

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**MARINE RESERVES COMMITTEE**

**Town and Country Inn, Charleston, South Carolina**

**September 20, 2000**

**SUMMARY DRAFT OF MINUTES**

The Marine Reserves Committee of the South Atlantic Fishery Management Council convened in the Oak Room of the Town and Country Inn, Charleston, South Carolina, September 20, 2000, and was called to order at 10:50 o'clock a.m. by Chairman John Dean.

Dr. Dean: Okay, I would like to convene the meeting of the Marine Reserves Committee. I am John Mark Dean, the Chairman, and I would like to introduce and acknowledge my Vice-Chairman, Bill Cole.

I would like to take advantage of the Chair's situation briefly to, first of all, acknowledge the staff. The work that is done, as Bill said, with the Habitat Committee and with the Marine Reserves Committee is truly extensive.

And it is particularly difficult because we don't have some of the guidance and advise and guidelines that we have in some of the other activities.

So, we are cutting a new bow wave with this and it is really essential that they provide us with the support they do. Secondly, I would like to acknowledge and recognize that we have some visitors with us this morning; the usual visitors that are here from Gray's Reef and a few others.

But, also I took advantage of this to invite some of my Marine Science senior seminar students, who have a particular interest in science and public policy, to come down and see how some of this works.

Of course, this is a high risk to say this is, in fact, how it works. Some of you may think that I did this to make sure that I had a supportive group in the audience, but then you don't understand then how students and faculty interact.

So, I would like to welcome them and have them introduce themselves to you all and you do the same with them. They are a highly motivated group, and I am delighted to have them with us this morning.

**The first item of business is approval of the agenda as it was distributed. Jodie moves approval; second by Tony.** Is there any opposition? Hearing none, so ordered.

**And now a consideration of the approval of the minutes from the June 15th meeting in Islamorada. Any action on the minutes?**

**Mr. Cole: Move approval.**

Dr. Dean: Bill Cole and a second by Jodie Gay. Any discussion? Any opposition? So ordered.

And now we move to the first substantive item, which is a review of the Marine Reserves Workshop papers distributed, and you are going to do this, right?

Ms. O'Malley: I am. Well, if you all can dig way back in the recesses of your mind, this report is from a workshop that was held in June of 1998 at the Council meeting in St. Augustine.

And the workshop came as a result of the action plan that the Council developed a few years back, and this was one of the stops along the way.

One of the reasons why you have received it two years later was because we were still, believe it or not, waiting for papers from many attendees, and we tried as hard as we could to make sure that everyone was included.

And you notice there are still two papers missing; not mentioning any of the names, but one of them being the chairman of our advisory panel. So we really, really, really wanted to get everyone included, but that wasn't to be.

So we decided it was time to go ahead and send it out. Just to review everyone's memory real briefly, and for those of you who weren't on the Council at that time, the workshop was held over two days.

There were three distinct sessions; one that discussed scientific justifications and purposes. The second discussed criteria and direct experience with marine reserves. And the third discussed effects and perspectives of marine reserves.

It was a wide variety of participants, including recreational and commercial fishermen, divers, of course, scientists that have a lot of experience with reserves. I think that it was a really, really productive workshop.

This report will be used if the Council decides to move forward with marine reserves. Of course, things presented in this report will be used as some of the baseline information if the Council so chose to do that.

And the whole objective of the workshop was to accumulate a larger body of knowledge of marine reserves, and I think that objective was accomplished. That should have been received by you all briefly before you received your briefing books.

If anyone did not receive it, please let us know. We have plenty of copies in the office. And if you have any questions, feel free to let us know.

Dr. Dean: Any questions for Kerry on that? Kerry, is the distribution on this limited to the paper copies out of the office?

Ms. O'Malley: As opposed to being electronic?

Dr. Dean: Yes.

Ms. O'Malley: Yes, we are not there yet, because we received most of the copies of the papers at that time in hard copy form. So, unfortunately, yes.

Dr. Dean: And is there any limitation to the distribution?

Ms. O'Malley: No. So far, it has been distributed to the Council, the Advisory Panel and others who are aware of its existence. It has been advertised in the South Atlantic Update, and anyone who wants it can receive it.

Dr. Dean: Did we send it to the regional office?

Ms. O'Malley: Yes, it has been sent to the regional office.

Dr. Dean: And I suggest that anybody, if you can think of other people that should get it, why certainly let Kerry know and we will get that report to them. Okay, no action required on this item now.

The next item is the review of the Public Scoping Package with the informal meeting and the AP input that was held recently, and Kerry will present that to us.

Ms. O'Malley: Okay, you all have received a lot of review of the comments throughout this process, but in bits and pieces. I forget which meeting I gave you the informal meeting summaries, and at the last meeting I gave you the scoping meeting results.

What you have not seen yet are the written comments that were received throughout that scoping period. So, this is the formal package that we put together for the scoping review, kind of all in one place.

I am not going to go through the informal comments we received and the scoping comments because this Council has been presented those. But I will briefly tell you about the written comment that has been received and is in this document.

Of the written comments that we received, we got four letters from organizations, all with support for marine reserves, varied. There were some comments from the Recreational Fishing Alliance, which varied on that. But the rest were in support.

Of the other letters we received, 210 overall letters, 148 were a form letter, all in support of marine reserves. The way I presented it in this document is I copied the name and address of everyone who sent that form letter, but gave one example of that form letter.

The rest are on file in the office if anyone chooses to see them. Of that form letter, they came from 33 states. Seventy-four of those 148 letters were from the South Atlantic, and I also have them broken down into states if anyone should choose to know how many came from their individual states.

The other letters that were received that were not form letters were also very similar. They came in a handwritten fashion, and they dual as letters in support of marine reserves, and specifically to protect red porgy.

So, you will see those letters again probably in red porgy comments. I copied them for both. The remaining letters, informal letters, dealt specifically with red porgy and marine reserves.

Everything else in there, as I have said, I have presented to you at other meetings. There are summary comments from all the scoping meetings, which is a different way, as I told you before that we usually do it, instead of the straightforward minutes, and also the summary minutes from the scoping meetings as well.

And if you have any questions about any of those comments, I would be happy to answer them.

Dr. Dean: Any questions for Kerry?

Mr. Iarocci: Not a question, just a comment. Kerry, I want to compliment you once again on the job you did getting us the information. And being a new member, it has a lot to do with doing the research and a lot of emotion.

I can go into the dolphin/wahoo testimony with the tapes that were sent to us, the seven tapes, you know. You can see the emotion and the public testimony by not being at the meetings and also get them out of the letters and including everything in there. You did a great job.

Dr. Dean: Comments, questions? Passive group this morning. Bill, you took it all out of them. Well, then, let us move on then to our consideration of the recommendations of the Marine Reserves Advisory Panel and, Kerry, why don't you summarize the tone of that that was held recently and then we will move on.

Ms. O'Malley: Gladly. I want to say this was a very productive Advisory Panel meeting. I think Tony can agree with me. That was before he switched hats and he was a Marine Reserves AP member at that time, and now we are lucky enough to have him as a Council member.

It was a great meeting. At first, I kind of thought it wasn't going to take very long, and it ended up taking definitely the whole time. One of the things that I want to point out, if you look at the attachment behind Tab 3, Attachment 3, the first page behind that attachment is the Marine Reserves AP recommendations to this Committee.

One of the things I want to point out is that it was brought to my attention by some Advisory Panel members that this may have been misworded as far as the bold type. Let me make clear that the motion that is listed first is the main motion that came out of that meeting.

It encourages the Council to move forward with Marine Reserves. The following recommendations were reached by consensus and were not as strongly supported as the motion was. So I just want to make that clear.

Some AP members brought that to my attention at the Habitat Advisory Panel meeting. They felt that you all may take the recommendations as being heavier than they really are because there wasn't necessarily complete agreement on all of the recommendations.

But they did agree to reach those recommendations by consensus. And they are supportive of that motion.

Dr. Dean: Kerry, is it fair to say that the recommendations also summarize almost issues that need to be addressed and considered as we move forward?

Ms. O'Malley: I would say that was fair. I think that Becky Shortland on the AP had suggested maybe the better word might be "considerations", if that makes you feel more comfortable. It was typed up and put on the screen, and we did use recommendations.

But just as long as you all understand the intent of the Advisory Panel that the one motion that was reached by vote was the motion to move forward with marine reserves. And as you see, if you look at the next page, there is an e-mail from Doug Kelly, who was not in attendance, who has some issues with some of the recommendations that were reached.

There were other members of the Advisory Panel that were not present at that meeting due to conflicts. So, I think that the AP felt that recommendation or consideration was the best way to go about those concerns.

Mr. Gay: Kerry, in the main motion, which was to move forward to utilize marine reserves, within the various subgroups of the areas of expertise of the committee, for example, the media, the outreach people, the commercial, the recreational guys, was there any particular group that was more opposed than others to the main motion?

Ms. O'Malley: Well, let me say that there was very, very little representation from the environmental community at that meeting. They all had a prior conflict. And so, you

know, as far as they are concerned, their views aren't necessarily represented in that motion.

The only dissention, so to speak, that came as a result of that motion, because it did pass 12 to 1, was from a recreational fisherman from Georgia.

And his discussion on that was that he felt that there should be more emphasis on replacing -- if marine reserves were to be put in place, to replacing those areas with artificial refugia. That was his dissention to that. And other than that, everyone else supported the motion, commercial, outreach, outright.

Mr. Love: Kerry, than when placing these reefs, was there any sentiment of where to start with them? I mean, would you start where the stocks of fish were most depleted or would you just randomly pick spots?

Because it says to persist of healthy fish stocks, fisheries and habitats, and to me that would mean trying to rebuild the stocks that were in the worse condition first. Was there any discussion on that?

Ms. O'Malley: I don't recall a discussion -- Tony may correct me -- as far as priority. I do recall that they felt strongly about looking off of each state and looking at each state's needs. And I believe that what was important to them was protecting snapper-grouper species in general, spawning aggregations and the habitat of snapper-grouper species.

If you recall, this motion does encompass the wording that we used in the public information document. They just took the wording that we were using and used that in their motion.

Mr. Gay: Thank you, Mr. Chairman. Kerry, I noticed one of their suggestions was should it be necessary to designate existing habitat as a marine reserve, then the use of artificial reefs should be fully considered to mitigate for lost opportunities.

Was there any discussion or has there been any discussion with the AP of creating these artificial refugia areas and just never opening them to fishing as a trade off to possibly not closing as much natural bottom? Was that discussed?

Ms. O'Malley: Yes, Jodie. There was significant discussion on the whole artificial reef topic. I am sure you are aware of Area 51 that has been designated off of South Carolina that is an experimental zone that they are doing at DNR.

They talked about supporting, as you see in the second bullet, "supporting other areas such as Area 51". As far as creating artificial reefs and never opening them, they certainly is support of that.

But I will tell you that most members of this Advisory Panel feel very strongly that they are not a replacement for marine reserves. That is something that you hear over and over. But, it could be in addition to marine reserves that encompass natural habitat.

And a lot of that, the mitigation conversation came from, as I said, the member of the recreational community who felt very strongly about it. I want to point out that they labored over this for a very long time, over this one bullet.

One of the things was is they didn't want the Council to think that they were coming forward and saying "Yes, add more artificial reefs, add more artificial reefs", because there was a lot of discussion over the benefits versus the cost of artificial reefs.

They just want the Council to completely consider the pros and cons of using artificial reefs, artificial refugia as mitigation or as reserves. But I think that how they feel about adding areas and just keeping them closed is as long as you have other marine reserves, then they would like to do that as well.

Mr. Iarocci: Mr. Chairman, I would like to add a little bit to that so Jodie and Fulton could get a little more awareness into what a lot of the recreational fishermen that I talked to in that area.

They don't have the bottom structure that we do in Florida, where we have the long reefs. They have got certain areas and they are afraid of losing their, you know, legitimate fishing grounds to marine reserves, so they keep throwing out that maybe if you take this, you could replace it with this, or put in an artificial reef so we don't lose this area.

That was the whole gist to their background on not supporting the whole concept of it. They are just afraid. It is the same thing we went through in Florida; not in my backyard routine. They don't want to lose the traditional fishing ground unless they know that there is going to be something. They were trying to work a give- and-take thing into it.

Mr. Cole: Kerry, we had a comment in Habitat from our Advisory Panel -- let me read it -- that they recommend "The Council continue the process evaluating the development of marine reserves to serve as a long-term insurance policy in the management of the snapper-grouper populations in the southeast".

So our Advisory Panel and Habitat are suggesting that we pick up the first recommendation, if you will, and to focus on the snapper- grouper complex. They seem to be hitting on the same cylinders on both of those, but one of my questions is do we have any thoughts or comments from the Habitat Advisory Panel in regard to any of the rest of these recommendations?

Has this been forwarded to; have they really commented on it?

Dr. Dean: We have not directed this committee to look at the habitat or vice versa. I was going to comment, Bill, on the Habitat Committee recommendation. Why don't you

go ahead and read what the Habitat Committee is going to send forward because it is germane to this.

Mr. Cole: What we are going to recommend is the -- are you talking about on the --

Dr. Dean: Read it exactly.

Mr. Cole: Okay. "The Habitat Advisory Committee accepted a recommendation that the Council continue the process evaluating the development of marine reserves to serve as a long-term insurance policy in the management of snapper-grouper populations in the southeast".

Dr. Dean: So, that is more specific relative to the rationale on why we are considering this kind of habitat. The other point is, though, that that recommendation is move forward and explore, and the recommendation from this Committee's Advisory Panel is to utilize marine reserves, which incorporates it as active policy, I think.

So there is a subtle difference there. And the reason I raised that is I think that the Full Council is going to have to deal with and rectify, Fulton, those two issues as we go forward, unless we can modify our statement out of this committee.

So, I really would appreciate the committee addressing Bill's comment on basing the rationale for habitat and marine reserves on the snapper-grouper complex.

Ms. O'Malley: I just want to clarify something briefly. The Habitat Advisory Panel has seen this list of recommendations that came out of the Marine Reserves AP, and the recommendation they forwarded to the Habitat Committee is what came out of them seeing these recommendations, if that answers your question.

Mr. Cole: Follow-up question. Was there any discussion at the Habitat Advisory Panel on any of the other recommendations, that you recall?

Ms. O'Malley: Roger is going to have to help me out here.

Mr. Pugliese: Yes, at the Habitat Advisory Panel we did have that copy, and it was actually provided in the documentation. It was dealt with in a broader aspect.

I mean, all that was really doing was acknowledging the existing process where the Council kind of has adopted that at least as the directed goal right now with regard to the snapper-grouper as being the focus.

I don't think it locked it in. The Advisory Panel has made it very clear that they want to look at the bigger picture in perspective. So, they did have the entire list, and I think it was a reaffirmation of continuing the process. That is really the intent of that motion at this point.

Mr. Iarocci: Mr. Chairman, to address the snapper-grouper between the Habitat and the Marine Reserves Advisory Panel meetings, I think, Kerry, we were directing most of our input into the snapper-grouper fishery, but we went one step further once we started talking about Ecosystem Management and coral and habitat and all that stuff.

As you can read in the following, at the end of the motion, we went into near shore and off shore, natural and manmade, as needed, insurance to persistence of healthy stocks, not only snapper- grouper, fisheries and habitats.

We tried to take the whole spectrum in to cover everything, which we were trying to do, and include snapper-grouper.

Dr. Dean: Tony, since we just went through this discussion on ecosystem planning in the previous committee, one could, in fact, edit that last comment to ensure the persistence of healthy marine ecosystems; is that what you were saying?

Mr. Iarocci: Yes, that is what we were trying to cover. That is like I had stated. We were discussing ecosystem management and trying to take that into the thing and carry it one step further from snapper-grouper into full ecosystem management.

Mr. Love: One reason I brought up about snapper-grouper a while ago, we have reduced bag limits, increased size limits. And now increasing size limits, you are not getting very much bang for your buck because the fish are so overfished, and that is the reason I was wanting to emphasize that the reefs or the areas that we close to start off with, if we close them, we should also consider that the fish that's in the worst condition are the ones we need to look after first and not necessarily start putting reefs five or six miles off shore where these fish isn't found in any kind of abundance.

And maybe I am jumping ahead of what we need to be doing, but I just wanted to make that clear because Tony kind of touched on it, too.

Dr. Dean: Kerry, the issue of siting of marine reserves is very much left to the Council by the Advisory Panel; is that right?

Ms. O'Malley: Correct at this point. I think the Advisory Panel's biggest concern was making sure the Council -- urging the Council to move forward with the consideration of reserves.

At that point, a process would be determined as to how to go about siting and choosing which sites meet the criteria and goals. And that would be the next step in the process, would the Council move on. And they would help at that point.

Mr. Cole: Kerry, to follow up on that, we have identified EFH areas, we are continuing to work to refine those. Has the Advisory Panel, I guess they really haven't taken up the big issue of how we site these things?

Ms. O'Malley: No, because if you recall, when we went back and restarted this process of looking at marine reserves, from my understanding -- and I was not here at the very beginning -- but the way I have explained it to people is first the Council wanted to decide if this was a tool that was worthy of using.

Basically, the Advisory Panel is now saying, "Yes, you know, we have gone out, we have talked to the public, you have had the workshop, we have gathered all this information, and, yes, it is time, it is a worthy tool. Let's move forward at this point".

So, specifically, we were leaving out issues such as siting any maps, any issues like that. Now that Advisory Panel and the Habitat Advisory Panel will be critical should the Council decide to move forward as far as looking at EFH.

That is where you are going to have a lot of overlapping. You will look at catch by area, EFH, all those issues. But at this point, the Council is specifically staying away from discussing sitings, specifically, until you all have decided whether or not you find this a tool you are going to use.

Mr. Cole: Thank you for that clarification.

Dr. Dean: Other comments on the Committee's recommendations, the AP Committee recommendation? Is it the pleasure of the Committee that we accept the recommendation for information and move on?

Mr. Cole: Mr. Chairman, I think that -- I mean, we have asked them to determine whether we need to do this or don't. They have.

**I will move the acceptance of the Marine Reserves Advisory Panel's recommendation and move it for Full Council consideration.**

**Mr. Iarocci: Second.**

Dr. Dean: We have a motion and a second that we accept the recommendation and move it to Full Council consideration. So the motion is open for discussion.

Mr. Cole: My intention is just to move the motion. The recommendations are just that right now, and I think we should accept those. Frankly, I think that some of them probably need a lot more AP work, joint AP work, but I think the motion is appropriate.

We have spent a lot of time and effort to reach this point, and I think it is time that we either go forward or go backwards, frankly.

Dr. Dean: I think we have to -- now we have got this recommendation, and then we have got the recommendation coming from the Habitat Committee, and these two are going to have to be rectified in the Full Council.

There is a slightly different tone to them. I just call that to your attention. Bill, then I understand the motion stands independent of the rest of the text, which is recommendations or considerations.

My view of those is that what the Committee has done is a yeoman's job of taking all the comments and so forth and reducing this to about 12 items that we know are priority items that this Committee has to deal with as we go forward with our consideration. It gives us a lot more focus.

Mr. Iarocci: Mr. Chairman, total agreement. We went through this whole process with Tortugas 2000, and I mean we had so many things on paper that we had to whittle down to, and that is exactly right. If we go forward, that would be our next step, definitely.

Mr. Cupka: Thank you, Mr. Chairman. I am not a member of the Committee, but it seems to me the motion that is up there, if you aren't careful, could refer to the recommendations --

Mr. Cole: Thank you, David.

Mr. Cupka: -- which needs to be the motion, the recommendation in the motion, not the recommendations.

Mr. Cole: Yes. Thank you, David, for that clarification.

Dr. Dean: Any further discussion, comment? Is there any opposition to the motion? The motion is that we accept the recommendation in the motion from the Marine Reserves Advisory Panel move it to Full Council for consideration, or consideration by the Full Council.

Mr. Gay: Mr. Chairman, the way you read that, I mean, the motion on the Board just states AP, and you read it as the -- since the Habitat AP and the Marine Reserves AP are somewhat different, we may want to make sure we get Marine Reserves up there as well so that we are real clear on what we are voting on.

Dr. Dean: Any opposition to the motion? Hearing none, so ordered.

Mr. Cole: Mr. Chairman, it has just been pointed out to me that perhaps -- Kerry, could you leave that back up for just a second? Since the Advisory Panel used the words "recommendations" also here, let me seek to perfect this just a little bit; that we accept the motion from the Marine Reserves AP, and move it, and don't use the word "recommendations" because they did use them, and those recommendations are still subject to additional work by the APs for that clarification.

Dr. Dean: That clearly was my understanding.

Mr. Cole: Yes, I think that was our intent.

Dr. Dean: And who made the second for the original motion? Tony, do you accept this revision?

Mr. Iarocci: Yes.

Dr. Dean: Does the committee accept the revision? So ordered. Oh yes, David, Item 51, there is another recommendation.

Mr. Cupka: Right, I was going to ask you for some clarification on the second motion that came from the AP relative to Area 51. For those of you that aren't familiar with it, Area 51 is an artificial reef that we, the state of South Carolina, has established, but we haven't published it.

We put it out there from the standpoint of having an artificial reef area that we could go out and do some sampling and do some research similar to what was to be done on the Oculina Reef. It is my understanding now there was some talk about trying to move that forward as a special management zone to give it some additional protection.

My concern is that in order to do that, we would have to publish the location of this area, which would defeat the whole purpose because we are trying to keep it closed, not closed, but we are trying to keep the information from where it is so that it is not receiving any fishing pressure, so that we will have an area that is not undergoing fishing pressure to look at.

So, my concern, like I say, is if we go the special management zone route in order to get that through NMFS and NOAA, that there would have to be a Federal Register Notice that gives the location of that, which would kind of defeat the purpose of the whole thing.

So, I was wondering if Kerry could give me a little clarification on that. Also, I think Mel had indicated that he had maybe some preliminary discussions with some of the Council staff, who indicated that maybe we could somehow get that declared a special management zone without giving the location away.

I find that very hard to believe, knowing how NOAA works, but I would like to hear what some of the discussion was on that issue.

Dr. Dean: Kerry, can you respond?

Ms. O'Malley: I think that Council staff member was my boss, Gregg, so I am going to let him handle that.

Mr. Waugh: David, my discussions with him were that if the state of South Carolina is interested in pursuing that as a special management zone, it would seem that we should be able to craft a way of doing that with NOAA General Counsel and NMFS so that we go out with a detailed characterization of the bottom type where this site is, the size of it,

give all the pertinent details except the specific location and justify why we can't give the specific location.

It would seem that there would have to be a way that we could get that through the review process. And discussions with Mel were that if and when the state of South Carolina was interested in doing that, we would enter in some discussions with NOAA General Counsel and NMFS to see whether we could effectively do that.

Dr. Dean: Just a preface, David. I think this is an important discussion item. It is germane to the rest of what we are dealing with, but the real substance of this, we should refer any further action.

We can support the concept from this Committee, but any further action should probably be dealt with in the Snapper-Grouper Committee where the actual authority to take this kind of action resides.

But let's use this brief opportunity and develop a little of the background and rationale for the record, but understand that we accept the AP's recommendation, but it is not going to proceed through this body, this committee. Fair enough, David?

Mr. Cupka: That's fine with me, Mr. Chairman. I was just trying to get some clarification and I was wondering if Gregg had had an opportunity to talk with NOAA General Counsel and if there has been any indication whether something like that is even feasible.

Because, obviously, we are not going to proceed to request SMZ status if we can't do something like that.

Mr. Waugh: No, we haven't, David. And I know you are a little bit in a Catch 22, but if you all are interested in pursuing that, we can talk with NOAA General Counsel. I know, in the past, questions like this, we have been asked, well, present the detailed rationale as to why you need to go like this.

And then they can make a determination. I don't want to put Monica on the spot here without having spoken with her, but if you are interested in us pursuing this to determine if it would be feasible, we can certainly do that.

Dr. Dean: Well, let me just take the Chair's prerogative and say that we accept the recommendation and for consideration of this issue from the AP, and, Gregg, direct staff to meet with the state of South Carolina and NOAA General Counsel and make a determination if they want to move forward.

If they do want to move forward, then bring it forward to the Council through the Snapper-Grouper Committee. Fair enough, David?

Mr. Cupka: Again, I don't have a problem with that. I was just trying to find out if we could even go in that direction. It is very important for the whole concept of marine reserves because what we are trying to do is have an experimental area where we can demonstrate that these things do work, albeit on a small scale.

But it is appropriate to the whole concept of marine reserves, but we certainly don't want to give the location away and ruin an ongoing research project in the process.

Dr. Dean: It certainly is consistent with the discussion over years of the importance of having pre and post data. It is certainly a fundamental issue that comes up repeatedly under the discussion on Gray's Reef on pre and post activities and any time we deal with reserves or areas of particular concern.

Any further discussion on that? Comment? All right, comfortable with that? Okay, thank you. If you look under Attachment 3, we have options for the Committee to continue the exploration of marine reserves in the South Atlantic and whether we take one of these options to the Full Council. Is there anybody that doesn't have that document?

Okay, staff has recommended that we are discussing -- we have approved moving forward by the committee and we should consider the time line, which is presented in that document.

The time line has flexibility in it, but it certainly gives us targets that are essential and are particularly necessary for allocation of the staff resources. So, any comments and discussion on the time line?

Mr. Waugh: The activity schedule that was approved by the Executive/Finance Committee just has a slight modification to some of this time line. I wouldn't tie us specifically to these dates, but this gives you an approximation of what the activities would be.

Dr. Dean: This is a lot of work, all right? Everybody that has played this game knows that we are looking at a significant amount of work. I think one of the things on this one that I find within reach is that we have a lot of the necessary documentation assembled in a coherent form that will make it easier as we go forward. Comments?

Ms. Shipman: Thank you, John. I am not on the committee. It seemed from the scoping meetings, I mean, we didn't get a lot of input on criteria that we would use. And, you know, at some point we have got to establish criteria and then you've got to look at the data and see what data meet your priority criteria.

Dr. Dean: Kerry, do you want to react to that?

Ms. Shipman: We have got a lot of work to do.

Ms. O'Malley: One of the things that has been discussed, Susan, is in this next round of scoping meetings -- as you recall, this whole plan was laid out in the public information document and when staff talked about it, the way we envisioned it is in the next round of scoping meetings, going out with a criteria that is already established in the PID and the goals.

And, obviously that is up to y'all's discretion, but here are the goals and criteria the council has chosen. What areas do you see that fit in and meet these criteria and will achieve these goals? And that kind of would be the specific emphasis of the scoping meetings.

That is what we would try to find out, with the background information in that scoping document of some information on marine reserves and some scientific information.

Ms. Shipman: Just to that point, is this committee going to try to prioritize those criteria or establish any kind of priority to those criteria before you take them back to the public? I mean, for instance, for taking spawning aggregations of snapper-grouper may be your number one, I don't know.

Dr. Dean: By the way, point of information. Page 6 of the public information document states the goals. So page 6 has the goals and 13 has the stated public information document criteria, behind Attachment 2.

Mr. Waugh: Susan, to answer your question, we hadn't thought of having the committee prioritize. But you raise an excellent point, and I think that is something the committee should discuss; and if they choose to provide some priority that the public can use, I think that will help the process.

Dr. Dean: But we can't go to that until we take action. But we can't go to that step until we take this next action. We don't do that this morning?

Mr. Waugh: I mean, it is up to the committee. The prior motion that you approved adopts the AP's recommendation to move forward, so the committee has already decided to move forward.

What we were laying out with the material just projected was the approximate time line. And so now it is a question of how much additional detail you all want to develop here. There is certainly time to work on prioritizing those, but that is up to the committee.

**Mr. Cole: Well, Mr. Chairman, we adopted the motion that it was a valid concept and we should use it. Now I think we need to go with need to go with Option B. Option A delays it, Option C doesn't do it.**

**So I going to move Option B. We can get a second to that and then we can vote that. And then I think we need to look at a time line because Option B is a little**

**different in the sense that it directs staff to develop another scoping document to get us to begin this second, you know, step two of this thing.**

Then I have got some additional comments on the time line, some of the specifics of how we might go about some of this.

Dr. Dean: You laid out a lot of ground right there. Okay, so we have a motion to adopt Option B by the committee.

Mr. Love: Second for discussion.

Dr. Dean: Second for discussion by Fulton Love. So it is moved and seconded and on the floor for discussion.

Mr. Cole: Okay, Mr. Chairman, the time line is tight. There is a lot of work I can see here. I have to ask the same question that Ms. Shipman asked on page 13 of the criteria.

If we are going to send these things out to use the goals and criteria as currently outlined to seek additional input about where these areas would be, I guess the question is do we want, in the scoping process, to ask the public to give us what their preference for the criteria; or, should we go ahead and do it ourselves based on what we know about the FMPs and the needs of several species? I mean, to me that's the two choices.

Ms. O'Malley: Yes, just to comment. If you recall, those criteria are listed in the PID; and as you recall the very last page of that PID asks the public to rank the criteria, of which we got very little response on.

Maybe that is an indication that that is not the way to go. You know, maybe the indication is that the Council rank them, and then the Council ask the public to identify areas that meet the criteria as ranked.

That is just my experience from the meetings because we didn't get a whole lot of response.

Dr. Dean: Comments from the committee?

Mr. Lee: Mr. Chairman, to make sure I understand here, we have passed a motion that says we are going to continue to look at the concept of marine reserves, and now we are getting ready to take an action here to move forward, have the staff go forward to develop, like Susan said, the criteria.

I would presume that this would get into the area of looking at areas where we would potentially identify where we need marine reserves and the justification for that and the size and all of those types of things to be brought back to us as a committee, or to the Council to look at at a later date. Is that essentially what this second motion does?

Dr. Dean: I think we have to make the decision on process on what we ask the staff to do and bring to us, and what this committee does and then deal with the public on the issue. Is that what you are asking me?

Mr. Waugh: One thing that we will not be bringing forward is any suggestions for areas. I think you mentioned that within what you listed. It is not our intent to come forward with any areas. If you want us to take a first crack at putting those criteria in priority order to bring that back to you at the November/December meeting, we can do that.

What this motion would do is instruct us to begin the preparation of an options paper. I can tell you right now that time line is overly optimistic, and we are going to -- given the controversial nature of this subject, we want to make sure all the documentation is very clean before it goes out.

I anticipate a number of committee meetings, and we also have a meeting with our advisory panel scheduled before this document would go out to scoping. So there is still a lot of work to be done. It is just however much direction you all are comfortable giving us today, we would be glad to have that.

Mr. Cole: Mr. Chairman, let me ask Kerry. In the work with the advisory panel, have we tried to get them to prioritize these criteria?

Ms. O'Malley: No.

Mr. Cole: This is just my thinking. I think it would be useful to ask that panel and the Habitat Advisory Panel, given that the panels are different, the different makeups, et cetera, but I would really like to have the benefit of their attempt to rank these criteria before we attempted to do it.

Because, I think there is some wisdom and some knowledge at both of the advisory panels that while they may not come out with the same 1, 2, 3, 4, I think that several of these things are going to, if you will, be very dominant at the top of the list, after they both have ranked them.

And I would feel a lot more comfortable trying to go through this exercise if we can get the advice from both of those panels.

And it may be useful, while we are asking those two -- I would not have a bit of problem, particularly with the Snapper-Grouper Advisory Panel, which has been just excellent and helped us with some things, of asking them if we are going to focus, if we decide at Full Council to focus on just snapper-grouper, to ask that advisory panel to rank these criteria.

Dr. Dean: Okay, comment?

Mr. Iarocci: I totally agree. I think we have to prioritize. And I think we are all in agreement that number one would be that we have to deal with the snapper-grouper complex and known spawning sites would be probably the first criteria.

I mean, we need to look at on this same page, early 2001 scoping meetings to have the public suggest areas. That is very important. We as a committee, we said we were not going to establish or name sites. We need the public to come, just like I stated earlier at the meeting.

Last week I had a snapper-grouper fisherman come to me and show me an area on a chart that is a known site. And he said, "I would like to see you, you know, close this as an area to benefit our snapper-grouper fishery in our area".

Mr. Love: Kerry, Option A; I mean, why was it -- is it maybe that staff wouldn't have time to start work on this until November or December? I don't really understand why Option A was even put in.

Ms. O'Malley: I believe that was because at that time there were only three people on the Marine Reserves Committee; and with new members, I think there was just some -- I wanted to put some leeway in there so if people needed time to catch up and have more discussion, that was available. It was something I came up with.

Mr. Love: Well, like I said before, I think we need to move ahead with this, but I don't think that we need to get so fast, because this is going to be a real touchy situation when we get into it. And I would rather walk slow and drink plenty of ice water than have somebody chasing me with fire.

Dr. Daniel: Thank you, Mr. Chairman. I am not a member of the committee, but I certainly support the committee's motion. In terms of Gregg's comment and direction to staff, there are three areas that I think are critical for us to explore in the scoping document and discuss with the public.

And just get that on the record and not at Full Council, I think there needs to be a beefed-up section on enforcement. I think you need to talk to the coast guard, I think you need to talk to people.

We need to have more information on the enforceability of these reserves and get their opinions and recommendations for that. The other thing I think we need to think about is a section on an idea of the seasonal reserves to accommodate these spawning aggregations or spawning sites.

You know, it may not be necessary to keep an area closed all the time, but it may be nice to have it closed for a couple of months out of the year. And then finally, and I think most importantly in my opinion, is some notion for their consideration of experimental reserves, of the different types that we have discussed throughout the areas of

jurisdiction, to document the benefits, but also to assess compliance with what it is we are trying to do.

And we keep hearing these things like the artificial refugia and smaller and smaller areas. And then I talk to some of the enforcement folks, and they suggest that the areas need to be much larger, which there wasn't a whole lot of support for in some of our public meetings.

And so I think there is some disjoint between what enforcement is telling us, what we believe is the correct thing to do based on the science, and what the fishermen are going to want. And so those are my three recommendations.

Dr. Dean: Thank you, Louis. Further comments and discussion in guidance for staff on preparation of the scoping document? So what we have got is that the staff work actively with the APs on development of the criteria and developing priorities, and then Louis's comments on sections on enforcement and seasonal considerations an experimental reserves. Further guidance for the staff for the scoping document?

Mr. Iarocci: Mr. Chairman, I would like to follow up on Fulton's comment. I also think when we are moving forth that we shouldn't move forth very fast with this. But we do have a time frame here, and we have got a lot of information. And I think we should be on a steady path, not a fast path, but steady, while we have got the momentum going, while we have got the involvement of the people, while it is fresh in our minds.

I know we have a lot on the table here, but I think we should make time for the marine reserves and keep working on it, but not like put it on a back burner.

Dr. Dean: Is that the consensus of this committee? We want to make steady progress. Even if we have to slide the time table, we are going to keep moving, all right?

Mr. Love: John, I think we have got a motion and a second and I call the question.

Dr. Dean: Option B motion. We moved beyond it in the discussion, I am sorry. All those in favor of the motion, indicated by saying aye; opposed, Hearing none, so ordered.

And now we need to pick up the comments everybody considered as the guidance for the staff for development of the scoping document. That is already in the record, and we have it before us. Are there any further comments for that? Gregg, do you think we have got enough record for you all to work with? Okay.

Mr. Waugh: Yes.

Mr. Gay: Thank you Mr. Chairman. At what point will we get the Law Enforcement AP involved in this, because it seems to me, certainly the location needs to be convenient

for them. The problem with that is we have been told not to put them in populated areas, and that is exactly where the coast guard stations are, and things of that nature.

But it seems to me that we need to involve them in every step of this process and make sure that whatever we do we are not just creating some little hot spot for poachers.

Dr. Dean: I think that is in fact implicit in Louis' comments, but, Bob, do you have a comment?

Mr. Mahood: Yes, they are scheduled to meet at the November meeting, Jodi, with the committee. And as you recall, I think as far back as two years ago, they gave us a very detailed list of the types of criteria that they would like to see. And, so we will kind of revisit that and see if they have any new ideas.

Dr. Dean: That really covers the business that we had on the agenda for this morning's session.

Mr. Love: John, do we need to have a motion on Option C, the timeframe?

Ms. O'Malley: As you note, Fulton, Option C stands alone. There is an asterisk below it. And, from what I understand, this committee's intent was to loosely follow that timeframe starting with the scoping document, and that that timeframe is not locked in because it is probably going to take longer than that, is how I understand your intent.

Dr. Dean: Okay, that concludes this morning's agenda. Are there any comments before we recess? Okay, so we stand recessed until 1:30.

The meeting was recessed at 11:55 o'clock a.m., September 20, 2000.

WEDNESDAY MORNING SESSION

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The Marine Reserves Committee of the South Atlantic Fishery Management Council reconvened in the Oak Room of the Town and Country Inn, Charleston, South Carolina, September 20, 2000, and was called to order at 1:30 o'clock p.m. by Chairman John Dean.

Dr. Dean: Okay, I would like to reconvene the Marine Reserves Committee, and the first item on the agenda is an update on the Gray's Reef MOU, and, Monica, are you going to address that for us, please.

Ms. Smit-Brunello: I think Susan can chime in here. It is still a work in progress, basically. We had a few things that needed tuning up, and Ted Beuttler from NOAA General Counsel in Silver Spring is here.

He came down and we worked on it at the break. But there's a few things that -- some of the mission statements, I don't like what I put in there for the National Marine Fisheries Service. That really doesn't make sense, and I think it must have been very late at night.

So, that needs to be changes and revised. And there's a few more places that we thought needed some tuning up. So my best guess -- and it is probably Susan's too and Ted's -- is that this will come back to the Council to be finalized or voted upon at the November meeting.

So I would just ask that the committee -- I don't know what you all have to do, but just not take any action at this time.

Dr. Dean: Well, we will receive that as information and we'll just put it on the agenda for the next meeting.

Ms. Smit-Brunello : That is what I would suggest, yes.

Dr. Dean: And we can scrap this document that is in our briefing book?

Ms. Smit-Brunello: Sure.

Dr. Dean: Recycle this paper?

Ms. Smit-Brunello: Recycle it, or keep it to compare. But I think what we will do is we will do a strike bold for any new additions or changes that have been made so that you all can compare with what this version is. They are not major changes, just some tweaking that should be done.

Ms. Shipman: Yes, and as Monica said, they are not issues that can't be addressed. And in fact, I think the three of us, we are headed down the right track to address them, so we will bring you a new document.

Dr. Dean: Okay, so we receive that as information and put that on the agenda for the next meeting, that we anticipate seeing the revised MOU.

And the next item is that we received a draft document from the National Marine Fisheries Service on marine protected areas in the southeast region.

And if you will recall at the last two meetings, at one point or another, there has been discussion of the issue of the public perception of roles and responsibilities in these different categories of marine protected areas, and the vocabulary and overlapping jurisdictions and so forth.

And it is my understanding that the region has developed this document and sent it to our Council and staff as a draft document for review.

And I think we received that as information, and I would just make a couple of comments on my own part that what struck me right off the bat is that the terminology that is professed to be used by this Council is not the terminology that is used by this Council and vocabulary.

And so we have an issue right there that needs clarification and I am sure that our staff will communicate that. But I think it is appropriate that the members of this committee may comment on this written material and give it to our staff to then communicate to the National Marine Fisheries Service regional office. Jim, do you want to comment on this?

Dr. Weaver: Thank you, Mr. Chairman. I believe you covered the situation very appropriately. Bill Hogarth did wish this document to be developed as a draft at the regional level because he did sense some at least potential for confusion among the public as to what a marine protected area is and under how many names it might be presented and wanted to develop a draft for discussion to try to seek some standards to that sort of terminology; and along with that, to define the various authorities that in particular federal agencies may have to address marine protected areas.

And so it was with those instructions that we developed this draft at the regional level. We sent it to the Fishery Service Headquarters for further review, with the understanding that within NOAA we have the Marine Sanctuary Program and that this draft would be shared with our sister group.

And those reviews and further discussions are underway. This still is a draft. When we were made aware by Bob Mahood that the AP would be meeting, then we provided this to the AP and solicited their input to the draft document, and likewise we would certainly appreciate the views and any points of clarification that this committee would care to recommend.

Dr. Dean: Thank you, Jim. Any comments from members of the committee on this?

Mr. Cole: Jim, I noticed that you have got most of your authorities and some of ours. I don't see here the Department of Defense authorities nor Department of Agriculture, U.S. Forest Service, which the Forest Service in North and South Carolina in particular own quite a bit of coastal and barrier island properties. Did the advisory committee mention these?

Dr. Weaver: No. Again, I will be more than happy, along with the committee referral to staff for consolidated comments, to jot down my own notes. Obviously as Bill points out, there are other federal entities with various authorities for marine protected areas, and we do want to make note of that.

I will say off the bat, when I reviewed this at the regional level, one point I made was that we didn't very completely capture state authorities, which exist in seemingly every coastal state to some extent.

But then it was pointed out to me how difficult it might be and perhaps inappropriate for this document to try to capture that for the whole nation, rather simply give an example for the states and then primarily focus our attention on federal authorities, which for the work of this Council and the work of the National Marine Fisheries Service would be most relevant.

Dr. Dean: Jim, as I thought about this and based on the discussions even today, I can see that this can be an extremely useful piece, and I would think, for example, that if we get this cleaned up and concurrence, then this could be a very important part of the very first part of the scoping document that we are directing the staff to prepare.

And in this particularly difficult and contentious issue of informing the public of who in fact is in control of a particular issue and who can do what and to whom, we have to know the players. Any other comments or discussion?

Ms. Shipman: Thank you, Mr. Chairman. Just on the special management zone discussion, Jim, that needs to be extended or expanded to note that there are SMZs both off of Georgia and off of Florida. We have a number of SMZs throughout the region.

Dr. Dean: Yes, I think at this point we will go back to the committee for any further comments, put them on paper and give them to Kerry. And then we will work from there, all right?

And, Monica, would you give us an update and briefing on the lawsuit in the Gulf?

Ms. Smit-Brunello : Sure. That is behind Attachment 6, I guess. There is a copy of the complaint filed by the Coastal Conservation Association. It was filed, it looks like, in June. And I think the document speaks for itself.

I am not going to go through it, but ultimately CCA wants the court to declare unlawful those portions of the Gag Grouper Regulations that prohibit recreational fishing. And

this suit stemmed out of some regulations at first started by the Gulf Council and that was to make I think two areas, Jim, in the Gulf of Mexico closed to fishing in federal waters.

Right now the status of that is that, of course, this complaint has been filed. Then we just recently, the federal defendants filed the Administrative Record, and that is what the Court will look at to decide how to rule ultimately.

And that record was, I am just told, 8,637 pages long. It filled about 18 of those binders like you have in front of you. It is mandatory and you will be quizzed on it at the next Council meeting, I think.

But the defendants answer should be filed soon. But last Friday, I believe it was last Friday or recently, both parties, or all parties -- there's more than two -- found out that the judge on his own referred the case to mediation.

So I guess the parties will be going through that process. I seem to recall some sort of date like a November date, but I am not entirely sure. So that is where that is right now.

Dr. Dean: Monica, for my own information, is this the first such case that you all have that deals with an issue of a protected area such as we are talking about here?

Ms. Smit-Brunello: Well, I believe so in our region that our offices handled. I am not sure about the sanctuary folks. I don't recall a lawsuit out of that, but I am not entirely sure. There was a marine conservation district that the Caribbean Council, you know, put forward, and that was approved in the Caribbean area, and I don't think that spawned any litigation.

And so that could be right, and I will try to get you a definitive answer, although I am pretty certain that this probably is the first one in our region.

Dr. Dean: I am just wondering if this is our vision of the future.

Ms. Smit-Brunello: Well, I hope not, considering the record was 8,637 pages, but it might be. To be truthful, I am not certain.

Dr. Dean: Any other comments?

Mr. LeMaster: Mr. Chairman, thank you. Just for clarification, I think that suit was filed not to cause them to prevent recreational fishing, but to -- they agreed that there shouldn't be any, that there should be a prohibition on any fishing gear that would catch gag grouper.

What they were arguing about was the prohibition would also effect surface trolling. I think I am correct on that.

Ms. Smit-Brunello: I will let the document speak for itself. I am not the one who handles this suit. Mike McLemore in my office is, so I am not entirely sure. Since it is in litigation, I am just going to defer back to the complaint. So I didn't mean to mis-speak on that.

Mr. LeMaster: The affidavit signed, Mr. Chairman, by Alex Jernigan said, "I supported the measure when it prohibited the use of fishing gear that was likely to take gag grouper. However, during the Council's final deliberations the motion was made to prohibit trolling as well", and that is what the suit was filed about.

Mr. Gay: Monica, are you aware of any other suits where council members on any of the councils have actually been involved in litigation, actually suing themselves in effect?

Ms. Smit-Brunello: Well, I am not, but that doesn't mean that there hasn't been one out there. Mr. Jernigan is not a named plaintiff. I believe he is a member of the Coastal Conservation Association, and so he filed an affidavit that is attached to this complaint.

But he is actually not one of -- he is not one of the named parties. He belongs, as a member, to the Coastal Conservation Association, I guess. So I am not aware of any. But again, I am not entirely certain.

Mr. Gay: Yes, I think he was listed as the vice president of it. I mean, it basically looked like a classic case of be careful what you ask for you might get it, to me.

Mr. Love: The Council, usually when they take action something similar to this, it is strictly law enforcement. They are not trying to penalize somebody for fishing in the area. But it is almost impossible for law enforcement to watch the area if boats are still allowed to be carrying on some kind of fishing, and I am sure that is probably what the Gulf Council did when they voted to disallow trolling. I am not speaking for the Gulf Council, I am just saying that is the problem with it.

Ms. Shipman: Was there a minority report filed? Okay, I wasn't sure whether there was or not.

Mr. Gay: Yes, he states in his affidavit that he filed a minority report.

Dr. Dean: Okay, the next item is consideration of the Federal Register Notice calling for nominations for Federal Advisory Committee on marine protected areas, and this is a NOAA request. And, Bob, are you going to address this for us, please?

Mr. Mahood: Yes, a Federal Advisory Committee was established on marine protected areas under the Presidential Executive Order 13158 that dealt with the Coral Reef Task Force and those types of things.

In that task force, it states the purpose. The advisory committee will provide advice and recommendations to the Secretary of Commerce and the Secretary of the Interior in

implementing Section 4 of the Executive Order, which deals with creating marine protected areas, basically.

When we saw this, and there was some news releases on it, and we were sent some information, Monica provided information, they provided information from Washington to see if the Council wanted to perhaps nominate somebody to participate since we were so involved in the marine reserve issue.

At the time and talking in staff, we thought that we would make a recommendation that the Council propose that Kerry be appointed since she was dealing with marine reserves and would be a good conduit for the Council in this group.

Subsequent to that, we also received a request from South Carolina DNR that we write a letter of support for George Sedberry on their behalf. I guess they will be nominating George as a member of this advisory panel.

And then subsequent to that, we received a request from North Carolina that we do the same, a letter of support for Louis Daniel. And I guess that is where we are. The Council needs to decide, or the Committee needs to develop a recommendation to the council.

I guess, number one, do we want to recommend someone from the council to participate on this advisory panel. And, number 2, do we want to support the nominations of Louis from North Carolina and George Sedberry from South Carolina? And that is kind of where you are, Mr. Chairman.

Dr. Dean: Thanks, Bob. Bob, you have been communicating with a few people on this. Can you give us some insight as to what they really see coming out of this?

Mr. Mahood: Well, I am not sure because there is some legislation that has been developed to follow up to the Executive Order to put it in law. But, anyway, my understanding is that right now that -- we had a lot of support at the council level.

The councils came forth to and said, basically, look, there's a lot more of the coral areas in the country protected than people realize. I found this out in talking with some of the people involved with the Coral Reef Task Force.

They have done no work to look at what management is in place at this time. They want some program of \$250,000 to determine that. I told the people that if they'd make the right phone calls, they could determine it for probably a buck a call, or whatever you can get it for.

But the Caribbean Council, the Gulf Council, the South Atlantic Council, the Western Pacific Council, and even to some degree the Pacific Council now has management in place on corals, or coral habitat type bottoms.

As you noted earlier, Mr. Chairman, there is going to be a lot of overlap. It seems to be kind of a sexy thing, let's all get out and protect the coral. As far as I understand, the latest information I got from Washington is; one, there were provisions put in the legislation that would enact the Executive Order into law to preclude the councils -- in other words, the councils would not have to meet a lot of new mandates under a new law to move forward with protecting coral areas, developing marine reserves and this type of thing.

I also understood that that legislation may be pretty much on hold. Now this information I have may be as much as two weeks or three weeks old, so I don't know what has occurred recently.

But I think we need to, as a council, have a representative. And like I said, from a staff point of view, we looked at possibly Kerry because she would have the time and the expertise. It doesn't have to be one of the staff.

It certainly could be one of the council members if they have the time and the interest to participate. Of course, Louis from North Carolina would be good because he is connected with the council as well as the state.

George Sedberry is very active with our council from South Carolina and very close to the process. You know, from a staff perspective, I don't see any problem with supporting those nominations and nominating somebody from the council.

Obviously, I think this group is going to be about 20 or 22 people and they are going to probably have hundreds of nominations. So I am not sure, you know, what criteria, but certainly we have been pushing very hard to get representation on the Coral Reef Task Force, but, of course, since those are all cabinet level positions, we don't quite have the clout to get on that.

But we are trying to be involved with this process and this appears to be the best place for entry at this point. So, that is kind of the background I have on it, Mr. Chairman.

Dr. Dean: What is the committee's pleasure on this? Further discussion?

Mr. Lee: I was about ready to make a motion, if we are prepared to do that, Mr. Chairman. **I would like to make a motion that we support Louis Daniel, and the gentlemen from --**

Mr. Mahood: George Sedberry from South Carolina.

**Mr. Lee: -- George Sedberry from South Carolina as the two nominations supported by the South Atlantic Council.**

Mr. LeMaster: I second that for discussion, Mr. Chairman.

Dr. Dean: We have a motion and a second on the floor. I have a question. Who is actually going to make the appointments? Do we know, Bob?

Mr. Mahood: I don't know if it is laid out in detail who will make that, but I suspect it will be a joint decision between Commerce and Interior who the individuals will be, I don't know. I suspect that the National Marine Fisheries Service people on the Commerce side will have some input into it.

Dr. Dean: I would think NOS might want to play a role.

Mr. Mahood: Well, Fish and Wildlife, I suspect, from the Interior side might, NOS, NOAA. I am not sure what the chain of command is.

Dr. Dean: Well, that often makes a big difference on who you put up as nominees, and what the success might be. I certainly think that with this council's history of the utilization and support of protected areas, that it is important that we have representation on that committee; and that we do make a strong effort, when we support the nomination of someone, that we put our resources behind that to see that that happens.

Mr. Love: Bob, didn't you mention another name there?

Mr. Mahood: Well, we talked about someone from the council. I think Louis was being asked. What it is is a person is nominated. Then they need two or three other supporting letters of support of their nomination.

Louis, were you asking -- I believe the request was for you to really be a representative of the state of North Carolina as opposed to the council?

Dr. Daniel: That is correct. We are trying to just sort of hedge our bets and try to get as many applications in as possible. Thirty-two folks are going to be selected for this advisory group, and they are going to represent all avenues.

I mean, they are going to be oil expiration folks and benthic ecologists and geologists, et cetera. And our feeling was is trying to get some fisheries expertise on that group from the South Atlantic.

I was asked to submit my CV for that appointment, and then I heard about George being asked to be recommended by the council. And so I see it as two separate things here, is that you would, you know, endorse -- if you agreed to endorse our applications from the state of North Carolina and South Carolina, respectively, and then perhaps make a nominee for the South Atlantic Council, that would give us three shots right there to get people intimately involved with the council on this committee.

Mr. Iarocci: At the last Sanctuary Advisory Council meeting, we were talking about this. And I did send a short letter in with my name to be considered with that after talking with Billy, representing the commercial fishing industry and representing Florida,

in no way taking away from Louis Daniel or any involvement with the council representation.

Because I think the more people we get involved, especially with the council process and the sanctuary process, the better off we are going to be.

Mr. Love: That was going to be my next question. You've got Florida who has got an awful lot of territory down there, and, Susan, how about Georgia? It is not near as much territory as the other states, but I definitely think that we ought to send a name from Florida forward with this.

Ms. Shipman: Yes, I think Florida has so much experience in the marine management area of these special areas, more than any other state, with the exception of possibly Hawaii and some of the other areas.

And, yes, I mean, I am not on the committee but I would certainly, at such point as it gets to the council, support the two individuals that have been mentioned, and I am delighted to hear that Tony's name has gone forward, too. I definitely think somebody from Florida needs to be on it, or endorsed.

Mr. Cupka: Yes, as an agency we are certainly going to put George Sedberry, Dr. Sedberry's name in. We aren't doing that so much as representing the state of South Carolina. And I think some of y'all know George's background, some of you may not.

But he has done quite a bit of research down in Central America on areas like these, and really has a strong technical background.

And it is not so much that we want to nominate him to support our state as it is the fact that he has got a real strong research background on these types of areas.

And we think he would be a good addition to it. I agree with Louis. I think we are certainly able to support as many people as we want, and as long as they are good people and solid people, I think that we should. And it is going to increase our odds of getting someone from this area who is involved through the council.

He is a council member, a member of the AP, or whatever, on to that group. And there are going to be a lot of nominations, so I don't see anything wrong with this council supporting certainly more than one as long as they are satisfied that the person that they are being asked to support is somebody who should really be on that group.

Mr. Mahood: And I was just talking with Tony about the fact that I guess he will be nominated, also. We don't necessarily have to have a staff person. We were looking for somebody that had the time to participate in this. Certainly, if Tony is going to be nominated and Louis is going to be nominated, there is no guarantee we would get somebody, but we could probably, if we put a nominee from the council, we could put a lot of pressure on to make sure they were appointed for representing the council.

I think we can do that. And I have been told that the councils will be represented in this. And like I said, it doesn't have to be a staff person, but I think the council has to have a nominee, not just supporting another nominee.

Dr. Dean: I understand.

Mr. Love: If the motion maker would accept a revision to add Tony Iarocci to that.

Dr. Dean: If I could comment, if we could take what Bob said; and if the council is going to write a letter of support for Louis and his nomination from North Carolina, and George Sedberry is being nominated on his technical credentials from South Carolina, and we can be supportive of that; but as Bob said, if this council were to nominate one of its council members, particularly as a member of the committee that deals with these kinds of areas, and then we would make Tony the council nominee, then we separate him from the other two. And now we would deal with that.

Now we do have a motion on the floor, so I would ask you to hold that one, all right. Jodi, do you have a follow up?

Mr. Gay: I was going to do exactly what Fulton did.

Dr. Dean: Well, then let's act on the first motion. The motion on the floor is write letters of support for Louis Daniel and George Sedberry to the Department of Commerce Federal Advisory Committee on Marine Protected Areas.

Mr. Lee: Excuse me, Mr. Chairman, it was my intent, when I made the motion to support Louis Daniel and George Sedberry, that they be supported as the council. I mean, even though they are from North Carolina and South Carolina, that they be supported as the council nominees.

But it appears what we are saying now is that they are not the council nominees, we are just supporting them as state members.

Dr. Dean: Clarification, Bob.

Mr. Mahood: Yes, the request from South Carolina and North Carolina was in the Federal Register Notice, they have to get letters of support from three other groups, people, agency, whatever. They are being nominated, Louis by the state of North Carolina, George by the state of South Carolina.

They wanted us to be one of those other letters of support, not nominate them. So we are doing what they requested that we do in that case.

Dr. Dean: And now I interpreted Fulton's motion to be coming that we in fact nominate Tony from the council for this. It is your motion.

Mr. Love: Well, I guess I need to ask Tony about the three letters he needs, how many you've got of support.

Mr. Mahood: Well, we got one from North Carolina, one from South Carolina, right? We can get the letters of support.

Mr. Iarocci: Yes, I can get the letters of support if need be.

Mr. Love: Well, did you want vote on this first, or do you want me to add --

Mr. LeMaster: Can we talk about it some more?

Dr. Dean: Talk about this one some more?

Mr. LeMaster: Yes, I seconded the motion.

Dr. Dean: I thought we had a second. Did we not have a second?

Mr. LeMaster: I did, I seconded.

Dr. Dean: Okay, all right. No, wait. We are voting on this one right now. We haven't actually voted on this.

Mr. LeMaster: Can we have some more discussion on it?

Dr. Dean: All those in favor of the motion that we add letters of support to Louis Daniel and George Sedberry from the council; all those in favor of the motion say aye; opposed. Hearing none, so ordered. Now, is there any further action?

**Mr. Love: Well, I would like to make a motion that we support Tony Iarocci as the council representative nominee.**

Mr. Cole: Second.

Dr. Dean: We have it moved and seconded that Tony Iarocci be nominated by the South Atlantic Council to the Federal Advisory Committee on marine protected areas. Any further discussion? Any opposition to the motion? Hearing none, so ordered.

We will take this to the Full Committee. Is there any further discussion of this issue?

Mr. LeMaster: Mr. Chairman, just as an editorial comment, as a businessman I hope that this is not another federal duplication of effort. I was in the Florida Keys the other day, and I saw five different agencies in front of our house, federal and state agencies who were there, the law enforcement people, all with blue lights on top of their cars.

And I don't fully understand this. I recognize that we have to do it because they have already decreed that we do it. But I just wonder why that is even necessary to have that, to have that group. This could be decided by our group right here I think and the other councils. But, that is just an editorial comment.

Mr. Mahood: You will have to talk to President Clinton about that. He wrote the executive order.

Mr. LeMaster: I recognize that. It has gone a little beyond me.

Dr. Dean: I am going to rule that comment out of order.

Mr. LeMaster: As a citizen, I just want to object to five different governmental agencies on the road there in Islamorada.

Dr. Dean: Then, my editorial comment, Ebbie, we constantly hear we need more enforcement. We need more enforcement and you have got documentation that that enforcement is out there.

Is there any other business to come before the Marine Reserves Committee? Anything for the good of the order? Hearing none, do I hear a motion that we adjourn? And a second. Non-debatable. We are adjourned.

(Whereupon, the meeting was adjourned at 2:15 o'clock p.m., September 20, 2000.)