

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER AMENDMENT 14 (MPA) PUBLIC HEARING

**Charleston, South Carolina
February 19, 2004**

Summary Minutes

Mr. Cupka: If everyone will take their seats I would like to go ahead and get started. It is a little bit after six. We wanted to get started at six. We'll go ahead and get under way.

Good evening ladies and gentleman, I am David Cupka and today I am acting as chairperson on behalf of the South Atlantic Fishery Management Council. We would like to thank you all for taking the time to attend the meeting tonight. I know some of you have traveled quite aways. We really appreciate you coming to provide input to the Council on the subject of Marine Protected Areas.

The purpose of this informational public hearing is to give you the opportunity to comment on social and economic impacts that may be associated with specific Marine Protected Area sites that are proposed to be included in Snapper Grouper Amendment 14. It is the Council's intent to gather information that is not available through traditional data sources such as logbooks and surveys. So that the Council has the best possible information before any final decision is made.

This meeting is different from a traditional public hearing in that the Council will not be making any final decisions after these informational public hearings and not all measures expected to be included in Snapper Grouper Amendment 14 are included for comments during these informational public hearings. We will have a second round of public hearings that more traditional type of public hearings later this year that will enable you to comment on all alternatives, including proposed MPA's to be considered in Snapper Grouper Amendment 14.

Your input tonight and any other input we got from going up and down the coast from North Carolina to Florida. Your input concerning social and economic impacts of specific proposed Marine Protected Area sites will be collected and used in developing amendment 14 to the Snapper Grouper Fishery Management Plan.

Our meeting tonight or hearing will be conducted in the following manner:

First, I am going to have Kerry O'Malley of the Council staff to give us a brief overview of the issue. Following her brief presentation, there will be a short period of time to allow for your questions. Again we want to limit the questions to the information that

Kerry is presenting tonight and not get off the track. We want to focus in on MPA and specifically what you see is possible economic and social impacts with the particular MPA where it to be designated and created.

After the question period I will give each of you the opportunity to come to the podium to make a short statement on the specific impacts of the proposed Marine Protected Area that is likely to most affect this area. We are going to start with what we call South Carolina A. We'll take your comments relative to MPA South Carolina A and then B and then after that we will run through all the proposed sites. We'll do that until everyone that wants a chance to comment have an opportunity to do so. With that I am going to ask Kerry to take us through this presentation and give you the background and then we'll get into questions and answers and hopefully get your input on what you perceive of some of the impacts if we were to establish these areas. So, Kerry?

Ms. O'Malley: Thank you all for coming. Please speak up if I am not loud enough. I am going to sit down. Before I forget there are two things I want to mention. There is a document at the front table informational public hearing document. It is the document we are going to be working off from tonight. If you don't have one, please get one. If there are people that are not here and you think they might be interested feel free to grab as many as you want. This is our last public hearing so, we'll be more than happy for you to take them off of our hands.

Finally, If you don't feel comfortable commenting in front of the crowd tonight or again if there are people who are interested who aren't here we are taking written comments via US postal mail and via email and that is in the document, those addresses that you send it to. So let people know they can do that. Now on with my presentation.

We are here to discuss Snapper Grouper Amendment 14 the things that are possibly going to be included in Snapper Grouper Amendment 14 are two prongs. The first part is develop Marine Protected Areas as a management tool to protect over fished deep water Snapper Grouper Species. A couple things that are important there. The first things is that we are just talking about deepwater Snapper Grouper species. And secondly when we talk about protect there are a lot of ways to protect fisheries we always have the traditional fishery management measures. Such as bag limit, size limit, quotas and gear restriction. The council has used those in the past and will continue to use those in the future but specifically the council is looking at a way, finding a way to protect the long term age and genetic structure of the Snapper Grouper species. The Council has done a lot of searching and it seems MPAS are the way to accomplish that goal.

The second thing that is going to be included in Snapper Grouper Amendment 14 are addressing Sustainable Fisheries Act related management measures. Briefly the Sustainable Fisheries Act is an act that amended the Magnuson Act, which we operate under. In 1996 and that requires the Council to identify things like maximum sustainable yield and optimum yield for all the species we manage. It also requires the Council to

determine whether or not species are being overfished. And if they are being overfished it gives us a time frame by which they have to rebuilt.

The Council is developing another amendment to Snapper Grouper and that amendment is called Snapper Grouper Amendment 13B. Originally that amendment was going to address all the Sustainable Fisheries Act measures for all 72 Snapper Grouper species. The Council in October decided since we were already looking at deepwater species in Snapper Grouper Amendment 14 that we would take all the deepwater species out of Snapper Grouper Amendment 13B and address the Sustainable Fishery Act related measures in Amendment 14 because we were looking to doing the deep water Snapper Grouper species in a holistic manner.

The Sustainable Fisheries Act related management measures are not in this document for discussion tonight. It is not what we are here to talk about. As David said there is going to be another round of public hearings later this year in which that field of management measures will be available for comment.

I have mentioned deep water snapper grouper species people may have different perceptions a about what we mean. Here is what the Council means when they talk about deep water species. We talk about Speckled Hind, Snowy Grouper, Warsaw Grouper, Misty Grouper, Yellowedge Grouper, Golden Tilefish, and Blueline Tilefish. Those are the seven species that we are specifically trying to address when we talk about MPAs.

Why do these species need special considerations? If you are not familiar with these species they grow really slow. In one of our documents, we have a yellowedge grouper that is reported to be 85 years old. So we are talking our lifetime here.

They live long and mature really late. And of course they are caught in deep water, when you throw them back because of a regulation and they most likely are not going to make it back. So, for these reasons we are looking beyond traditional fishery management measures.

Now, when we say MPA everyone has a different meaning of Marine Protected Areas. You know there are National Marine Sanctuaries, you know there are complete no take areas. Depending on who you are talking to state or federal or regional like us everyone has a different definition. Of course we have our own definition. Here it is so we are all on the same page.

The Council considers Marine Protected Areas as a network of specific areas in a marine environment that is reserved and managed with the primary purpose of either in aiding on the recovery of an over fished stock and to insure the persistence of healthy fish stock, fisheries and habitat. That probably doesn't say much to most people. That is a nice definition. Here what we are talking about when we talk about how we talk about how it

will actually affect fishing. The Council has given itself four types of MPAs, tools they can work with.

The first one is the one that gets the most press. The one that people are most familiar with, sometimes most afraid of, sometimes in most support of but that is a permanent closure with no take of any species allowed. The Council calls that a type 1 MPA.

The second type I have listed is what we call a type 2 MPA. It's highlighted because that is why we are here tonight primarily to discuss. That is a permanent closure with some take allowed. In this case that would mean there would be an area with no Snapper Grouper species or retention of Snapper Grouper species but trolling and other type of fishing for other pelagic species would be allowed.

We always get the question of permanent, and let me just say in the bureaucratic world nothing is ever really permanent. It is the Council's intent that need to be in place for a really long time in order to protect these really long living fish. A different Council can come in and do something different, but permanent is supposed to mean for a really long time because these fish need that level of protection.

The other two types we have are type three and type four. Both variations of spawning area closures. If you can identify for example where a Gag Grouper is spawning and example of a type three would be the area was closed during spawning season and no one was allowed to fish in there for any species.

That same example for a type four would be closed during spawning season and you couldn't fish for Snapper Grouper species, but you can troll.

So these are the four types of MPAs the Council is put in its tool box.

Briefly I am going to talk about the Council's actions relating to MPAs. The real reason and the point I want to make is how long the Council has been doing this, how much public input has been involved. You read a lot of stuff that the Federal Government is going to come down and this is going to happen real quick, over night. As you can see in the timeline the first year is 1990. The Council hasn't done this overnight. It has been 14 long years and we are still not even close to the end of the process.

The Council did start looking at MPA's as a management tool in 1990 to the scientists that are most familiar with the Snapper Grouper species came to us and said this is the only way you can protect the long term size and age structure of the deep water Snapper Grouper species. So the Council started looking at them, at the time the term was Marine Reserves, the name has changed only because the term Marine Reserves came to mean an area was closed to all fishing. That wasn't the Council's intent. The Council held its first round of scoping meetings and in 1992 still discussing the same topic that we are discussing today. There was a lot of mixed reaction. It was still a really new topic at the

time. So the Council asked for some more scientific review and over the years the Council has gathered a lot information on MPA but in the mean time we had to develop more regulations to protect these Snapper Grouper species. A lot of you probably familiar with or have been affected by Snapper Grouper Amendment 8 and 9. Snapper Grouper Amendment 8 was a limited entry program for the commercial fisheries. The permits have been cut in half by that program. Snapper Grouper Amendment 9 was the size and bag limits. The Council has since moved on to amendment 10, 11, and 12. As I have said before is in the process of developing 13 and 14. While we haven't used MPAs a lot of regulations have had to come online to do the job.

The Council does have an MPA advisory panel that is made up of industry members, recreational constituents, environmental constituents and state people. It is one of our largest advisory panels. We've met with them many times. In the year 2000 we went out as staff and Council members and did informal meetings with the public. Anyone that wanted us to come out and talk about MPAs, no idea where MPAs would be or what they would look like we just wanted to see what people were thinking about them. We did that in 2000 and later on in the year we did another round of scoping meetings which is our second round of scoping meetings. Again no boxes on any maps we just wanted to find out was their support of MPAs. As we have done more meetings we have found a little more support. In 2001 we held the final round of scoping meetings which was the third round in which we asked the public help us choose sites that may be potentially good Marine Protected Areas. And the sites we are looking at tonight came out of that process. We used our Advisory Panel as well throughout that process.

Now we are up tonight meeting, after three rounds of scoping meetings you guys are our final public hearing for this round. We are having two rounds of public hearings. It's a lot more comments than the Council usually takes at public hearings. As David said this is not a traditional public hearing because we're actually here tonight to get information from you. The primary purpose that we need tonight from people is to help us collect economic and social impact information on the sites that are in your packet and up on the wall and I am going to show them again too. Feel free to get up and look at them.

We can't get everything we need from the logbook or from recreational fishery statistic on area based management. So, we really need your help to let us know how these sites would impact you, if they came online.

Again, other management measures that relate to the Sustainable Fisheries Act will be available for public comment during the second round of public hearings. That is what makes this little different tonight too. There will be no final decision made after tonight's public hearings. That will happen after the second round of public hearings later this year.

It is traditional, just so you know, the way it is being taped. It is video taped and audio taped and the Council members will hear it tonight and take it to heart even the ones from

Florida and Georgia will hear what happens in every state. Again, just to make sure we are all on the same page, we need how these closures are going to affect you, we need to figure how to weigh the benefits and costs of the different alternatives of these sites and because of the different data collection programs we have not provided enough information for us.

I am going to briefly go through the sites, they are kind of hard to see in detail, I know, up on the screen. I just want to point out they are in the document that you have so feel free to look at that.

The first site is a site off of North Carolina. This site is proposed to be a type 2 Marine Protected Area, which again would not allow Snapper Grouper fishing but would allow trolling and other types of fishing. This box is 150 square miles. It is about 55 miles southeast of South Port, North Carolina. It is about 128-148 fathoms of water. If you notice there are two boxes at this site, it is the Council's intent if they were to choose to do an MPA at this site, that only one of those boxes would be the choice. It is not both boxes and you will see this at many sites.

The second one definitely pertains to this area. It is called South Carolina A. I know that is not very creative. If you guys have something you call it, please tell us that when you come up here tonight. Again, there's three options for this site. It would be the Council's intent to only move forward with one of those boxes. They are proposed to be a type 2 Marine Protected Area, no fishing for the Snapper Grouper species, but trolling for pelagics would be allowed.

Those boxes are 5 by 10. They are about 60 miles southeast of Murrels Inlet, South Carolina. And they range from being about 20-80 fathoms. The deepest one is about 90 fathoms.

The next one is South Carolina B. Again there are two option boxes, only one would move forward. Again the box is 5 by 10 miles, so that's 50 square miles. This box is the closest here. It's about 50 miles southeast of Charleston. Option 1 is 26-65 fathoms of water. Option 2 is about 47-92 fathoms of water. If I didn't say it, it is a type 2 MPA we are only talking about Snapper Grouper species there that would be prohibited.

This next box is what we call the Georgia MPA. Two options only one box would move forward. They are both about 88 square miles. They are about 70 miles southeast of Walk off Sound?, Georgia. Option 1 is 86-115 fathoms in depth and option 2 is about 39-115 fathoms in depth.

The north Florida MPA option, again two boxes and one would move forward both proposed as type 2, no fishing for Snapper Grouper species, but trolling would be allowed. The first box is 57 miles east of Jacksonville. The other one is 55 miles east of

St. Augustine, Florida. The first one is about 30-60 fathoms and the other one is about 92-40 fathoms.

This is the smallest box and the closest to shore. This is an area called Sea Bass Rocks. It is about 9 miles east of St. Lucie Inlet, Florida. It is about 8 square miles this box. It is about 40-60 fathoms, which is very contrary to what you see in Charleston, to see something that close to water be that deep.

This is an area called the Florida East Hump and Unnamed Hump. There's two humps in there. Again this box is about 50 square miles. About 13 miles off of Long Key, Florida, about 108-139 fathoms, so it is really deep. Again this is proposed to be a type 2 MPA, no fishing for Snapper Grouper species, but trolling would be allowed.

These last two are two different sites that we have. all of the sites I showed you before were picked because there was live reef there. These two sites were proposed because there is no bottom there. One of the things we hear very often when we go out to these scoping meetings is 'Why do you have to take our bottom? Why can't you take some artificial reef material and close that area and let us have our bottom?' and there are a lot of scientific debate over whether or not that would function as an MPA or whether or not that would be a good thing. But because we heard that so much the Council has agreed to sort of look into this and to look into MPAs and see if you can use artificial reef materials to create Marine Protected Areas.

This first site is off of Beaufort, North Carolina. It is about 4 square miles. This is the only site that is proposed to be a Type 1 MPA which is no fishing allowed in this site. If the artificial reef is to be created there. Right now there is no bottom there.

Look at the pink box there. We have already looked at South Carolina B. This is an area called Charleston Deep Reef. Again there is no bottom there. It has been proposed to create an artificial reef there and to see how an artificial reef would work in such deep water as an MPA. This is about 2 and a half by five miles square. It is about 50 miles off Charleston, and about 60 fathoms in the middle of that box. Even though it will be an artificial reef, this will be a Type 2 where no fishing for Snapper Grouper species would be allowed, but trolling for pelagics would be.

Finally, I am going to leave this up because I really want to remind everyone to stay focused. That we are here tonight for specific information. What we need for you to do is to answer these questions for us. And that is what type of fishing you do at whatever specific site we are talking about. Whether that be South Carolina A, B, or if you troll through the artificial reef site? Are you charter, private, or commercial? What type of gear you use in that site? What is your homeport? How many bottom fishing trips do you make in a year in that site? The main species you target and what other areas would you fish if that area was closed? This is the kind of information we can't get any other way.

I would also like to call your attention lastly to in your public hearing document, if you can start looking at page 26 you will notice we have some landings information. It is also up on the wall represented on these charts. We've been able to take the commercial logbook, where we have statistics or the headboat logbook where we have statistics. We have been able to identify some of the landings that come out of these areas, but we have a problem because the commercial logbook grid is about 60 by 60 nautical miles and our sites are much smaller. So we don't know what percentage of the landings would have come out of these boxes. If you can help us figure out whether or not five percent or none of the landings have come from out of the box.

I am going to leave this up here and hope that people remember that we are going to stick with these questions tonight. And I appreciate your time.

Mr. Cupka: Thank you Kerry,. As I mentioned before what we would like to do now is see if anyone has any specific questions about the information that Kerry has presented and after we address those then we will go thorough each of the sites and see if you can provide any information on those sites starting with South Carolina A. Does anyone have any specific questions about the material that has been presented up to this point?

Unknown Speaker: Two questions I have right away when I look at this is one, after plan 9 was put into place, and that was just a few years ago. Have we been able to see the effects of that long term before this idea of moving forward with MPA's through scientific studies on fish counts?

Mr. Cupka: One of the reasons why we put these species in 14 instead of 13 is in June of this year there is going to be a stock assessment on the deep water species, we will see what comes out of stock assessment and see what impact 9 has had and what kind of gains we have made as a result of regulations that were put into a part of 9 that's one of the reasons that we wanted to move these into the next amendment to complete to see what we get from there.

Unknown Speaker: Do you care what happens in nine? I don't understand though, why would you move forward with these when we don't know the effects?

Mr. Cupka: We aren't really moving forward with these, just trying to get information, this amendment will come long after we get the stock assent this summer. Depending on what we find out from the stock assessment we may not have to do a lot or we need to do more. MPA's are just a part of what we could do but we need to do more but we don't know that until the stock assessment in June.

Unidentified Speaker: My second question would be how do we know that creating an MPA over existing odd bottom isn't going to ship extra fishing pressure onto other areas to complete the stocks that are automatically there?

Ms. O'Malley: That's why MPA's are one thing, the MPA's in common have with additional fisheries to keep the balance

Unidentified Speaker: Wouldn't it be better just to have a nice even approach for all areas instead of having extra pressure put on other areas?

Ms. O'Malley: MPA's can be seen threw... fishery management... the long term... by allowing a certain portion of them to be unfished. That is something that can't be done and absolutely, by the deep Snapper Grouper species tend to like to stay in one area, of course they will move out no one is saying their not ... but they tend to stay in one area more than other fish which would be an appropriate area for dolphin,... tend to like.. to provide enough protection to some of the stock around to save the genetic structure and the A structure and we have to use additional fishery management plans as well as MPA's, no one is saying that MPA's....

Mr. Cupka: Also, based on work that has been done, documentation of.....of each fish formed, your right they are growing to grow up and move out of the area and we have to help to repopulate some of these other areas that may have gotten some of that fishing..

Unidentified Speaker: What currents have you had that shows the... MPA's and that show that Snapper Grouper do in deed stay in these areas, I'd love to see that data.

Ms. O'Malley: We'll give out information at the end of the night and when.... Of all of that literature section of all of that information....of what we have.

Unidentified Speaker: Thank You. Marcus Harold

Mr. Cupka: Thank You Mark Any other questions on the material that was presented before we try to get any input for you, Eric.

Capt. Eric Heriden: Captain Eric Heriden, Charter Boat Captain out of Georgetown. I'm here representing the Florence Blue Water Club. Ricky Harold from Florence came with me today, he's back there, we're the oldest active salt water fishing club in the state, and I needed to get some answers, I got some already but that is a concern to people in our organization, I first want to minchin that contrary to what some people believe, our club is one hundred percent for MPA's, we have spent a lot of time discussing this matter with the professionals so we don't question rather it will work or not I feel confident that people like Dr. Bumsack and the people in your Miami research centers, they are not political, non- appointed, great professionals and have been researching this for twenty-eight years or better so some of this have concerns does it work or doesn't it work, I can

tell you it's needed and it works, It does. Question how it effects the economic impact of an area having said that, there comes a time you have to trust, the people that are making these descions are non political, and I can trust them, I can't trust all council members, but I can trust these guys that are out there really checking things out. Some things that really concern me in terms of answers, and you guys have answered some, but first of all the MPA's will divers be able to go in there and how will you, it will be like an aquarium. But, how will you be able to monitor, we can't do that with transfonders, if they are using bang-sticks or steering the fish?

Mr. Cupka: The area we are looking at is pretty deep I don't think that they are going to...

Capt. Heriden: Alright, but if we move it, on the next round, move MPA's to a hundred feet will divers be involved in protecting those areas, or we'll worry about that down the line?

Mr. Cupka: that is something that we'll have to look at, but when we get in to it, but the areas that we are looking at now I think divers are one thing that we don't have to worry about.

Capt. Heriden: I agree, but our guys are looking at like the tuna permits we started for free, and now they cost, and now theres limits so I feel sure, even though it's needed it's the first of what is to come. Another question, how will these areas be marked off? Will they be site lined with booies, will there will be strictly on chart plotters or will be in on our own or will we be on our own to designate them with our DPS-units or...

Kerry O'Malley: That's a really great question, and I'm not playing taxi but that's actually the Coast Guard, National Marine Fisheries Service, and Law Enforcement will make that determination, and will determine how the areas will be roped off and enforced. I can't answer that, they come to our council meetings they are very involved in discussions about these boundaries, if that's the comment that you make as a suggestion we'll make sure that it

Capt. Heriden: Alright, our guys were concerned about the know the species, what if we had bottom gear on our boat, and we had to stop in that area because we are trolling in that area, and those areas will be primary to troll, I would think. And where boarding is, and we have bottom gear on the boat and we may have some grouper or some red snapper from another hundred feet from when we stopped going out there, will it be considered that those fish couldn't be caught in...

Ms. O'Malley: Again, unfortunately that would be there discussion at sea, but the regulations would most likely be written that there is no possession or retention of the Snapper Grouper species in that area so if you had one of seventy-two Snapper Grouper species on your boat and you were in a closed area where Snapper Grouper species were not allowed to be caught, you would be in violation.

Capt. Heriden: But they would be the specified species not the total category?

Ms. O'Malley: It would be all Snapper Grouper species.

Capt. Heriden: All Snapper Grouper?

Ms. O'Malley: That's how it's been written in the past, that's how it was written in our other...

Capt. Heriden: Law Enforcement told me fifteen minutes ago other wise, but then it is important that if I stop on my way there, that all snapper grouper species better not be on that boat, you can have deer but we better not have possession of fish, even though we didn't catch em' there

Ms. O'Malley: That is how we've done it in the past, that has been the councils intent thus far, we are still very early in this process, still working with our law enforcement advisory panel but I'm not going to include you in the past, there has been no retention.

Capt. Heriden: Ok, Alright that's good, at least we're talking about it, cause these are pretty good questions I think, in terms of what my people want to know.

Mr. Cupka: Very good questions, ..ways to go in this process...

Capt. Heriden: I understand that, but at least we are starting it, and the law enforcement.....needs some help.

Alright, that brings up question three it's nice to make law, and it's nice to draw a box, it's nice to put boopies up, but how in the hell are you going to keep somebody out there in a commercial boat with long gear, that says I'm just sitting here, I'm not catching fish, maybe is how are you going to track that boat and know what he's doing and who's available to go and do it when we're thirty-five or forty opposite short already and we can't even patrol the shrimp batters.

It's nice to do this and suggest it but if we can't enforce it what do we get?

Ms. O'Malley: I'm going to go back to saying that we just met with our Law Enforcement advisory panel committee last week, and they are with us every step of the way.

They'll make suggestions along the way, and say your crazy there's no way you can enforce it, it's too far away, and they have not told us that yet.

They told us that there are certain things that would like us to do and if we can't they will still enforce it no matter what. We have the support of the Coast Guard, National Marine

Fisheries Service, and the state so Council can't enforce the laws but we have their support on these issues.

Capt. Heriden: The major boats that are going to be fishing these areas are commercial boats, or would be fishing in this area would be commercial boats would it be out of line that these boats rather they fish these areas or not to have transfinders on their boats so that they can be tracked, is that out of line?

Or is that going to be considered?

Ms. O'Malley: It's being discussed on the Law Enforcement advisory panel and committee and that's one of the things that is being discussed.

Capt. Heriden: Ok, another question, the CCA and Federal Government there are a lot of law suits involved in terms of South Atlantic Council couldn't do this, they shouldn't be doing this, these law suits could take years, I mean years they could hold up the implementation of what this group or you guys may say eventually this is great and we ought to do it?

We are behind in doing this now, we should've done it years ago. My point is how are those law suits going to effect when we implement these plans? I know the CCA has a lot of law suits on that, free the fish.

Mr. Cupka: There really isn't anything to bring on to the plate, _____. Until the amendment is approved.

I think that a lot of things that the CCA is involved in, free the fish act that is being purposed in state waters is being purposed in state waters, which really wont have any impact on this. Now there was a move to try and get something passed on Federal level, and it hasn't passed either. So any one is free to challenge anything that is done in this country, and there is you know involved... there has been a number of law suits starting with the Secretary of Commerce trying to do this and trying to do that but there are no law suits now that involve this particular aspect, that's not to say that if this amendment were to pass someone would bring a suit, but they would do that after it was in affect and it would stay in effect until it was overturned by a court.

Capt. Eric Heriden: Ok, I'll leave you with this.. my club wanted to know the shortage of law enforcement officers has it been considered to give major awards to people that are turning in those that are violating MPA's, Which would help support our law enforcement people. Could that be considered?

Kerry O'Malley: I don't know like I said we don't do the enforcement act but I can certainly put that down as a suggestion and bring it the next AP meeting; bring it to them and they can bring it to their supervisors. That's the best I can do....

Capt. Heriden: My purpose for minching this is to put it on the record to be looked at. Thank You very much, again Florence Blue Water Club supports your efforts.

David Cupka: Thank You Eric, those were all very good comments. We appreciate you traveling the distance to be here tonight and bring those issues to the council's attention. Anyone else? If theres any other questions before we get into discussing specific sites, can you please come forward and identify yourself.

Allen Leary I'm Allen Leary, I'm a head boat captain here in Charleston, granted I don't fish in some of these deep water sites, but I do have a couple of questions especially about law enforcement, because I did sit in on that law enforcement meeting just the other day. What I gathered from that meeting is that not only do the National Marine Fisheries Service law enforcement officers support this but so does the Coast Guard, from what I gathered they support no take from any of these sites because they don't know how they are going to be able to enforce them because in fact, I remember them making a big conversation about them putting a VMS on every single boat that would be traveling threw these sites, so they could actually monitor both better and these sites. But my question is, is that correct from what I gathered from that meeting and can we make that statement to everyone that is here, because of the fact that I think that they need to know that it is a good possibility that there isn't going to be any taken from these sites from what I gathered.

Ms. O'Malley: Allen that was discussed but that is not correct. That is an old, in nineteen-ninety eight our law enforcement advisory panel had made a set of recommendations one of the first one was the area to .. The council has visited this many, many times and said we're not willing to do that, it doesn't balance out what we need to do economically or socially to be... The council has consistently stood by these varials ...the law enforcement panel had said, fine if that's the way that you want it, we'll to find a way to enforce it. But that was all recommendations they were discussing and council didn't reject it, just said that this is what we need to do... that is not the case, I do not want anyone to think that there would be.. there was a discussion about VMS so that is correct on all those.

Mr. Leary: I think that is good because we are trying to protect the brown fish here anyway, but that's just what I got from it, but what was the whole conversation about the VMS system? As a matter of fact, I think they said that the VMS system right now can accommodate thirteen-hundred boats or something like around that, and they were talking about there was some talk about putting them on any boat that goes out there fishing, rather it be recreation or commercial.

Ms. O'Malley: There was individual council members who said that they like that, or they were..there was a lot of discussion on how that option would even really be possible. And there was more support for using it for the commercial industry. In my mind it would never be a possible option at this time. But, certainly what you witnessed was a round table discussion of people bringing forward, that was one thing that one individual brought up, but as you recall the rest of the conversation was that, it wasn't a reasonable option. If anyone is interested in minutes for every meeting we have, all of these are public and these minutes that Allen is talking about will be available soon, you can

contact myself or Kim if your interested to know what happened, and come to some of those meetings some time they are very informative and you will learn about the different levels of the council process, but those minutes are available if anyone would like to see how that conversation went.

Mr. Leary: One more question I have, I do recall you saying that as far as these sites here and the other nine closer in sites that you were looking at you did say, I believe you said that you had good support from fisherman, I believe in Florida, when you were purposing the sites away from major harbor areas. I think that's good, but is there a way that we can take that a little further, is there a way that we could survey or take pull from catcher ports or anything like that, to find out where the majority of the fishing is going and because there are some people that are worried about the inshore and offshore sites in Charleston here, because it's a big major area that not only inshore fisherman fish, but a lot of these recreational bottom fisherman fish. Is there a way that we can actually survey people or take it a step further and find out from catch reports and plot the more frequented areas so that we can come up a little bit better of a hundred and fifty miles square area that we can purpose these MPA's to be in because I can see you taking it away from a major harbor area but when your looking at going out starting this thirty-five or forty miles off shore and heading straight off shore after that, in most peoples minds that's close to a harbor area the one that you are purposing off the shore of Charleston I believe it starts out east of Charleston harbor. Is there a way we can plot these points and make more data available and consider maybe moving the site a little bit or maybe that might be ... best.. is there any way we could do that?

Ms. O'Malley: That's why we are here, all the data we have is all on that wall, I know.. but that's all we know. So if you know things, were a better spot would be or what impact these sites are going to be, that's what we need you to tell us. That's the only way we know how to get the information. We collected the commercial log book, that's the first chart that you are looking at, that's the one with the pink flares is the exact information. Each square is a log book grade. You can see the size of the purposed MPA in corilization to how they do the log book grade, we have no clue where the catch from that group come in. It's coming from anywhere, it could be coming in from a small place or from the whole thing. At the opposite end of the wall, we have some head boat data that we got, if you can help us pinpoint information anymore, at this day and age you think you would know everyone and what everyone's doing but we don't. So, that's what we need from you. What happens in Florida, there is a site off Islamarada, Islamarada Hump, probably people have heard a lot about it the fish. The council originally looked at it, and people came to us over and over and over again, and said that you will kill us economically and sociology , you don't understand this is where everyone goes, and they got with us and showed us a different site, that had all of the scientific benefits of an MPA without the poor social and economic impact and that site was moved and we now have the site that you see today. They totally supported one hundred percent. So if theres no kind of addition here that's the kind of social and economic impacts that we need from you here tonight. The sites that were chosen, were chose threw a mega advisory panel of

eighty people that we pulled together that's how we know to get our public information outside of public hearings and from all spectrums we pulled them together to give their expertise in commercial, recreational, and scientific, where these sites would best be located. We're here now to define that, so please if you say that this is going to kill the head boats, or this costs too much money, but if you moved it over here it wouldn't. That's what we need to hear tonight, I know that totally answer your question, or what you

wanted to hear, but that's the best that we can do and we need more information than that.

Mr. Leary: I think that you would probably get the most data from the commercial fisherman and the head boat fisherman as well because of the fish reports that we have to fill out, I guess what I am trying to say is they need to look at a way to get some reports from some of the recreational fisherman as well, rather it be a survey or rather they have to fill out fish reports as well to make a good estimation on where these types would be. I know where I like to fish but where I like to fish may not be where some of the other people would like to fish if we could get all of the data from all of the recreational fisherman.

Mr. Cupka: Any other questions or comments? Mark

Mark Marhefka: Mark Marhefka I just want to clarify something here for the audience as well as myself too, are we not talking about deep water.. I'm sitting here looking back and all I'm seeing absolutely no impact what so ever happen to the deep shell species at all, because of these particular sites being placed. The long line guys are the ones that are impacting this particular fishery, the deep shell species. There isn't any information on these boxes that are up there except for Wrightsville Beach MPA Snowy but you can't long line that a rec. anyway. The Georgia MPA which consumes a little bit of that of tile bottom down there. But the rest of these couple of South Carolina deals actually do not impact the unless your looking at the whole structure of the fish. Actually, your not touching anything in the Golden Pile at all until you get out to hundred plus and theres nothing up there that has been curved up. Now if we are going off the more mat data to determine what were getting ... boxes.. we're not getting anything out of the boxes. Now if we're looking at the whole complex, each fish complex then yeah we are going to go and grab some of that., but the deep water shell species... we're not addressing.. if that means that we need to go back and look at some of the more mat data and determine some of the more mat detailing line ... going to the log book..then that's what we need to do. All we're doing now.. mainly.. although the South Carolina option 2 might have something to do with the Snowy but as far as.. goes in that area.. but deep shell we're not.

Mr. Cupka: Questions or comments? If not we would like to get some get in the specific sites and see what information we can get from you, and Kerry has left some of the questions up there that we would like for you to address, if you can. I guess we will start

with South Carolina. Kerry do you want to make any comments? Ray Rhodes. Do you want to make a comment? No? Mandy Coleman? Billy Knight?

Ms. O'Malley: I need you to come up here to the mic and say your name and all that stuff if you are coming up to speak on South Carolina option A.

Mr. Cupka: That is all that indicated that would speak again for one specific site. Is anyone else wish to make comments relative to proposed site A, the two options? If not then we will go on to South Carolina B which is the central site and we will run through these again we will start with Mr. Harding. Robert Harding

Robert Harding: I represent the Fishing rights alliance in South Carolina with spearhead fishing association. As far as the questions you have on the board we troll in those areas during certain times of the year we do stop to bottom fishing I have some concerns on how the public is let know about these things in everything that I saw in the paper and everywhere else everyone is under the impression that it is a much deeper area than we are talking about. Some of these areas on the ledge are 150 feet deep 26 fathoms and I think you would have a whole lot more people here if they would have known that some of these areas are this shallow. Also I had my concerns with the website being down and nobody is able to get any information and this information about this meeting hasn't been out for a long time. We do trolling through options b those areas and a lot of time when we troll through up this spine through bottom we stop to fish and there is only so much ledge area out there and we do in fact dive in 150 feet bottom and spearfishing. We do use those areas to bottom fish in those areas and we do dive those areas. We have concerns with enforcement of the areas also. And we also wonder how these studies are done to show that the deep water fish are resident. I know you can't reel deepwater fish up, tag it and then release then reel them back up again at another time. I would like to see how they found out.

Ms. O'Malley: Hold on a sec. There is a lot of stuff I can't sit here, there are the scientifics

Mr. Hardig: I understand

Ms. O'Malley: There are people in the room who can but I won't ask them

Mr. Harding: But I wanted to let you know there are some concerns about that

Ms. O'Malley: Please contact me with any scientific question and I'll be sure to get back to you

Mr. Harding: And the fact that we feel that MPA's are the most expensive, most offensive, and least effective way to manage any fishery and with rules and regulations to apply to everyone across the board is the way to go cause it just pushes the fish off to

another area when you push fishing off to another area when you have the commercial fisherman off to the other areas then it puts more pressure that is all the concerns. That is about all that I have there. As far as how many trips we make around there is probably bottom fishing usually we try to mix it up every so often. We do bottom fishing out there. We do troll out there. We do dive out there. It seems as though South Carolina B is going to be shallower MPA that is being proposed. Being that it starts at 26 fathoms 150 feet. Would it be an option to move it further out to actually protect the species that you are targeting? The other thing was why not just restrict the species that you were actually targeting instead of restricting the whole Snapper Grouper complex?

Ms. O'Malley: Obviously there have been comments here about the depths of the site and the Council will take all those comments into consideration and this has not happened in the past but it certainly can happen and the Council is targeting the right species within___ the realm. As for your second point the Snapper Grouper species are a complex that hold close together and they need to be managed in that way so you have to protect the other species _and the survival rate among catch and release__

Mr. Harding: Thank you very much.

Mr. Cupka: Thank you Robert for your comments and I will assure you that the council members will _Again I will just reiterate we have a long way to go in this process certainly with the presentation that was made and we appreciate all your input. Marcus Harold. Mr. Harold, do you have any specific comments for proposed site B?

Marcus Harold: Not at this time.

Mr. Cupka: Mandy Coleman? Les Orr?

Mr. Orr: Thank you. Les Orr, recreational fisherman I think the question there on the option 1 What type of fishing do I do? Recreational. How many bottom fishing trips do you make in a year at that site? I would venture to guess, 20, 25, 30 a year probably bottom fishing. I do feel that in option 1 that the public is being severely misled with saying that you are putting an MPA in a vessel area. I do not think that is correct because I did plot out the GPS coordinate in my boat and there are plenty of places that recreational fisherman should be allowed to fish in this area and I don't think the public has been correctly informed. The main species that we do target is Snapper Grouper complex and we do some trolling. And what other sites would you fish? I think that is a great area to fish and I will be very, very disappointed especially option 1 cause that is straight out of Charleston, home, the port and I think a lot of fishermen target this area for trolling and/or bottom fishing.

David Cupka: Eric Heiden? Eric said not yet. Billy Knight?

Billy Knight: Billy Knight with Carolina Clipper. Option 1 as you have it now that is my primary make my living. Straight out of Charleston is an easy reach for the Carolina Clipper headboat the bad weather days you can go and fish the area without having to make a long run. You know the weather kind of dictates where you are going to go__ I don't know what to say __to make a living and some of the people are saying that you release fish. I have tagged fish up in that area. That area is over _ several times __tagged fish and release immediately under 20 feet of water.

Mr. Cupka: Can you wait just a minute Kerry has a question?

Ms. O'Malley: I have a quick question. Do you have any kind of, you spoke specifically to Option 1 for South Carolina B. Am I correct?

Mr. Knight: That is a good site right there.

Ms. O'Malley: South Carolina option A which is the more northern off the coast of Murrils Inlet. You are talking about both options for the one off of Charleston

Mr. Knight: That is correct.

Ms. O'Malley: You are opposed equally, They are both equally they both take the same amount of hardship on you.

Mr. Knight: Exactly. We don't stay in one specific area

Ms. O'Malley: I think it the further off shore is somewhere you don't go but

Mr. Knight: Further offshore but wouldn't go as much I mean on a calm day in the summer time we go to__

Ms. O'Malley: Thanks.

Mr. Cupka: Thank you Mr. Knight. Allen Leary?

Mr. Leary: Allen Leary again I do charterboat headboat fishing out of __ Charleston Harbor. I make about 80 trips to this place a year and we target the Snapper Grouper species and I don't know what other area or sites specifically I would target other than what I normally fish. I think the main thing that I wanted to tell you is the question that most of these people here I think option one is hard for people to swallow. I think pretty much for most of the people at this meeting. Option 2 would be a little better to swallow for a lot of people it is just a little further offshore it looks like it would be the optimal number of fish. But I would like to see option 2 just a hair further off shore personally myself cause we do go out there and fish in deeper water as well. I guess what I want to

reiterate is Option 1 and I think most of the people that you talk to here that do go out there recreational fishing. Option 1 is going to be a tough spot for people to swallow.

Mr. Cupka: Thank you. Kerry.

Ms. O'Malley: Mark had said it I think earlier. If Option 2 would move further off shore, in your opinion and your fishing knowledge, do you think that would become__ just as easy when we are talking about Snowy Grouper, Speckled Hind, Warsaw with your knowledge do you think it can be moved off shore and still protect the species?

Mr. Leary: Definitely.

Mr. Cupka: Thank you Allen. Please come to the microphone and identify yourself.

Fowler Del Porto: My name is Fowler Del Porto .I am a recreational fisherman off the __ and I do a lot of fishing in that spot. I think as has already been said that Option 1 is pretty shallow and I think most of what you are going to find is Vermillion Snapper and not a whole lot of your Snowies . The second option any bottom ledge is going to cause hardship because that is where people go and they fish the ledge and that one pretty well. That one is right on it and once you are getting out in that three hundred foot zone then you are going to start getting some of that Snowy Grouper and I think a lot more. I don' t know if you are looking like the one gentleman said with the Tilefish being out in much deeper water. I have never caught a Tilefish in my life and yet I don't see any of that and I think down there mostly exclusively you are probably going to be looking at paper wheel?__longline gear and stuff like that. I feel that the enunciation? And that's a little more that what they do. I mean option 2 I can live with recreational but I think it is a shame that maybe they aren't extended a little deeper water because you really can't. Once you get below about three hundred feet it gets kind of hard to sit out there and recreational and fish yet all these places are pretty much there where they are at. I don't really see in deeper areas maybe where people traditionally use bottom long line gear in those areas. I think maybe they should be. I think Option 2 is the shallow definitely option 1 has got a lot of hardship. That's it.

Mr. Cupka: Thank you. Eric.

Capt. Heiden: Eric Heiden. Heiden Sea Charters, Georgetown. Your questioning on these sites, none of these sites really affect any of the boats out of Georgetown landing we got a hundred boasts because they just don't go in that deep of water. I might have gone three times this year and to be frank I caught zero. I caught a couple full size bee? Lines and that was it. The bottom line is we don't get there and we don't need to get there and don't. But something has come to mind out of the conversation I have seen and I get this out of courtesy out of trying not to hurt anybody and that is part of what your discussion really is. The Clipper and maybe the other headboat out of here or bigger boats, if they go out there four or five times a year maybe those sites that we

recommended if the fish we are trying to save salvage and reprobate really don't there are not that many in 200-250 feet of water. What I am gathering at is if those sites are moved off even a mile keep the boxes, keep the diagonals the same. What would be wrong in moving that site a little bit deeper to keep a businesses as a business and not affect the income or the economy in the area. Because with weather patterns and all that they don't get out that much anyway, so when the weather is where and the ocean and the is where they can get there and it is economical what would be the harm in moving those sites deeper when you are targeting fish are really in greater numbers and allow the headboats in this area that do go there and occasionally Muralls Inlet headboats. It is just something to consider, to be considerate of the economy and these people are trying to make a buck in the area that you are sitting on. I don't see the big deal on moving it a little further out.

Mr. Cupka: Thank you Eric. Again that is why we are here tonight trying to get information from people with the economic and social impact are going to be not so much with the biological impact on how it is going to affect people who might be using these areas and haven't had an opportunity to provide their input during the process. All these comments are very good. We appreciate all of it. Does anyone else wish to comment on this South Carolina A? Seeing none, how about any of the other areas. Is there anyone here that may fish in any of these other areas, Georgia area? You can almost consider it a South Carolina area depending on where you draw your line. Anyone here that may fish in that area that has any specific comment or input on that particular area? If I don't hear any on any of them then what I want to do is go back and do what we did before and open it up to general comment. So if anyone has any general comments they wish to make at this time in regards to the possible use of MPA's as a fishery management tool. I will run back through the yes's and see. Robert Harding. Mr Rearding do you have a comment? Marcus Harold. Mr. Harold.

Mr. Harold: Marcus Harold. I guess the issue that I keep coming back to looking at . this site. Is the fact I have never seen a Tilefish taken out of here myself. Out there all the time, major impact, one of the first places we go to when we go on out. The fact that we still haven't let option 9 run its course. I mean that was a fifteen year plan right? That means we have five, six years left on that plan before it is completed and we are going ahead with MPA's before taking that into account. I don't understand why we don't wait for that information to come back before we start moving forward with the process that is restricting where we can fish.

Mr. Cupka: Again some of these species in the National Marine Fisheries Service report to Congress and obviously ___ in the earlier assessment reports some of these traditional fishery management measures are taking place that are over fished or over fishing is occurring and the Council is have to do in a situation like this is rebuilding schedule where we go to show or at least demonstrate that we are moving in the right direction starting with some of those fish species and again we will know a lot more once we get done with our assessment in June how much impact some of these fishery measures have

had. Again given the characteristics some of these species what we are trying to accomplish it is going to be hard to get where we need to be without somehow protecting part of that spawning stock. Just how much of a reduction we need, we don't know yet hopefully, we will have a better feel come summer.

Mr. Harold: If it comes back in June that it is necessary to further protect some of the species of Tilefish it seems to me by looking at this spot that you definitely need to move that to deeper water.

Mr. Cupka: I think we heard that loud and clear tonight. I can assure you we doing that before we move any further or decide where we are going. That is something we definitely are going to take a look at.

Mr. Harold: Thank you.

Mr. Cupka: Thank you. Ray Rhodes? Ray do you have any comments you wish to make? You checked yes. We can change it for you if you want me to. Mandy Coleman, do you wish to make a comment?

Mandy Coleman: Hi. My name is Mandy Coleman and I am here on behalf of The Ocean Conservancy which this is going to be a bit different with what everyone else has said. Just like to make a quick statement in regards to our support of MPA's we are concerned about ocean ecosystems have a safe and healthy marine fish population which we know are at the bottom performance? of the ecosystems. Negatively impacted by the decline of the fish population and we are here to express our strong support of the South Atlantic Fishery Management Council establishment of MPA's as they help rebuild deep water species. It is our understanding that this is a long process in considering the use of MPA's to help recover overfished deep water species. We also understand that this involves consideration and input from a broad spectrum over the years we have believed that this will help the South Atlantic Ocean on behalf of all of us and future generations?. On behalf of The Ocean Conservancy we urge the Council in the strongest possible terms to move forward with an effort to establish MPA's as a management help ?preventative___.

Mr. Cupka: Thank you Mandy. Les Orr?

Mr. Orr I guess I want to make a general comment myself would be that being a recreational fisherman and I could potentially guess to say that most recreational fishermen won't fish out and same as commercial guys. They are out there making a buck. Everyone is worried about the population of fish and me personally I don't think that a solution is taking an area. What happened in Texas and the Reds. They didn't go into Texas. They said we can't catch a red fish here so ___ and the population was depleted totally. I think the overall catch of these species that we are talking about is

really the point and taking an area saying we can't go there. But in general we can still bait 47 thousand pounds and I don't think that is going to fall in our

Mr. Cupka: Thank you. Eric. Has Eric left? Eric has left the room. Alright Mike, Captain Mike. Okay that was everyone that indicated that they wish to speak is there anyone who sign up and didn't indicate one way or another wish to make a comment at this time. Allen.

Mr. Leary: I just have a couple more questions, actually I know y'all aren't soon to be in the ending stages with these things here have y'all addressed any kind of permanent with these things? Do you know how long these things will be in effect? Is there ever going to be a time that the area might be moved? I understand that this has to go with the stock assessment and stuff like that. Have y'all addressed the fact that are there going to be times that the area is listed or will they stay permanent for a long period of time which ever area that you do decide?

Ms.O'Malley : As you can see when I did Type 2 as a permanent area there has been serious debate on the Council. Many, many Council Members want to look at a ten year agreement period where after the ten years the regulations that were in place you would go back where you feel you have some responsibility to the public and not just sit down and leave it . The Council has done that with one of their sites off the Oculina Bank off of Florida. You've heard about it. The Council has established a ten year review period with that site. I think that is the way they are going with here. There is also information . When you have a fish that can live to 85 years, how much are you going to improve the with a rebuilding plan. So the Council is in the process of balancing how you will and still have a responsibility to the public

Mr. Leary: And I think at a few of these public meetings that you also made a lot of people address the fact that we would like to see wherever these areas go to constructive and creative in these areas as well and one of the reasons why the gulf fish swim so much is because of the amount of structure that grows life out there that attracts the smaller fish that attracts the bigger fish and so on and so forth. These areas that you are deciding here will the next step be to try and move forward and dumping structure in these areas to grow more marine life?

Mr. Cupka: You know when Kerry went through all two sites we are considering we want to evaluate the effectiveness of artificial reefs. We have gotten a lot of comments at public hearings about why don't you try artificial reefs as an alternative? Not so much to put it in an existing area but to take an area that is not that productive and try and make it productive and close that off so that we hope to do that and look at that off of South Carolina and evaluate artificial habitat vs natural habitat in some of these areas. We are definitely looking into that in fact we've already begun some work looking with that ongoing. That is definitely we'll be

Other Comments or questions?

Unknown Speaker: I guess no one said anything too much about the Charleston Deep Sea where they are supposed to from what I have read a bunch of things they're supposed to dump the bridges over there. ____And I was kind of curious it is one of the reefs down here that looks like it ends the three-five hundred foot range and I think what matters now is the big slow growing species which even in my life time I have seen a reduction. No doubt about it. I know for one it is smaller than the other options and how much else, what do we have out there and could it be enlarged. And have a fairly large MPA with a lot of artificial structure out there.

Mr. Cupka: I know Mel Bell is enjoying that better than anyone and I can tell you the area that will be permitted to hold a lot of the material is really limited only by the availability of the material.

We have been working with the Department of Transportation trying to utilize part of the Old Cooper River Bridges again we are only limited by what is available. We have been working with Maritime Administration trying to get some ships made available. We can fit a lot of material out there, if we can get it. The problem is getting it and getting it out there and that is the expensive part, the transportation. That site can hold a lot of material and ____

Unknown Speaker: Is there anything you want to say about that site in particular

Kerry O'Malley: I am sorry __ when they ...we have from that site...

David Cupka: Any comments? If not then on behalf of the Council I would like to thank you for coming out tonight and there will be more opportunities to comment whether the Council decides they want to move with this. Again this is not the last opportunity you will have. We appreciate you coming and putting your input. Thank you.

(Whereupon the MPA public hearing was adjourned on Tuesday, February 19, 2004)

Tape of proceedings on file (1)

Transcribed by:
Bridgett Vergara and Jennifer Page
March 2004

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

**SNAPPER GROUPE AMENDMENT 14 (MPA)
PUBLIC HEARING**

**Charleston, South Carolina
February 19, 2004**

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Bridgett Vergara

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