on the Islamorada Hump at the August multi-, as Susan calls it, super AP meeting.

From there, I'd like to go to the -- like I said, I'd like to just keep that on for reference to work into August. I'd like to go into the next, Carysfort Reef and south of Fowey Rocks area.

I think most of you know at this time that that whole area, those two sites, which is referred to as Sailfish Alley, is very, very important to the charter fishermen in that area.

And also due to the fact of the closures of the sanctuary preservation area, through the sanctuary there and Florida Bay being off limits to the commercial fishermen who lobster trap out there, it would be a great impact on their fishery to include that. Both the commercial and charter industry have requested that those be removed from the list.

Next up for reference is H on the list, which is the Oculina Habitat. That extends from the Oculina Bank up to the North Carolina area. Now it's such a big area and on paper, the fear factor that came out of that just totally, totally annihilated me with phone calls. Here we were, we were closing this whole big area, not understanding what was going on with that.

And if there is an area within that that has really good habitat, it should be considered. I mean, that area should be considered in the future.

And under K, some fishermen came to me the other day that were here specifically to talk about K. They said that that whole area is on sand bottom, and they said to please go five or six miles to the south -- there's a ledge there -- and to go into a hundred feet of water. Now, that is a very prolific area. Ebbie, can I give you a chance to chime in before I go on or is there anything you want to say?

Up on the Jacksonville area, this was a concern of I think both the PHDs, along with the headboats and the Jacksonville Offshore Club. This is one site -- and they also requested a meeting up there to look at some other possibilities and come back with this at a later date, after they do research some other areas.

But they also asked to remove Blackmars Reef and Tanzars Reef, located off the Jacksonville area. They've asked for that to also be removed.

And some of the other stuff I've got mixed feelings on, but people weren't ready to ask to have some of this stuff removed or talked about, and I think a lot of these areas we can go forward with to this super AP panel and work on it there. With that said, Ebbie, if you want to add to that or Dave Cinalli.

Mr. Cole: Tony, are you prepared to make this in the form of a motion for clarification?

Mr. Iarocci: Yes. I think Ebbie has some discussion on that.

Mr. LeMaster: Just a couple of comments that there are a few sites that are listed in here that are in the state waters, and they should be taken out.

Secondly, I think we should recommend to the council that this entire list needs to go before the Florida Fish and Wildlife Conservation Commission to look at, to get their comments.

I think we're moving ahead here pretty aggressively, and so I would like to -- when you make your motion, Tony, if you could add that to it, that we request that this be given to the Florida Fish and Wildlife for their comments.

Mr. Iarocci: I think, Ebbie, if you would, I'd like to make that into two separate motions, so you can go ahead and follow up with that.

Mr. LeMaster: All right. Fine, but I also think that the areas that are in state waters, they should be eliminated now. The ones that I think that are in state waters is F, the Lake Worth Inlet South Jetty. I'm not sure about D, but I know that F is in state waters.

Q is in state waters. That's right off of the Breakers. That should be taken out. I'm not sure about F, where it talks about the Hobe Sound Bars, but I think that's all in state waters and if there's any closed on that, it ought to be done by the state of Florida.

Mr. Waugh: Just more a question about areas that would be in state waters. Our guidance to the advisory panel, when they were discussing this, was when they got into this idea of wanting a patchwork of areas to protect fish from where they settle out inshore to as they move offshore -- our recommendation to them was that any sites that were in state waters, if the council were to include those, and it goes through the process, it would be similar to how we deal with any other issues that we refer to a state.

That would be a recommendation that the state consider those sites. It's certainly not any intent for the council to implement those sites, but I think if the guidance from the committee is that we only consider sites that are in federal waters, we can do that.

But if you do want to have some sites go forward and be evaluated that are in state waters, we can do that. The mechanism that we've used in the past would be just to recommend that action to the states. But, clearly, that's something that the committee and council should give us guidance on.

Mr. Cole: Ebbie, is that clarification acceptable because that is the normal course of action for the council?

Mr. LeMaster: I'd like to make a motion that in Florida we not consider this process in any areas that are in state waters.

Mr. Cole: I have a motion on the floor from Ebbie. Do I have a second?

Mr. Gay: I'll second it for discussion.

Mr. Iarocci: Ebbie, I think because we don't know enough about that area right now in state waters, and after what Gregg has just said, I think right now if we do leave that on there, we're going to get some information on those sites that I think could be valuable to this process. And, at this time, I think they should stay on the list, but it's open for discussion.

Mr. Cole: Additional discussion? .

Lt. Commander Cinalli: Thank you, Mr. Chair. I concur with Tony. Just the simple fact that they're state waters, I don't think that reasoning in itself would take them off the list. Like Gregg described, there's a pretty extensive process.

I think, like Tony said -- and, again, I think we're going to get a lot of good information on that and there's, again, an extensive process down the line that this has to go through. So, I think we should leave it in and see what we come up with.

Dr. Haddad: I'm not a committee member, but I figured I'd better speak up here.

Mr. Cole: You're certainly welcome.

Dr. Haddad: I tend to agree with Ebbie in his motion, and the reason is that this is very new to our state commission, and this is going to probably throw our commission into great turmoil, my guess is that at the expense of this process.

Now, if there's another way to bring these sites without having them go through a process where they end up in a federal document, I'd like that to be explored, if possible.

Ms. O'Malley: I neglected to mention, when I was going through comments, a phone call that I received before I left the office last week because I've gotten many, and I apologize.

But the woman from Ocean Watch Foundation, Society, Organization --I'm sorry, I forgot -- called me in the office and expressed interest in the council supporting the Broward County and Greater Fort Lauderdale MPAs.

That is the group trying to develop them at the community level, and they felt that a letter of support or anything they could get from the council to support that would be helpful to them, and I just thought that I would state that for the record.

Mr. Iarocci: Thank you, Mr. Chairman. Ken Haddad had some very important words there. And I don't know if you all know the restructuring and what's going on within the state, and I would hate to see this kind of thing get thrown to the state and for us to wait to move any of this other stuff forward because it's taking too much time now.

And for the importance of the time, I will change my decision on this and go ahead and say that we can always come back to the state issues later, the state sites later, but for now, to get this process moving a little faster, I'll agree with you on this, Ebbie.

Mr. LeMaster: I don't think I need to say any further. I've served as a member of the Florida Marine Fisheries Commission and this council here; and from a practical standpoint, and particularly with this being a brand new commission and they're very sensitive about this type of thing, then I would let them make that decision.

Mr. Cole: Additional discussion on the motion? We have a motion by Ebbie, seconded by Jodie Gay. That motion reads the South Atlantic Fisheries Management Council should not consider MPA sites in Florida state waters. Is there additional discussion on the motion?

Mr. Love: If we're going to do that, shouldn't we say in all state waters, North Carolina, South Carolina, Georgia, and Florida?

Mr. Cole: Are you making that as a motion?

Mr. Love: I'll make that as a substitute motion?

Mr. Cole: Is it a friendly amendment?

Mr. Love: A friendly amendment.

Mr. Cole: To the makers and seconders?

Mr. Gay: I'll take it, but I wanted to point out to everyone that without having the document in front of me, as I recall, those estuarine-dependant species we discussed may need protection in state waters that they aren't getting.

Now, that's not particularly speaking against this motion, but I think at some point in time, as this process evolves, and this probably isn't the time, you know, we've got to look at that.

Dr. Daniel: Jodie makes a good point, and one of the ideas of MPAs long has been sort of the possibility of using the stair step approach out the inlets to sort of protect some of these estuarine- dependant species, particularly black sea bass and gag.

And so, that's not our focus right now. We're focusing on the deep water species, but I would ask that maybe a friendly amendment that concludes that sentence with "at this time."

Mr. Cole: Is that acceptable to the -- Ebbie, you're the chief maker.

Mr. LeMaster: Sure, that's all right. I think we're getting into questions here of trying to adapt the motion to four states, and that there are parts of Florida that they're talking about in here, you go out 200 feet and you're in 100 feet of water, and you go out that far in Georgia and you're in 2 feet of water.

I also might add that, as all of you know, the make up of the Florida Fish and Wildlife Conservation Commission, that's a constitutional commission, and they can make these decisions very quickly and no one can short guess them.

Mr. Cole: Is there additional discussion on the motion?

Mr. Gay: I'll just say the seconder concurs with the motion maker, with the "at this time." I'm not sure what a definition of that is, at this meeting, I guess, at least for the time being.

I don't think it's a good idea, but I just wanted to point out that in the future, as this progresses, it may be necessary to readdress that.

Mr. Cole: I will reread the motion. The motion now reads the South Atlantic Fisheries Management Council should not consider MPA sites in any state waters at this time. Is there additional discussion on the motion? Is there objection to the motion?

Mr. Lee: That brings up another consideration. We're getting ready to give recommendations to a very broad spectrum of AP meetings in August. There will be a lot of people there.

Are we, in effect, tying those people's hands if they decide that there are some areas in state waters. Would this proviso prevent them from bringing that forward?

Mr. Cole: The Chair's interpretation of this, in response to your question, would be, yes, particularly in light of the language, "at this time."

Mr. Love: You could always take it to the state, though. If they feel like it would be a good site to recommend to the states to close, they could always go to the states and do the same thing.

Ms. Shipman: I mean, once we get through with this list, they're going to have a lot of work to do with what they end up with in federal waters as far as doing an evaluation and gathering scientific information.

And if they so choose to go off in a sidebar conversation and come up with some areas germane to state waters, they always have the prerogative to go and approach the state with that, but I think they need to focus their time working as advisors to us focusing on federal waters right now.

Mr. Cole: Is there additional discussion on the motion? Is there objection to the motion? Seeing no objection, the motion passes.

Mr. Iarocci: Thank you, Mr. Chairman, and I would like to make two motions so it's very clear on what I'm saying here. The first motion deals with the Islamorada Hump, and I would like to have further consideration the Islamorada Hump as a spawning site, with emphasis on bottom species, snapper grouper.

I mean, this is up for discussion, Ebbie, if you want to help me on this, but I want to make sure that we are dealing with bottom fish, not pelagics, because this is a site we might be able to work into this, and I think it's very possible because the site is very important to the people in the area for trolling for pelagics and surface species. I want to make sure that that's going to be considered here.

Mr. Cole: I have a motion; do I have a second?

Mr. LeMaster: Second.

Mr. Cole: Seconded by Ebbie LeMaster. Discussion on the motion? Any additional discussion on the motion? Is there objection to the motion? Seeing no objection, the motion passes.

Mr. Iarocci: Thank you. What I'd like to say now is I'd like to make a motion to have Fowey Rocks, Carysfort Reef, Oculina Habitat, Blackmars Reef, and Tanzars Reef removed; and Area K, change that to five to six miles south to a ledge to 100 feet.

Mr. Cole: Let me give you just a minute to work with Gregg to get the exact wording.

Mr. Iarocci: Go five to six miles to the south to a ledge to a hundred feet, and I'm sure that's going to be modified and we're going to have to deal with this stuff. Once we do define these areas, we're going to have to really define these.

Mr. Cole: We have a motion on the board. I need a second. Jodie, are you seconding?

Mr. Gay: Yes, I'll second, but I'd like to discuss it first.

Mr. Cole: Jodie, since you seconded, please go ahead.

Mr. Gay: Thank you. Site B, even as far north as North Carolina, I've had two calls on it, and I've had a couple of people approach me this week also in opposition to Carysfort. So, I'm just supporting at least that part of the motion. I don't know the other sites, but I fully support my friend from Florida, the maker of the motion, in his efforts.

Ms. Shipman: Just a question for clarification for us, and I guess it's clear to everybody, but I just want to make sure. On H, even though the Oculina Habitat, the extension of that is coming out, it would be our intention to retain the current oculina experimental research reserve in the form that it's in now?

Mr. Iarocci: Yes.

Mr. LeMaster: Thank you, Mr. Chairman. I'm delighted, as you know, the more of these things you take off, the happier I am, but on the Red Snapper Sink or the spring off of St. Augustine, it's interestingly enough that's the only area in all these things I saw listed that I thought needed some type of protection.

That used to be one of the great red snapper holes of our part of the world and it's a natural spring that's formed. In fact, the Spanish used to load their kegs with fresh water in that spring. It's a marvelous place.

You can see it from the air clearly to this day, and so we'll go through this later on, but that might be a very logical place to close.

Mr. Iarocci: Thank you, Ebbie, that's why I'm putting this up for change. That's what I'm hearing from everybody. They want that left, but they want to make sure it's in the right place and it's doing the right thing. Don't forget, this modification, once again, could not be perfect.

It's something that we're going to have to look at exactly where this is and we're going to have to deal with it that way, and we're going to go through this process. That's why it needs to be left.

Mr. Cole: Additional discussion on the motion?

Dr. Daniel: I'll just remind, you know, the deep water stuff, and remind everybody that that was one of our primary objectives in this first round, was to protect the deep water stuff.

Mr. Cole: Additional comment?

Mr. Iarocci: And also, I'd like to address that I did confer with David Cinalli from the Coast Guard on a lot of these issues, especially the enforcement problems there would be trying to enforce the Sailfish Alley or places like that where you have a large area where -- or try to allow just trolling in a place like that.

It wouldn't be possible or feasible for the Coast Guard or anybody to try to enforce in there with that many boats there. So, that's why it was asked to be removed, also. There was no enforcement compliance to even think about in an area like that.

Mr. Cole: Additional discussion?

Ms. Shipman: Just to answer one of Louis' comments, you know, he talked about the need for some deep water protection, and I think we are getting some of that with the Oculina HAPC, certainly for gag and scamp.

In some of the information we do have, it does show that those are spawning areas for those two and that those spawning areas are in 70 to 100 meters. So, I think we are getting that in some parts, or at least one area of Florida, with what we've already done with that area.

Mr. Cole: Additional discussion? We have a motion on the floor by Tony Iarocci, seconded by Jodie Gay.

Mr. Cinalli: Thank you, Mr. Chair. Without going into a lengthy discussion on law enforcement, which I'm sure we're going to do later in the ballgame, I don't want to see any of the areas, at this point in the process, eliminated because of law enforcement because we don't have that in effect right now, because we don't have this plan in effect right now.

So, without going into the obvious things about larger areas and all the guidelines that we already have, I'll make a short statement. As this develops, so will the law enforcement plan to back it up.

And to say that law enforcement is in place right now, before this plan is even detailed, of course, I think is obvious, but we will work on that down the road, and I just wanted to put that on the record. Thank you, Mr. Chair.

Mr. Cole: Thank you, David, and I think what he just said is very important, and we all should bear it in mind as we continue to go through this process, not only this iteration, but in future ones. Is there additional discussion on the motion?

We have a motion on the floor by Tony Iarocci, seconded by Jodie Gay. That motion reads remove Sites B, C, H, and M; modify Site K to go five or six miles to the south to a ledge. Is there additional discussion on the motion?

Dr. Daniel: Just one clarification from Tony or Ebbie. Under other recommendations, y'all have got some areas that were recommended by letters from folks. Are those included? Are you going to keep those areas, too? Okay, thank you.

Mr. Cole: The answer is yes.

Mr. Iarocci: Yes.

Mr. Cole: Is there additional discussion on the motion? Is there objection to the motion? Seeing no objection, the motion passes.

Tony, do you wish to address A, B, and C, and the others or do you have additional motions?

Mr. Iarocci: No, I'm done.

Ms. Shipman: I'd like to point out that A, B, and C are not off of Florida, just for the record. They're off of South Carolina and Georgia, I think.

Ms. O'Malley: The other recommendations, as it states, but let me make it clear it came in a letter and we didn't get the envelope. I didn't receive the envelope with it. I don't know who it was from or in which state they lie. I copied exactly what I could read off of that letter, so I apologize for any confusion over where they are. Yes, I didn't know where they were. I wrote them because they were received.

Mr. Cole: Thank you for the clarification. The Chair was in error also. Ms. Shipman, would you or Fulton, are you ready to proceed with Georgia?

Ms. Shipman: And I'll tell you where A, B, and C are, and actually this has been an enlightening process. We're pleased to know that the Charleston Bump, what everybody thought all along was the Charleston Bump, is actually the Georgia Bump, and we're pleased with that and we might just proceed with the renaming of that.

Dr. Dean: Well, Susan, you know our respective Attorneys Generals have been discussing the line between South Carolina and Georgia. And just a few minutes ago, and I'd like this on the record, Susan and I had a discussion, and I'm perfectly willing, now that we've had this designation that it isn't the Charleston Bump, but it is in fact the Sapelo Bump; that we will change the name and cede that to Georgia. And Susan volunteered that since we had done that, that she would give us the Savannah River and I accepted immediately.

Ms. Shipman: That comes with all the tritium that comes down the Savannah River, too, John.

Dr. Dean: Do we get the overhead from the Savannah River Plant as well? Yes, thanks.

Ms. Shipman: You get SRP along with that. No, in all seriousness, the areas off of Georgia, I guess are listed on pages 4 and 5 and some portions of page 7 under the other recommendations.

The contingent from Georgia, we have consulted and conferred. We would recommend a referral of A, the newly named Sapelo Bump, whatever it is that lies due east of Georgia. That definitely has documented ecosystem importance to fisheries.

There are ongoing studies there. There is a longline closure in that area during certain times of the year. I am concerned about the new information that the wreckfish grounds may fall in part of that, but my understanding is the Charleston, Georgia, whatever, Bump is a large area. So, I would like that evaluated.

We would like to include this area for referral, particularly to the snapper grouper folks, and would like to see if there's some feasible areas for some deep water spawning that could exclude wreckfish, insomuch as that wreckfish catch has very little bycatch.

It's a clean fishery. We do have a spawning closure for wreckfish already, so it would be my intent that we evaluate this area outside of the wreckfish grounds. So, that would be one recommendation.

We would also like to recommend that B remain on the list for referral. That area is east of Sapelo. It's in 600 to 650 feet of depth. The site is on the slope. It's just over the edge. The site that they looked at was one to three miles wide, expansive mud bottom. It runs north/south.

They were looking at a three-mile by five-mile area. I'm not married to that particular size. I would suggest that that bottom, which is said to have tilefish and formerly have snowys on it, that that be looked at for spawning sites in that entire habitat that runs right in that area. So, we would recommend that that remain on there.

There's also the possibility of augmenting that site with some man-made habitat to get some relief into that site and possibly reestablish it as a snowy spawning area, but I would like their comments on that, if that's feasible to do something like that.

Site C, we would recommend remain on the list. This is in 120 to 160 feet water depth. This is north of the Navy Tower R8. It's west of the inner boundary of WW artificial reef, which is a -- actually it's a blue water reef that we built mostly for trolling for blue water species.

It's located near the Tower. We think this has potential for monitoring and enforcement. We'd like to evaluate the feasibility of this site for that. The recommended size by the AP was five by ten nautical miles.

This site does consist of scattered live bottom. In fact, it was historically targeted by the roller trawls. It's rumored to be juvenile habitat for mid-shelf species such as vermilion, red porgy.

So, we think this has some potential as being an area for protection for some juvenile mid-shelf species. So, we recommend that that remain on the site.

D is a similar situation. This one is located north of the Navy Tower R5. We don't know much about this site. It is rumored to have scattered live bottom, and, again, could possibly be habitat for red porgy and other snapper grouper species. We hope MARMAP might have some data on this site. We would like to see it evaluated.

E is sand bottom, and this was recommended as -- and it's northeast of Gray's Reef. It was recommended for construction of an artificial or man-made MPA. I think there's question whether this would -- and during the public comment, when this came up in the second meeting at Richmond Hill, there was discussion whether this would really be an artificial refugia or MPA or whether it would be mitigation for lost fishing opportunities.

So, I think we need to refer this whole question of establishment of artificial or man-made refugia. We've talked about it. I don't know that our scientific advisors have really evaluated this for us, what the feasibility is of using artificial refugia to contribute to the MPA strategy.

We believe they probably do a place, especially in areas where habitat is limited, such as off of Georgia and South Carolina and in some areas of North Carolina, it sounds like. The question is what is the role?

Can these areas functionally perform in an ecosystem manner for the snapper grouper species and other species, the entire community, in an equivalent manner as a natural live bottom can, and what is the time that it takes these areas to mature?

So, I think there's certainly a role for looking at these experimentally in a research capacity, but I would like to get some more scientific advice on this. I don't know that we've really posed this question to our scientific advisors and had them fully evaluate it and bring that advice back to us. So, we'd be glad to keep this site on the list contingent upon receiving that type of advice, is this a feasible way to go.

Site F is probably the biggest flashpoint we have going in Georgia right now. There's unanimous agreement among Glenn, Fulton, myself that F should come off of this list. That is the innermost most accessible live bottom fishing habitat off the coast of Georgia. It's extremely popular.

Also, in looking at various scientific information that's been provided for us, none of the deep water species, our primary focus for trying to use this as a tool to recover them, are found in that area. It does say six of the species currently considered overfished are found in that area.

It includes in that -- excuse me -- it says there's six on our list of snapper grouper that are considered overfished and it goes on to say gag, red snapper, vermilion, yellow tails, sheepshead, red porgy.

Of these six, only gag and sheepshead are common within Gray's Reef. Well, gag is now back up to a 30 percent SPR. I would contend and submit to you that the traditional management tools we are using for gag are beginning to work.

I think we can protect gag in some deep water spawning sites to continue to replenish that population. I think we'll gain more in protecting some gag spawning sites, which are not on Gray's Reef, than we would gain toward recovering gag by closing a section of Gray's Reef.

Sheepshead, the visual assessment by Ault, et al, that was done in the Keys several years ago, I guess that suggested that this species is overfished; however, the status of sheepshead in the recent report to Congress is stated as unknown, and that's a determination NMFS made.

I would tell you that next week we have public hearings and we are going forward with more restrictive measures on sheepshead, lowering the bag limit, raising the size limit.

So, I believe Georgia feels we can address the issue of sheepshead with traditional management measures and more restrictive ones that we are in the process of putting in place and those will be possession limits. So, anybody fishing Gray's Reef, coming back into the state will have to conform with those.

So, we would recommend for purposes of, I guess, a management tool for the snapper grouper species, that F come off the list. Now, we would be happy to refer and would recommend that we refer this site back to the Gray's Reef management process.

It does note that they are considering establishing a study site within the reef that I think conforms to this southeast quadrant, in the process of looking at their management plan.

And what I would suggest is that we refer this back to them, let them work through this site through their management process, and then bring back to us their recommended fishing regulations or restrictions that they would recommend that would be necessary for them to accomplish their research goals. So, that would be my recommendation on that site.

And, there's one other site and I don't have quadrants for it. I believe it comes from the MARMAP data. It is a gag spawning site that may actually be located in the

Charleston Bump. All I have is a graphic. I don't have any coordinates and I'll give you this and I think y'all have it and I would like to see that site evaluated. It looks to be deep water along the shelf edge. It's about mid- coast, it appears.

Mr. Love: Second.

Ms. Shipman: So, I guess my motion is to retain A, B, C, D, E, and this additional gag spawning site, and to refer F to the Gray's Reef management process for their research study site consideration.

Mr. Cole: I have a motion by Ms. Shipman and a second by Fulton Love. Is there discussion on the motion?

Mr. Waugh: Within the evaluation for Site A, it was to come up with sites that perhaps were outside of the wreckfish grounds. Would you also envision us evaluating what the implications would be if we were to allow wreckfish harvest within that area? We'll have law enforcement there.

Ms. Shipman: Yes, this is a well-known site of high ecosystem value and there have been tremendous studies out there. And in so much as that fishery seems to be a clean fishery with very little bycatch, yes. I mean, that's a fishery we could require VMS on for them to fish in that area or something like that.

So, I think that's an excellent suggestion. I'd like any and all evaluation of this area, with the expressed guidance to the group I'd like to minimize any impacts on the wreckfish fishery.

Mr. Cole: Gregg, does that answer your question for clarification? Is there additional discussion on the motion?

Dr. Dean: Well, since the Sapelo Bump now exists and since that's the only that we really have much -- I haven't received much feedback in South Carolina. Since that's now under deliberation for Georgia, I feel that I too would encourage the further consideration, knowing that the emphasis there has been on pelagic species.

But I think that we would be remiss if we didn't examine that further and it could merit, then, consideration for passage onto the appropriate committee of coastal pelagic HMS.

So, I think that is something that I would support absolutely in this. And then there is this other area that was recommended -- I think it's B, where B shows some overlap with a site that overlaps with one of the sites recommended for South Carolina. And, yes, we would support that so that we will include that in our deliberation as well.

Mr. Iarocci: Thank you, Mr. Chair. Susan, I do really appreciate your input on the Charleston Bump because I also have got a lot of feedback from the fishermen. They do catch 100 percent of their wreckfish in that area, and it is a very clean fishery, as you stated,

and there's not that many of them and it's real easy to enforce. It's not a big problem and I know they'll really appreciate what you said. Thank you.

Dr. Dean: Yes, since it's essential that we do and since those fish are in fact landed primarily in South Carolina, and it's South Carolinians that developed the fishery primarily in South Carolina, why, we support that as well, Susan.

Ms. Shipman: Are you suggesting we need to continue to call this the Sapelo/South Carolina Bump? Okay. All right, a deal is a deal, John.

Mr. Cole: There's some things the Chair should know better than to get into the middle of. Ms. Shipman, a quick clarification, please ma'am, and that deals with your Site E, in which you're asking for additional scientific guidance on the issue of artificial refugia. Is that specific to that site or would that be a generic guidance that you're requesting?

Ms. Shipman: I think it's generic, and like I said, I think they probably play an important role in implementing this MPA, or in contributing to the MPA strategy, and especially in these areas of limited habitat and I would like some guidance on that.

Also, funding is a big issue. Based on our experience of building artificial reefs, to really build one properly where you've got patch reefs within an area, you're probably looking at \$300,000 of what it's going to take to build a truly functional reef.

Mr. Cole: The Chair's question is since it is generic to probably your state and other sites in all states and other sites, would it be appropriate to wordsmith this and take that and separate that and make it a separate motion?

Ms. Shipman: Sure. I mean, if you want, I can delete E and that parenthetical language out and just separate that out, if you want. Yes, I'll be glad to delete that from my motion.

Mr. Cole: Fulton, you were the seconder. Ms. Shipman has made a modification to her motion at the request of the Chair and I'm sure she'll come back with another motion in just a minute to address the issue of artificial refugia. Is there additional discussion on the modified motion?

Ms. Shipman has made a motion, seconded by Fulton Love, that reads retain Sites A, with intent to include areas outside of wreckfish grounds or to allow wreckfish harvest, Sites B, C, D, and a unidentified gag spawning site from the MARMAP data and refer Site F to Gray's Reef.

Ms. Shipman: Yes, and if I could, I'm not sure it's unidentified, it's just I don't have the coordinates. It's a general deep water gag spawning ground.

Mr. Cole: Let's call it Site X.

Ms. Shipman: Okay, whatever.

Mr. Cole: I'll reread that for you, Joe: retain Sites A, with intent to include areas outside of the wreckfish grounds or to allow wreckfish harvest, Sites B, C, D, and Site X, gag spawning site from the MARMAP data and refer Site F to Gray's Reef.

Is there additional discussion on the motion? Is there objection to the motion? Seeing no objection, the motion passes.

Ms. Shipman: My next motion would be with regard to Site E, I would like to request scientific advice on the use of artificial refugia in the MPA strategy, and I mean that not only for application to Site E, but any other application in the South Atlantic.

Mr. Cole: Do we have a second to this motion? Fulton Love has seconded the motion. Do we have discussion on the motion? Any discussion on the motion? Seeing no discussion, is there objection to the motion? Seeing no objection, the motion passes.

Ms. Shipman: There are some other areas -- I think there's some other MARMAP data for potential spawning, possibly, of maybe some knobbed porgy sites. I don't think they had anything on red porgy, but I would be interested in hearing anything they can come up with on deep water spawning sites for snapper grouper off of Georgia.

I mean, just in general, I think we would like to see that and that's just, I guess, a request. I don't know that we need a motion. With regard to other recommendations, A, the Betsy Ross Reef, that's clearly South Carolina's venue, and I don't have any comment on that one way or another.

This recommendation that Savannah Snapper Bank should be closed during the red snapper spawning season, I would prefer we look at the red snapper spawning issue as a whole, and we may want to look at a spawning season closure for the entire area through the Snapper Grouper Committee.

I wouldn't say let's target just Savannah Snapper Banks. Let's just, I guess, charge the Snapper Grouper AP and Snapper Grouper Assessment Group, which are experts on giving us advice on red snapper spawning areas, locations, that kind of thing.

Mr. Cole: They perhaps would begin to take that up as part of that comprehensive review that will be undertaken that week.

Ms. Shipman: So I'd like something broader than B.

Mr. Cole: Any additional discussion?

Ms. Shipman: That's all the comments we have.

Mr. Iarocci: Susan, once again, thank you, and for the record, I'd like to get the advisory panel -- because a lot of people have asked me who was at this meeting, who represented each state, and for the record, I like to get the names out: Henry Ansley, Charlie Phillips, Joel Williams, and Becky Shortland. Judy Helmley was not present at this meeting representing Georgia.

Ms. Shipman: From Henry's notes, I also have that Jack Sobel and Mark Marhefka sat in on their discussions and contributed to this information.

Mr. Iarocci: And that's one thing I wanted to stress because so many people have asked who was at these meeting and who made these recommendations, and thank you for that, Susan.

Mr. Cole: John Dean has been asked to be recognized for South Carolina.

Dr. Dean: Thank you, Mr. Chairman. If you'll look at the scoping results report that we're using, you'll notice that under the South Carolina material, we have just coordinates, and that is the way the material was presented. Do you want to list who was at the meeting for us, Tony?

Mr. Iarocci: Bill Anderson, John Wierman, Frank Gibson, Reese Hair, George Sedberry, Mel Bell, and Mark Marhefka.

Dr. Dean: Thank you, Mr. Chairman. On the basis of this, it's, of course, very difficult for us to go through any of the discussion that we had with the other areas that have been presented.

So, I would say that on behalf of the Council, we need to send a message back to the AP, and specifically those from South Carolina, that if we're going to have these sites nominated, that we need a rationale of the areas nominated by the South Carolina AP members for consideration at the next AP, and this should be done as presented from the report that we are doing,

And I would also say that we've learned that there are some analytical results, analytical work underway at the present time that will be helpful in those deliberations.

Secondly, when they come back, we should have a clear description of the proposed locations. And in addition, if the South Carolina members of the AP want to modify the list, based -- and I would base this upon the MPA Committee discussions of today of emphasis on the deep water species in those areas, they could do so at that meeting.

On the basis of that, Mr. Chairman, and our support for the Georgia considerations where we have mutual interest, I so move that we recommend that the sites be forwarded to the AP with the comments that I have just made.

Mr. Cole: I have a motion by John Dean and a second by Ebbie LeMaster. Is there any discussion on the motion?

Ms. Shipman: John, can you point out for me -- and I'm not doing very well matching up coordinates -- which of the two that are on y'all's list overlap with, I believe, it's A and B. Is it S3 that more or less matches up with A?

Dr. Dean: Kerry is getting that information.

Mr. Cole: Kerry is getting the information I think that he needs.

Ms. Shipman: I just wanted to make a note for myself.

Mr. Cole: While Kerry is running that down, is there any additional discussion? Let the record show that Kerry is fumbling. She will get that in the record. We'll show that later if that's acceptable to Ms. Shipman.

Is there additional discussion on the motion? Seeing no additional discussion, is there any objection to the motion? Seeing no objection, the motion is approved.

We've now covered all four states. I guess what the Chair would like to see now, are there any other additional guidance items that you, individually or collectively, would like to have forwarded to the advisory panel?

Dr. Dean: Mr. Chairman, thank you, two items. One is that as we go forward, I'd like to have some consistency in the description of the units; that is, some units were described in straight miles and others in nautical miles and just as long as there is consistency so they match up as we go forward.

The second item that I would like to discuss briefly is that we received a very comprehensive assessment of Gray's Reef in the documentation provided to the committee, and I thought it was most interesting from a couple perspectives.

One is that they utilized the criteria that this committee developed, and it seemed to be a usable criteria that will enable us to do an analysis of the respective sites, and I would hope that in the future that we will have such comprehensive information on all the sites as we move forward.

The second part of that, though, is that it's going to be necessary for us to have some kind of weighting system for the criteria; that is, some of the criteria definitely require a lot more emphasis than others, and it would be most useful, I think, if the AP could participate and would participate in the development of some kind of weighting scale on the criteria so that the sites can be given some priority in the future. Thank you, Mr. Chairman.

Ms. Shipman: To that end, I thought we had sort of already decided that the priority criterion was deep water spawning sites or spawning sites for deep water grouper. And maybe I'm wrong there, but that's what I took away from the March meeting.

Dr. Dean: We're not talking the same thing, Susan. This is when you get into evaluating a specific site, there are criteria of vulnerable or rare stages, different criteria the committee developed.

Those criteria need some kind of metric applied to them because the experience shows us that some of the criteria should carry a lot more weight than others. We have not or did not specifically develop that. That's something the AP needs to work on and give us advice on. Thank you.

Mr. Iarocci: I also am very much impressed with this paper. I think it is something or a model or something we can use to go forward with when we do get to site-specific areas because it covers a lot of things that we need to cover.

And I think it's going to be imperative that we put something like that together when we do get to that certain point where we have these sites, and it's very well done.

Dr. Daniel: Yes, it would be nice at that meeting if we had the -- Gray's Reef put together a really nice NOAA chart that has all the sites very nicely laid out on the chart. If we could have that for each of the states, with the current, but also -- Susan has a copy of it and I hadn't seen it before, but she's got maps from MARMAP that have the spawning sites, locations where -- it has essentially the sampling locations on it from the MARMAP sites, and then it's got some very specific gag spawning locations, red porgy, snowy grouper.

I mean, I'm real interested in one in particular that seems to be a site where all the deep water stuff is spawning. If we could get with MARMAP, get the coordinates for those sites, and be able to have those spawning sites identified on a chart so that they can look at those areas, those are particularly interesting to me.

Mr. Cole: Jodie, before I recognize you, let me ask Gregg a question. Gregg, have we done this? Can we do this before that meeting or is it already in that existing document for their review?

Mr. Waugh: We've already had some discussion. Kerry has had some discussions with them. The material that was discussed and distributed, and is probably the same material there from our AP meeting, was their very first run at the data and they said -- George clarified it. It was very preliminary. It has some outliers in it and they are in the process of cleaning that up.

So, Kerry will get back with them and ensure that we can have that available for the meeting. I don't think that will be a problem.

Dr. Daniel: Yes, and if we could also get from George and Jack the seasonality, the spawning seasonality for each of those principal species because that's another thing that I'd be interested in looking at as well.

Mr. Gay: Mr. Chairman, mine is unrelated, really, to the conversation that's going on now. I will go ahead and throw it out anyway. I would urge the other states to stick with what we told the public we were doing, and maybe you are, maybe you aren't, but even as we get into this next phase with this mega committee meeting, to stick with the deep water sites, stick with the known spawning sites, because that's what we said we were going to do; and especially with the deep water sites, they're less inflammatory to the Chamber of Commerce types, the individual counties, the individual towns, and, you know, at least we get our foot in the door and at least get the fishing public somewhat used to these things being out there, and then maybe perhaps we'll get more buy in in the future as we move closer to shore. That's my only comment.

Mr. Cupka: Thank you, Mr. Chairman. This obviously is an important issue, and I think the upcoming meeting is going to be an extremely important meeting.

I'm glad to see that the Marine Protected Areas Committee is going to be allowed to sit in on the end of that and then meet, but what I would like to do is to go beyond that and request that the Council Chairman authorize any council member who has the opportunity to sit in on this meeting, so that we will have the benefit of these discussions firsthand as well.

I think that would be a good thing and I would like to request that the Council Chairman authorize us doing that.

Mr. Love: I don't have a problem with that. I think it would probably be real beneficial that any and all council members that would be there for this. I feel a little bit guilty that South Carolina didn't have but one representative on this, and that was my fault, and I apologize.

I tried to find you a little earlier. I did put Susan on it today, but I think that's a good idea and if we need to make a motion to that, I don't know that --

Mr. Mahood: I was going to talk at the tail end. We may be to that point since we're talking about the meeting. And really we talked about sitting in on the tail end, but we didn't get very specific about when you all wanted to -- do you want to be authorized to be there from the 28th to the 31st?

Do you then want a day where just the MPA Committee would talk about what went on at this? The meeting goes the 28th, the 29th, and the 30th right now of the advisory panels. Do you want to be there the 28th, the 29th, and 30th, and then have the 31st as a committee?

Mr. Waugh: The first day of that is going to be the Habitat Committee meeting, which would be the 28th. They are going to talk about a number of items, one of which will be MPA's. And then I believe the Coral AP will meet with them on Wednesday morning.

Then the portion that is going to be MPA oriented starts the afternoon of the 29th. So, my suggestion would be, for people who want to come in and talk about MPAs, be there for that afternoon, all day on the 30th, and then we have the MPA Committee meet on the 31st.

Mr. Mahood: I just want to get that clear before we go away from here. We didn't talk specifically and I don't know that we reached any general consensus, but then I did hear some interest in sitting in on all the meetings, too, so that's what I'm trying to clarify. Then I heard other interest of sitting in on a minimal amount of meetings.

Mr. Cole: As chairman of the Habitat Committee, I don't recommend sitting through that one on Tuesday. I have to; I'll suffer enough for you.

Mr. Mahood: So then we would go ahead and authorize travel for the 29th, 30th, and 31st; is that what I'm hearing? Okay.

Mr. Cole: Yes. Thank you, Bob. I have two other items from the Chair, and let me take up the one of them that was discussed at the AP meeting in North Charleston. There was a strong sentiment -- and I don't see it on our pink sheets. Kerry, I don't know how we missed it. I had to go back and find it in my notes, frankly -- about any area that was designated an MPA would have a five-year evaluation period on it, in which that at the end of that five years, that the council should look at any designated MPA area for its effectiveness and reaffirm its status at the end of a five-year period.

That was just one number that was suggested. Originally a number was thrown out at three years. I think Tony and I made a sufficient argument that that was too short a period of time, so the current number is five.

I don't know what the sentiment of the committee is as far as guidance to that. I will caution the committee that there is a great deal of interest among the recreational and commercial sectors for some sort of "sunset clause"; if these are not proven to be working, then they don't exist in perpetuity.

So, with the committee's concurrence, I think one of the things we need to ask the advisory panels, all of them to look at is what is a reasonable time frame for these things, and at which time the council will evaluate them and then reaffirm them or reaffirm their designations.

Mr. Iarocci: Yes, there was a discussion on three years and someone said ten years and we did agree to a five year because the Sanctuary has a five year, and right now they're in the middle of their Sanctuary management plan in the Florida Keys.

I think it's very important that we all stress that at this next meeting, that this time frame, after five years, we definitely need to -- and during that five years, it's very important that

we do have the enforcement and we do have the data collection in place to do this here. I'm glad you brought that up, Bill. Thank you.

Dr. Powers: Thank you. I'm not a Committee member, but this does bring up that if we were asking for a time span to evaluate, then we should also be asking what sort of data, what sort of research investment needs to be done in order to do this evaluation. Thank you.

Mr. Cole: Thank you, Joe. Those are both very important points and they were discussed, but I think it is something we need to ask the advisory panels for.

Dr. Dean: I want to support what Joe just said and specifically then say to the AP that if that is what they want us to do, they need to develop the criteria upon which those evaluations will be done.

Remember, we're dealing with a complex of species that one of the characteristics is a long life span, and you aren't going to necessarily see the biological productivity in five years. I just want that firmly in the record.

Mr. Cole: Thank you, John. One other thing that I had is that since this is a rather historic, mega, super advisory panel meeting that we're having and because the two states on either end of our council do overlap with other councils, I would think it might be appropriate, with the committee and the chairman's concurrence, to at least extend an invitation to the other two councils, the Mid-Atlantic and the Gulf, to have participants to meet with us during that week, if they so desire.

I would expect that the Gulf overlap is not quite as substantial as perhaps some potential overlap with the Mid-Atlantic Council is in the North Carolina area, but I do think it would be appropriate and certainly polite that we notify them of what we're doing and invite them if they choose to participate.

Mr. Love: Bob, we won't have any problem with rooms or anything on these dates, will we?

Mr. Mahood: I think as long as we know far enough, this far in advance, we can -- just everybody be sure to mark their calendar and the other folks have been notified. I know we've at least planned for enough rooms there, so if you add another eight or ten rooms, I don't think that's going to be a problem.

Ms. Smit-Brunello: Under the other recommendations on page 7, Betsy Ross Reef, Savannah Snapper Banks, and the North Hole, was it the committee's preference that those be sent to the Snapper Grouper to analyze those?

Mr. Cole: That is correct. I'm wrong. Susan, for the record, explain again what we did.

Ms. Shipman: Well, I only really addressed B, and my question was that we get information from the Snapper Grouper AP and our scientific advisors about seasonality and sites, areas of spawning of red snapper in general in the South Atlantic.

Mr. Cole: So your comment was to B?

Ms. Shipman: Yes, mine was to B only. I didn't do anything with A or C.

Mr. Cole: Where is A? David Cupka, help us.

Mr. Cupka: It's off the southern part of South Carolina, and I think Kerry indicated that that came in on a letter that she had a hard time reading. I don't even know what the source of that was.

I would like our AP to look at that and see if there's any data to support that, to start with. So, I would recommend that you keep it on the list.

Dr. Dean: That was implicit in my motion, is that that goes to our AP.

Mr. Cole: John Dean says it's implicit in his motion that it goes to the AP.

Ms. Smit-Brunello: Does that cover the number C or letter C, the North Hole?

Mr. Cole: I'm not sure where C is. Does anyone else?

Ms. Shipman: It's somewhere off South Carolina because the 32 degree latitude is off South Carolina. I have no idea where it is. I think if there's red snapper spawning there, hopefully that would come forward through a general query of red snapper spawning.

Mr. Cole: I am hoping it is covered as part of that overall spawning aggregation document that's going to be reviewed during that week, but I'm not sure because nobody seems to know where this is.

Dr. Dean: That looks like it is in South Carolina. Can we just add it to the list of our AP needs to consider it?

Mr. Cole: Gregg, can you have that note? Thank you. Tony, I don't know what else I can do. I'm going to turn it back to you.

(Whereupon, Mr. Iarocci resumed the Chair.)

Mr. Iarocci: Thank you, I was just going to suggest that. I appreciate you chairing that so I could be involved in the process.

On other business, I did ask to have two items put up there. Number one, the importance of the request for the informal meetings and the outreach and to go forward because we are at a very crucial point in the process here, and there's people in the audience and people have contacted me and put a lot of time and effort into being here and writing letters and wanting to be involved in this.

And I think it's something the council has to look at strongly to go forward with and also with the educational process, and I hope everybody does get involved and supports this process.

Number two, the advisory panel membership. There's people on the advisory panels, on the MPA Advisory Panel in particular, that have been missing meetings, have not been prepared. This is coming from people who are concerned about the way this was proposed.

I think right now what I would like to see is direction to go forward with and more discussion, and the Advisory Panel Selection Committee meet at the next meeting in September and discuss this, because I've got applications right now from different sectors of the community of user groups that want to be involved in the process.

And there's people on there that somehow some people feel they don't represent the local constituency or they've missed the meetings. They've missed so many in a row.

I think we have to deal with that because now is the time when this advisory panel, and all our advisory panels, what we're going forward with, need to be at the table. They need to do their homework, as Dr. Dean stated last night when we were talking about this. Now is the time.

So, I think it's time we do reevaluate the AP membership, maybe by a letter or something like that, and we can discuss that later, but I want to make sure that the general public is represented at this and give the opportunity to people that want to be involved in this process to get on the AP; and people that aren't, to get off the AP.

Mr. Lee: I just wanted to make two short comments. One, I wanted to thank Bill Cole. I thought he did an outstanding job in stepping in. And the second comment I'd like to make is about our chairman and, Tony, I really appreciate the effort that you put into discussing these issues before we came to this AP, the fact that you called people, that you talk to us, you keep everyone informed, and I think that that process has made this thing work a lot better, and I just want to thank you for doing an outstanding job.

Mr. Iarocci: I appreciate that, Wayne.

Dr. Daniel: The Site C under other recommendations, the North Hole, it appears to be a fish haven. It's on the chart as a fish haven in 11 to 12 fathoms of water off of Fripp Island.

Mr. Gay: If it's on a NOAA chart as a fish haven, they're gone, don't worry about them. The other thing I was going to say, I was going to see, Mr. Chairman, if you could do anything about asking Dr. Dean not to use such big words this late in the day. It challenges my simple mind.

Mr. Iarocci: I will. Any other comments? And I have to definitely thank the committee and the staff once again. This is sometimes a highly volatile issue. You know, the council right now and especially this committee, we're in between a rock and a hard place with the resources best interest and trying to represent the user groups, and it's kind of hard for us to do that right now.

You know, either way we look, we're going to upset somebody, and we're trying to draw that fine line and do what's right for the resource and make sure that the user groups are represented.

And I want to thank you all because we have talked about a lot of different issues here, and I've got a lot of guidance from Bill Cole, John Dean, and everybody at this table and I really do appreciate that.

We are getting out of here, believe it or not, we are getting out of here early tonight. With that, I'd like a motion to adjourn. So moved. Out of here.

(Whereupon, the meeting was adjourned at 4:20 o'clock p.m., June 21, 2001.)

Tape of proceedings on file (3)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MARINE PROTECTED AREA COMMITTEE

Radisson Ponce de Leon Resort

St. Augustine, Florida

June 21, 2001

SUMMARY OF MOTIONS

OVERVIEW

**Marine Protected Areas Committee
June 21, 2001**

Issues to be addressed at this meeting are (1) review of comments received during the public scoping process, including the May 8-10, 2001 AP meeting; (2) decision on whether or not to continue with the consideration of MPAs; (3) discussion on approach for moving forward, if necessary; and (4) approve/modify the "shopping list" of potential MPA sites, if necessary.

Review of Scoping Comments Package

During April and May 2001 the Council held a series of nine scoping meetings on using marine protected areas in the South Atlantic. In addition, the MPA AP met from May 8-10, 2001. The purpose of the scoping and AP meetings was to suggest sites the Council should consider analyzing if they choose to move forward with the consideration of MPAs. The scoping meetings were held on:

April 16, 2001 in Morehead City, NC
April 18, 2001 in Wrightsville Beach, NC
May 1, 2001 in Atlantic Beach, FL
May 2, 2001 in Ft. Pierce, FL
May 3, 2001 in Islamorada, FL
May 9, 2001 in North Charleston, SC
May 14, 2001 in Myrtle Beach, SC
May 15, 2001 in Brunswick, GA
May 16, 2001 in Richmond Hill, GA

The deadline for submitting written comments was May 21, 2001. These comments are included in the Scoping Comments Package that has been distributed to the Council. Comments received after May 21, 2001 are being compiled and will be available for viewing at the meeting.

Options for moving forward with the consideration of MPAs

(Please see attached letter to Secretary Evans from the Council Chairs (Attachment 1) and news release from the Bush Administration (Attachment 2) for developments on Executive Order 13158.)

**MOTION: OPTION 1: Continue to move forward with the consideration of marine protected areas (timeframe and approach to be considered below).
Approved by committee**

OPTION 2: Do not move forward with the consideration of marine protected areas.

OPTION 3: Other possible options?

Approach and timing for moving forward with MPAs

**MOTION: OPTION 1: Adopt the MPA advisory panel's recommendation that the council in developing MPAs, do so with the understanding that there will be two rounds of public hearings and as a component of the public hearings there should also be regional working groups formed.
Approved by committee**

If this approach is adopted the timing would follow the approximate timeline as outlined below:

June 2001: Revise "shopping list" as appropriate for initial analysis by staff and the Habitat, Coral, Snapper Grouper, Law Enforcement and MPA Advisory Panels at their August 28-30, 2001 meeting in Charleston, SC.

September 17-21, 2001 Council Meeting (Charleston, SC): Revise list of areas based on preliminary analysis by staff and advisory panels for development of an options paper.

December 3-7, 2001 Council Meeting (Wrightsville Beach, NC): Approve options for first round of public hearings.

Spring 2002: The first round of public hearings would be held beginning in March to gather information from the public on the specific sites to expand on the staff's analysis. It is the intent that during the two rounds of public hearings staff will arrive at

the public hearing location the day before the meeting. Staff would be able to conduct outreach at local docks, marinas, clubs, etc. There are multiple reasons for this outreach effort: 1) to explain what the SAFMC is and the role it plays in fishery management, particularly with MPAs; 2) help dispel misinformation that can derail the Council's efforts; and 3) be able to answer questions in an informal, face-to-face manner, thereby building rapport with the public. At the request of the MPA Committee Chair staff is also evaluating holding informal meetings the evening before the public hearing to further give the public a chance to ask questions and obtain current and correct information.

Summer/Fall 2002:The final round of public hearings would be held. At this time the public would be presented with the final options and complete analysis of any sites proposed.

The MPA Advisory Panel will review both rounds of public hearing comments prior to the Council taking action.

The Council could reach a final decision in September or December 2002.

Option 2: Other possible options?

Review of "shopping list" of potential MPA sites gathered through the 2001 scoping process

(Please see attached May 31, 2001 memo and list)

OPTION 1: Approve list of recommended sites to go forward for further analysis by staff and the habitat, coral, snapper grouper, law enforcement and MPA advisory panels.

MOTION: OPTION 2: Revise list of recommended sites. This modified list along with additional potential sites and guidance will go forward for further analysis by staff and the habitat, coral, snapper grouper, law enforcement, wreckfish and MPA advisory panels.

Approved by committee

OPTION 3: Other possible options?

REVIEW OF SPECIFIC SITES:

NORTH CAROLINA

MOTION: Remove A, B, D and E from the North Carolina proposed sites.

Approved by committee

FLORIDA

MOTION: The SAFMC should not consider MPA sites in any state's waters at this time.

Approved by committee

MOTION: Have further consideration of the Islamorada Hump as a spawning site for snapper grouper species.

Approved by committee

MOTION: Remove sites B, C, H and M; modify site K to go 5-6 miles to the south to a ledge.

Approved by committee

GEORGIA

MOTION: Retain sites A [intent to include areas outside of wreckfish grounds or to allow wreckfish harvest], B, C, D, and site "X" [gag spawning site from MARMAP data] and refer site F to Gray's Reef.

Approved by committee

MOTION: With regard to site E, request scientific advice on use of artificial refugia in MPA management strategy.

Approved by committee

SOUTH CAROLINA

MOTION: Refer all SC sites to AP and request rationale from SC AP members to be presented to multi-AP meeting.

Approved by committee